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SECTION 1 TITLE AND APPLICATION

- Subd. 1. Title. This Ordinance shall be known as the “Zoning Ordinance of the City of Graceville, Minnesota,” except as referred to herein, where it shall be known as “this Ordinance.”
- Subd. 2. Intent and Purpose. The intent of this Ordinance is to protect the public health, safety and general welfare of the City and its people through the establishment of minimum regulations governing land development and use. This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land. Such regulations are established to provide adequate light, air and convenience of access to property; to prevent congestion in the public right-of-way; to prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards and density of population; to provide for compatibility of different land uses; to provide for administration of the Ordinance, to provide for amendments; to prescribe penalties for violation of such regulations; to define powers and duties of the City Staff, the Planning Commission, and the City Council in relation to the Zoning Ordinance.
- Subd. 3. Standard Requirement. Where the conditions imposed by any provisions of this Ordinance are either more or less restrictive than comparable conditions imposed by other ordinances, rule or regulation of the City, the ordinance, rule or regulation which imposes the more restrictive condition standard or requirements shall prevail. In the event of any conflict between this Ordinance with any private restrictions, protections and covenants, the provisions of this Ordinance shall apply.
- Subd. 4. Minimum Requirements. In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety and welfare.
- Subd. 5. Conformity with Provisions. No structure shall be erected, moved, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.
- Subd. 6. Building Permits. Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance.
- Subd. 7. Conditional Uses and Variances. Nothing within this Ordinance shall be construed so as to deny and prohibit the property owner the right to apply for a conditional use permit or variance.

Subd. 8. Uses Not Provided for Within Zoning Districts. Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case the City Council or the Planning Commission, on their own initiative or upon request may conduct a study to determine if the use is acceptable and if so what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The City Council, Planning Commission or property owner, shall if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

Subd. 9. Separability. It is hereby declared to be the intention of the City that the several provisions of this Ordinance are separable in accordance with the following:

- A. If any court of competent jurisdiction shall judge any provision of this Ordinance to be invalid, such judgement shall not affect any other provision of this Ordinance not specifically included in said judgement.
- B. If any court of competent jurisdiction shall judge invalid the application of any provision of this Ordinance to a particular property, such judgement shall not affect the application of said provision to any other property, building or structure not specifically included in said judgement.

Subd. 10. Rules. The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction.

- A. The singular number includes the plural, and the plural the singular.
- B. The present tense includes the past and the future tenses, and the future the present.
- C. The word “shall” is mandatory while the word “may” is permissive.
- D. The masculine gender includes the feminine and neuter.
- E. The words “used~~ or ~~occupied” shall include within their meaning “intended, arranged, or designed to be used or occupied.”

SECTION 2 DEFINITION OF TERMS

The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined.

- Subd. 1. Abutting. Having a common border with or being separated from such a common border by a right-of-way, alley or easement.
- Subd. 2. Accessory Building. An incidental subordinate building customarily incidental to and located on the same lot occupied by the main use or building, such as a detached garage.
- Subd. 3. Accessory Use. A use conducted on the same lot as the primary use of the structure to which it is related; a use which is clearly incidental to, and customarily found in connection with, such primary use.
- Subd. 4. Agricultural Uses. Those uses commonly associated with the growing of produce on farms. These include: field crop farming; pasture for hay; fruit growing; tree, plant, shrub or flower nursery without building; truck gardening; roadside stand for sale in season; and livestock raising and feeding; but not including fur farms, and commercial animal feed lots.
- Subd. 5. Alley. Any public way or thoroughfare which has been dedicated or deeded to the public for public use.
- Subd. 6. Alteration. Any change, addition or modification in construction, occupancy or use.
- Subd. 7. Amendment. A change in the wording or substance of this Ordinance or a change in the boundaries or classifications upon the official zoning map.
- Subd. 8. Apartment House. Any building or portion thereof which contains three or more dwelling units and, for the purpose of this code, includes residential condominiums.
- Subd. 9. Artificial Obstruction. Any obstruction which is not a natural obstruction.
- Subd. 10. Automotive Repair, Major. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender and major engine and engine part overhaul, provided it is conducted within a completely enclosed building.
- Subd. 11. Automotive Repair, Minor. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune-ups and transmission work, provided it is conducted within a completely enclosed building.

- Subd. 12. Automobile Sales Area. An open area, other than a street, used for the display, sale or rental of new or used automobiles, trailers or trucks, where no repair work is done except minor, incidental repair to vehicle for display. Vehicles must be capable of operation under their own power at all times.
- Subd. 13. Automotive Service Station. The portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks or motor vehicles. Accessory activities may include automotive repair and maintenance, car wash service and food sales.
- Subd. 14. Basement. Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.
- Subd. 15. Bed and Breakfast Facility. A limited commercial activity, occurring within any zone, conducted within a structure, which includes dining and bathroom facilities with sleeping rooms for short-term guest lodging and for compensation.
- Subd. 16. Boarding House. A dwelling containing a single dwelling unit and not more than 10 guest rooms or suites of rooms, where lodging is provided with or without meals, for compensation for more than one week.
- Subd. 17. Boathouse. A structure used solely for the storage of boats or boating equipment.
- Subd. 18. Building. Any structure used or intended for supporting or sheltering any use or occupancy.
- Subd. 19. Buildable Area. The portion of a lot remaining after required yards have been provided.
- Subd. 20. Building Height. The vertical distance to be measured from the mean ground level to the top of a flat roof, to the mean distance of the highest gable on pitched or hip roof, to the deckline of a mansard roof, to the uppermost point on other roof types.
- Subd. 21. Building Line. The perimeter of that portion of a building or structure nearest a property line, including overhangs but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of the building or structure.
- Subd. 22. Building, Main. A building in which the principal use of the site is conducted.
- Subd. 23. Building, Temporary. A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

- Subd. 24. Building Setback. The minimum horizontal distance between the building and the specified lot line as prescribed in this Ordinance.
- Subd. 25. Business. Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.
- Subd. 26. Campground. An area accessible by vehicle and containing campsites or camping spurs for tent and trailer camping.
- Subd. 27. Cellar. Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.
- Subd. 28. Church. 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.
- Subd. 29. Club or Lodge. A club or lodge is a non-profit association of persons who are bona-fide members paying annual dues, use of premises being restricted to the serving of food and meals on such premises providing adequate dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed, providing such serving is secondary and incidental to the operation of the dining room for the purpose of serving food and meals and providing further that such serving of alcoholic beverages is in compliance with the applicable federal, state and municipal laws.
- Subd. 30. Commercial Agricultural. The use of land for the growing and/or production of field crops, livestock and livestock products.
- Subd. 31. Commercial Feedlot. A lot or building, or combination of lots and building, intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be commercial feedlots. Pastures shall not be considered to be commercial feedlots under these rules.
- Subd. 32. Commercial Recreation. Bowling alley, cart track, golf, pool hall, vehicle racing or amusement, dance hall, skating, trampoline, tavern, theater, firearms range, boat rental, amusement rides, campgrounds, deer park, and similar uses for which fees are charged for admission or use of the facility.

- Subd. 33. Commercial Uses. All permitted, conditional and accessory uses allowed in the “C-1” districts.
- Subd. 34. Comprehensive Plan. The declaration of purposes, policies and programs for the development of the jurisdiction. Also called the General Plan.
- Subd. 35. Conditional Use. A use, which because of special problems of control requires reasonable, but special, unusual and extra-ordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the Comprehensive Municipal Plan.
- Subd. 36. Conditional Use Permit. A permit issued by the Council in accordance with procedures specified in this Ordinance, as well as its compatibility with the Comprehensive Municipal Plan, as a flexibility device to enable the City Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.
- Subd. 37. Condominium. A multiple dwelling containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, Sections 515.01 to 515.19, as amended.
- Subd. 38. Congregate Residence. Any building or portion thereof which contains facilities for living, sleeping and sanitation as required by this code, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or sorority house but does not include jails, hospitals, nursing homes, hotels or lodging houses.
- Subd. 39. Convalescent Center. A facility which is publicly or privately operated and intended for long-term patient care due to human illness or infirmity, including the elderly and developmentally disabled, normally employing the services of skilled and licensed practitioners, excluding hospitals.
- Subd. 40. Court. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.
- Subd. 41. Coverage. Lot covered by principal and accessory use structures.
- Subd. 42. Day Care - Group Nursery. A service provided to the public, in which children of school or pre-school age are cared for during established business hours Minnesota Statutes, Section 245A.01 to 245A.18.

- Subd. 43. Density. The number of dwelling units which are allowed on an area of land, which area of land may include dedicated streets contained within the development.
- Subd. 44. Department Store. A business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed, enclosed and are exhibited and sold directly to the customer for whom the goods and services are furnished.
- Subd. 45. District. A section or sections of the City for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.
- Subd. 46. Drive-in Establishment. An establishment which accommodates the patron's automobile from which products purchased from the establishment may be consumed.
- Subd. 47. Driveway. A private access road, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.
- Subd. 48. Dwelling Unit. Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one family.
- Subd. 49. Dwelling, Duplex. A building designed or arranged to be occupied by two families living independently, the structure having only two dwelling units.
- Subd. 50. Dwelling, Multiple-Unit. A building or portion thereof designed for occupancy by three (3) or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums, or offered for rent.
- Subd. 51. Dwelling, Single Family. A detached dwelling unit designed for occupancy of one (1) family.
- Subd. 52. Easement. That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of the property. The easement may be for use under, on or above said lot or lots.
- Subd. 53. Essential Services. Underground or overhead gas, electrical, steam or water distribution systems; collection, communication, supply or disposal system including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or the similar equipment and accessories in conjunction therewith.

- Subd. 54. Family. An individual or two or more persons related by blood, marriage or adoption or a group of not more than five (5) unrelated persons living together as a single housekeeping unit.
- Subd. 55. Farm. A tract of land ten (10) or more acres which is principally used for commercial agriculture, all of which is owned and operated by a single family, farm corporation, individual or corporation.
- Subd. 56. Farm Animals. Animals other than household pets that may, where permitted, be kept and maintained for commercial production and sale and/or family food production, education or recreation. Farm animals are identified by these categories: large animals, e.g., horses and cattle; medium animals, e.g., sheep, goats; or small animals, e.g., rabbits, chinchilla, chickens, turkeys, pheasants, geese, ducks and pigeons.
- Subd. 57. Farm Dwelling. A single family dwelling located on a farm which is used or intended for use by the farm's owner, a relative of the owner, or a person employed thereof.
- Subd. 58. Fence. A barrier forming a boundary.
- Subd. 59. Floor Area. The sum of the gross horizontal area of the several floors of the building, measured from the exterior faces of the exterior walls.
- Subd. 60. Garage - Private. An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the occupants at the building to which it is accessory.
- Subd. 61. Garage - Public. A building or portion of a building, except as herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire and which any sale of gasoline, oil and accessories is only incidental to the principal traffic.
- Subd. 62. Governing Body. The governing body shall be defined as the City Council.
- Subd. 63. Grade (Adjacent Ground Elevation). The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
- Subd. 64. Grading. Changing the natural or existing topography of land.
- Subd. 65. Greenbelt. A planned barrier consisting of dense vegetation used for the purpose of separation and screening of land uses.

- Subd. 66. Greenhouse. A building with a roof and walls of glass often heated and used for growing flowers and plants that need warmth.
- Subd. 67. Growth Management Systems. The goals, policies, programs, ordinances, and regulations used to guide the City's growth and development.
- Subd. 68. Guest Room. A room occupied by one (I) or more guests for compensation and in which no provision is made for cooking, but not including rooms in a dormitory for sleeping purposes primarily.
- Subd. 69. Habitable Space (Room). Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.
- Subd. 70. Home Occupation. Any occupation or profession carried on by a member of the family residing on the premises, provided that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling.
- Subd. 71. Hospital. An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices, but not including clinics or health-care centers.
- Subd. 72. Household Pets. Dogs, cats, rabbits, birds, for family use only (noncommercial) with cages, pens, etc.
- Subd. 73. Industrial Use. All permitted, conditional and accessory uses allowed in the "C-1" district.
- Subd. 74. Lot. Land occupied or to be occupied by one (1) principal building or use and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area required by this Ordinance for a building site in the district in which such lot is situated and having its principal frontage on a street, or a proposed street approved by the Council.
- Subd. 75. Lot (Of Record). A parcel of land, whether subdivided or otherwise legally described of record as of the effective date of this Ordinance, or approved by the City as a lot subsequent to such date and which is occupied by or intended for occupancy by one (I) principal building or principal use together with any accessory buildings and such open spaces as required by this Ordinance and having its principal frontage on a street, or a proposed street approved by the Council.
- Subd. 76. Lot Area. The area of a horizontal plane within the lot lines.

- Subd. 77. Lot, Corner. A lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees.
- Subd. 78. Lot Depth. The mean horizontal distance measured between the front and rear lot lines.
- Subd. 79. Lot, Frontage. In the case of an interior lot, the front of a lot shall be that boundary abutting a public right-of-way; in the case of a corner lot, the front of a lot shall be that boundary having the least frontage on a public right-of-way.
- Subd. 80. Lot, Interior. A lot other than a corner lot.
- Subd. 81. Lot, Irregular. A lot whose opposing property lines are generally not parallel, such as a pie-shaped lot on a cul-de-sac, or where the side property lines are not parallel to each other.
- Subd. 82. Lot, Line. A property boundary line of any lot held in single or separated ownership, except that where any portion of the lot extends into the abutting street or alley right-of-way.
- Subd. 83. Lot, Through. A lot fronting on two parallel streets.
- Subd. 84. Lot, Rear. A lot line opposite and most distant from the front lot line and, in the case of a triangular lot, a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front lot line.
- Subd. 85. Lot, Width. The mean horizontal distance between the side lot lines measured at right angles to the lot depth.
- Subd. 86. Manufactured Home. A structure, not affixed to or part of real estate, 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 in it.
- Subd. 87. Manufactured Home Park. Any site, lot, field or tract of land upon which two or more occupied manufactured homes are located and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

- Subd. 88. Manufacturing - Heavy. The manufacture, compounding, processing, packaging, treatment or assembly of products and materials that may emit objectionable and offensive influences beyond the lot on which the use is located. Manufacturing activities associated with the “C-1” District.
- Subd. 89. Manufacturing - Light. All uses which include the compounding, processing, packaging, treatment, or assembly of products and materials provided such use will not generate offensive odors, glare, smoke, dust, noise, vibration or other objectionable influences that extend beyond the lot on which the use is located. Manufacturing activities associated with the “C-1” District.
- Subd. 90. Mining. The removal or extraction of sand, gravel, and other material from the land in the total amount of four hundred (400) cubic yards or more and removal thereof from the site without processing shall be defined as mining.
- Subd. 91. Mobile Home Park. A tract of land developed and operated as a unit with individual sites and facilities to accommodate two or more manufactured homes.
- Subd. 92. Motel, Hotel. Any building containing six or more guestrooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.
- Subd. 93. Mortuary, Funeral Home. An establishment in which the dead are prepared for burial or cremation. The facility may include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings and/or display of funeral equipment.
- Subd. 94. Nonconforming Lot. A lot whose width, area or other dimensions did not conform to the regulations when this Ordinance became effective.
- Subd. 95. Nursing Home (Rest Home). A building having accommodations where care is provided for two (2) or more invalids, infirm, aged convalescent or physically disabled persons that are not of the immediate family, but not including hospitals, clinics, sanitariums, or similar institutions as defined by Minnesota Statutes Section 144.951, as amended.
- Subd. 96. Off-Street Loading Space. A space accessible from the street, alley, or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) truck of the type typically used in the particular business.
- Subd. 97. Open Sales Lot. Any open land used or occupied for the purpose of buying, selling and/or renting merchandise and for the storing of same prior to sale.

- Subd. 98. Open Space. Land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required yards. Open space may be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.
- Subd. 99. Parcel. A continuous quantity of land in the possession of or owned by or recorded as the property of the same person or persons.
- Subd. 100. Park. A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.
- Subd. 101. Parking Area, Public. A structure or an open area, other than a public street or alley, designed or used for the temporary parking of automobiles and available for public use, whether free, for compensation, or as an accommodation for customers or clients.
- Subd. 102. Parking Space, Off-Street. A space located off any public right-of-way which is adequate in size for parking of any automobile with room to get out on either side of the vehicles, with adequate maneuvering space, and with access to a public street or alley.
- Subd. 103. Pastures. Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetative cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or watering devices.
- Subd. 104. Permitted Use. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.
- Subd. 105. Person. An individual, firm, partnership, association, corporation, organization or trust of any kind.
- Subd. 106. Personal Service. A business which is neither the practice of a profession nor dealing primarily with the sale of products as stock-in-trade on the premises.
- Subd. 107. Planned Unit Development (PUD). A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.
- Subd. 108. Planning Commission. The planning agency of the City, designated by the City Council.

- Subd. 109. Plot Plan. A plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.
- Subd. 110. Profession. An occupation or calling requiring the practice of an art or science through specialized knowledge based on a degree issued by an institution of higher learning.
- Subd. 111. Public Improvement. Work within dedicated right-of-way or easements.
- Subd. 112. Public Services. Uses operated by a unit of government to serve public needs, such as police (with or without jail), fire service, ambulance, judicial court or government offices, but not including public utility stations or maintenance facilities.
- Subd. 113. Public Uses. Uses owned or operated by municipal, school districts, county, state or other governmental units.
- Subd. 114. Public Way. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky which is deeded, dedicated or otherwise permanently appropriated to the public for public use.
- Subd. 115. Recreation, Indoor. An establishment providing completely enclosed recreation activities. Accessory uses may include the preparation and serving of food and beverages and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller-skating or ice skating, billiards, pool, motion picture theaters, and related amusements.
- Subd. 116. Recreation, Outdoor. An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions, and similar structures, used primarily for recreational activities.
- Subd. 117. Recreational Camping Area. Any area used on a daily, nightly, weekly or longer basis for the accommodation of three or more units consisting of tents, travel trailers and whether use of such accommodation is granted free of charge or for compensation.
- Subd. 118. Recreational Vehicle. A vehicular unit, other than a mobile home, whose gross floor area is less than 320 square feet, which is designed as a temporary dwelling for travel, recreational and vacation use, and which is either self-propelled, mounted on or pulled by another vehicle. Examples include, but are not limited to, a travel trailer, camping trailer, truck camper, motor home, fifth-wheel trailer or van.

- Subd. 119. Religious, Cultural and Fraternal Activity. A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble for worship.
- Subd. 120. Renovation. Interior or exterior remodeling of a structure, other than ordinary repair.
- Subd. 121. Restaurant. An establishment which provides food for on-premises consumption.
- Subd. 122. Restaurant, Drive-In. A restaurant which serves food to customers seated in vehicles.
- Subd. 123. Salvage Yard. Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, materials such as scrap metals, paper, rags, tires and bottles.
- Subd. 124. Screened. Concealed or cut off from visual access.
- Subd. 125. Selective Cutting. The removal of single scattered trees.
- Subd. 126. Setback. The minimum required distance between the property line and the building line.
- Subd. 127. Sewage Disposal System. Any system for the collection, treatment and dispersion of sewage, including but not limited to septic tanks, soil absorption systems, and drain fields.
- Subd. 128. Shopping Center. An integrated grouping of commercial stores, under single ownership or control.
- Subd. 129. Sign. An advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service, including the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.
- Subd. 130. Site Plan. A plan which outlines the use and development of any tract of land.
- Subd. 131. Slope. The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

- Subd. 132. Story. That portion of a building included between the upper surface of any floor and upper surface of floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar, or unused underfloor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar, or unused under-floor space shall be considered as a story.
- Subd. 133. Street. Any thoroughfare or public way not less than sixteen (16) feet in width which has been dedicated or deeded to the public for public use.
- Subd. 134. Street, Private. A right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more sites.
- Subd. 135. Street Frontage. The proximity of a parcel of land to one or more streets. An interior lot has one (1) Street frontage and a corner lot has two (2) frontages.
- Subd. 136. Structure. Anything which is built, constructed or erected on the ground or attached to the ground; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character, including decks and signs, but not including fences or free standing walls less than six (6) feet high.
- Subd. 137. Subdivision. The division of a tract, lot or parcel of land into two or more lots, plats, sites or other divisions of land.
- Subd. 138. Swimming Pool. Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.
- Subd. 139. Townhouses. Structures housing two (2) or more dwelling units of not more than two (2) stories each and contiguous to each other only by sharing one (1) common wall, such structures to be of the town or row houses type as contrasted to multiple dwelling apartment structures. No single structure shall contain in excess of eight (8) dwelling units and each dwelling unit shall have separate and individual front and rear entrances.
- Subd. 140. Trailer. A movable vehicle with wheels designed or used as living and sleeping quarters or for business purposes, and such vehicles that have had the wheels removed and been placed on a foundation. This definition includes trailer coaches, trailer houses, and mobile homes.

- Subd. 141. Use. The activity occurring on a lot or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.
- Subd. 142. Use, Change Of. The change within the classified use of a structure or premise.
- Subd. 143. Use, Nonconforming. A use which lawfully occupied a building or land at the time this code became effective, which has been lawfully continued and which does not now conform with the use regulations.
- Subd. 144. Useable Open Space. A required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and useable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreation purpose. Roofs, driveways and parking areas shall not constitute useable open space.
- Subd. 145. Use, Temporary. A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets and garage sales.
- Subd. 146. Variance. The means by which an adjustment is made in the application of the specific regulations of a zoning ordinance to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which adjustment remedies disparity in privileges.
- Subd. 147. Warehouse, Wholesale or Storage. A building or premises in which goods, merchandise or equipment are stored for eventual distribution.
- Subd. 148. Wrecking Yard. Any place where damaged, inoperable or obsolete machinery such as cars, trucks and trailers, or parts thereof, are stored, bought, sold, accumulated, exchanged, disassembled or handled.
- Subd. 149. Yard. An open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures except as otherwise provided in this code.
- Subd. 150. Yard, Front. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto.

- Subd. 151. Yard, Rear. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line or ordinary high water line parallel thereto.
- Subd. 152. Yard, Side. An open, unoccupied space on the same lot with the building and between the building line and the side lot line, or to the ordinary high water line.
- Subd. 153. Zoning Map. The maps or map incorporated into this Ordinance as part thereof, and as amended, designating the zoning district.

SECTION 3 GENERAL DISTRICT PROVISIONS

- Subd. 1. Establishment of Districts. The following zoning districts are hereby established within the *City*.
 - A-O, Agricultural-Open Space District
 - R-1, Low Density Residential District
 - R-2, Medium Density Residential District
 - C-1, Commercial
- Subd. 2. Map. The location and boundaries of the districts established by this Ordinance are hereby set forth on the zoning maps entitled “Zoning Map,” a copy of which is on file with the City Clerk. Said maps and all of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this Ordinance by reference.
- Subd. 3. Annexation-Detachment. In the event of changes in the City limits by adding/removing territory to/from the City, district boundaries shall be construed as moving with city limits.
- Subd. 4. Zoning District Boundaries
 - A. Boundaries indicated as approximately following the center lines of streets, highways, alleys, or railroad lines shall be construed to follow such center lines.
 - B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - C. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be construed to following such center lines.

- D. Boundaries indicated as approximately following the city limits shall be construed as following such city limits.
- E. Where a district boundary line divides a lot which was in a single ownership at the time of passage of this Ordinance, the extension of the regulations for either portion of the lot may be interpreted by the Planning Commission upon request of the owner.
- F. The exact location of all district boundaries shall be interpreted by the Planning Commission, subject to appeal as provided in this Ordinance.

Subd. 5. District Regulations. The regulations of this Ordinance within each district shall be minimum regulations, and shall apply uniformly to each class or kind of structure of land, except as hereinafter provided.

- A. No buildings, structure, or land shall hereafter be used or occupied, and no building structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- B. No buildings or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or smaller rear, front, or side yards, or other open spaces than herein required; or in any other manner contrary to the provision of this Ordinance.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Subd. 6. Setbacks. All setbacks will be measured from the owner's property line. The owner's property line is determined from the locations of the most adjacent street right-of-way which is based on the individual street width.

SECTION 4 "A-O" AGRICULTURE - OPEN SPACE DISTRICT

Subd. 1. Purpose. The Agricultural - Open Space District is intended to provide a district which will allow suitable areas of the City to be retained and utilized in open space and/or agricultural uses, prevent, scattered non-farm uses from developing improperly, promote orderly development, and secure economy in government expenditures for public utilities and service.

- Subd. 2. Special Requirements. Agricultural uses are subject to Minnesota Pollution Control Standards.
- Subd. 3. Permitted Uses. The following are permitted uses:
- A. Agricultural activities and farmsteads, but not including commercial feed lots.
 - B. Golf courses, country clubs, tennis courts, swimming pools and additional public and private recreational uses, all non-commercial.
 - C. Roadside stands for the sale of agricultural products.
 - D. Greenhouses or nurseries.
 - E. Parks.
- Subd. 4. Conditional Uses. The following uses may be permitted:
- A. Airports.
 - B. Radio and television transmitting and receiving stations and antennae.
 - C. Public and private schools.
 - D. Public and private cemeteries.
 - E. Commercial recreational facilities.
 - F. Churches, parish houses, convents, child nurseries.
 - G. Single family dwellings on a site of not less than one (1) acre.
 - H. Planned Unit Developments as regulated by Section 8 of this Ordinance.
- Subd. 5. Accessory Uses. The following are permitted accessory uses:
- A. Operation and storage of such vehicles, equipment, and machinery which are incidental to permitted or conditional uses allowed in this district.
 - B. Living quarters of persons employed on the premises.
 - C. Home occupations consistent with this Ordinance.
 - D. Fencing, screening and landscaping as permitted and regulated by this Ordinance.

E. Essential services.

Subd. 6. Minimum Lot Size.

- A. A lot width of not less than one hundred (100) feet is required for each farm or non-farm dwelling unit.
- B. A lot depth of not less than one hundred seventeen (117) feet is required.
- C. No more than twenty (20) percent of the lot area shall be occupied by buildings or structures.

Subd. 7. Front, Side and Rear Yard Requirements.

- A. Front Yard. A front yard of not less than thirty-five (35) feet is required.
- B. Side Yard. Two (2) side yards are required, each having a width of not less than ten (10) feet. Where a lot is located at the intersection of two (2) or more streets, the width of the yard along the side street shall not be less than thirty (30) feet. A side yard of not less than ten (10) feet may be permitted for accessory buildings or structures when said buildings or structures are located one hundred (100) feet from the front lot line.
- C. Rear Yard. A rear yard of not less than twenty (20) feet is required. No accessory buildings shall be less than five (5) feet from the rear lot line.

Subd. 8. Maximum Building Heights. Building heights shall not exceed thirty-five (35) feet except for agricultural buildings.

SECTION 5 "R-1" LOW DENSITY RESIDENTIAL DISTRICT

Subd. 1. Purpose. The Low Density Residential District is intended to establish an area of low-density residential uses consisting of one and two-family dwellings and directly related complimentary uses.

Subd. 2. Permitted Uses. The following are permitted uses:

- A. One-family dwelling.
- B. Two-family dwelling, if on lots of such areas and widths as hereinafter required.
- C. Non-commercial gardening.

- D. Golf courses, country clubs, tennis courts, swimming pools and additional private and private-club recreational uses, all non-commercial.
- E. Public buildings and uses of the following kinds: parks, playgrounds, libraries, museums, community centers, public offices.

Subd. 3. Conditional Uses. The following uses may be permitted:

- A. Apartments within existing single family dwellings.
- B. Multiple-dwelling structures consistent with the surrounding land uses and in conformance with the minimum lot dimensions and setback requirements as hereinafter required.
- C. Cemeteries, public utility and public service uses, hospitals, homes for the aged and institutions for special education.
- D. Churches.
- E. Public and Private Schools
- F. Automobile parking lots when required for off-street parking spaces for any use not more than three hundred (300) feet distant therefrom.
- G. Hospitals, nursing homes, convalescent centers.
- H. The extension of a use into a district where it would otherwise be prohibited, in a case where a district boundary line is so located that a lot is in more than one district.
- I. Outdoor furnaces or boilers of any size or type when used in conjunction with the heating of adjacent interior spaces or the heating of domestic hot water used within such spaces. This shall include all furnaces not completely enclosed on all sides by the exterior building envelope walls.
- J. Planned Unit Developments as regulated by this Ordinance.

Subd. 4. Accessory Uses. The following are permitted accessory uses:

- A. Private garages, parking spaces and carports for licensed and operable passenger cars and trucks as regulated by this Ordinance. Said uses are intended for the storage of passenger vehicles of the family or families residing upon the premises, and in which no business service or industry is carried on. Such space can be rented to non-residents of the property for private passenger vehicles and/or noncommercial vehicles, trailers, or equipment if sufficient off street parking in full compliance with this

Ordinance is provided elsewhere on the property. Such garage shall not be used for the storage of more than one (1) commercial vehicle owned or operated by a resident per dwelling unit. Each permitted use will have a limit of two (2) accessory buildings.

- B. Outdoor storage of recreation vehicles and equipment.
- C. Non-commercial greenhouses and conservatories.
- D. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- E. Tool houses, sheds and similar buildings for storage of domestic supplies and noncommercial recreational equipment.
- F. Boarding or renting of rooms within principal building to not exceed more than two (2) persons.
- G. Essential services.
- H. Fencing, screening and landscaping as permitted and regulated by this Ordinance.
- I. Home occupations consistent with this Ordinance.

Subd. 5. Minimum Lot Size

- A. A lot area of not less than eleven thousand seven hundred (11,700) square feet is required for single family dwelling and a minimum lot area of twenty-one thousand (21,000) square feet is required for every two family dwelling hereinafter erected, enlarged, or moved.
- B. A lot on which a one or two-family dwelling is hereafter erected or moved shall have a minimum width of one hundred (100) feet at the front yard setback line and a minimum depth of one hundred seventeen (117) feet.
- C. Multiple-dwelling units having four or less dwelling units must have a minimum lot area of twenty-one thousand (21,000) square feet. Not less than one thousand five hundred (1,500) square feet is required for each additional dwelling unit over four (4).
- D. No more than thirty-five (35) percent of the lot area shall be occupied by buildings or structures.

Subd. 6. Front, Side and Rear Yard Requirements.

- A. Front Yards. A front yard of not less than thirty-five (35) feet is required.
- B. Side Yards. Two (2) side yards are required, each with a width of not less than ten feet or ten percent (10%) of the front yard width, whichever is less. Where a lot is located at the intersection of two (2) or more streets, the width of the yard along the side street shall not be less than fifteen (15) feet.
- C. Rear Yards. A rear yard with a depth of not less than twenty (20) feet is required. No accessory building shall be less than five (5) feet from the rear lot line.

Subd 7. Architectural Requirements. The following architectural requirements shall apply to all dwellings in this residential district.

- 1. Dwellings shall exceed twenty-two (22) feet in width and shall be over twenty-eight (28) feet in length.
- 2. Exterior walls shall have the appearance of wood or masonry regardless of their actual composition.

Subd. 8. Maximum Building Heights. Building heights shall not exceed thirty-five (35) feet.

SECTION 6 "R-2" MEDIUM DENSITY DWELLING DISTRICT

Subd. 1. Purpose. The Medium Density Residential District is intended to establish an area of medium-density residential uses consisting of one and two family dwellings and multiple-unit dwellings.

Subd. 2. Permitted Uses. The following are permitted uses:

- A. Single family dwellings if on lots of such areas and widths as hereinafter required.
- B. Two-family dwellings if on lots of such areas and widths as hereinafter required.
- C. Non-commercial gardening.
- D. Churches, parish houses, convents, child nurseries.
- E. Public buildings and uses of the following kinds; parks, playgrounds, libraries, museums, community centers, public offices.

Subd. 3. Conditional Uses. The following uses may be permitted:

- A. Multiple-dwelling structures consistent with the surrounding land uses and in conformance with the minimum lot dimensions and setback requirements as hereinafter required.
- B. Cemeteries, public utility and public services uses, hospitals, sanitariums, homes for the aged and similar institutions and institutions of special education or charitable nature when required for the public health, safety or welfare.
- C. Golf courses, country clubs, tennis courts, swimming pools and additional private and private-club recreational uses, all non-commercial.
- D. Automobile parking lots when required for off-street parking spaces for any use not more than three hundred (300) feet distant therefrom.
- E. The extension of a use into a district where it would otherwise be prohibited, in a case where a district boundary line is so located that a lot is in more than one district.
- F. Boarding and lodging houses.
- G. Outdoor furnaces or boilers of any size or type when used in conjunction with the heating of adjacent interior spaces or the heating of domestic hot water used within such spaces. This shall include all furnaces not completely enclosed on all sides by the exterior building envelope walls.
- H. Planned Unit Developments as regulated by this Ordinance.
- I. Agricultural uses
- J. Private garages or storage sheds exceeding 1,200 sq. ft.

Subd. 4. Accessory Uses. The following are permitted accessory uses:

- A. Private garages, parking spaces and carports for licensed and operable passenger cars and trucks as regulated by this Ordinance. Said uses are intended for the storage of private passenger vehicles of the family or families residing upon the premises, and in which no business service or industry is carried on. Such space can be rented to non-residents of the property for private passenger vehicles and/or noncommercial vehicles, trailers, or

equipment if sufficient off-street parking in full compliance with this Ordinance is provide elsewhere on the property.

- B. Outdoor storage of recreational vehicles and equipment.
- C. Non-commercial greenhouses.
- D. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- E. Tool houses, sheds and similar buildings for storage of domestic supplies and noncommercial recreational equipment.
- F. Boarding or renting of rooms within principal building to not more than one (1) person.
- G. Essential services.
- H. Fencing, screening and landscaping as permitted and regulated by this Ordinance.
- I. Home occupations consistent with this Ordinance.

Subd. 5. Minimum Lot Size.

- A. A lot area of not less than eleven thousand seven hundred (11,700) square feet is required for single family dwelling and a minimum lot area of twenty-one thousand (21,000) square feet is required for every two family dwelling hereinafter erected, enlarged, or moved.
- B. A lot or plot of ground on which a one or two family dwelling is hereinafter erected or moved shall have a minimum width of one hundred (100) feet at the front yard setback line and a minimum depth of one hundred seventeen (117) feet.
- C. Multiple-dwelling units having four or less dwelling units must have a minimum lot area of twenty-one thousand (21,000) square feet. Not less than one thousand five hundred (1,500) square feet is required for each additional dwelling unit over four (4).
- D. A lot width of not less than one hundred (100) feet and a lot depth of not less than one hundred seventeen (117) feet is required for multi-family dwellings.

Subd. 6. Front, Side and Rear Yard Requirements.

A. Front Yards.

1. A front yard of not less than thirty-five (35) feet is required.

B. Side Yards.

1. Two-side yards are required, each with a width of not less than ten feet or 10 percent (10%) of the front yard width.
2. Where a lot is located at the intersection of two (2) or more streets, the width of the yard along the side street shall not be less than fifteen (15) feet.

C. Rear Yards. A rear yard with a depth of not less than twenty (20) feet is required. No accessory building shall be less than five (5) feet from the rear lot line.

Subd. 7. Maximum Building Heights. Building heights shall not exceed thirty-five (35) feet.

SECTION 7 "C-1" COMMERCIAL DISTRICT

Subd. 1. Permitted Uses. The following are permitted uses:

- A. Antique store.
- B. Apartments
- C. Apparel and accessory store.
- D. Appliance store, sales and service.
- E. Art gallery.
- F. Artist studio or school.
- G. Auction rooms.
- H. Auto, glass, muffler and upholstery shop.
- I. Auto parts and accessory sales including outdoor display of auto accessories provided that such outdoor display of storage is separated from abutting development by ornamental fencing or screen planting to be not less than eight (8) feet in height.
- J. Auto repair garage.
- K. Auto storage, new or used.
- L. Auto sales.
- M. Bakery retail.
- N. Bank, including drive-in bank.
- O. Barbershop.
- P. Beauty shop.
- Q. Bicycle sales and repair.
- R. Blueprinting, Photostatting and lithographing.

- S. Boat sales and repair, not including dismantling or wrecking.
- T. Book store.
- U. Bowling alley and billiard parlor.
- V. Building material yard.
- W. Bus, railway, or airline depot or ticket office.
- X. Business machines store.
- Y. Cafe.
- Z. Camera and photographic supply store.
- AA. Candy, ice cream and confectionery store, in which all manufacturing permitted only as an accessory use and is limited to fifteen (15) percent of the gross floor area.
- BB. Catalog and mail order house.
- CC. Caterer.
- DD. Clothing store.
- EE. Dairy products store.
- FF. Dance hall.
- GG. Delicatessen store.
- HH. Department store.
- II. Discount store.
- JJ. Dressmaking, seamstress.
- KK. Drugstore.
- LL. Dry-cleaning.
- MM. Electric contractor.
- NN. Exterminator.
- OO. Feed store.
- PP. Floral sales.
- QQ. Food locker plant: a food locker plant renting only individual lockers for home customer storage of food, including sale of retail, delivery of individual home orders and the cutting and packaging of meats or game, but not including slaughtering or eviscerating thereof.
- RR. Fruit store.
- SS. Furniture store and home furnishings.
- TT. Garden supplies store, need not be enclosed, provided all unenclosed portions of the use are located on the rear one-half (1/2) of the zoning lot.
- UU. Gift, novelty or souvenir store.
- VV. Grocery store.
- WW. Gunsmith.
- XX. Hall, renting for meetings, conventions, or social gatherings.
- YY. Hardware store.
- ZZ. Health equipment and supply store.
- AAA. Health club or gym.
- BBB. Hotel, motel, or tourist home.
- CCC. Ice plant.
- DDD. Interior decorator.
- EEE. Janitorial service.
- FFF. Jewelry store.

GGG. Laboratory, scientific and testing.
 HHH. Laundromat.
 III. Linen supply.
 JJJ. Liquor store (off-sale).
 KKK. Locksmith.
 LLL. Luggage store.
 MMM. Lumber yard.
 NNN. Marine sales and service.
 OOO. Meat market and processing, not including slaughtering.
 PPP. Medical appliances, sales and fittings.
 QQQ. Mortuary.
 RRR. Motorcycle store.
 SSS. Multi-family dwellings
 TTT. Music store.
 UUU. Newsstand.
 VVV. Office of any type.
 WWW. Optical goods.
 XXX. Optician.
 YYY. Paint and wallpaper store.
 ZZZ. Pawn shop.
 AAAA. Pet store.
 BBBB. Photographic studio, picture processing, or equipment.
 CCCC. Plumbing contractor.
 DDDD. Printing, publishing, and allied industries.
 EEEE. Restaurants.
 FFFF. Savings and loan association; state or federally chartered; including drive-in facilities.
 GGGG. Second hand shops.
 HHHH. Shoe repair shop.
 IIII. Shopping mall, centers.
 JJJJ. Sign contractor.
 KKKK. Sporting good store.
 LLLL. Stationery store.
 MMMM. Tailor.
 NNNN. Taxidermist.
 OOOO. Telephone exchange.
 PPPP. Theater, not including drive-in theater.
 QQQQ. Theatrical studio.
 RRRR. Ticket agency.
 SSSS. Tire recapping and supply store.
 TTTT. Toy store.
 UUUU. Travel bureau or agency.
 VVVV. Upholstery shop of any type.
 WWWW. Variety store.
 XXXX. Veterinarian, including observation kennels for household pets, provided

however, all such kennels are contained within completely enclosed structures.

YYYY. Wholesale offices.

Subd.2. Conditional Uses. The following uses may be permitted.

- A. Ambulance service.
- B. Any drive-in type establishment.
- C. Auto sales.
- D. Automobile service stations.
- E. Carwash.
- F. Clinic, dental or medical, animal clinics, and related laboratories.
- G. Community or convention center.
- H. Other commercial uses determined by the Planning Commission to be of the same general character as identified permitted and conditional uses and found out not to be detrimental to the general public health and welfare.
- I. Parking and/or commercial storage of vehicles; need not be enclosed.
- J. Planned Unit Developments as regulated by this Ordinance.
- K. Public, private parking facilities.
- L. Public or quasi-public development.
- M. Radio and television broadcasting, including transmitter.
- N. Restaurants, cocktail lounges and other eating or drinking establishments which require additional parking spaces.
- O. Shipping and storage of merchandise solely intended to be retailed by the established principal permitted use.
- P. Shopping centers and malls.
- Q. Sports arena or stadium.
- R. Art equipment supplies – manufacturing.
- S. Bags, boxes and paper containers, manufacturing and storage.
- T. Bottling establishments.
- U. Books, loose-leaf binders, fabrication and assembly.
- V. Books and bookbinding.
- W. Cabinet and woodworking establishments.
- X. Clothing and manufacturing.
- Y. Camera and photographic manufacturing.
- Z. Cold storage plants, commercial printing, publishing, engraving and reproduction firms.
- AA. Commercial printing and publishing establishments.
- BB. Confectionery and related products, manufacturing and packaging.
- CC. Dental instruments and supplies.
- DD. Laundry, dry cleaning and dyeing establishments.
- EE. Electric lighting and wiring equipment - manufacturing.
- FF. Electric measuring and testing equipment - manufacturing.
- GG. Electronic tubes and other components - manufacturing.
- HH. Electrical products and appliances - manufacturing and assembly.

- II. Footwear - manufacturing and fabrication.
- JJ. Freight terminals.
- KK. Hand and edge tools (except machine tools) - manufacturing and assembly.
- LL. Hay, grain, feed and farm supply sales and storage.
- MM. Ice plants and ice cream plants.
- NN. Jewelry manufacturing.
- OO. Laboratory instruments and associated equipment, scientific and testing.
- PP. Luggage, handbags, and similar items - manufacturing and assembly.
- QQ. Mail-order house.
- RR. Meat processing, including slaughtering.
- SS. Medical and surgical instruments and supplies - manufacturing and assembly.
- TT. Newspaper plants and office.
- UU. Office furniture and supplies - manufacturing and assembly.
- VV. Optical instruments and lenses - manufacturing and assembly.
- WW. Patterns - design and manufacturing.
- XX. Pottery shops.
- YY. Precision instruments - manufacturing and assembly.
- ZZ. Plastic extrusion and molding and fixture.
- AAA. Plumbing fixture and equipment - wholesale.
- BBB. Public utility structures.
- CCC. Radio and television - assembly and parts fabrication.
- DDD. Sport equipment - manufacturing and assembly.
- EEE. Scientific and research instruments and equipment - manufacturing and assembly.
- FFF. Signs and advertising display materials.
- GGG. Telephone and telegraph technical apparatus - manufacturing and assembly.
- HHH. Temperature controls - fabrication and assembly.
- III. Trade schools.
- JJJ. Welding supply.
- KKK. Warehousing, wholesaling and distribution operations.
- LLL. Other manufacturing, production, processing, cleaning, storage, servicing, repair and testing of materials, goods or products determined by the Planning Commission to be similar to the permitted uses, and which conform with the purpose and performance standards set forth in this district.
- MMM. Mining and related activities associated with the extraction and processing of sand, gravel, and other materials from the land.
- NNN. Outdoor furnaces or boilers of any size or type when used in conjunction with the heating of adjacent interior spaces or the heating of domestic hot water used within such spaces. This shall include all furnaces not completely enclosed on all sides by the exterior building envelope walls.
- OOO. Planned Unit Developments as regulated by Section 8 of this Ordinance.

- Subd. 3 Accessory Uses. The following are permitted accessory uses:
- A. Commercial or business buildings and structures for a use accessory to the principal use, but shall not exceed thirty (30) percent of the gross floor area of the principal use.
 - B. Fencing, screening and landscaping as permitted and regulated by this Ordinance.
- Subd. 4. Minimum Lot Size.
- A. A lot area of not less than three thousand two hundred fifty (3250) square feet is required.
 - B. A lot width of not less than twenty-five (25) feet of street frontage is required.
 - C. A lot depth of not less than one hundred thirty (130) feet is required.
- Subd. 5. Front, Side and Rear Yard Requirements. No yards are required. The space resulting from the foregoing setbacks (yard requirements) shall be utilized only for access to the permitted use and for landscaping purposes.
- A. Where a side lot coincides with a side or rear lot line in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall not be less than the minimum side yard which would be required under this Ordinance for a residential use on the adjacent residential lot.
 - B. Where a rear lot line coincides with a side lot line in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall not be less than the minimum side yard which would be required under this Ordinance for a residential use on the adjacent residential lot.
 - C. Where a rear lot line coincides with a rear lot line in an adjacent residential district, a yard shall be not less than the minimum required for the rear yard for a residential use on the adjacent residential lot.
 - D. In each said case the lot line located in the central business district adjacent to a residential district shall erect a fence or vegetative screening as determined by the governing body. The screening shall be set back five (5) feet from the central business district's lot line adjacent to the residential

district. The fence or screening shall be located along the entire length of the transitional lot line.

Subd. 6. Maximum Building Heights. Building heights shall not exceed thirty-five (35) feet.

SECTION 8. "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

Subd. 1. Purpose. To help encourage a more credible approach to the use of land, departures from this Ordinance may be granted by the City Council in Planned Unit Development Districts. A Planned Unit Development is allowable as a conditional use in all zoning districts. Permission to develop specific parcels of land under the provision which follow, shall be binding on all construction. Any significant change in the development plan after approval by the City Council shall be resubmitted for consideration. The land use, minimum lot area, yard, height and accessory used determined by the planned unit development requirements shall prevail over conflicting requirements listed elsewhere within this Ordinance. To encourage innovations which produce efficient, high quality development in harmony with surrounding areas, the following regulations are set forth.

Subd. 2. Requirements:

- A. The tract of land shall be under unified control at the time of application and scheduled to be developed as one unit. In addition, the development plan must include provisions for the preservation of natural amenities.
- B. The planned unit development proposal appears to harmonize with both existing and proposed development in the area surrounding the project site.
- C. The proposed planned unit development is comprised of at least one acre of contiguous land.
- D. Permitted uses may include:
 - 1. Permitted, Accessory and Conditional Uses allowed within the traditional zoning district where the proposed "PUD" is to be located.
 - 2. Any combination of dwelling units in single family, two family, town houses, condominiums and apartments.
 - 3. Any non-residential use to the extent such non-residential use is designed and intended to serve the residents of the "PUD".
- E. A minimum of twenty percent of the gross land area for private or public open air recreational use protected by covenants running with the land or by

conveyances or dedicated as the Planning Commission may specify shall be an integral part of the plan. Such open space areas shall not include land devoted to streets, parking and private yards.

- F. Spacing between main buildings and dedicated streets shall be at least equivalent to the spacing requirements of buildings similarly developed under the terms of this ordinance on separate parcels.
- G. Subdivision review under the Subdivision Regulations shall be carried out simultaneously with the review of a “PUD” under this section of this Ordinance.
- H. A certified check or money order to cover the costs incurred in checking and processing such plans in an amount affixed by the City Council.

Subd. 3. Procedure.

- A. Pre-Application Conference. Before submitting an application for a “PUD”, an applicant may confer with the Administrator to obtain information and guidance, before incurring substantial expense in the preparation of plans, surveys, and other data.
- B. Outline Development Plan. An applicant shall apply to the Planning Commission for approval of a development concept of the “PUD” with a map and text as specified including enough information to demonstrate its relationship to adjoining uses.
 - 1. Maps which are part of the outline development plan may be in schematic form and shall contain the following:
 - a. The existing topographic character of the land.
 - b. A composite of all natural amenities of the site including, steep slopes, drainage ways plus marshes, ponds and lakes.
 - c. The size of site and proposed uses of the land to be developed together with an identification of off site land use.
 - d. The density of land use to be allocated to the several parts of the development.
 - e. The approximate location of thoroughfares.
 - f. The location of common open space including public schools, parks and playgrounds or private natural preserves.

2. The written statement shall include the following;
 - a. A statement of the ownership of all land involved in the “PUD” together with a summary of previous work experience.
 - b. An explanation of the general character of the planned development.
 - c. A general indication of the expected time schedule of development.
 - d. A statement describing the ultimate ownership and maintenance of all parts of the development including streets, structures and open space.
 - e. A statement describing how all-necessary governmental services will be provided to the development.
 - f. The total anticipated population to occupy the “PUD” with breakdowns indicating the number of school age children, adults and families.

C. Outline Development Plan Approval.

1. Within thirty days after filing of an outline development plan, the Planning Commission shall conduct a public hearing on the plan and shall conduct such hearings and continued hearings that it deems advisable to the extent that all such hearings shall be concluded within 45 days of the application unless the applicant shall consent to an extension. Within 10 days of conclusion of the public hearings the Planning Commission report to the City Council its proposed findings. The City Council shall then adopt, modify or reject such findings and mail a copy of its findings to the applicant.
2. If the outline development plan is approved or approved with modifications, the Planning Commission shall amend the zoning map to show the Planned Unit Development and its identification number. “PUD” numbers shall be designated in sequential order, i.e. PUD-1, PUD-2, etc. If the outline development plan is approved with modifications, the Planning Commission shall not amend the zoning map until the applicant has filed with the Planning Commission written consent to the plan as modified. Refusal of any modification shall constitute denial of the plans by the Planning Commission. Failure of

the landowner to notify the Planning Commission of his acceptance or refusal of the modification to the plan constitute acceptance of these conditions. No building permits may be issued on land within the “PUD” until final plans for the development have been approved by the City Council under the procedures provided in the following provisions.

D. Preliminary Development Plan Approval.

1. Following the approval of and outline development plan applicant may file a preliminary development plan with the Planning Commission. The Planning Commission shall give notice and provide an opportunity to be heard to each of the following:
 - a. Any person who is on record as having appeared at the hearing on the outline development plan.
 - b. Any other person who has indicated to the Planning Commission in writing that he wishes to be notified.
 - c. Any property owner within 350 feet of the property designated in the outline development plan.
2. In the event the plan as submitted for preliminary approval is not in substantial compliance with the outline development plan, the Planning Commission shall notify the applicant within 30 days of the date of application, setting forth the ways in which the plan is not in substantial compliance.
 - a. The applicant may treat such notification as denial of preliminary approval: or
 - b. The applicant may refile his plan so that it does substantially comply with the outline development plan: or
 - c. The applicant may file a written request with the Planning Commission, that it hold a public hearing on his request for preliminary approval. Any such hearing shall be held within 30 days after the request for such hearing. Within 10 days of such hearing the Planning Commission shall report to the City Council who shall either grant or deny preliminary approval to the plan.
3. The findings necessary for approval of both the preliminary and final development plans shall be based on the following and described in what respect the plan would or would not be in the public interest.

- a. The plan is designed to form a desirable and unified development within its own boundaries.
- b. The proposed uses will not be detrimental to present and future land use in the surrounding area.
- c. Any exceptions to the standard requirements of the zoning and subdivision ordinance are justified by the design of the development.
- d. The plan will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the “PUD”.

E. Final Development Plan Approval.

1. Within six weeks following approval of the preliminary development plan, the applicant shall file with the City Council a final development plan containing in final form all of the information required in the preliminary development plan. In its discretion and for good cause, the Council may extend for six months the period for the filing of the final development plan.
2. The Council shall review and approve the final development plan if it is in substantial compliance with preliminary development plan. Following this, the applicant shall record the final development plan in the manner provided for recording subdivision plats. If the final development plan is not in substantial compliance, the applicant shall be requested to repeat the procedures outlined for the preliminary development plan.

Subd. 4. Amendments and Control:

- A. Amendments may be made in the approved final plan when they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the City.
 1. Minor changes in the location, siting, and height of buildings and structures may be authorized by the Administrator if requested, and if caused by unforeseen circumstances.
 2. All other changes in use, rearrangement of lots, blocks, and open space, must be authorized by the City Council under procedures outlined for amendment of the Zoning Ordinance.
- B. Completion of the “PUD” shall be certified by the Planning Commission on the final development plan. Thereafter, the use of land and the construction,

modification, or alteration of any buildings shall be governed by the approved final development plan. Changes may be authorized only under the procedures provided below:

1. Minor extensions, alterations or modifications of existing structures may be authorized by the Administrator if they are consistent with the intent and purpose of the final plan and do not increase the size of any building or structure by more than ten percent than originally proposed in the preliminary development plan.
2. Changes in the use of common open space or the replacement of any building substantially destroyed which exceeds the intent and purpose of the final development plan may be authorized only by amendment to the final development plan.

SECTION 9. GENERAL PROVISIONS

Subd. 1. Purpose. The purpose of this Section is to establish general development standards to assure compatible land uses; to prevent blight and deterioration; and to enhance the health, safety and general welfare of the City.

Subd. 2. Dwelling Unit Restrictions.

- A. No cellar, basement, garage, tent/camper or accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently, except allowed as a conditional use as set forth and regulated by this Ordinance.
- B. Basements may be used as living quarters or rooms as a portion of residential dwellings.
- C. Tents, play houses or similar structures may be used for play or recreational purposes.
- D. Existing cellars or basements used as an independent dwelling unit shall have the status of a nonconforming use, subject to the provisions of this Ordinance.
- E. Any new development that covers or replaces surface vegetation with an impervious surface of more than one (1) acre must specify controls to minimize off-site stormwater runoff, maximize overland flow and flow distances over surfaces covered with vegetation, increase on-site infiltration, replicate predevelopment hydrologic conditions as nearly as possible, minimize off-site discharge of pollutants to ground and surface water,

encourage filtration functions, and reduce mosquito breeding habitat. Sidewalks, paths, trails, and roads are exempt.

Subd. 3. Building Restrictions.

- A. Any person desiring to improve property shall submit to the City Clerk information on the location, and dimensions of existing and proposed buildings, location of easements crossing the property encroachments, and any other information which may be necessary to insure conformance to City Ordinances.
- B. All buildings shall be so placed so that they will not obstruct future streets which may be constructed by the City in conformity with existing streets and according to the system and standards employed by the City.
- C. Only one principal use shall be permitted on a lot.
- D. A registered land survey may be requested by the Planning Commission for any property owner requesting a building permit, variance, conditional use permit, or rezoning action.
- E. Except in the case of Planned Unit Development as provided for in Section 8 of this Ordinance, not more than one (1) principal building shall be located in a lot. The words "principal building" shall be given their common, ordinary meaning; in case of doubt or on any question or interpretation, the decision of the City Clerk shall be final, subject to the right of appeal to the Planning Commission and City Council.
- F. Manufactured homes, buildings, tents or other structures temporarily maintained by an individual or company on the premise associated with the work project and used exclusively to house labor or other personnel occupied in such work project shall be exempt from the requirements of this Ordinance. Such manufactured homes, buildings, tents, or other structures shall be removed within thirty days from the completion of the work project.

Subd. 4. Land Reclamation. Under this Ordinance land reclamation is the reclaiming of land by depositing of materials so as to elevate the grade. All land reclamation shall be controlled under the provisions of the Zoning Ordinance and shall meet the following minimum standards.

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

- B. Temporary ground cover 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 accepted engineering standards.
- E. Final slopes for cut slopes should be a maximum of 1:1, or 100%; fill slope 3:1, or 30%, and grade or construction slope 5:1, or 20%.

Subd. 5. Mining. The conduct of mining shall not be permitted.

Subd. 6. Fencing, Screening, and Landscaping.

- A. No fence shall exceed three (3) feet in the front yard or six (6) feet in the rear and side yards in height as measured from the average point between the highest and lowest grade.
- B. No fence, screen, or structure which obstructs view shall be located within twenty-five (25) feet of any corner formed by the intersection of street or railroad right-of-ways as measured from the intersecting property lines.
- C. Except as provided in “B” above, fences, hedges, or shrubs, less than four (4) feet in height may be located on any part of the lot.
- D. In all zoning districts all usable open space as defined by this Ordinance shall be planted and maintained in grass, sodding, shrubs, or other suitable vegetation or treatment.
- E. All screening required by the provisions of this Ordinance shall consist of either:
 - 1. A green belt planting strip consisting of vegetative cover of sufficient width and density to provide an effective screen, or
 - 2. A fence constructed of masonry, brick, wood or steel which is compatible with surrounding structures and buildings.
- F. Except as provided in Subd. 6, B of this Section, fences shall be set back at least one (1) foot from the lot lines or upon mutual consent of the abutting property owner(s) may be placed along the lot line.

Subd. 7. Nuisances and Blight. Public nuisances and blight affecting health, morals and decency, peace and safety are regulated in the City’s municipal ordinances, as appropriate.

- Subd. 8. Junk Yards. Junkyards, salvage yards or automobile reduction yards shall be permitted only within the C-1 District and in no case shall they be located so as to be plainly visible from a major road. Such junkyards shall be effectively screened on all sides so that the storage and operation is not visible from adjacent properties or streets. Non-conforming junkyards in existence at the time of adoption of this ordinance shall be made to comply with the regulations with the regulations of this ordinance within three (3) years of the date of ordinance passage.
- Subd. 9. Vision Clearance at Corners, Curb Cuts and Railroad Crossings. Notwithstanding any part of this Ordinance or any permit or variance granted, no structure, vehicle, vegetation, fence, sign, building, or any obstacle, or any portion thereof shall be placed or retained in such a manner to constitute a traffic hazard or obstruct the vision clearance of corners, curb cuts, or railroad crossings.
- Subd. 10. Performance Standards. All uses shall comply with all federal, state, and local pollution and nuisance laws and regulations, including but not limited to glare, smoke, dust, odors, and noise. The burden of proof for compliance of appropriate performance standards shall lie with the applicant.
- Subd. 11. Administrative Standards. Whenever in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided within this Ordinance, the decisions shall be made so that the result will be consistent with the intent and purpose of this Ordinance as described in this Ordinance.
- Subd. 12. Lighting. Any lighting used to illuminate an off-street parking area, sign, or structure shall be arranged as to deflect light away from any adjoining residential properties or uses from the public streets.
- Subd. 13. Public Water Alteration. Any alteration which will change or diminish the course, current or cross section of a public water shall be approved by the Commissioner of the Minnesota Department of Natural Resources, in accordance with the procedures of Minnesota Statute 1974, Section 105.42 as amended. This alteration includes construction of channels and ditches; lagooning; dredging of lake or stream bottoms for removal of muck, silt or weeds; and filling in the lake or streambed.
- Subd. 14. Design Standards. The architectural appearance and function of any building and site shall not be so dissimilar to the existing buildings or areas as to constitute a blighting influence. Earth sheltered buildings are allowed if in compliance with all other zoning provisions promulgated pursuant to M.S. 462.357.

SECTION 10. YARD, AREA AND BUILDING SIZE REGULATIONS

- Subd. 1. Purpose. The purpose of this Section is to determine minimum yard, area and building size requirements to be provided for each zoning district.
- Subd. 2. General Statement. No lot, yard, or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than a minimum required by this Ordinance, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced.
- Subd. 3. Yard Requirements. The minimum yard setback distances from the appropriate lot line are set forth within the district provisions of this Ordinance.
- A. Front Yard Setbacks. Where existing structures within a block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one (1) adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure
 - B. Corner Lots. Where a lot is located at the intersection of two (2) or more streets, the width of the yard along the side street shall not be less than fifteen (15) feet.
 - C. Through Lot. On a lot fronting on two (2) parallel streets, both street lines shall be front lot lines for applying the yard regulations of this Ordinance.
 - D. Rear Yard With Alley Adjoining. In computing the depth of a rear yard for any building where the rear line of the lot adjoins an alley, one-half the width of such alley may be included as rear yard depth, in any residential district, the rear yard depth actually on the lot shall be not less than five (5) feet in any dwelling district.
 - E. Earth Sheltered Buildings. Computations for yard requirements shall be based upon measurements from the exposed exterior surface of the building.
 - F. Exceptions. The following shall not be considered as encroachment into yard requirements.
 - 1. Architectural projects extending not more than three (3) feet into a yard area, except those indicated below.
 - 2. In rear yards, recreational and laundry drying equipment, trellises, balconies, breezeways, open porches, detached outdoor living rooms, garages, and air conditioning or heating equipment.

3. Terraces, steps, stoops, or similar features provided, in each they do not exceed above the height of the principal structure or extend to a distance less than two (2) feet from any lot line.

Subd. 4. Lot Area Requirements. The minimum lot area requirements are set forth within the district provisions of this Ordinance.

- A. Lot Area With Alley Adjoining. In computing required lot area, one-half of the width, but not exceeding ten (10) feet of any alley or portion thereof abutting any lot line may be included as part of the lot area for such computation.
- B. Lot Area Exception. A lot of record existing upon the effective date of this Ordinance which does not meet the area or width requirements of this Ordinance may be utilized provided the measure of such area or width are at least fifty (50) percent of the requirements of this Ordinance and that due to ownership patterns, the combining of adjacent lots to meet the requirements of this Ordinance is not possible.

Subd. 5. Building Size and Architectural Requirements. The following building size and architectural standards shall apply to all districts unless otherwise specified.

- A. Height Exceptions. The building height limits established shall not apply to belfries, cupolas, domes, spires, monuments, airway beacons, radio towers, flag poles, chimneys or flues; nor to elevators, watertanks, poles, towers and other structures for essential services; nor to similar structures for essential services; nor to similar structures extending above the roof of any building and not occupying more than twenty-five (25) percent of the area of such roof.
- B. Architectural Requirements. The following architectural requirements shall apply to all dwellings in the "A-0" and all residential districts.
 1. All building not attached to a permanent foundation including manufactured homes must meet the provisions based on the regulations outlined by the Minnesota Department of Administration, Building Code Division 2 MCAR 1.90103 and the number of ties shall be in accordance with the following table:

**Number of Ties Required Per Side of
Single Wide Manufactured Homes**

Length of Mobile Home (Feet)	No. of Vertical Ties	No. of Diagonal Ties	<u>Alternative Methods</u>	
			No. of Baling Straps	No of Diagonal Ties
Up to 40	2	3	2	3
40-46	2	3	2	3
46-49	2	3	2	3
49-54	2	3	2	3
54-58	2	4	2	4
58-64	2	4	2	4
64-70	2	4	2	5
70-73	2	4	2	5
73-84	2	5	2	5

- a. Doublewide manufactured homes requires only the diagonal ties specified, and these shall be placed along the outer sidewalls.
- b. Length of manufactured home (as used in this Table) means length excluding draw bar.
- c. Diagonal ties in this method shall deviate at least 40 degrees from vertical.
- d. Alternative Method. When this method is used, an approved reinforcement means shall be provided. If baling is used to accomplish this reinforcement, the provisions of 2 MCAR 1.90450 A.2.c. shall apply.
- e. Diagonal ties in this method shall be 45 degrees + 5 degrees vertical and shall be attached to the nearest main frame member.

Subd. 6. Accessory Structures, Uses and Equipment.

- A. General Statements. An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway.
- B. Location. No accessory structures shall be located in the front yard.
- C. Setbacks. Accessory structures shall:

1. Be located five (5) feet or more from all lot lines of adjoining lots, except as otherwise permitted within this Ordinance.
 2. Not be located within a utility easement.
- D. Size. No accessory building shall exceed one thousand (1800) square feet in size.
- E. Building Design Standards. The architectural design and appearance of all accessory buildings, and structures shall comply with the following standards:
1. In other than the “A-0”, and C-1” Districts metal roofing, asphalt shingles, asphalt roofing materials or wooden shakes shall be permitted as roof coverings in the “R- 1” and “R-2” residential districts.
 2. The exterior finish of all accessory buildings in the “R-1”, and R-2” Districts shall match as close as possible the exterior finish of the dwelling unit on the lot. For example, lap siding on the dwelling unit shall make lap siding on the accessory building mandatory, board and batten siding shall make board and batten siding on the accessory building mandatory. When metal accessory buildings are constructed, the color of the building must match or be a neutral color of the dwelling unit. No galvanized metal accessory buildings are permitted.
 3. Exceptions. Metal lawn or storage sheds one hundred twenty (120) square feet or less in floor area shall be exempt from these standards.
- F. Home Occupations. Home occupation uses are subject to the following requirements.
1. The home occupation must be conducted entirely within a building.
 2. Offices, clinics, barber shops, beauty parlors, dress shops, millinery shops, tea rooms, tourist homes, animal hospitals and kennels, music and dance schools, or similar uses, shall require conditional use permits.
 3. Such occupations as architects, artists, writers, clergymen, lawyers, teachers, bookkeepers, dressmaking and similar domestic crafts shall be permitted.
 4. When deemed appropriate, the Administrator may bring the home occupation to the attention of the Planning Commission at which time the Planning Commission may hold such public hearings, request such

information, or require such conditions as deemed necessary to bring the home occupation in compliance with the performance criteria. The Planning Commission shall make a recommendation to the City Council for final consideration.

- H. Storage of Solid Heating Fuels. Stored, uncontained solid heating fuels, e.g. coal, firewood, shall be screened from view of adjacent residential land uses. Such screening shall be in compliance with the provisions set forth in this ordinance.
- I. Accessory Buildings in R-1 Districts. Accessory buildings in R-1 (Residential) districts on lots where a garage is attached to the home, shall be limited to one additional storage building and one non-storage building, so long as the total floor area does not exceed 3250 square feet or result in a total lot coverage by buildings of 50% or more; accessory buildings on lots where a garage is not attached to the home shall be limited to two storage buildings and one non-storage building, with the total floor area not to exceed 3250 square feet or result in a total lot coverage by buildings of 50% or more.

SECTION 11. NONCONFORMING BUILDINGS, STRUCTURES AND USES.

- Subd. 1. Purpose. It is the purpose of this Section to provide for the regulation of nonconforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which nonconforming buildings, structures, and uses will be operated and maintained. The Zoning Ordinance establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that nonconforming buildings, structures and uses not be permitted to continue without restriction. Furthermore, it is the intent of this Section that all nonconforming uses shall be eventually brought into conformity.
- Subd. 2. Any structure or use lawfully existing upon the effective date of this Ordinance may be enlarged and continue at that size if it conforms to previously established setbacks and building size requirements in the appropriate district.
- Subd. 3. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Administrator providing the necessary repairs shall not constitute more than fifty (50) percent of fair market value of such structure. Said value shall be determined by the County Assessor.
- Subd. 4. No nonconforming building, structure or use shall be moved to another lot or to any other part of the parcel, or land upon which the same was constructed or was

conducted at the time of this Ordinance adoption unless such movement shall bring the nonconformance into compliance with the requirements of this Ordinance.

- Subd. 5. When any lawful nonconforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.
- Subd. 6. A lawful nonconforming use of a structure or parcel of land may be changed to lessen the nonconformity of use. Once a nonconforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the nonconformity.
- Subd. 7. If at any time a nonconforming building, structure or use shall be destroyed to the extent of more than seventy five (75) percent of its fair market value, said value to be determined by the County Assessor, then without further action by the Council, the building and the land on which such building was located or maintained shall, from and after the date of said destruction, be subject to all the regulations specified by these zoning regulations for the district in which such land and buildings are located. Any building which is damaged to an extent of less than seventy-five (75) percent of its value may be restored to its former extent. Estimate of the extent of damage or destruction shall be made by the City Clerk.
- Subd. 8. Whenever a lawful nonconforming use of a structure or land is discontinued for a period of six (6) months, following written notice from an authorized agent of the City, any future use of said structure or land shall be made to conform with the provisions of this Ordinance.
- Subd. 9. Normal maintenance of a building or other lawful nonconforming use is permitted, including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the nonconforming use.
- Subd. 10. Alterations may be made to a building or other lawful nonconforming residential units as a conditional use when the alterations will improve the livability thereof, provided they will not increase the number of dwelling units or size or volume of the building or increase the nonconformity.
- Subd. 11. Any proposed structure which will, under this Ordinance, become nonconforming but for which a building permit has been lawfully granted prior to the effective date of this Ordinance, may be completed in accordance with the approved plans; provided construction is started within sixty (60) days of the effective date of this Ordinance. Such structure and use shall thereafter be a legally nonconforming structure and use.

SECTION 12. VARIANCES

- Subd. 1 The Board of Adjustment has the exclusive power to order the issuance of a variance from the terms of any official control including restrictions placed on nonconformities.
- Subd. 2 Purpose: Variances may only be granted in accordance with Minnesota Statutes, Chapter 462, as applicable. A variance may not circumvent the general purposes and intent of this Ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.
- A. “Hardship” as used in connection with the granting of a variance means that property in question cannot be put to a reasonable use if used under the conditions allowed by this Ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.
 - B. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of this Ordinance.
 - C. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.
- Subd. 3 Procedure for Application
- A. An application for a variance shall be filed with the City Clerk on a form prescribed by the City Council.
 - B. The application shall be accompanied by a map showing lands proposed to be changed and all lands within three hundred fifty (350) feet of the property.
 - C. The application shall be forwarded to the Board of Adjustment.
- Subd. 4 Fees
- A. A fee shall be paid to the City Clerk before processing any application and said fee shall be transferred to the City Revenue Fund.
 - B. The amount of the fee shall be determined by the City Council by resolution.
- Subd. 5 Notice and Hearing

- A. Within forty-five (45) days after receipt of filing of a request for a variance or an appeal from an administrative order of determination, the Board of Adjustment shall set a hearing date for a hearing thereon, and shall hear such persons as wish to be heard, either in person or by agent or attorney.
 - 1. The Board of Adjustment shall hold at least one (1) public hearing in a location to be prescribed by the Board of Adjustment at least ten (10) days in advance of each hearing.
 - 2. Notice of the time and place of such hearing shall be published in the official paper of the City of Graceville.
 - 3. The person or persons who filed the appeal or request for a variance shall be notified by U.S. mail as to the time and place of the public hearing not less than ten (10) days before the date of hearing.
 - 4. All property owners within three hundred fifty (350) feet of the affected property or the nearest ten (10) property owners of the affected property, whichever is the most property owners, shall be notified by U.S. mail as to the time and place of the public hearing, insofar as the names and addresses of such owners can be determined by the City Clerk from records available to the public.
 - 5. Within a reasonable time after the hearing, the Board of Adjustment shall make its order deciding the matter and serve a copy of such order upon the appellant or the petitioner by mail.

Subd. 6 Variance Review Criteria

- A. No variance in the provisions or requirements of this Ordinance shall be authorized by the Board of Adjustment unless it finds evidence that all of the following facts and conditions exist:
 - 1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district; and
 - 2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the same vicinity. The possibility of increased financial return shall not in itself be deemed sufficient to warrant a variance.

Subd. 7 Variance Conditions

- A. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the Board of Adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.
- B. In granting a variance, the Board of Adjustment may impose such conditions and safeguards upon the premises benefited by a variance as may be necessary to prevent injurious effects therefrom upon other property in the neighborhood and insure compliance.

Subd. 8 Recording of Variance

- A The original of any order and all associated conditions issued by the Board of Adjustment acting upon an appeal from an order, requirement, decision or determination by an administrative official, or a request for a variance, shall be filed with the City Clerk. The order issued by the Board of Adjustment shall include the legal description of the property involved.

Subd. 9 Variance Limitations

- A. 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.
- B. That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonable the formulation of a general regulation for such conditions or situation.
- C. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.

Subd. 10 Additional Variance Considerations

- A. The Board of Adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required shall include the Board of Adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

- B. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present and for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.

SECTION 13 CONDITIONAL USE PERMITS

Subd. 1. Purposes. Conditional Use Permits may be granted by the City Council for any of the following purposes:

- A. To permit any of the uses for which a Conditional Use Permit is required pursuant to the provisions of this ordinance;
- B. To permit the excavation of sand, gravel and other related materials from the soil in any district on a temporary or commercial basis, subject to such reasonable conditions as the City Council may provide;
- C. To permit public utility or public service uses in any district when found to be necessary for the health, safety or convenience of the city's inhabitants;
- D. To permit enclosure of junkyards within a structure, fence or wall.

Subd. 2. Procedure. Applications for a Conditional Use Permit shall be made in writing to the zoning administrator and shall state in full the grounds relied upon by the applicant. Upon receipt thereof, the zoning administrator shall forthwith refer the application to the planning commission for review and recommendations. The Planning Commission shall hold at least one (1) public hearing on an application for a conditional use permit for any of the uses listed in Subdivision 1 of this section. Recommendations of the planning commission shall be reported to the City Council within 60 days of receipt of said application by the planning commission. No conditional use permit shall be recommended by the planning commission unless the planning commission shall find that the use for which the permit is sought (1) will not be detrimental to the health, safety or welfare of persons residing in the neighborhood of such use, and (2) will not be injurious to other property or improvements in the neighborhood.

Subd. 3. Upon receipt of the planning commission report, the council shall act thereon at a regular or special meeting. In granting a conditional use permit, the council may attach thereto such terms and conditions as it may deem necessary.

Subd. 4. Any use permitted by a conditional use permit shall be established and conducted in accordance with the terms thereof and with any regulations or restrictions attached thereto or described therein.

SECTION 14 ADMINISTRATION AND ENFORCEMENT

Subd. 1. Administrative and Enforcement Officer. Administrative and enforcement of this Ordinance shall be the responsibility of the City Clerk or other person designated by resolution of the City Council.

Subd. 2. Duties of the Administrator. The Administrator shall enforce the provisions of this Ordinance and shall perform the following duties:

- A. Determine that all building permits comply with the terms of this Ordinance.
- B. Issue certificates of occupancy for any use, structure, or building after determination of above.
- C. Maintain permanent and current records of this Ordinance, including but not limited to, all maps, amendments, conditional uses, variances, appeals and applications thereto.
- D. Receive, file and forward all applications for appeal, variances, conditional uses and other matters to the designated official bodies.
- E. Institute in the name of the City, any appropriate actions or proceedings against a violator as provided by law.
- F. The Administrator may waive requirements for technical information when deemed appropriate. The Administrator may also request additional information when deemed appropriate.
- G. To inform the applicant of all ordinances, regulations, and procedures governing to applicant's request within five (5) business days.

Subd. 3. The Planning Commission and Board of Adjustments and Appeals shall be that created by the Graceville Shoreland Management Ordinance, 1993. All powers and duties of these Boards under Section 3 of said Ordinance, shall be as contained in said Ordinance except as may be further qualified or modified by this Ordinance.

Repeal of the provisions of the Graceville Shoreland Management Ordinance shall not constitute repeal of these two Boards with respect to enforcement or administration of this Ordinance, unless this Ordinance or this section dealing with the administration of this Ordinance is repealed or otherwise modified.

Subd. 4 Building Permit Applications. No person shall hereafter erect, alter or move any building or structure, the cost of which exceeds \$500.00 without first obtaining a building permit. Applications for a permit shall be made to the zoning administrator on forms provided by the city. Each application shall comply with the building code and shall be accompanied by a plan drawn to scale showing the dimensions of the lot or parcel on which the structure is or is to be located; the legal description of the lot or parcel, size and location of the structure and accessory structures if any, to be constructed, reconstructed or structurally altered on the lot or parcel, and such other information as may be deemed necessary by the zoning administrator for the proper enforcement of this ordinance. No building permit shall be issued by the zoning administrator unless and until he/she determines that the structure plans, together with the application, comply with the provisions of this ordinance and the applicable provisions of the building, housing, and fire prevention codes, if any, in effect within the city.

Subd. 5 Issuance of Permit. The Administrator shall issue the building permit only when the plans comply with this Ordinance and other applicable City Ordinances. A registered land survey may be requested by the Planning Commission.

Subd. 6 Fees.

A. The fees to be paid for building permit shall be as follows:

- | | |
|--|---|
| 1. Single Family Housing Development | \$50.00 |
| 2. Additions to Family Dwellings | \$25.00 |
| 3. Garages | \$25.00 |
| 4. Storage Sheds | \$10.00 |
| 5. Driveways | \$10.00 |
| 6. Commercial Building and Additions to Commercial Buildings | |
| \$1.00 to \$500.00 | \$5.00 |
| \$501.00 to \$2,000.00 | \$5.00 for the first \$500.00 plus \$1.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00. |
| \$2,001.00 to \$25,000.00 | \$20.00 for the first \$2,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$25,000.00 |
| \$25,001.00 to \$50,000.0 | \$89.00 for the first \$25,000.00 plus \$2.50 for each additional thousand or fraction thereof, to and including \$50,000.00. |
| \$50,001.00 to \$100,000.00 | \$151.50 for the first \$50,000.00 plus \$1.50 for each additional thousand or fraction thereof, to and including \$100,000.00. |

\$100,001.00 and up	\$226.50 for the first \$100,000.00 plus \$1.00 for each additional thousand or fraction thereof.
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B. The fees to be paid for each application for an amendment to the Graceville Zoning Code, a variance, special Planning Commission meeting or conditional use permit shall be as follows:

- | | |
|--|---|
| 1. Rezoning | \$150.00 |
| 2. Variance | \$ 50.00 |
| 3. Conditional Use Permit | \$ 50.00 |
| 4. Planned Unit Development
(Platting fee not included) | \$ 35.00 per acre plus fee for
conditional use permit. |
| 5. Planning Commission -Special
Meeting | \$100.00 |
| 6. Amendments to the Zoning Code | \$100.00 |

C. Fees shall be payable at the time applications are filed with the Administrator and are not refundable unless application is withdrawn prior to referral to the Planning Commission. There shall be no fee in the case of applications filed in the public interest by members of the Council or by the Planning Commission.

D. To defray administrative costs of processing of requests for conditional uses, amendments, variances or appeals a base fee per application shall be paid by all applicants, in accordance with a fee schedule adopted by resolution by the City Council.

E. In order to defray the additional cost of processing applications (amendment, conditional use, variance, appeal) for developments, all applicants shall pay the total cost of staff and/or consulting time spent exclusively in producing materials for the applicant's request, and all materials for said request.

1. "Materials" shall include, but not be limited to, maps, graphs, charts, drawings, etc., and all printing or reproduction of same.
2. "Staff and/or Consulting Time" shall include any time spent in either researching for or actual production of materials.
3. The hourly rate for "staff and/or consulting time" shall be established and made available to the applicant by the Administrator prior to production of any materials and the applicant shall be given a reasonable estimate of project time and/or materials costs.

F. A deposit to cover staff or consulting time and special materials will be established and required by the Administrator at the time the base fee is paid.

Subd. 7 Certificates of Occupancy. From and after the effective date of this ordinance, no vacant land and no structure hereafter constructed, reconstructed, relocated or structurally altered with the city shall be occupied or used for any purpose other than agricultural purposes unless a certificate of occupancy is first obtained from the zoning administrator. No certificate of occupancy shall be issued for any land or structure unless the use or occupancy of the land or structure conforms to law and the provisions of this and any other applicable ordinances.

Subd. 8 Application for a Certificate of Occupancy. Application for a certificate of occupancy shall be made in writing to the zoning administrator on forms provided by the city. Certificates of occupancy for any structure hereafter constructed, reconstructed, relocated or structurally altered shall be issued within ten (10) days after construction, reconstruction, relocation or structural alteration is completed and approved by the zoning administrator. Certificates for the use or occupancy of vacant land shall be issued immediately if the use or occupancy conforms to law and the provisions of this ordinance.

SECTION 15 AMENDMENT

Subd. 1. This ordinance may be amended by following the procedure specified in this section.

Subd. 2. An amendment, including a change of use district boundaries, may be initiated by the City Council, the planning commission, or by the verified petition of not less than fifty (50) percent of the property owners affected by the proposed amendment and fifty (50) percent of those property owners within three hundred (300) feet of the proposed change. An amendment not initiated by the planning commission shall be referred to the commission for study and report and shall not be acted upon by the City Council until the recommendation of the planning commission have been received or until sixty (60) days have elapsed from the date of reference of the amendment without a report by the planning commission.

Subd. 3. Before it recommends an amendment, the planning commission shall hold at least one (1) public hearing thereon after notice of the hearing has been published once in the official newspaper at least ten (10) days before the date of the hearing. Following the hearing, the planning commission shall make a report of its findings and recommendations on the proposed amendment and shall file a copy with the City Clerk within sixty (60) days after the hearing takes place. If no report or recommendation is forthcoming within the time prescribed, the City Council may take action without awaiting such recommendation.

Subd. 4. Upon the filing of such report or upon the expiration of sixty (60) days without a report as specified in subdivision ___; the City Council may hold such public hearings upon the amendment as it deems advisable. At the conclusion of the hearings, if any, the Council may adopt the amendment or any part thereof in such form as it deems advisable. No amendment shall be effective unless two-thirds (2/3) of all the members of the council concur in its passage.

SECTION 16. VIOLATIONS

- A. Any person, firm or corporation who violates any of the provisions of this Ordinance, or who fails to comply with any of the provisions of this Ordinance, shall be guilty of a misdemeanor.
- B. Each day that a violation continues shall constitute a separate offense.
- C. In the event of a violation or a threatened violation of the Ordinance, the City Administrator, or the City Council, or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the City Attorney to pursue legal action.
- D. Any taxpayer or taxpayers of the City of Graceville may institute mandamus proceedings in District County to compel specific performance by the proper official or officials of any duty required by this Ordinance.

SECTION 17 PENALTIES

Any person who violates any provisions of this ordinance, upon conviction thereof, shall be punished by a fine not exceeding Seven Hundred Dollars (\$700.00) or by imprisonment for a period not exceeding ninety (90) days. Each day that the violation is permitted to continue shall constitute a separate offense.

SECTION 18 EFFECTIVE DATE

This ordinance become effective after its passage and publication.

Passed by the City Council of the City of Graceville this _____ day of _____, 1998.

APPROVED:

Mayor

ATTEST:

