

ZONING ORDINANCE

CHAPTER 151

Holdingsford, Minnesota

Adopted: August 13, 2007

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ORDINANCE 151

ZONING

HOLDINGFORD, MINNESOTA

AN ORDINANCE REGULATING THE USE OF LAND, THE LOCATION, SIZE AND USE OF BUILDINGS AND THE ARRANGEMENT OF BUILDINGS ON LOTS IN THE CITY OF HOLDINGFORD, MINNESOTA, PURSUANT TO THE AUTHORITY GRANTED BY MINNESOTA STATUTES SECTION 462.357.

SECTION 1 – TITLE AND APPLICATION

Subd. 1. Title. This ordinance shall be known as the Zoning Ordinance of the City of Holdingford, 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 the 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 this ordinance; to provide for amendments; to prescribe penalties for violation of such regulations; to define powers and duties of the City Council, the Board of Adjustments and Appeals, the City Council, in relation to the zoning ordinance.

Subd. 3. Relation to Comprehensive Municipal Plan. It is the policy of the City of Holdingford that the enforcement, amendment, and administration of this ordinance be accomplished with due consideration of the recommendations contained in the City’s Comprehensive Plan as the policy for responsibility to regulate land use and development in accordance with the policies herein set forth.

Subd. 4. Standard, Requirement. Where the conditions imposed by any provisions of this ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, 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. 5. 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. 6. Conformity With Provisions. No structure shall be erected, demolished, 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. 7. Land Use Permits. Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no land use permit shall be granted that does not conform to the requirements of this ordinance. Land use permits shall have an expiration date of one year from the date of issuance.

Subd. 8. Moving of Buildings. Any building or structure which has been wholly or partially

erected on any premises, located either within or outside of the City, shall not be moved to or placed upon any other premises in the City until a permit to use such building or structure has been approved by the City. Any such building shall conform to all the provisions of this ordinance in the same manner as a new building or structure.

Subd. 9. Conditional Uses, Variances. Nothing within this ordinance shall be construed so to deny any property owner the right to apply for a conditional use permit or variance.

Subd. 10. 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 City Council, 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, City Council 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. 11. 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 adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

Subd. 12. 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. A person is an individual, firm, partnership, association, corporation, or organization of any kind.

SECTION 2 – DEFINITION OF TERMS

Words not herein defined, may be defined by their common usage, as found in a standard dictionary of the English Language. A list of general zoning terms can be found in *A Survey of Zoning Definitions*, Planning Advisory Service Report No. 421, American Planning Association, December, 1989.

Subd. 1. Accessory Building. A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Subd. 2. Accessory Use. A structure or use that: a) is clearly incidental to and customarily found in connection with a principal building or use; b) is subordinate to and serves the principal building or a principal use; c) is subordinate in area, extent, or purpose to the principal building or principal use served; d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and e) is located on the same lot as the principal building or use served.

Subd. 3. Basement. A story partly underground and having at least one-half (2) of its height above the average adjoining grade. A basement shall be termed a cellar when more than one-half (2) of its height is below the average adjoining grade. A basement or a cellar shall be counted as a story if the vertical distance from the average adjoining grade to the ceiling is over five (5) feet.

Subd. 4. Building. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

Subd. 5. Cellar. See Basement.

Subd. 6. Conditional Use. A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.

Subd. 7. Dwelling. A building or portion thereof used exclusively for residential purposes, including one-family, two-family, and multiple-family dwellings, but not including, hotels, motels, and boarding and lodging houses.

Subd. 8. Dwelling, multi-family. A detached residential building containing three or more dwelling units, including what is commonly known as an apartment building, but not including group, row, or townhouses.

Subd. 9. Dwelling, single-family, attached (group, row, and townhouses). A building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.

Subd. 10. Dwelling, single-family, detached. A residential building containing not more than one (1) dwelling unit surrounded by open space on the same lot.

Subd. 11. Dwelling Unit. One (1) or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

Subd. 12. Family. Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.

Subd. 13. Fence. Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Subd. 14. Garage. A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Subd. 15. Home Occupation. An accessory use of a dwelling unit for gainful employment which: a) is clearly incidental and subordinate to the use of the dwelling unit as a residence; b) is carried on solely within the main dwelling and does not alter or change the exterior character or appearances of the dwelling; c) is located in a residential district; and d) is created and operated as a sole proprietorship.

Subd. 16. Lot. A parcel of land occupied, or intended to be occupied, by a building and its accessory buildings, together with such open spaces as required, having at least the minimum area required for a lot in the zone in which such lot is located and having its principal frontage on a public street or public way.

Subd. 17. Lot Area. The total horizontal area within the lot lines of a lot.

Subd. 18. Lot of Record. A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat.

Subd. 19. Lot, Substandard. A lot or parcel of land that has less than the required minimum area or width as established by the zone in which it is located and provided that such lot or parcel was of record as a legally created lot on the effective date of this ordinance.

Subd. 20. Manufactured Housing. A factory built, single-family structure that: a) is manufactured under the authority of U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act; b) is transportable in one or more sections; c) is built on a permanent chassis; and d) is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

Subd. 21. Nonconforming Building. Any building that does not meet the limitations on building size and location on a lot, for the district in which such building is located, for the use to which such building is being put.

Subd. 22. Nonconforming Lot. A use or activity which lawfully existed prior to the adoption, revision, or amendment of this ordinance, but which fails by reason of adoption, revision, or amendment to conform to the zoning district in which it is located.

Subd. 23. Nonconforming Use. A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the adoption, revision, or amendment of this ordinance.

Subd. 24. Patio. A terrace extending not more than six (6) inches above the average level of the ground at its margins; provided that no fixed walls or roof shall be erected on or over any patio or similar structure that is located in a required yard.

Subd. 25. Person. An individual, firm, partnership, association, corporation, or organization of any kind. Except where otherwise indicated by the context, the word "person" shall include the plural.

Subd. 26. Sign. A structure or device designed or intended to convey information to the public in written or pictorial form.

Subd. 27. Structure. "Structure" means anything that is 12" or higher, constructed or erected on or in the ground, or attached to something on the ground, including but not limited to buildings, decks, balconies, bay windows, cantilevered upper level projections, building eaves, tool and gardening sheds, children's play structures larger than 120 sq. ft., and gazebos. A structure does not include driveways, sidewalks, on-grade improvements, patios, parking spaces, handrails, portable children's play equipment, birdbaths, doghouses, basketball hoops, and retaining walls.

Subd. 28. Variance. A dispensation permitted on individual parcels of property as a method of alleviating unnecessary hardship by allowing a reasonable use of the building, structure, or property, which, because of unusual or unique circumstances, is denied by the terms of this ordinance.

Subd. 29. Yard. A required open space on a lot adjoining a lot line, containing only landscaping or other uses as provided by this ordinance.

Subd. 30. Yard, Front. A yard extending across the full width of the lot and lying between the front lot line and the front building line. Front yard depth shall be measure at right angles to the front line of the lot.

Subd. 31. Yard, Rear. A yard extending across the full width of the lot and lying between the rear lot line and the rear building line. Rear yard depth shall be measure at right angles to the rear line of the lot.

Subd. 32. Yard, Side. A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard. Side yard width shall be measured at right angles to side lines of the lot.

SECTION 3 – GENERAL DISTRICT PROVISIONS

Subd. 1. Establishment of Districts. The following zoning districts are hereby established within the City Holdingford, Minnesota:

R-A	Residential/Agricultural
R-1	Single Family Residential
R-2	Mixed Family Residential
M-H	Manufactured Housing
C-B	Central Business
H-B	Highway Business
L-I	Limited Industrial

Subd. 2. Map. The location and boundaries of the districts established by this ordinance are hereby set forth on the zoning map entitled “Zoning Map”, a copy of which is on file with the City Clerk. Said map 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 adding territory to the city, such areas shall be considered in the R-A Residential/Agricultural District until otherwise classified.

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 follow such center lines.
- D. Where a district boundary line divides a lot which was in a single either portion of the lot may be interpreted by the City Council and/or its designee upon request of the owner.
- E. The exact location of all district boundaries shall be interpreted by the City Council and/or its designee, 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 or land, except as hereinafter provided.

- A. No building, 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. Building Restrictions.

- A. No cellar, basement, garage, tent 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 in this ordinance.
- 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. Not more than one (1) principal building shall be located on a lot. The words "principal buildings" shall be given their common, ordinary meaning; in case of doubt or on any question or interpretation, the decisions of the Zoning Administrator shall be final, subject to the right of appeal to the Board of Adjustment and Appeals.
- D. Temporary dwellings, including travel trailers, campers, tents recreation vehicles, and other vehicles or structures which are adaptable for living and may be reasonably transported, may be used for dwelling purposes for a period not to exceed thirty (30) consecutive days or more than thirty days of a sixty (60) day period. Only one temporary dwelling may be placed on a parcel or lot.

Subd. 7. Home Occupations. Home occupation uses are subject to the following requirements:

- A. The occupation must be carried on by a member of the family residing on the premise, the use must be clearly incidental and secondary to the principal use as a residence, does not change the character of the premise, have any exterior evidence of a home occupation, or have more than the required number of parking spaces for the appropriate residential use.
- B. When deemed appropriate, the Zoning Administrator may bring the home occupation to the attention of the City Council, who may hold public hearings, request information, or require conditions deemed necessary to bring the home occupation into compliance with the standards of this ordinance.

Subd. 8. Refuse. All lots within all zoning districts shall be maintained in a neat and orderly manner. No rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open when the same is construed by the City Council to be a menace or nuisance to the public health, safety, or general welfare of the City, or to have a depressing influence upon property values in the city. Junk yards, wrecking yards and salvage yards shall be considered a commercial or industrial use.

Subd. 9. Vision Clearance at Corners, Crossings, and Access Points. 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, crossings, or access points.

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. Fencing, Screening, and Landscaping.

- A. No fence shall exceed four (4) feet in the front yard or eight (8) feet in height in the side or rear yard as measured from the average point between the highest and lowest grade.
- B. No fence, screen, or structure which obstructs a view shall be located within twenty-five (25) feet of any corner formed by the intersection of street or railroad rights-of-way as measured from the intersecting property lines.
- C. Except as provided in A and 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 in this ordinance shall be planted and maintained in grass, sodding, shrubs, or other suitable vegetation or landscaped 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, height, 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 otherwise provided in this ordinance, fences shall be set back at least one (1) foot from lot lines, or upon mutual written consent of the abutting property owners, may be placed along the lot line. That side of any fence considered to be its "face" (i.e., the finished side having no structural supports) shall face abutting property or street right-of-way.

Subd. 12. Design Standards. The architectural appearance and function of any building shall not be so dissimilar to the existing buildings 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.

- A. Building Type and Construction.
 - 1. No galvanized or unfinished steel or unfinished aluminum buildings (walls or roofs) (except those specifically intended to have a non-corrosive designed finish such as corten steel) shall be permitted in any zoning district except in association with farming operations or industrial uses.
 - 2. Residential dwellings in the R-1, R-2 and M-H Districts shall have a minimum roof pitch of 3:12, and each roof shall be shingled or feature approved materials. Residential dwelling structures in the R-1 and R-2 Districts shall have a minimum building width of twenty four (24) feet on the least dimension. All residential dwelling structures in the R-1 and R-2 Districts shall be placed on permanent foundations of wood or concrete. All accessory buildings in the R-1, R-2, and M-H Districts shall be complementary in color to the principal structure.

3. Exterior building finishes for all buildings in residential districts shall consist of materials comparable in grade and quality to the following:
 - a. Brick.
 - b. Natural stone.
 - c. Decorative concrete block.
 - d. Wood finishes specifically designed for exterior applications.
 - e. Curtain wall panels of steel, fiberglass and aluminum provided such panels are factory fabricated and finished with a durable, non-fade surface and their fasteners are of a corrosion resistant design.
 - f. Glass curtain wall panels.
 - g. Stucco.
 - h. Vinyl, aluminum, colored steel, no-maintenance type siding.

Subd. 13. Accessory Buildings.

1. In cases where an accessory building is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this ordinance applicable to the principal structure. An accessory building, unless attached to and made a part of the principal structure shall not be closer than five (5) feet to the principal structure.
2. Accessory buildings shall be located in the side or rear yard. The following standards shall apply to all accessory structures in the R-1, R-2, and M-H Districts:
 - A. Accessory structure(s) shall not exceed; [1] Thirty percent (30%) of the area of the rear yards; or [2] 2,500 square feet in cumulative area; or [3] the size of the principal structure as stated in section (4) below. This regulation shall not be interpreted to prohibit the construction of a single three hundred (300) square foot garage provided that it meets the required setbacks.
 - B. All accessory buildings located in the rear yard in the R-1, R-2, and M-H Districts shall be setback from all adjoining lots and alleys a distance of at least five (5) feet, shall be located at least five (5) feet away from any other building or structure on the same lot, and shall not be located within a utility easement. All accessory buildings located in the side yard in the R-1, R-2, and M-H Districts shall be located at least five (5) feet away from any other building or structure on the same lot, and shall be required to meet the same side yard setback requirements as the principal structure, and shall not be located within a utility easement.
3. No lot or combination of lots in the R-1, R-2, or M-H Districts shall have more than two (2) detached accessory structures per principal structure. A detached garage constructed prior to the adoption of this ordinance shall not be counted as an accessory structure for the purposes of this provision.
4. An accessory building shall not exceed the principal building in size or height and shall be complementary to the principal structure in color. Size shall be measured by the exterior dimension of both the principal building and the accessory building. No accessory building shall be constructed upon a lot until the construction of the principal building has actually commenced, and no accessory building shall be used unless the principal building on the lot is also being used.
5. Accessory buildings shall comply with the following height limitations:

<u>Zoning District</u>	<u>Maximum Height</u>	<u>Maximum Eave Height</u>
R-1	Eighteen (18) feet	Ten (10) feet

R-2	Eighteen (18) feet	Ten (10) feet
M-H	Eighteen (18) feet	Ten (10) feet
C-B	District Limit	District Limit
H-B	District Limit	District Limit
L-1	District Limit	District Limit

SECTION 4 – RESIDENTIAL/AGRICULTURAL "R-A" DISTRICT

Subd. 1. Purpose. The Residential/Agricultural District is intended to provide a district which will allow suitable areas of the city to be retained in agricultural use, promote orderly development, and secure economy in government expenditures for public utilities and service.

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

- A. Agricultural activities and farmsteads.
- B. Parks and open space uses.
- C. Single family dwellings.
- D. Public buildings erected by a governmental entity.

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

- A. Multi-family dwellings.

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

- A. Private garages and carports.
- B. Fences and hedges.
- C. Patios and decks.

Subd. 5. Minimum Lot Size.

- A. Sewered lots - 20,000 sq. ft.
- B. Unsewered lots - 4 Acres

Subd. 6. Minimum Building Area.

- A. The minimum building area shall be 1,200 square feet of living space, with a minimum building width of twenty four (24) feet on the least dimension.

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

- A. Sewered lots:
 - 1. Front Yard - 30 feet, as measured from the property line.
 - 2. Side Yard - Two (2) side yards are required, each a width of not less than ten (10) feet.
 - 3. Rear Yard - A rear yard with a depth of not less than fifteen (15) feet is required.
- B. Unsewered lots:
 - 1. Front Yard - 30 feet, as measured from the property line.

2. Side Yard - Two (2) side yards are required, each a width of not less than twenty (20) feet.
3. Rear Yard - A rear yard with a depth of not less than eighty (80) feet is required.

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

SECTION 5 – SINGLE FAMILY RESIDENTIAL "R-1" DISTRICT

Subd. 1. Purpose. The primary purpose of this district is to provide suitable areas of low density residential development in the city.

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

- A. Single family dwellings.
- B. Two family dwellings.
- C. Parks and recreation areas owned and operated by the city.

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

- A. Home occupations.
- B. Water supply buildings, commercial wells, elevated tanks, gas regulator stations, electric substations and similar essential service structures, except that no structure shall be located within fifty (50) feet of any residential lot line.
- C. Churches and parish housing.

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

- A. Private garages, garden sheds, and carports.
- B. Fences and hedges.
- C. Patios and decks.

Subd. 5. Minimum Lot Size.

- A. 10,000 sq. ft.

Subd. 6. Minimum Building Area.

- A. The minimum building area shall be 1,200 square feet of living space, with a minimum building width of twenty four (24) feet on the least dimension.

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

- A. Front Yard - 30 feet, as measured from the property line.
- B. Side Yard(s) - (10) feet.
- C. Rear Yard - A rear yard with a depth of not less than twenty-five (25) feet is required.
- D. Lot Width – minimum of 75 feet at the building setback.

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

SECTION 6 – MIXED FAMILY RESIDENTIAL "R-2" DISTRICT

Subd. 1. Purpose. The primary purpose of this district is to provide suitable areas of low and medium density residential development in the city.

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

- A. Single family dwellings.
- B. Multi-family dwelling units consisting of two or more units.
- C. Parks and recreation areas owned and operated by the city.

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

- A. Home occupations.
- B. Water supply buildings, commercial wells, elevated tanks, gas regulator stations, electric substations and similar essential service structures, except that no structure shall be located within fifty (50) feet of any residential lot line.
- C. Churches and parish housing.

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

- A. Private garages, garden sheds, and carports.
- B. Fences and hedges.
- C. Patios and decks.

Subd. 5. Minimum Lot Size.

- A. One family - 10,000 sq. ft.
- B. Multi family - 10,000 sq. ft. for the first unit, plus 2,000 sq. ft. for each additional unit.

Subd. 6. Minimum Building Area.

- A. The minimum building area shall be 1,200 square feet of living space for a single-family home, with a minimum building width of twenty four (24) feet on the least dimension.

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

- A. Front Yard - 30 feet, as measured from the property line.
- B. Side Yard - 10 feet unless abutting an R-1 District in which case the setback shall be 20 ft.
- C. Rear Yard - A rear yard with a depth of not less than twenty-five (25) feet is required.

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

SECTION 7 – MANUFACTURED HOME PARK "M-H" DISTRICT

Subd. 1. Purpose.

The purpose of the "R-MH" Manufactured Housing Residential District is to provide for a district for manufactured housing parks in a specified area of the City. No manufactured home shall be admitted to any park unless it can be demonstrated that it meets the requirements of all State, County and City Codes governing the installation of plumbing, heating and electrical systems.

Subd. 2. Permitted Uses.

- A. The following are permitted uses in the "R-MH" Residential Manufactured Home District:
 - 1. Single-family detached manufactured housing units when placed in an existing manufactured home park.
 - 2. Public Open Space.

Subd. 3. Accessory Uses.

The following are permitted accessory uses in the "R-MH" Residential District:

- A. Uses incidental or accessory to the operation of a manufactured home park, provided such uses are only for the benefit and convenience of the occupants of the manufactured home park and approved by the City Council. Such uses shall not occupy more than ten percent (10%) of the area of the park.
- B. Uses determined by the City Council to be similar to those listed in this Subdivision.

Subd. 4. Conditional Uses.

- A. The following are conditional uses in the "R-MH" Residential District (Requires a conditional use permit based upon procedures set forth in and regulated by this Ordinance):
 - 1. Manufactured Home Parks, provided that the applicant for a permit, in addition to other requirements, shall include the name and address of the Developer and a general description of the construction schedule and construction cost. The application for a permit shall be accompanied by eight (8) copies of plans that indicate the following:
 - a. Location and site of the manufactured home park.
 - b. Location, size and character of all manufactured home lots, manufactured home stands, storage areas, recreational areas, laundry drying areas, central refuse disposal, roadways, parking spaces and sites and all setback dimensions.
 - c. Detailed landscaping plans and specifications.
 - d. Location and width of sidewalks.
 - e. Plans for sanitary sewage disposal, surface drainage, water systems, electrical service, telephone service and gas service. The park must be suitably located for facilities including water supply, sewage disposal and fire protection.

- f. Plans for an overhead street lighting system shall be submitted for approval by the City Engineer.
- g. The proposed method of disposing of garbage and refuse.
- h. Location and size of all streets abutting the manufactured home park, and all driveways from such streets to the park. Access to the manufactured home park must be provided from a public street.
- i. Plans and specifications for all road construction either within the park or directly related to park operation.
- j. Floor plans of all service buildings to be constructed within the manufactured home park.
- k. Such other information as may be required or requested by the City Council.
- l. Detailed description of maintenance procedures and grounds supervision.
- m. Plans and specifications for severe weather shelters.

Subd. 5. Performance Standards.

- A. Minimum lot size: Ten (10) acres per manufactured home park or five thousand (5,000) square feet per manufactured home site, whichever is greater. No more than five (5) manufactured home sites may be provided per acre.
- B. Minimum lot width of district: Five hundred (500) feet for a manufactured home park or fifty (50) feet per manufactured home site, whichever is greater.
- C. District Setbacks (measured from lot lines). When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks including but not limited to, front, side and rear setbacks. Structures shall be located as follows:
 - 1. Front yard: Twenty-five (25) feet
 - 2. Side yard:
 - a. Interior lots: Ten (10) feet
 - b. Corner lots: Not less than twenty (20) feet on the side yard abutting a public street.
 - 3. Rear yard:
 - a. Principal building: Twenty-five (25) feet
 - b. Accessory Building per Section 3, Subd. 13 of this Ordinance.
- D. Maximum Building Height: Thirty-five (35) feet or two and one-half (2 ½) stories.
- E. Maximum Site Coverage:
 - 1. No structure or combination of structures shall occupy more than fifty (50) percent of the lot area.
- F. Proposed manufactured home parks within a Shoreland Overlay District are subject to Planned Unit Development criteria for shoreland overlay areas.

- G. All land area shall be adequately drained, landscaped to control dust, clean and free from refuse, garbage, rubbish or debris.
- H. All manufactured homes shall be properly connected to a central water supply and a central sanitary sewer system. All water and sewer systems shall be constructed in accordance with plans and specifications approved by the City Council. Where a public water supply is available to the manufactured home park or at the boundary of the park, a connection to said public water supply shall be provided for each manufactured home.
- I. Access to manufactured home parks shall be as approved by the City.
- J. The area beneath a manufactured housing unit shall be enclosed except that such enclosure must have access for inspection.
- K. Each manufactured home park shall maintain off-street overload parking lot for guests of occupants in the amount of one (1) space for each three (3) sites and located within three-hundred (300) feet of the unit to be served.
- L. All utilities, such as sewer, water, fuel, electric, telephone and television antenna lead-ins, shall be buried to a depth specified by the City Engineer, and there shall be no overhead wires or support poles except those essential for street or other lighting purposes.
- M. A properly landscaped area shall be adequately maintained around each manufactured home park. All manufactured home parks adjacent to industrial, commercial or residential land uses shall provide screening, such as fences or natural growth, along the property boundary lines separating the park from such adjacent uses.
- N. Every structure in the manufactured home park shall be developed and maintained in a safe, approved and substantial manner. The exterior of every such structure shall be kept in good repair. All of said structures must be constructed to meet existing City Codes. Portable fire extinguishers rated for electrical and liquid fires shall be kept in all service buildings and other locations conveniently and readily accessible for use by all occupants.
- O. All structures shall require a building permit.
- P. It shall be the duty of the operator of the manufactured housing park to keep a record of all homeowners and occupants located within the park. The park operator shall keep the record available for inspection at all times by authorized City officials and other public officials whose duty necessitates acquisition of the information contained in the record. The record shall not be destroyed until a period of three years following the date of departure of the registrant from the park. The record shall contain:
 - a. The name and address of each unit occupant.
 - b. The name and address of the owner of each unit.
 - c. The make, model and year of the unit.
 - d. The date of arrival and departure of each unit.
 - e. The number and type of motor vehicles of residents in the park.
- Q. The operator of any manufactured housing park or a duly authorized attendant and/or caretaker shall be responsible at all times for keeping the park, its facilities and equipment in a clean, orderly, operable and sanitary condition. The attendant or caretaker shall be

- answerable, along with said operator, for the violation of any provisions of these regulations to which said operator is subject.
- R. A manufactured home site may be occupied by a manufactured home and an accessory structure as regulated in the Holdingford Zoning Ordinance.
 - S. The yards shall be landscaped except for necessary driveway and sidewalk needs which shall not exceed one-half (1/2) the width of the site.
 - T. Each manufactured home lot shall have off-street parking space for at least two (2) automobiles. Each space shall be nine (9) feet by twenty (20) feet minimum.
 - U. The corners of each manufactured home lot shall be clearly marked.
 - V. Each site shall be numbered.
 - W. Additional requirements, including but not limited to, shoreland, surface water, home occupation, parking, sign, and general district provisions as set forth within the appropriate Chapters of this Ordinance, as may be amended.

SECTION 8 – CENTRAL BUSINESS "C-B" DISTRICT

Subd. 1. Purpose. The Central Business District is intended to serve the commercial and service needs of the city. The district is designed to accommodate those commercial activities which may require concentrations of automobile traffic.

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

- A. Antique stores, appliance and furniture stores, bakeries, barber shops, bars and taverns, business offices, clinics, clothing and apparel stores, drug stores, financial institutions, florists, gift stores grocery stores, hardware stores, hobby shops, meat markets, music stores, newspaper offices and press rooms, optical stores, packaged beverage stores, professional offices, restaurants, self service and pick up laundry and dry cleaning establishments, sporting goods stores, and variety stores.
- B. Other commercial uses determined by the City Council to be of the same general character as the permitted uses.
- C. Government and cultural uses, such as, fire and polices stations, public parking lots, community centers, and libraries.

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

- A. Residential dwelling units, not as a ground floor use.
- B. Nursery and day care centers.
- C. Other commercial uses determined by the City Council to be of the same general character as the conditional uses.
- D. Light manufacturing.

Subd. 4. 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. Off-street parking as regulated by Section 12 of this ordinance.
- C. Off-street loading as regulated by Section 12 of this ordinance.

Subd. 5. Minimum Lot Size.

- A. 5,000 sq. ft.

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

- A. 5 ft. from an alley or 20 feet for those yards abutting an R-1 District, otherwise no setbacks required.

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

SECTION 9 – HIGHWAY BUSINESS "H-B" DISTRICT

Subd. 1. Purpose. The purpose of the Highway Business District is to provide for accommodations and services to the traveling public and related retail services activities.

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

- A. All uses permitted in the C-B Central Business District.
- B. Agricultural implements, distribution, display, repair and sales.
- C. Automobile and truck sales, repair and parts.
- D. Bicycle, snowmobile and motorcycle repair, sales and parts.
- E. Building materials, sales and storage.
- F. Cafes, restaurants and supper clubs.
- G. Filling or gasoline service stations.
- H. Motel.
- I. Other commercial uses determined by the City Council to be of the same general character as the permitted uses.

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

- A. All conditional uses permitted in the C-B Central Business District.
- B. Other commercial uses determined by the City Council to be of the same general character as the conditional uses.
- C. Light manufacturing.

Subd. 4. 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. Off-street parking as regulated by Section 12 of this ordinance.
- C. Off-street loading as regulated by Section 12 of this ordinance.

Subd. 5. Minimum Lot Size.

- A. A minimum lot area of not less than twenty thousand (20,000) square feet is required.
- B. A minimum lot width of not less than one-hundred (100) feet of street frontage is required.

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

- A. Front yard. 20 feet
- B. Side yard(s). 10 feet unless abutting an R-1 District in which case the setback shall be 20 ft.

- C. Rear yard. A rear yard with a depth of not less than fifteen (15) feet is required unless abutting an R-1 District in which case the setback shall be 20 ft.

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

SECTION 10 – LIMITED INDUSTRIAL "L-I" DISTRICT

- Subd. 1. Purpose.** The Limited Industrial District is intended for administrative, wholesaling, manufacturing and related uses.
- Subd. 2. Permitted Uses.** The following are permitted uses:
- A. Warehousing, wholesaling and distribution operations.
 - B. Research Facilities.
 - C. Light manufacturing and assembly.
 - D. Grain elevators and grain and feed milling.
 - E. Public Utility structures and government buildings.
 - F. Other industrial uses determined by the City Council to be of the same general character as the permitted uses.
- Subd. 3. Conditional Uses.** The following uses may be permitted as conditional uses:
- A. Filling or gasoline service stations.
 - B. Freight terminals.
 - C. Contractor storage yards.
- Subd. 4. 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. Off-street parking as regulated by Section 12 of this ordinance.
 - C. Off-street loading as regulated by Section 12 of this ordinance.
- Subd. 5. Minimum Lot Size.**
- A. A minimum lot area of not less than 20,000 sq. ft. is required.
 - B. A minimum lot width of not less than one hundred (100) feet of street frontage is required.
- Subd. 6. Front, Side and Rear Yard Requirements.**
- A. Front yard. 20 feet.
 - B. Side yard(s). 10 feet unless abutting an R-1 District in which case the setback shall be 20 ft.
 - C. Rear yard. A rear yard with a depth of not less than 10 feet is required unless abutting an R-1 District in which case the setback shall be 20 ft.
- Subd. 7. Maximum Building Heights.** Building heights shall not exceed thirty-five (35) feet unless granted a conditional use permit.

SECTION 11 – YARD, LOT 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 applied for each zoning district.

Subd. 2. Yard Requirements. The minimum yard setback distances from the appropriate lot line are set forth within the district provisions of this ordinance.

- A. **Corner Lots.** A corner lot shall be considered to have 2 front yards on those yards abutting a street.
- B. **Through Lots.** 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.
- C. **Earth Sheltered Buildings.** Computations for yard requirements shall be based upon measurements from the exposed exterior surface of the building.
- D. **Exceptions.** The following shall not be considered as encroachments into yard setback requirements.
 - 1. In rear yards, recreational and laundry drying equipment, balconies, breezeways, open porches, and air conditioning or heating equipment, provided they do not extend a distance less than ten (10) feet from any lot line.
 - 2. In all yards, terraces, a landing area of not larger than 25 sq. ft., a stairway necessary to gain access to a structure, steps, or similar features, provided they do not extend to a distance less than ten (10) feet from any lot line.
- E. **Tree Planting.** It is prohibited to plant a tree closer than 5 ft. to the property line unless there is mutual written consent of the abutting property owners.

Subd. 3. Lot Area Requirements. The minimum lot area requirements are set forth within the district provisions of this ordinance.

- A. **Lot Area Exception.** A single-family residential home may be reconstructed with a reduced setback if it is damaged by fire, tornado, or other act of natural or accidental means as long as it is located on a lot of record existing at the effective date of this ordinance, and said lot does not meet the area or width requirements of this ordinance. This provision may be used provided that due to ownership patterns, the combining of adjacent lots to meet the requirements of the current zoning ordinance is not possible. Sideyard setbacks for a lot of record shall be at least 10% of the lot width at the building setback.

Subd. 4. Building Size Requirements. The following building size standards shall apply.

- 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, water tanks, poles, towers and other 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. Minimum Size. All single family dwelling units must have at least twelve hundred (1,200) square feet of indoor living space.

SECTION 12 – OFF-STREET PARKING AND LOADING

Subd. 1. Purpose. It is the purpose of this section to provide for the regulation for off-street parking facilities within the City, to minimize congestion on the public rights-of-way, and to maximize the safety and general welfare of the public.

Subd. 2. Scope of Regulations. No provision of any section of this ordinance shall be less restrictive than those outlined in this section. The off-street parking requirements and off-street loading requirements of this section shall apply in all zoning districts except the Central Business (C-B).

Subd. 3. Calculating Space.

- A. Where calculations result in requiring a fractional space, any fraction less than one-half (1/2) shall be disregarded and any fraction of one-half (1/2) or more shall require one space.
- B. The term "floor area" for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the building structure or use times the number of floors.
- C. Should a building or structure contain two (2) or more types of uses, each should be calculated separately for determining the total off-street parking spaces required.
- D. The parking requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the City Council.

Subd. 4. Site Plan. Except for single family dwellings, all applications for a building permit shall be accompanied by a site plan drawn to scale and have dimensions indicating the location of all off-street parking and loading spaces in compliance with the requirements of this section. Such plan shall be reviewed and approved by the City Council, in accordance with the criteria developed in Subd. 5 of this section. The site plan should include at least the following:

- A. Zoning, setbacks, and statement of use.
- B. North arrow and scale.
- C. All adjacent streets and alleys.
- D. Sidewalks, curbs, gutters, and street trees.
- E. Entire ownership of the lot or parcel being developed, and the owners name(s) and current address(es).
- F. Complete dimensions of parking layout.
- G. All parking spaces clearly marked.
- H. The type and thickness of the paving.

Subd. 5. Site Plan Criteria. The site plan for off-street parking shall meet the following design standards:

- A. All areas devoted for parking space and driveways shall be surfaced with materials suitable to control dust and drainage as determined by the City Council. All parking areas shall be designed to control surface runoff to adjacent

properties either with curbing or grading techniques.

- B. Any lighting used to illuminate off-street parking areas shall be directed away from abutting property and public right-of-way.
- C. No sign shall be so located as to restrict the sight, orderly operation, and traffic movement within the parking area.
- D. All parking lots shall be screened and landscaped from abutting residential and institutional uses or districts by a wall, fence, or densely-planted compact hedge or tree cover not less than five (5) feet in height.

Subd. 6. Reduction and Use of Parking and Loading Space. Off-street parking and loading facilities provided to comply with the provisions of this ordinance shall not subsequently be reduced below the requirements of this ordinance. No changes of use or occupancy of the land, or of use or occupancy of any building shall be made until there is furnished sufficient parking and loading spaces as required by this section. In such case where reconstruction enlarges bulk or floor area or other such measurable unit prescribed in this ordinance, parking and loading facilities shall be provided for that measurable unit beyond the original use of structure.

Subd. 7. Parking of Commercial Vehicles or Equipment. No commercial vehicles, or equipment, exceeding sixteen thousand (16,000) pounds gross weight, shall be parked, stored, or otherwise continued in a residential district for more than twenty-four (24) hours unless in a completely enclosed structure or unless they are being used in conjunction with a legitimate service being rendered for the benefit of the residential premises.

Subd. 8. Parking and Storage of Certain Vehicles. Automotive vehicles or trailers of any kind or type without current legal license plates, or those inoperable, shall not be parked or stored on any residentially zoned property other than in a completely enclosed building.

Subd. 9. Maintenance. It shall be the joint responsibility of the lessee and/or owner of the principal use or building to maintain in a neat and adequate manner, the parking area, striping, landscaping and screening.

Subd. 10. Number of Required Parking Spaces.

- A. Residences: two (2) for each unit, including multi-family dwelling units and manufactured homes.
- B. Churches, theaters, auditoriums, mortuaries, and other places of assembly: one (1) space for each three (3) seats based on maximum design capacity.
- C. Business Offices: One (1) space for each five hundred (500) square feet of gross floor space, or one for space for each full time equivalent employee, whichever is greater.
- D. Medical and Dental Clinics: Three (3) spaces for each doctor or dentist.
- E. Hotel or Motel: One (1) space for each unit plus one (1) space for each full time equivalent employee.
- F. Schools: As recommended by the Minnesota Department of Education.
- G. Hospitals and Nursing Homes: One (1) space for each two (2) hospital bed or resident, plus one (1) space for each three (3) employees.
- H. Restaurants, cafes, bars, and taverns: One (1) space for each three (3) seats based on maximum design capacity.

- I. Drive-in Food Establishment: One (1) space for each one-hundred (100) square feet on gross floor space in the building.
- J. Motor Fuel Station/Convenience Store: Four (4) spaces plus one (1) for each full time equivalent employee.
- K. Retail Stores & Service Businesses: One space for each five hundred (500) square feet of gross floor area.
- L. Open Sales Lot: Three (3) spaces for each five thousand (5,000) square feet of lot area.
- M. Industrial/(Warehouse): One (1) space for each five hundred (500) square feet of gross floor area not including warehousing/storage areas.
- N. Uses not specifically noted: Determined by the City Council.

Subd. 11. Number of Required Loading Spaces.

- A. Retail Sales and Service Stores and Offices: One (1) loading space for all buildings exceeding five thousand (5,000) square feet of gross floor area.
- B. Manufacturing, Fabrication, Processing and Warehousing: One (1) loading space for all buildings exceeding five thousand (5,000) square feet of gross floor area.
- C. Loading spaces shall not be required in the Central Business District (CBD).

SECTION 13 – SIGNS

Subd. 1. Purpose. The purpose of this section is to regulate the location, size, placement and certain features of signs to enable the public to locate goods, services, and facilities without difficulty and confusion; to prevent wasteful use of resources in competition among businesses for attention; to prevent hazards to life and property; and to ensure an aesthetic value of the City.

Subd. 2. Prohibited Signs. No sign shall be erected or maintained:

- A. Which purports to be or resembles an official traffic control device, sign, or signal, or railroad sign or signal; or which hides from view or interferes in any material degree with the effectiveness of any traffic control device, sign or signal, or railroad sign or signal, or which obstructs or interferes with the driver's view of approaching, merging, or intersecting traffic for a distance not to exceed five hundred (500) feet.
- B. Which prominently displays the word "stop" or "danger".
- C. Which contains statements, words, or pictures of an obscene, indecent, or immoral character, or such as would offend public morals or decency on any right-of-way of any highway, except as otherwise provided by law or allowed by the Commissioner of the Minnesota Department of Transportation.
- D. On private land without the written consent of the owner.
- E. On trees, shrubs, or which are painted or drawn upon rocks or natural features, or on any public utility poles.
- F. Which has distracting flashing or moving lights so designed as to be a traffic hazard.
- G. Which are structurally unsafe, in disrepair, or are abandoned.

Subd. 3. Sign Setbacks. Signs shall not be located in such a manner to obstruct the view of motorists, nor shall they be located in the public right-of-way on any road.

Subd. 4. Sign Area Calculations. The area of a sign shall include that area as defined in this ordinance.

Subd. 5. Sign Height. The top of any sign, including its super structure, if any, shall be no higher than six (6) feet above the roof of a building to which such sign may be attached or thirty-five (35) feet above ground level, whichever height is less, except that the height of any name plate or identification sign which is attached to or an integral part of a functional structure, such as a water tower, smoke stack, radio or TV transmitting tower, beacon or similar structure, shall be no higher than such structure. The height of signs in a residential district shall not exceed the height of the existing structure on the lot in which it is located.

Subd. 6. Allowed Signs. The following types of signs are allowed in all zoning districts of the City. The size of the signs are restricted to nine (9) square feet in all residential districts.

- A. Identification, name plate, business, and advertising signs.
- B. Informational and directional, political campaign, and public signs.

- C. Institutional, governmental, real estate, individual property sale, or rental signs.
- D. Signs located inside an enclosed building and visible through a window.
- E. Advertising signs located on the common stock of common carriers or on motor vehicles bearing current license plates which are traveling or lawfully parked upon public rights-of-way.
- F. Construction signs (temporary).

Subd. 7. Signs Limited to Central Business (C-B), Highway Commercial (H-C), and Light Industrial (L-I) Districts. The following signs are permitted:

- A. All on-premise signs shall not exceed thirty-two (32) square feet in size. All on-premise signs exceeding thirty-two (32) square feet shall be reviewed by the City Council and approved by the City Council.

Subd. 8. Signs Limited to Highway Commercial (H-C) and Light Industrial (L-I) Districts. The following signs are permitted:

- A. All off-premise signs shall not exceed two hundred (200) square feet in size and shall not be located closer than 500 feet to another off-premise sign.

Subd. 9. Political, Campaign and Holiday Signs. Political and holiday signs shall be permitted for a period of not more than thirty (30) days before and seven (7) days after an election or holiday. All candidates must within seven (7) days after said election have their political signs removed.

Subd. 10. Construction Signs. Construction signs shall not be erected before issuance of a building permit or remain more than 30 days after project completion.

Subd. 11. Temporary Signs. Banners, pennants, and temporary signs may be used for grand openings, special events and holidays, for a period of up to 30 days. Temporary signs to be installed for a period longer than 30 days shall require the approval of the City Council.

Subd. 12. Illuminated Signs. External illumination for signs in all districts shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property.

Subd. 13. Signs Projecting Over Public Property. It is unlawful to erect or maintain any sign on, over, above any public right-of-way if any part of such sign extends more than six (6) feet over such right-of-way, and is less than eight (8) feet above ground level. Canopies and marquees shall be considered an integral part of the structure to which they are attached. This section does not apply to signs posted by duly constituted public authorities in the performance of their public duties. No signs shall project or extend over the traveled portion of a road right-of-way.

Subd. 14. Consent of Owner. It is unlawful to erect or maintain any sign on any property, public or private, without the written consent of the property owner thereof.

Subd. 15. Nonconforming Signs. Signs which do not conform to the provisions of this section or

do not conform with any other provision of this ordinance applicable thereto shall be a nonconforming use and structure subject to the provisions of this ordinance.

- Subd. 16. Design and Construction.** Any sign now or hereafter existing which no longer advertises or identifies a bona fide business conducted, or a service rendered, or a product sold, shall be taken down and removed by the owner, agent, or other person having the beneficial use of the building or structure upon which the sign may be found, within ten (10) days after written notice from the City Council. All signs shall be maintained so as not to be unsightly to adjoining areas or create hazards to the public health, safety or general welfare. The term unsightly shall mean a condition where the sign has deteriorated to the point that one-fourth (1/4) or more of the surface of the name, identification, description or other symbol is no longer clearly recognizable to the human eye at a distance of forty (40) feet. In the case of painted signs, unsightly shall mean that the paint is peeling away from the structure surface or is faded so that it is not clearly recognizable to the human eye at a distance of forty (40) feet. All signs, together with their supports, braces, guys, anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. The City Council may order the removal of any sign that is not properly maintained.

SECTION 14 – 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 necessary and consistent with the establishment of these districts that nonconforming buildings, structures, and uses will 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 shall not be enlarged, but may be continued at the size and in the manner of operation existing upon such date except as hereinafter specified or subsequently amended.

Subd. 3. Nothing in this ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the building inspector.

Subd. 4. No nonconforming building, structure, and use shall be moved to another lot or to any other part of the parcel, or lot 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 damaged to the extent of more than fifty (50) percent of its fair market value, said value to be determined by the City Assessor, and a building permit has not been applied for, for a period of 180 days, the building and the land on which such building was located or maintained shall, from and after the date of said damage, be subject to 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 fifty (50) 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 Assessor.

Subd. 8. Whenever a lawful nonconforming use of a structure or land is discontinued for a period of one year, 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 when they will improve the livability thereof, provided they will not 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 15 – ADMINISTRATION AND ENFORCEMENT

Subd. 1. Administrating Officer. This ordinance shall be administered and enforced by the Zoning Administrator who shall be appointed by the City Council.

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

- A. The Building Inspector shall verify to the Zoning Administrator that all land use permits comply with the terms of this ordinance.
- B. The Zoning Administrator shall maintain permanent and current records of this ordinance, including but not limited to, all maps, amendments, conditional uses, variances, appeals and applications thereof.
- C. The Zoning Administrator shall receive, file and forward all applications for appeal, variances, conditional uses, amendments, and other matters to the designated bodies.
- D. The Zoning Administrator shall institute in the name of the City, any appropriate actions or proceedings against a violator as provided by law.

Subd. 3. Building Permit Required.

- A. From and after the effective date of this ordinance, it shall be unlawful to proceed with the construction or demolition of any structure or use any lot or parcel without first obtaining a building permit.
- B. Request for a building permit shall be filed with the Building Inspector on an official application form.
- C. The Building Inspector shall issue the building permit only when the structure or use is in compliance with this ordinance.

Subd. 4. Fees.

- A. To defray administrative costs of processing requests for land use permits, conditional use 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.
- B. Fees shall be payable at the time of applications are filed with the Zoning Administrator and are not refundable unless the application is withdrawn prior to referral to the City Council.

SECTION 16 – AMENDMENTS AND CONDITIONAL USE PERMITS**Subd. 1. Procedure.**

- A. Requests for amendments or conditional use permits, as provided within this ordinance, shall be filed with the Zoning Administrator on an official application form. Such application shall also be accompanied by complimentary copies of detailed written and graphic materials fully explaining the proposed change, development, or use. The Zoning Administrator shall refer said application, along with all related information, to the City Council for consideration and report at least fifteen (15) days before the next regular meeting.
- B. The Zoning Administrator on behalf of the City Council shall set a date for a public hearing. No zoning ordinance or amendment thereto shall be adopted until a public hearing has been held thereon by the City Council. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the city at least ten (10) days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed at least ten (10) days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates. For the purpose of giving mailed notice, the Zoning Administrator may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.
- C. The City Council shall consider the request and hold a public hearing at its next regular meeting unless the filing date falls within fifteen (15) days of said meeting, in which case the request would be placed on the agenda and considered at the next regular meeting. The Zoning Administrator shall refer said application, along with all related information, to the City Council for consideration. The applicant or a representative thereof shall appear before the City Council in order to answer questions concerning the proposed amendment or conditional use.
- D. The City Council shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this ordinance.
- E. Within sixty (60) days from the date of the public hearing, the City Council shall make a finding of fact relating to the request. The City Council shall consider possible adverse affects of the proposed amendment or conditional use. Its judgment shall be based on (but not limited to) the following general factors:
 1. Relationship to the City's Comprehensive Plan
 2. The geographical area involved.
 3. Whether such use will tend to or actually depreciate the area in

- which it is proposed.
4. The character of the surrounding area.
 5. The demonstrated need for such use.
- F. Upon making its finding of fact and within sixty (60) of receiving a complete application, the City Council shall either:
1. Approve or disapprove the request based upon whether the application meets the requirements stated in the Ordinance.
 2. Approve or disapprove the request with modifications, alterations, or different conditions. Such modifications, alterations or differing conditions shall be in writing and made part of the Council's records.
 3. Approval of a conditional use or an amendment request shall require passage by a two-thirds (2/3) vote of the full City Council. The Zoning Administrator shall notify the applicant of the Council's action in writing within 60 days of the receipt of the completed application.
- H. The decision of the City Council shall be final subject to judicial review.

Subd. 2. Conditional Uses.

- A. In considering conditional use requests, the City Council shall evaluate the use, utilizing from the requirements "1" through "12" below, those which are specific to the designated uses as indicated in "B", below.
1. The land area and setback requirements of the property containing such a use or activity shall be the minimum established for the district.
 2. When abutting a residential district, the property shall be screened and landscaped.
 3. Where applicable, all City, County, State, and Federal laws, regulations and ordinances shall be complied with and all necessary permits secured.
 4. All signs shall not adversely impact adjoining or surrounding residential uses.
 5. Adequate off-street parking and loading shall be provided. Such parking and loading areas shall be screened and landscaped from abutting residential uses.
 6. The street serving the use or activity is of sufficient design to accommodate the proposed use or activity, and such use or activity shall not generate such additional extra traffic to create a nuisance or hazard to existing traffic or to surrounding land uses.
 7. All access streets, driveways, parking areas, and outside storage, service, or sales areas shall be surfaced or grassed to control dust and drainage.
 8. All open and outdoor storage, sales and service areas shall be screened from view from abutting residential uses or districts.
 9. All lighting shall be designed as to have no direct source of light visible from adjacent residential areas or from the public streets.
 10. The use or activity shall be properly drained to control surface water

runoff.

11. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence.
 12. Where structures combine residential and non-residential uses, such uses shall be separated and provided with individual outside access, and the uses shall not conflict in any manner.
- B. All conditions pertaining to a specific site are subject to change when the City Council , upon investigation, finds that the community safety, health, welfare and public betterment can be served as well or better by modifying the conditions.
- C. Whenever within one (1) year after granting a conditional use permit, the work permitted by the permit shall not have been completed, then such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original conditional use permit, There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. Such petition shall be presented to the City Council for a decision and shall be requested only one time on a singular action.

Subd. 3. Amendments. The City Council may, upon their own motion, initiate a request to amend the text or district boundaries of this ordinance. Any person owning real estate within the City may initiate a request to amend the district boundaries or text of this ordinance so as to affect the said real state.

SECTION 17 – VARIANCES AND APPEALS

Subd. 1. Board of Adjustment and Appeals. The City Council shall act as the Board of Adjustment and Appeals and shall have the following powers:


- A. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this ordinance.
- B. To hear requests for variances from the literal provisions of this ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

Subd. 2. Procedures.

- A. Requests for variances or appeals shall be filed with the Zoning Administrator on an official application form. Such application shall be accompanied by a fee as set annually within the City's fee schedule. This fee shall not be refunded. Such application shall also be accompanied by complimentary copies of detail written or graphic materials fully explaining the proposed request. The Zoning Administrator shall refer said application, along with all related information to the City Council, acting as the Board of Appeals, for consideration and report at least fifteen (15) days before the next regular meeting of the City Council.
- B. The City Council, acting in its role as the Board of Adjustment and Appeals, shall consider the request at its next regular meeting unless the filing date falls within fifteen (15) days of said meeting, and in which case the request would be placed on the agenda and considered at the regular meeting following the next regular meeting. The Zoning Administrator shall refer said application, along with all related information to the City Council for consideration. The applicant or a representative thereof shall appear before the City Council in order to answer questions concerning the proposed variance or appeal.
- C. The City Council and the Zoning Administrator shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this ordinance.
- D. Within sixty (60) days from the date of receiving a complete application, the City Council shall make a finding of fact which shall be entered in and made a part of the written record of the Board of Adjustment and Appeals' meeting.
 1. In considering requests for variances, the City Council acting as the Board of Adjustment and Appeals shall make a finding of fact as to whether the request meets all of the following cases:
 - a. The proposed action will be in keeping with the spirit and intent of the comprehensive plan and zoning ordinance.
 - b. The property in question cannot be put to a reasonable use if used under conditions allowed by this ordinance.

- c. The plight of the landowner is due to circumstances unique to his property and not created by the landowner.
 - d. The variance, if granted, will not alter the essential character of the locality or adversely impact the environment.
 - e. The variance requested would not be detrimental to adjacent property.
 - f. Access to direct sunlight in cases of solar energy systems shall also constitute grounds for granting a variance.
2. If the variance request meets all of the conditions of items (a) through (e) above, the variance may be granted. Economic considerations alone shall not constitute an undue hardship if reasonable use of the property exists under the terms of the Ordinance. The Board of Adjustment and Appeals may not permit as a variance any use which is not permitted within the zone that the property is located.
- E. Within sixty (60) days of receiving a complete application, the City Council, acting as the Board of Adjustment and Appeals, shall either:
1. Approve or disapprove the request, or
 2. Approve or disapprove the request with modifications, alterations, or differing conditions.
 3. Approval of variances or appeals shall require passage by two-thirds (2/3) vote of the full City Council. The Zoning Administrator shall notify the applicant of the City Council's action within 60 days of receiving a complete application.
- G. Lapse of Variance or Appeal. Whenever within one (1) year after granting a variance or appeal, the work as permitted by the variance or appeal shall not have been completed, then such variance or appeal shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original variance or appeal. There shall be no charge for the filing of such petition. The request for extension shall state the facts showing a good faith attempt to complete the work permitted in the variance or appeal. Such petition shall be presented to the City Council for a decision, and shall be requested only one time on a singular action.

APPROVED:



Mayor

ATTEST:



City Clerk

Adopted: Monday, August 13, 2007
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