

ORDINANCE 153

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF BIRD ISLAND, MINNESOTA AND PROVIDING FOR THE ADMINISTRATOR, ENFORCEMENT AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 462.351 TO 462.364, MINNESOTA STATUTES, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH

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

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

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

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

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

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

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

ARTICLE I

ZONING DISTRICTS AND OFFICIAL ZONING MAP

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

- A. AG District – Agricultural District

- B. R District – Residential District
- C. B-1 District – Central Business District
- D. B-2 District – Highway Commercial District
- E. M District – Manufacturing District

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

“This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance adopted on this 21st of December, 1982.”

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

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

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

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

- A. Boundaries indicated as approximately following the center lines of streets, highways, alleys or other public right-of-ways shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines.
- D. Boundaries indicated as approximately following city limits shall be construed as following such city limits.

- E. Boundaries indicated as following railroad lines shall be construed to be midway between the main set of tracks at the center line of a single set of tracks.
- F. Boundaries indicated as approximately following the center line of ditches or other bodies of water shall be construed as following such center lines.
- G. Boundaries indicated as parallel to or extensions of features indicated in subsections A-E above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- H. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections A-G above, the Board of Adjustment shall interpret the district boundaries.
- I. Where a district boundary line divides a lot which was in a single ownership at the time of passage of this Ordinance, the Planning Commission may permit as a special consideration, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

SECTION 1.04. PROPERTY NOT INCLUDED – ANNEXATIONS. In every case where property has not been specifically included within a district, the same is hereby declared to be in the AG District. Territory annexed to or consolidated with the city subsequent to the effective date of such annexation or consolidation becomes a part of the AG District. Such districting shall be temporary and the City Council shall recommend to the City Council within a period of one (1) year from such date of annexation or consolidation proposed mission from recommending such final Zoning Map changes at the time of annexation or consolidation.

ARTICLE II

GENERAL REGULATIONS

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

SECTION 2.01. BUILDING ACCESS. Every building erected, moved or structurally altered, shall be on a lot or parcel having a frontage on a public street or road. All structures shall be located on lots so as to provide required off-street parking and the safe and convenient access for fire protection.

SECTION 2.02. BUILDING AREA. Decks, outside stairways, fire escapes, porches, platforms, balconies and other similar and attached projections shall be considered as part of the building and not allowed as part of the required space for yards, courts or unoccupied space. This provision shall not apply to:

- A. One (1) fireplace or one (1) chimney not more that eight (8) feet in length and projecting not more that thirty (30) inches into the allowable yard space.
- B. Cornices not exceeding sixteen (16) inches in width.
- C. Platforms, terraces, steps below the first floor level.

SECTION 2.03. BUILDINGS UNDER CONSTRUCTION. Any building or structure for which a building permit has been issued and the construction of the whole or a part of which has been started prior to the effective date of this Ordinance may be completed and used in accordance with the plans and application on which said building permit was granted.

SECTION 2.04. DUMPING AND DISPOSAL OF EXCAVATED MATERIALS. The dumping of dirt, rock or other earthen material is permitted in any district not part of a drainage channel provided the surface of such material is graded within a reasonable period of time in a manner preventing the collection of stagnant water and that the ground surface is left in a condition suitable for growing of turf or for other land uses permitted in the district. This shall not prevent the development of the property for its best when adequate facilities are provided to maintain the primary purpose of the drainage way or flood plain, i.e., the uninterrupted flow of surface water.

SECTION 2.05. FRONT YARD EXCEPTIONS. When the majority of residential or commercial buildings have been built in a block at a time before the adoption of this Ordinance, no building or structure hereafter erected or altered shall project beyond the average setback line established by existing structures, provided no building will be required to set back more than forty-five (45) feet.

SECTION 2.06. HEIGHT REQUIREMENTS. The building height limitations of this Ordinance shall be modified as follows:

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

SECTION 2.07. HOME OCCUPATIONS. In any district where home occupations are authorized, the following regulations governing said home occupations shall be complied with as follows:

- A. No such home occupation shall require substantial interior or exterior alterations of the dwelling which would vary the residential character of the building.
- B. Said use shall not create odor, noise, electrical disturbances, glare or vibrations noticeable outside of the building which could render said building or premise objectionable or detrimental to the residential character of the neighborhood.
- C. There shall be no outside storage of material or equipment or display of merchandise.
- D. The occupation is to be conducted solely by the permanent occupants of the dwelling in which it is located except the one (1) accessory person necessary to the occupation may be employed.
- E. The need for any additional parking generated by the conduct of the home occupation shall be met by off-street parking areas.

SECTION 2.08. LOT AREA REQUIREMENT. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum required by this Ordinance, nor shall the number or area of dwelling units be increased in any manner except in conformity with the area regulations described herein. No part of a yard or other open space, or off-street parking or loading space provided about any building, structure or use for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard, open space or off-street parking or loading space required under this Ordinance for another building, structure or use.

SECTION 2.09. LOT, CORNER. Corner lots shall maintain a yard on both streets conforming to the requirements for front yards on those streets.

SECTION 2.10. LOT, DOUBLE FRONTAGE. Double frontage lots shall maintain a yard on both streets conforming to the requirements of front yards on those streets.

SECTION 2.11. LOT OF RECORD. A parcel legally created and existing at the time of the passage of this Ordinance need not conform to the lot width of lot area requirements of the district in which it is located subject to all other provisions of this Ordinance.

SECTION 2.12. LOADING SPACE. In any district in connection with every building, structure or part thereof erected and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring receipt or distribution by vehicles, materials or merchandise, there shall be provided and maintained on the same lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets or alleys. Such space shall be sufficient for the proposed use as determined by the City Council. Such space may occupy all or any part of any required yard or open space except where adjoining a residential district; it shall be set back so as to allow sufficient and effective screen-plantings.

SECTION 2.13. MINIMUM REQUIREMENTS. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

SECTION 2.14. OFF-STREET PARKING. In all districts and in connection with all uses there shall be provided at the time any use or building is erected, enlarged, expanded or increased, off-street parking spaces for vehicles of employees, residents and/or patrons in accordance with the following requirements. (For the purposes of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three (3) or more automobiles shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any automobile may be parked and unparked without moving another. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case and in accordance with all ordinances and regulations of the city.) Second floor apartments in B-1 Districts shall be provided adequate parking.

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

patients or tenants including areas occupied for fixtures and equipment used for display or sale of merchandise.

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

| <u>USE</u> | <u>REQUIRED PARKING SPACE</u> |
|--|---|
| Single-family dwellings | Two (2) spaces per dwelling |
| Multi-family dwellings | One & one-half (1 ½) spaces per dwelling unit |
| Hotels, motels, boarding and rooming houses | One (1) space for each guest plus one (1) space for owner and/or for each employee on duty at any one time |
| Rest & nursing homes | One (1) space for each four (4) beds plus one (1) space for each two (2) employees |
| Bowling alleys | Five (5) spaces per bowling lane |
| Banks, clinics, businesses, professional Offices | Three (3) spaces plus one (1) additional governmental & space for every four hundred (400) square feet in excess of one thousand (1000) square feet of gross floor area |

| | |
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| Restaurants, bars, places of entertainment | One (1) space for each one hundred (10 square feet of 0) floor area plus one (1) space for each two (2) employees |
| Churches, Theaters, Auditoriums Community centers or places of Public assembly | One (1) space for each four (4) seats in the main assembly area |
| Furniture & appliance stores, | One (1) space for each five hundred (500) personal service shops square feet of floor area |
| Service garages, automobile repair | One (1) space for each two (2) of the salesrooms, automobile maximum number of employees on duty at body shops any one time plus one (1) space for each of the maximum number of salesmen on duty at any one time plus one (1) space each for the owner and/or manager on duty at any one time plus two (2) spaces for each stall in a body shop plus one (1) space for each stall or service area or wash rack in a servicing or repair shop |
| Industrial establishments | Provide about each establishment an including manufacturing improved area which shall be sufficient in research & testing labs, size to provide adequate facilities for the creameries, bottling works, parking of automobiles and other motor printing and engraving shops, vehicles used by the firm or employees or warehousing & storage buildings persons doing business therein. Such space shall not be less than one (1) space for each three (3) employees computed on the basis of the greatest number of persons to be employed during one (1) period during the day or night. |

SECTION 2.15. PRINCIPAL STRUCTURES. In any district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

SECTION 2.16. SEWER & WATER PROVISIONS.

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

SECTION 2.17. VISABILITY AT INTERSECTIONS. On a corner lot in any district except the (B-1) Central Business District, no fence, wall, hedge, tree or other planting or structure that will obstruct vision above a height of forty-two (42) inches in height above the centerline grade of the intersecting streets shall not be erected, placed or maintained within the triangular area bounded by the lot lines and a line connecting points on each lot line forty (40) feet from the intersection of such lot lines.

ARTICLE III

NONCONFORMING STRUCTURES, USES AND LOTS

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

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

If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance.

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

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

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

- A. No such structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

- B. Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its current appraised value, exclusive of the foundation, it shall not be reconstructed except in conformity with the provisions of this Ordinance. If less than sixty (60) percent damaged, exclusive of the foundation, it may be restored, reconstructed or used as before, provided that it is done within twelve (12) months of such happening and that it be built of like or similar materials, or the architectural design and building materials are approved by the City Council.
- C. If the nonconforming structure is moved to another lot, it shall thereafter conform to the regulations for the district to which it is moved.

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

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any part of a building which was originally arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy and land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure and/or premises in combination may be changed to another nonconforming use provided that the City Council, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the City Council may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.
- D. Any structure or structures and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall conform to the regulations for the district in which such structure is located and the nonconforming use may not be resumed.
- E. When a nonconforming use of a structure or structure and premises in combination is discontinued for twelve (12) months, the structure and/or structure and premises shall not be used except in conformity with the regulations of the district in which it is located.
- F. Where nonconforming use status applies to a structure and premises in combination, removal of destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage of any kind of more than sixty (60) percent, exclusively of the foundation, of its appraised value at the time of destruction.

SECTION 3.06. USES UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES. Any use for which a special exception or conditional use is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district. This statement does not apply to changes as allowed by City Council action from nonconforming use to another use not generally permitted in the district (Section 3.05 (c)).

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

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

ARTICLE IV

ADMINISTRATION

SECTION 4.01. ZONING ADMINISTRATOR DUTIES. The City Council shall appoint a Zoning Administrator. It shall be the duty of the Zoning Administrator to :

- A. Administer the requirements of this Ordinance for zoning permits and issue or deny each application in accordance with the provisions of this Ordinance.
- B. Conduct inspections of buildings and the use of land to determine compliance with the terms of this Ordinance.
- C. Receive, file and forward all applications and maintain records.

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

- A. Document the violation in writing, with photographs, historical records and dates of information.
- B. Notify in writing the person responsible for such violations indicating the nature of the violation and outlining action necessary to correct it.
- C. Order the discontinuance of illegal use of land, buildings or structures.
- D. Order the removal of illegal buildings or structures or of illegal additions, alterations or structural changes.
- E. Order discontinuance of any illegal work being done.
- F. Take any other action authorized by this Ordinance to ensure compliance with or to prevent violations of its provisions.

SECTION 4.02. CITY COUNCIL POWERS AND DUTIES.

- A. It is the intent of this Ordinance that the duties of the City Council shall include the following:
 - 1. Review formulation and adoption of this Ordinance and applicable maps as empowered by Minn. Statutes 1974, 462.357, Subdivision 2 as amended.

2. Appoint members to and delegate certain powers and duties to the City Council, Board of Adjustment & Zoning Administrator for the purpose of implementing and enforcing the requirements of this Ordinance in a fair, conscientious and intelligent manner.
3. Review all applications for changes and amendments and make disposition of applications as provided in this Ordinance.
4. Review all applications for conditional use permits, hear and make disposition of applications as provided in this Ordinance.
5. Review all applications for variance permits, hear and make disposition of applications as provided in this Ordinance.
6. Establish a schedule of fees and charges as relating to this Ordinance.

B. It is further the intent of this Ordinance that the duties of the City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise.

SECTION 4.03. DECISIONS. All actions and recommendations of the City Council pertaining to this Ordinance shall require the vote of a majority of the members of the entire Council.

SECTION 4.04. FEES. The City Council shall establish a schedule of fees, charges and expenses and a collection procedure for zoning permits, appeals, amendments, special exceptions, conditional uses, variances and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the City Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE V

ZONING PERMITS

SECTION 5.01. ZONING PERMITS REQUIRED. No building or structure shall be erected, reconstructed, moved or structurally altered to increase the exterior dimensions, height or floor area; or remodel to increase the number of dwellings or accommodate a change in use of the building and/or premises or part thereof without a zoning permit to be issued by the authorized official.

SECTION 5.02. ZONING PERMIT APPLICATIONS. All applications for zoning permits shall be accompanied by the appropriate site plans and shall be made in duplicate on forms furnished by the Zoning Administrator and shall include the following where applicable.

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

- E. Additional information as may be required by the City Council, Zoning Administrator or other city official.
- F. Site Plan.

SECTION 5.03. APPROVAL OR DENIAL OF ZONING PERMIT. Upon approval or denial, the Zoning Administrator shall attest to same by his signature on the zoning permit. If the zoning permit is approved, one (1) copy shall be returned to the applicant and one (1) copy shall be retained by the Zoning Administrator. If the zoning permit is denied, the Zoning Administrator shall, in addition to the above, notify the applicant with a memorandum stating the reason for denial of the zoning permit.

SECTION 5.04. CONSTRUCTION & USE TO BE SAME AS APPLICATION & PLANS. Zoning permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only that use, arrangement and construction set forth in such approved site plan and applications and for no other use, arrangement or construction. Any use, arrangement and construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided herein.

ARTICLE VI

CHANGES & AMENDMENTS, VARIANCES & CONDITIONAL USE PERMITS

SECTION 6.01. PROCEDURE.

A. Application

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

B. Application Processing

1. Upon receipt of the application by the Zoning Administrator, a copy of the completed application and attachments shall be forwarded immediately to the City Council.
2. The City Council shall set the date for a public hearing for its next regular meeting and instruct the Zoning Administrator to give notice of time, place and purpose of the public hearing in the following manner:

- a. Notify by mail all property owners within three hundred and fifty (350) feet of the property at least ten (10) days prior to the date of the public hearing.
 - b. Give public notice in a newspaper of general circulation in the city at least ten (10) days prior to public hearing
 - c. Notify the appropriate Township Board of Supervisors, County Planning Commission and other agencies as instructed or deemed necessary.
3. The City Council or delegation thereof shall view the developing being considered for a conditional use permit

C. Public Hearings

1. The mayor shall conduct the public hearing.
2. The applicant and/or his representative shall appear before this City Council and answer any questions relative to the proposed permit.
3. Any person with legitimate interest in the application may present his or her views to the City Council either verbally or in writing.
4. An accurate record of all testimony shall be kept by the Zoning Administrator. This record shall include the names of all persons who participated in the meeting.

D. Decision

1. Upon completion of the public hearing the City Council shall place the consideration of the application on the agenda for its next regular meeting.
2. The City Council shall make a decision on the application within forty-five (45) days after the regular Council meeting following the public hearing.
3. The concurring vote of a majority of the full Council membership shall be necessary for the approval or denial of an application.
4. Decisions of the City Council shall immediately be filed and recorded with the City Clerk's office. Copies shall be sent to the applicant and/or his representative.
 - a. The Council shall detail its reasons for denial or approval
 - b. Upon approval of an application, the Council may impose any additional special conditions if considered necessary to protect the public health, safety and welfare.
5. The application if granted, shall also be recorded with the County Recorder and necessary map and/or ordinance changes shall be made.
6. If the application is denied by the City Council, a period of not less than one (1) year is required between presentation of the same petitions for a change or amendment applying to a specific piece of property unless there has been a substantial change of facts.
7. A conditional use or variance permit shall become void one (1) year from the date of issuance if significant construction has not been undertaken or completed.

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

ARTICLE VII

VIOLATION, PENALTIES, CLAIMS, CONFLICTS OF LAW & SEVERABILITY

SECTION 7.01. COMPLIANCE REQUIRED. It shall be the duty of all architects, contractors, subcontractors, builders and other persons having charge of the erecting, altering, changing or remodeling of any building or structure including tents and trailer coaches before beginning or undertaking any such work to see that such work does not conflict with and is not a violation of the terms of this Ordinance. Any such architect, builder, contractor or other person doing or performing any such work of erecting, repairing, altering, changing or remodeling and in violation of, or in conflict with the terms of this Ordinance, shall be deemed guilty of a violation hereof in the manner and to the same extent as the owner of the premises or the person or persons for whom such buildings are erected, repaired, altered, changed or remodeled in violation hereof and shall be held accountable for such violation.

SECTION 7.02. VIOLATIONS. Any building or structure being erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or site hereafter erected or maintained, or land use made or permitted in violation of this Ordinance, is hereby declared unlawful. In the event of violation or threatened violation of this Ordinance or other official control adopted under Minn. Statutes 394.21 to 394.37, in addition to other remedies, the City Council or any member thereof may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation or threatened violations and it is the duty of the City Attorney to institute such actions.

SECTION 7.03. PENALTIES. Any person, firm, corporation or entity who violates any of the provisions of this Ordinance or any order of the Zoning Administrator issued in accordance with this Ordinance, shall be guilty of a misdemeanor and upon conviction be punished by a fine of not more than three hundred dollars (\$300) or sentenced to imprisonment for a specified term not more than ninety (90) days for each offense, or both, plus the costs of prosecution in either case. Each day that a violation is committed, or permitted to exist, shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Ordinance, and the city may pursue, by appropriate actions or proceedings, any or all additional remedies.

SECTION 7.04. RELIEF FROM PERSONAL RESPONSIBILITY. Any claim based upon an act or omission of an officer or employee exercising due care in the execution of any valid or invalid portions of this Ordinance and any claim based upon the performance of the failure to exercise or perform a discretionary function or duty whether or not the discretion is abused, are hereby enumerated as exceptions to Minn. Statutes 1967, section 466.02 and said section does not apply. The city shall defend, save harmless and indemnify any of its officers or employees whether elective or appointed, against any tort claim or demand whether groundless or otherwise arising out of the alleged act or omission occurring in the performance of duty in the enforcement and administration of this Zoning Ordinance except as provided in Minn. Statutes 1967, Section 466.07.

SECTION 7.05. CONFLICT OF LAW. Whenever any provision of this Ordinance establishing higher standards than are imposed or required by existing provision of the laws of the St. of Minn. or any ordinance of regulation of the City, the provisions of this Ordinance shall apply. Where the provision of state law or other city regulations or ordinances set higher standards than those of this Ordinance, the provisions of said laws and regulations shall apply.

SECTION 7.06. SEVERABILITY. This Ordinance and the various articles, sections, paragraphs, sentences and clauses herein are hereby declared to be severable. Should any of the contents or provisions of this Ordinance be declared by the courts to be unconstitutional or invalid, the decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than that part declared to be unconstitutional or invalid.

ARTICLE VIII

SITE PLAN

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

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

SECTION 8.02. SITE PLAN REQUIRED. All planned buildings and/or structures or uses of land unless exempted whether they be new, substantially changed, converted or reconstructed, must secure approval of a site plan from the City Council. No building permit shall be issued prior to approval of the site plan. A site plan shall contain the following information as is pertinent to the proposed use of the land.

- A. Name and address of the developer and property owner.
- B. Zoning classification of the land and names of adjoining land owners and zoning classification of adjacent lands.
- C. Proposed buildings and/or land use.
- D. Area of land in square feet.
- E. Survey and engineering information including distances with angles, bearings, lengths and legal description of property involved shall be shown on drawings at a scale not to exceed one (1) inch equaling fifty (50) feet and including the following information.
 - 1. Proposed buildings with location dimensions, building area and height.
 - 2. Distance on all sides between buildings and property lines and between buildings.
 - 3. Location, dimensions and area of existing buildings not to be razed.
 - 4. Location and use of all buildings on adjacent lands that are within fifty (50) feet of the property line in question.
 - 5. Drainage design for roof areas, parking lots and driveways showing area for or method of disposal of surface run-off waters.
 - 6. Existing and proposed street curb radii and curb cut width.
 - 7. Limits and location of proposed or existing streets, cart ways, curbs, sidewalks, easements and right-of-ways.
 - 8. Location, size and elevation of proposed or existing sanitary sewerage facilities, storm sewers, catch basins and drywells.

SECTION 8.03. DESIGN STANDARDS. The following general principals of design shall be incorporated into the site plan and approved by the City Council.

- A. Landscaping

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

B. Light glare from vehicles.

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

C. Surface water, sewage disposal and erosion control

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

SECTION 8.04. PROCEDURE.

- A. At least two (2) copies of the site plan shall be filed with the application and the City Council shall submit copies to reviewing agencies and request written comment on the proposal if applicable.
- B. The City Council shall review the plan and recommend modification if necessary with forty-five (45) days from the time it is filed and shall cause its written approval of disapproval to be filed with the Zoning Administrator and/or the Building Inspector within five (5) days thereafter.

SECTION 8.05. COMPLIANCE REQUIRED.

- A. It shall be the duty of the Zoning Administrator to ensure that the approved site plan is followed by the owner and/or developer.
- B. No departure from the approved site plan shall be permitted without the express written permission of the City Council.

- C. The land area of a site developed pursuant to an approved site plan shall not thereafter be reduced in size, and no substantial change shall be made in the site plan of structures thereon without the express written permission of the City Council. The procedure for review and approval or disapproval shall be the same as for the initial application.
- D. The City Council may grant a variance from the provisions of this article only where special conditions pertaining to a specific piece of property or when a literal enforcement of the provisions or requirements of this article will result in particular difficulty or hardship or serve no useful purpose, provided the spirit of the article is upheld in representing the best interests of the public health, safety and welfare and all other provisions of this Ordinance are adhered to.

ARTICLE IX

AG AGRICULTURAL DISTRICTS

SECTION 9.01. USES PERMITTED.

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

SECTION 9.02. USES REQUIRING CONDITIONAL USE PERMIT. The following uses may be permitted upon approval of the City Council.

- A. Livestock facilities.
- B. Office of a veterinary and animal clinic.
- C. Public utility buildings such as substations, transformer stations and regulator stations without service or storage yards.
- D. One (1) temporary building for the sale of the produce of any of the above uses located not less than twenty (20) feet from the street or highway right-of-way line and provided that space for patron parking twenty (20) feet from said street or highway right-of-way line is provided.
- E. Parks, campgrounds, gun clubs, golf courses, golf driving ranges, race tracks, historical sights, museums and related commercial uses.
- F. Cemeteries.
- G. Commercial radio and television towers and transmitters.

- H. Accessory buildings and structures and uses customarily incidental to any of the above listed uses when located on the same property.

SECTION 9.03. EXCEPTIONS. General farming uses and accessory buildings shall be exempt from all other provisions of this Ordinance provided they comply with setback and yard requirements.

SECTION 9.04. BUILDING HEIGHT. No residential buildings hereafter erected or altered shall exceed thirty-five (35) feet or two and one-half (2 ½) stories in height.

SECTION 9.05. LOT AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall apply:

| Lot Area | Side Yards | Building Setback Line | Rear Yards |
|----------|------------|--------------------------|------------|
| 1 Acre | 25' each | 25' | 50' |

ARTICLE X

RESIDENTIAL DISTRICTS

SECTION 10.01. USES PERMITTED.

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

SECTION 10.02. USES REQUIRING CONDITIONAL USE PERMIT. The following uses may be permitted upon approval of the City Council.

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

SECTION 10.03. BUILDING HEIGHT. No residential building hereafter erected or altered shall exceed thirty-five (35) feet or two and one-half (2 ½) stories in height.

SECTION 10.04. CORNER LOT, SPECIAL REQUIREMENTS. On any corner lot or lot fronting on more than one (1) street, no building or structure shall be placed or erected closer than fifteen (15) feet to any property line abutting and paralleling a street.

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

SECTION 10.05. MAXIMUM LOT COVERAGE. Lot coverage shall not exceed twenty-five (25) percent.

SECTION 10.06. LOT AREA, FRONTAGE AND YARD REGULATIONS. The following minimum requirements shall apply.

| USE | LOT AREA SQ. FEET | BUILDING LINE WIDTH * | BUILDING SETBACK LINE | SIDE YARD | REAR YARD |
|---------------------|----------------------|-----------------------------|--------------------------|--------------|--------------|
| <u>Dwellings</u> | | | | | |
| <u>One Family</u> | | | | | |
| 10,000 | | 75' | 15' | 10' | 10' |
| <u>Two Family</u> | | | | | |
| 14,000 | | 85' | 15' | 10' | 10' |
| <u>Three Family</u> | | | | | |
| 16,000 | | 85' | 15' | 10' | 10' |
| <u>Other Uses</u> | | | | | |
| 12 units/acre | | 100' | 15' | 12' | 12' |

* building line

ARTICLE XI

B-1 CENTRAL BUSINESS DISTRICTS

SECTION 11.01. USES PERMITTED.

- A. Business services including banks, offices and postal stations.
- B. Clothing services including dry cleaning and laundry establishments, laundromats and shoe repair shops.
- C. Equipment services including radio and television shops, electrical appliance shops, showroom of a plumber, decorator or similar trade.
- D. Food services including grocery stores, meat markets, restaurants and bakeries whose products are sold on the premises.
- E. Personal services including barber and beauty shops, reducing salons photographic shops and funeral homes.

- F. Services including drugstores, hardware stores, bookstores, apparel shops and flower shops.
- G. Medical services.
- H. Any similar commercial establishment or professional service or commercial service not specifically stated or implied elsewhere in this article.
- I. Residence when included on second floor of the principal building. Off-street parking is required.
- J. Buildings and uses customarily incidental to any of the uses listed in this section when located on the same property and which will not be detrimental either by reason of odor, smoke, noise, dust or vibration to the surrounding neighborhood.

SECTION 11.02. COMMERCIAL RESTRICTIONS. The uses permitted shall be subject to the following conditions:

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

SECTION 11.03. USES REQUIRING CONDITIONAL USE PERMITS. The following uses may be permitted upon approval of the City Council:

- A. Automobile service including but not limited to auto equipment sales, car wash service, new and used car sales lot, trailer sales areas, gasoline service stations and auto repair garages.
- B. Recreation services including theatres, bowling alleys, pool and billiard rooms.
- C. Hotels, private clubs and lodges, wholesale establishments, taverns, night clubs, on-off liquor stores.
- D. Drive-in restaurants, drive-in bank and other drive-in services.
- E. Multi-family dwellings.

SECTION 11.04. BUILDING HEIGHT. No building or structure hereafter erected or altered shall exceed thirty-five (35) feet in height or two and one-half (2 ½) stories.

SECTION 11.05. LOT AREA, LOT FRONTAGE, LOT COVERAGE, YARD SIZE AND LOADING SPACE. For allowed uses in B-1 Districts, there will be no requirements for lot area, frontage, lot coverage, yard sizes or loading space. For uses requiring special exception permits, lot area, frontage, lot coverage, yard size and loading space shall be specified by the City Council.

ARTICLE XII

B-2 HIGHWAY COMMERCIAL DISTRICTS

SECTION 12.01. USES PERMITTED.

- A. Automobile service including auto equipment sales, car wash service, new and used car sales lots and trailer sales areas, gasoline service stations, auto repair garages and farm implement dealers.
- B. Business services including banks and offices
- C. Clothing services including dry cleaning and laundry establishments, laundromats and shoe repair shops.
- D. Equipment services including radio and television shops, electrical appliance shops, showroom of a plumber, decorator or similar trade.
- E. Medical services including clinics and animal clinics.
- F. Food services including grocery stores and restaurants.
- G. Recreation services including theaters, bowling alleys, pool and billiard rooms, dance halls and roller and ice skating rinks and miniature golf courses.
- H. Motels, private clubs and lodges, wholesale establishments, taverns, night clubs and on and off sale liquor stores.
- I. Any similar commercial establishment or professional service or commercial service not specifically stated or implied elsewhere in this article.
- J. Drive-in restaurants, drive-in banks and drive-in services or businesses not herein strictly prohibited.
- K. Open air display area for the sale of manufactured products such as garden furniture, hardware items and nursery stock, or rental of manufactured products or equipment such as household equipment or small tools.
- L. Buildings used for research and testing laboratories, storage buildings, and distributing stations.
- M. Buildings and uses customarily necessary to any of the above permitted uses but which will be detrimental either by reason of odor, smoke, noise, dust or vibration to the surrounding neighborhood.

SECTION 12.02. USES REQUIRING CONDITIONAL USE PERMITS. The following may be permitted upon approval of the City Council.

- A. Recreational camping areas.
- B. Truck or bus terminals
- C. Multifamily residential
- D. Building materials storage yards, lumberyards
- E. Light manufacture, compounding, treatment or assembly of articles or merchandise previously manufactured elsewhere.

F. Light manufacturing, compounding or treatment of such products as bakery goods, candy, cosmetics, dairy products, food products, drugs, perfumes, pharmaceuticals, soap (cold mix only) and toiletries.

SECTION 12.03. BUILDING HEIGHT. No building or structure hereafter erected or altered shall exceed thirty-five (35) feet or two and one-half (2 1/2) stories in height.

SECTION 12.04. LOT AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall apply:

| LOT AREA SQ. FEET | FRONT YARD WIDTH | BUILDING SETBACK LINE | *SIDE YARD | | REAR YARD** |
|----------------------|------------------------|-----------------------------|----------------|-----|----------------|
| | | | LEAST WIDTH | SUM | |
| 12,000 | 100' | 45' | 5' | 20' | 30' |

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

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

ARTICLE XIII

M-1 INDUSTRIAL DISTRICTS

SECTION 13.01. USES PERMITTED.

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

SECTION 13.02. USES PROHIBITED.

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

SECTION 13.03. USES REQUIRING CONDITIONAL USE PERMITS. The following uses may be permitted upon approval of the City Council.

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

SECTION 13.04. STORAGE OF MATERIALS FOR CONDITIONAL USES. Requirements for the storage of materials shall be as follows:

- A. The open storage of lumber, coal or other combustible material shall not be less than twenty-five (25) feet from an interior lot line.
- B. Open storage of junk, wrecked vehicles to be dismantled and other waste products shall be enclosed by an eight (8) foot solid masonry wall, metal fence or chain link fence in addition to the required greenbelt.
- C. Waste materials incidental to the principal operation shall be kept in neatly stored containers screened from public view and shall be removed and emptied periodically so no wastes shall be piled on open ground.

SECTION 13.05. BUILDING HEIGHT. No building or structure hereafter erected or altered shall exceed forty (40) feet in height provided, however, such height may be increased by one (1) foot for each five (5) feet by which the building is set back in excess of one hundred (100) feet from all property lines.

SECTION 13.06. LOT COVERAGE. No building or structure shall occupy more than seventy-five (75) percent of total land area.

SECTION 13.07. LOT AREA, FRONTAGE AND YARD REQUIREMENTS FOR PERMITTED USES.

| LOT AREA SQ. FEET | FRONT YARD WIDTH | BUILDING SETBACK LINE | SIDE YARD * | REAR YARD ** |
|----------------------|------------------------|-----------------------------|-------------------|--------------------|
| 20,000 | 100' | 45' | 20' | 30' |

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

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

ARTICLE XIV

DEFINITIONS

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

SECTION 14.01. BUILDABLE AREA. The part of the lot not included within the open areas required by this Ordinance.

SECTION 14.02. BUILDING HEIGHT. The vertical distance measured from the average ground level adjoining the building to the highest point of the roof surface if a flat roof, to the deck line of mansard roofs and to mean height level between eaves and ridge of gable, hip and gambrel roofs.

SECTION 14.03. BUILDING LINE WIDTH. The width of a lot parallel to the street at the building setback line.

SECTION 14.04. BUILDING PRINCIPAL. A building or structure in which is conducted the main or principal use of the lot on which said building or structure is situated.

SECTION 14.05. BUILDING SETBACK LINE. The front line of the building or the legally established line which determines the location of the building with respect to the street line.

SECTION 14.06. CONDITIONAL USE. A use which is permitted in the M-1 District only when authorized by the City Council.

SECTION 14.07. DISTRICT, ZONING. Any section of the incorporated area of the city within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

SECTION 14.08. ESSENTIAL SERVICES. The phrase "essential services" means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or

overhead gas, electrical, communication, steam or water transmissions or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare.

SECTION 14.09. LOT. A lot is a piece of parcel of land occupied or to be occupied by a building, structure, or use, by other activity permitted thereon and including the open spaces required under this Ordinance. A lot need not be a lot of existing record.

SECTION 14.10. LOT, CORNER. A corner lot is a lot of which at least two (2) adjacent sides abut for their full length upon a street.

SECTION 14.11. LOT, COVERAGE. The part or percentage of the lot occupied by buildings or structures, including accessory buildings or structures.

SECTION 14.12. LOT, DOUBLE FRONTAGE. A double frontage lot is a lot which extends from one street to another street.

SECTION 14.13. LOT, INTERIOR. An interior lot is a lot other than a corner lot.

SECTION 14.14. LOT LINE, FRONT. Any lot line abutting a street shall be considered a front lot line.

SECTION 14.15. LOTE LINE, REAR. The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line, not less than ten (10) feet long, lying most distantly from the front lot line and wholly within the lot. With the exception of a double frontage lot, every lot shall have a rear lot line.

SECTION 14.16. LOT LINE, SIDE. A side lot line is any lot line not a front or rear lot line.

SECTION 14.17. VARIANCE. The waiving of the strict application of the requirements of this Ordinance by the City Council.

SECTION 14.18. YARD. A space not occupied by a building or buildings, open to the sky and on the same lot as the principal building.

SECTION 14.19. YARD, FRONT. A yard extending across the full width of the lot and lying between the front lot line and a line at a distance therefrom as specified by the regulations.