

Chapter 10 – Zoning

Section 1000
INTRODUCTORY PROVISIONS

1000.01 Intent and Purpose

This Chapter is adopted for the purpose of:

1. Protecting the public health, safety, morals, comfort, convenience and general welfare.
2. Promoting orderly development of the residential, commercial, industrial, recreational and public areas.
3. Providing adequate light, air and convenience of access of property.
4. Providing for the compatibility of different land uses and the most appropriate use of land throughout the city.
5. Preventing overcrowding of land and undue concentration of structures by regulating the use of land and buildings and the bulk of buildings in relation to the land and buildings surrounding them.

1000.02 Title

This Chapter shall be known, cited and referred to as the New Richland Planning and Zoning Ordinance except as referred to herein, where it shall be known as “this Ordinance” or “this Chapter.”

1000.03 Definitions

For the purpose of these regulations, the following terms, phrases, words and their definitions shall have the meaning given in this section. Words used in the present tense shall include the future tense; words in the singular number shall include the plural and words in the plural shall include the singular.

1. **Accessory building or structure.** *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 and is not authorized nor used for living or sleeping by human occupants.*
2. **Accessory use of accessory structure.** A use or structure related but subordinate to the main use of the property and located on the same lot as the main use. Including but not limited to garages, sheds, fences and parking lots.

3. **Alley.** An area defined on the plat which is a service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.
4. **Apartment.** A room or suite of rooms designed for, intended for, or used as a residence for one family or individual and equipped with cooking facilities.
5. **Auto Repair Shops.** A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, painting, and body work.
6. **Automobile Sales.** A business engaged in the display, sale, lease, and service of titled new, used or repairable motor vehicles.
7. **Auto Salvage Yard (Junk Yard).** An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rages, rubber, tires and bottles, not including recycling centers or collection points. An auto salvage yard includes an area where three (3) or more unlicensed, untitled or inoperable vehicles or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sales as scrap, storage or abandonment.
8. **Auto Service Station.** Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting and body fender work is conducted.
9. **Bar or tavern.** A building or part thereof where, in consideration of payment therefore, liquor, beer, or wine or any combination thereof are served for consumption on the premises, with or without food.
10. **Bufferyard.** A landscaped area intended to separate and partially obstruct the view between two adjacent land uses or properties.
11. **Church.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
12. **Clinic.** A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.
13. **Cul-de-sac.** A local street, one end of which is closed and consists of a circular turn around.

14. **Day Care Facility.** *An agency, institution, or licensed individual offering or supplying group care to five or more children who have not the same parentage, for a portion or all of a day and on a regular schedule more often than once a week.*
15. **Dwelling.** A structure built and designed for human occupancy. This includes manufactured homes and underground homes as well as conventionally built structures.
16. **Dwelling, multi-family.** A dwelling or portion thereof, designed for occupancy by three or more families living independently of each other.
17. **Dwelling, single-family.** A detached dwelling containing one (1) dwelling unit and designed for occupancy by one (1) family only.
18. **Dwelling, two-family.** A detached dwelling containing two (2) dwelling units and designed for occupancy by two (2) families.
19. **Dwelling unit.** One or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.
20. **Earth sheltered.** A building constructed so that more than fifty percent (50%) of the exterior surface area of the building, excluding garages or other accessory buildings, is covered with earth and the building code standards are satisfied. Partially completed buildings shall not be considered earth sheltered.
21. **Family.** An individual or two or more persons living together as one house-keeping unit using one kitchen and providing meals or lodging to not more than six (6) unrelated persons living together as one housekeeping unit using one kitchen.
Note: Limits on the number of unrelated number of people living in a house is subject to challenge if not based on a minimum square footage basis. Further, in order to avoid conflicts with State laws on residential care facilities, the limit should be six (6) instead of five (5).
22. **Farming.** The cultivating or pasturing of a parcel of land and the raising of domestic livestock or fowl for commercial purposes. It can include retail sale of goods produced on the premises. For example, plant nurseries and vegetable stands could qualify but not if they sell shipped in goods.
23. **Fast Food & Drive In Establishments.** *An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service; or prepared, fried or griddled quickly or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table and food is generally served in disposable wrapping or containers.*
24. **Feedlot.** A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a

confinement area in which manure may accumulate or where the concentration of animals is such that a vegetable cover cannot be maintained within the enclosure. For purposes of these rules, open lots used for the feeding and rearing of poultry shall be considered to be animal feedlots.

25. **Governing Body.** *New Richland City Council.*
26. **Height of building.** The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the center height between the highest and lowest points of other types of roofs.
27. **Home occupation.** Any gainful occupation or profession engaged in by the occupant of a dwelling and carried on by members of a family residing therein, and the use of which is clearly incidental to the use of the structure as a dwelling. A maximum two (2) square foot sign stating the name and address of the home occupation shall be the only indication that the structure is used for other than residential use, to be placed on owner's property and visible from the street.
28. **Junk Yard.** *See auto salvage yard*
29. **Landscaping.** Planting such as trees, grass and shrubs, and use of decorative stones on lawn area.
30. **Laundromat.** A building or structure where coin operated laundry machines, using only water, detergents and additives, area made available to the public for the purpose of laundry cleaning.
31. **Lot.** A parcel or tract of land.
32. **Lot area.** The total horizontal area within the lot lines of a lot exclusive of streets and easements of access to other property.
33. **Lot, corner.** A lot abutting on two or more streets other than an alley, at their intersection.
34. **Lot line.** The property line bounding a lot.
35. **Lot line, front.** The lot line separating the lot from all streets other than the alley. In the case of a ~~corner lot~~ or a through lot, each street has a front lot line.
36. **Lot line, rear.** The lot line which is opposite and most distance from the front lot line. In the case of an irregular, triangular or other shaped lot, a line 10 feet in length within the lot paralleled to and at a maximum distance from the front lot line.
37. **Lot line, side.** Any lot line not a front or rear lot line.

38. **Lot width.** The average horizontal distance between the side lot lines, ordinarily measured paralleled to the front lot line.
39. **Manufactured home (see also Mobile Home).** Single family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974, and shall include structures known as manufactured homes or mobile homes.
40. **Manufactured home park.** *A parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes.*
41. **Mobile home.** A transportable, factory built home designed to be used as a year 'round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.
42. **Nonconforming building or use.** A lawful existing structure or use at the time this Ordinance or any amendment thereto becomes effective that does not conform to the requirements of the zone in which it is located.
43. **Nonconforming Lot.** A lot which lawfully existed prior to the adoption, revision or amendment of the City's zoning ordinance, but which fails by reason of such adoption, revision or amendment to conform to the newly adopted district standards in which it is located.
44. **Nuisance.** Any condition existing that is or may become injurious or dangerous to health or that prevents or hinders or may prevent or hinder in any manner the suppression of a disease.
45. **Official Map.** *The map established by the governing body, in accordance with the Municipal Planning Act (M.S. 462.359, or as amended), showing streets, highways, parks and drainage, zoning districts, both existing and proposed.*
46. **Person.** Any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executor or other legal representatives of a person to whom the context can apply according to law.
47. **Placarding.** Placing on a structure or filing an official notice with inhabitants to vacate a structure determined to be in violation of this ordinance's minimum housing code.
48. **Planning Commission.** The Planning Commission of New Richland
49. **Planned Unit Development.** A residential development where dwelling units are grouped into clusters, allowing an appreciable amount of land for open space in accordance with a prearranged site plan and where the common open space is owned by the homeowners and usually maintained by a homeowners association.

50. **Public Official.** An individual designated by the City Council or authorized by the City Mayor or Clerk/Treasurer to conduct property inspections specified in Section 1030.11.
51. **Restaurant.** A building where food and beverages are offered for sale to the public for consumption at tables or counters either inside or outside the building on the lot. As an accessory use, take out service of food and beverages for off site consumption may be provided.
52. **Retail Store.** A building where goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail, including storage of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such store.
53. **School.** A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.
54. **Screening.** *A continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting, that would effectively screen the property which it encloses, and is broken only by access drives and walks.*
55. **Sign.** *Any letters, figures, design, symbol, trademark, architectural or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever and painted, printed, or constructed and displayed in any manner whatsoever for recognized advertising purposes.*
56. **Site Plan.** *A scale drawing showing the relationship between the lot lines and their uses, buildings or structures, existing or proposed on a lot, including such details as parking areas, access points, landscaped areas, building areas, setbacks from lot lines, building heights, floor areas, densities, utility lines, or a special or particular use.*
57. **Street.** A public right-of-way for vehicular and pedestrian traffic.
58. **Structure.** Something constructed or built or a piece of work artificially built up or composed of parts joined together in some definite manner.
59. **Structural alteration.** A change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders or any structural change in the roof or in the exterior walls.
60. **Subdivision.** The division of land into *two or more lots either by plat, registered land survey or metes and bounds description.*

61. **Use.** The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.
62. **Variance.** *A modification or variation of the provisions of this ordinance where it is determined that by reason of special and unusual circumstances relating to a specific lot, the strict application of the ordinance's provisions would cause an undue or unnecessary hardship or that strict conformity with the provisions of this ordinance would be unreasonable, impractical or unfeasible. "Undue hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.*
63. **Yard.** An open space on a lot that is unobstructed from the ground upward except as otherwise provided in this ordinance.
64. **Yard, front.** A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building or other structure. A parcel can have more than one front yard according to the definitions here.
65. **Yard, rear.** A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building or other structure.
66. **Yard, side.** A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building or other structure.

1000.04 Interpretation

In their interpretation and application, the provision of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

1000.05 Compatibility with other Regulations

Where the conditions of this Ordinance are comparable with conditions imposed by any other federal, state or county law, ordinance, statute or regulation, the regulations that are more restrictive shall prevail.

1000.06 Conformance

No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered nor shall any building or land be used except for the purpose permitted in the district in which the building or land is located.

1000.07 Maintenance of Minimum Requirements

No lot area, yard or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this Ordinance, and no lot area, yard or other open space which is required by this Ordinance for one use shall be used as the required lot area, yard or other open space for another use.

1000.08 Platting Requirements

No building permit will be issued for any land parcel subdivided after the effective date of this Ordinance that has not been officially platted in accordance with state law and recorded in the county recorder's office, with the following exceptions:

1. Parcels that are five (5) acres or larger with no public road or right-of-way, involved. Simple splitting of a previously platted parcel where all of the residential parcels meet minimum lot size requirements for the zoning district.

1000.09 Separability

It is hereby declared to be the intention that provisions of this Ordinance are separable in accordance with the following:

1. *If any court of competent jurisdiction shall judge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.*
2. *If any court of competent jurisdiction shall judge invalid the application of any provision of this Ordinance to a particular property, building or structure, such judgment shall not affect other property, buildings, or structures.*

1000.10 Uses Not Provided for Within Zoning Districts (Prohibited Uses)

Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such cases, the City Council, Planning Commission, or property owner may request a study by the City to determine if the use is acceptable and, if so, what zoning would be most appropriate and the determination as to conditions and standards relating to development of the use. The City of New Richland Planning Commission, upon receipt of the staff study may initiate an amendment to the Zoning Ordinance to provide for the particular use under

consideration or may find that the use is not compatible for development within the district or the city.

Section 1010
ESTABLISHMENT OF ZONES

1010.01 Classification of Zones

The land areas of the city have been divided into zoning districts that vary in their regulation of land uses. Land use activities must conform to the specific zone regulations of the zoning district as well as the pertinent overall regulations found in other portions of this Ordinance. All annexed land hereafter is to be ~~annexed and classified at the same time~~ *considered zoned in the same manner as the contiguous territory inside the previous City limits until otherwise classified and indicated as such on the Zoning Map*. For the purpose of this Ordinance, the following zones are hereby established:

R1	-	General Residential
R2	-	Multi-family Residential
R3	-	<i>High Density Manufactured Housing</i>
C1	-	<i>Downtown Commercial</i>
C2	-	<i>Neighborhood Commercial</i>
C3	-	<i>Highway Commercial</i>
I	-	Industrial
A	-	Agricultural

1010.02 Location of Zones

The boundaries for the zones listed in this Ordinance are indicated on the Zoning Map which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

1010.03 Zoning Map

The zoning map or zoning map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the Zoning Administrator.

1010.04 Zone Boundaries

Unless otherwise specified, zone boundaries are section lines; subdivision lines, lot lines, center line of street or railroad rights-of-way or such lines extended.

1010.05 R1 - General Residential Zone

Subd. 1 Purpose. The "R1" district is intended to be comprised basically of present and future low density housing, augmented with compatible medium density housing and appropriate miscellaneous uses. These additional uses are conditional and are to be further regulated by applying conditional use standards.

Subd. 2 Permitted Uses

- A. One and two family dwellings which meet the following design criteria for dwellings:
 - 1. All dwellings shall be constructed *or placed* upon a permanent foundation which is located along the entire length of all exterior walls of the dwelling and is approved by the Uniform Building Code;
 - 2. All dwellings shall have a pitched roof, no less than a 12 x 4 pitch, and covered with shingles, tiles, or a standing seam metal roofing system and have eaves of not less than six (6") inches.

- B. One and two family dwellings for the following uses:
 - 1. A state licensed residential facility or as housing with services accommodating up to six (6) or fewer persons, both of which must be licensed and registered as specified under Minnesota Statutes chapter 144D, or as amended and;
 - 2. A licensed day care facility for up to 12 or fewer persons and licensed under Minnesota Rules, chapter 9502, or as amended.

- C. Accessory buildings or structures, but subject to the following standards:
 - 1. No accessory structure, including garages, shall be constructed prior to or in lieu of the principal building; and
 - 2. No accessory structure may be used for human habitation.

Subd. 3 Conditional Uses

- A. Multiple family dwellings up to eight (8) units
- B. Community/governmental buildings
- C. Schools
- D. Churches
- E. Clinics, sanitariums, nursing homes
- F. Planned unit developments
- G. Utility structures
- H. Recreation facilities
- I. State licensed residential facilities serving ~~up~~ *from seven (7)* to sixteen (16) mentally or physically challenged persons, *and licensed and registered as specified under Minnesota Statutes chapter 144D, or as amended or; a state*

licensed day care facility serving from thirteen (13) to sixteen (16) children, as regulated under Minnesota Rules, chapter 9502, or as amended, and conforming to additional criteria specified in section 1030.14.

J. Home Occupation, subject to criteria specified in section 1030.13.

Subd. 4 "R1" District Standards

- A. Front yard - minimum of twenty (20) feet
- B. Side and rear yards - minimum of six (6) feet
- C. Lot area - minimum of 7,500 square feet plus 2,000 more for each dwelling unit over one (1)
- D. Lot width - minimum of 75 feet
- E. Lot depth - minimum of 100 feet
- F. Dwelling height - maximum of 35 feet
- G. Dwelling width - minimum of 24 feet
- H. Street frontage - minimum of 25 feet on a street other than an alley
- I. *In the case of a corner lot, a front yard and a side yard will be established by the developer, in consultation with City Staff. In the case of proposed improvements for an existing use, the front yard is the yard which the Post Office recognizes as the delivery point to the home or use.*
- J. *In the case of a through lot, a front yard and back yard will be established by the developer, in consultation with City Staff. In the case of proposed improvements for an existing use, the front yard is the yard which the Post Office recognizes as the delivery point to the home or use. The opposite side will then be treated as the back or rear yard.*
- K. *Garages and Storage Buildings - Any garage or storage building built in a residential area shall be so constructed with a maximum of sixteen (16) feet over all height when measured from the top of the finished floor, and have no less than a 12X4 pitch roof.*
- L. *No more than 40% of a lot shall be covered by buildings.*

1010.06 R2 - Multifamily Residential Zone

Subd. 1 Purpose. The "R2" district is created in order to preserve some land that can be developed to serve the city's multi-family needs without creating incompatible situations. To protect this goal, permitted uses are few and conditional uses should be weighed in view of their impact with future multi-family development. The land use plan also shows potential area that could be rezoned to R2 if conditions are found favorable.

Subd. 2 Permitted Uses

- A. *One and Two family dwellings;*
- B. *Multi-family housing up to four (4) units;*
- C. *State licensed residential facilities serving up to sixteen (16) mentally or physically challenged persons, and licensed and registered as specified under Minnesota Statutes chapter 144D, or as amended or; a state licensed day care facility serving up to sixteen (16) children, as regulated under Minnesota Rules, chapter 9502, or as amended,*
- D. *Accessory ~~uses~~-buildings or structures, but subject to the following standards:*
 - 1. *No accessory structure, including garages, shall be constructed prior to or in lieu of the principal building; and*
 - 2. *No accessory structure may be used for human habitation.*

Subd. 3 Conditional Uses

- A. *Multi-family housing over four (4) units*
- B. *Professional offices and low intensity service operations, such as a lawyer's office, accountant's office, or similar professional service and involving no more than the service professional and one assistant*
- C. *Recreation facilities*
- D. *Planned unit development, and subject to the design criteria in section 1030.18.*
- E. *Utility structures*
- F. *Nursing homes*
- G. *Community and governmental buildings*

Subd. 4 "R2" District Standards

- A. *Front yard - minimum of thirty (30) feet*

- B. Side and rear yards - minimum of ten (10) feet except where a multi-family dwelling of three (3) units or more abuts to R1 zone, in which case the minimum will be thirty (30) feet
- C. Lot area minimum of 7,500 sq. ft. plus 2,000 more for each dwelling unit over one (1)
- D. Lot width minimum of 75 feet
- E. Lot depth minimum of 100 feet
- F. Dwelling height - maximum of 35 feet
- G. Dwelling width - minimum of 24 feet
- H. Street frontage - minimum of 25 feet on a street other than an alley
- I. Parking - minimum of 1 ½ off street parking stalls per dwelling unit for a multi-family over 2 units
- J. Screening - garbage pickup areas and other unsightly service features shall be screened
- K. *In the case of a corner lot, a front yard and a side yard will be established by the developer, in consultation with City Staff. In the case of proposed improvements for an existing use, the front yard is the yard which the Post Office recognizes as the delivery point to the home or use.*
- L. *In the case of a through lot, a front yard and back yard will be established by the developer, in consultation with City Staff. In the case of proposed improvements for an existing use, the front yard is the yard which the Post Office recognizes as the delivery point to the home or use. The opposite side will then be treated as the back or rear yard.*
- M. *Garages and Storage Buildings - Any garage or storage building built in a residential area shall be so constructed with a maximum of sixteen (16) feet over all height when measured from the top of the finished floor, and have no less than a 12X4 pitch roof.*
- N. *No more than 40% of a lot shall be covered by buildings.*

1010.07 R3 High Density Manufactured Housing District

Subd. 1 Purpose. *The "R3" zone establishes minimum development standards for manufactured housing developments.*

Subd. 2 Permitted Uses

- A. *Manufactured housing park, subject to design standards specified in section 1030.10.*
- B. *Manufactured homes*
- C. *Manufactured Housing Park Management Office or Sales Office*

- D. *Accessory uses such as a swimming pool, sports courts, playgrounds, or recreational areas*

- E. *Accessory buildings or structures such as maintenance or storage buildings, laundry facilities, game room, or storm shelter, but subject to the following standards:*
 - 1. *No accessory structure, including garages, shall be constructed prior to or in lieu of the principal building; and*
 - 2. *No accessory structure may be used for human habitation.*

Subd. 3 Conditional Uses

- A. *Clubhouses associated with permitted uses*
- B. *Public service facilities, such as water towers or fire stations, for example*

Subd. 4 "R3" District Standards

- A. *An approved site plan is required prior to rezoning approval (see section 1030.10, "A" for site plan contents)*
- B. *Minimum development site area - 5 acres*
- C. *Maximum development density - 7 dwelling units per acre*
- D. *Front yard - minimum of twenty (20) feet*
- E. *Side yards - minimum of ten (10) feet for manufactured homes, seven (7) feet for accessory structures*
- F. *Rear yard - minimum of ten (10) feet for manufactured homes, five (5) feet for accessory structures*
- G. *Lot area minimum of 4,000 sq. ft.*
- H. *Lot width minimum of 45 feet*
- I. *Lot depth minimum of 80 feet*
- J. *Dwelling height - maximum of 35 feet*
- K. *Parking - minimum of two (2) off street parking stalls per dwelling unit*

1010.08 C1 - Downtown Commercial District

Subd. 1 Purpose. The "C1" zone is the downtown area that has traditionally served as the commercial core of the city. There is a mixture of retail businesses, eating and drinking

establishments, offices and other uses. Businesses are pedestrian oriented with buildings close together and little off street parking.

Subd. 2 Permitted Uses

- A. Retail businesses - stores and shops
- B. Repair and maintenance services *of household appliances, including computers, audio equipment, televisions, washers & dryers, dishwashers, air conditioners, vacuum cleaners, and other similar household items*
- C. Offices and professional services *such as lawyers, accountants, banks and other financial services, medical or dental clinic, employment services, barber and beauty shops, newspaper publishers or copy shops, or other similar services*
- D. *Restaurants, bars*
- E. Amusement establishments *such as a bowling alley, video arcade, pool hall*
- F. Accessory *buildings or structures that are clearly incidental and subordinate to the principal use*
- G. Community/governmental buildings and public parks
- H. *Laundromat, drop off dry cleaning establishment*
- I. *Residential dwelling units above the ground floor.*

Subd. 3 Conditional Uses

- A. Fast food and drive-in establishments
- B. Convenience stores
- C. Automobile and implement sales
- D. Lumber yards and warehousing
- E. *Private or commercial utility structures*
- F. *Residential dwelling on the ground level in the rear of the building if there is commercial space reserved equal to the lesser of 30 feet or 30% of the depth of the building in the front of the building with out regard to square footage.*

Subd. 4 "C1" District Standards

- A. Because of the nature of the C1 Zone, there are no lot size or setback requirements except where the zone abuts a residential zone in which case the following standards apply:
1. Side and rear yards - thirty (30) feet
 2. Outside storage shall be fenced
 3. Off street parking shall not be required

1010.09 C2 Neighborhood Commercial District

Subd. 1 Purpose. *The "C2" zone is a commercial district located along inner city streets but not along major highway routes. There is a mixture of retail or service businesses with mostly on street parking, due to the width of the public street serving the area..*

Subd. 2 Permitted Uses

- A. *Uses permitted in the C1 District*
- B. *Laundromat, drop off dry cleaning establishment*
- C. *Seed sales*

Subd. 3 Conditional Uses

- A. *Automobile and implement parts sales*
- B. *Auto Service stations and auto repair shops (subject to section 1030.16 standards)*
- C. *Private or commercial utility structures*

Subd. 4 "C2" District Standards

- A. *Because the C2 Zone is located along wide public streets with adequate parking on both sides and it has historically been developed in a highly dense development pattern, there are no lot size or setback requirements except where the zone abuts a residential zone in which case the following standards apply:*
1. *Side yards - ten (10) feet*

2. *Rear yards - thirty (30) feet*
3. *Outside storage shall be fenced*
4. *Off street parking shall not be required*

1010.10 C3 Highway Commercial District

Subd. 1 Purpose. The "C3" zone is designed for commercial uses that generally locate along highways. The zone is characterized by large lots, on-site parking and deeper setbacks. Businesses are automobile rather than pedestrian oriented.

Subd. 2 Permitted Uses

- A. Any use permitted in the C1 *or* C2 zones
- B. *Restaurants and bars*
- C. *Auto Service* stations
- D. Convenience stores
- E. Implement and farm service stores
- F. Automobile sales and service

Subd. 3 Conditional Uses

- A. Fast food and drive-in establishments
- B. Lumber yards and warehousing
- C. Motels
- D. *Auto repair shops*
- E. Elevators

Subd. 4 "C3" District Standards

- A. Front yard - minimum fifty (50) feet
- B. Side and rear yards - twenty (20) feet minimum except where commercial abuts a residential zone in which case the minimum is thirty (30) feet
- C. Lot area a minimum of 20,000 square feet
- D. Lot width a minimum of 100 feet
- E. Outside storage - these areas shall be fenced and shall relate to an ongoing commercial activity
- F. Parking - there shall be sufficient off-street parking to accommodate traffic generated by the business

1010.11 I - Industrial Zone

Subd. 1 Purpose. The "I" zone is meant to allow for continuance and expansion of the existing industrial uses and to provide regulations for planned industrial land in the event that it becomes annexed to the city.

Subd. 2 Permitted Uses

- A. Light manufacturing (i.e. low potential for noise, odor, waste or pollution problems and low transportation and other service requirements)
- B. Warehousing and wholesale merchandising
- C. Automobile, truck and farm machinery repair garages, excluding salvage yards
- D. Truck terminals and construction equipment storage yards
- E. Industrial offices
- F. Accessory uses

Subd. 3 Conditional Uses

- A. Heavy manufacturing (potential for noise, odor, waste or pollution problems or high transportation and other service requirement needs);
- B. Utility structures;
- C. Junk yards, auto reduction yards and open storage yards;

Subd. 4 "I" District Standards

- A. Front yard - minimum thirty (30) feet
- B. Side and rear yards - ten (10) feet minimum except where industrial abuts a residential zone, in which case the minimum will be 50 feet
- C. Outside storage - these areas shall be fenced and shall relate to an ongoing industrial activity
- D. Parking - minimum of sufficient off-street parking to accommodate normal traffic generated by the business

1010.12 A - Agricultural Zone

Subd. 1 Purpose. The "A" zone is needed in order to protect the farm industry as a long-term use in those incorporated areas that are furthest from urban growth and associated services. This also promotes new urban growth to occur closer to services in an efficient manner.

Subd. 2 Permitted Uses. For the purpose of these regulations, agriculture shall be considered to mean the growing of soil crops.

- A. Raising of field and truck crops only
- B. Forest land
- C. Adult Entertainment Establishments

Section 1020
GENERAL EXCEPTIONS

1020.01 Dimensional Regulations

The district regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.

1. Chimneys, church steeples, towers, aeriols, flagpoles and similar objects not used for human occupancy are not subject to the building height limitations of this Ordinance.
2. If there are buildings on abutting lots and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.
3. An open unenclosed porch or paved terrace no higher than twelve (12) inches above ground level may project into a front yard for a distance not exceeding ten (10) feet. An unenclosed vestibule containing not more than 40 square feet may project into a front yard for a distance not to exceed four (4) feet.

1020.02 Nonconforming Uses and Structures

Where, at the time of adoption of this Ordinance, lawful uses of land or structures exist that would not be permitted by the regulations imposed by this Ordinance, the uses may be continued so long as they conform to the following requirements:

1. A nonconforming use of structure may be continued but may not be altered or extended. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of this Ordinance is not an enlargement or expansion of a nonconforming use. A nonconforming structure which conforms with respect to use may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this Ordinance.
2. If a nonconforming use is discontinued for a period of one (1) year, further use of the property shall conform to the requirements of this Ordinance.

3. If a nonconforming use is replaced by another use, the new use shall conform to this Ordinance.

4. Substandard Structures. All dimensionally substandard structures that need replacing due to destruction or obsolescence shall be allowed to be replaced, restored or rebuilt as necessary to remain the same as they exist on the date of the enactment of this Ordinance, but any change beyond the established structural dimensions of each substandard structure shall be in compliance with the setback requirements of this Ordinance.

5. Any 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 or amendment thereof, if continued to completion within one (1) year, shall thereafter be a legally existing nonconforming structure

6. Normal maintenance of a building or other structure containing or related to a lawful nonconforming use and incidental alterations that do not extend or intensify the nonconforming use.

7. Lots of records that are nonconforming in an area can be built on with proper variances but all such lots that are contiguous and with a common owner at the time of the adoption of this Ordinance shall be combined to create buildable lots of proper size in order to receive a building permit.

Section 1030
PERFORMANCE STANDARDS

1030.01 Compliance Required

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions that could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements.

1030.02 Fire Hazards

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

1030.03 Sewage Facilities

All sanitary sewage facilities shall be connected to community sewer facilities if available. Where sewers are not constructed or in operation, all sewage facilities shall be connected to approved septic tanks and disposal fields in conformance with Minnesota *Rules, chapter 7080, or as amended*, for on-site sewage systems. No tiles, sump pumps, roof gutters or other storm water collection device shall be connected to the community sanitary sewage facilities.

1030.04 Noise

Any use established shall be so operated that no undue or objectionable noise, as measured at any property line, shall exceed the minimum standards established by the State of Minnesota, Regulations NPC 1, 2 and 4. This shall not apply to incidental traffic, parking, loading, construction or maintenance operations.

1030.05 Vibration

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property. The standard shall not apply to vibrations created during the process of construction.

1030.06 Air Pollution

No pollution of air by fly-ash, dust, vapors, odors, smoke or other substances shall be permitted that are harmful to health, animals, vegetation or other property, or which can cause excessive soiling. For the purpose of this Ordinance, the regulations and standards adopted by the Minnesota Pollution Control Agency shall apply.

1030.07 Refuse

All waste material, debris, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

1030.08 Radioactivity or Electrical Disturbance

No activity shall emit dangerous radioactivity at any point or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

1030.09 Signs

The following regulations shall apply to all signs and all use districts:

1. Only official identification, directional or traffic control signs shall be allowed within the public right-of-way.
2. No sign shall be permanent on rocks, trees or on any public utility pole.
3. Any advertising sign which is not kept in a reasonable state of repair shall be removed by the city after notice to the owner of the sign or billboard and like notice to the property owner and hearing thereon.
4. No sign shall be permitted which gives off an intermittent or rotating beam of light.
5. Signs advertising the sale, lease or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than eight (8) sq. ft.
6. Political signs are allowed in any district on private property with the consent of the owner of the property. Such signs must be removed within ten (10) days following the date of the election to which they applied.
7. Non-commercial signs of any size may be posted from August 1 in a state general election year until ten (10) days following the state general election.

1030.10 Manufactured Housing Park Design Standards

- A. *Site Plan Content Requirements. The developer of a manufactured housing park shall submit five (5) copies of a site plan for the development prior to receiving rezoning approval from the City for the development site. The site plan shall be at a scale of no less than 1" = 100'. The plan shall contain the following information:*
 1. *The location of adjacent streets and all private rights-of-way existing and proposed within 200' of the development site;*

2. *A legal survey;*
 3. *The boundaries and dimensions of the development site area;*
 4. *The location, dimensions, and number of each manufactured home space;*
 5. *The scale and north point of the plan;*
 6. *The location and dimensions of each existing or proposed structure, together with the usage and approximate location of all entrances, height, and gross floor area;*
 7. *The location and width of accessways and walkways;*
 8. *The location, arrangement, and proposed improvements of all off-street parking and loading facilities, open space, landscaping, fences and walls, and garbage receptacles;*
 9. *The location of lighting fixtures for grounds illumination;*
 10. *The location of recreation areas, buildings, and areas of recreation space in square feet;*
 11. *The point where the manufactured home water and sewer system connects to the public system;*
 12. *The location of available fire hydrants; and*
 13. *An enlarged site plan of a typical manufactured home site showing location of a typical foundation footprint, parking areas, sidewalk, utility connections, and landscaping.*
- B. Construction and Installation Standards.** *All manufactured homes within a park shall be subject to the plumbing, electrical and mechanical standards as prescribed by the State of Minnesota and the U.S. Department of Housing and Urban Development or any revisions thereto and shall be certified to these standards by a seal affixed to the manufactured home. Such homes shall also be placed upon a properly engineered foundation system that, at the minimum, meets the manufacturer's installation requirements or to any applicable state or local regulations, such as the Uniform Building Code.*
- C. Performance Standards for Manufactured Home Parks.**
1. *Utilities.* *All manufactured homes shall be properly connected to the city water system and sanitary sewer system. 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. Plans for the disposal of surface storm water shall be approved by the City Engineer.*
 2. *Overload Parking.* *Each manufactured home park shall maintain a hard surfaced off-street overload parking lot for guests of occupants in the amount of one (1) space for each five (5) sites and located within three hundred (300) feet of the unit to be served.*

3. *Access. No manufactured home space shall have direct vehicular access to a public street (no direct access onto an external street) outside the development. Each manufactured home space shall have direct vehicular access to an internal development street.*
4. *Bufferyard. A minimum thirty (30') foot bufferyard shall be established around the perimeter of the each manufactured housing park. The bufferyard shall be a properly landscaped area and shall be adequately maintained around the development.*
5. *Every structure in the manufactured home park shall be developed and maintained in a safe, approved and substantial manner. The exterior of every 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.*
6. *Skirting. Each manufactured home shall have skirting installed in accordance with the following requirements:*
 - a. *Skirting shall be of noncombustible material or material that will not support combustion. Skirting material shall be durable and suitable for exterior exposures;*
 - b. *Any wood framing used to support the skirting shall be of approved moisture-resistant, treated wood;*
 - c. *The skirting shall be vented in accordance with state requirements;*
 - d. *Skirting manufactured specifically for this purpose shall be installed in accordance with the manufacturer's specifications;*
 - e. *Skirting shall be installed no later than 60 days after the set up of the home; and*
 - f. *Skirting shall be properly maintained.*
7. *Storage Areas. Each manufactured home park shall have an area or areas set aside for dead storage. Boats, boat trailers, hauling trailers, and all other equipment not generally stored within the manufactured home or within the utility enclosure, that may be provided, shall be stored in a separate place provided by the park owner. This storage place shall be screened. Such equipment shall not be stored upon a manufactured home lot which is occupied by a manufactured home nor upon the streets within the manufactured home park.*
8. *Signage identifying the park shall be limited to one (1) identification sign not to exceed twenty-five (25) square feet, with lighting, height and location as approved by the Zoning Administrator and have a fifteen (15) foot setback from the front lot line.*
9. *Open Space/Recreational Areas. Each manufactured home park shall preserve at least ten (10%) percent of its total land area as open space with*

a minimum of two hundred (200) square feet per manufactured home developed for recreational use. Development of such recreational land shall be approved by the City Council and the cost and maintenance shall be at the owner/operator's expense.

10. *Storm Shelter. Each manufactured home park shall have one (1) or more central community buildings to serve primarily as an emergency weather shelter which shall be provided with central heating which must be maintained in a safe, clean and sanitary condition. Said buildings shall be adequately lighted during all hours of darkness and shall contain laundry washers, dryers and drying areas, public telephones, and public mail boxes. In addition, for each one hundred (100) manufactured home lots or fractional part thereof, there shall be one (1) flush toilet and one (1) lavatory for each sex in the community building.*
11. *Vacant Manufactured Homes. No storage of unoccupied and/or damaged manufactured homes is permitted in the park*
12. *Roads. All circulation roads within the manufactured home park shall be paved at least 25 feet wide from curb to curb. Ten (10') feet additional width shall be provided if parking is to be permitted on one side of the roads, and twenty (20') feet additional width shall be provided if parking is to be allowed on both sides of the road. The design and carrying capacity of these roads shall be approved by the City Engineer.*
13. *Paving. All areas used for access, parking, or circulation shall be permanently paved.*

D. Manufactured Home Park Lots.

1. *The area occupied by a manufactured home shall not exceed sixty percent (60%) of the total area of a manufactured home lot site. Land may be occupied by a manufactured home, a vehicle, a building, a cabana, a carport, an awning, and storage closet. 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.*
2. *Each manufactured home lot shall have hard surfaced off-street parking space for at least two (2) automobiles. Each space shall be nine (9) feet by twenty (20) feet minimum.*
3. *No more than two motor vehicles shall be stored or kept on any manufactured home lot. No vehicle shall be dismantled, nor shall mechanical work except a very minor repair nature be done on any vehicle on a manufactured home lot; nor shall any automobile vehicle that is not in operable condition be parked, stored or kept on a manufactured home lot or in a manufactured home park, except a vehicle that became inoperable when it was in the manufactured home*

park, and then it shall not be parked in that condition for a period of more than thirty (30) days.

- 4. The corners of each manufactured home lot shall be clearly marked and each site shall be numbered.*
- 5. Each site shall be properly landscaped with at least one tree, hedges, grass, fences, windbreaks, and the like.*

E. Manufactured Home Stands. The area of the manufactured home stand shall be improved to provide adequate support for the placement and tiedown of the manufactured home, thereby securing the super-structure against uplift, sliding, rotation, and over-turning.

- 1. The manufactured home stand shall be improved to provide adequate support for the placement and tiedown of the manufactured home, thereby securing the super-structure against uplift, sliding, rotation, and over-turning.*
- 2. The manufactured home stand shall be provided with anchors and tie downs, such as cast in place concrete foundations or runways, screw augers, arrowhead anchors or other devices providing for stability of the manufactured home.*
- 3. Anchors and tie-downs shall be placed at least at each corner of the manufactured home stand and each anchor shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds or as approved by the current Minnesota Uniform Manufactured Home Standards Code, whichever is more restrictive.*

F. Park Management.

- 1. The manufactured home park developer shall operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair in a clean and sanitary condition.*
- 2. The park management shall notify park occupants of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Ordinance.*
- 3. An adult caretaker must be present at all times and is responsible for the maintenance of the park at all times.*
- 4. Each park shall have an office for the use of the operator distinctly marked "OFFICE" and such marking shall be illuminated during all hours of darkness.*
- 5. The operator of every manufactured home park shall maintain a registry in the office of the manufactured home park indicating the name and address of each permanent resident. Each manufactured home site shall be identified by some type of numbering system.*
- 6. The limits of each manufactured home lot shall be clearly marked on the ground by permanent flush stakes, markers or other suitable means.*

7. *A map of the manufactured home park shall be displayed at the manufactured home park office and be illuminated during all hours of darkness.*
8. *No public address or loudspeaker system shall be permitted.*
9. *Dogs and animals shall not be permitted to run at large within the manufactured home park.*
10. *No persons shall erect, place, construct, reconstruct, relocate, alter, maintain, use or occupy a cabana or structure in a manufactured home park without the written consent of the owner or operator of the manufactured home park.*
11. *The park management shall provide for the weekly collection and disposal of garbage, waste and trash as approved by the City.*

1030.11 Minimum Housing Code

Buildings used in whole or in part as a home or residence of a single family or person and every building used in whole or in part as a home or residence of two or more persons or families living in separate apartments and all premises, either residential or non-residential, shall conform to the requirements of this subdivision.

- A. *Declaration of Policy. The governing body declares the purpose of this code is to protect, preserve, and promote the physical health of the people by establishing standards which are applicable to all dwellings, structures and premises now in existence or hereafter constructed or developed. This policy:*
 1. *Establishes minimum standards for safety from fire, for the use and location and amount of space for human occupancy, and safe and sanitary maintenance;*
 2. *Establishes standards concerning unsightly and blighted buildings and premises, both residential and non-residential structures;*
 3. *Determines the responsibilities of owners, operators and occupants; and*
 4. *Provides for the administration and enforcement thereof.*
- B. *Duty of Occupant or Owner of Occupied or Unoccupied Building and its Premises or Vacant Premises.*
 1. *It shall be the duty of the owner of every occupied or unoccupied dwelling, building and premises or vacant premise, including all yards, lawns and courts to keep such property clean and free from any accumulation of filth, rubbish, garbage, or any similar matter.*
 2. *It shall be the duty of each occupant of a dwelling unit to keep in clean condition the portion of the property which he or she occupies and of which he or she has exclusive control, to comply with the rules and regulations, to place all garbage and refuse in proper containers. Where care of the premise is not the responsibility of the occupant then the owner is responsible for violations of this ordinance applicable to the premise.*

3. *If receptacles are not provided by the owner, then the occupant shall provide receptacles as may be necessary to contain all garbage and trash.*
 4. *Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his or her dwelling unit is the unit primarily infested.*
 5. *Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a vermin proof or reasonable insect proof condition, extermination shall be the responsibility of the owner and operator.*
 6. *Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.*
- C. *Regulations for the Use and Occupancy of Dwellings. No person shall occupy as owner occupant or rent to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements. The following requirements are hereby declared essential to the health and safety of the occupants of such dwelling or dwelling unit:*
1. *The basement or cellar of any dwelling shall be reasonably dry and ventilated and shall be kept free from rubbish accumulation.*
 2. *Every dwelling unit shall contain within a room which affords privacy to a person in the room, a bathtub or shower in good working condition and properly connected to an approved water and sewer system.*
 3. *Drainage: All courts, yards or other areas on the premises of any dwelling shall be so graded and drained that there is no pooling of the water thereon. In addition, no property owner shall undertake any activities for diverting or channeling stormwater onto neighboring property.*
 4. *Entrances: For each dwelling unit there shall be a normally used separate access, either to a hallway, stairway, or street, which is safe and in good repair. A secondary exit to the ground shall be available in case of fire through windows, porch roofs, ladders or any combination that is free of hazard or egress.*
 5. *Floor Area: Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant and at least 100 additional square feet of floor space for every additional occupant thereof. The floor space shall be calculated on the basis of total habitable room area, inside measurements. No floor space shall*

be included in determining habitable room area over which the ceiling is less than seven (7) feet above the floor.

6. No tent, trailer, recreational vehicle, garage or accessory building shall be used as a dwelling, except:
 - (A) One travel trailer or recreational vehicle (e.g. travel trailers, camper, motor homes & converted buses) may be placed and used for lodging or sleeping for a period not to exceed 14 days per calendar year, provided it is placed on a residential zoned lot which is occupied by a principal dwelling and has access to sanitary sewer and water facilities.
 - (B) A travel trailer or recreational vehicle (e.g. travel trailers, camper, motor homes & converted buses) located in a licensed RV Park/Campground.
 - (C) For the purposes of this section use as a dwelling will include, but are not limited to: acts of sleeping, cooking, bathing, occupying as a dwelling, or any stay within the Vehicle not directly related to its driving. The following factors may constitute acts of "living" for purposes of this code section: the connecting to sewer, water, electrical systems, and/or the use of a power generator, except during a loading and/or trip preparation
 - (D) The City Council may suspend enforcement of Section 6 at its discretion when it is deemed to be necessary to allow use of temporary dwellings do to circumstances such as fire, flood, wind, etc.
- D. Maintenance and Repair. Every dwelling and every part thereof shall be maintained in good repair by the owner or agent and be fit for human habitation. The roof shall be maintained so as not to leak and all rainwater shall be drained therefrom so as not to cause dampness in the walls or ceilings. All floors, stairways, doors, porches, windows, skylights, chimneys, toilets, sinks, walls, and ceilings shall be kept in good repair and usable condition.*
- E. Designation of Unfit Dwellings. The designation of dwellings or dwelling units as unfit for human habitation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:*
 1. *The public officer may determine that any dwelling unit is unfit for human use or habitation if he, she or they find that conditions exist in the structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents of the neighborhood, or which shall have a blighting influence on properties in the area.*
 2. *Such conditions may include the following without limitation:*
 - a. *Defects therein increasing the hazards of fire, accident, or other calamities.*
 - b. *Lack of:*
 - i. *adequate ventilation;*
 - ii. *light;*
 - iii. *cleanliness;*

otherwise constitutes a blight to the adjoining property or the neighborhood or the city for such reasons as, but not limited to:

- a. Dead trees or other unsightly natural growth.*
- b. Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof; vermin infestation, or inadequate drainage.*
- c. Violation of any other law or regulations relating to the use of land and the use and occupancy of the buildings and improvements.*

2. Notice of Violation. Procedures as outlined in section "H" below.

G. Inspection of Buildings and Structures, and Premises.

- 1. For the purpose of determining compliance with the provisions of this ordinance, the public officer or his or her authorized representative is hereby authorized to make inspections to determine the condition, use, and occupancy of dwellings, dwelling units, rooming units, and the premises upon which the same are located. This requirement is applicable to existing dwellings or buildings.*
- 2. The Public Officer is not limited by the conditions in the above paragraph where new construction or vacant premises are involved and may make such inspections at any appropriate time.*
- 3. The owner, operator, and occupant of every dwelling, dwelling unit, and rooming unit shall give the public officer, or his or her authorized representative, during reasonable hours, free access to such dwelling, dwelling unit, and rooming unit, and its premises, for the purpose of such inspection, examination and survey after identification by proper credentials.*
- 4. Every occupant of a dwelling shall give the owner thereof, or his or her authorized agent or employee, access to any part of such dwelling, or its premises, at all reasonable times, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this ordinance or with any rule or regulation adopted and promulgated, or any order issued pursuant to the provisions of this ordinance.*

H. Notice of Violations; Procedures.

- 1. Informal discussion: Whenever the public officer or his or her authorized representative determines that there has been a violation of any provision of this ordinance, the public officer will arrange to meet with the alleged violator for an informal discussion of violations, and whether repair and correction is justified.*
- 2. Formal hearing: If a satisfactory solution to the violations, either by correction, demolition or removal, is not forthcoming, then a legal notice of a formal hearing will be issued according to the following procedures:*
 - a. Shall be in writing.*
 - b. Shall list the violations alleged to exist or to have been committed.*
 - c. Shall provide a reasonable time, but not less than 60 days in any event for the correction of the violations particularized.*

- d. *Shall be addressed to and served upon the owner of the property, the operator of the dwelling, and the occupant of the dwelling unit or the rooming unit concerned, if the occupant is or may be responsible for violation.*
 - e. *If one or more persons whom the notice is addressed cannot be found or served after diligent effort to do so, service may be made upon such person or persons by posting a notice in a conspicuous place in or about the dwelling affected by the notice, in which event the public officer or his or her authorized representative shall include in the record a statement as to why such posting was necessary.*
 - f. *Delivery shall be by personal service or by registered or certified mail, return receipt requested, and delivered to addressee only. If service is made by registered or certified mail, the public officer or his or her authorized representative shall include in the record a verified statement giving details regarding the mailing.*
- I. *Public Officer Authority. For the purpose of protecting the city against unsightly or blighted premises, also the health, welfare, and safety of the inhabitants of dwellings or dwelling units, the public officer referred heretofore is hereby authorized, with the consent and prior knowledge of the governing body, to enforce provisions of this ordinance, and of other laws which regulate or set standards affecting buildings and premises.*
- J. *Governing Body Authority. The governing body is hereby authorized:*
- 1. *To informally review all alleged violations as provided in section "H" prior to notification prescribed in the same section.*
 - 2. *To take action as prescribed in section "H."*
 - 3. *To hear appeals where there is opposition to any order, requirement, decision or determination by the public officer in enforcement of this ordinance, as outlined in section "K."*
 - 4. *Discretionary authority may be exercised in specific cases where variance from the terms of the ordinance as:*
 - a. *Will not adversely affect the public health, safety or welfare of inhabitants of the city.*
 - b. *Is in harmony with the spirit of this ordinance.*
 - c. *Where literal enforcement of the ordinance's provisions will result in unnecessary hardship.*
- K. *Governing Body: Appeals.*
- 1. *Any person, firm, or corporation considering themselves aggrieved by the decision of the public officer and who desires to present a formal protest to the governing body shall in writing, request a hearing before the governing body within 10 days after receiving notice of the decision from the public officer, as provided in section "H." Such protest and request for a hearing shall be filed with the office of the city administrator.*

2. *Upon receipt of a protest and request for a hearing, the city administrator shall notify in writing the governing body for such appeal.*
3. *The governing body shall, within 30 days of receipt of protest and request for a hearing, determine a date for the hearing.*
4. *Notice of the date for the hearing shall be sent to the appellant at least 10 days before the hearing.*
5. *Except where an immediate hazard exists, the filing of a protest and request for a hearing before the governing body shall operate as a stay of the enforcement of the public officer's order until such time as the governing body has reached a decision on the matter.*

1030.12 Design and Maintenance of Off-Street Parking Areas.

A. General Provisions

1. *The Council recognizes that the inflexible application of parking standards set forth below may result in a development's having an inadequate number of parking spaces or parking spaces far in excess of a development's needs. Therefore, the City may permit deviations from the presumptive requirements of the standards table below and may require more parking spaces or allow fewer parking spaces whenever it finds that such deviations are more likely to satisfy the development's needs.*
2. *Parking areas shall be designed so as to provide adequate means of access to a public alley or street. Such driveway access shall not exceed thirty (30) feet in width and shall be so located as to cause the least interference with traffic movement.*
3. *Each parking space shall not be less than nine (9) feet wide and twenty (20) feet in length.*
4. *Curbing. All open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb not less than five (5) feet from the side property line or a guard of normal bumper heights not less than three (3) feet from the side property line.*
5. *Landscaping or screening. When required off-street parking space for six (6) cars or more is located adjacent to a Residential District, screening shall be at least five (5') feet in height. If plant materials are used, they shall be no less than three and one half (3 ½') feet in height if it is of a species or variety that will attain the required height within three (3) years of planting. Height shall be measured from the finished grade. If fencing is used, an opaque fence may be constructed, as approved by the City Planning Commission or their official representative.*
6. *Maintenance of off-street parking space. It shall be the responsibility of the operator and owner of the principal use, uses and /or building to maintain, in a*

neat and adequate manner, the parking space accessways, landscaping, required screening and/or fences.

7. *Lighting. Any lighting proposed to illuminate off street parking areas shall be located and arranged so that all direct rays of light are directed upon the parking area only and not on any adjoining properties.*
8. *Multiple Uses. When a building or structure accommodates more than one type of use, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use, unless otherwise specified herein.*
9. *Determination of parking area. When a number of parking spaces are specified for off street parking, a design standard of three hundred (300) square feet of space will be required per parking space to meet the needs for vehicle standing space and maneuvering area. For example, if the off street parking standards for a use are 10 spaces, the off street parking area needed to meet that standard would be a minimum of 3,000 square feet (10 spaces times 300 square feet).*

B. *Determination of spaces by use.*

<i>(1) One and Two Family Residences</i>	<i>Two (2) spaces per dwelling unit</i>
<i>(2) Multiple Dwellings</i>	<i>One and one-half (1 1/2) spaces per dwelling unit</i>
<i>(3) Business and Professional Offices</i>	<i>One (1) space for each 200 sq. ft. of gross floor space</i>
<i>(4) Medical and Dental Clinics</i>	<i>Five (5) spaces per doctor or dentist, plus one (1) space for each employee</i>
<i>(5) Hotel or Motel</i>	<i>One (1) space per rental unit plus one (1) space per full time employee</i>
<i>(6) Schools</i>	
<i>(a) Elementary</i>	<i>Two (2) spaces for each classroom</i>
<i>(b) High School</i>	<i>At least one (1) parking space for each four (4) students based on design capacity, plus one (1) additional space for each classroom</i>
<i>(7) Colleges</i>	<i>At least one (1) space for every two (2) employees plus one (1)</i>

		<i>space for every car permitted to students by the college</i>
<i>(8) Hospital</i>		<i>At least one (1) parking space for each three (3) hospital beds, plus one (1) space for each four (4) employees other than doctors, plus one (1) parking space for each resident and regular staff doctor</i>
<i>(9) Drive-In Establishment</i>	<i>Food</i>	<i>One (1) space for each fifteen (15)sq. ft. of gross floor space in building allocated to drive in operation</i>
<i>(10) Bowling Alley</i>		<i>Six (6) spaces for each alley, plus additional spaces as may be required herein for related uses such as a restaurant</i>
<i>(11) Automobile Service Station</i>		<i>At least two (2) off-street parking spaces plus four (4) off street parking spaces for each service stall</i>
<i>(12) Retail Store</i>		<i>At least one (1) off street parking for each two hundred (200) sq. ft. of gross floor area</i>
<i>(13) Restaurants, Cafes, Bars</i>		<i>At least one space for each three (3) seats based on capacity design</i>
<i>(14) Undertaking Establishments</i>		<i>Eight (8) spaces for each chapel or parlor plus one (1) space for each funeral vehicle maintained on the premises.</i>
<i>(15) Theaters, auditoriums, stadiums, other places of assembly</i>		<i>Spaces equal in number to one-third of the capacity of persons</i>
<i>(16) Churches</i>		<i>Spaces equal in number to one-third (1/3) of the capacity of persons of the main sanctuary or auditorium plus provision for supplementary parking space needs for other portions of the church facilities as determined by final site and building plans</i>
<i>(17) Industrial, Warehouse, Handling of Bulk Goods</i>	<i>Storage</i>	<i>At least one (1) space for each employee on maximum shift or one (1) space for each two thousand (2000) sq. ft. of gross floor area, whichever is larger</i>
<i>(18) Uses specifically noted</i>	<i>not</i>	<i>As determined by the City Council following review by the Planning Commission</i>

1030.13 Home Occupations

A. *General. The standards for home occupations in this section are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood. Any use of a premise for a home occupation shall be done in a manner which is clearly incidental and secondary to the use of the premise for a dwelling. Should a conflict arise between use of residential premises for a home occupation with preservation of the neighborhood’s residential character, the City’s policy is to favor preservation of the neighborhood in its residential form. Home occupations shall be allowed as a conditional use in all residential districts subject to the following standards:*

- 1. Not more than twenty-five percent (25%) of the gross floor area of the structures including accessory buildings shall be used for this purpose.*
- 2. Only articles made or originating on the premises shall be sold on the premises, unless such articles are incidental to permitted commercial service.*

3. *No articles for sale shall be displayed so as to be visible from any street.*
4. *Only members of the household residing on the premises may be employed in the home occupation.*
5. *The peace, quiet and dignity of the neighborhood shall not be disturbed by an increase in traffic generated by the use. Deliveries related to the home occupation shall not occur more frequently than twice per day, not including any deliveries made by the U. S. Postal Service.*
6. *No equipment shall be utilized that creates a nuisance due to odor, vibration, noise, electrical interference or fluctuation in line voltage beyond the property line of the lot upon which the home occupation is conducted.*
7. *No outside storage of material shall be allowed.*
8. *Conducting of the home occupation shall result in no change of outside appearance of the building.*
9. *Signs, not exceeding two (2) sq. ft. shall be allowed on the premises.*
10. *The home occupations shall conform to the standards in the State Building Code and State Fire Code.*

B. Retail Sales.

1. *Such occupation is carried on in the principal building.*
2. *No more than twenty-five percent (25%) of the gross floor area of the structure including accessory building shall be used for this purpose.*
3. *No articles for sale shall be displayed so as to be visible from any street.*
4. *No mechanical or electrical equipment is used if the operation of such equipment interferes unreasonably with the desired residential environment of the neighborhood or is the health and safety of the residents are endangered.*
5. *Such occupation must provide off-street parking, as determined by the City Council or Planning Commission.*

C. *Home occupations in existence at the time of the enactment of this ordinance shall be required to apply for and secure a conditional use permit for their home occupation within one (1) year's time, following official notice from the City.*

1030.14 Day Care Centers

The following minimum standards shall apply to the operation of any child care center. The applicant has the burden of proof in demonstrating compliance.

- A. *Off street loading. One (1) space for each 25 children.*
- B. *Street access. No alley only access shall be permitted.*

- C. *Screening. Outdoor play areas along common property lines with residential uses shall be screened with not less than a six foot high sight obscuring fence, wall, or hedge.*

1030.15 Landscaping, Screening, and Fencing

- A. *Obstruction of Views. On any corner lot, no wall, fence, structure, or vegetation shall be erected or maintained at a height that will obstruct motorists' sightlines along intersecting streets or roadways.*
- B. *Fencing or Screening Requirements for Business or Industrial Uses.*
1. *Where any business or industrial use is adjacent to property zoned residential, that business or industry shall provide some type of screening along the property line abutting the residential property, parks or playgrounds. This screening requirement will not apply in those cases where the business or industrial site is located across the street from a residential site but will apply if separated by only an alley.*
 2. *If the screening used consists of a solid fence or wall, the material shall block or obscure a minimum of 50% of the view of the business or industrial site from the residential site. If fences or walls are used, they shall be no less than five (5') feet or more than eight (8') feet in height, unless otherwise directed by this ordinance, the Planning Commission, or City Council.*
 3. *Fences or walls shall extend no closer than fifteen (15') feet to any street or driveway opening onto a street, unless regulated elsewhere.*
 4. *Fences or walls, when used as the screening material, shall be placed along the property lines or when located along a street, be setback at least ten (10') feet from the street right-of-way, unless regulated elsewhere, with landscaping of property between the fence or wall and the street pavement.*
 5. *Berms: If berms are used as the screening material, they shall be constructed with a slope not to exceed 3:1 and shall be covered with sod or other landscape material sufficient to prevent erosion of the berm.*
 6. *If trees, hedges, or other vegetative materials are used, the vegetation must provide a minimum view coverage of 50% throughout the year of the business or industrial site from the residential site.*
- C. *Height and Setback Regulations for Fencing and/or Vegetative Screening for Residential Uses. Fences and vegetative screening in the residential district can be located anywhere in the front yard setback area, as long as they do not interfere with street intersection sightlines. Fences or vegetative screening (hedges, for example) located in the side yard or rear yard area must not interfere with street intersection sightlines and must be setback at least two (2') feet from property lines and, in the case of fencing, must have the finished side facing out.*

D. Maintenance Requirements.

1. *The yard area in front of fences and walls shall be trimmed and maintained in a neat and attractive manner.*
2. *Repairs to damaged areas of walls or fences shall be made within thirty (30) days of sustaining said damage.*
3. *Areas left in a natural state and vegetative screening areas shall be properly maintained in a sightly and well kept condition.*
4. *Diseased, dying, or dead vegetative screening elements shall be removed and then replaced, at a minimum, with healthy plants of the same size required when first planted.*
5. *If requested by an adjacent property owner or upon notification by a representative of the City of New Richland, a property owner must trim any part of a tree, bush, or shrub that hangs over or encroaches beyond the property owner's property line or interferes with traffic or pedestrian sightlines.*

E. Landscaping Regulations.

1. *When a development site plan is submitted to the Planning Commission and City Council for review and comment it must contain information regarding the type of landscaping treatment the developer intends for the front yard and, if required, side yards.*
2. *The plan shall include the location of all intended fences, tie walls, retaining walls, berms, landscaped islands, and planting beds with the plant materials identified.*
3. *The plan shall include the location and appropriate detail of all required screening showing the relationship of the screening to the development site and adjacent property.*
4. *Trees shall be planted with sufficient setbacks so that the diameter of its expected mature foliage will not extend beyond the owners property line.*

1030.16 Traffic Control and Intersection Sight Distance Standards

- A. *Intersection with Traffic Controls. On any corner lot at a street intersection which has some form of traffic control (stop or yield signs), there shall be no obstruction to traffic visibility within the clear sight triangle which is formed by the intersection of the center line of two intersection streets and a straight line joining the two said center lines at points fifty-five (55) feet distance from their point of intersection.*
- B. *Intersections without Traffic Controls. On any corner lot, in all districts, at a street intersection which does not have any form of traffic control, there shall be no obstruction to the traffic visibility within the clear sight triangle which is formed by the intersection of the center line of the two intersecting streets and a straight line*

joining the two said center lines at points a given number of feet distant from their points of intersection. The distances from said points of intersection are specified in the following table for various speeds in miles an hour of enforced speed limit:

Distance Measure for Clear Sight Triangle

<u>Miles per Hour</u>	<u>Distance Measurement</u>
30	88 feet
40	120 feet
50	156 feet
55	174 feet

1030.17 Auto Service Station Standards

- A. *Fencing and Screening. When adjacent to residential property, there shall be a screening fence. When adjacent to commercial property, there shall be a bumper-type fence about eighteen (18) inches high between the station and the adjacent commercial property.*
- B. *Vehicles. No vehicles shall be parked on the premises other than those utilized by employees or awaiting service. No vehicle shall be parked or be waiting service longer than fifteen (15) days.*
- C. *Exterior Storage. Exterior storage besides vehicles shall be limited to service equipment and items offered for sale and those items listed in subdivision "E." Exterior storage of items offered for sale shall be located in containers such as the racks, metal trays and similar structures designed to display merchandise.*
- D. *Screening. All areas utilized for the storage or disposal of trash, debris, discarded parts and similar items shall be fully screened. All structures and grounds shall be maintained in an orderly, clean and safe manner.*
- E. *Outdoor Displays. The storage of used tires, batteries and other such items for sale outside the building shall be controlled; such items shall be displayed in specially designated containers and be limited to one or two areas well back from the street right-of-way line. Junk cars, empty cans and other unsightly materials will not be permitted in an area subject to public view.*
- F. *Lighting. Lights shall be designed and placed in such a manner as to direct the light away from residential areas.*
- G. *Other Activities. Business activities not listed in the definition of service stations and not incidental to the station are not permitted on the premises of a service station unless a conditional use permit is obtained specifically for such business. Such activities include but are not limited to the following: 1) automatic car and truck wash, 2) rental of vehicles, equipment or trailers, and 3) general retail sales.*

1030.18 Junk Yards or Auto Salvage Yards

- A. *General Provisions. Junk yards and auto reduction yards shall conform to the following performance standards:*
1. *Designated storage areas shall be totally screened by means of fencing so the area shall not be visible from public roads nor from dwellings that are located on adjacent lots. Screening shall be completed within ninety (90) days from receipt of such notice from the City Council.*
 2. *All storage areas shall be setback a minimum of 100' from a residential district, any stream, creek, public or private ditch.*
 3. *The area upon which the business activity is located must be a contiguous area within the owner's parcel and must meet all yard setbacks and screening provisions herein.*
 4. *Vehicle storage provisions include:*
 - a. *All vehicles must remain upright unless the motor and running gear have been removed; and*
 - b. *No vehicle storage nor any business operation is permitted in any flood plain area, wetland, or in areas where groundwater is less than three (3') feet from the ground surface.*
 5. *All structures will conform to yard setbacks as established in the district provisions. However, no fencing is permitted in the front yard nor is the storage of any autos. Additionally, all autos must be setback at least ten (10') feet from the rear and side property lines.*
 6. *The site plan for the establishment of any new use or for any rezoning request must be accompanied by the following information:*
 - a. *The location of buildings and auto storage area and all applicable linear dimensions;*
 - b. *A fencing plan;*
 - c. *A signage plan;*
 - d. *A drainage plan;*
 - e. *A hazardous waste plan which conforms to MPCA guidelines and addresses the handling and storage of any or all of the following:*
 - *Motor oil and/or fuel;*
 - *CFCs (chlorofluorocarbons);*
 - *Auto or other motorized vehicle batteries;*
 - *Antifreeze; and*
 - *Any other substance as requested by the Planning Commission or City Council.*
 - f. *Provide a copy of the EPA ID Number Notification and a copy of their Hazardous Waste License.*
 7. *Compliance: all existing junk yards or auto reduction yards shall comply with the provisions cited herein within two (2) years of the passage of this ordinance.*

1030.19 Planned Unit Development (PUD)**A. Purpose.**

1. *To encourage a more creative and efficient development of land and its improvements than is possible under the more restrictive application of zoning requirements such as lot sizes and building setbacks, while at the same time meeting the standards and purposes of the Comprehensive Plan for New Richland and preserving the health, safety and welfare of the citizens.*
2. *To allow for a mixture of residential units in an integrated and well planned area.*
3. *To ensure concentration of open space into more usable areas, and the preservation of the natural resources of the site including wetlands, woodlands, and scenic areas.*

B. Permitted Uses. *Dwelling units in detached, clustered, semi-detached, attached, or multi-storied structures or combinations thereof.***C. General Requirements.** *A conditional use permit shall be required of all planned unit developments. The City may approve the planned unit development only if it finds that the development satisfies **all** the following standards in addition to meeting the requirements specified in the Conditional Use Procedures section, except for the time limit:*

1. *The planned unit development is consistent with the Comprehensive Plan of the City.*
2. *The planned unit development is an effective and unified treatment of the development possibilities in the project site and the development plan provides for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas.*
3. *The planned unit development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site.*
4. *Financing is available to the applicant on conditions and in an amount which is sufficient to assure completion of the planned unit development.*
5. *A minimum of five or more principal structures are proposed.*
6. *The tract under consideration is under single control.*
7. *The tract is at least two (2) acres in size.*

D. Coordination with Subdivision Regulations.

1. *It is the intent of this Ordinance that subdivision review under the subdivision regulations be carried out simultaneously with the review of a planned development under this chapter of the zoning ordinance.*

2. *The plans required under this section must be submitted in a form which will satisfy the requirements of the subdivision regulations for the preliminary and final plans required under these regulations.*
- E. *Pre-Application Meeting. Prior to the submission of any plan to the Planning Commission, the applicant shall meet with the City Clerk, and if necessary, with the Planning Commission to discuss the contemplated project relative to community development objectives for the area in question and to learn the procedural steps for a conditional use permit and a preliminary plat. The applicant may submit a simple sketch plan at this stage for informal review and discussion. The applicant is urged to avail himself or herself of the advice and assistance of the planning staff to facilitate the review of the outline plan and preliminary plat.*
- F. *Preliminary Development Plan.*
1. *An applicant shall make an application for a conditional use permit following the procedural steps as set forth in Section 1040.09 of this Ordinance.*
 2. *In addition to the criteria and standards set forth in Section 1040.09, the following additional findings shall be made before the approval of the outline development plan.*
 - a. *The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property, and will not be detrimental to potential surrounding uses.*
 - b. *Each phase of the proposed development, as it is proposed to be completed, is of sufficient size, composition and arrangement that its construction, marketing and operation of dwelling units and common open space are balanced and coordinated.*
 - c. *The PUD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which are proposed to serve the district.*
 - d. *The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.*
 3. *Preliminary Development Plan Documentation. The following exhibits shall be submitted to the zoning administration by the proposed developer as part of the application of a conditional use permit:*
 - a. *An explanation of the character and need for the planned development and the manner in which it has been planned to take advantage of the planned development regulations.*
 - b. *A statement of proposed financing of the PUD.*
 - c. *A statement of the present ownership of all the land included within the planned development and a list of property owners within 350 feet of the outer boundaries of the property.*
 - d. *A general indication of the expected schedule of development including sequential phasing and time schedules.*
 - e. *A map giving the legal description of the property including approximate total acreage and also indicating existing property lines and dimensions,*

ownership of all parcels, platting, easement, street right-of-ways, utilities, and building for the property, and for the area three hundred fifty (350) feet beyond.

- f. Natural features map or maps of the property and area three hundred fifty (350) feet beyond showing contour lines at not more than two foot intervals, drainage patterns, wetlands, vegetation, soil and subsoil condition.*
 - g. A map indicating proposed land uses including housing units and types, vehicular and pedestrian circulation, and open space uses.*
 - h. Full description as to how all necessary government services will be provided to the development including sanitary sewers, storm sewers, water system, streets and other public utilities.*
- 4. Preliminary Plat. The applicant shall also submit a preliminary plat and all the necessary documentation as required under the Subdivision Regulations of all or that portion of the project to be platted. For purposes of administrative simplification, the public hearings required for the conditional use permit and preliminary plat may be combined into one hearing or may be held concurrently.*

G. Final Development Plan.

- 1. Within ninety (90) days following the approval of the preliminary development plan with recommended modifications, if any, and the preliminary plat, the applicant shall file with the City Clerk a final development plan containing a final form of the information required in the preliminary development plan plus any changes recommended by the Planning Commission and the City Council as a result of the public hearing. The applicant shall also submit a final plat for all or that portion to be platted.*
- 2. The City Clerk shall submit a final development plan and the final plat to the Planning Commission and other applicable agencies for review.*
- 3. The final development plan and the final plat shall conform to the preliminary development plan and preliminary plat plus any recommended changes by the Planning Commission or City Council to the general development plan and preliminary plat.*
- 4. The City Council shall review the final development plan and the final plat. The City Council shall give notice and provide opportunity to be heard on the final development plan to any person who has indicated in writing that he wishes to be notified.*
- 5. If the final development plan is approved by the City Council, the City Clerk shall issue a conditional use permit to the applicant.*

- H. Enforcing Development Schedule. The construction and provisions of all the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units. At least once every six months following the approval of the final development plan, the City Clerk shall review all of the building permits issued for*

the planned development and examine the construction which has taken place on the site. If he/she shall find that the rate of construction of dwelling units is faster than the rate at which common open spaces and public recreational facilities have been constructed and provided, he/she shall forward this information to the City Council, which may revoke the conditional use permit. If the developer or landowners fail to complete the open spaces and recreation areas within sixty (60) days after the completion of the remainder of the project, the City may finish the open space areas and assess the cost back to the developer or landowner.

I. *Conveyance and Maintenance of Common Open Space.*

1. *All land shown on the final development plan as common open space must be conveyed under one of the following methods at the option of the City:*
 - a. *It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures or improvements which have been placed on it.*
 - b. *It may be conveyed to trustees provided in an indenture establishing an association or similar organization of the maintenance of the planned development. The common open space must be conveyed to the trustees subject to covenants to be approved by the City Council which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.*
2. *If the common open space is conveyed to a homeowners association, and the common open space is not maintained properly to standards established by the city, the city shall have the authority to maintain the property and assess the costs back to the homeowners association.*

J. *Standards for Common or Public Open Space.*

1. *No open area may be accepted as common open space under the provisions of this Ordinance unless it meets the following standards:*
 - a. *The location, shape, size and character of the common open space must be suitable for the planned development.*
 - b. *Common Open Space must be used for amenity or recreational purposes. The uses authorized by common open space must be appropriate to scale and character of the planned development, considering its size density, expected population, topography and the number and type of dwellings to be provided.*
 - c. *Common open space must be suitably improved for its intended use, the common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must converse and enhance*

the amenities of the common open space having regard to its topography and unimproved condition.

K. *Utility Connection.*

1. *Water Connections. Where more than one property is served from the same service line, a shut off valve must be located in such a way that each unit's service may be shut off by the City, in addition to the normally supplied shut off at the street.*
2. *Sewer Connections. Where more than one unit is serviced by a sanitary sewer lateral which exceeds 300 feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners association or owner.*

L. *PUD Review and Amendments.*

1. *Annual Review. The City Clerk and Planning Commission shall review all PUD's within the City at least once each year and shall make a report to the City Council on the status of the development in each of the PUD Districts. If the City Council finds that the development has not occurred within a reasonable time after the original approval of the conditional use for the PUD, the City Planning Commission may recommend that the City revoke the conditional use permit.*
2. *Revisions to the PUD*
 - a. *Minor changes in the location, placement and heights of buildings or structures may be authorized by the City Clerk if required by engineering or other circumstances not foreseen at the time the Final Plan was approved.*
 - b. *Approval of the Planning Commission and City Council shall be required for other minor changes such as rearrangement of lots, blocks and building tracts. These changes shall be consistent with the purpose and intent of the approved Final Development Plan.*
3. *Amendments to the PUD. Any amendment to the PUD shall require the same procedures for the application of a conditional use permit as set forth in Section 1040.09 of this Ordinance.*

Section 1040
ZONING ADMINISTRATION

1040.01 General Administration

The planning commission shall appoint a planning commission chairperson and/or building inspector, whose responsibilities shall be as follows:

1. Issue occupancy and building permits; make and maintain records thereof;
2. Conduct inspections of buildings and use of land to determine compliance within the terms of the ordinance.
3. Maintain permanent and current records of the ordinance, including but not limited to all maps, amendments and conditional uses, variances, appeals and applications therefore;
4. Institute in the name of the city, any appropriate actions or proceedings against a violator as provided for in this Ordinance.
5. *The Planning Commission Chairperson shall also serve in the role of Zoning Administrator for the City of New Richland.*

1040.02 Board of Adjustment and Appeals

The City Council is hereby appointed as the Board of Adjustment and Appeals.

1040.03 Duties of the Board of Adjustment and Appeals

The Board of Adjustment and Appeals has the following powers and duties with respect to the zoning ordinance:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative officer in the enforcement of the zoning ordinance.
2. To hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstance unique to the individual property under consideration and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance.

1040.04 Circumstances for Granting a Variance

1. The property in question cannot be put to a reasonable use if used under conditions allowed by the zoning and subdivision ordinances.
2. The plight of the landowner is due to circumstances unique to his property not created by the landowner.
3. The variance, if granted, will not alter the essential character of the locality.
4. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the ordinance.
5. When in harmony with the zoning ordinance, a variance for earth sheltered construction shall be granted.
6. A variance for the temporary use of a one (1) family dwelling as a two family dwelling may be granted.
7. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties.
8. A variance may not be granted for any use that is not permitted under this Ordinance for the zone in which the property is located.
9. Undue hardship, as used in connection with the granting of a variance includes direct sunlight for solar energy systems.

1040.05 Variances and Appeals Procedure

The procedure for taking action on a variance or an appeal shall be as follows:

1. An application for a variance or an appeal of the requirement, decision or determination of an administrative officer shall be filed in writing with the zoning administrator stating the particular difficulties claimed and remedy sought.
2. The request shall be referred to the Board of Adjustment and Appeals for consideration.
3. The Board of Adjustment and Appeals shall make no decision on an appeal or petition until the Planning Commission has had reasonable opportunity, not to exceed sixty (60) days, to review and report to the Board of Appeals upon the appeal or petition.
Note: Under the statutory 60 day rule, the final decision on land use issues, including variances, needs to be made and communicated to the applicant within sixty (60) days of receiving a completed application. There are limited exceptions, but the city needs to be

careful that the procedure followed under this Section does not result in automatic approval because more than sixty (60) days total was taken to act on the application.

4. The Board of Adjustment and Appeals shall cause to be published, a notice of public hearing, in the official newspaper at least ten (10) days prior to the date of the hearing.
5. The Board of Adjustment and Appeals shall within a reasonable time make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail.
6. The decisions of the Board of Adjustment and Appeals are final subject only to judicial review in the district court.
7. The Board of Adjustment and Appeals shall provide for a record of its proceedings which shall include the minutes of its meetings, its findings and the action taken on each matter by it, including the final order.
8. A certified copy of a variance granted, including the legal description of the property involved, shall be filed with the county recorder of the county in which the municipality is located.

1040.06 Planning Commission

The City Council shall appoint a Planning Commission to oversee the administration of the City Comprehensive Plan, Zoning Ordinance and other matters delegated to it by the Council.

1040.07 Duties of the Planning Commission

1. Engage in land use planning activities
2. Prepare and *make recommendations to City Council for adopting a zoning ordinance*
3. Review and act on all requests for amendments to the zoning ordinance
4. *Review and make recommendations to City Council on applications for Conditional Use Permits and review and make recommendations to Board of Adjustment on requests for variances*
5. Hold public hearings on the above
6. Other matters as delegated by the City Council

1040.08 Conditional Use

A conditional use listed in this Ordinance may be permitted, enlarged or altered in accordance with the standards and conditions of this Ordinance. In addition to those standards and requirements expressly specified by this Ordinance, additional conditions considered necessary

to protect the best interests of the surrounding area or the city as a whole, may be imposed. These conditions may include, but are not limited to, the following:

1. Ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;
2. Off-street parking and loading areas where required with particular attention to the items in number one (1) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the area;
3. Refuse and service areas, with particular reference to the items in one (1) and two (2) above;
4. Utilities, with reference to locations, availability and compatibility;
5. Screening and buffering with reference to type, dimensions and character;
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;
7. Required yards and other open space;
8. General compatibility with adjacent properties and other property in the area.

1040.09 Conditional Use Procedure

The procedure for taking action on a conditional use application shall be as follows:

1. An application for a conditional use permit shall be filed in writing with the City Council;
2. The application shall be accompanied by a site plan of the proposed use showing such information as may be deemed necessary by the Planning Commission Chairperson and/or the Building Inspector that may include, but not limited to, the following:
 - a. site plan drawn to scale showing parcel and building dimensions;
 - b. location of all existing and proposed buildings and their square footages;
 - c. curb cuts, driveways, access roads, parking spaces and off-street loading areas;
 - d. existing topography;
 - e. finished grading and drainage plan;
 - f. sanitary sewer and water plan with estimated use per day;
 - g. soil type and/or soil limitations for the intended use;
 - h. a map showing all principal land use within 350 feet of the parcel for which the application is being made.

3. The application and related file shall be referred to the Planning Commission for study concerning the effect of the proposed use on the comprehensive plan and on the character and development of the neighborhood;
4. The Planning Commission shall publish a public hearing notice in the official newspaper at least ten (10) days prior to the hearing date.
5. The Planning Commission shall transmit its findings and recommendations to the City Council within sixty (60) days from the date of filing the application;
6. No conditional use shall be recommended by the Planning Committee unless said Commission shall find:
 - a. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity;
 - b. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area;
 - c. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
 - d. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use;
 - e. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring property will result.
7. The City Council shall consider the advice and recommendation of the Planning Commission. Should the Council find that the proposed use, when conducted under the specified conditions will not be detrimental to the health, safety and general welfare, they may grant a Conditional Use Permit specifying the conditions for location and use requested.
8. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith.
9. A Conditional Use Permit issued hereunder shall become void one (1) year after is was granted unless made use of.
10. A Conditional Use Permit shall remain in effect as long as the conditions agreed upon are observed, but nothing shall prevent the city from enacting or amending this Ordinance to change the status of conditional uses.

1040.10 Amendments

An amendment to the text of this Ordinance or to a zone boundary may be initiated by the City Council, the City Planning Commission or by petition of an affected property owner. A petition by a property owner shall be filed with the City Council.

1040.11 Amendment Procedure

The procedure for taking action on an amendment to the zoning ordinance shall be as follows:

1. Any amendment to this Ordinance may be initiated by petition by the City Council, Planning Commission, property owner or citizen. An amendment may be for a change of property from one district to another or a change in district regulations or other portions of the text of the ordinance. All petitions for taking action on an amendment to the zoning ordinance shall be as follows.
2. The Planning Commission shall cause to be published a notice of public hearing in the official newspaper at least ten (10) days prior to the date of the hearing. When the petition involves changes on zone boundaries affecting an area of five (5) 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 petition relates.
3. For the purpose of giving mailed notice, the person responsible for mailing the notice 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 responsible person and shall be made a part of the records of 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 was made to comply.
4. The Planning Commission shall refer its recommendation to the City Council within thirty (30) days from the date of reference of the amendment to the Planning Commission, at which time the Council shall act thereon. Notice of Council action shall be made to the applicant.
5. No petition of a property owner for an amendment to the ordinance shall be considered by the city within the one (1) year period immediately following a previous denial of such request, except the city may consider a new petition if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

1040.12 Enforcement and Penalties

Any person, firm or corporation who violates any of the provisions of this zoning ordinance shall be guilty of a misdemeanor, and upon conviction thereof, be subject to a fine and/or imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense. The City may seek an injunction to stop any violation of this Ordinance

1040.13 Repeals and Effective Date

The previous Zoning Ordinance provisions (chapter 10 of the New Richland City Code) and all subsequent amendments to that chapter adopted by the New Richland City Council are hereby repealed in their entirety. Any previous Zoning Ordinance which has not been repealed is also hereby repealed in its entirety.

This Ordinance shall become effective upon its publication according to law.

Adopted this 12th day of March,2001, by the City of New Richland.

Mayor, City of New Richland

Attest: _____
City Clerk/Treasurer