

INTRODUCTION TO PLANNING AND ZONING

This ordinance shall be known, cited, and referred to as the Nevis Zoning Ordinance. It is an Ordinance regulating the use of land in the City of Nevis by districts, including the regulation of the location, size, use and height of buildings, the placement of buildings on lots, and the density of population for the purpose of promoting the public health, safety, order, convenience and general welfare of Nevis.

Intent and Purpose

This Ordinance, adopted pursuant to the provisions of the Minnesota Statutes Annotated, Section 462.357, is intended to serve the following purposes:

- 1) Protecting the public health, safety, comfort, convenience and general welfare of the city;
- 2) To guide the future growth and development of the city in accordance with the Land Use Plan adopted by the city council;
- 3) Protecting and preserving the natural environment of the city;
- 4) To protect and conserve the value of land through the city and the value of buildings appropriate to the various districts established by this Ordinance;
- 5) To provide adequate light, air, and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding and undue congestion of land and population;
- 6) To bring about the gradual conformity of the uses of land and buildings throughout the city through the zoning plan set forth in this Ordinance, and to minimize the conflicts among the uses of land buildings;
- 7) To promote the most beneficial relation between the uses of land and buildings and the circulation of traffic throughout the city;
- 8) To provide a guide for public policy and action in the efficient provision of public facilities and services and for private enterprises in building development, investment and other economic activity relating to uses of land and buildings throughout the city; and,
- 9) For the purpose of preserving and enhancing the quality of surface waters, preserving the economic and natural environmental values of shoreland, and providing for the wise utilization of waters and related land resources.

Administration:

The city administration office shall perform the following duties:

- 1) Enforce and administer the provisions of this Ordinance;
- 2) Issue permits for permitted uses and/or activities which comply with the provision of this Ordinance;
- 3) Maintain permanent and current records of this ordinance, including but not limited to maps, amendments, variances conditional uses, and interim uses;
- 4) Receive, file, and forward, along with recommendations, all applications for appeals;
- 5) Institute in the name of the city, any appropriate actions or proceedings against a violator as provided for; and,
- 6) Serve as ex-officio, non-voting member of the Planning Commission.

Planning Commission:

There is hereby created a Planning Commission consisting of five (5) members appointed by the City Council from among the property owners of the City of Nevis. The members of the Planning Commission shall be appointed by the City Council consistent with the bylaws as adopted by the Nevis City Council. The Planning Commission now in existence shall continue as presently constituted.

The Board of Adjustment and Appeals

The Nevis City Council shall serve as the Board of Adjustment and Appeals. The Board of Adjustment and Appeals shall act upon all questions as they may arise in the administration of this Ordinance.

Fee Schedule:

In order to defray the administrative costs associated with the processing of applications for building and related permits, Conditional Use or Interim Use Permits, variance requests, amendments, appeals, and subdivision plat approval, a schedule of fees has been adopted by the Nevis City Council. The schedule of fees shall be posted at the Nevis City Hall and may be altered or amended only by Resolution of the Nevis City Council.

Enforcement and Penalties:

The City Administrator of the City of Nevis and or the Board of Appeals or his or her agent shall have the right, at all reasonable times, to enter upon private property for the purpose of administration or enforcement of this Ordinance. This includes the right to conduct investigations, sampling, test borings and other actions necessary for the enforcement of this Ordinance.

In the event of violation or threatened violation of this Ordinance, the City Council, in addition to other remedies including prosecution of this Ordinance, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the Nevis City Attorney to institute such action.

Any person, firm or corporation who shall violate any of the provisions herein, or who shall fail to comply with any of the provisions herein, or who shall make any false statement in any document required to be submitted under such provision, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by such penalties and fines provided by law. Each day that the violation continues shall constitute a separate offense.

Rules

The language contained in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- 1) The singular number includes the plural and the plural the singular.
- 2) The present tense includes the past and future tenses, and the future the present.
- 3) The word "shall" is mandatory, and the word "may" is permissive.
- 4) The masculine gender includes the feminine and neuter genders.
- 5) Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition.

- 6) All measured distances expressed in feet shall be to the nearest tenth of a foot.
- 7) In the event of conflicting provisions, the more restrictive provisions shall apply.

Relation to Land Use Plan

It is the policy of the City of Nevis that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the City Land Use Plan as developed and amended from time to time by the Planning Commission and City Council. The Council recognizes the Land Use Plan as the policy for regulating land use and development in accordance with the policies and purposes herein set forth.

Standard Requirements

The following standards shall apply to all zoning districts and property, unless otherwise noted in this Ordinance.

- 1) More Restrictive Provisions to Govern: Where the conditions imposed by any provisions of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, code, statute, resolution or regulation, the regulations which are more restrictive or impose higher standards or requirements shall prevail.
- 2) 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 and general welfare. Interpretation shall be made by the Zoning Administrator, subject to appeal to the Board of Adjustment.
- 3) Conformity with this Ordinance: No building or structure shall be erected, converted, enlarged, constructed, reconstructed, moved or altered, and no building, structure or land shall be used for any purpose or in any manner which is not in conformity with the provision of this Ordinance and without a building permit being issued when required by this Ordinance and Building Code for the City of Nevis.
- 4) Building Occupancy: Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance.
- 5) Land Reduction: No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this Ordinance.
- 6) Abrogation and Regulations: These regulations shall not abrogate any easement, covenant, or any other private agreement where such is legally enforceable, provided that where the regulations of this Ordinance are more restrictive, or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall be controlling.

Uses Not Provided for within Zoning Districts

Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered by the Planning Commission and City Council, and if determined to be of the same general character as the permitted or conditional uses in the zoning district, and found not to be detrimental to the existing uses and the general public health, safety and welfare, the use may be approved by the City Council.

If the proposed use is not found to be of the same general character as the permitted or conditional uses in the zoning district, the Council or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable and if so, what zoning district would be most appropriate, initiate an

amendment to this Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

Separability

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

- 1) If any court of competent jurisdiction shall adjudge any provision of this Ordinance 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 adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

CITY OF NEVIS PLANNING AND ZONING FEE SCHEDULE

Activity	Fees	Escrow
Appeals	\$300.00	\$500.00
Boundary Line Realignment	\$150.00	
Conditional Use Permit	\$275.00	\$500.00
DEMO Permit	\$25.00	
Excavation Permit/Right of Way Permit	\$25.00	
Interim Use Permit	\$275.00	\$500.00
Minor Subdivision	\$225.00/+\$25.00 per lot	\$500.00
Mobile Food Units		
-Seasonal	\$250.00	
-Special	\$100.00	
-Regular	\$175.00	
Plan Review – On Site	\$50.00	
Plat - Preliminary	\$500.00 / + \$25.00 per lot	\$1000.00
Plat - Preliminary > 20 acres	\$600.00 / + \$25.00 per lot	\$1000.00
Plat – Final Review	\$300.00	
PUD	\$600.00/+\$25.00 per lot	\$1000.00
PUD (no public improvements)	\$400.00/+\$25.00 per lot	\$1000.00
Shoreland Alteration	\$100.00	
Sign Permit – Permanent	\$50.00	
Sign Permit – Temporary (30 day)	\$30.00	
Sign Permit – Temporary (10 day)	\$20.00	
Special Meeting	\$350.00	
Vacations	\$275.00	\$500.00
Variance	\$275.00	\$500.00
Zoning Amendment (text/map)	\$300.00	

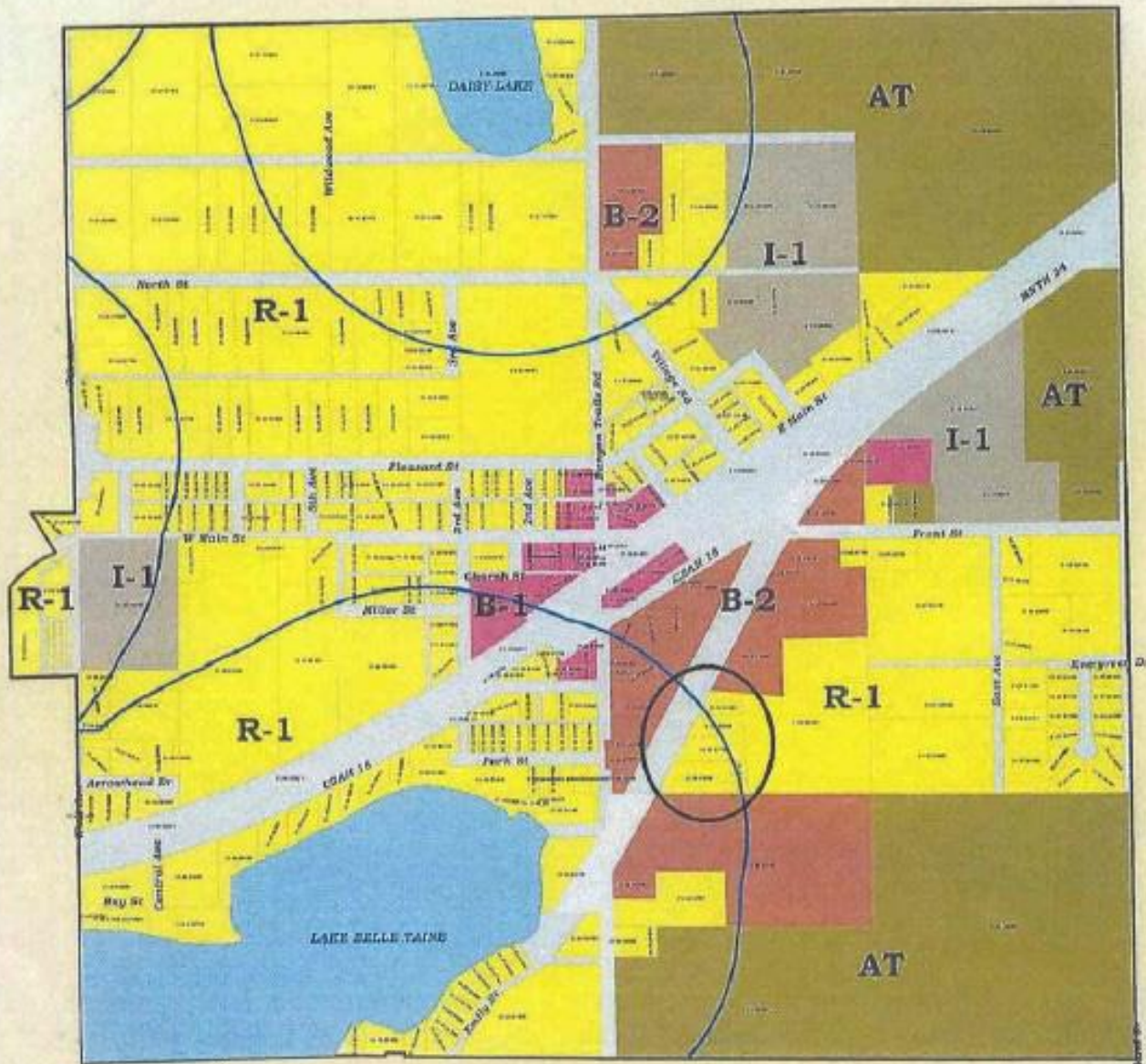
AFTER THE FACT: Twice the usual permit fee shall apply for any permit applied for or obtained after the work or use has been initiated.

Note: *An escrow account shall be established as indicated above to cover all expenses incurred by the City of Nevis as part of the plan review (such as Attorney fees, mailings, advertising, staff payroll for extra time). In the case of applications, including multiple requests, the highest escrow deposit amount will be the only one initially required. The applicant is responsible for all costs incurred by the City during application and plan review. If the escrow amount drops below 10% of the original deposit amount the City may require the submittal of an additional escrow deposit sufficient to cover any anticipated expenses. Upon determination by the City that the project is complete, expired, or approval conditions satisfied, the City will return the remaining escrow deposit to the applicant. In some cases, the planning and zoning administrator may determine that escrow monies are not required or may be increased at the time of a new or subsequent project application.*








All fees shall be paid to the City Clerk's office by due date or a 1.5% interest fee shall be assessed for each 30 days thereafter. Any fees unpaid by October 31st of each year will be assessed to the Property Tax Rolls.

City of Nevis

"Zoning District Map"



Zoning Districts

-  Shoreline Buffer (1,000 Feet)
-  B-1 (Commercial Business District)
-  AT (Agricultural Transition District)
-  B-2 (General Business District)
-  R-1 (Residential District)
-  I-1 (Light Industrial District)
-  RBT (Residential/Business Transition District)