

CLEVELAND ZONING REGULATIONS

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SECTION 10000. 1. PURPOSES, SCOPE, INTERPRETATION, CONFLICT, SEVERABILITY. SHORT TITLE.

Subd. 1 Purposes. This Ordinance is enacted for the following purposes: to promote the health, safety and general welfare of the inhabitants of the City, by lessening congestion in the streets, securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, conserving the value of properties; and encouraging the most appropriate use of land.

Subd. 2. Scope. From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered and with respect to height and area, added to or relocated and every use within a building or use accessory thereto, in the City shall be in conformity with the provisions of this Ordinance. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as non-conforming, but may be continued, extended, or changed subject to the special regulations herein provided with the respect to non-conforming properties or uses.

Subd. 3. Interpretation. In interpreting and applying the provisions of this Ordinance, they shall be held to be minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any other statute, other ordinance, or regulation, the provision of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

Subd. 4. Conflict. All prior ordinances or parts of ordinances in conflict herewith are repealed, but nothing contained herein shall prevent the prosecution of any person or the bringing of a civil action to enjoin any person for the prior violation of any ordinance or part of any ordinance hereby repealed.

Subd. 5. Severability. If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, this decision shall not effect the remaining portion of this Ordinance which shall remain in full force and effect.

Subd. 6. Short Title. This Ordinance shall be known and may be cited as the Zoning Ordinance of the City of Cleveland.

SEC. 10000.02. INTERPRETATION OF TERMINOLOGY.

Subd. 1. Rules. For the purpose of this Ordinance:

2.

A. Words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular.

B. The word "person" shall include a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

C. The word "shall" is a mandatory and not discretionary.

D. The word "may" is permissive.

E. The word "lot" shall include the words "plot", "piece" and "parcel."

F. The word "used for" shall include the phrases "arranged for," designed for," intended for," maintained for," and "occupied for."

SEC. 10000.03. DEFINITIONS. Unless the context clearly indicates otherwise, the following words and phrases, as used in this Ordinance, have the meaning given to them in this Section.

Subd. 1 Accessory Building. A secondary building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.

Subd. 2. Agriculture. To the art or science of cultivating the soil and activities incidental thereto; the growing of soil crops in the customary manner on open tracts of land; the accessory raising of livestock and poultry; farming. The term shall include incidental retail selling by the producer of products raised on the premises, provided that space necessary for the parking of vehicles of customers shall be furnished outside the public right-of-way.

Subd. 3. Alley. A public or private right-of-way less than twenty (20) feet in width which affords secondary means of access to abutting property.

Subd. 4. Alteration. As applied to a building or structure, is a change or rearrangement in the structural parts, or enlargement or the moving from one location or position from one location or position to another; or is an exterior change to the roof, siding, windows or doors of a building or structure.

Subd. 5. Apartment A room or suite or rooms designed for, intended for, or used as a residence for one family or individual and equipped with cooking facilities.

Subd. 6. Apartment Building. Three or more apartments grouped in one building.

Subd. 7. Automobile Service Station or Filling Station. A place where gasoline, kerosene or any other motor fuel or lubrication oil or grease for operating motor vehicles is offered for sale and delivered directly into motor vehicles including greasing and oiling.

3.

Subd. 8. Billboard . See Signs. and Advertising

Subd. 9. Block. A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines, waterways, or boundary lines of the corporate limits of the City.

Subd. 10. Board of Adjustment The City Council.

Subd. 11. Boarding House. A building other than a hotel or motel, where for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons not members of the immediate family therein.

Subd. 12. Building. Any structure for the shelter, support or enclosure of persons, animals., chattel, or property of any kind; and when separated by part walls without openings, each portion of such building so separated shall be deemed a separate building.

Subd. 13. Building, Detached. A building surrounded by open space, said open space being on the same zoning lot as the building.

Subd. 14. Building, Height of The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard room, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

Subd. 15. Bulk and Density Controls. Those regulations or controls which specify the setback lines, lot sizes, building height, maximum ground coverage, lot width and lot depth.

Subd. 16. Clinic. A place used for the care, diagnosis and treatment of sick, ailing, infirm, and injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises.

Subd. 17. Club. A non-profit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Subd. 18. Community System System. A system of sewer control and processing serving a group of buildings and lots with the design and construction of such systems as approved by the State of Minnesota.

Subd. 19. Corner Lot . See Lot, Corner .

Subd. 20. District Zoning. A section of the City for which the regulations governing the height, area, use of the building, and premises are the same as delineated by the Zoning Map.

Subd. 21. Dwelling. A building or portion thereof designed or used exclusively for residential occupancy, including one-family, two-family, and multiple-family units, but not including hotels, motels, boarding or lodging houses.

Subd. 22. Dwelling, Attached (Group, Row, or Townhouse). A dwelling joined to other dwellings by a party wall or walls.

Subd. 23. Dwelling, Detached. A dwelling entirely surrounded by open space, said open space being on the same zoning lot as the dwelling

Subd. 24. Dwelling, Multiple Family. A dwelling containing three (3) or more dwelling units, designed with more than one (1) dwelling unit connecting to a common corridor or entrance way, originally constructed for said purpose; and not including converted dwellings or attached row dwellings (party wall type) as defined herein.

Subd. 25. Dwelling, Single Family A detached dwelling containing accommodations for and occupied by one (1) family only.

Subd. 26. Dwelling, Two Family. A dwelling designed exclusively for occupancy by two (2) families living independent of one another.

Subd. 27. Dwelling Unit. Two or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and having its own permanently installed cooking and sanitary facilities.

Subd. 28. Earth-Sheltered Building. A building constructed so that fifty percent (50%) or more of the exterior is covered or in contact with earth. Exterior surface covers all walls and roof, but excludes garages and other accessory buildings. Earth covering on walls is measured from the floor of the structures lowest level. Earth covering on the roof must be at least twelve (12) inches deep to be included in calculations in earth covering. An earth sheltered building must satisfy the building code standard promulgated pursuant to Minnesota Statutes 16.85. Partially completed buildings shall not be considered earth sheltered. Basement homes shall not be considered earth sheltered.

Subd. 29. Easement. A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including, but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

Subd. 30. Family. Any number of individuals related by blood, marriage, adoption or foster care, or not more than five persons not so related, maintaining a common household and using common household and using common cooking and kitchen facilities; as distinguished from a group occupying a boarding house, lodging house, hotel or motel.

Subd .3 1. Family Immediate. Persons related by blood, marriage, or certified legal

Subd. 32. Farm. A tract of land, ten acres or more in size, or a space producing in excess of \$2,500 annual value of agricultural products and used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farm may include an agricultural dwelling and accessory buildings and structures necessary to the operation of the farm.

Subd. 33. Feedlot. An enclosure for the purpose of feeding poultry, livestock, mink and other fur bearing animals, where such enclosures does not or is not intended to provide natural pasture for the animals and where the feedlot operation is not accessory or incidental to a primary agricultural use.

Subd. 34. Feedlot, Confined. A feedlot in which the animals are confined closely in an open lot or enclosed building and where it is not necessary to periodically remove the manure from the lot or enclosure except that a dairy barn shall not be considered a feedlot.

Subd. 35. Floor Area . The floor area of a building, is the sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls.

Subd 36. Floor Area, Gross. The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls, from the exterior faces of exterior walls, or from the center line of party walls separating two buildings; the term does not include basements used for storage purposes or enclosed spaces used for off street parking.

Subd. 37. Floor Area, Livable. Livable floor area shall be the same as "floor area" defined above, excluding all area occupied by cellars, garages, porches, attics, stairways and storage, utility and heating rooms.

Subd. 38. Frontage. All the property fronting on one (1) side of a street between the nearest intersecting street or between a street or right-of-way, waterway or other similar barrier.

Subd 39. Garage. Private. An accessory building or accessory portion of a principal building designed and used for the storage of private passenger vehicles of the family or families resident in the principal building, and in which no business service industry is conducted.

Subd. 40. Green Space. See Open Space .

Subd. 41. Group Camps- A supervised outdoor camp serving a number of individuals who are affiliated with an accredited organization.

Subd. 42. Home Occupation. Any occupation or profession carried on by a member of

the family, residing on the premises, which is clearly secondary to the main use of the premises as a dwelling and does not change the character thereof or exhibit any exterior evidence of such secondary use.

Subd. 43. Hotel. A building occupied as a temporary abiding place of individuals who are lodged with or without meals in which there are more than five (5) sleeping rooms and wherein no provisions made for cooking in any individual room or apartment.

Subd. 44. Junk Yard. Land or buildings where waste, discarded or salvaged materials are bought, sold, stored, exchanged, cleaned, packed, disassembled or handled, including, but not limited to scrap metal, rags, paper, hides, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other machinery.

Subd. 45. Manufactured Homes. A structure transportable in one or more sections used as a dwelling for one family, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. No manufactured dwelling shall be moved into the City of Cleveland that does not meet the Manufactured Home Building Code as defined in Minnesota Statutes 327.3 1, Subd. 3.

Subd. 46. Manufactured Home Park. A contiguous parcel of land which has been planned for the placement of ten (10) or more mobile homes or mobile home lots.

Subd. 47. Metes and Bounds. A method of property description by means of their direction and distance from an easily identifiable point.

Subd. 48. Modular Homes. A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site.

Subd. 49. Non-Conforming Building. A building or portion thereof lawfully existing at the time of adoption of this Ordinance, which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the district in which it is now located.

Subd. 50. Non-Conforming Lot. A lot which does not comply with the minimum lot area or frontage requirements of the district in which it is located.

Subd. 51. Non-Conforming Structure. A structure which does not comply with the bulk, yard, setback or height regulations of the district in which it is located.

Subd. 52. Non-Conforming Use. A use lawfully in existence on the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated, except that such a use is not non-conforming if it would be authorized under a conditional use permit were located.

Subd. 53. Non-Conforming Use of Land Any use of a lot which does not conform to the applicable use regulations of the district in which it is located.

Subd. 54. Non-Conforming Use of Structures. A use of a structure which does not conform to the applicable use regulations of the district in which it is located.

Subd. 55. Nursing Home. A home designed and licensed to provide care for aged or infirm persons requiring or receiving personal care or custodial care complying with the standards established by the Minnesota State Board of Health.

Subd. 56. Open Spaces. Land areas which are undeveloped and left in their natural spaces.

Subd- 57. Open Space, Public. Any publicly owned open area, including, but not limited to, the following: parks, playgrounds, school sites, parkways, and streets.

Subd. 58. Owner or Property Owner. The owner of land or the beneficial owner of land, whose interest is primarily one of ownership or possession and enjoyment in contemplation of ultimate ownership. The term includes, but is not limited to, mortgages and vendors under a contract for deed.

Subd. 59. Parking Space. A land area exclusive of driveways and aisles, of such shape and dimensions and so prepared as to be usable for the parking of a motor vehicle, and so located as to be readily accessible to a public street or alley. Truck loading and unloading space shall not be included in such area.

Subd. 60. Planning Commission. The Planning Commission of the City of Cleveland, Minnesota. The City Council shall act in this capacity until such time that the appointment of separate body is deemed appropriate and/or necessary.

Subd. 61. Premises. A lot or plot with the required front, side and rear yards for a dwelling or other uses as allowed under this Ordinance.

Subd- 62. Public Utility. Any person, firm, corporation, municipal department, or board fully authorized to furnish under municipal regulation to the public, electricity, gas, steam, communication services, telegraph services, transportation, or water.

Subd. 63. Rest Home. See Nursing Home.

Subd- 64. Road. A public right-of-way affording primary access by pedestrian and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated.

Subd. 65. Rooming House. See Lodging House.

Subd. 66. Sanitary Landfill. A land deposit site employing an engineering method of disposing of solid waste on land in a manner which minimizes environmental hazards by spreading the solid waste in thin layers, compacting the solid waste to the smallest possible volume, and applying cover material at the end of each operating day or at intervals as may be required by the Minnesota Pollution Control Agency.

Subd. 67. Screening. The use of plants, materials, fences or earthen berms to partially conceal the separate land use from the surrounding land uses.

Subd. 68. Setback Line. A line within a lot or other parcel of land parallel to a public road, street or highway right-of-way line defining that minimum distance between the building and property line in which buildings or structures may not be placed.

Subd. 69. Sign. A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution or business. Warning signs or public identification signs such as street signs shall be exempt from these regulations when under two (2) square feet in size.

Subd. 70. Sign, Advertising. A sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold, or offered upon the premises where such a sign is located.

Subd. 71. Sign & Area See Sign, Surface Area of.

Subd. 72 Sign Business. A sign which directs attracts attention to a business or profession or a commodity, service, or entertainment sold or offered upon the premises where such a sign is located.

Subd. 73. Sign. Real Estate. A sign which directs attention to, and is located on, real estate being offered for sale.

Subd. 74. Sign, Surface Area of The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including any structural elements outside the limits of such sign and not forming an integral part of this display. Only one side of a double-face or V-type structure shall be used in computing total surface area.

Subd. 75. Standard, Performance. A criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases and other objectionable or dangerous objects.

Subd. 76. Story The portion of the building included between the surface of any floor and the surface of the next floor above it, or, if there is no floor above it, the space between the floor and the ceiling next above it.

Subd. 77. Street. A public or private right-of-way forty (40) feet or more in width, approved or accepted by public authority or user, which provides a primary means of public access to abutting property. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

Subd. 78 Street Line. The right-of-way line of street.

Subd. 79. Structure. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. When a structure is divided into separate parts by an unpierced wall, each part shall be deemed a separate structure.

Subd. 80. Structural Alterations. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.

Subd. 80A. Exterior Alterations. Any change to the exterior roof covering, windows, doors or siding of a building.

Subd. 81. Subdivision. A described tract of land which is to be or has been divided into two or more lots or parcels or the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcel for the purpose of transferring ownership or building development, or if a new street is involved, any division or development of a parcel of land. The term shall include re- subdivision of land; provided, however, that the sale or exchange of small parcels of platted land to or between adjoining property owners shall not be considered as a subdivision.

Subd. 82. Townhouse. A single family dwelling which maintains private ingress and egress, attached to its own foundation, contains no independent dwellings above or below it and is attached to other similar dwellings by a common wall.

Subd. 83. Travel Trailer. A vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as "travel trailer" by the manufacturer of the trailer.

Sub 84. Use. The purpose for which land or premises or a building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.

Subd. 85. Use, Accessory. A use subordinate to the main use on the same lot and used for purposes customarily incidental to those of the main use.

Subd. 86 Use. Conditional. A land use or development as defined by this Ordinance that may be allowed with appropriate restrictions as provided by official controls upon a finding that: 1) certain conditions as detailed in this Ordinance exist, and 2) the use or development conforms to the Land Use Plan of the City, and 3) is compatible with the existing neighborhood.

Subd 87. Use, Permitted. A public or private use which of itself conforms with the purposes, objectives, requirements, regulations, and performance standards of a particular district.

Subd. 88. Vacation. The act of relinquishing a recorded dedication or easement as in a street right-of-way, utility easement, etc.

Subd. 89. Variance. A modification of the application of the zoning ordinance to a specific lot where, because of unique physical circumstances, strict enforcement would cause an undue hardship or practical difficulties in the use of land. Variances shall be limited to height, bulk, density, and yard requirements.

Subd. 90. Yard, Front. A yard extending across the front of the lot between the side yard lines and lying between the front street line of the lot and the nearest line of the building.

Subd. 91. Yard, Rear An open space unoccupied except for accessory buildings on the same lot with a building between the rear lines of the building and the rear line of the lot, for the full width of the lot.

Subd. 92. Yard, Side. An open, unoccupied space on the same lot with a building, between the building and the side line of the lot and extending from the front lot line to the rear yard.

Subd 93. Zoning Administrator. The designated Zoning Administrator of the City of Cleveland, Minnesota. The duties of the Zoning Administrator are currently the responsibility of the City Clerk and Maintenance Superintendent

Subd. 94. Zoning Lot. A plot of ground, made up on one (1) or more parcels of land, which is or may be occupied by a use, building, or buildings, including the open spaces required by this Ordinance.

Subd. 95. Zoning Map. The map or maps incorporated into this Ordinance as part hereof, designating the zoning districts.

SEC. 10000.04. ZONING INSTRUMENTS.

Subd. 1. Zoning Map The location and boundaries of the districts established by this Ordinance are hereby set forth on the Zoning Map and said map is hereby made a part of this

Ordinance, which map shall be known as the "City of Cleveland Zoning Map." Said map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the City Clerk/City Council to maintain said map, and amendments thereto shall be recorded on said zoning map within thirty (30) days after official publication of amendments. The official zoning map shall be kept on file in the City Council Chambers.

Subd. 2. Replacement of the Zoning Map. In the event that the Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Governing body may, by resolution, adopt a new Zoning Map which shall supersede the prior zoning map. The new Zoning Map may correct drafting and other errors or omissions in the prior Zoning Map, but no such corrections shall have the effect of amending the original Zoning Ordinance, or any subsequent amendment thereof. The new Zoning Map shall be identified by the signature of the Mayor, attested by the words: This is to certify that this Zoning Map supersedes and replaces the Zoning Map adopted (date of adoption of map being replaced) as part of this Ordinance of the City of Cleveland.

Subd- 3. District Boundary Lines. Wherever any uncertainty exists as to the boundary of any land use district as shown on the Zoning Map incorporated herein, the following rules shall apply:

A. Where district boundary lines are indicated as following streets, highways, alleys, railroads, or similar rights-of-way, they shall be construed as following the center lines thereof

B. Where district boundary lines are indicated as approximately following lot lines or section lines, such lines shall be construed to be such boundaries.

C. Where district boundary lines are indicated as parallel to or extensions of features indicated above in this Section, it shall be so construed.

D. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

E. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by this Subdivision, the Board of Adjustment shall interpret the district boundaries.

F. Where a plotted lot held in one (1) ownership and of record at the effective date of this Ordinance is divided by a district boundary line, the entire lot shall be construed to be within the least restrictive district.

Subd. 4 Annexations, All territory hereafter annexed to the City which is not shown on

the Zoning Map as part of this Ordinance, shall automatically, upon annexation, be classified within the A-1, Agriculture District and shall be subject to all regulations, notations, references and conditions applicable to said zone until such time that a determination may be made as to the proper district classification and an amendment to this Ordinance made to that effect.

SEC. 10000.05. A- I AGRICULTURE DISTRICT.

Subd- 1. Purpose. This district is established to preserve the present agricultural lands and maintain other lands in a natural state and permit low density residential development where such development is in accordance with the Land Use Plan and where municipal utilities are not available.

Subd. 2. Permitted Uses. The following uses shall be permitted within the A- 1, Agriculture District:

- A. Agriculture, farming and truck gardening provided that no feedlot shall be located within one hundred (100) feet of any lot line abutting residential property.
- B. One and two fitmily non-farm detached dwellings.
- C. Flood Control and watershed structures.
- D. Golf courses, except club houses
- E. Railroad rights-of-way, but not including switching, storage, freight yards, shops or industrial sidings.
- F. Parks, recreational areas, wildlife areas, game refuges and forest preserves owned by government agencies.
- G. Nurseries and Greenhouses for growing plants.

Subd. 3. Conditional Uses. The following uses are permitted if granted a Conditional Use Permit as approved in Section. 16.

- A. Municipal administration buildings, police and fire stations, libraries, museums, art galleries, post offices, and other municipal services buildings except those customarily considered industrial in use, providing that no building shall be located within fifty (50) feet of any lot in a residential district.
- B. Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility and service structures.

C. Golf clubhouse, country club, public swimming pool, private swimming pool serving more than one family, provided that no principal structure shall be located within fifty (50) feet of any lot in a residential district.

D. Offices of Professional persons as a home occupation.

E. Organized group camps, schools.

F. Mobile homes if part of farm operation.

G. Commercial livestock and poultry feeding operations, provided they are in compliance with the State of Minnesota minimum standards as per State Statutes.

H. Veterinary and animal clinics and facilities for the care and/or breeding of animals, including kennels.

1. Private commercial landing fields and associated facilities.

J. Cemeteries

K. Uses determined by the Planning Commissions if similar nature to the conditional uses, above and found not to be detrimental to the general health and welfare of the city.

Subd. 4. Accessory Uses.

A. Private garages and carports.

B. Private recreation facilities such as tennis courts and swimming pools provided that said pool is completely enclosed within a chain link or similar fence at least five (5) feet in height and is intended for the use and convenience of the residents.

C. Tool houses and sheds or similar storage buildings for domestic supplies.

D. Accessory buildings or structures which are clearly incidental to any of the uses listed above, but must be located on the same property.

Subd. 5. Height Regulations.

A. All other buildings hereafter erected or altered shall not exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height.

Subd. 6. Front Yard Regulations. For all uses allowed there shall be a front yard having depth of not less than fifty (50) feet. Where a lot is located at the intersection

of two or more streets, there shall be a front yard on each street side of each corner lot.

Subd. 7. Side Yard Regulations. For all uses allowed there shall be a side yard on each side of a building having a width of not less than five (5) feet.

Subd. 8. Rear Yard Regulations. There shall be a rear yard having a depth of not less than twenty-five (25) percent of the depth of the lot or twenty-five (25) feet, whichever is greater.

Subd. 9. Lot Area Regulations. Every lot or tract of land upon which a structure is erected shall have an area of not less than one (1) acre unless it is connected to municipal utilities. Except that if a lot or tract has less area or width than herein required and was legally platted and was of record at the time of the passage of this Ordinance, that lot may be used for any of the uses permitted in this Section.

Subd. 10. Lot Width and Depth Regulations Every lot or plot of land on which a one family dwelling is erected shall have a minimum width of not less than two hundred (200) feet and a depth of not less than two hundred (200) feet. No lot shall have a depth greater than three (3) times its width.

Subd. 11. General Regulations. Additional regulations applicable to the A- I Agricultural District are set forth in Section 10000. 11, General Regulations.

SEC. 10000. 06. R- I RESIDENTIAL DISTRICT .

Subd. 1. Purpose The R- I District is intended to provide low density residential areas.

Subd. 2. Permitted uses. The following uses shall be permitted in R-1, Residential District:

- A. Single Family Dwellings.
- B. Parks and recreational areas owned or operated by governmental agencies.
- C. Public Schools, private schools, nursery schools, churches, hospitals, nursery
- D. Home Occupations.

Subd. 3. Conditional Uses. Buildings or land may be used for the following if granted a Conditional Use Permit:

- A. Multiple Family dwellings and apartment buildings.

B. Earth sheltered residential buildings.

C. Municipal administration buildings, police and fire stations, museums, art galleries, post offices and other municipal service buildings.

D. Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility and service structures.

E. Railroads rights-of-way, but not including railroad yards.

F. Reserved.

G. Boarding or rental rooms not exceeding five (5) to eight (8) persons on a premise

H. Hospitals and Clinics.

I. Open land recreational uses.

J. Charitable institutions.

K. use determined by the Planning Commission to be of the general character of the Conditional Uses above and found not to be detrimental to the health and welfare of the City.

Subd. 4. Accessory Uses. The following uses shall be Accessory Uses within the R-1, Residential District:

A. Private garages and carports.

1. Driveways for new construction shall have a hard surface
2. driveway constructed within one year of the date that the Certificate of Occupancy is issued

B. Tool houses and storage sheds.

C. Permanent swimming pools with a depth of water over two (2) feet, intended for the use of the residents, when conforming to the following standards:

1. Pools shall not be located within ten (10) feet of any side or rear lot line nor within six (6) feet of any principal structure or frost footing. Pools shall not be located within any front yard.

2. Pools shall not be located beneath overhead electrical lines or over underground utility lines of any type.

3. Pools shall not be located within any public or private utility,

walkway, drainage, or other easement.

4. The filter unit, pump, heating unit and any other noise making mechanical equipment shall be located at least thirty (30) feet from any adjacent residential structure and not to closer to any lot line than five (5) feet.

5. Lighting for the pool shall be directed toward the pool and not toward adjacent property.

6. A security fence at least six (6) feet in height shall completely enclose the area in which an outdoor pool is located.

7. All construction of swimming pools shall be subject to the submission of a site plan and obtaining a zoning permit.

D. Parking of one commercial motor vehicle of not over twenty-six (26) foot length used by the resident occupant, and parking of passenger cars, but not including the storage of vehicles which are inoperable or for sale or rent.

Subd. 5 Height Regulations.

A. No structure hereafter erected shall exceed two and one-half (2-1/2) stories or thirty (30) feet in height, except that church spires, belfries, domes which do not contain usable space, and chimneys may be of any height which does not conflict with air traffic requirements.

B. For multiple family dwellings, structures shall not exceed three (3) stories or forty-five (45) feet in height.

Subd. 6. Front Yard Regulations.

A. There shall be a front yard having a depth of not less than thirty (30) feet, except that in a block where two or more residences have been erected facing the same street the setback for remaining lots in that block fronting on the same street shall be determined by the average setback of existing buildings.

B. For multiple family dwellings, there shall be a front yard having a depth of not less than thirty (30) feet, except that for any portion of a building exceeding three (3) stories in height, there shall be an additional front yard setback of one (1) foot for every one (1) foot that the building exceeds the height of thirty (30) feet.

C. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of the corner lot. No accessory buildings shall be allowed within the required front yard.

Subd. 7. Side Yard Regulations

A. Each lot shall have two side yards, each yard having a width of not less than five (5) feet on each side of the building.

B. For multiple family dwellings, there shall be a side yard having a width of not less than five (5) feet on each side of the building.

Subd. 8. Rear Yard Regulations.

A. Each lot shall have an unoccupied rear yard having a depth of not less than twenty-five (25) percent of the lot depth, except that accessory buildings such as non-attached garages and structures used for storage of non-commercial property shall be located no less than five (5) feet from the property line and not less than five (5) feet from an alley.

B. For multiple family dwellings, there shall be a rear yard of not less than twenty-five (25) feet or 25 percent of the lot depth, whichever is greater.

Subd. 9 Lot Size Regulations

A. Every lot on which a one or two family dwelling is erected shall contain an area of not less than 9,500 square feet.

B. Substandard Lots.

1. Lots of record of continuous separate ownership from abutting lands in the office of the County Recorders Office prior to the enactment date of this ordinance which do not meet the requirements of this section may be allowed as building sites provided:

- a. Such use permitted in the zoning district
- b. All other sanitary and setback requirements of the zoning ordinance have been met in so far as practical.
- c. The lot is in separate ownership from abutting lots.

2. Any person wishing to develop a substandard lot of record which does not meet the standards outlined in items a-e, may submit an application for a variance to the Board of Adjustment for review and consideration.

C. For multiple family dwellings, the minimum lot area per dwelling unit shall not be less than two thousand (2,000) square feet, except that public housing for the elderly projects privately sponsored private housing for the elderly projects built and occupied to the

same standards, require only one thousand (1,000) square feet per dwelling unit.

D. Every lot on which a one or two family dwelling is erected shall not be less than ninety (90) feet in width. Lots fronting on the curvilinear streets shall have a minimum frontage seventy five(75) feet and a seventy-five (75) foot width at the building line and maintain 9,500 square feet. Comer lots shall have a minimum width frontage of one hundred fifty (150) feet.

E. The lot area and width regulations of this section shall not apply to lots recorded prior to the adoption of this Ordinance. However, such lots shall not be altered in any way which would further reduce their dimensions below the minimum requirements of this Section, and no lot in conformance with the provisions of this Section shall be reduced or re-subdivided to produce a lot not in full conformance with this Section.

Subd. 10. Maximum Ground Coverage. For multiple family dwellings, not more than thirty-five (35) percent of a lot or plot shall be occupied by buildings.

Subd. 11. Permit Regulations. No zoning permit for a multiple building structure may be issued unless the permit application is accompanied by a site plan. Such site plan shall include topography, location of parking and loading spaces, landscaping, screening and other information pertinent to the development of the site. All R- I applications shall include height, size, design, and appearance of all elevations of the proposed buildings, description of the construction materials, etc.

Subd. 12. General Regulations. Additional regulations applicable to the R- I Residential District are set forth in Section 10000. 11.

SEC. 1000.07 R-2 MANUFACTURED HOME PARK DISTRICT.

Subd. I. Purpose. This district is established to provide for the development of manufactured home parks, as well as establish requirements governing the location and density of said development.

This Section shall not be applicable to existing facilities or existing manufactured home parks, but shall have all application to all new manufactured home park developments which are hereafter constructed.

All improvements of the land including buildings and all appurtenances thereto, shall conform to all applicable laws, ordinances and regulations (including deed restrictions and covenants of the land). The minimum standards established herein shall not be construed as lowering the standards established by the local laws, ordinances or regulations. Whenever such local standards contain more stringent provisions than any of the minimum standards contained herein, the more stringent standards shall govern.

No manufactured home shall be admitted to any park unless it can be demonstrated that it meets the requirements of all State, County, and City Codes governing installation of plumbing, heating and electrical systems.

Subd. 2. Permitted Uses.

A. Manufactured Homes when placed in manufactured home parks as defined in Section 10000.03, Subd. 46.

B. Public Open Space.

Subd- 3. Conditional Uses.

A. Manufactured Home Parks- as defined in Section 10000.03, Subd. 46.

B. Public and private schools having a regular course of study accredited by the State Department of Education.

C. Churches, chapels, temples, synagogues, convents, seminaries, monasteries and nunneries.

D. Publicly owned buildings or structures, utility building, telephone exchange, transformer stations and substations, but not including yards (storage) or similar facilities.

Subd. 4 Accessory Uses

A. Uses incidental or accessory to the operation of a manufactured home park, provided such uses are only for the benefit and convenience of the occupants of the manufactured home park and approved by the Planning Commission. Such uses shall not occupy more than ten (10) percent area of the park.

B. Privately owned recreation facilities such as swimming pools or tennis courts for the use of residents.

C. Garages-private

D. Tool houses and sheds or similar buildings for the storage of domestic supplies.

Subd. 5 Required Lot Area, Lot Density Lot Setback Requirements.

A. The minimum site sizes for each manufactured home shall be 4,000 square feet if sewage from the park is discharged into a soil absorption system; or 2,800 square feet if municipal sewage disposal is used.

B. There shall be an open space of at least ten (10) feet between the sides of adjacent manufactured homes including their attachments.

C. There shall be a minimum setback of ten (10) feet from all public streets or alleys

D. No manufactured home shall be parked closer than three (3) feet to the side lot lines of a manufactured home park if the abutting property is improved property.

E. Other requirements governing manufactured home parks are outlined in the regulations of the "Minnesota State Board of Health."

Subd. 6. General Regulations. Additional requirements applicable to the R-2 Mobile Home Park District are set forth in Section 10000. 11.

SEC. 10000.08. B-I HIGHWAY BUSINESS DISTRICT.

Subd. 1. Purpose. The B- I Highway Business District is designed and intended to promote the development of uses which require large concentrations of automobile traffic. The district is also designed to accommodate those commercial activities which require larger amounts of land and which may be incompatible with the predominantly retail uses permitted in other business districts.

Subd. 2. Permitted Uses. The following uses shall be permitted within the B-1, Highway Business District:

- A. Agriculture and agri-related uses.
- B. Armories, convention halls and exhibition halls.
- C. Automobile, truck and farm implement dealers, new and used vehicle lots, boat, trailer and mobile home display lots and structures.
- D. Automobile service stations.
- E. Bowling alleys.
- F. Bus Stations.
- G. Dance Halls.
- H. Dairy stores.
- 1. Dry Cleaning establishments.
- J. Feed and fertilizer sales.
- K. Grocery, fruit, vegetable and meat stores.
- L. Greenhouses, nurseries and garden stores.
- M. Laundromats.
- N. Laboratories, medical and dental.
- 0. Lumber yards and building materials.
- P. Marine and boat sales and servicing establishments.
- Q. Miniature golf courses.
- R Motels, hotels and camping facilities.
- S. Municipal service and utility buildings to include water treatment plant transformers and relay stations, fire stations, highway department vehicle and equipment and storage.

T. Newspaper distribution agencies.

U. Pet and animal hospitals.

V. Public utility structures.

W. Restaurants.

X. Skating rinks.

Y. Taverns.

Z. Theaters, Drive-in.

AA. Single family residence when attached to and associated with a highway business.

BB. Cartage and express facilities.

Subd. 3 Conditional Uses. The following uses shall be conditional uses within the B- 1, Highway Business District:

A. Any commercial use of the same general character as those listed as "Permitted Use" in this Ordinance.

Subd- 4. Accessory Uses. The following uses shall be accessory uses within the B-1, Highway Business District:

A. Accessory uses customarily incidental to the uses permitted in Subdivisions 2 and 3 of this Section.

B. Off-street parking and loading as regulated in Section 10000. 12.

Subd. 5. Height Regulations. No building shall hereafter be erected or structurally altered to exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height.

Subd. 6. Front Yard Regulations.

A. There shall be a front yard setback of not less than sixty-five (65) feet from the centerline of all State and County highways and all other public rights-of-way

B. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard setback line of either road.

Subd. 7. Side Yard Regulations

A. There shall be a side yard having a width of not less than fifteen (15) feet on each side of the building.

B. No building shall be located within thirty (30) feet on any side lot line abutting a lot located in a Residential District.

Subd. 8 Rear Yard Regulations

A. There shall be a rear yard having a depth of not less than fifteen (15) feet

B. No building shall be located within thirty (30) feet of any rear lot line abutting a lot located in a Residential District.

Subd. 9. Lot Area Regulations. Every lot or plot of land shall contain an area of not less than 10,000 square feet.

Subd. 10. Lot Width Regulations. Every lot or plot of land shall have a width of not less than one hundred (100) feet abutting a public right-of-way.

Subd. 11. Lot Coverage Regulations. Not more than fifty percent (50%) of the lot or plot of land shall be occupied by buildings.

Subd. 12. General Regulations. Additional requirements applicable to the B- I Highway Business District are set forth in Section 10000. 11.

SEC. 10000.09. B-2 General Business District.

Subd. 1. Purpose The B-2, General Business District, is intended to serve the community by providing a district for high density retail sales, business and personal services, business and professional offices, and for specialized businesses dependant upon a high volume of pedestrian traffic.

Subd. 2. Permitted Uses. The following uses shall be permitted within the B-2, General Business District:

- A. Antique Stores.
- B. Apparel and accessory stores.
- C. Appliance stores, sales and services.
- D. Art supply store.
- E. Art galleries.
- F. Artist studio or schools.
- G. Bakeries, retail.
- H. Banks, including drive-in bank.
- I. Bar, including lounges, night clubs, on-sale liquor
- J. Barber and beauty shops
- K. Billboard and signs (as regulated the Sign Regulations)
- L. Bookstores

- M. Business machine stores.
- N. Camera and photographic supply stores.
- O. Candy, ice cream, and confectionery stores
- P. Clinics, dental and medical.
- Q. Dairy Stores
- R. Delicatessen stores
- S. Department stores
- T. Dressmaking, seamstress
- U. Drugstores
- V. Floral stores
- W. Furniture stores and home furnishings
- X. Garden supplies stores
- Y. Gas stations or garages
- Z. Gift, novelty or souvenir shops
- AA. Government or municipal buildings
- BB. Grocery stores
- CC. Hardware stores
- DD. Health equipment stores
- EE. Hobby shops
- FF. Interior decorates
- GG. Jewelry stores
- HH. Laboratories, dental or medical

II. Laundromats.

JJ. Liquor stores (off-sale).

KK. Locksmiths.

LL. Luggage stores.

MM. Meat markets and frozen food lockers.

NN. Mortuaries.

OO. Motels, Hotels, or boarding houses.

PP. Music stores, accessories and studio.

QQ. Offices of any type.

RR. Opticians.

SS. Optical goods.

TT. Paint and wallpaper stores.

UU. Photographic studios or picture processing.

VV. Repair, renting and servicing of any article the sale of which is permitted in this District.

WW. Restaurants, cafes or taverns.

XX. Shoe repair shops.

YY. Sporting goods stores.

ZZ. Stationary stores.

AAA. Tailors.

BBB. Telephone exchanges

CCC. Theaters, not including drive-in theaters.

DDD. Toy stores.

EEE. Travel bureaus or agencies.

FFF. Variety stores.

GGG. Parking lots and garages other than those necessary to a principal use for the parking of automobiles only.

HHH. Public utility stores.

III. Leather goods and luggage shops.

JJJ. Libraries.

KKK. Farm equipment distributors.

LLL. Automobile repair and body shops.

Subd. 3. Conditional Uses. The following conditional uses may be allowed in the B-2, General Business District:

A. Armories.

B. Bowling Alleys.

C. Dance halls.

D. Skating arenas.

E. Bus terminals.

F. Any other business activities of the same general character as listed in Subdivision 2 of this Section.

Subd. 4. Accessory Uses. The following shall be accessory uses within the B-2, General Business District:

A. Accessory uses incidental to and located on the same lot as the uses permitted in Subdivisions 2 and 3 of this Section.

Subd. 5. Height Regulations. No building shall hereafter be erected or structurally altered to exceed two and one-half (2- 1/2) stories and thirty-five (35) feet in height.

Subd. 6. Front Yard Regulations. No front yard setback shall be required.

Subd. 7. Side Yard Regulations. No side yard shall be required, except where a building abuts upon a lot in a residential district, then a five (5) foot yard setback shall be required..

Subd. 8. Rear Yard Regulations. No rear yard shall be required, except where a building abuts upon a lot in the residential district, then a five (5) foot rear yard setback shall be required.

Subd 9. Lot Width. A minimum lot width of thirty (30) feet shall be required.

Subd. 10. Lot Depth. A lot depth of fifty (50) feet shall be required.

Subd. 11. General Regulations. Additional requirements applicable to the B-2 General Business District are set forth in Section 10000. 11.

SEC. 10000. 10. I- 1 INDUSTRIAL DISTRICT.

Subd. 1. Purpose. The I-1, Industrial District is intended to encourage industrial development in the appropriate areas of the City. These uses shall maintain a high level of performance and appearance, including open spaces and landscaping and encourage development that is compatible with surrounding abutting districts.

Subd. 2. Permitted Uses. The following uses shall be permitted within the I-1, Industrial District

- A. Aircraft rental, sales, servicing, manufacturing and related activities.
- B. Antennae for radio, television and broadcasting facilities
- C. Art equipment supplies, manufacture
- D. Bags, boxes, and paper containers, manufacturing and storage
- E. Bakery products, wholesale
- F. Bottling Establishments
- G. Blank books, loose-leaf binders – fabrications and assembly
- H. Books and bindings
- I. Building materials sales and storage, lumber yards

- J. Cabinet and woodworking establishments.
- K. Cartage and express facilities.
- L. Clothing manufacture.
- M. Camera and photographic manufacturing.
- N. Cold storage plants, commercial printing, publishing, engraving reproduction firms.
- O. Confectionery and related products, manufacture and packaging.
- P. Dental instruments and supplies.
- Q. Dry cleaning and dyeing establishments.
- R. Electric lighting and wiring equipment - manufacture.
- S. Electric measuring and testing equipment - manufacture.
- T. Electronic measuring and testing equipment - manufacture.
- U. Electrical products and appliances manufacture and assembly
- V. Farm implements and storage
- W. Footwear - manufacture and fabrication.
- X. Freight terminal.
- Y. Frozen food locker
- Z. Hand and edge tools (except machine tools) - manufacture and assembly.
- AA. Hardware warehousing and distribution operations
- BB. Highway maintenance shops and yards
- CC. Ice plants and ice cream plants
- DD. Jewelry manufacture.

EE. Laboratory instruments and associated equipment, scientific and testing.

FF. Laundries, large scale.

GG. Luggage, handbags, and similar items - manufacture and assembly.

HH. Mail order houses.

II. Medical and surgical instruments and supplies.

JJ. Newspaper plants and offices.

KK. Office furniture and supplies.

LL. Optical instruments and lenses - manufacture and assembly.

MM. Patterns - design and manufacture.

NN. Pottery shops.

OO. Precision instruments.

PP. Plastic extrusion and molding and fixture.

QQ. Plumbing fixture and equipment - wholesale/retail.

RR. Radio and television - assembly and parts fabrication.

SS. Signs and billboards (as regulated in Section 11. 14).

TT. Sport equipment - manufacture and assembly.

UU. Scientific and research instruments and equipment - manufacture and assembly.

VV. Telephone and telegraph apparatus - manufacture and assembly.

WW. Temperature control - fabrication and assembly

XX Trade Schools.

YY. Welding Supply.

.ZZ. Wholesale business facilities.

AAA. Warehousing facilities.

Subd. 3. Conditional Uses. The following uses may be allowed in the I - 1, Industrial District:

A. Grain elevators.

B. Electrical substations.

C. Planned industrial parks.

D. Any manufacturing, production, processing, cleaning, storage, servicing, repair and testing of materials, goods or products similar to those listed in Subdivision 2 of this Section which conform with the performance standards set forth for this District.

E. Contractors offices, shops and yards for plumbing, heating, glazing, painting, roofing, ventilating, air conditioning, masonry, electrical, and refrigeration.

F. Fuel sales and storage (bulk).

G. Monument works.

H. General manufacturing and fabrication facilities.

1. Junk yards, salvage yards, dumping grounds.

J. Extraction, processing and storage of sand, gravel, stone or other material.

K. Acid manufacture.

L. Cement, lime, gypsum or plaster of Paris manufacture.

M. Distillation operations.

N. Fat rendering.

O. Fertilizer manufacture, sales.

P. Gas, illuminating or heating, manufacture.

Q. Glue manufacture.

R. Petroleum refining.

S. Smelting of ores.

T. Tanneries.

Subd. 4. Accessory Uses. The following uses shall be Accessory Uses within the I-1, Industrial District:

A. All uses customarily incident to the uses permitted in Subdivisions 2 and 3 of this Section.

B. Off-street parking and loading as regulated in Section 11.12.

Subd. 5. Height Regulations. No structure shall exceed four (4) stories or forty-five (45) feet in height, except that cooling towers, elevator penthouses, domes which do not contain useable space, water towers, and smoke stacks and storage bins may be of any height which does not conflict with airport requirements.

Subd. 6. Front Yard Regulations.

A. There shall be a front yard setback of not less than sixty-five (65) feet from the centerline of all State and County highways and all other public rights-of-way.

B. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory building shall project beyond the front yard setback line of either road

Subd. 7 Side Yard Regulations

A. There shall be a side yard on each side of a building, each yard having a width of not less than fifteen (15) feet, except:

B. Where the district abuts a Residential District, the side yard shall have a width of not less than fifty (50) feet, and shall contain a solid fence or a vegetative screening.

Subd. 8. Rear Yard Regulations.

A. There shall be a rear yard having a depth of not less than fifteen (15) feet, except:

B. Where the district abuts a Residential District, there shall be a rear yard having a depth of not less than fifty (50) feet and shall contain a solid fence or vegetative screening.

Subd. 9. Lot Area Regulations. Every individual lot, site, or tract shall have an area of not less than twenty thousand (20,000) square feet.

Subd. 10. Minimum District Area Regulations.

A. No I-1, Industrial District shall be established on less than five (5) acres in single ownership or other unified control. This requirement shall not apply where the tract abuts an existing industrial district.

Subd. 11. Lot Coverage Regulations.

A. Not more than fifty percent (50%) of the total area of a lot shall be covered by buildings.

Subd. 12. General Regulations. Additional requirements applicable to the I-1 Industrial District are set forth in Section 10000. 11.

SEC. 10000. 11. GENERAL PERFORMANCE STANDARDS FOR ALL PROPERTIES.

Subd 1. Intent. It is the intent of this Section to guide the development so as to create a compatible relationship of land uses by maintaining certain standards. Within the various Districts, the Permitted Uses, Conditional Uses and Accessory Uses shall conform to these standards. Standards listed herein shall be construed as minimum standards as the City Council may require adherence to approved or suggested State of Minnesota Standards.

Subd. 2. Compliance. In order to insure compliance with the performance standards set forth herein, the Planning Commission may require the owner or operator of any facility to have made such investigations and tests as may be required to show adherence to the performance standards. Such investigation and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the City, at the applicant's expense.

Subd. 3. Landscaping. All required yards shall either be landscaped or be left in a natural state. Any area left in a natural state shall be properly maintained in a sightly and well-kept condition. Commercial and industrial yards adjoining any residential structures shall be landscaped with either a fence or buffer planting screens at least five (5) feet in height. Plans of such screens shall be submitted for approval as a part of the site plan and installed prior to the commencement of operation.

Subd 4. Noise. Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity, except for noise from agricultural sources in the A- 1, Agriculture Zone generated by agricultural use shall be exempt.

Subd. 5. Odors. Any use established, enlarged, or remodeled shall be so operated as to prevent the emission of odorous matter of such quantity as to be readily detectable at any point beyond the lot line of the site on which such use is located. Detailed plans for the prevention of odors crossing property lines may be required before the issuing of a zoning permit, except odors from agricultural sources.

Subd. 6. Glare. Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall be directed at or illuminate adjacent properties.

Subd. 7. Exterior Lighting. Any lights used for exterior illumination shall be direct light away from adjoining properties.

Subd. 8 Vibrations. Any use creating periodic earth-shaking vibrations shall be prohibited if such vibrations are perceptible beyond the lot line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction.

Subd. 9. Smoke and Particle Matter. Any uses established, enlarged, or remodeled after the effective date of this Ordinance shall be so operated to meet the minimum requirements of the Minnesota Pollution Control Agency (Chapter 70 10, Air Quality Division, Noise Pollution Control) for the emission of smoke or other particulate matter.

Subd. 10. Dust. Solid or liquid particles shall not be emitted at any point in concentrations exceeding three-tenths (0.3) grain per cubic foot of the conveying gas or air. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of five hundred (500) degrees Fahrenheit and fifty (50) percent excess air.

Subd. 11. Toxic or Noxious Matter. Any use established shall be so operated as not to discharge across the boundaries of the lot or through percolation into the subsoil beyond the boundaries of the lot wherein such use is located, toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause injury or damage to property or business.

Subd. 12. Explosives. Any use requiring the storage, utilization, or manufacturing of products which could decompose by detonation shall be located not less than four hundred (400) feet from any Residential District line. (Note: This does not apply to petroleum fuel storage or sales.)

Subd. 13. Height Regulations.

A. Where the average slope of a lot is greater than one (1) foot rise or fall in seven (7) feet of horizontal distance from the established street elevation at the property line, one

(1) story in addition to the number permitted in the District in which the lot is situated shall be permitted on the downhill side of any building.

B. Height Limitations set forth elsewhere in this ordinance may be increased by one hundred percent (100%) with no limitation when applied to the following:

1. Monuments
2. Flag Peels
3. Cooling Towers
4. Elevator Penthouses
5. Windmills

C. Height limitations set forth elsewhere in this ordinance may be increased with no limitation when applied to the following:

1. Church spires, belfries or domes which do not contain usable space.
2. Water Towers
3. Chimneys or Smokestacks
4. Radio or Television Transmitting Towers
5. Essential Service Structures
6. Grain Elevators

Subd. 14. Yard Regulations. Measurements shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications.

A. Cornices, canopies or eaves may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.

B. Fire escapes may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.

C. A landing place or uncovered porch may extend into the required front yard to a distance not exceeding six (6) feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three (3) feet, six (6) inches may be placed around such place.

D. The above enumerated architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace or outside stairway should project into the required side yard distance.

E. A wall, fence or hedge may occupy part of the required front, side or rear yard.

F. On double frontage lots, the required front yard lots shall be provided on both streets.

G. The required front yard of a corner lot shall not contain any wall, fence or other structure, tree, shrub or other growth which may cause danger to traffic on a road or public road by obscuring the view.

H. The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two sides of which are the lines running along the side road between the road intersection and a point twenty-five (25) feet from the intersection, and the third side of which is the line between the latter two points. No lot shall be so reduced that the area of the lot or dimensions of the open spaces shall be smaller than herein prescribed.

Subd. 15. Accessory Uses. The following accessory uses, in addition to those previously specified, shall be permitted in any Residential and Agricultural District, if the accessory uses do not alter the character of the premises, as determined by the Planning Commission, in respect to their use for the purpose permitted in the District.

A. The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals and other institutions permitted in the District.

B. Recreation, refreshment and service buildings in public parks and playgrounds.

Subd. 16. Accessory Buildings

A. Accessory Building shall be defined as private garages, carports, tool sheds and storage sheds.

B. In case an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this ordinance applicable to the main building. An accessory building, unless attached to and made a part of the main building, shall not be closer than five (5) feet to the main building, except as otherwise provided in this ordinance.

C. A detached accessory building shall not be located in any front yard, in any required side yard setback, or within 10 feet of any rear or side lot line. Where a lot is located at the intersection of two or more roads or highways, there shall be a 30 foot front yard setback on each road or highway side of the lot, and no accessory building shall be allowed within said required setbacks.

36.

D. No more than two (2) accessory buildings will be allowed per lot, and their combined square footages shall not exceed more than 25% of the area of any rear yard.

E. A detached accessory building shall be no greater than one story high and shall not exceed a wall height of 12 feet on the sides, and 16 feet at the roof peak.

F. All accessory buildings of a size greater than 120 square feet shall have a cement foundation, a cement floor, and be of stud wall construction with exterior siding and roofing compatible to and color coordinated with the corresponding components of the principal building.

G. No accessory building shall exceed 1,000 square feet in size.

H. No accessory building shall have corrugated metal as an exterior finish.

Subd. 17. Buildings to be Moved. Any building or structure which has been wholly or partially erected on an premises, located either within or outside of the City shall not be moved to and be placed upon any other premises in this City until an authorization to use such building or structure shall have been secured and a zoning permit obtained. In the event circumstances do not permit the owner to secure prior approval and permits, the owner shall immediately notify the Clerk that the building is being moved. The owner must supply the clerk, within 48 hours, written documentation as to why prior consent and necessary permits where not obtained. Documentation must be signed by the party from whom the structure was purchased. The owner will have five (5) working days in which to secure a permit for a building which has been moved. Any such building or structure shall conform to all the provisions of this ordinance, in the same manner as a new building or structure.

Subd. 18. Traffic Visibility No fence, wall, structure, planting or obstruction shall be erected, established or maintained on any comer lot which will obstruct the view of a driver of a vehicle approaching the intersection. An object on the lot lines adjacent to the street within the required front yard and not exceeding thirty-six inches (36") in height, as measured from the center line elevation of the street, shall not be considered as an obstruction to vision.

Subd. 19. Fences.

A. All boundary line fences shall be entirely located upon the private property of the persons, firm or corporation construction, or causing the construction of such fence. Fence shall be set back one (1) foot from all property division lines.

B. Fences in the Agricultural and Residential Districts shall not exceed six (6) feet in height in the side and rear yards and shall not exceed forty-two inches (42") in height in the front yard.

C. Fences in the Business and Industry Districts shall not exceed six (6) feet in height except security fences, which shall not exceed eight (8) feet in height including barbed wire toppings.

D. No fences shall be constructed within utility easements.

Subd. 20. Lot Survey Requirements. In such cases where fences are being erected on property lines or structures are being enlarged within questionable distances of the applicable setbacks in districts, the Cleveland Planning Commission will require the applicant (at the applicants expense) to have the lot surveyed and staked in order to insure compliance with those regulations established by the City. Any party removing survey pins for any reason shall be responsible for replacement of the pins with a new survey and all cost associated with replacement of the pins.

Subd. 21. Limits on a Request for a Variance, Conditional Use Permit, or Amendment.

A request for a variance, conditional use or amendment which has been denied may not be requested again until a period of six (6) months has passed unless the applicant can show to the satisfaction of the Planning Commission or Board of Adjustment that the conditions which were present under the earlier request filed have changed or that the request is substantially different.

Subd. 22. Home Occupations. In any zoning district where home occupations are authorized, the following regulations governing said home occupations shall be complied with:

A. Said use shall not occupy an area of more than twenty-five percent (25%) of the gross floor area of the dwelling.

B. No such home occupation shall require substantial interior or exterior alterations of the dwelling.

C. Said use shall not create odor, dust, noise, electrical disturbances, glare or vibrations noticeable outside of the dwelling.

D. There shall be no outside storage of material or equipment or displays of merchandise.

E. No sign other than one (1) non-illuminated nameplate measuring more than one by one and one-half feet (1' x 1-1/2') in area which shall be attached to the building entrance shall be allowed.

F. Such occupation shall be conducted or carried on only by the persons residing on the premises.

Subd. 23. Minimum Residential Structure Requirements. All structures used for residential occupancy shall have a minimum width of twenty-four (24) feet on its narrowest dimension. Structures shall be affixed to a permanent foundation that complies with the uniform building code of MN. The foundation shall be solid and permanent, and for the complete circumference of the house. Foundation walls shall be carried up at least eight (8) inches above the finished grade. The wall footings shall be down at least two (2) feet six (6) inches below finished grad or deeper if necessary to reach suitable bearing soil. Exterior siding shall extend within 6" of the dirt or 2" on concrete. Siding shall be of a conventional exterior dwelling type material. All residential structures shall have a pitched roof of no less than a 4/12 pitch, covered by shingles or tile and have eaves of not less than 6 in. All structures shall be consistent with surrounding units. The minimum square footage shall be 800 sq. feet of living area (not including garages, decks, and porches).

Subd. 24. Earth Sheltered Building.

A. Where an earth sheltered building substantially alters the natural watershed of the lot, computations for yard area shall be based on measurements from the surrounding cover of the earth. In cases where the earth sheltered building has been made part of the natural terrain, computations for yard area shall be made from the exterior surface of the building.

B. All applications for building permits for earth sheltered buildings, presented to the Planning Commission, shall be accompanied by a suitable drainage plan.

Subd. 25. Regulations, on Screening, Landscaping, Lighting, Storage, and Outdoor Displays.

A. Screening. All principal and accessory uses, except business signs, which are situated within fifty (50) feet of a residential district, shall be screened from such district by a wall or fence of not less than ninety percent (90%) opacity and not less than five (5) nor more than seven (7) feet in height above the level of the residential district property at the district boundary. Wall or fences of lesser heights or planting screens may be permitted by the Council if there is a finding that a screening of the type required by this Chapter would interfere with the provisions of adequate amounts of light and air to same said properties. Loading docks in the district shall be screened so as not to be visible from any public street right-of-way within a residential district. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site and they shall be properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed.

B. Landscaping. All exposed ground areas surrounding or within a principal or accessory use including boulevards, which are not devoted to drives, sidewalks, patios, or other such uses shall be landscaped with grass, shrubs, trees, or other ornamental landscaped materials. All landscaped areas shall be kept neat, clean, and uncluttered. No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies, or merchandise.

C. Lighting. Lighting shall be directed away from public rights-of-way and residential districts. All sources of artificial light situated in a Highway Commercial District site shall be so fixed, directed, designed or sized that the sum total of their illumination will not increase the level of illumination on any nearby residential property by more than 0.1 foot candle in or within twenty-five (25) feet of a dwelling nor more than 0.5 reflected foot candle on any other part of the property. "Glare" whether direct or reflected, as differentiated from general illumination, shall not be visible from beyond the limits of the immediate site from which it originates.

D. Storage Displays. All materials, supplies, merchandise or other similar matter not on display for a direct sale, rental or lease to the ultimate consumer or user shall be stored within a completely enclosed building within the Highway Commercial District, or within the confines of a one hundred percent (100%) opaque wall or fence not less than five (5) feet high. Merchandise which is offered for sale as described above may be displayed beyond the confines of a building in the Highway Commercial District, but the area occupied by such outdoor display shall not constitute a greater number of square feet than ten percent (10%) of the ground floor area of the building housing the principal use, unless such merchandise is of a type customarily displayed outdoors such as garden supplies. No storage of any type shall be permitted within the one-half of the required front or side street setback nearest the streets.

Subd. 26. Erection and Improvement of Buildings.

A. Chimneys. In every building hereafter erected, altered, or repaired within the City of Cleveland, all chimneys shall be constructed of brick or other incombustible material approved by the city zoning inspector. No chimneys in any building shall be cut off below, in whole or in part, and supported on brackets, but shall be wholly supported by masonry resting upon a footing properly constructed at least two feet and six inches (2' 6") below grade and deeper if necessary to rest on sound bearing soil. Chimney footings shall be of concrete of at least twelve (12) inch depth and at least six (6) inches larger than the chimney size each way. Brick chimneys shall be at least eight (8) inches thick if unlined, or four inches thick if lined with approved flue lining for the full height of the chimney.

B. Studding, Joist and Rafters. All shall be of such size and quality as to safely sustain the loads to be carried and in dwellings or center, except where, in the opinion of the building inspector, special framing around openings justify slight variations from same. All floor openings shall have double headers and all carrying partitions and outside walls shall have double top plates. Window and door openings shall have double headers.

C. Electric Wiring. In every building, all electric wiring apparatus or appliances for furnishing light, heat or power shall be in strict conformity with the statutes of the State of Minnesota, the rules and regulations issued by the Railroad and Warehouse Commission, the State Fire Marshal, and the Industrial Commission of Minnesota and in conformity with approved methods of construction for safety to life and property.

D. Water and Sewer As per Minnesota State Electrical Code, all new residential buildings must have a pre-wired smoke detector. The design and construction of water-supply facilities and treatment of all sewage and waste shall comply with the City, County, and State health standards and requirements. The City has adopted MN Statute, Chapter 7080 regarding individual sewage treatment systems standards. Le Sueur County shall be responsible for all inspections and enforcement of State and County regulations. Owners must pay all cost of

connecting water and sewer to the new structure. When possible, water and sewer connections will be in the alley, rather than in the street. Owner must pay all costs of digging and backfilling

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water and sewer ditches. Backfilling in street must be with gravel, and excess dirt must be hauled away. Owner must pay for repairs to tarred surfaces of street. Owners must pay all costs involved in tapping water main. Owner must pay for water service connection before zoning permit is issued. Owner must PUMP water from basement onto property, not down the sewer.

Subd. 27. Temporary Health Care Dwellings.

Opt – Out of Minnesota Statutes, Section 462.3593:

Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, The City of Cleveland opts – out of the requirements of Minn. Statute 462.3593, which defines and regulates Temporary Family Health Care Dwelling. This Ordinance shall be effective immediately upon its passage and publication Adopted August 1, 2016.

SEC. 10000. 12. PARKING AND LOADING REGULATIONS.

Subd. 1. Scope of Regulation. All parking hereafter constructed or maintained shall conform to the provisions of this Section and any other ordinance or regulation of the City. For any and all uses or structures not specifically provided for in this subdivision, the Planning Commission shall determine proper parking or loading requirements as appropriate.

Subd. 2. Exemptions from Parking Regulations. In any business or industrial districts, establishments which pay or have paid an assessment for the provision of off-street parking lots shall be exempted from the provisions of the subdivisions which refer to off-street parking.

Subd. 3. Size Reduction of Parking Lot and Loading Space. Future parking and loading facilities and such facilities existing at the effective date of this ordinance shall not be reduced below the minimum size requirements established in this ordinance.

Subd. 4. Parking Lot and Loading Area Use Restriction. Parking and Loading facilities required by this ordinance for a given building or use shall not be used for storage of goods or for the storage of vehicles that are inoperable as defined by Minnesota Statutes or for sale or rent.

Subd. 5. Location of Parking and Loading Facilities.

A. Required on-site parking space shall be provided on the same lot as the principal building or use except as described in Section 10.33, Combined Parking Facilities.

B. Loading Area Requirement. All required loading or unloading into or out of trucks in excess of three quarter (3/4) ton capacity and railroad cars, shall be conducted on the lot of the activity using facilities specifically designed or designated for that purpose.

C. On-site parking and loading facilities shall not be subject to the front yard, side yard, and rear yard regulations for the district in which the parking is located except that:

1. In a business district, no parking or loading space shall be located within ten (10) feet of any property line that abuts a road, highway right-of-way, or any residence district.

2. In an industrial district, no parking or loading space shall within ten (10) feet of any property line that abuts a highway right-of-way line or an district.

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Subd. 6. Combined Parking Facilities. Combined or joint parking facilities may be provided for one (1) or more buildings or uses in business districts and industry districts provided that the total number of spaces shall equal the sum of the requirements for each building or use.

Subd. 7 Special Purpose Parking Facilities. Special purpose off-street automobile parking facilities may be provided on the same lot as the building or use or on any lot provided a substantial portion of that facility is within eight hundred (800) feet of the building or use.

Subd. 8. General Parking- Lot and Loading Area Construction Permits.

A. General. Off-street parking and loading areas for each building or use shall be of sufficient size to provide parking or loading and unloading space for owners, patrons, customers, suppliers, visitors, and employees.

B. Site Plan. All plans requiring parking spaces or loading facilities submitted for a zoning permit shall include a site plan. This site plan shall be considered as part of the zoning permit and the zoning permit will not be issued until all the following items are shown on the site plan:

1. Zoning, setbacks, and statement of use.
2. North point and scale.
3. All adjacent rights-of-way.
4. Entire ownership of lot or parcel being developed.
5. Completely dimensioned parking layouts.
6. All parking spaces clearly marked.
7. Owners' name and current address.

C. Driveway or Curb Cuts. No driveway or curb cuts in any district shall exceed thirty-five (35) feet in width. Also, the number and width of driveways or curb cuts shall be so located as to minimize traffic congestion and abnormal traffic hazards.

D. Access. Parking lot and loading areas shall have proper access from a public right-of-way. Vehicular access to business or industrial uses across property in any residential district is prohibited.

E. Lighting. Any lighting used to illuminate off-street parking or loading areas shall be directed away from residential properties and public rights-of-way. They shall also be positioned in such a way as not to create a nuisance.

F. Buffer Fences and Planting Screens. On-site parking and loading areas in, near, or abutting residence districts shall be screened by a buffer fence. Plans for such a screen or fence shall be submitted for approval as part of the required site or plot plan and such fences or landscaping shall be installed as part of initial construction.

In parking lots and driveways in or abutting residence districts', a solid fence not less than six (6) feet and not more than ten (10) feet in height shall be constructed. This wall or fence shall be maintained at least one (1) foot from the side lot lines, five feet from rear lot line, and up to but not beyond the front building setback line.

G. The Planning Commission may require such other conditions as may be deemed necessary to protect character, value, or usefulness of the district.

Subd. 9. Parking Lots in Residential Districts. If in the best interest of the community, The Planning Commission may permit the use of land in a residence district for a parking lot provided the land abuts or is across the street from a district other than a residence district and

A. The lot is used only for the parking of passenger vehicles of employees, customers, or guests of the person or firm controlling and operating the lot.

B. There shall be no charge for parking on the lot.

C. The lot shall not be used for sales, repair work, or servicing of any kind.

D. Entries and exits to or from the lot shall be located in such a way as to do no harm to the residential district.

E. There shall be no advertising signs or materials located on the lot.

F. All parking shall be kept behind the building setback line by a barrier unless otherwise specifically authorized by the Planning Commission.

Subd. 10. Parking- Lot and Loading Area Maintenance. The owner of the parking lot or loading area is responsible for the maintenance of those facilities. He/she shall maintain the parking and loading areas, access drives, and yard areas in a neat and adequate manner as defined by community standards.

Subd. 11. Computing Parking Space Requirements. In computing the number of parking spaces required in a given parking lot, the following rules shall govern:

- A. Floor space shall mean the gross floor area of the specified use.
- B. Where fractional space results, the parking spaces required shall be construed to be the nearest whole number.
- C. The parking space requirements for a use not specifically mentioned herein shall be the same as required for cause of a similar nature, as determined by the Planning Commission.

Subd. 12. Minimum Parking Space Size Requirement Parking spaces shall be nineteen (19) feet in length and nine (9) feet in width.

Subd. 13. Minimum Parking Lot Size Requirements. Each parking lot shall contain a minimum area of not less than three hundred (300) square feet, including access drives, a width of not less than nine (9) feet, and a depth of not less than twenty (20) feet.

Subd. 14. Required Number of On-site Parking Spaces. The minimum number of required on-site parking spaces for various uses shall be as follows:

- A. One and Two Family Dwelling - Two (2) parking spaces per family. A garage shall be counted toward fulfilling this requirement.
- B. Multiple Family - Two (2) parking spaces for each apartment, except housing for the elderly projects, which shall provide three-tenths (3) parking space for each dwelling unit.
- C. Lodging, Rooming, and Boarding Houses, Tourist Homes, Cabins or Motels -One (1) parking space for each guest or sleeping room or suite, plus three (3) spaces for the owner or manager if resident on the premises.
- D. Hotels - One (1) parking space for each room or suite, plus two (2) spaces for each five (5) employees.
- E. Mobile Home Parks - Two (2) off-street parking spaces for each mobile home berth.

F. Travel Trailer Courts or Camps - One and one-half (1-1/2) parking spaces for each trailer space.

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G. Private Clubs or Lodges - Parking spaces equal in number to, but not less than twenty (20) percent of the active membership thereof, plus one (1) space for each employee of the club or lodge.

H. Hospitals, Sanitariums, Convalescent Homes - One (1) parking space for each two (2) beds (excluding bassinets), plus one (1) parking space for staff or visiting doctor, plus one (1) for each two employees, including nurses. Loading and unloading space for all emergency vehicles is not included in the spaces herein.

I. Mortuaries and Funeral Parlors - One (1) parking space for all "official" vehicles, plus one (1) parking space for each family in residence on the premises, plus one (1) space for each thirty-five (35) square feet of seating area.

J. Dance hall - One (1) space for each thirty-five (35) square feet of dance floor area, plus one (1) space for each two (2) employees.

K. Bowling Alleys - Five (5) parking spaces for each bowling lane, plus one (1) parking space for each two (2) employees.

L. Miniature Golf Course, Archery or Golf Driving Range - Ten (10) parking spaces or one (1) parking space for each parking space for each practice area, whichever is greater.

M. Convention Halls, Auditoriums, Theaters, Stadiums, Sports Arenas or Similar Uses - One (1) parking space for each four (4) seats based upon design capacity, plus one (1) parking space for each two (2) employees.

N. Churches - One (1) parking space for each four (4) seats based on the design capacity of the main seating area.

O. Medical and Dental Clinic and Similar Professional Offices - Four (4) parking spaces, plus one (1) plus one parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet.

P. Golf Courses, Golf Clubhouse, Country Club, Swimming Club, Tennis Club, Public Swimming Pool - Twenty (20) spaces, plus one (1) space for each five hundred (500) square feet of floor area in the principal structure.

Q. Auto, Trailer, Marine and Boat Sales, Implement Sales, Garden Supply Stores Building Material Sales and Auto Repair - Six (6) parking spaces, plus one (1) parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet.

R. Retail Sales and Service Establishments - One (1) parking space for each one hundred (100) square feet of floor area.

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S. Restaurants, Night Clubs, Tea Rooms and Lunch Counters - One (1) parking space for each one hundred (100) square feet of gross floor space.

T. Office, Professional or Public Buildings - One (1) parking space for each two hundred fifty (250) square feet of gross floor area.

U. Automobile Service Station - Four (4) parking spaces, plus two (2) parking spaces for each service call - Such parking spaces shall be in addition to the gas pump service area.

V. Drive-In Restaurants - Twenty (20) parking spaces or one (1) space for each twenty (20) square feet of floor area, whichever is greater.

W. General Business, Commercial and Personal Service Establishments - One (1) parking space per four hundred (400) square feet of gross floor area.

X. Shopping Centers - Where several business uses are grouped together according to a general development plan, five (5) parking spaces shall be provided on-site for each one thousand (1,000) square feet of gross floor area; separate on-site space shall be provided for loading and unloading.

Y. Industrial and Manufacturing Establishments and Storage, Wholesale and Warehouse Establishments - One (1) of street parking space for each two (2) employees on the major shift or one (1) parking space for each one thousand (1,000) square feet of gross floor area within the building, whichever is greater, plus one (1) space for each company motor vehicle when customarily kept on the premises.

Subd. 15. Minimum Loading Berth Size Requirement. Truck berths shall be fifty (50) feet in length, twelve (12) feet in width and fifteen (15) feet in height.

Subd. 16. Minimum Lading Area Definition and Size-Requirement. All loading areas shall consist of maneuvering area in addition to the berth and shall not use any of that portion of the site containing parking stalls. All berths beyond one (1) stall shall be separate from areas used for off-street parking. Each required off-street loading berth shall be so designed as to avoid undue interference with other vehicular or rail access or use of public streets, alleys, or other public transport system. Maneuvering areas shall be of such size as to permit the backing

of truck tractors and coupled trailers into a berth, without blocking the use of other berths or driving or maneuvering areas.

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Subd. 17 Required number of On-site Loading Berths.

A. Space for loading and unloading of goods, supplies, and services shall be provided in addition to required off-street parking spaces and shall be sufficient to meet the requirements for each use as indicated below.

B. Motels, Hotels, Lodging, and Rooming Houses, Private Lodges, and Clubs - One (1) space for each structure over 20,000 square feet of gross floor area.

C. Retail and Wholesale Commercial Uses Except Where Otherwise Specified - One (1) space for the first 10,000 square feet of gross floor are, plus one (1) space for each additional 5,000 square feet of gross floor area.

D. Auditorium, Stadium, Gymnasium, Community Centers, Religious Institutions and Schools (Public and Private) - One (1) for each structure over 100,000 square feet of gross floor area.

E. Office Buildings and Professional Offices (Other than Doctor and Dentist) and Banks - One (1) space for buildings between 30,000 and 100,000 square feet of gross floor area, plus one (1) space for each additional 100,000 square feet of gross floor area.

F. Restaurants and Other Food Dispensing Establishments Except Drive-In Restaurants - One (1) for each structure with over 10,000 square feet of gross floor area.

G. Furniture, Automobile and Boat Sales and Appliance Sales - One (1) space, plus one (1) space for each 25,000 square feet of gross floor area.

H. Hospitals, Nursing Homes, Rest Homes, Etc. - One (1) space, plus one (1) space for each 100,000 square feet of gross floor area.

I. Bowling Alleys - One (1) space for each structure over 20,000 square feet of gross floor area.

J. Manufacturing and Research, Experimental or Testing Stations - One (1) space for each 50,00 square feet of gross floor area.

SEC. 100000.13. SIGN REGULATIONS

Subd. 1. Signs. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a permit. Such signs must be in conformity with the provisions of this Section.

Subd. 2. Permitted Signs. The following Signs are Permitted in the R-1, R-2, and A-1 Districts:

A. Signs over show windows or doors of a non-conforming business establishment announcing without display or elaboration only the names and occupation of the proprietor and not to exceed three (3) feet in height and twenty (20) feet in length.

B. Real estate signs not to exceed eight (8) square feet in area which advertise the sale , rental or lease of the premises upon which said signs are temporarily located

C. Name, occupation and warning signs not to exceed two square feet located on the premise.

D. Bulletin Boards for Public, charitable or religious institutions not to exceed twenty square feet in area located on the premises.

E. Memorial signs, tablets, names of buildings and date of erection when cut into masonry surface or when constructed of metal and affixed flat against a surface.

F. Official Signs, such as traffic control, parking restrictions, information and notices.

G. Temporary signs or banners when authorized by the Planning Commission.

Subd. 3. Permitted Uses. The following signs are permitted in the B-1, B-2, and I-1 Districts:

A. Signs placed on the exterior walls of buildings shall not extend more than eighteen (18) inches from a building's wall surface, shall not exceed two hundred fifty (250) square feet in area for any one premises, and shall not exceed thirty (30) feet in height above the mean centerline street grade. Awning signs shall be excluded from this provision. This provision shall not apply to agricultural structures or structures in the industrial district.

B. Ground signs shall not exceed 30 feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which it is located, shall not exceed 100 square feet on one side nor 200 square feet on all sides for any one premises.

C. Roof signs shall not exceed 10 feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located shall not exceed 300 square feet on all sides for any one premises.

D. Window signs shall be placed only on the inside of commercial buildings.

E. Combination of any of the above signs shall meet all the requirements for the individual sign except when such sign are located in the industrial district.

F. Off-premise advertising signs (billboards) shall only be permitted in the B-1, B-2, or I-I Districts and shall be spaced no closer than 300 feet. These signs shall not exceed 55 feet in length nor 750 square feet in total area. Billboards shall meet all setback requirements and shall not be located within 100 feet of any residential zone, church, school, or designated recreation area.

Subd. 4. General Regulations. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals and devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape, and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.

Subd. 5. Non-Conforming Signs. Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size or location does not conform with the provisions of this Ordinance. However, it shall be deemed a non-conforming use or structure, and the provisions of Section 10000. 14, Non-Conforming uses, shall apply.

Sec. 10000.14. NON-CONFORMING USES OF LAND OR STRUCTURES.

Subd. 1. Interpretation This Ordinance and the Districts herein, or any later amendments may create situations where structures, buildings or uses of the land previously permitted may become prohibited, regulated or otherwise restricted. It is the intent of this Ordinance to permit the continuance of these non-conforming structures or uses until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with the permitted uses in the Districts involved.

A. Any existing building or premises devoted to a use not permitted by this Ordinance in the District in which such building or premises is located, shall not be enlarged upon, extended, reconstructed or structurally altered, nor be used as grounds for adding other buildings or structures prohibited elsewhere in the same District, except when required to do so by law or ordinance, unless such use is changed to one permitted in the district in which such building or structure or land is located.

B. A non-conforming use of a building may be replaced with another nonconforming use provided no structural alterations are made.

C. No change from one non-conforming use to another shall be made without first applying to and receiving from the Planning Commission a permit to make such change. Change of ownership does not constitute a change in usage.

D. A non-conforming use may be changed to a more conforming use at any time.

E. Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a less conforming use.

F. The extension or addition of a lawful use to any portion of a non-conforming building or structure or land shall not be deemed as the extension of the non-conforming use.

G. Where non-conforming status applies to a building or structure, the removal or destruction of same shall eliminate the non-conforming status of land.

H. If a building or structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved.

I. All uses which lawfully exist on the effective date of this Ordinance and are classified as a Conditional Use by this Ordinance for the District in which they are located, shall be considered lawful Conditional Uses

J. Whenever the boundaries of a district shall be changed so as to transfer an area

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from one district to another district of a different classification, the provision of this Section shall also apply to any non-conforming uses developing as a result of such action.

Subd. 2. Non-Conforming Lots of Record. A Single family dwelling and customary accessory buildings, notwithstanding limitations imposed by other provisions of this Ordinance, may be erected in any district in which single family dwellings are permitted on any single lot of record at the effective date of adoption of or amendment to this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area of width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

Variance of area, width, and yard requirements shall be obtained only through action of the Board of Adjustment.

Subd. 3. Construction Approved Prior to Adoption of Ordinance.

To avoid undue hardship, nothing in this Ordinance shall require a change in the plans, construction or designated use of any building or structure provided that:

A. A zoning permit has been issued within sixty (60) days prior to the adoption of this Ordinance.

B. That the construction of which shall have commenced within thirty (30) days after the adoption of this Ordinance.

C. That the construction is continuous until the building or structure is completed.

D. Actual construction is hereby defined to include the placing of construction materials in permanent position; except where demolition or removal of a existing building or structure has commenced preparatory to construction, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building or structure involved.

Subd. 4. Repairs and Maintenance. Nothing in this Ordinance shall prevent the reconstruction, repairing or rebuilding of a con-conforming building, structure or part thereof existing at the effective date of this Ordinance, rendered necessary by wear and tear, deterioration

or depreciation, provided the cost of such work shall not exceed fifty percent (50%) of the replacement value of such building or structure at the time such work is done, nor prevent compliance with the provisions of any City Codes relative to the maintenance of buildings or structures; provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

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Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding and continued use of any non-conforming building or structure damaged by flood, fire, collapse, explosion, or Acts of God, subsequent to the date of this Ordinance, wherein the expense of such work does not exceed fifty percent (50%) of the replacement cost of the building or structure at the time such damage occurred.

Subd. 5. Discontinuance.

A. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 month during any three-year period, the structure or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the District in which it is located.

B. A non-conforming use shall be considered discontinued:

1. When the intent of the owner to discontinue the use is apparent, or

2. When the characteristic equipment and the furnishing of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within ninety (90) days, unless other facts indicate the intention to resume the nonconforming use, or

3. When it has been replaced by a conforming use.

C. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as Non-Conforming uses.

Subd. 6. Non-Conforming Signs.

A. Signs existing on the effective date of this Ordinance which do not conform to the regulations set forth in this Ordinance shall become a non-conforming use and shall be discontinued within a reasonable period of amortization of the sign; uses of signs which become non-conforming by reason of subsequent change in this Ordinance shall also be discontinued within a reasonable period of amortization of the sign.

B. The period of amortization for signs shall be:

1. Advertising Signs - Five (5) years from the effective date of the Ordinance.

2. Business Signs - Ten (10) years from the date of erection or five (5) years from the effective date of this Ordinance, whichever is greater.

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C. Business signs on the premises of a non-conforming building or use may be continued, but such signs shall not be increased in number, area, height, or illumination.

D. No sign erected before the passage of this Ordinance shall be rebuilt, altered, or moved to a new location on the affected property without being brought into compliance with the requirements of this Ordinance.

SEC. 10000. 15. CONDITIONAL USE PERMITS.

Subd. 1. Application.

A. Conditional use permits may be issued for any and only the uses or purposes for which such permits are required or permitted by provisions of this Ordinance.

B. An application for a conditional use permit shall be filed with the Zoning Administrator on a form prescribed by the City Council. At the option of the Zoning Administrator and/or Planning Commission, the application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Ordinance, including, but not limited to:

1. Description of site (legal description).
2. Site plan drawn at scale showing parcel and building dimensions.
3. Location of all buildings and their square footage.
4. Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.
5. Landscaping and screening plans.
6. Drainage plan.
7. Sanitary sewer and water plan with estimated use per day.
8. Soil type (clay or black dirt).

9. And additional date reasonable required by the Zoning Administrator and/or the Planning Commission.

Subd. 2. Notification and Public Hearina. Written notice shall be sent to all property owners or residents within three hundred (300) feet of the property. Before approving a conditional use, a public hearing shall be given not more than thirty (30) days nor less than ten

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(10) days in advance by publishing a notice in the official newspaper of the area. This notice shall describe the particular condition use and shall contain a brief description thereof. Assessor tax records and street addresses shall be deemed sufficient for location or certification of ownership of said adjacent properties.

Subd. 3. Findings For each application for a conditional use permit, the Planning Commission shall report to the City Council its findings and recommendations, including the stipulation of additional conditions or restrictions and guarantees that such conditions or restrictions will be complied with when they are deemed necessary for the protection of the public interest. No conditional use shall be recommended by the Planning Commission unless said Commission shall find:

1. 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, and is compatible with the existing neighborhood.

2. 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 and conforms to the comprehensive land use plan of the County.

3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

5. 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 properties will result.

6. That soils conditions are adequate to accommodate the proposed use.

7. That proper facilities are provided which would eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Subd. 4. Action by the City Council.

A. The City Council shall hold whatever additional public hearings it deems advisable and shall decide whether to grant or deny the conditional use permit.

B. If the City Council chooses to grant the permit, it may impose such restrictions
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or conditions in addition to or in substitution for any conditions or restrictions recommended by the Planning Commission as it deems necessary to protect the public interest. If the Planning Commission in its recommendations to the City Council has indicated that the proposed conditional use may result in a material adverse affect on the environment, the applicant for the permit may be requested by the City Council to demonstrate the nature and extent of the effect before the City Council approves the permit.

C. The conditional use permit if approved shall be issued by the Zoning Administrator upon the order of the City Council.

Subd. 5. Filing and Fees.

A. A certified copy of any conditional use permit shall be filed with the City Clerk for record. The conditional use permit shall include the legal description of the property involved.

B. The defray administrative costs of processing requests for conditional use permits, a fee shall be paid by the applicant. The conditional use permit fee shall be set annually by the City Council.

Subd. 6. Compliance.

A. Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity with the terms of such permit and of any such conditions designated in connection therewith, and the conditional use permit shall remain in effect only so long as the terms and conditions agreed upon are observed.

B. The City Council shall revoke a conditional use permit when it determines that the terms and condition of the permit as issued are no longer being complied with. A certified copy of an order of the City revoking a conditional use permit shall be filed with the County Recorder for record.

SEC. 10000.16. VARLANCES.

Subd- L General Provisions.

A. Any person, firm, corporation, or any other organization or entity having an

interest in real property which is subject to the provision of this Ordinance may apply to the Board of Adjustment for a variance from those provisions, in accordance with this Section.

B. The Board of Adjustment shall have the exclusive power to order the issuance of variances.

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C. No variance shall be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.

Subd. 2. Grounds for a Variance.

A. A variance shall be granted only when:

1. It is in harmony with the general purpose and intent of this Ordinance.

2. There are practical difficulties or a particular hardship in the strict application of the provision of this Ordinance.

B. The terms "difficulties" and "hardship" as used in Subd. I (B) above mean that the property in question cannot be put to a reasonable use if used under the conditions allowed by this Ordinance.

C. The plight of the applicant for a variance must be due to circumstances unique to the property and not created by the applicant, and it must be related to the property rather than to a personal preference or idiosyncrasy of the applicant

D. Economic considerations alone shall not constitute a difficulty or hardship for the purpose of granting a variance if a reasonable use for the property exists under the terms of this Ordinance.

E. The variance, if granted, shall not alter the eventual character of the locality.

F. In granting a variance the Board of Adjustment may impose such further conditions as it deems necessary to ensure compliance with the provisions of this Ordinance and to protect adjacent properties and the public interest.

G. The applicant for a variance which, in the opinion of the Board of Adjustment, may result in a material adverse effect on the environment, may be requested by the Board to demonstrate the nature and extent of the effect before the Board grants the variance.

Subd. 3. Procedure.

A. An application for a variance shall be filed with the Zoning Administrator on

the form prescribed for that purpose by the City Council. The application must contain the name of the applicant, a legal description of the affected property and the applicant's relation thereto, the specific provision or provisions of the Ordinance from which the variance is requested, and the grounds therefore which must be in accordance with the provisions of this Section, and must be signed by the applicant. At the option of the Zoning Administrator and/or the Board of Adjustment, the application shall be accompanied by a site plan showing pertinent information

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including, but not limited to:

1. Description of site (legal description).
2. Site plan showing parcel and building dimensions.
3. Location of all buildings and their square footage.
4. Curb cuts, driveways, access roads, parking spaces, off-street loading
5. Landscaping and screening plans.
6. Drainage plan.
7. Sanitary sewer and water plan with estimated use per day.
8. Soil type (clay or black dirt).
9. Any additional data reasonable required by the Zoning Administrator and/or Board of Adjustment.

B. The Board of Adjustment upon receipt of a proper application for a variance shall set a time and place for a public hearing before the Board of Adjustment on such application. At least ten (10) days in advance of any such hearing, notice of the time, place, and purpose of the hearing shall be published in the official newspaper of the City.

C. Written notice of the public hearing shall be sent to all property owners or residents within three hundred (300) feet of said property. The public hearing shall be given not more than thirty (30) days nor less than ten (10) days in advance by publishing a notice in the official newspaper of the area. The notice shall describe the particular variance and shall contain a description thereof. Assessor tax records and street addresses shall be deemed sufficient for location and certification of ownership of said adjacent properties.

D. The Board of Adjustment may continue the hearing concerning the application for a variance, or it may hold such additional hearings as it deems advisable. The Board of Adjustment shall issue its order concerning the application within ten (10) days of the conclusion of the hearing relating to any given application.

E. A certified copy of an order of the Board of Adjustment either granting or denying an application for a variance shall be filed with the City Council for record. The order issued by the Board shall be in writing, giving the reasons for the Board's decision and shall include a legal description of the property involved.

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F. All decisions by the Board of Adjustment in granting or denying a variance shall be final except that any aggrieved person or persons, or any department, board or commission within the county or state shall be the right to appeal, within thirty (30) days, after receipt of notice of the Board's decision, to the District Court on questions of law and fact.

Subd. 4. Fees. To defray administrative costs of processing requests for variances, a fee shall be paid by the applicant. The fee for a variance shall be set annually by the City Council.

SEC. 10000. 17. BOARD OF ADJUSTMENT.

Subd. 1. Creation and Membership

A. A Board of Adjustment is hereby established and vested with such authority as in hereinafter provided, and as provided by Minnesota Statutes. The City Council is hereby constituted and established as this Board of Adjustment until such time the appointment of a separate board is deemed necessary by the City Council.

B. The Board of Adjustment shall keep a public record of its transaction, findings and determinations.

Subd. 2. Powers.

A. The Board of Adjustment shall have power to grant a variance adjustment in and exception to any of the provisions of this Ordinance to the extent of the following and no further:

1. To vary or modify the strict application of any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such a strict applications. No variance or modification of the uses permitted within a District shall be allowed, except as otherwise provided in this Ordinance.

2. To hear and determine appeals as to the exact boundaries of Zoning Districts.

3. To permit the extension of a District where the boundary line thereof divides a lot in one ownership at the time for the passage of this Ordinance, but such extension of any district shall not exceed one hundred (100) feet.

B. The Board of Adjustment shall act upon all questions as they may arise in the administration of any ordinance or official control, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcing any ordinance adopted pursuant to the provision of Minnesota Statutes.

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Subd. 3. Appeals.

A. Appeals May originate from any aggrieved person, firm or corporation objecting to the ruling of any administrative official on the administering of the provisions of this Ordinance or other ordinance adopted pursuant to the provisions of Minnesota Statutes.

B. Such appeal may be taken by any person aggrieved or by any officer, or department, of the municipality.

C. The decision of the Board shall not be final, and any person having an interest affected by such ordinance shall have the right to appeal to the District Court.

Subd. 4. Findings. The Board of Adjustment shall not grant an appeal unless they find the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Board of Adjustment may require:

A. That there are special circumstances or conditions affecting the land, building, or use referred to in the appeal that do not apply generally to other property in the same vicinity.

B. That the granting of the application will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant.

Subd. 5. Procedure.

A. Application for any appeal permissible under the provisions of this Section shall be made to the Board of Adjustment. Upon receipt of any application, the Board of Adjustment shall set a time and place for a public hearing before the Board on such application.

B. Written notice of the public hearing shall be sent to all property owners or residents within three hundred (300) feet of said property. The public hearing shall be given not more than thirty (30) days nor less than ten (10) days in advance by publishing a notice in the official newspaper of the area. The notice shall describe the particular variance and shall contain a description thereof. Assessor tax records and street addresses shall be deemed sufficient for location or certification of ownership of said adjacent properties.

C. The Board of Adjustment shall thereupon make its decision upon the application within ten (10) days of the public hearing. in recommending any adjustment or variance under the provisions of this Section; the Board of Adjustment shall designate such

conditions in connection therewith as will, in its opinion, secure substantially the objectives of the Ordinance, regulation or provision to which the adjustment or variance is granted.

The applicant for a variance which, in the opinion of the Board of Adjustments, may result in a material adverse effect on the environment, may be required to demonstrate the nature and extent of the effect.

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SEC. 10000. 18. ZONING PERMITS.

Subd. 1. Application. Except as hereinafter provided, no person, firm or corporation shall construct, erect, alter, wreck, or move any building or structure or parts thereof within the corporate limits of the City without first securing a zoning permit from the City. A zoning permit certifies that the proposed construction is in compliance with this Ordinance. Application for the zoning permit shall be made to the City Clerk or Zoning Administrator.

Subd- 2. Issuing of Permits. A zoning permit must be issued by the City prior to any construction activity. The City will collect the fee for the zoning permit application according to the following schedule. At no time and under any circumstances will a zoning permit be issued until the appropriate fee has been paid by the applicant and the application has been approved by the Zoning Administrator. Failure to obtain a permit shall result in a penalty equal to the cost of the permit required.

Below is the process to which individuals must adhere when applying for a zoning permit:

A. Individual(s) requesting the permit must contact the office of the City Clerk to secure a ZONING PERM APPLICATION FORM.

B. The application form must be completed in its entirety and the appropriate fee must be paid to the City Clerk prior to the permit request being issued. A site plan drawn to scale showing all dimensions must accompany the completed application.

C. Upon its submittal to the City Clerk, the application will be reviewed with the applicant. If the property is properly zoned, the application will be placed on the agenda of the Planning Commission for action at its meeting. If the existing use of the property is not a permitted use, but rather a conditional use, one which would require a variance or amendment to the City Zoning Ordinance, the City staff will take the following action(s).

1. Determine which special request is required to be taken to the Planning Commission.

2. Inform the applicant as to the process of the request.

3. Based on the applicants decision, the City Clerk will collect the appropriate special fee from the applicant and follow the procedures outlined in Cleveland Zoning Ordinance.

AMENDMENT TO SEC. 10000.18 ZONING PERMITS,
SUBD. 2 ISSUING OF PERMITS

ADD: SEC. 10000.18 SUBD. 2 (G)

- G. Zoning permits for new construction of residential housing shall be for a duration of no longer than one year. However, all exterior construction, including roofing, siding, windows, and doors, must be completed within 6 months of the date a permit is issued or the applicant will be in violation of the permit and subject to the VIOLATIONS AND PENALTIES portion of the Cleveland Zoning Ordinance.

- a. Section 10000. 15 for Conditional Use Permits
- b. Section 10000. 16 for Variance Requests
- c. Section 10000. 19 for Amendments (Rezoning)

59.

D. All Zoning permit/special application fee(s) must be paid in advance. Permits will not be issued and special applications will not be placed on an agenda without payment. Zoning Permits will be issued by the City Clerk and the Maintenance Superintendent. In the event of special requests, both the Planning Commission and the City Council must act on the application before the permit is issued by the City Clerk.

E. If an amendment to the site plan is desired, the applicant must submit an amended site plan to the City Clerk prior to commencing with construction. Under no circumstances will a change in site plan be approved unless an amended site plan is submitted to and approved by the Planning Commission.

F. During construction activity, the permit should be displayed in a conspicuous place at the construction site, in plain view and accessible to the Zoning Administrator.

Subd. 3. Schedule of Fees, Charges and Expenses Fees, charges, and expenses for zoning Permits, conditional use Permits, variances, and amendments shall be set annually by the City Council.

Subd. 4 Improvements Requiring a Zoning Permit.

A. General Provisions. A zoning permit is required for any new residential, commercial and/or industrial construction as well as any improvement which will enlarge the physical exterior of the existing structure.

1. Foundation - Install.

2. Foundation - Waterproofing, permit is required if waterproofing entails the replacement of drainage tile and/or exterior waterproof painting.

B. Carpentry.

1. Porch, Patio, or Dock - Permit is required if structure is enlarged.

C. Specialty Work.

1. Demolition -Permit required at no charge.

D. All zoning permit/special application fee(s) must be paid in advance. Permits will not be issued and special applications will not be placed on an agenda without payment. Zoning Permits will be issued by the City Clerk and the Maintenance Superintendent. In the event of special requests, both the Planning Commission and the City Council must act on the application before the permit is issued by the City Clerk.

E. If an amendment to the site plan is desired, the applicant must submit an amended site plan to the City Clerk prior to commencing with construction. Under no circumstances will a change in site plan be approved unless an amended site plan is submitted to and approved by the Planning Commission.

F. During construction activity, the permit should be displayed in a conspicuous place at the construction site, in plain view and accessible to the Zoning Administrator.

Subd. 3. Schedule of Fees, Charges and Expenses. Fees, charges, and expenses for zoning permits, conditional use permits, variances, and amendments shall be set annually by the City Council.

Subd. 4. Improvements Requiring a Zoning Permit.

A. General Provisions. A zoning permit is required for any new residential, commercial and/or industrial construction as well as any improvement which will enlarge the physical exterior of the existing structure, and any exterior change to the roof, siding, windows, or doors of a building or structure.

1. Foundation - Install.
2. Foundation - Waterproofing; permit is required if waterproofing entails the replacement of drainage tile and/or exterior waterproof painting.

B. Carpentry.

1. Porch, Patio, or Deck - Permit is required if structure is enlarged.

C. Specialty Work.

1. Demolition - Permit required at no charge.
2. Fences - Permits are required to erect any fence in all districts within the City (See Lot Survey Requirements, Section 10000. 11, Subd. 20.) This includes fences used for dog kennels.
3. Utility Shed - Permits are required for assembly or moving onto lot.
4. Utility Shed - Permit required for removal at no charge.

D. Exterior Alterations. A permit is required if a structure's exterior roof, siding, windows or doors need to be replaced. Permits for exterior structural changes shall be for a duration of no longer than 6 months.

Subd. 5. Required Inspections. If any building deemed for public occupancy (i.e., schools and churches) is constructed or renovated, the property owner must have any plumbing, heating, ventilation, and electrical work, which was part of the construction/renovation process, inspected. A form bearing the inspector's signature approving the work must be placed on file with the City Clerk.

Any public building, as defined by Minnesota Statutes, constructed or remodeled in the City must comply with the State Building Code requirements for handicapped persons. If such building is constructed or remodeled within the corporate limits, the City shall contract with a certified building inspector to enforce this provision of the State Building Code. A form bearing the inspector's signature approving the work must be placed on file with the City Clerk.

Subd. 6. Schedule of Fees, Charges, and Expenses. The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure, for zoning permits, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be recorded in the office of the City Clerk.

No zoning permit, conditional use permit, or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.

Subd. 7. Complaints Regarding Violations. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the City Clerk. The City Clerk shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

SEC. 10000.19. AMENDMENT.

Subd. 1. Application.

A. This Ordinance may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in this Section.

B. Proceedings for amendment of this Ordinance shall be initiated by:

1. A petition of the affected property owners. For purposes of this Section, affected property owners shall refer to owners of the property specified on the Zoning Ordinance.

- a. Section 10000. 15 for Conditional Use Permits
- b. Section 10000. 16 for Variance Requests
- c. Section 10000. 19 for Amendments (Rezoning)

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D. All zoning permit/special application fee(s) must be paid in advance. Permits will not be issued and special applications will not be placed on an agenda without payment. Zoning Permits will be issued by the City Clerk and the Maintenance Superintendent. In the event of special requests, both the Planning Commission and the City Council must act on the application before the permit is issued by the City Clerk.

E. If an amendment to the site plan is desired, the applicant must submit an amended site plan to the City Clerk prior to commencing with construction. Under no circumstances will a change in site plan be approved unless an amended site plan is submitted to and approved by the Planning Commission.

F. During construction activity, the permit should be displayed in a conspicuous place at the construction site, in plain view and accessible to the Zoning Administrator.

Subd. 3. Schedule of Fees, Charges and Expenses. Fees, charges, and expenses for zoning permits, conditional use permits, variances, and amendments shall be set annually by the City Council.

Subd. 4. Improvements Requiring a Zoning Permit.

A. General Provisions. A zoning permit is required for any new residential, commercial and/or industrial construction as well as any improvement which will enlarge the physical exterior of the existing structure.

1. Foundation - Install.

2. Foundation - Waterproofing; permit is required if waterproofing entails the replacement of drainage tile and/or exterior waterproof painting.

B. Carpentry.

1. Porch, Patio, or Deck - Permit is required if structure is enlarged.

C. Specialty Work.

1. Demolition - Permit required at no charge.

2. Fences - Permits are required to erect any fence in all districts within the City (See Lot Survey Requirements, Section 10000. 11, Subd. 20.) This includes fences used for dog kennels.

60.

3. Utility Shed - Permits are required for assembly or moving onto lot.

4. Utility Shed - Permit required for removal at no charge.

Subd. 5. Required Inspections. If any building deemed for public occupancy (i.e., schools and churches) is constructed or renovated, the property owner must have any plumbing, heating, ventilation, and electrical work, which was part of the construction/renovation process, inspected. A form bearing the inspector's signature approving the work must be placed on file with the City Clerk.

Any public building, as defined by Minnesota Statutes, constructed or remodeled in the City must comply with the State Building Code requirements for handicapped persons. If such building is constructed or remodeled within the corporate limits, the City shall contract with a certified building inspector to enforce this provision of the State Building Code. A form bearing the inspector's signature approving the work must be placed on file with the City Clerk.

Subd. 6. Schedule of Fees, Charges, and Expenses. The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure, for zoning permits, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be recorded in the office of the City Clerk.

No zoning permit, conditional use permit, or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.

Subd. 7. Complaints Regarding Violations. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the City Clerk. The City Clerk shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

SEC. 10000.19. AMENDMENT.

Subd. 1. Purpose. The City Council may on its own motion, or on the petition or appeal of the affected property owners.

A. Transfer Land. Transfer land, or a portion thereof, from the district in which it is situated into another district, by amendment to this chapter.

B. Change Chapter Regulations. Change any of the regulations of this chapter as to use or platting of land in any district, or as to the restrictions upon buildings or structures herein, by amendment to this chapter.

Subd. 2. Procedure.

A. Filing Application. An application for amendment shall be filed with the City Clerk/Administrator in duplicate, accompanied by a fee as determined by the Council.

B. Council Review and Hearing. The Cleveland City Clerk shall give notice of the time and place of the public hearing. Notice shall be given not more than thirty (30) days nor less than ten (10) days in advance of the hearing by publishing a notice thereof at least once in the official newspaper published for the City of Cleveland, by notifying the owner or owners of the property under consideration, and by notifying by mail at least ten (10) days prior to the meeting the property owners within one hundred (100) feet of the subject property. The current City Assessor's tax records shall be deemed sufficient for the location or certification of said properties.

C. Council Vote. The Council, after the public hearing has occurred, may vote upon the adoption of any proposed amendment. In ruling on the petition the Council shall give due considerations to the existing conditions, for the conservation of properties values, for the direction of building development to the best advantage of the entire City, and for the uses to which the property affected is being devoted at the time. No petition shall be approved by the City Council unless it is required for the public good. The amendment shall be effective only if a 2/3 majority of all members of the Council concur in its passage.

Subd. 3 Petition or Appeal For Amendment. An appeal for amendment to this chapter by affected property owners shall include the following:

A. Petitioner Name. The name or names of the petitioner or petitioners. The petition shall be signed by each of them. The address of each petitioner shall be given.

B. Description of Area. Specifically describe the area proposed to be rezoned, and give the names and addresses of all owners or property owned by each.

C. Zone Classification. State the present zone classification of the area and the proposed zone classification.

D. Present and Intended Use. State the present use of each separately owned tract within the area, and the intended use of any tract of land therein, if the petitioners, or any of them, have particular use presently in mind.

E. Rezoning "Fit". Show how the rezoning will fit in with the general zoning pattern of the neighborhood and the comprehensive plan of the entire City.

F. Attachments. Be accompanied by three (3) copies of a map showing the

property to be rezoned, and the present zoning of the surrounding area for at least a distance of three hundred (300) feet, including the street pattern of such area. The map scale shall be one hundred (100) feet to the inch.

Subd. 4. Recording . Upon adoption of any ordinance or other official control including any maps or charts supplemented to or as part thereof, the City Clerk shall file a certified copy thereof with the County Recorder. Ordinances, resolutions, maps, or regulations filed with the County Recorder pursuant to this Ordinance do not constitute encumbrances on real property.

Subd. 5. Fees. To defray administrative costs of processing requests for an amendment to this Ordinance, a fee shall be paid by the petitioner. The zoning amendment fee shall be set annually by the City Council and attached to the City Code in Appendix F.

SEC. 10000.20. VIOLATIONS AND PENALTIES: ENFORCEMENT.

Subd. 1. Violations and Penalties. Any person, firm or corporation convicted of violating any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and any issued permits shall be void. Each day that a violation continues shall constitute a separate offense.

Subd. 2. Enforcement

A. This Ordinance shall be administered and enforced by the Zoning Administrator, who is hereby designated the enforcing officer.

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

C. Any taxpayer or taxpayers of the City may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

SEC. 10000.2 1. VALIDITY. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SEC. 10000.22. REPEAL. The existing zoning regulations (text and map) and other provisions of Chapter 10000 of the City adopted as amended, are hereby repealed. The adoption of this Ordinance, however, shall not effect nor prevent any pending or future prosecution of, or action

to abate, any existing violation of said Zoning Ordinance adopted as amended, if the violation is also a violation of the provisions of this Ordinance.

This zoning ordinance shall become effective upon its adoption and publication according to law.

Adopted this 7th day of June, 1993, by the City of Cleveland, County of Le Sueur, State of Minnesota.

/s/ Glen W. O'Connor
Mayor

June 10, 1993
Date Signed

ATTEST: /s/ Gwen Ploog
City Clerk