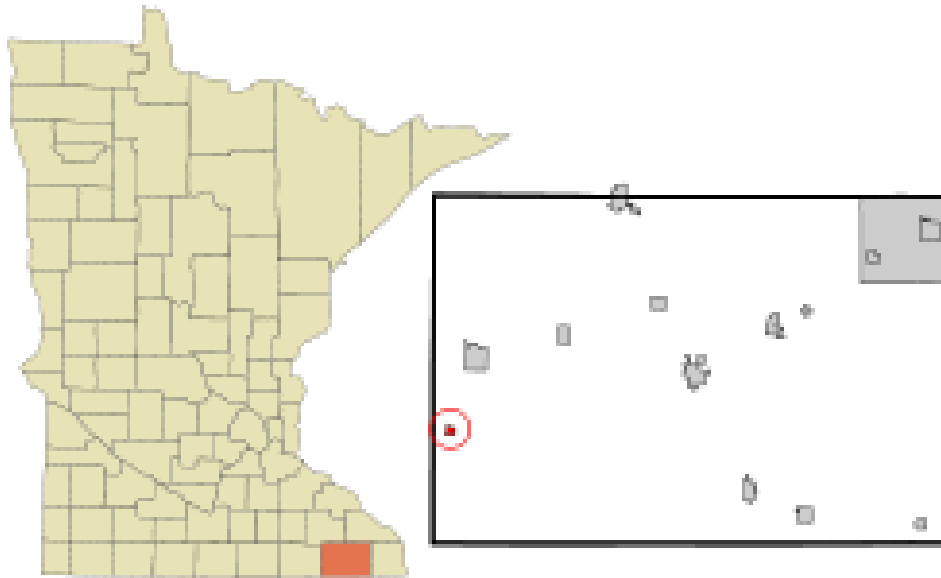


CITY OF OSTRANDER ZONING ORDINANCE

ADOPTED: August 7th, 2012

EFFECTIVE: September 1st, 2012



City of Ostrander

Zoning Ordinance

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CITY OF OSTRANDER ZONING ORDINANCE

An Ordinance for the regulation of the use of land in the City of Ostrander including: setting minimum and maximum standards for the heights and size of buildings, the size of yards, courts and other open spaces, the density of population, the location and use of buildings and land for trade, commerce, industry, residence and other purposes; creating districts for said purposes and establishing the boundaries thereof; providing for changes in regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement and administration, and imposing penalties for the violation of this Ordinance.

The City of Ostrander Does Ordain As Follows:

SECTION 1

Title

101. This Ordinance shall be known, cited and referred to as the City of Ostrander Zoning Ordinance.

SECTION 2

Intent and Purpose

201. This Ordinance is adopted for the purpose of:

- 1) Protecting the public health, safety, comfort, convenience and general welfare;
- 2) Protecting and preserving agricultural land;
- 3) Promoting orderly development of the residential, commercial, industrial, recreational and public areas;
- 4) Conserving the natural and scenic beauty and attractiveness of the city;
- 5) Conserving the natural resources in the city;
- 6) Providing for the compatibility of different land uses and the most appropriate use of land throughout the city;
- 7) Conserving the value of properties; and
- 8) Protecting the environment.

SECTION 3

Rules and Definitions

301. Rules

301.01. Word Usage

Board: The word “Board” includes the City of Ostrander Council Members, or any other word or words meaning the City of Ostrander City Council.

Board of Adjustment: The “Board of Adjustment” shall mean the City of Ostrander Board of Adjustment.

Commission: The “Commission” shall mean the City of Ostrander Planning Advisory Commission.

Distances: Unless otherwise specified, distances shall be measured horizontally.

Fractions of Measurement: All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one-half (1/2) or less, the integral foot next below shall be taken.

Lot: The word “lot” shall include the words piece, parcel, and plot.

Masculine and Feminine Gender: These genders include the neutered and spayed (male and female) genders.

Person: The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

Shall and May: The word “shall” is mandatory and not discretionary; the word “may” is permissive.

Singular and Plural: Words used in the singular shall include the plural and the plural the singular.

Tenses: Words used in the present tense shall include the future. In the event of conflicting provisions, the more restrictive provision shall apply. All words not specifically defined herein shall be defined according to common usage.

302. Definitions

- 1) **Accessory Dwelling Unit:** A home used temporarily by a person who knows that the home must be moved from the site within a certain time period or when a certain job is accomplished.
- 2) **Accessory Use or Structure:** A use or structure, or portion of a structure, subordinate to and serving the principal use of a structure on the same lot and customarily incidental thereto.
- 3) **Agricultural Use:** The use of land for the growing and/or production of trees, crops, livestock, and livestock products for the production of income including but not limited to the following:
 - a. trees, when enrolled in a tree farm program authorized by the DNR and operated under a forest management program;
 - b. crops, including but not limited to: barley, soybeans, corn, hay, oats, potatoes, rye, sorghum, sunflowers, and wheat;
 - c. livestock, including but not limited to: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including dogs, ponies, rabbits, and mink;
 - d. livestock products including but not limited to: milk, butter, cheese, eggs, meat, fur, and honey.
- 4) **Agricultural Building or Structure:** Any building or structure existing or erected, which is used principally for agricultural purposes, with the exception of dwelling units.
- 5) **Alternative Support Structure:** Any structures including but not limited to clock towers, steeples, silos, light poles, water towers, free-standing chimneys, utility poles and towers, towers, buildings or similar structures that may support telecommunications facilities.
- 6) **Animal Feedlot:** A lot or building, or combination of lots and buildings, intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these

parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.

- 7) **Animal Manure:** Animal manure means poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, precipitation, or other materials.
- 8) **Animal Unit:** A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or a manure storage area, calculated by multiplying the number of animals of each type in items A to I by the respective multiplication factor and summing the resulting values for the total number of animal units. For purposes of this definition, the following multiplication factors shall apply:
 - A. Dairy cattle:
 - (1) one mature cow (whether milked or dry);
 - (a) over 1,000 pounds, 1.4 animal units; or
 - (b) under 1,000 pounds, 1.0 animal unit;
 - (2) One heifer, 0.7 animal unit; and
 - (3) One calf, 0.2 animal unit.
 - B. Beef cattle:
 - (1) one slaughter steer or stock cow, 1.0 animal unit;
 - (2) one feeder cattle (stocker or backgrounding) or heifer, 0.7 animal units;
 - (3) one cow and calf pair, 1.2 animals units; and
 - (4) one calf, .02 animal unit.
 - C. One head of swine:
 - (1) over 300 pounds, 0.4 animal unit;
 - (2) between 55 and 300 pounds, 0.3 animal unit; and
 - (3) under 55 pounds, 0.05 animal unit.
 - D. One horse, 1.0 animal unit.
 - E. One sheep or lamb, 0.1 animal unit.
 - F. Chickens:
 - (1) one laying hen or broiler, if the facility has a liquid manure system, 0.033 animal unit;
 - (2) one chicken if the facility has a dry manure system:
 - (a) over five pounds, 0.005 animal unit; or
 - (b) under five pounds, 0.003 animal unit.
 - G. One turkey:
 - (1) over five pounds, 0.018 animal unit; or
 - (2) under five pounds, 0.005 animal unit.
 - H. One duck, 0.01 animal unit.
 - I. For animals not listed in items A to H, the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds.
- 9) **Antenna:** Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include devices having active elements extending in any direction, and directional beam type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.
- 10) **Antenna Building Mounted:** Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building.

- 11) **Antenna Ground Mounted:** Any antenna with its base placed directly on the ground.
- 12) **Area:** See Buildable Area or Lot Area.
- 13) **Barnyard Waste:** Any animal by-products or affiliated waste material.
- 14) **Basement:** A portion of a building located partly underground but having half or more of its floor-to-ceiling height below the average grade of the adjoining ground.
- 15) **Bed and Breakfast Establishment:** A dwelling which provides lodging and meals for overnight registered paying guests.
- 16) **Berm:** A mound of earth or the act of pushing earth into a mound.
- 17) **Buildable Area:** The area of a lot remaining after the minimum yard requirements of this Ordinance have been met.
- 18) **Building:** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or material of any kind.
- 19) **Building Site:** A parcel or part of a parcel of land where buildings are located.
- 20) **Building, Agricultural:** All buildings, other than dwellings, which are incidental to Agricultural Uses.
- 21) **Building Height:** Height is determined by the average elevation of the dirt surrounding a dwelling and the average elevation, of all four (4) sides of the dwelling, between the tallest peak of the dwelling and the tallest plate holding that peak.
- 22) **Building Setback Line:** A line parallel to the street right of way and side and rear lot lines at any story level of a building and representing the minimum distance which all or any part of the building is set back from said property line.
- 23) **Business:** Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.
- 24) **Camouflaged Tower:** Any telecommunications tower that due to design or appearance hides, obscures, or conceals the presence of the tower and antennas. Camouflaging may be accomplished by a suitable combination of the following examples: lack of lighting, low tower height, non-contrasting colors, screening and landscaping, and others.
- 25) **Campground:** A plot of ground upon which five or more camp-sites are located, established or maintained for occupancy by the general public as temporary living quarters for recreation, education, or vacation purposes. A campground is not a PUD.
- 26) **Campsite:** A location upon which one temporary dwelling is located.
- 27) **Cabin:** A single family dwelling.
- 28) **Carcass:** The remains of a dead animal.
- 29) **Carrier:** Any company licensed by the Federal Communications Commission (FCC) to build personal wireless telecommunications facilities and operate personal wireless telecommunications services. Also called a provider.
- 30) **Cemetery:** Property used for the interment of the dead.
- 31) **Church:** A building where persons regularly assemble for religious service and which is maintained and controlled by an organized group for public worship.
- 32) **City:** City of Ostrander.

- 33) **Clear-Cutting:** The entire removal of a stand of vegetation.
- 34) **Clustering/Cluster Housing:** A development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land.
- 35) **Co-location:** Any telecommunications facility comprised of a single telecommunications tower or building supporting multiple antennas, dishes, or similar devices owned or used by more than one public or private entity.
- 36) **Commercial Use:** The principal use of land or building for the sale, lease, rental, or trade of products, goods, and services.
- 37) **Community Water and Sewer System:** Utilities systems serving a group of buildings, lots, or an area of the county, with the design and construction of such utility systems as approved by the county and the State of Minnesota.
- 38) **Conditional Use:** A use classified as conditional generally may be appropriate or desirable in a specified zone, but requires special approval because if not carefully located or designed it may create special problems such as excessive height or bulk or abnormal traffic congestion.
- 39) **Condominium:** A form of individual ownership with a multiple family dwelling unit with joint responsibility for maintenance and repairs. In a condominium, each apartment or townhouse is owned outright by its occupant, and each occupant owns a share of the land and other common property of the building.
- 40) **Construction Debris:** Waste building materials resulting from construction, remodeling, repair and/or demolition operations.
- 41) **Cooperative:** A multiple family dwelling unit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares in the enterprise.
- 42) **Corner Lot:** A lot situated at the junction of and fronting on two or more roads or highways.
- 43) **Country Inn:** A dwelling, which provides lodging, meals, special facilities, catering, and other, organized activities for overnight registered guests.
- 44) **County:** Fillmore County, Minnesota.
- 45) **Crop Land:** The use of land for the production of, but not limited to, adopted row or close sown crops, fruits, and nuts.
- 46) **Days:** Defined as calendar, unless specified otherwise.
- 47) **Deck:** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending above the ground.
- 48) **Depth of Lot:** The mean horizontal distance between the mean front street line and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
- 49) **Depth of Rear Yard:** The mean horizontal distance between the rear building line and the rear lot line.
- 50) **Detrimental:** Causing damage or harm, injurious.
- 51) **Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation, or drilling operation.

- 52) Disposal System:** A system for disposing of sewage, industrial waste and other wastes, and includes sewer systems and treatment works.
- 53) Dredging:** The process by which soils, mostly in the form of silt, or other surficial materials which are transported by surface water as a product of erosion into a body of water are removed for the purpose of deepening the body of water.
- 54) Dwelling:** The house or other structure in which a person or persons live or use as a place of shelter or habitation on a temporary, seasonal, or permanent basis.
- 55) Dwelling Site:** A designated location for residential use by one or more persons using a permanent or temporary shelter. The shelter may be affixed or movable, including camping and recreational camping vehicles.
- 56) Dwelling Unit:** A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding or rooming houses. There are three (3) principal types:
- a. **Single-family Detached:** A free standing residence structure for or occupied by one (1) family only and containing no common party walls.
 - b. **Single-family Attached:** A residential building containing two (2) or more dwelling units with one or more common walls, but providing separate cooking and bathing facilities.
 1. **Duplex:** A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.
 2. **Townhouse:** A residential building containing two (2) or more dwelling units with at least one (1) common wall, each unit so oriented as to have all exits open to the outside.
 - c. **Multiple Family:** A residence designed for or occupied by three (3) or more families, either wholly (attached) or partially a part of a large (detached), with separate sanitary and cooking facilities for each family.
- 57) Easement:** A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.
- 58) Electrical Distribution Line:** That portion of an electric system, not including buildings, used to deliver electric energy from points on a transmission line or bulk power system to a consumer and carrying 30,000 volts or less.
- 59) Electrical Transmission Line:** That portion of an electric system, not including buildings, used to transfer electricity in bulk. The line ends when it is transformed to a distribution line for distribution to ultimate consumers.
- 60) Essential Services:** The erection, construction, alteration, or maintenance of underground, surface or overhead electrical, gas, steam, water and sewerage transmission, distribution and collection systems and distribution, and the equipment and appurtenances necessary for such systems to furnish an adequate level of public service, but not to include any buildings.
- 61) Excavation:** The act by which soil, earth, sand, gravel, rock, or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting there from.
- 62) Exterior Storage (Includes Open Storage):** The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
- 63) Extractive Use:** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.

- 64) **Family:** An individual or two or more persons living together as a single housekeeping unit in a dwelling unit.
- 65) **Farmers Market:** An organized site where three (3) or more producers of locally produced products, including but not limited to, crafts, garden produce, plants, flowers, non-potentially hazardous food products or food sold from a licensed concession stand or mobile retail food vehicle, are sold.
- 66) **Fill:** Any act, by which soil, earth, sand, gravel, rock, or any similar material is deposited, placed, pushed, pulled, or transported and shall include the conditions resulting therefrom.
- 67) **Flood Fringe:** That portion of the flood plain outside of the floodway.
- 68) **Flood Plain:** The channel or beds proper and the areas adjoining a wetland, lake, or watercourse, which have been, or hereafter may be covered by the regional flood. Flood plain areas within Fillmore County shall encompass all areas designated as Zone A on the Flood Insurance Rate Map.
- 69) **Flood Proofing:** A combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages.
- 70) **Floodway:** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.
- 71) **Floor Area:** The sum of the gross horizontal areas of several floors of a building measured from the exterior walls, including basements and attached accessory buildings.
- 72) **Forest Land Conversion:** The clear cutting of forest lands to prepare for a new land use other than the re-establishment of a subsequent forestland.
- 73) **Garage, Private:** An accessory structure designed to store power driven vehicles.
- 74) **Garage, Public:** Any structure, except those described as a private garage, used for the storage or care of power driven vehicles, or where any such vehicles are equipped for operation, repair, or are kept for remuneration, hire, or sale.
- 75) **Garbage:** Putrescent animal or vegetable wastes resulting from the handling, preparation, cooking, serving, or consumption of food, and including food containers.
- 76) **Grade:** The average of the finished level at the center of the exterior walls of the building. For an earth sheltered building grade means the average of the finished level at the center of the lot. For a building with earth berms but less than 50 percent earth covering, grade means the average of the finished level at the center of the building at the beginning of the earth berm.
- 77) **Grass Buffer:** Grass or other dense vegetation planted for the purpose of diverting or filtering materials.
- 78) **Greenbelt:** A planting strip of grass, trees and shrubs established and maintained for the purpose of screening or limiting the view of certain property uses from the general public.
- 79) **Greywater System:** An Individual Sewage Treatment System that does not contain toilet waste.
- 80) **Groundwater:** The supply of fresh water under the earth's surface that forms a natural reservoir.
- 81) **Guest Cottage:** A dwelling.
- 82) **Guyed structure:** Any telecommunications tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

- 83) Hazardous Waste:** Waste designated as hazardous by the United States Environmental Agency or appropriate State Agency.
- 84) Height, Telecommunications Tower:** The distance measured from the original grade at the base of the tower to the highest point of the tower. This measurement excludes any attached antennas, and lighting.
- 85) Historical Structure:** A structure, which is listed on the National Register of Historic Places.
- 86) Home:** A dwelling.
- 87) Home Occupation:** Any gainful occupation or profession engaged in by the occupant of a dwelling at or from the dwelling when carried on within a dwelling unit. Such units include professional offices, minor repair shops, photo or art studios, dressmaking, barbershops, beauty shops, bed and breakfast establishments, or uses deemed similar by the Planning Commission or City Council.
- 88) Hunting Shack:** A dwelling.
- 89) Imminent Public Health Threat:** Means situations with the potential to immediately and adversely effect or threaten public health or safety. At a minimum, this means ground surface or surface water discharges and sewage backup into a dwelling or other establishment.
- 90) Impounded Waters:** Water that is stored in an open pit.
- 91) Industrial Waste:** Any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from the development of any natural resource.
- 92) Intensive Vegetative Clearing:** The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
- 93) Irregular Parcel:** Any piece of land less than 5.0 acres that has been created by the construction of a public roadway.
- 94) Junk Yard:** Land or buildings where waste, discarded or salvaged materials are brought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including but not limited to: scrap metal, rags, paper, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or three (3) or more inoperative motor vehicles or trailers for a period in excess of three (3) months shall also be considered a junk yard.
- 95) Karst Topography:** A terrain generally underlain by limestone in which the topography is chiefly formed by the dissolving of rock, which is commonly characterized by channeling, closed depressions, subterranean drainage, and caves.
- 96) Kennel:** Any structure or premises on which four (4) or more dogs over four (4) months of age are kept for sale, breeding, profit, etc. (Kennel's are not allowed within city limits according to MN Basic Code of ordinances)
- 97) Kindred, Degree of:** Degrees of Kindred shall be defined as follows:
1. First Degree is parent or child.
 2. Second Degree is brother, sister, grandparent or grandchild.
 3. Third Degree is uncle or aunt, nephew or niece, grandparent or grandchild.
 4. Fourth Degree is first cousin, granduncle or aunt, grandnephew or niece, or great-great grandparent or great-great grandchild.
- Relatives of the half blood inherit the same share they would inherit if they were of the whole blood. (MN Stat. 524.2-107)
- 98) Land Occupier:** Any person, firm, corporation, municipality, or other legal entity who holds title to, or is in possession of any lands lying within the district, whether as owner, lessee,

renter, tenant, or otherwise. Where the term “land occupier” is used in this ordinance, the term shall include both the owner and the occupier of the land when they are not the same.

- 99) **Land Owner:** Any person, firm, corporation, municipality, or other legal entity that holds title to or is in possession of any land.
- 100) **Large Assemblies:** Any public or private gathering of one thousand (1,000) or more persons at any single time or at any location in the Agricultural District for the purpose of musical, racing, promotional, social, entertainment or other similar type of activity. Large assemblies include the activities of permitting, maintaining, promoting, conducting, advertising, acting as entrepreneur, undertaking, organizing, managing, selling and/or giving tickets to an actual or reasonably anticipated assembly of one thousand (1,000) or more people. **This shall not apply to any permanent place of worship or auctions conducted by licensed auctioneers.**
- 101) **Lattice Structure:** A telecommunications tower that consists of vertical and horizontal supports and crossed metal braces.
- 102) **Livestock:** Farm animals kept for use and/or sale (livestock = animal units as defined under “animal units”).
- 103) **Livestock Waste Lagoon:** A diked enclosure for disposal of livestock wastes by natural process.
- 104) **Living Space:** That area of a building normally used by humans as part of their habitation and shelter, which shall include all areas normally and regularly used for sheltering human beings or their personal property. Basements, whether finished or unfinished, shall be considered living space. Attics, unless finished and used as additional habitation, shall not be included. Garages designed and/or used for the sheltering of automobiles shall not be included.
- 105) **Lot:** A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision of record or survey map, for the purpose of sale or lease or separate use thereof. A lot need not be a lot of existing record.
- 106) **Lot of Record:** Any lot which is one unit of a plat heretofore duly approved and filed or one unit of an Auditor’s Subdivision or a Registered Land Survey that has been recorded in the office of the County Recorder for Fillmore County, Minnesota prior to the effective date of this Ordinance.
- 107) **Lot Area:** The area of a lot in a horizontal plane bounded by the lot lines.
- 108) **Lot, Corner:** A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.
- 109) **Lot Coverage:** The area of the zoning lot occupied by the principal buildings and accessory buildings. Earth berms are not to be included in calculating lot coverage. Only the above grade portions of an earth-sheltered building should be included in lot coverage calculations.
- 110) **Lot Depth:** The mean horizontal distance between the front lot line and the rear lot line of a lot.
- 111) **Lot Line:** The property line bordering a lot except that where any portion of a lot extends into the public right-of-way, the right-of-way line shall be the lot line for purposes of this Ordinance.
- 112) **Lot Line, Front:** That boundary of a lot, which abuts an existing or dedicated public street and in the case of a corner lot it shall be the shortest dimension on a public street.

- 113) Lot Line, Rear:** That boundary of a lot, which is opposite, the front lot line. If the rear line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line. Every lot shall have a rear lot line.
- 114) Lot Line, Side:** Any boundary of a lot, which is not a front lot line or a rear lot line.
- 115) Lot, Substandard:** A lot or parcel of land for which a deed has been recorded in the office of the Fillmore County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.
- 116) Lot Width:** The maximum horizontal distance between the side lot lines of a lot measured within the first thirty (30) feet of the lot depth.
- 117) Manufactured Home:** “Manufactured home” means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three-hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the U.S. Department of Housing and Urban Development and complies with the standards established under Minnesota Statute Chapter 327.
- 118) Manufactured Home Park:** Any site, lot, field, or tract of land under single ownership, designed, maintained or intended for the placement of two (2) or more occupied manufactured homes. “Manufactured Home Park” shall include any buildings, structure, vehicle, or enclosure intended for use as part of the equipment of such manufactured home park.
- 119) Manufactured Home Stand:** The part of an individual manufactured home lot, which has been reserved for placement of the manufactured home, appurtenant structures, or additions.
- 120) Manufactured Home Subdivision:** A subdivision intended for placement of manufactured homes or conventional homes, having a minimum of ten (10) lots and at least thirty (30%) percent of the lots must be occupied by manufactured homes.
- 121) Manure Storage Area:** Manure storage area means an area where animal manure or process wastewaters are stored or processed. Short-term and permanent stockpile sites and composting sites are manure storage areas.
- 122) Metes and Bounds:** A method of property description by means of their direction and distance from an easily identifiable point.
- 123) Mobile Home:** A Manufactured Home.
- 124) Mobile Home Park:** A Manufactured Home Park.
- 125) Modular Home:** A non-mobile dwelling 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.
- 126) Monopole Structure:** A telecommunications tower of a single pole design.
- 127) Motel (Motor Court):** A building or group of detached, semi-detached or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.

- 128) Motor Home or Recreation Vehicle:** A Recreational Camping Vehicle.
- 129) Non-Conforming Uses:** 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.
- 130) Non-riparian lot:** A lot, which has no area fronting a surface-water feature.
- 131) Notification:** Notification means all landowners within the notice or affected area as defined in Sections 504, 505, and 506 pertaining to conditional uses, variances, and requests for zoning amendments, respectfully, shall be sent a letter by First Class mail identifying a public hearing to take place.
- 132) Nuisance:** Any noise, odor, vibration, smoke, air pollution, liquid or solid waste, glare, heat, or dust condition which exceeds adopted standards and creates an irritation, annoyance, or health hazard.
- 133) Nursery, Landscape:** A business growing and selling trees, flowering and decorative plants and shrubs and which may be conducted within a building or without, for the purpose of landscape construction.
- 134) Nursing Home:** A building with facilities for the care of children, the aged, informs, or place of rest for those suffering bodily and/or mental disorders. Said nursing home shall be licensed by the State Board of Health as provided for in Minnesota Statutes, § Section 144.A01, subd. 5.
- 135) Obstruction:** (Waterway) Any dam, wall, wharf, embankment, levee, dike, pike, abutment, projection, excavation, dredged spoil channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, lake bed, or regulatory flood plain which may impede, retard or change the direction of the flow, either in itself or by catching or collecting debris carried by flood water.
- 136) Off-Street Loading Space:** A space accessible from a street, alley, or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size as to accommodate one (1) vehicle of the type typically used in the particular business.
- 137) Open Pit:** The area of land created by moving the earth.
- 138) Open Sales Lot:** (Exterior Storage) Any land used or occupied for the purpose of buying and selling any goods, materials or merchandise and for storing of same under the open sky prior to sale.
- 139) Operation:** Operation means other than nominal use; when a facility is used regularly as an integral part of an active system of telecommunications, or for other business related activities, it shall be deemed in operation.
- 140) Ordinary High Water Level:** The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to terrestrial. For watercourses, it is the elevation of the top of the bank of the channel.
- 141) Parking Space:** A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one (1) standard automobile.
- 142) Pedestrian Way:** A public or private right-of-way across or within a block, to be used by pedestrians.

- 143) Pesticides:** Any substance used to prevent, destroy, or repel undesirable plants or animals, including herbicides, insecticides, fungicides, and rodenticides.
- 144) Planned Unit Development:** A development of a unified site whereby dwelling units or dwelling sites are grouped or clustered in and around common open space areas, whether for sale, rent, or lease in accordance with a pre-arranged site plan submitted by a developer and requiring membership in an association. A campground is not a PUD.
- 145) Portable Building:** A structure that can be moved when empty.
- 146) Practical Difficulties:** Practical difficulties, as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.
- 147) Prime Land:** Land classified as A, A-, B, or B- land as of 1994 or land with crop equivalency rating of 65 or greater.
- 148) Principal Structure or Use:** One that determines the predominant use as contrasted to accessory use or structure.
- 149) Private Game Farm:** A parcel of land or part of a parcel of land where upon the land occupier raises animals and fences them in or encages said animals for the purpose of allowing individuals to hunt, trap, or capture them for barter, fee, or any other form of compensation.
- 150) Property Line:** The legal boundaries of a parcel of property, which may also coincide, with a right-of-way line of a road, cartway, and the like.
- 151) Property Owner:** Any person, association or corporation having a freehold estate interest, leasehold interest extending for a term or having renewal options for a term in excess of one year, a dominant easement interest, or an option to purchase any of same, but not including owners or interests held for security purposes only.
- 152) Protective Covenant:** A contract entered into between private parties, which constitute a restriction of the use of a particular parcel of property. Such covenants shall be considered valid only when they are recorded and filed in the office of the Fillmore County Recorder.
- 153) Provider:** See Carrier.
- 154) Public Land:** Land owned or operated by municipal, school district, county, state, or other governmental units.
- 155) Public Waters:** Any waters as defined in Minnesota Statutes, Section 103 G.005, Subd 15.
- 156) Qualified Employee:** An individual employed by a unit of government who is certified to inspect ISTS work.
- 157) Ravines:** A small narrow steep-sided valley that is larger than a gully and smaller than a canyon and is worn by running water.
- 158) Recreational Camping Area:** Campground.
- 159) Recreational Camping Vehicle (RCV):** Recreational Camping Vehicle includes any of the following:
- a. any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, or vacation use;

- b. any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation;
 - c. any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and
 - d. any folding structure mounted on wheels and designed for travel, recreation, and vacation use.
- 160) Recreation, Commercial:** Includes all uses such as bowling alleys, roller and ice-skating rinks, driving ranges and movie theaters that are privately owned and operated with the intention of earning a profit by providing entertainment to the public.
- 161) Recreation, Public:** Includes all uses such as tennis courts, ball fields, picnic areas and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.
- 162) Refuse:** Discarded waste materials in a solid or semi-liquid state consisting of garbage, rubbish, or a combination thereof.
- 163) Registered Land Survey:** A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of Registered Land Survey Number (see Minnesota Statutes 508.47).
- 164) Regional Flood:** A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term “base flood” used in the Flood Insurance Rate Map.
- 165) Regulatory Flood Protection Elevation:** An elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the Flood Plain that result from designation of a floodway.
- 166) Residence:** A dwelling.
- 167) Residential Planned Unit Development:** A PUD where the nature of residency is non-transient and the primary focus of the development is not service oriented.
- 168) Resort:** A development consisting of buildings, campsites, parking areas, or recreation areas, for lease or rent for temporary dwellings, on one tract of land, under one ownership for the purpose of vacationing, relaxation, or recreation.
- 169) Riparian Lot:** A Lot with area fronting a surface water feature.
- 170) Road:** A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.
- 171) Rock Crushing:** The process whereby rock is reduced in size by mechanical means.
- 172) Rock Quarry:** A parcel of land or part of a parcel of land where mining activities are undertaken to extract rock or other minerals from the subsurface terrain. Said rock or other minerals being removed from the ground with the use of explosives and heavy equipment is reduced in size so as to be made useful for the public.
- 173) Rubbish:** Non-putrescible solid waste including ashes consisting of both combustible and non-combustible waste such as paper, cardboard tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.
- 174) Roadside Stand:** An unenclosed temporary structure used for the sale of goods and so designed and constructed that the structure is easily portable and can be readily removed.

- 175) Rural Home Based Business:** Any commercial or industrial business carried on in the Ag District, as outlined in Section 728.
- 176) Sand Pit:** A parcel of land or part of a parcel of land where mining activities are undertaken to extract sand from the subsurface terrain. Said sand being removed from the ground with the use of heavy equipment is piled and stored for sale to the public.
- 177) Sanitary Landfill:** A method of disposing of solid wastes on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary.
- 178) Satellite Dish Antenna:** An apparatus specifically designed and capable of receiving and/or sending communications from a transmitter or transmitter relay located in planetary orbit.
- 179) Satellite Dish:** A device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped and is used to transmit or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.
- 180) Selective Cutting:** The removal of single scattered trees.
- 181) Semi-Public Uses:** The use of land by a private, non-profit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
- 182) Sensitive Resource Management:** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.
- 183) Septic System:** A system of treating human waste by the use of a septic tank and drainfield or other individual or cluster type sewage treatment system as described and regulated in Minnesota Rule 7080 Sewage Treatment System.
- 184) Setback:** The minimum horizontal distance between a structure or sewage treatment system or other facility and a property line, ordinary high water level, top of bluff, road or other facility as found in Minnesota Rule 6120.2500.
- 185) Sewage:** The water carried waste products from residences, public buildings, institutions or other buildings, including the excrementitious or other discharge from the bodies of human beings or animals, together with such groundwater infiltration and surface water as may be present.
- 186) Sewer System, Central:** Any sanitary sewer system, public or private, serving a group of buildings, lots, or an area of the County discharged to a common treatment and disposal structure and meets the County and State Health and Sanitation Regulations.
- 187) Sewer System, Community:** A sanitary sewer system comprised of lateral and/or trunk sewer lines connecting a house, building or structure with and consisting in part of a sewage treatment facility, owned by a homeowners association or other group, organization, company or cooperative other than a government agency. Such system must be approved by the County Zoning Administrator and the State Health Department. Such systems may consist of a common or community septic system when the number of units so attached and soil conditions, topography, water table and subsoil structure so permits.
- 188) Sewer System, Municipality:** A sanitary sewer system of lateral and/or trunk sewer lines connecting a group of buildings or an area to a central treatment plant owned and operated by such municipality or Sewer District under a Joint Power Agreement.

- 189) Sign:** Any letters, figures, design, symbol, trademark, architectural or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever and painted, printed, or constructed and displayed in any manner whatsoever for recognized advertising purposes. For purposes of this Ordinance, a flag constitutes a sign, but not including an emblem, or insignia of a government, school or religious group when displayed for official purposes.
- 190) Sign, Advertising:** A sign, which directs attention to business, commodity, service, activity, or entertainment not necessarily, conducted, sold, or offered upon the premises where such a sign is located.
- 191) Sign, Business:** A sign, which directs attention to a business or profession or to a commodity, service, or entertainment, sold or offered upon the premises where such a sign is located.
- 192) Sign, Flashing:** Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.
- 193) Sign, Flat Wall:** A sign affixed directly to the exterior wall and confined within the limits thereof of any building and which projects from that surface less than eighteen (18) inches at all points.
- 194) Sign, Projecting:** A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.
- 195) Sign, Pylon:** A freestanding sign erected upon a single pylon or post, which is in excess of ten (10) feet in height, with a sign mounted on top thereof.
- 196) Sign, Rotating:** A sign, which revolves or rotates on its axis by mechanical means.
- 197) Sign, Surface Area Of:** The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside of the limits of such sign and not forming an integral part of the display.
- 198) Sign, Temporary:** A banner, pennant, poster, or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wall board, or similar material and intended to be displayed for a limited period of time.
- 199) Significant:** Having or likely to have a major effect. May also mean important.
- 200) Sinkhole:** A surface depression that is formed by the erosion of material into or the collapse of underlying cavernous bedrock (generally limestone or dolomite).
- 201) Site Development Plan:** A site development plan for construction which shall include at a minimum, the proposed location of the structure, the site elevations and the height of the structure, the location of the sewer and well, a construction erosion control plan if the site is over twelve (12%) slope.
- 202) Soil Survey:** A soil map or inventory of the soils of an area and a report of text describing the kinds of soils shown on the map and summarizing what is known about these soils, including their classification and capabilities.
- 203) Solar Access Space:** That airspace above all lots within the District necessary to prevent any improvement, vegetation, or tree located on said lots from casting a shadow upon any Solar Device located within said zone greater than the shadow cast by a hypothetical vertical wall ten (10) feet high located along the property lines of said lots between the hours of 9:30 a.m. and 3:30 p.m., Central Standard Time on December 21, PROVIDED, HOWEVER, this Ordinance shall not apply to any improvement or tree which casts a shadow upon a Solar Device at the time of the installation of said device or to vegetation existing at the time of installation of said Solar Device.

- 204) Solar Collector:** A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.
- 205) Solar Energy System:** A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components to the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system), to qualify as a solar energy system, the system must be permanently located for not less than ninety (90) days in any calendar year beginning with the first calendar year after completion of construction. Passive solar energy systems are included in this definition but not to the extent that they fulfill other functions such as structural and recreational.
- 206) Solar Skyspace:** The space between a solar energy collector and the sun, which must be free of obstructions that shade the collector to an extent, which precludes its cost effective operation.
- 207) Solar Skyspace Easement:** A right, expressed as an easement, covenant, condition or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar sky space of an actual, proposed or designated solar energy collector at a described location by forbidding or limited activities or land uses that interfere with access to solar energy. The solar sky space must be described as the three dimensional space in which obstruction is prohibited or limited, or as the times of day during which direct sunlight to the solar collector may not be obstructed, or as a combination of the two (2) methods.
- 208) Solar Structure:** A structure designed to utilize solar energy as an alternate for, or supplement to conventional mechanical heating system.
- 209) Solid Waste:** Garbage, refuse and other discarded solid materials, except animal waste used as fertilizer, including solid waste materials resulting from industrial, commercial, and agricultural operations and from community activities. Solid waste does not include earthen fill, boulders, rock and other materials normally handled in construction operations, solid or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants.
- 210) Steep Slope:** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the sites soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and Ag practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes of over twelve percent (12%) as measured on horizontal distances of fifty (50) feet or more that are not bluffs.
- 211) Story:** That portion of a building included between the surface of any floor and the surface of the next floor above, including below ground portions of earth-sheltered buildings.
- 212) Story, Half:** A half story is an upper most story lying under a sloping roof, the usable floor area of which does not exceed seventy-five (75%) percent of the floor area of the story immediately below it, and not used, or designed, arranged or intended to be used, in whole or in part, as an independent housekeeping unit or dwelling. A half story containing independent apartments or living quarters shall be deemed a full story.
- 213) Street:** A public right-of-way, which affords primary means of access to abutting property and shall also include avenue, highway, road, or way.

- 214) Street, Pavement:** The wearing or exposed surface of the roadway used by vehicular traffic.
- 215) Street Width:** The width of the right-of-way, measured at right angles to the centerline of the street.
- 216) Structure:** Anything constructed, placed, or erected, the use of which requires location on, in, or under the ground or attachment to something having a location on, in, or under the ground. Includes but not limited to buildings, poles, cables, pipes, bridges, and portable living quarters. For the purposes of this Ordinance, the pouring of cement or asphalt flat on the ground shall not be considered a structure.
- 217) Structural Alterations:** Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.
- 218) Subdivision:** Is a described tract of land, which is to be, or has been divided into three or more lots for the purpose of immediate or future transfer of ownership for the purpose of sale or of building development, including the re-subdivision or re-platting of land or lots.
- 219) Surface Water Oriented Commercial Use:** The use of land for commercial purposes where access to and use of a surface water feature is an integral part of the normal conductance of business, such as marinas, resorts, and restaurants with transient docking.
- 220) “T”:** The tolerable soil loss level as defined in Section 2 of the Soil Conservation Technical Guide.
- 221) Telecommunications Facility:** A facility, site, or location that contains one or more antennas, telecommunications towers, alternative support structures, satellite dish antennas, other similar communication devices, and support equipment which is used for transmitting, receiving, or relaying telecommunications signals, excluding facilities exempted under Section 3.
- 222) Telecommunications Facility Structure:** A telecommunications tower or alternative support structure on which telecommunications antenna(s) may be mounted.
- 223) Telecommunications Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including camouflaged towers, lattice towers, guy towers, or monopole towers. This includes radio and television transmission towers, microwave towers, and common-carrier towers. It shall exclude alternative support structures and those facilities exempted under 727.03.
- 224) Town:** Town of Ostrander.
- 225) Townhouse:** A single-family building attached by party walls with other single-family buildings, and oriented so that all exits open to the outside.
- 226) Travel Trailer:** A recreational camping vehicle.
- 227) Use:** The purpose or activity, for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized, or maintained.
- 228) Use, Accessory:** A use secondary to and serving the principal use or structure on the same lot and customarily incidental thereto.
- 229) Use, Permitted:** A public or private use which of itself conforms with the purposes, objectives, requirements, regulations, and performance standards of a particular district.
- 230) Use, Principal:** The main use of land or buildings as distinguished from subordinate or accessory use. A “principal use” may be either permitted or conditional.
- 231) Utility:** See Essential Service.

- 232) Utility Pole Mounted Antenna:** An antenna attached to or upon an existing or replacement electric transmission or distribution pole, streetlight, traffic signal, athletic field light, or other approved similar structure.
- 233) Variance:** A modification or variation of the provisions of this Ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.
- 234) Water Oriented Accessory Structure:** A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to a public waters than normal structure setback. Examples of such structures include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.
- 235) Wetland:** Land which is annually subject to periodic or continual inundation by water and commonly referred to as bog, swamp, or marsh.
- 236) Wildlife Management Areas:** Wetland, uplands, or woods owned and managed for wildlife by the Department of Natural Resources (DNR) where hunting is open to the public during regular season.
- 237) Yard:** A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Ordinance. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located. For earth sheltered buildings and buildings covered with earth berms, the line of the building is measured from the exterior surface of the building regardless of whether it is above or below grade.
- 238) Yard, Front:** A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to a depth required in the setback regulations for the zoning district in which such lot is located.
- 239) Yard, Rear:** The portion of the yard on the same lot with the principal building located between the rear lot line and a line at a distance specified by these regulations and extending for the full width of the lot.
- 240) Yard, Side:** The yard extending along the side lot line between the front yard and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.
- 241) Zoning Amendment:** A change authorized by the County either in the allowed use within a district or in the boundaries of a district, the Zoning Ordinances, and/or the zoning map.
- 242) Zoning District:** An area or areas within the limits of the County for which the regulations and requirements governing use are uniform.
- 243) Zoning Map:** The map bearing the description “Official Zoning Map for the City of Ostrander” together with all proper notations, references and other information shown thereon.

SECTION 4

General Provisions

401. Jurisdiction

The jurisdiction of this Ordinance shall apply to all the areas inside the incorporated limits of the City of Ostrander, stating the regulations set forth in this document to apply within the incorporated boundaries.

402. Application

This Ordinance shall be applicable to all lands, structures, and waters within the boundaries specified under the jurisdiction section above.

- 1) In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety and welfare.
- 2) Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- 3) Except as this Ordinance specifically provides, no structure shall be erected, converted, enlarged, reconstructed or altered; and no structure or land shall be used for any purpose or in any manner that is not in conformity with this Ordinance. Temporary buildings that are used in conjunction with construction work, including trailers and manufactured/mobile homes used as offices and for tool storage, may be permitted in any district during the period that construction is taking place, but such temporary buildings shall be removed within thirty (30) days after completion of construction work. Portable agricultural buildings of one-hundred sixty (160) square feet or less and placed on skids shall also be exempt from obtaining a building permit.

403. Separability

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

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

404. Zoning Permits

A zoning permit shall be obtained prior to erecting, installing, altering, converting, moving any building or structure or part thereof, or demolition of any historically significant structure, within areas regulated by this Ordinance in the City of Ostrander. Before a zoning permit is issued, the terms of this Ordinance shall be met.

404.01. Application Procedure

- 1) Application for a zoning permit shall be made by the owner or General Contractor if employed. Application shall be made to the Zoning Administrator on blank forms to be furnished by the City. Each application for a permit to construct or alter a building, structure or use shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon and the size and location of the building or use and accessory

buildings to be erected. Applications for any kind of zoning permit shall contain such other information as may be deemed necessary for the proper enforcement of the Ordinance. An application is not complete until all of the information and fees (including late fees) have been provided.

- 2) A Land Use Permit shall require that the applicant significantly begin* construction on the project for which the permit is issued within 1 year and the project must be ready for its permitted purpose within two (2) years. Failure to significantly begin construction within one year or be ready for its intended purpose within two (2) years shall render the Land Use Permit null and void.
 - “Significantly Begin” shall mean the structure must have all footings, sidewalls, and roof on the structure.
- 3) A fee for the issuance of the permit shall be paid to the Zoning Administrator at the time of application. Fees shall be determined by the use of a fee schedule that shall be adopted by the City of Ostrander, shall be posted in the office of the Zoning Administrator and shall be altered or amended only by the City of Ostrander.
- 4) Any activity requiring a zoning permit, which is begun prior to obtaining the required permit, shall be subject to a penalty as set by the City and on file in the Zoning Office, plus the normal permit fee. Any activities in violation of this ordinance shall be subject to the legal remedies available.
- 5) A permit shall not be required for:
 - a. The remodeling or repair of a structure.
 - b. Portable buildings under one-hundred sixty (160) square feet.
 - c. Concrete or blacktop poured for Agricultural Uses when the total of existing attached concrete plus the newly poured concrete is less than 160 total square feet.
 - d. Concrete or asphalt poured for driveways.
 - e. Concrete poured on the inside of an existing building regardless of size.

405. Non-Conforming Uses

It is the purpose of the Section to provide for the regulation of non-conforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which non-conforming buildings, structures and uses will be operated and maintained. It is necessary and consistent with the establishment of zoning districts that non-conforming buildings, structures and uses not be permitted to continue without restriction.

405.01. Land

The non-conforming use of land shall not in any way be expanded or extended either on the same or adjoining property.

405.02. Lot of Record

A non-conforming lot of record may be used for any principal use permitted in the zoning district in which the lot is located, provided that for any use which is to be served by an individual well and/or septic system, the non-conforming lot shall be of a size and design to meet the minimum requirements of the Board of Health regulations for such wells and septic systems.

405.03. Structure, Enlargement or Alterations

No non-conforming structure may be enlarged or altered in any way that increases its non-conformity. No addition or modification to a use within a flood fringe or floodway district shall increase the flood damage potential of the structure or increase the degree of obstruction to flood flow. No addition or modification to a non-conforming structure with a conforming use within a

flood fringe or floodway district shall exceed fifty (50) percent of its current market value as determined by the Fillmore County Assessor's records, unless the entire structure is made conforming.

405.04. Structures, Damage or Destruction

If a non-conforming structure is destroyed by any means to an extent of more than fifty percent fifty (50) percent of its current market value, as determined by the Fillmore County Assessor's records at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the zoning code. If destroyed to less than fifty (50) percent of its market value, said restoration shall begin within twelve (12) months or the structure shall be made conforming.

405.05. Structure, Relocation

If a non-conforming structure is moved any distance, for any reason whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

405.06. Use, Change

Whenever a non-conforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed back to a non-conforming use.

405.07. Use, Discontinuance

In the event that a non-conforming use of any structure and/or land is discontinued for a period of one (1) year, then the use of the same structure and/or land shall conform thereafter to the uses permitted in the district in which it is located.

405.08. Use, Zone Change

The foregoing provisions relative to non-conforming uses shall apply to buildings, land and uses which hereafter become non-conforming due to classification or reclassification of districts under this Ordinance.

406. Uses not provided for in any Zoning District

Whenever a use is neither specifically permitted nor denied, the use shall be considered prohibited. If a property owner were to submit a request to establish such a use, the Planning Commission may conduct a study to determine if the use is appropriate for the district in which the property is located, or if not, whether the use would be appropriate to one of the City's other districts. The City of Ostrander or Planning Commission, upon receipt of the study, shall initiate an amendment to the Zoning Ordinance, if appropriate, to provide for the use under consideration or shall determine the use is not compatible in the City.

SECTION 5

Zoning Administration and Enforcement

501. Administrator

The Office of the Zoning Administrator is hereby established; the Zoning Administrator shall be appointed by the City Council.

501.01. Duties

The Zoning Administrator shall enforce the provisions of this Ordinance as provided herein; in addition to the duties and powers of the Zoning Administrator under this Ordinance express or implied, he shall have the duty and power to:

- 1) Issue zoning and other permits, and make and maintain record thereof;
- 2) Oversee inspections and use of land to determine compliance with the terms of this Ordinance;
- 3) Maintain permanent and current records of this Ordinance, including but not limited to: all maps, amendments and conditional uses, variances, appeals and applications thereof;
- 4) Receive, file and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies; and
- 5) Review proposed development to assure that all necessary permits have been received from those governmental agencies which approval is required by Federal or State law.

502. Planning Commission

The City of Ostrander Planning Commission is hereby established. The members of the commission shall be appointed and ratified by the City Council.

502.01. Membership and Terms

- 1) The Planning Commission shall consist of five (5) members, but no more than eleven (11): one member needs to be a City Councilmember who shall be appointed annually by the City Council.
- 2) The term of each member except the City Councilmember shall be for four (4) years. Appointments shall be made so that at least one member shall be appointed at the beginning of each calendar year. Planning Commission members may be eligible for reappointment at the discretion of the City Council.
- 3) The Commission may call for the removal of any member for non-performance of duty or misconduct in office. If a member has four (4) consecutive unexcused absences in any one year, the vice-chairperson shall certify this fact to the Commission and the Commission shall notify the City Council along with suggested action. The City Council shall appoint a replacement for the unexpired term, as if the member had resigned.
- 4) The members of such Planning Commission may be paid their necessary expenses in attending meetings of the Commission and in the conduct of the business of the Commission.
- 5) The Planning Commission shall elect a chairperson from among its members. The commission may also select a vice-chairperson from its members.

502.02. Functions of the Planning Commission

- 1) The Planning Commission shall adopt rules for the transaction of its business and shall keep public record of its transactions, findings, and recommendations.

- 2) The Planning Commission shall cooperate with the Zoning Administrator and other employees of the City in preparing and recommending to the Board for adoption, comprehensive plans and recommendations for plan execution in the form of official controls and other measures, and amendments thereto.
- 3) The Planning Commission shall provide assistance to the City Council and Zoning Administrator in the administration of this ordinance and shall review, hold public hearings, and make recommendations to the City Council on all applications for conditional use permits and zoning amendments using the criteria in Sections 504 and 506, respectfully.

503. Board of Adjustment

A Board of Adjustment for the City of Ostrander is hereby established.

503.01. Membership and Terms

- 1) The Board shall consist of three (3) members, but no more than seven (7). These Board members may be members of the Planning Commission, too. No elected officer of the City or any employee of the City of Ostrander shall serve as a member of the Board of Adjustment.
- 2) The term of each member shall be for five (5) years, which shall be the same four (4) year term held as held as a member of the Planning Commission. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- 3) The Board may remove any of its members for non-performance of duty or misconduct in office.
- 4) The members of such board may be paid their necessary expenses in attending meetings of the board and in the conduct of the business of the board.
- 5) The Board of Adjustment shall elect a chairperson and vice-chairperson from among its members and shall select a secretary. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and determinations.

503.02. Functions of the Board of Adjustment

- 1) The Board of Adjustment shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision or determination made by such an administrative official charged with enforcing the Ordinance. Such appeal shall be made within thirty (30) days of the administrative officials' decision and may be taken by any person, firm or corporation aggrieved or by any officer, department, board or bureau of the City. The Board of Adjustment shall also have the power to grant variances to the provisions of the Zoning Ordinance under certain conditions. The conditions for the issuance of a variance are as indicated in Section 5, Subdivision 5, of this Ordinance. No use variances (use difference than those allowed in the district) shall be issued by the Board of Zoning Adjustment.
- 2) Hearing by the Board of Adjustment shall be held within such time and upon such notice to interested parties as is provided in this Ordinance and its adopted rules for a reasonable time, make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by certified mail. Any party may appear at the hearing in person or by agent or attorney.
- 3) The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, as in its opinion, ought to be made on the premises. The reasons for the board's decision shall be stated.

- 4) All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department, board of commission of the jurisdiction or of the state shall have the right to appeal within thirty (30) days, after receipt of notice of the decision, to the District Court in the county in which the land is located on questions of law and fact.

504. Conditional Use Permits

504.01. Criteria for Granting Conditional Use Permits

In granting a conditional use permit, the Ostrander City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the following findings shall be considered.

- 1) The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities that serve or are proposed to serve the area.
- 2) The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing properties will not be depreciated in value and there will be no deterrence to the development of vacant land.
- 3) The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
- 4) The use in the opinion of the City Board is reasonably related to the overall needs of the City and to the existing land use.
- 5) The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- 6) The use will not cause traffic hazards or congestion.
- 7) Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, vibration or other nuisances.
- 8) Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.
- 9) If the Conditional Use Permit is for a use within the shoreland area of a public water, an evaluation of the waterbody and the topographic, vegetative, and soils conditions on the site must be made to ensure:
 - a. the prevention of soil erosion or other possible pollution of public waters, both during and after construction; and
 - b. the visibility of structures and other facilities as viewed from public waters is limited; and
 - c. the site is adequate for water supply and onsite sewage treatment.
- 10) No Conditional Use Permit shall be granted if such permit may have the potential for significant effect to:
 - a. the environment; or
 - b. the protection of the public health, safety, comfort, convenience, and general welfare of the public; or
 - c. the City's promotion of the orderly development and/or maintenance of agricultural, residential, recreational and public areas; or
 - d. the compatibility of different land uses and the most appropriate use of land throughout the city; or
 - e. the value of property.

504.02. Additional Conditions

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may recommend the imposition, in addition to the standards and requirements expressly specified by this Ordinance, of additional conditions, which the Planning Commission considers necessary to protect the best interest of the surrounding area or the county as a whole. These conditions may include, but are not limited to the following:

- 1) Increasing the required lot size or yard dimension.
- 2) Limiting the height, size or location of buildings.
- 3) Controlling the location and number of vehicle access points.
- 4) Increasing the street width.
- 5) Increasing the number of required off-street parking spaces.
- 6) Limiting the number, size, location or lighting of signs.
- 7) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- 8) Designating sites for open space.
- 9) Increased setbacks from the ordinary high water level.
- 10) Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.

Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued. The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the City Council and time limits, review dates, and such other information as may be appropriate.

504.03. Required Exhibits for Conditional Use Permits

- 1) A preliminary building or structure and site development plan. The site plan shall include, but not be limited to soils information, neighboring land and water uses, existing and proposed structures, architectural plans, driveway locations, parking areas, highway access, traffic generation and circulation, drainage, waste disposal, sewage disposal systems, water supply systems.
- 2) Evidence of ownership or enforceable option or easements on the property.

504.04. Procedures

The procedure for obtaining a Conditional Use Permit is as follows:

- 1) The property owner or his/her agent shall meet with the Zoning Administrator to explain the situation, learn the procedures and obtain an application form.
- 2) The applicant shall file the completed application form together with the required exhibits with the Zoning Administrator and shall pay a filing fee as established by the City Council and on file in the Zoning Office.
- 3) The Zoning Administrator shall refer the application to the Planning Commission for review.
- 4) The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the City Council at least ten (10) days prior to the hearing. Notice of the hearing shall also be submitted to property owners of record within five hundred (500) feet of the property, and/or adjacent properties, shall be notified in writing of the public hearing on the request for a conditional use permit.

- 5) The Planning Commission shall hold the public hearing and then shall study the application to determine possible adverse effects of the proposed conditional use and to determine what additional requirements may be necessary to reduce such adverse effects and recommend one (1) of three (3) actions to the City Council at its next regular meeting: approval, denial, or approval with special conditions.
- 6) The City Council shall take action on the conditional use permit application following receipt of the findings and recommendations by the Planning Commission. The person making application for the conditional use permit shall be notified in writing of the Board's action. If it grants the conditional use permit, the City Council may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.
- 7) All appeals from the decision of the City Council relating to Conditional Use Permits shall be filed within thirty (30) days of the board's decision with a court of competent jurisdiction.
- 8) Revocation of Conditional Use Permits. Where a Conditional Use Permit has been issued pursuant to the provision of this Ordinance, such permit shall become null and void without further action by the Planning Commission or the County Board unless work thereon is substantially complete within twelve (12) months of the date granting such conditional use. The Conditional Use Permit may be assignable only after the original applicant has begun the use and such transfer shall be reviewed and approved by the Zoning Administrator. A Conditional Use Permit shall be deemed to authorize one (1) particular use and shall expire if that use shall cease for more than six (6) consecutive months.
- 9) In the event that the applicant violates any of the conditions set forth in the conditional use permit, or the section of the City of Ostrander Zoning Ordinance governing the conditional use, the City Council shall have the authority to revoke the conditional use permit.
- 10) The Planning Commission shall review all Conditional Use Permits at least one (1) time within 24 months of permit issuance to monitor compliance with the provisions of the Conditional Use Permit. Any violations of the conditions of the permit shall be cause for consideration for revocation of the permit.
- 11) Conditional Use permits shall be valid until their expiration pursuant to Paragraph 10 above unless a shorter or lesser time is specified in the permit.
- 12) No application of a property owner for a conditional use shall be considered by the Planning Commission within a one (1) year period following a denial for such a request, except the Planning Commission may permit a new application, if in its opinion, new evidence or a change in circumstances warrants it.

504.05. Terms of Receiving a Permit

Once an applicant receives a Conditional Use Permit, said permit holder agrees that:

- 1) The permit holder must undertake the project according to plans and specifications submitted to the city with the application.
- 2) If this Conditional Use Permit is not acted upon for the purpose specified in the application within one year, the permit becomes null and void.
- 3) This permit will be periodically reviewed by the city to assure compliance with the permit and permit conditions.
- 4) The city may enter onto the premises at a reasonable time and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.

504.06. Revocation Procedures

A conditional use permit shall be revocable by the City Council, either by petitioning a court of law or through this section, at any time due to failure of the permittee to observe any condition specified or failure to observe other requirements of the City of Ostrander Zoning Ordinance in regards to the maintenance of improvements or conduct of the use or business as approved. The city shall also have a right of action to compel offending structures or uses to be removed at the cost of the violator or owner.

No conditional use permit shall be revoked until a hearing is held by the Planning Commission. The permittee shall be notified in writing of such hearing. The notification shall state the grounds for the complaint or reasons for revocation, and the time and location at which the hearing is to be held. At the hearing, the permittee shall be given an opportunity to be heard. The permittee may call witnesses and present evidence. Upon conclusion of the hearing, the Planning Commission shall make a recommendation to the City Council about whether the permit should be revoked.

505. Variances

505.01. Criteria for Granting Variances

A variance to the provision of the Zoning Ordinance may be issued by the Board of Adjustment to provide relief to the landowner in those cases where the Ordinance imposes practical difficulties to the property owner in the use of this land. No variance may be granted that would allow any use that is prohibited or is a nonconforming use in the zoning district in which the subject property is located. The Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. A variance may be granted only in the event that all the following circumstances exist for practical difficulties:

- 1) The variance is in harmony with the intent of the comprehensive plan, zoning ordinance, and State Shore land Management Rules.
- 2) Without the variance, the owner is deprived of a reasonable use of the property.
- 3) The alleged practical difficulty is due to circumstances unique to this property.
- 4) The circumstances causing the practical difficulty were created by someone or something other than the landowner or previous landowners.
- 5) The issuance of the variance will maintain the essential character of the locality.
- 6) The alleged practical difficulty involves more than economic considerations.

505.02. Required Exhibits for Variances

- 1) A preliminary building or structure and site development plan. Requirements for site plan found in Section 504.03 of this Ordinance.
- 2) Evidence of ownership or enforceable option or easement on the property.

505.03. Procedures

The procedures for obtaining a variance from the regulations of this Ordinance are as follows:

- 1) The property owner or his/her agent shall meet with the Zoning Administrator to explain his situation, learn the procedures and obtain an application form.
- 2) The applicant shall file the completed application form together with the required exhibits with the Zoning Administrator and shall pay a filing fee as established by the County Board and on file in the Zoning Office.
- 3) The Zoning Administrator shall refer the application to the Board of Adjustment for review.
- 4) The Board of Adjustment shall hold a public hearing on the proposal. Notice of the public

hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing. Notice of the hearing shall also be submitted to the governing bodies of all towns and municipalities within two (2) miles of the affected property. In unincorporated areas of the County, property owners of record within five-hundred (500) feet of the affected property shall be notified in writing of the public hearing on the request for a variance. In incorporated areas of the County, property owners of record within five-hundred (500) feet of the property in question shall be notified in writing of the public hearing on the request for a variance.

- 5) The Board of Adjustment shall hold a public hearing on the proposed variance and shall make a decision within thirty (30) days after the public hearing. It shall take one of three (3) actions: approval, denial or approval with special conditions.
- 6) No application by a property owner for a variance shall be submitted to the Board of Adjustment within a six (6) month period following a denial of such a request, except the board may permit a new application, if in the opinion of the board, new evidence of change or circumstances warrant it.
- 7) All appeals from the decision of the Board of Adjustment relating to variances shall be final except that any aggrieved person or persons, or any department, board or commission, of the jurisdiction or of the State shall have the right to appeal within 30 days, after receipt of notice of the decision, to the district court in which the land is located on question of law and fact.

506. Zoning Amendments

506.01. Criteria for Granting Zoning Amendments

The City Council may adopt amendments to the Zoning Ordinance and zoning map in relation both to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies or changes in conditions of the city.

506.02. Kinds of Amendments

- 1) A change in a district's boundary (rezoning).
- 2) A change in a district's regulations.
- 3) A change in any other provision of this Ordinance.

506.03. Initiation of Proceedings

Proceedings for amending this Ordinance shall be initiated by at least one (1) of the following three (3) methods:

- 1) By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed.
- 2) By recommendation of the Planning Commission.
- 3) By action of the City Council.

506.04. Required Exhibits for Rezoning or District Regulation Changes initiated by Property Owners

- 1) A preliminary building or structure and site development plan. Site plan requirements are listed in Section 504.03 of this Ordinance.
- 2) Evidence of ownership or enforceable option or easement on the property.

506.05. Procedures

The procedure for a property owner to initiate a rezoning or district regulation change applying to this property is as follows:

- 1) An amendment to the text of the Ordinance or zoning map may be initiated by the City Council, the Planning Commission or by application of a property owner. Any amendment not initiated by the Planning Commission shall be referred to the Planning Commission for review and may not be acted upon by the Board until it has received the Planning Commission recommendations. Individuals wishing to initiate an amendment to the Zoning Ordinance shall meet with the Zoning Administrator to explain the situation, learn the procedures and obtain an application form.
- 2) The applicant shall file the completed application form together with the required exhibits with the Zoning Administrator and shall pay a filing fee as established by the City Council.
- 3) Written notice of public hearings on the proposed amendment shall be sent property owners within five hundred (500') feet of the property, and/or adjacent landowners shall be notified in writing of the proposed zoning amendment.
- 4) A public hearing on the application for amendment shall be held by the Planning Commission after the request for the zoning amendment has been received. Notice of said hearing shall be published in the official newspaper designated by the City Council at least ten (10) days prior to the hearing. The Planning Commission shall make its report to the City Council at the next regular meeting of the board following the hearing recommending approval, disapproval or modified approval of the proposed amendment.
- 5) The City Council shall take action on the proposed amendment following receipt of the recommendations by the Planning Commission. Said action for approval by the City Council shall be by a majority vote of its members. The person making application for the amendment shall be notified in writing of the Council's action. The date of adoption will be set by the City Council at their discretion.
- 6) No application of a property owner for an amendment to the text of the Ordinance or the Zoning Map shall be considered by the Planning Commission within the one year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
- 7) All appeals from the decision of the City Council shall be directed to a court of competent jurisdiction. Any such appeal must be filed within thirty (30) days of the City Council's final action.

SECTION 6
Zoning Districts and Provisions

601. Zoning Districts

The zoning districts are so designed as to assist in carrying out the intents and purposes of this Zoning Ordinance.

For purposes of this Ordinance, the City of Ostrander is hereby divided into the following Zoning Districts:

<u>Symbol</u>	<u>Name</u>
A	Agricultural District
RA	Residential Agricultural District
R-1	Single and Two Family District
B-1	General Commercial District
I-1	General Industrial District

602. Official Zoning Map and Boundary Interpretation

The City shall be divided into zones, or districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Mayor of the City of Ostrander attested by the County Surveyor and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in section 602 enacted by the Zoning Ordinance of the City of Ostrander, Minnesota," together with date of the adoption of this Ordinance.

602.01. Zoning Map Changes

If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City of Ostrander with an entry on the Official zoning Map as follows: "On /Date/, by official action of the City Council of Ostrander, the following change/changes were made in the Official Zoning Map: /brief description of nature of change/," which entry shall be signed by the Mayor of the City of Ostrander and attested by the County Surveyor. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said Map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance.

Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 8.

Regardless of the existence of purported copies of the Official Zoning Map which may, from time to time, be made or published, the Official Zoning Map which shall be located in the Office of the City Clerk as well as a copy of the Official Zoning Map in the Office of the Zoning Administrator, and shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

602.02. Zoning Map Replacement

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council of Ostrander may, by resolution, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official

Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map, or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor of the City of Ostrander attested by the County Surveyor and bearing the seal of the County under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted /date of adoption of zoning map being replaced/ as part of Zoning Ordinance No. 602.02 of the City of Ostrander, Fillmore County, Minnesota." Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

602.03. Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines;
- 2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- 3) Boundaries indicated as approximately following sections, half sections, quarter sections, eighth sections and government lots shall be construed to follow such lines;
- 4) Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- 5) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- 6) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;
- 7) Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 6 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map;
- 8) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 7 above, the Ostrander Planning Commission and/or Board of Adjustment shall interpret the district boundaries.

603. Agricultural District (A)

603.01. Purpose

To provide a district, whose primary purpose is to maintain, conserve and enhance agricultural land that has historically been tilled on a continuous basis and to provide for orderly development of dwellings and rural home based businesses.

603.02. Permitted Uses

- 1) Dwellings. There shall be no more than a total of 2 (two) dwellings per quarter of a quarter section of land in the Ag District. The following rules must be followed:
 - All accesses and driveways to the dwelling must be at a grade that can be traversed by an emergency vehicle.
 - Dwellings and accessory structures shall not be permitted in areas classified as wetlands, floodplain, and other areas of poor drainage.

- There shall be a minimum buildable lot size of 2.5 acres or more.
- 2) Agricultural Uses:
 - Raising crops to include but not limited to corn, beans, oats, grasses and legumes, sunflowers, wheat, and sorghum.
 - Raising livestock (500 animal units or less) to include but not be limited to dairy cattle, beef cattle, horses, mules, donkeys, lama, emu, deer, elk, swine, sheep, goats, ducks, chickens, turkeys, chinchilla, bees, and buffalo.
 - Horticulture and other similar agriculturally related uses.
 - 3) Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.
 - 4) Drainage systems, flood control and watershed structures and erosion control devices provided each will meet the appropriate safety laws and regulations.
 - 5) Temporary or seasonal roadside stands with adequate off street parking.
 - 6) Forestry and Wildlife Management Areas.
 - 7) Home occupations.
 - 8) Electrical distribution lines and other essential services in accordance with Section 727.
 - 9) Cemetery Expansions.
 - 10) Kennels provided they are a part of an existing building site.
 - 11) Stables provided they are a part of an existing building site.
 - 12) One room school houses.
 - 13) Publicly owned and operated buildings except when operated for commercial purposes.
 - 14) One, two, or three-day celebration events held once a year or less.
 - 15) Bed and Breakfast Establishments.
 - 16) Commercial Storage Units. Only the uses of existing buildings with no extensions are permitted and only the interior of the building may be remodeled.
 - 17) Rural Home Based Businesses.
 - 18) Sale of dwellings.
 - 19) Sawmills when operated for personal use.
 - 20) Farmers markets.
 - 21) Electric transmission lines.

603.03. Conditional Uses

- 1) Mining or extraction of minerals and raw materials regulated in Section 721.
- 2) Public, Private, and Parochial Schools and Learning Centers.
- 3) Churches and similar places of worship and instruction.
- 4) Cemeteries, including mausoleums and crematories:
 - Cemeteries shall contain a minimum of two (2) acres and include necessary parking area.
 - No burial sites within forty (40) feet of a right of way.
 - Mausoleums shall be located at least two hundred (200) feet from a property line.
- 5) Public parks.
- 6) Golf Courses.
- 7) Airports and landing fields for the operation of aircraft.
- 8) Sawmills when used for the industrial sawing of logs.

- 9) Commercial radio and television towers and transmitters.
- 10) Public utility buildings and structures such as substations, transformer stations and communications stations.
- 11) Campgrounds.
- 12) Temporary or portable machinery that is used to make, crush, or otherwise process concrete, asphalt, rocks, sand, gravel, or other like materials.
- 13) Commercial or industrial uses primarily intended to serve agricultural uses.
- 14) Celebrations other than one, two, or three-day celebration events held once a year or less.
- 15) Feedlots greater than 500 animal units.
- 16) Country Inns.
- 17) Ponds (not intended for Agricultural Use).

603.04. Prohibited Uses

- 1) Any activity that would require a change in the Zoning Map from the Ag District to a Commercial District or an Industrial District unless it is within ½ mile of city limits.
- 2) Commercially operated race tracks, ATV and motorbike off road courses or similar activities.
- 3) Manufactured Home Parks.
- 4) Multiple Family Dwelling Unit Structures.
- 5) Private Game Farms.
- 6) Subdivisions.
- 7) Residential PUDs.
- 8) PUDs.
- 9) Large Assemblies.
- 10) Wind Energy Conversion Systems/Towers/Turbines of any height.

603.05. Performance Standards

- 1) Height Regulations (Height is determined by the average elevation of the dirt surrounding a dwelling and the average elevation between the tallest peak of the dwelling and the tallest plate holding that peak).
 - a. Dwellings shall not exceed a height of thirty-five (35) feet.
 - b. Accessory buildings shall not exceed a height of seventy (70) feet except silos and grain bins.
 - c. Non-agricultural structures shall not exceed a height of one hundred (100) feet unless as a part of a Conditional Use Permit or a Variance.
 - d. Public or semi-public buildings, churches, cathedrals, temples, or schools may be erected to a maximum height of fifty-five (55) feet. In this instance, setback requirements shall increase at a rate of one (1) foot for each foot of height exceeding thirty-five (35) feet.
- 2) Front Yard Regulations
 - a. There shall be a front yard setback of not less than seventy-three (73) feet from the centerline of the public road and forty (40) feet from the road right of way for all permanent buildings and dwellings. In the instance of a corner lot, there shall be two front yard requirements along the street sides. Where highway safety and/or back slope easements are factors, the setback shall be as determined by the County Highway Engineer and Zoning Administrator, but not less than the above minimum.

- b. No structure shall be allowed within seventy-three (73) feet of the centerline of a public road and forty (40) feet from the road right of way. All utilities must cross this area at right angles to the road easement or as close to right angles as practical. Any sewer installed must be located back of the Right of Way and may be closer to the road than 73 feet with the approval of the County Engineer.
 - c. In cases where an accessory building is attached to the main building, it shall be considered as structurally a part thereof 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 as above provided, shall not be closer than eight (8) feet to the main building.
- 3) Side Yard Regulations
 - a. There shall be a minimum interior side yard setback of ten (10) feet.
- 4) Rear Yard Regulations
 - a. There shall be a minimum rear yard of not less than ten (10) feet.
- 5) Lot Width Regulations
 - a. Each lot shall have a minimum width of one hundred fifty (150) feet at the front of the proposed building site.
 - b. Each lot shall be provided with either sixty-six (66) feet of public road frontage or a recorded private easement of not less than sixty-six (66) feet for access to the building site.
- 6) No landowner may have more than one (1) access in each quarter mile unless such field is divided by natural drainage ways that prohibit access to all parts of the field.
- 7) Upon re-grading of a road, no agricultural lot of forty (40) acres or more may have more than two (2) access driveways.
- 8) The construction of all new dwellings must be at least one thousand (1,000) feet from a feedlot measured from the nearest point of the dwelling to the border of the feedlot as determined and measured by the Fillmore County Feedlot Officer unless:
 - a. the dwelling owner and feedlot owner are first, second, third, or fourth degree kindred; or
 - b. the dwelling is being located on an existing building site.
- 9) The construction of all new dwellings must be sited on an existing or former permanent dwelling site, on land classified for more than ten (10) years by the Fillmore County Assessor as pasture, wasteland, woodland or on land having a Crop Equivalency Rating of 65 or less, only if it meets all other requirements of the Ordinance, with the following exception:
 - Any landowner, who owns eighty (80) or more contiguous acres of land, may elect to place a dwelling on land with a CER of 66 or greater, only if it meets all other requirements of this Ordinance.
- 10) No new dwelling unit or existing dwelling unit may be located within one thousand (1,000) feet of the surveyed boundaries of a rock quarry.
- 11) Cement or asphalt may be poured up to the property line provided runoff does not adversely impact or pollute neighboring property or waters of the State.
- 12) All newly planted trees and shrubs must be set back from all property lines and Right-of-Way lines at least one half (½) the crown size of the tree at maturity.
- 13) General Regulations. Additional requirements for signs, parking, water supply, waste disposal, and sewage disposal are set forth in Section 7.
- 14) New Cemeteries:
 - a. Shall contain a minimum of two (2) acres and include necessary parking area.

- b. No burial sites within forty (40) feet of a right-of-way.
- c. Mausoleums shall be located at least two hundred (200) feet from a property line.

604. Residential Agricultural District (RA)

604.01. Purpose

To provide suitable areas of low-density residential development in areas of existing development which resembles the Ag District in character and use.

604.02. Permitted Uses

- 1) One single family dwelling per lot.
- 2) Keeping and raising of livestock or poultry, provided:
 - a. said animals are housed and fenced so as not to create a nuisance;
 - b. said raising of livestock or poultry is clearly not commercial in nature;
 - c. the animal density shall not be greater than one (1) animal unit per acre of pasture (see definition in Section 302(8)); and
 - d. no structure for housing poultry or livestock may be located nearer than fifty (50) feet to any property line.
- 3) Parks and recreation areas owned or operated by a government agency.
- 4) Public or private schools provided no building shall be located within fifty (50) feet of any lot line of a residential use.
- 5) Churches.
- 6) Home occupations.
- 7) Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.
- 8) Electrical distribution lines and other essential services in accordance with Section 727.
- 9) Bed and Breakfast Establishments.

604.03. Conditional Uses

- 1) Cemeteries meeting the conditions of Section 603.03(4).
- 2) Water supply buildings, reservoirs, commercial wells, elevated tanks, electric substations and similar essential service structures, provided no structure shall be located within fifty (50) feet of any residential lot line.
- 3) Public utility buildings and structures.
- 4) Commercial radio and television towers.
- 5) Accessory structures and uses customarily incidental to any of the above conditional uses when located on the same property.
- 6) Country Inns.
- 7) Substations.

604.04. Prohibited Uses

- 1) Wind Energy Conversion Systems/Towers/Turbines of any height.

604.05. Performance Standards

- 1) Height Regulations (Height is determined by the average elevation of the dirt surrounding a dwelling and the average elevation between the tallest peak of the dwelling and the tallest plate holding that peak).

- a. No residential buildings used for dwellings shall be erected or structurally altered to exceed thirty-five (35) feet in height.
 - b. Public or semi-public buildings, churches, cathedrals, temples, or schools may be erected to a maximum height of fifty-five (55) feet. In this instance, the setback requirements shall increase at a rate of one (1) foot for each foot of height exceeding thirty-five (35) feet.
- 2) Front Yard Regulations
 - a. All lots shall front on and have ingress and egress by means of a public street or road.
 - b. A minimum front yard depth of not less than thirty (30) feet to the edge of any street lot line or road right-of-way. No structure shall be allowed within thirty (30) feet of any public road right of way. All utilities must cross the thirty (30) foot setback at right angles to the road easement, or as close to right angles as practical.
 - 3) Side Yard Regulations
 - a. There shall be a minimum interior side yard setback of ten (10) feet.
 - 4) Rear Yard Regulations
 - a. There shall be a rear yard of not less than ten (10) feet in depth.
 - 5) Lot Area Regulations
 - a. Each lot shall have an area of not less than one (1) acre, except when additional lot area is required as determined by the Ostrander Planning Commission to meet water treatment and safety standards.
 - 6) Lot Width Regulations
 - a. Each lot shall have a minimum width of one hundred fifty (150) feet at the front building line.
 - 7) All curb and gutter construction required must meet Department of Transportation State Aid Standards.
 - 8) General Regulations. Additional requirements for signs, parking, water supply, waste disposal, and sewage disposal are set forth in Section 7.

605. Single and Two-Family Residential District (R-1)

605.01. Purpose

The purpose of this district is to provide for residential development in areas that have suitable soils for long-term private sewage systems or those areas served by public or other centralized sewage collection and treatment system.

605.02. Permitted Uses

- 1) One and two family residential dwellings.
- 2) Public recreation including parks and playgrounds.
- 3) Public and parochial schools of general instruction.
- 4) Essential services and electrical distribution lines in accordance with Section 720.
- 5) Churches, Chapels, including parish houses.
- 6) Home occupations.
- 7) Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.
- 8) Electrical transmission lines and substations.

605.03. Conditional Uses

- 1) Municipal office buildings and day care centers.

- 2) Multiple family dwellings for any number of families.
- 3) Cemeteries, memorial gardens and funeral homes meeting the conditions of Section 603.03(4).
- 4) Boarding or rental of rooms, including bed and breakfast establishments and Country Inns.
- 5) City buildings and structures including police and fire stations, libraries, museums, and art galleries.
- 6) Nursing homes, hospitals, and sanitariums.
- 7) Water supply buildings and reservoirs, elevated tanks, utility buildings, substations, transformer stations.
- 8) Planned unit developments (PUD's).
- 9) Semi-private recreation areas, clubs, lodges, and centers, including country clubs, swimming pools and golf courses, but not including such uses as camping areas, miniature golf courses or practice driving tees which are operated for commercial purposes.
- 10) Any other use of the same character of those listed as permitted uses.
- 11) Manufactured Home Parks.
- 12) Subdivisions.

605.04. Prohibited Uses

- 1) Wind Energy Conversion Systems/Towers/Turbines of any height.
- 2) Kennels are not allowed by MN Basic Code of Ordinances.

605.05. Performance Standards

- 1) Height Regulations (Height is determined by the average elevation of the dirt surrounding a dwelling and the average elevation between the tallest peak of the dwelling and the tallest plate holding that peak).
 - a. No residential buildings used for dwellings shall hereafter be erected or structurally altered to exceed thirty-five (35) feet in height.
 - b. Public or semi-public buildings, churches, cathedrals, temples, or schools may be erected to a maximum height of fifty-five (55) feet. When such buildings exceed thirty-five (35) feet in height, the setback requirements shall increase at a rate of one (1) foot for each foot of height exceeding thirty-five (35) feet.
- 2) Front Yard Regulations
 - a. A minimum front yard depth of not less than thirty (30) feet shall be provided to the edge of any street lot line or road right-of-way. No structure shall be allowed within thirty (30) feet of any public road right of way. All utilities must cross the thirty (30) foot setback at right angles to the road easement or as close to right angles as practical.
- 3) Side Yard Regulations
 - a. There shall be a minimum interior side yard setback of ten (10) feet.
- 4) Rear Yard Regulations
 - a. There shall be a rear yard of not less than ten (10) feet in depth.
- 5) Lot Area Regulations
 - a. The minimum lot area shall be ten thousand (10,000) square feet for single and fifteen thousand (15,000) square feet for two family residences.
 - b. The minimum lot area shall be fifteen thousand (15,000) square feet, plus two thousand (2,000) square feet per dwelling multi-family structures that shall apply to each unit above two.
- 6) Lot Width Regulations

- a. Each lot shall have a minimum width of seventy (70) feet at the front building line.
- 7) No access drives shall exceed twenty-two (22) feet in width.
- 8) All curb and gutter construction must meet the Department of Transportation State Aid Standards.
- 9) General Regulations. When a manufactured home is used as the dwelling unit or as an accessory structure, that home shall be not less than twenty (20) feet wide. Additional requirements for parking, signs, sewage systems, and other regulations are set forth in Section 7.

606. General Commercial District (B-1)

606.01. Purpose

The purpose of this district is to permit areas of concentrated commercial areas by allowing retail, service, office, and entertainment facilities as well as public and semi-public uses.

606.02. Permitted Uses

- 1) Business services including banks, offices and postal stations.
- 2) Clothing services including dry cleaning and laundry establishments, laundromats, dressmaking, millinery and tailor shops, and shoe repair shops.
- 3) Equipment services including radio and television shops, electrical appliance shops, show room of a plumber, decorator or similar trade.
- 4) Food services including grocery stores, fruit, vegetable and meat markets, supermarkets, restaurants, delicatessen, candy shops, and bakeries whose products are sold only at retail on the premises.
- 5) Personal services including barber and beauty shops, reducing salons, photographic shops and funeral homes.
- 6) Retail services including drug stores, hardware stores, haberdasher, stationery and book stores, news shops, apparel shops, show room for articles to be sold at retail, flower shops, and commercial greenhouses.
- 7) Public transportation terminals, public utility buildings and transformer stations without storage yards.
- 8) Buildings used for research and testing laboratories, storage buildings or distributing stations.
- 9) Any similar commercial establishment or professional service not specifically stated or implied elsewhere in this article.
- 10) Residence when included as an integral part of the principal building to be occupied by the owner or his employee.
- 11) Buildings and uses customarily necessary to any of the above uses, which may include the repair, alteration, finishing, assembly, fabrication, or storage of goods. Such use shall not be detrimental either by reason of odor, smoke, noise, dust or vibration to the surrounding neighborhood.
- 12) Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.
- 13) Electrical distribution and transmission lines, substations, and other essential services.

606.03. Conditional Uses

- 1) Automobile service including auto equipment sales, car wash service, new and used car sales lots, trailer sales areas, gasoline service station and auto repair garages.

- 2) Recreation services including theaters, bowling alleys, pool and billiard rooms, dance halls, roller and ice skating rinks, miniature golf courses, hotels, motels, private clubs and lodges, wholesale establishments, taverns, night clubs and on and off liquor stores, trade schools, commercial parking garages, sales rooms, public transportation terminals, public utility buildings, and transformer stations without storage yards.
- 3) Hotels, motels, private clubs and lodges, wholesale establishments, taverns, nightclubs, on and off sale liquor stores, trade schools, commercial parking garages and ramps.
- 4) Drive-in restaurants, drive-in banks, and other drive-in services.
- 5) Open air display areas for the sale of products such as garden furniture, hardware items, nursery stock, or automobiles or areas used to display rental equipment such as tools or trailers.
- 6) Any similar commercial establishment or professional service or commercial service not specifically stated or implied elsewhere in this article.
- 7) Buildings and uses customarily incidental to any of the uses listed in this section when located on the same property and which will not be detrimental either by reason of odor, smoke, noise, dust, or vibration to the surrounding neighborhood.
- 8) Pole buildings subject to screening, appearance, height, and size requirements.
- 9) Accessory structures and uses customarily incidental to any of the above conditional uses when located on the same property.

606.04. Prohibited Uses

- 1) Wind Energy Conversion Systems/Towers/Turbines of any height.
- 2) Kennels are not allowed by MN Basic Code of Ordinances.

606.05. Performance Standards

- 1) Height Regulations (Height is determined by the average elevation of the dirt surrounding a building and the average elevation between the tallest peak of the building and the tallest plate holding that peak).
 - a. No building or structure shall exceed forty-five (45) feet in height.
 - b. Public/semi-public buildings, churches, cathedrals, temples, or schools may be erected to a maximum height of fifty-five (55) feet.
- 2) Front, Side and Rear Yard Regulations, Lot Coverage, Lot Area, and Frontage. For all permitted uses in the B-1 District there are no minimum requirements for front, side or rear yards, lot coverage, lot area or frontage.
- 3) Screening and Fencing. The City may require the screening or fencing of commercial uses on side and rear yards that face the Residential or Agricultural Districts.
- 4) No access drives shall exceed thirty-two (32) feet in width.
- 5) All curb and gutter construction required must meet the Department of Transportation State Aid Standards.
- 6) General Regulations
 - a. Requirements for signs, parking, shopping center and other regulations are set forth in Section 7.

607. General Industrial District (I-1)

607.01. Purpose

This district is intended to provide for the establishment of industrial and manufacturing uses, which because of the nature of the product, requires isolation from residential or commercial uses.

607.02. Permitted Uses

- 1) Building materials storage yards, lumberyards, machinery lots, car lots, and agricultural products yards.
- 2) Contractors' equipment rental and storage yards. *
- 3) Wholesale businesses, including warehousing and storage buildings. *
- 4) Commercial laundries and dry cleaning plants. *
- 5) Light manufacture, compounding and treatment of such products as bakery goods, candies, cosmetics, dairy products, food products, drugs, perfumes, pharmaceuticals, soap, toiletries and wineries. *
- 6) Light manufacture, compounding treatment and assembly of articles or merchandise previously manufactured elsewhere. *
- 7) Manufacturing processes and treatments of products using light machinery such as tool and die shops, metal fabricating plants and welding shops.
- 8) Public utility service buildings and yards, electrical transformer stations, sub-stations and gas regulator stations.
- 9) Buildings and uses customarily necessary to the aforementioned permitted uses. *
- 10) Monument works.
- 11) Dwellings for watchmen or custodians of industrially used property only.
- 12) Automobile service stations.
- 13) Outdoor storage of vehicles or materials or open sales lot, farm implement sales.
- 14) Restaurants, lunch counters, and confectioneries.
- 15) *Retail sales incidental to and in connection with the aforementioned permitted uses.
- 16) Accessory uses shall be off-street parking, storage garage, and buildings and loading docks as regulated in this Ordinance; buildings temporarily located for purposes of construction, essential security and safety facilities as approved by the County and offices accessory to the principal use.
- 17) Electrical distribution and transmission lines, substations, and other essential services in accordance with Section 727.

* Uses permitted in those items noted above shall be conducted entirely within a building with a landscaped front yard and with side and rear yards used for loading, unloading, and parking. Visitor parking may be allowed in the front yard.

607.03. Conditional Uses

- 1) Grain elevators and warehouses.
- 2) Manufacturing of cement, concrete, lime, gypsum or plaster.
- 3) Distillation of bone, coal, tar, petroleum, refuse, grain, or wood.
- 4) Explosive manufacture or storage.
- 5) Fertilizer manufacturing, compost or storage.
- 6) Garbage, offal, dead animals, refuse, rancid fats, incineration, glue manufacturing, size or gelatine manufacturing where the processes include the refining or recover of products from animal refuse or offal.
- 7) Petroleum or asphalt refining, manufacturing or storage.
- 8) Smelting or refining of metals from ores.
- 9) Storing, curing and tanning of raw, green or salted hides or skins.

- 10) Corrosive acid manufacturing or bulk storage thereof.
- 11) Junkyards.

607.04. Prohibited Uses

- 1) Wind Energy Conversion Systems/Towers/Turbines of any height.
- 2) Kennels are not allowed by MN Basic Code of Ordinances.

607.05. Storage of Materials

- 1) All activities involving the manufacturing, fabricating, repairing, storing, cleaning, servicing, and testing of materials shall be within completely enclosed buildings; or
- 2) May be outdoors if completely screened by a solid wall or uniformly painted solid fence or suitable substitute at least eight (8) feet in height.
- 3) No open storage at a greater height than that of the screening element.
- 4) No storage of equipment or materials in road or street right-of-way.

607.06. Performance Standards

- 1) Height Regulations (Height is determined by the average elevation of the dirt surrounding a building and the average elevation between the tallest peak of the building and the tallest plate holding that peak).
 - a. No building shall be erected or structurally altered to exceed sixty (60) feet in height.
- 2) Front Yard Regulations
 - a. The minimum front yard required shall be thirty (30) feet from lot line or road right-of-way. No structure shall be allowed within thirty (30) feet of any public road right-of-way. All utilities must cross the thirty (30) foot setback at right angles to the road easement, or as close to right angles as practical.
- 3) Side and Rear Yard Regulations
 - a. The minimum of each side yard shall be twenty (20) feet and a rear yard of thirty (30) feet.
- 4) Lot Area and Width Regulations
 - a. The minimum lot area shall be one acre.
- 5) Screening and Fencing
 - a. The City may require the screening or fencing of industrial side and rear yards, which abut a Residential District.
- 6) No access drives shall exceed thirty-two (32) feet in width.
- 7) All curb and gutter construction required must meet the Department of Transportation State Aid Standards.
- 8) General Regulations. Standards and regulations related to signs, parking, etc. are set forth in Section 7.

SECTION 7

General Regulations and Performance Standards

701. Purpose

The performance standards established in this Section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are designed to prevent and eliminate those conditions that cause blight or are detrimental to the environment. All future development in all districts shall be required to meet these standards and the standards shall also apply to existing development where so stated. Before any zoning permit is approved, the Zoning Administrator shall determine whether the proposed use will conform to the performance standards. The developer or landowners shall supply data necessary to demonstrate such conformance. Such data may include a description of equipment to be used, hours of operation, method of refuse disposal, and type and location of exterior storage. If said data complies with all parts of this Ordinance, the Zoning Administrator shall issue the necessary zoning permit.

702. Apartments, Townhouses and Other Multiple Family Dwelling Unit Structures

702.01. Districts Where Permitted

All multiple family dwelling unit structures allowed in the R-1 district shall be subject to the following standards.

702.02. Standards for Multiple Family Dwelling Unit Structures

All requests for building or conditional use permits shall be accompanied by a series of site plans and data showing:

- 1) Building locations, dimensions, and elevations, all signs, structures, entry areas, storage sites, and other structural improvements to the site.
- 2) Circulation plans for both pedestrian and vehicular traffic.
- 3) Fences and screening devices.
- 4) Solid waste disposal provisions and facilities.
- 5) Storm drainage plans.
- 6) Fire fighting and other public safety facilities and provisions such as hydrant locations and fire lanes.
- 7) Data pertaining to numbers of dwelling units, size, lot area, ratio, etc.
- 8) Exterior wall materials and design information.
- 9) A minimum of a two (2) foot contour topographical map of the existing site.
- 10) A grading plan illustrating the proposed grade changes from the original topographical map. All site areas, when fully developed, shall be completely graded so as to adequately drain and dispose of all surface water, storm water and groundwater in such a manner as to preclude large scale erosion, unwanted ponding and surface chemical runoff.
- 11) A recreation plan illustrating in detail all recreational facilities and structures.
- 12) A landscape plan. The site, when fully developed, shall be landscaped according to a plan approved by the Planning Commission. The landscaping plan shall specify the size, type, and location of all trees and shrubbery and the location of all seeded and sodded areas.
- 13) A soil erosion control plan for the construction period. Areas within the construction zone shall be fenced with construction limit fencing as per the plan to prohibit heavy machinery

and/or materials from being placed on areas not to be disturbed during construction. This shall, at a minimum, include all slopes in excess of eighteen (18) percent.

702.03. Performance Standards

Same as those listed in the R-1 District.

702.04. Parking Requirements

- 1) One and one-half (1 ½) parking spaces per multiple family dwelling unit structures shall be provided on the same site as the dwelling unit. Each space shall not be less than nine (9) feet wide and twenty (20) feet in length, or as approved by the Zoning Administrator and each space shall be served adequately with access drives. All parking areas shall be in compliance with Subdivision 717 of this Section.
- 2) Parking spaces shall not be located any closer than ten (10) feet of the side or rear lot line.
- 3) Bituminous or concrete driveways and parking areas with bituminous concrete or curbing shall be required. In lieu of a paved surface, a dust free surface with adequate drainage may be approved when approved by the Planning Commission and City Council.

702.05. Landscape Provisions

- 1) The design shall make use of all land contained in the site. All of the site shall be related to the circulation, recreation, screening, building, storage, landscaping, etc., so that no portion of the site remains undeveloped.
- 2) A minimum of twenty (20) percent of the site not used for building or off-street parking shall be landscaped with adequate vegetation including grass areas, shrubs, trees, or other natural vegetation.

702.06. Screening

- 1) Screening to a height of at least five (5) feet shall be required where:
 - a. Any off-street parking area contains more than six (6) parking spaces and is within thirty (30) feet of an adjoining residential zone; and
 - b. Where the driveway to a parking area of more than six (6) parking spaces is within fifteen (15) feet of an adjoining residential zone.
- 2) All exterior storage shall be screened. The exterior storage screening required shall consist of a solid fence or wall not less than five (5) feet high, but shall not extend to within fifteen (15) feet of any street driveway or lot line.
- 3) Sidewalks shall be provided from parking areas, loading zones and recreation areas to the entrances of the building.
- 4) Outdoor swimming pools shall observe setbacks required for the principal structure.

702.07. Appearance

All buildings within an apartment development shall be so planned and constructed so that they present a finished appearance that is consistent with that of the principal building.

702.08. General Buildings or Structural Requirements

- 1) Requirements for exterior wall surfacing and covering. All multiple family dwelling buildings shall be designed and constructed to have the equivalent of a front appearance on each exterior surface. All accessory or ancillary buildings, including garages, shall be designed and constructed with the same facing materials as the principal building. Such material shall be used in the same or better proportions as used on said principal building.

- 2) Each multiple family dwelling development containing more than four (4) dwelling units shall include a play area.
- 3) Any detracting aspects (i.e. parking or exterior storage) of the multiple family dwelling developments shall be integrated into the site design so as to minimize the impact on adjacent residential areas. Mitigation of these aspects shall include landscaping and fencing treatments.
- 4) The design shall make use of all land contained in the site. All of the site shall be related to the multiple family use, parking, circulation, recreation, landscaping, screening, building, storage, etc., so that no portion remains undeveloped.
- 5) Exterior garbage storage. Except with townhouses and multiple family dwellings of four (4) or less units, no exterior trash or garbage disposal or storage shall be permitted. In the case of row housing and multiple family dwellings of four (4) units or less all storage shall be completely enclosed by walls and/or roof.

703. Manufactured Home Parks

703.01. Purpose

It is the purpose of this Section to permit the development of manufactured home parks in a manner that will promote and improve the general health, safety, convenience and welfare of the citizens by minimizing any adverse effects of such development. This section is further intended to be used in conjunction with existing ordinances in regulating mobile home parks and manufactured homes.

703.02. Location

A manufactured home park may be established in the Single and Two-Family (R-1) Districts.

703.03. Permit Required

A Conditional Use Permit is required to establish and operate a manufactured home park within the City.

703.04. Application Requirements and Procedures

All applications for a conditional use permit shall be submitted to the Zoning Administrator and approved by the City Council following the procedures established in Section 504.04 of this Ordinance. The application for a conditional use permit shall be accompanied by plans including the following information.

- 1) Location and size of the manufactured home park.
- 2) Location, size, and character of all manufactured home lots, manufactured home stands, storage areas, recreation areas, laundry drying areas, central refuse disposal, roadways, parking spaces and sites, and all setback dimensions.
- 3) Detailed landscaping plans and specifications.
- 4) Location and width of sidewalks.
- 5) Plans for sanitary sewage disposal, surface drainage, water systems, electrical service, telephone service and gas service.
- 6) Plans for an overhead street lighting system shall be submitted for approval by the City Council.
- 7) The method of disposing of garbage and refuse.
- 8) Location and size of all streets abutting the manufactured home park and all driveways from such streets to the park.
- 9) Plans and specifications from all road construction within the park or directly related to park

operation.

- 10) Floor plans of all service buildings to be constructed within the manufactured home park.
- 11) Such other information as may be required or requested by the Planning Commission and/or the City Council.

703.05. Construction and Installation Standards

All manufactured homes within a park shall be subject to and meet the construction, plumbing, electrical and mechanical standards as prescribed by the State of Minnesota, U.S. Department of Housing and Urban Development, and the American National Standards Institute identified as ANSI A119.1 or the provision of the National Fire Protection Association identified as NFPA 501B and any revisions thereto and shall be certified to these standards by a seal affixed to the manufactured home.

703.06. Performance Standards for Manufactured Home Parks

- 1) All manufactured homes shall be properly connected to the community water system and sanitary sewer system in conformance to standards adopted by the Minnesota Pollution Control Agency. All water and sewer systems shall be constructed in accordance with plans and specifications approved by the MPCA.
- 2) Each manufactured home park shall maintain a hard surfaced off-street, overload parking lot for guests of occupants in the amount of one (1) space for each five (5) sites and located within three hundred (300) feet of the unit to be served.
- 3) All utilities, such as sewer, water, fuel, electric, telephone and television antenna lead-ins, shall be buried to a depth specified by the City Council, and there shall be no overhead wires or support poles except those essential for street or other lighting purposes. The MPCA shall approve plans for the disposal of surface storm water.
- 4) A properly landscaped area shall be adequately maintained around each manufactured home park. All manufactured home parks adjacent to industrial, commercial or residential land uses shall be provided with screening, such as fences or natural growth, along the property boundary lines separating the park from such adjacent uses.
- 5) Every structure in the manufactured home park shall be developed and maintained in a safe, approved and substantial manner. Portable fire extinguishers rated for electrical and liquid fires shall be kept in all service buildings and other locations conveniently and readily accessible for use by all occupants.
- 6) The area beneath all manufactured homes shall be enclosed with a material that shall be generally uniform through the entire manufactured home park, except that such an enclosure must be so constructed that it is subject to reasonable inspection. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities and related manufactured home equipment.
- 7) Each manufactured home park shall have an area or areas set aside for dead storage. Boats, boat trailers, hauling trailers, and all other equipment not generally stored within the manufactured home or within the utility enclosure, that may be provided, shall be stored in a separate place provided by the park owner. This storage place shall be screened. Such equipment shall not be stored upon a manufactured home lot, which is occupied by a manufactured home, nor upon the streets within the manufactured home park.
- 8) Signs shall be limited to one (1) nameplate or identification sign not to exceed twenty-five (25) square feet, with lighting, height and location as approved by the Zoning Administrator and have a fifteen (15) foot setback from the front line.

- 9) Each manufactured home park shall have at least ten (10) percent of the land area developed for recreational use. The City Planning Commission shall approve development of such recreational land and the cost and maintenance shall be at the owner/operator's expense.
- 10) Each manufactured home park shall have one (1) or more central community buildings to serve primarily as an emergency weather shelter which shall be provided with central heating which must be maintained in a safe, clean and sanitary condition. Said buildings shall be adequately lighted during all hours of darkness.
- 11) All structures being placed in the park shall require a permit.

703.07. Manufactured Home Park Lots

- 1) Each manufactured home site shall contain at least five thousand (5,000) square feet of land area for the exclusive use of the occupant and shall be at least fifty (50) feet wide.
- 2) Manufactured homes shall be placed upon lots so that there shall be at least ten (10) feet from the side lot line, the front lot line, and the rear lot lines.
- 3) The area occupied by a manufactured home shall not exceed fifty (50) percent of the total area of a manufactured home site; land may be occupied by a manufactured home, a vehicle, a building, a cabana, a carport, an awning, and storage closet. The yards shall be landscaped except for necessary driveway and sidewalk needs which shall not exceed one-half (½) the width of the site.
- 4) Each manufactured home lot shall have hard-surfaced off-street parking space for at least two (2) automobiles. Each space shall be ten (10) feet by twenty (20) feet minimum.
- 5) No more than two (2) motor vehicles shall be stored or kept on any manufactured home lot. No vehicle shall be dismantled, nor shall mechanical work, except for very minor repairs, be done on any vehicle on a manufactured home lot; nor shall any automotive vehicle that is not in an operable condition be parked, stored or kept on a manufactured home lot or in a manufactured home park, except a vehicle that became inoperable when it was in the manufactured home park, and then it shall not be parked in that condition for a period of more than seven (7) days.
- 6) The corners of each manufactured home lot shall be clearly marked and each site shall be numbered.
- 7) Each site shall be properly landscaped with trees and grass.

703.08. Manufactured Home Stands

- 1) The area of the manufactured home stand shall be improved to provide adequate support for the placement and tie-down of the manufactured home, thereby securing the super-structure against uplift, sliding, rotation, and over-turning.
- 2) The manufactured home stands shall not heave, shift or settle unevenly under the weight of the manufactured home, due to the frost action, inadequate drainage, vibration or other forces acting upon the structure.
- 3) The manufactured home stand shall be provided with anchors and tie-downs, such as cast-in-place concrete foundations or runways, screw augers, arrowhead anchors or other devices providing for stability of the manufactured home.
- 4) Anchors and tie-downs shall be placed at least at each corner of the manufactured home stand and each anchor shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds or as approved by the current Minnesota Uniform Manufactured Home Standards Code, whichever is more restrictive.

703.09. Park Management

- 1) The person to whom a permit for a manufactured home park is issued shall operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair in a clean and sanitary condition.
- 2) Each park shall have an office for the use of the operator distinctly marked "OFFICE" and such marking shall be illuminated during all hours of darkness.
- 3) The operator of every manufactured home park shall maintain a registry in the office of the manufactured home park indicating the name and address of each permanent resident. Each manufactured home site shall be identified by number and letter also.
- 4) The limits of each manufactured home lot shall be clearly marked on the ground by permanent flush stakes, markers or other suitable means.
- 5) A map of the manufactured home park shall be displayed at the manufactured home park office and be illuminated during all hours of darkness.
- 6) No public address or loudspeaker system shall be permitted.
- 7) Dogs and animals shall not be permitted to run at large within the manufactured home park.
- 8) No persons shall erect, place, construct, reconstruct, relocate, alter, maintain, use or occupy a cabana or structure in a manufactured home park without the written consent of the owner or operator of the manufactured home park.
- 9) The park management shall provide for the weekly collection and disposal of garbage, waste and trash as approved by the county.

704. Accessory Buildings and Structures

704.01. In Residential Districts

- 1) An accessory building including carports, decks and breezeways attached to the principal building on a lot, shall be made structurally a part thereof and shall comply in all respects with the requirements of this ordinance applicable to the principal building. Decks shall not be included in the lot coverage requirements of this Ordinance.
- 2) No accessory building shall exceed one (1) story or fifteen (15) feet in height and shall not occupy more than ten (10) percent of the lot area.
- 3) All detached accessory buildings shall be located in the side or rear yards. When located within ten (10) feet of the side or rear wall of the principal building they shall comply with all yard requirements applicable to the principal building in the district. Where such accessory buildings are to be located in the rear yard, more than ten (10) feet from the rear wall of the principal building, they shall not be located closer than four (4) feet from the side or rear lot line; provided, however, that when such accessory building is a garage with the vehicle entrance door located parallel to an alley the minimum setback shall be not less than ten (10) feet from the rear lot line.
- 4) No private garage used or intended for the storage of passenger automobiles or motor vehicles, recreation vehicles, boats, etc. shall exceed one thousand (1,000) square feet of gross area nor shall any access door or other opening exceed the height of ten (10) feet.
- 5) Accessory buildings shall not be constructed prior to or in lieu of the principal building.
- 6) Pole structures allowable as an accessory use are subject to screening and appearance standards, which require exterior roofing and construction materials similar to those dominant in the area, and require approval of the appropriate City Council or Zoning Administrator.

704.02. In Commercial and Industrial Districts

- 1) In business and manufacturing districts, accessory buildings and uses may occupy any of the ground area that the principal building is permitted to occupy. Accessory buildings such as buildings for parking attendants, guard shelters, gate houses and transformer buildings, may be located in the front or side yard in I-1 Districts. Parking of automobiles and other motor vehicles is permitted in the front and side yards in I-1 Districts if screened by a greenbelt eight (8) feet in width.
- 2) Accessory buildings may be located any place to the rear of the principal buildings, subject to the building code and the fire zone regulations except where prohibited by other sections of the Ordinance.
- 3) Accessory buildings shall not be constructed prior to or in lieu of the principal building.

705. Home Occupations

705.01. General

Home occupations shall be allowed as accessory uses in the residential, Ag and RA districts subject to the following standards:

- 1) Not more than twenty-five (25) percent of the total floor area of the dwelling shall be used for this purpose.
- 2) No articles for sale shall be displayed so as to be visible from any street.
- 3) The occupation is to be conducted solely by members of the household residing on the premises, except that one (1) person necessary to the occupation may be employed.
- 4) No mechanical or electrical equipment is used if the operation of such equipment interferes un-reasonably with the desired quiet residential environment of the neighborhood or if the health and safety of the residents is endangered.
- 5) No outside storage of material or equipment or display of merchandise shall be allowed.
- 6) No sign shall be allowed other than one (1) non-illuminated nameplate measuring not more than one (1) by one and one-half (1½) feet in area attached near the building entrance.
- 7) The home occupations shall conform to the standards in the State Fire Code, SSTS and any other applicable State, Local and Federal codes.

706. Dwelling Units Prohibited

No basement, garage, tent, trailer, recreational camping vehicles or accessory building shall be used as a permanent dwelling. The basement portion of a finished home or apartment may be used for normal eating and sleeping purposes provided it is properly damp-proofed, has suitable fire protection and exits, and is otherwise approved by the Zoning Administrator. All dwellings in the RA and R-1 districts shall have a minimum width of twenty (20) feet and placed on a permanent foundation with the exception of manufactured homes.

707. Relocating Structures

707.01. Permits Required

Individuals moving any structure shall, in each and every instance, before raising, holding up or moving any structure, obtain a Moving Permit from the County Engineer and a Land Use Permit from the Zoning Administrator if the structure is to be located in the City of Ostrander.

707.02. Moving Permit Requirements

All applicants who apply for a Moving Permit must fill out an application for a Moving Permit in the County Engineers Office. The Moving Permit must be issued before a move may take place. The moving permit must be obtained for structures that are over length, over height, or over width.

707.03. Regulations and Restrictions

The following regulations and restrictions shall apply to all applicants who apply for a Moving Permit.

- 1) The mover must furnish a vehicle with enough axles to meet existing nine (9) ton road limitations.
- 2) The mover must be licensed and bonded if moving a habitable dwelling.
- 3) A sheriff must escort the move if the structure can not be moved at highway speeds or is over width or over length.
- 4) A utility company representative must accompany the move if the structure is over height.
- 5) All moves must be during daylight hours.
- 6) All movers must obtain permits from all units of government that have jurisdiction over each road used in the move.

707.04. Further Regulations and Restrictions

The County Engineer may also:

- 1) Modify any moving plan as being proposed.
- 2) Alter any route to mitigate adverse effects to roads and bridges.
- 3) Impose any other requirements on a Moving Permit necessary to protect the health, safety, and general welfare of the citizens of the City of Ostrander and Fillmore County.

708. Solar Energy Systems

708.01. Permitted Use

Solar energy systems shall be a permitted use in all districts provided the system is in compliance with minimum lot requirements and setbacks and the system is maintained in good repair as an integral part of the structure.

708.02. Solar Access

In a residential district no owner, occupier or person in control of property shall allow vegetation or structures to be placed or planted so as to cast a shadow on a solar energy system which is greater than the shadow cast by a hypothetical wall ten (10) feet high located along the boundary line of said property between the hours of 9:30 a.m. and 2:30 p.m. Central standard Time on December 21 provided, however, this standard shall not apply to vegetation or structures which cast a shadow upon the solar energy system at the time of installation of said solar energy system or to vegetation existing at the time of installation of said solar energy system. Violation of this standard shall constitute a private nuisance, and any owner or occupant whose solar energy system is shaded because of such violation, so that performance of the system is impaired, may have in tort for the damages sustained thereby and may have such nuisance abated.

708.03. Documentation of Conditions

As a means of evidencing existing conditions, the owner of a solar energy system may file notarized photographs of the effected area with the City Zoning Administrator prior to installation of said system.

709. Recreation Vehicles, Boats, Campers and Equipment (within City limits)

709.01. Location

Recreation vehicles, boats, campers and equipment shall not be parked or occupied on the premises of any occupied dwelling or any residential lot; except, the parking of one vehicle in the rear yard of

any district may be allowed, provided that no permanent living quarters (occupancy exceeding ten (10) days) shall be maintained or business practiced in the vehicle.

709.02. Public Property

Recreation trailers, boats, campers or associated equipment shall not be allowed on any public street for over forty-eight (48) hours except in those public areas specifically designed for overnight stops, or en-route stops.

710. Recreational Camping Vehicles, Campground Regulations

710.01. Conditional Use Permit

The establishment or expansion of a campground requires a conditional use permit.

710.02. General Provisions

- 1) Every person, organization or community establishing or having control of a campground shall locate such camp on an adequate site. An adequate site is any site that will allow a developer to establish a campground that will meet all rules and regulations for campgrounds. Each camp shall be provided with satisfactory water supply, toilet and refuse disposal facilities as defined by State Statutes and Minnesota Department of Health Rules.
- 2) An applicant for a campground conditional use permit shall submit a general development plan and map for the proposed campground including the following:
 - a. The proposed site and existing development.
 - b. Proposed size, location and arrangement of buildings.
 - c. Parking areas and stall arrangements.
 - d. Entrance and exit drives.
 - e. Proposed sewer system, water system, and storm water runoff plan.
 - f. Recreation areas.
 - g. A map showing the location and breakdown of the total number of recreational vehicle sites and tent sites, whether seasonal or daily, including the location of available utilities.
 - h. Emergency plan.

710.03. Regulations

- 1) All campgrounds located in the city limits of Ostrander must be closed at least during the months of December, January and February. During the time a campground is closed, no person shall occupy any recreational camping vehicle.
- 2) All recreational camping vehicles parked on a campsite on a daily, weekly, monthly or yearly basis must have all its wheels left on the vehicle. All recreational camping vehicles must have current licenses attached at all times and, if applicable, must have its hitch properly attached to the camper at all times. All recreational camping vehicles must be road-ready and legal to move without special permitting at all times.
- 3) No wastewater from recreational camping vehicles shall be deposited on the surface of the ground.
- 4) All campsites in a new or expanded campground where recreational camping vehicles are allowed to park shall be outside the floodplain. Tent campsites in a campground may be located in a floodplain, as designated by FEMA.
- 5) The owners and operators of all campgrounds must follow all State and Local Regulations.
- 6) All new campgrounds must meet a setback of five hundred (500) feet from any existing dwellings.
- 7) Sites designated as tent sites must be used as tent sites and not used for RCV sites.

710.04. EAW

An EAW (Environment Assessment Worksheet) will be required for all new campgrounds of fifty (50) or more campsites or expansion of existing campgrounds to a total of fifty (50) or more campsites. The City Council may, at their discretion, require an EAW for any new campground or expansions of existing campgrounds, regardless of size.

710.05. Performance Standards

- 1) No new dwelling unit may be located within five hundred (500) feet of a campground, unless it is part of the campground.
- 2) No new campground may be located within five hundred (500) feet of an existing dwelling.

711. Exterior Storage

711.01. Storage

In all districts, all materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following in good order: laundry drying and recreational equipment, construction and landscaping materials and equipment currently being used on the premises, agricultural equipment and materials, if these are used or intended for use on the premises, off-street parking of passenger automobiles and pick-up trucks and fire wood. Boats and unoccupied campers are permissible. In all districts, any storage of equipment or material shall be prohibited in road or street right-of-ways.

711.02. Junkyards

All junk yards and auto storage areas shall be completely screened from all right-of-ways or developed areas, with a solid fence eight (8) feet or more in height and landscaped with suitable plantings. The height requirement may be modified by the Planning Commission and City Council to take into account local terrain features.

711.03. Conditional Uses Required

In all districts, the City may require a Conditional Use Permit for any exterior storage if it is demonstrated that such storage is a hazard to the public health and safety or has a depreciating effect upon nearby property values, or impairs scenic views, or constitutes a threat to living amenities.

711.04. General Fencing

No fence shall exceed eight (8) feet nor be less than three (3) feet in height; and in the case of grade separation such as the division of properties by a retaining wall, the height shall be determined on the basis of measurement from the average point between highest and lowest grade.

Except as provided in Section 711, fences may be erected on any part of a lot, which is behind the front line of the principal building. Fences along side lot lines shall be setback one (1) foot from the property line to allow for maintenance.

712. Nuisances

712.01. Nuisance Characteristics

No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust, or other such adverse influences shall be permitted in any district that will in any way have an objectionable effect upon adjacent or nearby property. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety nor will damage public waste transmission or disposal facilities. The following standards apply to non-industrial districts.

712.02. Toxic or Noxious Matter

Any use shall be so operated so as not to discharge across the boundaries of any lot or through percolation into the atmosphere or 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. All MPCA regulations relating to toxic or noxious matter shall be followed.

712.03. Air Pollution

Any use shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to or shall endanger the public health, safety, comfort or general welfare of the public. For the purpose of this Ordinance, the regulations and standards adopted by the Minnesota Pollution Control Agency shall be employed.

712.04. Miscellaneous Nuisances

- 1) Passenger vehicles and trucks in an inoperative state shall not be parked in residential districts for a period exceeding fourteen (14) days, seven (7) days in mobile home parks per section 703.07(5); inoperative shall mean incapable of movement under their owner power and in need of repairs. No person may store or keep any vehicle of a type requiring a license to operate on the public highways that does not have a current license, attached whether such vehicle be dismantled or not, outside of an enclosing building in a residential district.
- 2) No person may create or maintain a junkyard or vehicle-dismantling yard except as provided in this Ordinance.
- 3) The following are declared to be nuisances affecting public health or safety:
 - a. The effluence from any cesspool, septic tank, drainfield or human sewage disposal system discharging upon the surface of the ground, or dumping the contents thereof at any place except as authorized.
 - b. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.
 - c. The ownership, possession or control of any unused refrigerator or other container, with doors which fasten automatically when closed, or sufficient size to retain any person, to be exposed and accessible to the public without removing the doors, lids, hinges or latches or providing locks to prevent access by the public.

713. Glare

In all districts, any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged so as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding, shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights, which cast light on a public street, shall not exceed one (1) foot candle (meter reading) as measured from the centerline of said street (This is not intended to apply to normal street lighting). Any light or combination of lights, which cast light on a residential property, shall not exceed 0.4 candles (meter reading) as measured from said property.

714. Landscaping and Screening

714.01. Landscaping

- 1) In all districts where setbacks exist or are required, all developed uses shall provide a landscaped yard, including grass or decorative stones, or shrubs and trees, along all streets.

This yard shall be kept clear of all structures, storage and off-street parking. Except for driveways, the yard shall extend along the entire frontage of the lot, and along both streets in the case of a corner lot; such yard shall have a depth of at least ten (10) feet.

- 2) In all districts, all structures and areas requiring landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.
- 3) All vacant lots, tracts or parcels shall be properly maintained in accordance with their natural or existing character.
- 4) The screening required in this section may consist of a fence, trees, shrubs and berms, but shall not extend within fifteen (15) feet of any street or driveway. The screening shall be placed along property lines or in case of screening along a street, twenty (20) feet from the street right-of-way with landscaping between the screening and pavement. Planting of a type approved by the Zoning Administrator may also be required in addition to or in lieu of fencing.
- 5) In all commercial and industrial districts adjacent to residential districts there shall be provided along the abutting property lines an eight (8) foot wide planting strip composed of grass, trees, and shrubs. Trees at least one and one-half (1 ½) inches in diameter shall be planted not more than forty (40) feet apart. Shrubs shall be planted not more than five (5) feet apart and shall be at least five (5) feet in height after five (5) full growing seasons, and shall attain a height of eight (8) feet at maturity.
- 6) Where a commercial or industrial district is adjacent to a residential district and divided by an alley, a privacy fence not less than five (5) feet in height may be substituted for the aforesaid mentioned greenbelt upon approval of the Planning Commission.
- 7) A decorative masonry wall not less than five (5) feet in height and not less than eight (8) inches in thickness may be substituted for the aforesaid greenbelt upon approval of the Planning Commission.
- 8) The greenbelt or wall area shall be maintained in an attractive condition at all times.

715. Traffic Control and Sight Distance

Intersection with Traffic Controls. On any corner lot at a street intersection which has some form of traffic control (stop or yield signs), there shall be no obstruction to traffic visibility within the clear sight triangle which is formed by the intersection of the center line of two intersection streets and a straight line joining the two said center lines at points fifty-five (55) feet distance from their point of intersection, all obstructions must also conform to the side yard setback requirements.

716. Preservation of Natural Drainageways

716.01. Waterways

- 1) Every effort shall be made to retain the natural drainage systems in the city including existing wetlands and ponds. Aboveground runoff disposal waterways may be constructed to augment the natural drainage system.
- 2) The width of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten (10) year storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.
- 3) No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.
- 4) The banks of the waterway shall be protected with permanent vegetation.
- 5) The banks of the waterway should not exceed four (4) feet horizontal to one (1) foot vertical in gradient.

- 6) The gradient of the waterway bed should not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.
- 7) The bend of the waterway should be protected with turf, sod or concrete. If turf or sod will not function properly, riprap may be used. Riprap shall consist of quarried limestone, fieldstone (if random rip rap is used) or construction materials of concrete. The riprap shall be no smaller than two (2) inches square or larger than two (2) feet square. Construction materials shall be used only in those areas where the waterway is not used as part of a recreation trail system.
- 8) If the flow velocity in the waterway is such that erosion of the turf sidewall will occur and said velocity cannot be decreased via velocity control structures, then other materials may replace turf on the side walls. Either gravel or rip rap would be allowed to prevent erosion at these points.

716.02. Sediment Control of Waterways

- 1) To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.
- 2) Temporary pervious sediment traps could consist of a construction of bales of hay with a low spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. Such structures would serve as a temporary sediment control feature during the construction state of development. Development of housing and other structures shall be restricted from the area on either side of the waterway required to channel a twenty-five (25) year storm.
- 3) Permanent impervious sediment control structures consist of sediment basins (debris basins, de-silting basins or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.

717. Parking

717.01. Surfacing and Drainage

All parking areas shall be so graded and drained as to dispose of all surface water accumulation within the area. Open sales lots for cars, trucks, and other equipment shall also be graded, drained, and dust free but the interior landscaping is not required. All accessory off-street parking facilities required herein shall be located as follows:

- 1) Spaces accessory to one and two-family dwellings on the same lot as principal use served and may include driveways.
- 2) Spaces accessory to the multiple family dwellings on the same lot as the principal use served or within three hundred (300) feet of the main entrance to the principal building served.
- 3) There shall be no off-street parking space within five (5) feet of any street right-of-way.
- 4) No off-street open space parking area containing more than four (4) parking spaces shall be located closer than five (5) feet from an adjacent lot zoned or used for residential purposes

717.02. General Provisions

- 1) Access drives may be placed adjacent to property lines except that drives consisting of crushed rock or other non-finished surfacing shall be no closer than five (5) feet to any side or rear lot line.
- 2) Each parking space shall not be less than nine (9) feet wide and twenty (20) feet in length.
- 3) Control of off-street parking facilities. When required, accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall

be in the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with the City Council requiring the owner and his/her heirs and assigns to maintain the required number of off-street spaces during the existence of said principal use.

- 4) Use of parking area. Required off-street parking space in any District shall not be utilized for open storage of goods or for the storage of vehicles, which are inoperable, or for sale or rent.
- 5) Parking of automobiles and other motor vehicles is permitted in the front and side yards of manufacturing districts if screened by a greenbelt eight (8) feet in width.
- 6) Parking shall not be allowed in areas not designated for off-street parking. Loading spaces shall not be construed as supplying off-street parking space.
- 7) In all zoning districts, with the exception of allowed uses in B-1 Districts, off-street parking facilities for the storage of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings or structures hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided and maintained as herein prescribed.
- 8) When units or measurements used in determining the number of required parking spaces result in requirement of a fractional space any fraction up to and including one-half (1/2) shall be disregarded and fraction over one-half (1/2) shall require one (1) parking space.
- 9) Whenever a use requiring off-street parking is increased in floor area, and such use is located in a building existing on or before the effective date of this Ordinance, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.
- 10) For the purpose of this section, "Floor Area," in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients or patients as tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise.
- 11) The location of required off-street parking facilities for other than dwellings shall be within three hundred (300) feet of the building they are intended to serve, measured from the nearest point of the off-street parking facilities and the nearest point of the building or structure.
- 12) Where a use is not specifically mentioned, off-street parking requirements shall be the same as for a similar use.
- 13) Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses provided, collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table.
- 14) Nothing in this section shall prevent the extension of, or an addition to a building or structure into an existing parking area which is required for the original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area, or an additional area within three hundred (300) feet of such building.

717.03. Design and Maintenance of Off-Street Parking Areas

- 1) Parking areas shall be designed so as to provide adequate means of access to a public alley or street. Such driveway access shall not exceed thirty (30) feet in width and shall be so located as to cause the least interference with traffic movement.
- 2) Curbing and Landscaping. All open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb not less than five (5) feet from

the side property line or a guard of normal bumper heights not less than three (3) feet from the side property line.

- 3) Parking space of six (6) or more cars. When a required off-street parking space for six (6) cars or more is located adjacent to a Residential District, a fence approved by the Zoning Administrator shall be erected along the Residential District property line.

717.04. Off-Street Space Required

(One space equals 300 sq. ft.)

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|------------------------------------|---|
| 1) One and two-family Residence | Two (2) spaces per dwelling unit. |
| 2) Multiple Dwellings | One and one-half (1½) spaces per dwelling unit. |
| 3) Business & Professional Office | One (1) space for each 200 sq. ft. of gross floor area. |
| 4) Medical and Dental Clinic | One (1) space for each 200 sq. ft. of gross floor area. |
| 5) Hotel or Motel | One (1) space per rental unit plus one (1) space per full-time employee. |
| 6) Schools | |
| (a) Elementary Schools | Two (2) spaces for each classroom. |
| (b) High School | At least one (1) parking space for each four (4) students based on design capacity, plus one (1) additional space for each classroom. |
| 7) Colleges | At least one (1) space for every two (2) employees plus one (1) space for every car permitted to students by the college. |
| 8) Hospital | At least one (1) parking space for each three (3) hospital beds, plus one (1) space for each four (4) employees, other than doctors, plus one (1) parking space for each resident and regular staff doctor. |
| 9) Drive-In Food Establishment | One (1) space for each fifteen (15) sq. ft. of gross floor space in building allocated to drive-in operation. |
| 10) Bowling Alley | Six (6) spaces for each alley, plus additional spaces as may be required herein for related uses such as a restaurant. |
| 11) Automobile Service Station | At least two (2) off-street parking spaces plus four (4) off-street parking spaces for each service stall. |
| 12) Retail Store | At least one (1) off-street parking space for each one hundred (100) sq. ft. of gross floor area. |
| 13) Restaurants, Cafes, Bars | At least one (1) space for each three (3) seats based on capacity design. |
| 14) Undertaking Establishments | Eight (8) spaces for each chapel or parlor plus one (1) space for each funeral vehicle maintained on the premises; Aisle space shall also be provided for the street of making up a funeral procession. |
| 15) Theaters, auditoriums, arenas, | Spaces equal in stadiums, number to one-dance halls, other places third of the capacity in of assembly persons. |

- | | |
|---------------------------------------|--|
| 16) Churches | Spaces equal in number to one-third (1/3) of the capacity in persons of the main sanctuary or auditorium plus provision for supplementary parking space needs for other portions of the church facilities as determined by final site and building plans when reviewed by the Planning Commission. |
| 17) Industrial, Warehouse, Bulk Goods | At least one (1) space for each employee on maximum shift or one (1) space for each two thousand (2,000) sq. ft. of gross floor area, whichever is larger. |
| 18) Uses not Specifically Mentioned | As determined by the mentioned City Council following review by the Planning Commission, to be set based upon listed similar uses. |

717.05. Off-Street Loading and Unloading Areas

- 1) Location. All required loading berths shall be off-street and shall be located on the same lot as the building or use to be served. A loading berth shall be located at least twenty-five (25) feet from the intersection of two (2) street right-of-ways and at least fifty (50) feet from a residential district unless within a building. Loading berths shall not occupy the required front yard space.
- 2) Size. Unless otherwise specified in this Ordinance, a required loading berth shall not be less than twelve (12) feet in width and fifty (50) feet in depth exclusive of aisle and maneuvering space.
- 3) Required Loading Spaces. The number of required loading spaces shall be determined by the City Council following review by the Planning Commission.
- 4) Access. Each required loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner that will least interfere with traffic.
- 5) Surfacing. All loading berths and access ways shall be improved with a durable material to control the dust and drainage.
- 6) Accessory Use. Any space allocated as a loading berth or maneuvering area so as to comply with the terms of this Ordinance shall not be used for the storage of goods, inoperable vehicles or be included as a part of the space requirements necessary to meet the off-street parking area.
- 7) In connection with any structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading space.
- 8) Where noise from loading or unloading activity is audible in a residential district, the activity shall terminate between the hours of 7:00 p.m. and 7:00 a.m. except for the loading and unloading of grain.

718. Access Drives and Access

- 1) Access drives onto county roads shall require a review and approval by the County Engineer or the Assistant County Engineer in the absence of the Engineer, the Zoning Administrator and the County Board of Commissioners.
- 2) The County Highway Engineer or the Assistant County Engineer in the absence of the Engineer shall approve the location of each access drive based on sight distances, road speeds and other factors.

- 3) Access drives to principal structures that traverse wooded, steep or open field areas shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles. The County Highway Engineer or the Assistant County Engineer in the absence of the Engineer shall review all access drives (driveways) for compliance with accepted State Aid Standards. All driveways shall have a minimum width of twelve (12) feet with road strength capable of supporting emergency and fire vehicles.
- 4) All lots or parcels shall have a direct adequate physical access for emergency vehicles along the frontage of the roadway, or an existing private roadway approved by the County Board.
- 5) Upon the building of a new county road or the regrading of any County road, all accesses must adhere to the provisions of the Fillmore County Zoning Ordinance.
- 6) All requests for accesses on City roads shall be approved by the City Council in the same manner(s) listed above.

719. Signs

719.01. Approval of Plans

A permit shall be required to erect any sign in the city except as allowed in Section 719.03. No sign shall be erected by any person until the plan for the proposed sign has been reviewed and approved by the Ostrander Zoning Administrator. All signs over thirty-two (32) square feet and located in a Commercial or Industrial District shall be required to obtain a Conditional Use Permit except as allowed under Section 719.03.

719.02. Prohibited Signs

No sign shall be permitted:

- 1) In a location which would interfere with the view of any traveler on any roadway of approaching vehicles or of traffic control devices on signs for a distance of five hundred (500) feet.
- 2) On rocks, trees or other perennial plant or on any public utility pole.
- 3) Containing a rotating beam or beam of light resembling an emergency vehicle.
- 4) Which simulates any official, directional or warning sign erected or maintained by the state, county, municipality, or other governmental subdivision which incorporates or makes use of light simulating or resembling traffic signals or control signs.
- 5) Which casts a distracting or confusing ray of light onto or visible, from a public roadway.
- 6) Which interferes with public facilities or the maintenance thereof.
- 7) Which obstructs any window, door, fire escape, stairway, or opening essential to the provision of light, air, ingress, or egress from any building.
- 8) Which contains more than two surface areas or facings.
- 9) Within the right-of-ways of any public road, except as erected by an official unit of government for the direction of traffic or necessary public information.

719.03. Temporary Signs

The following signs will be permitted in all districts subject to the specific standards indicated:

- 1) Real Estate Signs—not to exceed sixteen (16) square feet in area which advertise the sale, rental or lease of the premise upon which the sign is temporarily located.
- 2) Name, Occupation and Warning Signs—not to exceed sixteen (16) square feet in area located on the premises.
- 3) Official Signs—such as traffic control, directional signs, parking restrictions, information and notices.

- 4) Political Signs—are allowed in any district on private property with the consent of the owner of the property. Such signs must be removed within seven (7) days following the date of the election or elections to which they applied.
- 5) Construction Signs—not exceeding thirty-two (32) square feet of area shall be allowed in all zoning districts during construction. Such signs shall be removed when the project is completed.
- 6) Ag Uses Products Sign—provided that they are located within three hundred (300) feet of the Ag lot residents’ property and relate to Ag products, merchandise or services sold, produced, manufactured or furnished on such Ag lot, and provided further that no such devices shall exceed twenty-five (25) square feet in area.
- 7) For Sale or For Rent Signs—not to exceed sixteen (16) square feet in area that advertises property as being for sale or for rent.
- 8) Residential Signs—signs which either identify personal property or residents and provided that they are affixed flat thereto and do not contain more than two (2) square feet in area.
- 9) Miscellaneous Signs—signs or posters of a miscellaneous character that advertise temporary events, provided they are self supporting and not tacked, posted, painted or otherwise affixed to walls of buildings, trees, fences or poles. Said signs shall be removed forty-eight (48) hours after the culmination of the special event.

719.04. Non-Conforming Signs

Signs lawfully existing at the time of the adoption of this Ordinance may be continued although the use, size or location does not conform to the provisions of the Ordinance. However, it shall be deemed a non-conforming use.

719.05. Sign Maintenance

- 1) Painting—the owner of any sign shall be required to have such sign properly painted at least once every two (2) years, if needed, including all parts and supports of the sign, unless such supports are galvanized or otherwise treated to prevent rust.
- 2) Area Around Sign—the owner or lessee of any sign or the owner of the land on which the sign is located shall keep the weeds, or other growth cut and the area free from the refuse between the signs and the street and also for a distance of six (6) feet behind and at the ends of said sign.

719.06. Obsolete Signs

Any sign that no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, or land upon which the sign may be found within ten (10) days after written notice from the Zoning Administrator.

719.07. Unsafe and Dangerous Signs

Any sign, which in the opinion of the Zoning Administrator becomes structurally unsafe or endangers the public safety, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, or land upon which the sign may be found within ten (10) days after written notice from the Zoning Administrator.

719.08. Size of Sign

Maximum Square Feet of Advertising Surface (Sq. Ft.)

Road Ownership

	Township Road	County Road	State Road
Ag District	32	32	32
Rural Residential	32	32	32
Residential	32	32	32
Commercial	32	32	250
Industrial	32	32	250

The construction of signs over thirty-two (32) square feet in the Commercial and Industrial District along a State Road must have the approval of the Planning Commission and City Council.

719.09. Sign Height

Sign height in the Commercial and Industrial District along State Roads shall be regulated by State Statute not to exceed fifty (50) feet. All other signs shall not exceed twenty (20) feet in height.

719.10. Location of Signs

All directional signs shall be installed in the road right-of-way by the City of Ostrander. All other signs shall meet structure setback requirements for the zoning district in which the sign is proposed.

720. Essential Service Regulations

The installation of all essential services in the County road right-of-way and under the road surface including waterlines and sewer lines must have the approval of the county engineer prior to installation. Waterlines placed under the traveled portion of the road must be placed in a large protective pipe. If on City roads, the responsibility falls onto the City Council and/or their consultant or engineer.

721. Tile Drainage

Tile lines will be permitted to outlet into county road right of way provided they meet the following criteria:

- 1) The outlet will be made into the back slope of the road ditch at a ninety (90) degree angle to the road for a minimum distance of forty (40) feet.
- 2) No tile shall be placed closer than forty (40) feet to the right of way, except for outlets or inlets placed perpendicular to the right of way.
- 3) Outlets will only be permitted within one hundred (100) feet of a centerline culvert or a township or county road approach culvert.

Tile crossings will be allowed under county roads provided they meet the following criteria:

- 1) Tile crossings will require a design developed by the Fillmore County Soil and Water Conservation District and approved by the County Engineer.
- 2) Aggregate surface roads may be crossed with an open trench. Hard surfaced roads will require borings at the required elevations.
- 3) The minimum requirements for road crossings require plastic sewer or water lines with the following ratings: SD35, Schedule 40, or 100 PSI pipe or heavier grades of pipe.
- 4) The road-crossing pipe shall be the next size larger than the tile line and extend from right of way line to right of way line at ninety (90) degrees to the roadway.

All tile lines crossing or discharging into county road rights of way will require design by the Fillmore County Soil and Water Conservation District and approval by the County Engineer.

722. Sawmills

- 1) Any sawmill doing sawing for other than a rural home based business shall be required to obtain a Conditional Use Permit. All sawmills requiring a Conditional Use Permit shall have a sawmill activity and by-product plan on file in the Zoning Office. The plan must include:
 - a. A map showing a measured perimeter, all buildings, parking areas, loading and unloading areas, traffic flow, and sawmill stacking plan. All sawmill activity shall be contained within the measured perimeter.
 - b. A timetable for the removal of slab bundles, sawdust, and boards.
- 2) The operation shall provide for off road loading and unloading in all weather conditions. The loading and unloading of logs, sawed wood, slab bundles, sawdust or any other log byproduct on any part of a road right of way is prohibited.
- 3) The piling or stacking of logs, bundled slab, or sawed wood shall be back of the right-of-way line and/or property line.
- 4) The open burning of slab wood and sawdust derived as a byproduct of a sawmilling or woodworking activity is prohibited except as part of a camping activity or for personal use in heating and cooking.

723. Sale of Dwellings

Any dwelling located within the Ag district, and located within one thousand (1,000) feet of a registered feedlot may be split off a larger parcel if the owners or majority shareholder of a family farm corporation of said dwelling and feedlot are one in the same, related by first, second, third, or fourth degree kindred, provided all other regulations in the Zoning Ordinance are met.

724. Bed and Breakfast Establishments

All Bed and Breakfast Establishments must obtain a Bed & Breakfast permit, and adhere to the regulations found in this section:

- 1) 1 to 5 rooms available for guests.
- 2) Meals provided to overnight registered B&B guests only.
- 3) The owner of the Bed and Breakfast Establishment must obtain a license from the Minnesota Department of Health in order to operate.
- 4) All Bed and Breakfast Establishments must be constructed according to plans on file in the Zoning Office.

725. Country Inns

725.01. Conditional Use Permit Required

All Country Inns shall obtain a Conditional Use Permit prior to construction and operation. Any Bed and Breakfast Establishment in operation desiring to convert to a Country Inn must also obtain a Country Inn Conditional Use Permit.

725.02. Requirements

All Country Inns must adhere to the regulations found in this section.

- 1) The Country Inn may have 1 to 5 rooms available to guests.
- 2) The Country Inn may not be authorized on any lot less than three (3) acres.
- 3) The owner of the Country Inn must obtain a license from the Minnesota Department of Health in order to operate as per MDH rules and regulations.

- 4) All Country Inns must be operated according to plans on file in the Zoning Office.
- 5) Individual rooms that are rented by paying occupants shall not contain cooking facilities.
- 6) Except as provided for number seven (7) below, shall serve meals served only to customers who are actually using the Country Inn accommodations overnight or their guests.
- 7) In addition to providing meals as allowed, a Country Inn may provide facilities and catering for banquets, weddings, receptions, reunions, and similar events for invited guests.
- 8) The use of the property as a Country Inn shall be shown by the owner not to be detrimental to the neighborhood.
- 9) In the unincorporated areas of the county, adequate off road parking shall be provided for all guests.

726. Farmers Markets

A farmers market shall adhere to the following requirements:

- 1) The permit shall have listed the legal description of the site where the farmers market is to be located.
- 2) Off road parking must be provided for all persons in attendance at the Farmers Market.
- 3) Signs for the Farmers Market may be prominently displayed but shall not be located on a road right of way unless installed by the local road authority. All signs shall adhere to State and Local regulations.
- 4) Provide adequate hand washing and toilet facilities.

727. Telecommunication Facilities

727.01. Purpose

The purpose of this Section is to provide a uniform and comprehensive set of standards for the development and installation of telecommunications towers, antennas and facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare and the aesthetic quality of the City of Ostrander as set forth within the Ostrander Zoning Ordinance and Ostrander Comprehensive Land Use Plan, while at the same time not unduly restricting the development of needed telecommunications facilities. It is intended that the City of Ostrander shall apply these regulations to accomplish the following:

- 1) Minimize adverse visual effects of telecommunications towers, antennas and facilities through design and siting standards.
- 2) Maintain and ensure that a non-discriminatory, competitive and broad range of telecommunications services and high quality telecommunications infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community, as well as serve as an important and effective part of the Fillmore County law enforcement, fire and emergency response network.
- 3) Provide a process for obtaining necessary permits for telecommunications facilities while at the same time protecting the interests of Ostrander citizens.
- 4) Protect environmentally sensitive areas of the City of Ostrander, including the protection of migratory birds, by regulating the location, design and operation of telecommunications towers, antennas and facilities. The following aspects of this ordinance are promoted based on recommendations contained within U.S. Fish and Wildlife Service Guidelines on the Siting, Construction, Operation and Decommissioning of Communication Towers (September 14, 2000): the commitment to exhausting co-location opportunities before allowing new towers, the placement of a maximum height limitation on new towers, the effective prohibition of guyed tower structures, and the prohibition of towers in key habitat areas such as wetlands, shorelands and floodplains.

- 5) Encourage the use of alternative support structures, co-location of new antennas on existing telecommunications towers, and construction of towers with the ability to locate four or more providers.

727.02. Exemptions

- 1) Exempt from review under this Section will be: television antennas, satellite dishes one (1) meter (or thirty nine (39) inches) in diameter or less, satellite dishes used commercially and three (3) meters in diameter or less, receive only antennas, amateur radio facilities, and mobile services providing public information coverage of news events or of a temporary or emergency nature.
- 2) Exempt from the conditional use permit requirements of this chapter will be: satellite dishes less than one (1) meter in diameter, ground mounted antennas not exceeding one hundred (100) feet in height, building mounted antennas not exceeding twenty five (25) feet above the highest part of the building to which they are attached, utility pole mounted antennas not exceeding twenty five (25) feet above the highest part of the utility pole to which they are attached and antennas co-located on an existing telecommunications facility structure. These structures shall be authorized with a land use permit.
- 3) Exempt structures under this Subsection are subject to all other applicable provisions of the zoning code and Airport Height Ordinance.

727.03. Areas where Telecommunications Facilities may be Allowed or Prohibited

- 1) Telecommunications facilities may be permitted as a Conditional Use in the following zoning districts, subject to public hearing and approval by the Planning Commission:
 - a. Agriculture
 - b. Commercial
 - c. Industrial
- 2) Telecommunication facilities, except exempt facilities, shall not be allowed in the following areas due to potential conflict with other uses of the land:
 - a. Historic sites and districts listed on the National Register of Historic Places
 - b. Habitat areas of threatened or endangered species
 - c. Residential Districts

727.04. Conditional Use Permit Required

A conditional use permit is required for all telecommunication facilities, except exempt facilities. The Zoning Administrator shall review a Conditional Use Permit application for compliance with the provisions of this Subsection, and the Planning Commission shall complete a Conditional Use Criteria decision form to record their decision in writing. The City of Ostrander Council Members shall render a final decision whether or not to issue a Conditional Use Permit for the Tower or Structure.

In addition to the information required by Section 727.06, the application shall include the following:

- 1) A legal description of the facility site.
- 2) A plat of survey showing the parcel boundaries, lease boundaries, tower, accessory structures, ancillary facilities, location, access, landscaping and fencing.
- 3) An original signature of the applicant, landowner, lessees and holders of easements.
- 4) The name addresses and telephone number of the officer, agent or employee responsible for the application.
- 5) A description of the telecommunications services that the applicant offers or provides to

persons, firms, businesses or institutions. In the case of a leased site, a lease agreement or binding lease memorandum, which shows on its face that it does not preclude the facility owner from entering into leases on the tower with other provider(s) and the legal description and amount of property leased.

- 6) Copies of co-location search letters and responses as defined by Section 727.05.
- 7) A tabular and map inventory of all the applicant's existing telecommunications facilities located within Fillmore County and the City of Ostrander and including all of the applicants' existing telecommunications facilities within one (1) mile of the county/city boundary.
- 8) Federal Communication Commission (FCC) license numbers and registration numbers, if applicable.
- 9) Copies of Finding of No Significant Impacts (FONSI) statement from the Federal Communication Commission (FCC) or Environmental Impact Study (EIS), if applicable.
- 10) Copies of the determination of no hazard from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings from the Minnesota Department of Transportation Bureau of Aeronautics if applicable.
- 11) Photo simulations of the proposed facilities from points of interest as identified by the Zoning Administrator or Planning Commission. A photo simulation shall be no smaller than eight (8) inches by ten (10) inches.
- 12) An alternatives analysis, prepared and signed by a radio frequency engineer, shall be submitted by the applicant or on behalf of the applicant by its designated technical representative, except for exempt facilities, for review by the Zoning Office and the Planning Commission. The analysis shall identify all reasonable, technically feasible, alternative locations or facilities which could provide the proposed telecommunications service within three (3) miles of the proposed site. The analysis shall include:
 - a. Propagation maps showing the existing and proposed signal of the carrier or service provider within all of Fillmore County and within at least five (5) miles of the city boundary. Propagation maps shall include areas served through roaming agreements with other service providers if applicable.
 - b. An explanation of the feasibility of co-locating the proposed telecommunication service on all existing facilities within the three (3) mile radius.
 - c. An explanation of the feasibility of locating the proposed telecommunication service on an alternative support structure within the three (3) mile radius.
 - d. An explanation of the rationale for the site that was selected in view of the relative merits of any of the feasible alternatives.
 - e. A report prepared by a structural engineer licensed by the state of Minnesota certifying the structural design of the tower and its ability to accommodate at least three additional antennas.
 - f. Proof of liability coverage. The City of Ostrander shall be a certificate holder in this policy.
 - g. Proof of financial security for tower removal as defined in Section 727.09.
 - h. Such other information as the Zoning Administrator or Planning Commission may reasonably require.

The Zoning Administrator, with the approval of the City Council, may employ on behalf of the City an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the reasonable costs of such review and/or independent analysis, and shall pay the estimated cost of such services before they are rendered. All invoices, fees, and charges shall be paid in full before the issuance of a conditional use permit.

727.05. Co-location

Co-location shall be the preferred method for establishing new telecommunications facilities. Every effort shall be made to co-locate the proposed facility on existing telecommunications facilities or other similar facilities or alternative support structures.

Any applicant requesting permission to install a new telecommunications tower shall provide evidence of written contact with all wireless service providers who supply service within three (3) miles of the proposed facility.

The applicant shall inquire about potential co-location opportunities at all technically feasible locations.

The contacted providers shall be requested to respond in writing to the inquiry within thirty (30) days. The applicant's letter(s) as well as response(s) shall be presented to the Zoning Administrator as a means of demonstrating the need for a new tower. Supporting evidence of the need for a new tower may consist of any of the following conditions:

- 1) No existing towers or alternative support structures are located within the geographic area required to meet the applicant's engineering requirements.
- 2) Existing towers or alternative support structures are not of sufficient height to meet the applicant's engineering requirements.
- 3) Existing towers or alternative support structures do not have sufficient strength to support the applicant's proposed antenna and related equipment.
- 4) The applicant's proposed system would cause electromagnetic interference with the system on the existing tower or alternative support structure, or the system on the existing tower or alternative support structure would cause electromagnetic interference with the applicant's proposed system.
- 5) The fees, cost or contractual provisions required by the owner to share an existing tower or alternative support structure or to adapt an existing tower or alternative support structure for co-location are unreasonable. Costs are considered reasonable if they conform to contractual terms standard in the industry within southeast Minnesota area or do not exceed the cost of new tower development.
- 6) The applicant demonstrates that there are other limiting factors that render existing towers or alternative support structures unsuitable.

Telecommunications facility structures permitted under this Section shall allow other users to lease space on the structure up to the maximum number of users allowed by permit. The owner/operator of the facility shall make space available at market rates and with contractual terms standard in the industry within the north-central Minnesota area. The owner/operator may refuse to lease space on the telecommunications facility structure if the proposed system would cause electromagnetic interference with the system(s) on the existing telecommunications facility structure, or the system(s) on the siting telecommunications facility structure would cause interference with the proposed system, subject to verification by the Zoning Office.

The response of the owner(s)/operator(s) of existing telecommunications facilities to requests for co-location will be considered during the review process established by this section. Unreasonable responses to requests for co-location shall be grounds for revocation of a conditional use permit.

City, County and local government agencies shall have the right to reserve space upon any new tower or upon any tower being substantially modified. Reservation of the accommodation upon the structure shall be acquired during the permit approval process through good faith negotiations with the applicant.

727.06. Design Requirements

Lattice towers may be allowed if all other requirements of this Section are met.

Monopole structures may be allowed if all other requirements of this Section are met.

Guyed structures are discouraged and may only be allowed if the applicant demonstrates to the satisfaction of the Planning Commission and City Council that no other type of telecommunications facility structure will provide an equivalent level of service. Economic considerations shall not be used in determining whether a guyed structure may be used.

Height of all telecommunications towers shall be limited to no more than three hundred (300) feet above original grade, unless the applicant can demonstrate to the satisfaction of the Planning Commission and City Council that a greater height is necessary to provide coverage meeting the minimum requirements of the Federal Communication Commission (FCC) license(s) and that no feasible alternative exists to provide coverage, such as co-locating on existing telecommunications towers or alternative support structures, constructing a new tower in a different location or constructing multiple towers of a shorter height.

New towers shall be designed structurally and electrically to accommodate the applicant's antennas and comparable antennas for at least three (3) additional users (minimum of four (4) total users required for each telecommunications facility structure). Towers must also be designed to allow for future rearrangement of antennas on the tower and to accept antennas mounted at different heights. The requirement for construction to allow a minimum of three (3) additional users may be waived by the Planning Commission and City Council if evidence is provided that a special circumstance exists that would prevent the proposed telecommunications facility structure from feasibly supporting additional users and antennas.

727.07. Performance Standards

Monitoring and Reporting. The applicant shall monitor the telecommunications facility to ensure full compliance with Federal Communication Commission (FCC) regulations. A report shall be submitted to the Zoning Office within one (1) month of activation of the facility. Additional reports shall be submitted, as needed in conformance with Section 727.03.

Security for Removal. The applicant or owner of the telecommunications facility shall provide a bond, irrevocable letter of credit or other suitable financial guarantee as determined by the Planning Commission and City Council to ensure the removal of the facility and restoration of the site to its pre-construction state when use of the facility has been discontinued as defined by Section 727.09. The amount of financial guarantee shall be no less than thirty thousand (\$30,000) dollars. The City of Ostrander shall be a certificate holder in the financial guarantee.

Security. All telecommunications facilities shall be reasonably protected against unauthorized access. The bottom of all towers from the ground level to twelve (12) feet above ground shall be designed to preclude unauthorized climbing and shall be enclosed with a minimum of a six (6) foot high chain link fence with a locked gate. Guy anchors of guyed towers shall be similarly protected.

Signs. Signs shall be mounted on the fenced enclosure on or adjacent to the gate prohibiting entry without authorization, warning of the danger from electrical equipment and unauthorized climbing of the tower, and identifying the owner of the tower and telephone number for contact in case of emergency. The sign shall be no larger than six (6) square feet. No commercial advertising signs may be located on a telecommunications facility site.

Lighting. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations, Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights are discouraged.

Access. Access shall be provided by all-weather gravel or paved driveway.

Setbacks. The following minimum setback distances shall apply:

- 1) No telecommunications facility structure shall be located within five hundred (500) feet of any residence.
- 2) No telecommunications tower shall be located less than one (1) times the approved height of the tower from any property boundary.
- 3) Setbacks required for telecommunications towers shall be measured from the center of the tower structure.

Lot Size. When a new lot is created for the purpose of locating a telecommunications facility, the minimum lot size for that zoning district shall apply.

Facility Construction. All telecommunications facilities approved with a conditional use permit shall be completely constructed and in operation within six (6) months of the date of approval. An extension of time, not to exceed six (6) months, may be granted by the Zoning Administrator due to inclement weather or other extenuating circumstances. There is no additional fee for an extension.

727.08. Pre-existing Telecommunications Towers and Facilities

Existing, legal, nonconforming telecommunications towers and facilities may add to, move or replace antennas or other transmitting or receiving devices only if these alterations do not increase the nonconformity of the existing facility, and only after submitting an information report similar to those required by Section 727.07. Alterations not listed in this section or listed as exempt under Section 727.02 shall be prohibited unless the facility is brought into conformance with the provisions of this Section including the issuance of a Conditional Use Permit.

727.09. Removal of Abandoned Telecommunications Facilities

It is the express policy of the City of Ostrander that telecommunications facilities be removed and their sites restored to their pre-construction state once they are no longer in use and not a functional part of providing telecommunications service.

Removal and restoration of such facilities is the responsibility of the owner of the facility.

The telecommunications facility(s) shall be removed when use of the facility(s) has been discontinued or the facility not been used for its permitted purpose for twelve (12) consecutive months. Mere intent to continue use of the facility(s) shall not constitute use. The applicant/owner shall demonstrate through facility(s) lease(s) or other similar instruments that the use will be continued without a lapse of more than twelve (12) consecutive months to constitute actual use. If the applicant cannot demonstrate actual use, the facility shall be considered abandoned and shall be removed.

This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the telecommunications facility.

Nothing in this section prevents the removal of the facility prior to expiration of the twelve (12) month period.

727.10. Fees

Permit fees for telecommunications facilities shall be set by the City of Ostrander and become part of the Zoning Office fee schedule.

728. Rural Home Based Business

A Rural Home Based Business is a non-agricultural activity conducted in the Ag District. Non-agricultural activities shall be allowed in the Ag District provided they are conducted under the following conditions;

- 1) The activity must be conducted on an existing building site with a dwelling.
- 2) The person conducting the activity must be a permanent full time resident of the dwelling.
- 3) The activity may employ no more than one (1) non-family employee equivalent to one (1) FTE.
- 4) The activity must be conducted solely on the building site and not on land traditionally used for raising crops, pasturing animals, woodlands, wastelands, or floodplains.
- 5) The activity must be confined to an area not larger than one (1) acre.
- 6) All activities shall be subject to environmental or nuisance regulations as found in Section 712 of this Ordinance and any other State or Federal regulations.

A permit will be required for non-agricultural activities. Any non-agricultural activity conducted in the Ag District not adhering to the conditions above is prohibited.

SECTION 8

Enforcement

801. Violations and Penalties

801.01. Violations

The violation of any provisions of this Ordinance or the violation of the conditions or provisions of any permit issued pursuant to this Ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to a fine, imprisonment or both, plus in either case, the cost of prosecution.

801.02. Penalties

Unless otherwise provided, each act of violation and every day on which such violation occurs or continues constitute a separate offense.

801.03. Application to County Personnel

The failure of any officer or employee of the county to perform any official duty imposed by this Ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.

801.04. Equitable Release

In the event of a violation or the threatened violation of any provision of this Ordinance or any provision or condition of a permit issued pursuant to this Ordinance, the County, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation or threatened violation.

SECTION 9
Separability, Supremacy and Effective Date

901.01. Separability

Every section, provision, or part of this Ordinance or any permit issued pursuant to this Ordinance is declared separable from every other section, provision or part thereof to the extent that if any section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision or part thereof.

901.02. Supremacy

When any condition imposed by any provision of this Ordinance on the use of land or buildings or on the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by any provision of any other community ordinance or regulation, the more restrictive conditions shall prevail.

This Ordinance is not intended to abrogate any easements, restrictions or covenants relating to the use of land or impose on lands within the community by private declaration or agreement, but where the provisions of this Ordinance are more restrictive than any such easement, restriction or covenant or provision of any private agreement, the provisions of this Ordinance shall prevail.

901.03. Effective Date

This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved this 7th day of August, 2012 by the City of Ostrander Council Members, and will be in effect on the 1st day of September, 2012.

Linda Schwenn, Mayor, City of Ostrander: _____

ATTEST: _____
City Clerk/Treasurer/Administrator

VOTING AYE

Council Members

Schwenn Thompson Kunert Start Nesler

VOTING NAY

Council Members

Schwenn Thompson Kunert Start Nesler

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STATE OF MINNESOTA

CITY OF OSTRANDER

I, Rhonda Klapperich, Clerk of the City of Ostrander, State of Minnesota, do hereby certify that the foregoing ordinance is a true and correct copy of a ordinance duly passed at a meeting of the City of Ostrander Council Members held on the 7th day of August, 2012.

Witness my hand and official seal at Ostrander, Minnesota the 7th day of August, 2012.

SEAL

City Clerk
City of Ostrander