

TITLE XIII: ZONING

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ZONING ORDINANCE for the CITY OF HARMONY, MINNESOTA

ORDINANCE NO. 86

(as amended by Ordinances, 91, 92, 95, 97, 98, 99, 106, 109, 110)

ARTICLE I. TITLE

Section 100

This Ordinance shall be known and may be cited as the City of Harmony, Minnesota, Zoning Ordinance of 1976.

ARTICLE II. ESTABLISHMENT OF DISTRICTS & PROVISION FOR OFFICIAL ZONING MAP

Section 201 Official Zoning Map.

The City is hereby 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, attested by the City Clerk, 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 Article II of this Ordinance Number 86 of the City of Harmony, Minnesota, adopted this 4th day of November, 1975."

If, in accordance with the provisions of this ordinance and applicable state statutes, changes are made in 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 Council, with an entry on the Official Zoning Map stating the number of the amending ordinance, the date the ordinance was passed, which entry shall be attested by the City Clerk. 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 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 Article XVII.

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 shall be final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

Section 202 Replacement of Official Zoning Map.

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 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 amendment of the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "this is to certify that this Official Zoning Map adopted the 4th day of November, 1976, as part of Ordinance Number 86 of the City of harmony, 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.

ARTICLE III. 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:

Section 301

Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

Section 302

Boundaries indicated as approximately following the right-of-way line of a street, highway or railroad shall be construed as following such right-of-way line.

Section 303

Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

Section 304

Boundaries indicated as approximately following city limits shall be construed as following such city limits.

Section 305

Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.

Section 306

Boundaries indicated as parallel to or extensions of features indicated in Section 301 through 305 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

Section 307

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 Section 301 through 306 above, the Board of Adjustment shall interpret the district boundaries.

Section 308

Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot, not to exceed thirty (30) feet beyond the district line into the remaining portion of the lot.

ARTICLE IV APPLICATION OF DISTRICT REGULATIONS

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.

Section 401

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

Section 402

No building or other structures shall hereafter be erected or altered:

- a. To exceed the height or bulk;
- b. To accommodate or house a greater number of families;
- c. To enclose a lesser amount of space;
- d. To occupy a greater percentage of lot area;
- e. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required, or in any other manner contrary to the provisions of this ordinance.

Section 403

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

Section 404

No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

ARTICLE V NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, NONCONFORMING USES OF STRUCTURES AND PREMISES, AND NONCONFORMING CHARACTERISTICS OF USE

Section 501 Intent.

Within the districts established by this ordinance or amendments that may later be adopted there exist

- a. Lots;
- b. Structures;
- c. Uses of land and structures; and
- d. Characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these nonconformities to continue until they are voluntarily removed, but not to encourage their survival. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure and land in combination, shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date or adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Section 502 Nonconforming Lots of Record.

In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage of amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

Section 503 Nonconforming uses of Land (or land with Minor Structures Only).

Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

- a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- b. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.
- c. If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of the land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- d. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

Section 504 Nonconforming Structures.

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

- a. Any such nonconforming structure may be enlarged or altered once only and only to the extent of increasing its ground coverage area by twenty-five (25) per cent of its previously existing area only if such enlargement does not protrude further into required front, side or rear yards of the district in which it is located, than the extreme amount by which the existing structure might have already protruded. Any structure or portion thereof may be altered to decrease its non-conformity.
- b. Any nonconforming use may be extended throughout any parts of a building, which area manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy land outside such building.
- c. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance.
- d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and nonconforming use may not thereafter be resumed.
- e. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve consecutive months or for eighteen months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- f. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than sixty (60) per cent of the replacement cost at time of destruction.
- g. Where a mobile home is located outside of a mobile home park on the effective date of this ordinance, a different mobile home may be placed on the location providing it meets all other requirements of this ordinance.

Section 505 Repairs and Maintenance.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of walls, fixtures, wiring, or plumbing, to an extent not exceeding then (10) per cent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure, as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Section 506 Uses Under Special Exception Provisions Not Nonconforming Uses.

Any use which is permitted as a special exception in a district under the terms of this ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

ARTICLE VI SCHEDULE OF DISTRICT REGULATIONS

Section 600 District regulations shall be as set forth in this article.

Section 601 Regulations for Agricultural District.

Section 601.1 Use Regulations.

AGRICULTURAL DISTRICT
PERMITTED PRINCIPAL USES
<ul style="list-style-type: none"> • Single Family Dwellings, Farm and Non-Farm • Two Family Dwellings, Farm and Non-Farm • Farm Related Dwellings • Farms, Stables, and Specialized Animal or Poultry farms provided that no waste materials, residues or the like shall remain upon the premises so as to become a nuisance or offensive to other local property owners and residents • Truck Gardens, Orchards, Nurseries and Greenhouses • Churches • Public and Parochial Schools • Publicly Owned and operated Buildings • Cemeteries • Hospitals, Clinics, Sanitariums and Nursing or Convalescent Homes • Veterinary Clinics • Noncommercial Parks, Playgrounds and Recreation Areas owned or operated by public or semi-public agencies • Public Utility Structures and Equipment • Public and Private Forests, Wildlife Preserves or Similar Conservation Projects • Customary Home Occupations • Livestock Buying Stations

AGRICULTURAL DISTRICT		
PERMITTED ACCESSORY USES AND STRUCTURES	USES AND STRUCTURES BY SPECIAL EXCEPTION ONLY	PROHIBITED USES AND STRUCTURES
<ul style="list-style-type: none"> • Those customarily incidental to permitted principal uses. • Bulletin Boards and signs not exceeding 20 square feet in area which pertain to the lease, sale or hire of a building on premises or of products on the premises, provided that such signs are removed as soon as the sale or lease is completed. 	<ul style="list-style-type: none"> • Mining. • Extraction of Raw Materials. • Mobile Home Parks. • Signs and Billboards. • Transient Circus or Carnivals. • Mausoleums and Crematoriums. 	<ul style="list-style-type: none"> • Commercial and Industrial Uses. • Animal Confinement Areas within 500 feet of existing dwellings of other local property owners and residents. (For purposes of this section, animal confinement area shall be defined as any permanent livestock housing structure, farrowing structure, finishing

		area or similar structure used of the permanent housing of livestock or poultry. An area used for the pasturing of livestock shall not be considered an animal confinement area.)
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Section 601.2 Height Regulations.

No building shall exceed three stories or 50 feet in height. There shall be no height limitation on silos.

Section 601.3 Building Site Regulation.

All buildings shall be located on lots with at least 43,000 square feet and all dwellings shall be located on lots with a minimum width of 150 feet.

Section 601.4 Front Yard Requirement.

Each lot shall have a front yard of not less than 50 feet.

Section 601.5 Side Yard Requirement.

Each lot shall have two side yards, one on each side of the building of not less than 25 feet each.

Section 601.6 Rear Yard Requirement.

Each lot shall have a rear yard of not less than 50 feet, and no accessory building shall be erected closer than four feet to the adjoining property and shall not have overhang or watershed closer than two feet to the adjoining property.

Section 602 Regulations for Residential District.

Section 602.1 Use Regulations

RESIDENTIAL-1 DISTRICT
PERMITTED PRINCIPAL USES & STRUCTURES
<ul style="list-style-type: none"> • Single Family Dwelling • Two-Family Dwelling • Churches and accessory buildings • Public and Parochial Schools • Non-commercial Parks, Playgrounds and Recreation Areas owned and operated by public or semi-public agencies • Publicly owned and operated buildings • Hospitals, medical and dental clinics, nursing and convalescent homes • Customary home occupations • Truck Gardens, Orchards and Nurseries, Grain and Crop Farming

RESIDENTIAL-1 DISTRICT		
PERMITTED ACCESSORY USES AND STRUCTURES	USES AND STRUCTURES BY SPECIAL EXCEPTION ONLY	PROHIBITED USES AND STRUCTURES
<ul style="list-style-type: none"> • Those customarily incidental to permitted principal uses. • Church Bulletin Boards. • One Sign (not exceeding 12 square feet) advertising construction sale or rent of building or lot on which it is located, sign to be removed as soon as construction, sale or lease is completed. 	<ul style="list-style-type: none"> • Funeral Home. • Mobile Home Park. • Multi-Family Dwellings. • Clubs, lodges, social and recreational, except those whose chief activity is carried on for financial profit. • Boarding, lodging and rooming houses. • Professional Offices. 	<ul style="list-style-type: none"> • Stables, Animal Farms, Poultry Farms. • Commercial and Industrial Uses.

Section 602.2 Height Regulation.

No building shall exceed two and one-half stories or 35 feet in height.

Section 602.3 Building Site Regulation. (Was modified by council on 6/14/05)

All buildings shall be located on lots with at least 6,000 square feet and all dwellings shall be located on lots with a minimum width of 50 feet, except that the square footage requirement shall not apply to any lot that was platted prior to the adoption of this ordinance on November 4, 1976.

Section 602.4 Front Yard Requirement.

Each lot shall have a front yard of not less than 25 feet.

Section 602.5 Side Yard Requirement.

Each lot shall have two side yards, one on each side of the building of not less than 6 feet each.

Section 602.6 Rear yard Requirement.

Each lot shall have a rear yard of not less than 30 feet (except that any lot that was platted prior to the adoption of this ordinance on November 4, 1976, shall have a rear yard of not be less than 18 feet), and no accessory building shall be erected closer than four feet to the adjoining property, and shall not have an overhang or watershed closer than two feet to the adjoining property.

Section 602.7 Residential Parking – Off-Street.

All parking spaces required hereafter by this ordinance shall be on the same tract as the building and shall be hard surfaced or gravel surfaced with proper drainage being provided, except that upon approval of the Board of Adjustments, the parking spaces may be provided on another tract within five hundred (500) feet of said building. Each parking space shall be at least nine (9) feet by twenty (20) feet and shall have proper access to the approaching drive.

Off-street parking spaces, as computed by the Administrative Official, shall be provided and satisfactorily maintained by the owner of the property; for each building and functioning use in all districts which after the date of enactment of this ordinance is erected, for any of the following or similar purposes. Spaces shall be provided in numbers not less than hereinafter set out.

- a. Dwelling, one (1) parking space for each dwelling or family unit.
- b. Hotel, motel, boarding house, mobile home park, one (1) parking space for each guest sleeping room or for each provided site.
- c. Hospitals, clinics, sanitariums, welfare institutions, nursing homes or similar establishments, one (1) parking space for each eight hundred (800) square feet of floor area in said building.

Section 602.8 Use Regulations.

RESIDENTIAL-2 DISTRICT	
PERMITTED PRINCIPAL USES AND STRUCTURES	
<ul style="list-style-type: none"> • Any Use Permitted in the "R-1" District <u>and the Following Commercial Uses:</u> • Art, book & school supply stores. • Jewelry stores. • Auto accessory stores. • Laundries, self-serv. • Auto repair garage. • Loan offices. • Bakeries, retail sales. • Medical and dental clinics. • Banks. • Book and stationery stores. • Milk depots. • Bulletin boards. • Monument sales. • Bus depots. • Newspaper offices. • Camera stores. • Personal service shops. • Candy and ice cream stores. • Photography studios. • Churches. • Post offices. • Printing shops. • Drug stores. • Professional offices. 	<ul style="list-style-type: none"> • Dry cleaning and laundry processing • Radio and television plants, studios. • Electrical and household appliance • Restaurants, cafes, stores, tea rooms. • Electrical repair shops. • Shoe repair shops. • Flower shops. • Signs. • Fuel sales, automotive retail only. • Storage garages. • Furniture stores. • Multi-Family dwellings. • Garden supply and seed stores. • Gift shops. • Greenhouses, retail sales. • Grocery stores. • Hardware stores. • Hobby shops. • Hotels and motels. • Jewelry stores. • Plumbing shops. • Contractors and construction offices. • Department stores Any other enclosed commercial activity similar to the above listed uses.

RESIDENTIAL-2 DISTRICT		
PERMITTED ACCESSORY USES AND STRUCTURES	USES AND STRUCTURES BY SPECIAL EXCEPTION ONLY	PROHIBITED USES AND STRUCTURES
<ul style="list-style-type: none"> • Those customarily incidental to permitted principal uses. • Church Bulletin Boards. • One-sign (not exceeding twelve square feet) advertising construction, sale or rent of building or lot on which it is located, sign to be removed as soon as construction, sale or lease is completed. 	<ul style="list-style-type: none"> • Funeral Home. • Mobile home Park. • Professional offices. • Clubs, lodges, social and recreational except those whose chief activity is carried on for financial profit. • Boarding, lodging, and rooming houses. 	<ul style="list-style-type: none"> • Stables, Animal farms, Poultry farms. • Commercial uses not listed, and industrial uses.

Section 602.9 Height Regulation.

No building shall exceed two and one-half stories or 35 feet in height.

Section 602.10 Building Site Regulation. (Was modified by council on 6/14/05)

All buildings shall be located on lots with at least 6,000 square feet and all dwellings shall be located on lots with a minimum width of 50 feet, except that the square footage requirement shall not apply to any lot that was platted prior to the adoption of this ordinance on November 4, 1976.

Section 602.11 Front Yard Regulation.

Each lot shall have a front yard of not less than 25 feet.

Section 602.12 Side Yard Regulation.

Each lot shall have two side yards, one on each side of the building of not less than 6 feet each.

Section 602.13 Rear yard Regulation.

Each lot shall have a rear yard of not less than 30 feet (except that any lot that was platted prior to the adoption of this ordinance on November 4, 1976, shall have a rear yard of not be less than 18 feet), and no accessory building shall be erected closer than four feet to the adjoining property, and shall not have an overhang or watershed closer than two feet to the adjoining property.

Section 602.14 Residential Parking – Off-Street.

All parking spaces required hereafter by this ordinance shall be on the same tract as the building and shall be hard surfaced or gravel surfaced with proper drainage being provided, except that upon approval of the Board of Adjustment, the parking spaces may be provided on another tract within five hundred (500) feet of said building. Each parking space shall be at least nine (9) feet by twenty (20) feet and shall have proper access to the approaching drive.

Off-street parking spaces, as computed by the Administrative Official shall be provided and satisfactorily maintained by the owner of the property; for each building and functioning use in all districts which after the date of enactment of this ordinance is erected, for any of the following or similar purposes. Spaces shall be provided in numbers not less than hereinafter set out.

- a. Dwelling, one (1) parking space for each dwelling or family unit.
- b. Hotel, motel, boarding house, mobile home park, one (1) parking space for each guest sleeping room or for each provided site.
- c. Hospitals, clinics, sanitariums, welfare institutions, nursing homes or similar establishments, one (1) parking space for each eight hundred (800) square feet of floor area in said building.

Section 603 Regulations for Commercial District

Section 603.1 Use Regulations

COMMERCIAL DISTRICT	
PERMITTED PRINCIPAL USES & STRUCTURES	
<ul style="list-style-type: none"> • Dwelling Units on Second Floor or Above and Existing Dwellings • Art & School supply stores • Hardware stores • Assembly halls & public buildings • Hobby shop • Auto accessory stores • Hospitals • Auto Repair garage Hotels and motels • Auto Sales Indoor/outdoor amusements • Automobile, truck & trailer body repair • Jewelry stores • Laundries, self-service • Bakeries, retail sales • Libraries & public bldgs. • Bakeries, wholesale • Loan offices • Banks • Lumber yards • Blacksmith shop • Medical & dental clinics • Book and stationery stores • Milk depots • Bulletin boards • Monument sales • Bus Depots • Newspaper offices • Camera Stores • Nightclubs • Candy and ice cream stores • Office supply stores • Car washes • Personal service shops • Churches • Pet shops • Clubs and lodges • Photography studio • Commercial bakeries • Recreation centers • 	<ul style="list-style-type: none"> • Plumbing shops • Contractors and Construction offices • Post office • Department stores • Printing shops • Drive-in restaurants • Professional offices • Drug stores • Public utility & Public service uses • Dry cleaning & laundry processing plants • Radio & television studios • Electrical and household appliance stores • Railroad freight stations, passenger stations & service tracks • Electrical substations and offices • Electrical repair shops • Farm Implement sales & service • Restaurants, cafes, tea rooms • Feed stores • Shop repair shops • Flower shops • Sign Painting shops • Food product processing, except slaughter houses • Signs • Storage garages • Frozen Food lockers • Taverns • Fuel sales, retail only • Theaters • Funeral homes • Furniture stores • • Garden supply and seed stores • Gift shops listed uses. • Grain elevators & warehouses • Greenhouses, retail sales • Grocery stores • Any other enclosed commercial activity similar to the above

COMMERCIAL DISTRICT		
Permitted Accessory Uses and Structures	Uses and Structures by Special Exception Only	Prohibited Uses and Structures
<ul style="list-style-type: none"> Those customarily incidental to permitted principal uses. 	<ul style="list-style-type: none"> Animal hospitals & veterinary clinics Dairy products manufacturing New dwellings Seed processing 	<ul style="list-style-type: none"> Industrial uses

Section 603.2 Height Regulation.

No building shall exceed three stories or 50 feet in height.

Section 603.3 Building Site Regulations.

Motels and Auto Courts shall be located on lots with at least 43,000 square feet and there shall be no minimum lot requirements for other commercial uses.

Section 603.4 Front yard requirement.

There shall be no minimum lot requirements for commercial uses.

Section 603.5 Side yard requirement.

There shall be no minimum lot requirements for commercial uses.

Section 603.6 Rear yard requirement.

Each lot shall have a rear yard of not less than 30 feet.

Section 603.7 Off street parking.

All parking spaces required hereafter by this ordinance shall be on the same tract as the building and shall be hard surfaced or gravel surfaced with proper drainage being provided, except that upon approval of the Board of Adjustment, the parking spaces may be provided on another tract within five hundred (500) feet of said building. Each parking space shall be at least nine (9) feet by twenty (20) feet and shall have proper access to the approaching drive.

Off-street parking spaces, as computed by the Administrative official, shall be provided and satisfactorily maintained by the owner of the property; for each building and functioning use in all districts, which after the date of enactment of this ordinance is erected for any of the following or similar purposes. Spaces shall be provided in numbers not less than herein after set out.

- a. Hotel, motel, boarding house, Mobile Home Park, one (1) parking space for each guest sleeping room or for each provided site.
- b. Restaurant, or other eating or drinking establishment, one (1) parking space for each four (4) singular seats.
- c. Hospitals, clinics, sanitariums, welfare institutions, nursing homes or similar establishments, one (1) parking space

for each eight hundred (800) square feet of floor area in said building.

d. Commercial, business buildings, one (1) parking space for each two workers, based on peak employment.

e. Office buildings and professional buildings, one (1) parking space for each two workers, based on peak employment.

Section 604 Regulations for Industrial Districts

Section 604.1 Use Regulations

INDUSTRIAL DISTRICT	
PERMITTED PRINCIPAL USES AND STRUCTURES	
<ul style="list-style-type: none"> • All business uses permitted in the district when they are an integral part of the wholesale or light industrial use which is listed hereafter: • Armories; • Automobile, tractor, truck, trailer, motorcycle and other motor vehicles, manufacture and assembly, including parts; • Boat building and repair; • Bottling plants; • Building and storage yards, including lumber and building materials yards, but not junk yards; • Cheese factory; • Coal yards; • Distribution warehouses; • Dyeing works; • Equipment, miscellaneous, such as farm implements and machines, and construction machines and equipment such as power shovels, graders, excavators, manufacture and assembly, including parts; 	<ul style="list-style-type: none"> • Extraction of, and fixed plants for processing lumber, stone, gravel, clay or other raw materials for commercial purposes; • Garages, public; • Granaries; • Ice cream manufacturing; • Ice manufacturing; • Metal finishing; • Milk collection depots, creameries and dairies; • Monument and ornamental stone works; • Open sales lots; • Outdoor amusement establishments; • Planned industrial developments; • Billboards; • Storage warehouses; • Theaters, automobile drive-in only; • Truck and motor freight terminals; • All uses permitted in commercial districts; • Any other light manufacturing or commercial enterprise similar to the above listed uses.

INDUSTRIAL DISTRICT	
Permitted Accessory Uses and Structures	Uses and Structures by Special Exception only
<ul style="list-style-type: none"> • Those customarily incidental to permitted principal uses. 	<ul style="list-style-type: none"> • Dwelling for business purposes only. • Airports. • Any heavy industrial or manufacturing use that would be objectionable by reason of emitting dust, smoke, gas, noise, fumes, odor, vibration, soot, fire or explosion; see General Conditions. Included in such use classification are the following: <ul style="list-style-type: none"> • Acid manufacturing or wholesale storage of acids; Airports; Cement, lime, gypsum or plaster of paris manufacture; Dwelling for custodian quarters only; Fat rendering. • Junk yards of vehicular wrecking yards; scrap iron, scrap paper or rag storage, sorting or baling, provided they are conducted within a building or where entirely enclosed within the screened confines of a light painted fence, masonry wall or suitable substitute not less than eight (8) feet in height, and where there is no open storage at a great height than that of

	<p>the screening fence or masonry wall.</p> <ul style="list-style-type: none">• Manufacture of glue, fertilizer or gas.• Meat packing or processing plant.• Reduction or dumping of dead animals, garbage or offal, including distillation of bones.• Sanitary Land Fill.• Smelting or reduction of ores or metallurgical products.• Slaughter houses and their stockyards.• Tanneries.• Refining of or wholesale storage of gasoline, fuel oils and other petroleum products and manufacture or storage of other explosives.
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General Conditions:

Manufacturing, fabricating, repairing, storing, cleaning, servicing, and testing of materials, good or products shall be carried on in such a manner as not to be injurious or offensive by reason of the emission or creation of noise; vibration, smoke, dust or other particulate matter, toxic or noxious materials, odors, fires or explosive hazards or glare or heat.

No activities involving the storage, utilization or manufacture or materials or products which decompose by detonation shall be permitted, except as authorized by a special exception granted by the City Council.

All activities involving the manufacturing, fabricating, repairing, storing, cleaning, servicing and testing of materials, products and goods shall be within completely enclosed building, or may be out-of-doors if completely screened by a solid wall or uniformly painted solid fence or suitable substitute at least eight feet in height, and if there is no open storage at a greater height the that of the screening element.

Section 604.2 Height Regulation.

There shall be no minimum height requirement for industrial use.

Section 604.3 Building Site Regulation.

There shall be no minimum lot requirements for industrial uses.

Section 604.4 Front Yard Requirement.

Each lot shall have a front yard of not less than 30 feet.

Section 604.5 Side Yard Requirement.

Each lot shall have two side yards, one on each side of the building of not less than 20 feet each.

Section 604.6 Rear Yard Requirement.

Each lot shall have a rear yard of not less than 30 feet.

Section 604.7 Parking (off-street).

All parking spaces required hereafter by this ordinance shall be on the same tract as the building and shall be hard surfaced or gravel surfaced with proper drainage being provided, except that upon approval of the Board of Adjustment, the parking spaces may be provided on another tract within five hundred (500) feet of said building. Each parking space shall be at least nine (9) feet by twenty (20) feet and shall have proper access to the approaching drive.

Off-street parking spaces, as computed by the Administrative Official, shall be provided and satisfactorily maintained by the owner of the property; for each building and functioning use in all districts which after the date of enactment of this ordinance is erected for any of the following or similar purposes. Spaces shall be provided in numbers not less than hereinafter set out.

a. Industrial buildings or manufacturing establishments: one parking space for each two workers, based on peak employment, and adequate space for loading all vehicles used incidental to the operation of the industrial or manufacturing establishment.

Section 605 Supplementary District Regulations.

Section 605.1 Visibility at Intersection.

On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of three feet and ten feet above the center line grades of the intersecting streets in a triangular area two sided of which are the lines running forty (40) feet from the center of the existing roadway.

Section 605.2 Erection of More Than One Principal Structure on a Lot.

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

Section 605.3 Exceptions to Height Regulations.

The height limitations contained in the schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Section 605.4 Structures to Have Access.

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, and fire protection.

Section 605.5 Parking and Storage of Certain Vehicles.

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

Section 605.6 Fences.

Any fence or wall more than eight (8) feet in height shall be considered a structure, and as such is subject to restrictions structures, except in the Agricultural Districts.

Section 605.7 Off-street loading and unloading.

Off-street loading and unloading space with proper access from a street, road or alley and with at least fourteen (14) feet of vertical clearance shall be provided, either within or outside the building of all commercial uses so as to adequately serve the use on the lot. All off-street loading and in loading spaces shall be all-weather surfaced with proper drainage being provided in order to avail safe and convenient access and use during all seasons.

Section 605.8 Storage of Use of Major Recreational Equipment.

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be stored on any public street; provided, however, that such equipment may be parked anywhere on a public street for not to exceed twenty- four (24) hours during loading and unloading, and may be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use for a period not to exceed 72 hours.

Section 606 Mobile Home Park - Mobile Homes and Recreation Vehicles.

Section 606.1 Location.

Mobile homes or recreation vehicles to be used and occupied for dwelling or sleeping purposes shall be located or placed only in lawfully operated mobile home parks and recreation vehicle parks, with the exception of the provisions of Section 605.8. For a further exception, see also Section 504g.

Mobile home parks and recreation vehicle parks may be located only in an agricultural or residential district by the process of an approved special exception, provided an application accompanied by the City's required fee for a permit is filed with the Administrative Official and secured as set forth herein.

Section 606.2 Permit.

It shall be unlawful for any person to maintain or operate within the area regulated by this ordinance, any mobile home park or recreation vehicle park unless such person shall first obtain a permit therefor as set forth in this ordinance. All mobile home parks and recreation vehicle parks in existence upon the effective date of this ordinance shall within five (5) years of the effective date of this ordinance obtain such permit and in all other respects fully comply with the requirements of this ordinance, except the minimum park area required which shall not apply to mobile home parks and recreation vehicle parks in existence upon the effective date of this ordinance. Every permit issued shall be posted on the premises in a conspicuous place at all times.

Section 606.3 Application for Site Permit.

Any person desiring to operate a mobile home park or recreation vehicle park shall first have proper zoning for his tract of intended development and then shall file application for a special exception with the Administrative Official. Applications shall be in writing, signed by the applicant, and shall contain the name and address of the applicant, and the location and legal description of the site, and shall provide a complete list of names and addresses of the owners of property, other than the owners of property any part of which is used or to be used or to be used for mobile home park or recreation vehicle park purposes, within two hundred (200) feet of any part of the premises to be occupied for such use.

Section 606.4 Application for Development Permit.

When approval of the special exception for the site is thus obtained, the person desiring to operate a mobile home park or recreation vehicle park shall then file application for mobile home park or recreation vehicle park permit with the Administrative Official. Applications shall be in writing, signed by the applicant, and shall contain the following information:

- a. The name and address of applicant.
- b. The location and legal description of the mobile home park or recreation vehicle park.
- c. Layout and location plans and specifications of all mobile home and recreation vehicle spaces, street and drives, buildings and other improvements such as sewerage, water supply and sanitary facilities constructed within the park and the approval of the State Board of Health of the sanitary facilities.

Section 606.5 Copies of Plans.

Seven (7) copies of the application and all accompanying plans and specifications shall be filed with the Administrative Official. The Administrative Official and the City Engineer shall inspect proposed plans and specifications and make a report to the Planning Commission as to the compliance of the park plans with the provisions of this ordinance and all other applicable ordinances and statutes. The park plans, together with report of the aforementioned city officials, shall be transmitted to the Planning Commission as to the compliance of the park

plans with the provisions of this ordinance and all other applicable ordinances and statutes. The park plans, together with report of the aforementioned city officials, shall be transmitted to the Planning Commission. The Planning Commission shall the approve the application if they find that the proposed plans and specifications conform to the provisions of this ordinance, and upon completion of the park according to the plans and specifications, the Administrative Official shall issue the permit.

Section 606.6 Suspension of Permit.

Any mobile home park or recreation vehicle park permit issued under this ordinance may be suspended by the Administrative Official when the permit holder violates or is in violation of any of the provisions of this ordinance.

Section 606.7 Permits Transferable.

Permits granted under the provisions of this ordinance may be transferred upon the presentation to the Administrative Official of evidence of the transfer of ownership and upon a statement by the owner of acceptance of the conditions of the original permit. Said transfer shall be accomplished without requirements of fee.

Section 606.8 Inspection.

It shall be the duty of the Administrative Official to enforce all of the provisions of this section. For the purpose of securing enforcement of the provisions of this section, the Administrative Official or any of his duly authorized representatives or any officer of the city of Harmony shall the authority to enter inspect any mobile home park or recreation vehicle park.

Section 606.9 Register of Occupants in Mobile Home Parks.

It shall be the duty of the permit holder to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following:

- a. The name and address of each occupant.
- b. The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three (3) years following the date of registration.

Section 606.10 Standards of Mobile home Parks and Recreation Vehicle Parks.

A mobile home park or recreation vehicle park shall consist of a minimum of two (2) acres. The site design shall, as hereinafter required or as required by the State of Minnesota, provide for mobile home spaces and unit placement, recreation and open space, setbacks and buffers, streets or drives, accessory buildings and equipment, and entrances and exits thereto and therefrom.

Section 606.11 Mobile Home Stands.

The area of the mobile home stand shall be improved to provide an adequate foundation for the placement and tiedown of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning.

- a. The mobile home stand shall be constructed in such a manner that it will not heave, shift or settle unevenly under the weight of the mobile home due to inadequate drainage, vibration or other forces acting on the superstructure. The mobile home stand shall be constructed at a minimum with six (6) inch deep by thirty (30) inch wide poured cement ribbons with 6 x 6 No. 10 wire mesh reinforcing and of sufficient length to support all wheels and undercarriage supports of any mobile home that may be placed on the mobile home stand, or in gravel at least six (6) inches in depth.

b. The mobile home stand shall be provided with anchors, arrowhead anchors, or other devices insuring the stability of the mobile home.

c. Tie-down or anchors shall be placed at least at each corner of the mobile home stand to provide a readily accessible anchor for the mobile home and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2800) pounds.

d. Skirting of a permanent type material and construction shall be installed to enclose the open space between the bottom of a mobile home floor and the grade level of the mobile home stand and shall be constructed to provide substantial resistance to heavy winds, thereby alleviating to the maximum extent possible, lifting action created on the underside of the mobile home by heavy winds.

e. Sufficient screened, ventilating area shall be installed in the skirting to supply the combustion requirements of heating units and other ventilating requirements of the mobile home. Provision shall be made for easy removal of a section large enough to permit access for inspection of the enclosed area under the mobile home and for repairs on sewer and water riser connections.

f. Skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and to preserve the appearance of the mobile home park.

Section 606.12 Parking.

One parking space shall be provided for each mobile home space, either within the designed and developed park street or drive, or as off-street parking spaces.

ARTICLE VII SPECIAL EXCEPTIONS

Section 701 Conditions Governing Applications; Procedures.

To hear and decide only such special exceptions as are specifically authorized by the terms of this ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this ordinance. A special exception shall be granted by the City Council unless and until it has received the recommendation of the Planning Commission on the requested special exception or until sixty (60) days have elapsed from the date of reference of the requested special exception without a report by the Planning Commission.

Section 701.1

A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested.

Section 701.2

The Planning Commission shall hold a public hearing in regard thereto and shall give at least fifteen (15) days notice in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special exception is sought, at the City offices, and in one other public place at least fifteen (15) days prior to the public hearing.

Section 701.3

The public hearing shall be held. Any party may appear in person, or by agent, or attorney.

Section 701.4

The Planning Commission and the City Council shall make a finding that the Council is empowered under the section of this ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

Section 701.5

Before any special exception shall issue, the Planning Commission and City Council shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable.

- a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- b. Off-street parking and loading areas where required, with particular attention to the items in (a) above the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district.
- c. Refuse and service areas, with particular reference to the items in (a) and (b) above.
- d. Utilities, with reference to locations, availability, and compatibility.
- e. Screening and buffering with reference to type, dimensions, and character.
- f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility

and harmony with properties in the district.

g. Required yards and other open space.

h. General compatibility with adjacent properties and other property in the district.

Section 701.6

The City Council shall grant a special exception only by a vote to the effect of 2/3 of the City Council.

ARTICLE XIII ADMINISTRATION AND ENFORCEMENT BUILDING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE.

Section 801 Administration and Enforcement.

An Administrative Official designated by the City Council shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the City Council may direct.

If the Administrative Official shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal use buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

Section 802 Building Permits Required.

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the Administrative Official. No building permit shall be issued by the Administrative Official except in conformity with the provisions of this ordinance, unless he receives a written order from the board of adjustment or the City Council in the form of an administrative review, or variance or a special exception, respectively, as provided by this ordinance.

A building permit shall be obtained from the Administrative Official before starting or proceeding with the erection, construction, moving in or the structural alternation of a building or structure.

Section 803 Application for Building Permit.

All applications for building permits shall be accompanied by plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Administrative Official, including existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance.

One copy of the plans shall be returned to the applicant by the Administrative Official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original plans, similarly marked, shall be retained by the Administrative Official.

Section 804 Certificates of Zoning Compliance for New, Altered, or Nonconforming Uses.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the Administrative Official stating that the proposed use of the building or land conforms to the requirements of this ordinance.

The City of Harmony shall give notice of the fact of nonconforming uses to the operator or occupant of all such nonconforming uses within a reasonable period of time after adoption of and the enforcement of this ordinance. said notice shall state specifically wherein the nonconforming use differs from the provisions of this ordinance.

No permit for erection, structural alteration, or moving, of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.

A temporary certificate of zoning compliance may be issued by the Administrative Official for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

The Administrative Official shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.

Failure to obtain a certificate of zoning compliance shall be a violation of this ordinance and punishable under Article XVII of this ordinance.

Section 805 Expiration of Building Permit.

If work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Administrative Official; and written notice thereof shall be given to the persons affected.

If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof said permit shall expire and be cancelled by the Administrative Official, and written notice thereof shall be given to the persons affected, together with notice that further work described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

Section 806 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance.

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this ordinance, and punishable as provided by Article XVII hereof.

ARTICLE IX BOARD OF ADJUSTMENT ESTABLISHMENT AND PROCEDURE.

Section 901

The City Council shall serve as the Board of Adjustment.

Section 902 Proceedings of the Board of Adjustment.

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The Board may require the filing of written briefs by the parties. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

The Board of Adjustments shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and all official actions, all of which shall be a public record and be immediately filed in the office of the board.

Section 903 Hearings, Appeals, Notice.

Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision of the Administrative Official. Such Appeals shall be taken within a reasonable time, not to exceed sixty (60) days or such lesser period as may be provided by the rules of the Board, by filing with the Administrative Official and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Administrative Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board shall make no decision on an appeal or petition until the Planning Commission or a representative authorized by it has had a reasonable opportunity, not exceeding sixty (60) days to review and report to the Board upon the appeal or petition.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof, as well as due notice to the parties interest, and decide the same within a reasonable time and shall serve a copy of such decision upon the appellant or petition by mail. At the hearing, any party may appear in person or by agent or attorney.

Section 904 Stay of Proceedings.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Administrative Official from whom the appeal is taken and on due cause shown.

ARTICLE X BOARD OF ADJUSTMENT POWERS AND DUTIES.

The Board of Adjustment shall have the following powers and duties.

Section 1001 Administrative Review.

To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Administrative Official in the enforcement of this ordinance.

Section 1002 Variances, Conditions Governing Applications, Procedures.

To authorize upon appeal in specific cases, such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

Section 1002.1

A written application for a variance is submitted demonstrating:

- a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- b. That literal interpretation of the provisions of this ordinance would deprive the applications of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
- c. That the special conditions and circumstances do not result from the actions of the applicant.
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Section 1002.2

Notice of public hearing shall be given at least fifteen (15) days in advance of public hearing. Such notice of hearings shall be posted on the property for which the variance is sought, at the City Hall, and in one other public place.

Section 1002.3

The public hearing shall be held. Any party may appear in person, or by agent or by attorney.

Section 1002.4

The Board of Adjustment shall make findings that the requirements of Section 1102.1 have been met by the applicant for a variance.

Section 1002.5

The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Section 1002.6

The Board of Adjustment shall further make a finding that the granting the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under ARTICLE XVII of this ordinance.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

Section 1003 Board Has Power of Administrative Official on Appeals; Reversing Decision of Administrative Official.

In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Administrative Official from whom the appeal is taken.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Administrative Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

ARTICLE XI APPEALS FROM THE BOARD OF ADJUSTMENT

Section 1100

Any person or persons, or any board, taxpayer, department, board, or bureau of the city aggrieved by any decision of the Board of Adjustment may seek judicial review, in the manner provided by the state statutes.

ARTICLE XII DUTIES OF ADMINISTRATIVE OFFICIAL, BOARD OF ADJUSTMENT, CITY COUNCIL AND COURTS, ON MATTERS OF APPEAL

Section 1201

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Administrative Official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Administrative Official, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by state statute.

ARTICLE XIII SCHEDULE OF FEES, CHARGES, AND EXPENSES.

Section 1301

The City Council shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, mobile home parks and recreational vehicle parks, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Administrative Official, and may be altered or amended only by the City Council.

Section 1302

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE XIV AMENDMENTS.

Section 1401

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed; provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City.

Section 1402

An amendment to the ordinance may be initiated by the City Council, the Planning Commission, or by petition of any person or corporation who owns some or all of the subject property to be affected by the petition. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and report, and may not be acted upon by the City Council until it has received the recommendation of the Planning Commission on the proposed amendment or until sixty (60) days have elapsed from the date of reference of the amendment without a report by the Planning Commission.

ARTICLE XV PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS.

Section 1500

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

ARTICLE XVI COMPLAINTS REGARDING VIOLATIONS.

Section 1600

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Administrative Official. He shall record property such complaint, immediately investigate, and take action thereon as provided by this ordinance.

ARTICLE XVII PENALTIES FOR VIOLATION.

Section 1700

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Section 1701

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Section 1702

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE XVIII SEPARABILITY CLAUSE.

Section 1800

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE XIX DEFINITIONS.

Section 1900

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows.

Section 1900.01

The Word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

Section 1900.02

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

Section 1900.03

The word "shall" is mandatory, the word "may" is permissive.

Section 1900.04

The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied".

Section 1900.05

The word "lot" includes the words "plot" or "parcel".

Section 1900.06 Accessory Use or Structure.

A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

Section 1900.07 Build Area.

The portion of a lot remaining after required yards have been provided.

Section 1900.08 Drive-in Restaurant or Refreshment Stand.

Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

Section 1900.09 Dwelling, Single-family.

A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.

Section 1900.10 Dwelling, Two-family.

A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Section 1900.11 Dwelling, Multiple-family.

A residential building designed for or occupied by three or more families, with the number of families in residence not

exceeding the number of dwelling units provided.

Section 1900.12 Dwelling Unit.

One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental, or lease on weekly, monthly or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Section 1900.13 Family.

One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Section 1900.14 Home Occupation.

An occupation conducted in a dwelling unit, provided that:

- a. No person other than members of the family residing on the premises shall be engaged in such occupation, except that barber shops and beauty parlors shall be limited to a maximum of two chairs.
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) per cent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding twelve (12) square feet in area, not exceeding six (6) feet in width, no portion of which is located more than six (6) feet above ground level, non-illuminated, located at least ten (10) feet inside all property lines of the premises and also located on corner lots in accordance with the provisions of Section 605.1.
- d. No home occupations shall be conducted in any accessory building in such a manner as to be injurious or offensive by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious materials, odors, fires or explosive hazards, or glare or heat.
- e. No sale of products shall be conducted to the extent of being a significant portion of the function of such home occupation.
- f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- g. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audio interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Section 1900.16 Loading Space, Off-street.

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Section 1900.17 Lot.

For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- a. A single lot of record.
- b. A portion of a lot of record.
- c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- d. A parcel of land described by metes and bounds.

Provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

Section 1900.18 Lot Frontage.

The front of lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "yards" in this section.

Section 1900.19 Lot Measurement.

- a. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and rearmost points of the side lot lines in the rear.
- b. Width of a lot shall be considered to be the distance between straight lines connecting from and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) per cent of the required lot width, except in the case of lots on the turning circle of culs- de-sac, where the eighty (80) per cent requirement shall not apply.

Section 1900.20 Lot of Record.

A lot which is part of a subdivision recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Section 1900.21 Lot Types.

The diagram (Figure 1) which follows illustrates terminology used in this ordinance with reference to corner lots, interior lots, reversed frontage lots, and through lots.

- a. In the diagram, "a" is a corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. See lots marked "A(1)" in the diagram.
- b. "B" is an interior lot, defined as a lot other than a corner lot with only one frontage on a street.
- c. "C" is a through lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double-frontage lots.

d. "D" is a reversed frontage lot, defined as a lot which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees to the general pattern in the area. A reversed frontage lot may also be a corner lot ("A-D" in the diagram), an interior lot (B-D") or a through lot ("C-D").

Section 1900.22 Mobile Home.

A transportable, single family dwelling unit suitable for year round occupancy, of a size of eight (8) feet by thirty-two (32) feet, or greater, having been designed with no foundation other than wheels, jacks, piers, or skirting and containing water supply, waste disposal, heating and electrical conveniences.

Section 1900.23 Mobile Home park.

An approved site, lot, field or tract of land designed, maintained, or used for the purpose of supplying location and accommodations for mobile homes and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such park; unoccupied mobile homes which parked for the purposes of inspection and sale may be placed un a mobile home park if they are incidental to the operation of said mobile home park.

Section 1900.24 Mobile Home Space or Mobile Home Lot.

A parcel of ground within a mobile home park designed for the accommodation of one mobile home.

Section 1900.25 Mobile Home Stand.

That part of an individual mobile home space or lot, which has been reserved for the placement of the mobile home and any appurtenances thereto.

Section 1900.26 Outdoor Advertising Business.

Provision of outdoor displays or display space on a lease or rental basis only.

Section 1900.27 Parking space, off-street.

For the purpose of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall be so designed, maintained, and regulated that no parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

Off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the City.

Section 1900.28 Recreation Vehicle.

A transportable overnight or short term sleeping or dwelling unit of a size of less than eight (8) feet by thirty-two (32) feet when in transport. The term includes, but is not necessarily limited to, travel trailer, pickup camper, folddown camper and motorized camper.

Section 1900.29 Recreation Vehicle Park.

An approved site, lot field, or tract land designed, maintained, or used for the purpose of supplying location and accommodations for recreation vehicles and shall include any building, structure, vehicle or enclosure used or intended for use as part of the equipment of such park; unoccupied intended for use as part of the equipment of such

park; unoccupied recreation vehicles which are parked for purposes of inspection and sale may be placed in a recreation vehicle park if they are incidental to the operation of said recreation vehicle park.

Section 1900.30 Recreation Vehicle Space or Lot.

A parcel of ground within a recreation vehicle park designed for the accommodation of one recreation vehicle.

Section 1900.31 Sign.

Any device designed to inform or attract the attention of persons not on the premises on which the sign is located; provided however, that the following shall not be included in the application of the regulations herein.

- a. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- b. Flags and insignia of any government except when displayed in connection with commercial promotion.
- c. Legal notices; identification, informational, or directional signs erected or required by governmental bodies.
- d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- e. Signs directing and guiding traffic and parking on private probe but bearing no advertising matter.

Section 1900.32 Signs - Number and Surface Area.

For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements of organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

Section 1900.33 Sign, on-site.

A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of outdoor advertising business.

Section 1900.34 Sign, off-site.

A sign other than an on-site sign.

Section 1900.35 Special Exception.

A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provision for such special exceptions is made in this zoning ordinance.

Section 1900.36 Street Line.

The right-of-way line of a street.

Section 1900.37 Structure.

Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards and poster panels.

Section 1900.38 Variance.

A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant a literal enforcement of the ordinance would result in unnecessary and undue hardship.

Section 1900.39 Yard.

A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Section 1900.40 Yard, Front.

A yard extending between side lot lines across the front of a lot adjoining a public street.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicated otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Administration Official may waive the requirement for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards provided for adjacent lots.

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of the full depth required generally for front yards in the district shall be provided on the other frontage.

In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of half of the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than two frontages, the Administrative Official shall determine the front yard requirements, subject to the following limitations: (1) at least one front yard shall be provided having full depth required generally in the district; (2) no other front yard on such lot shall have less than half the full depth required generally.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corner at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without rounding. Front and rear yard lines shall be parallel.

Section 1900.41 Yard, side.

A yard extending from the rear line of the required front yard to the front line of the required rear yard, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In

the case of corner lots, yards remaining after full and half depth front yards have been established shall be considered side yards.

Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

Section 1900.42 Yard, rear.

A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

Section 1900.43 Yard, Special.

A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the Administrative Official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

ARTICLE XX REPEAL OF CONFLICTING ORDINANCES EFFECTIVE DATE

Section 2000

All ordinances or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective after its final passage, approval and publication as provided by law.

Passed by the City Council the 4th day of November, 1976.

ATTEST:

City Clerk

Mayor

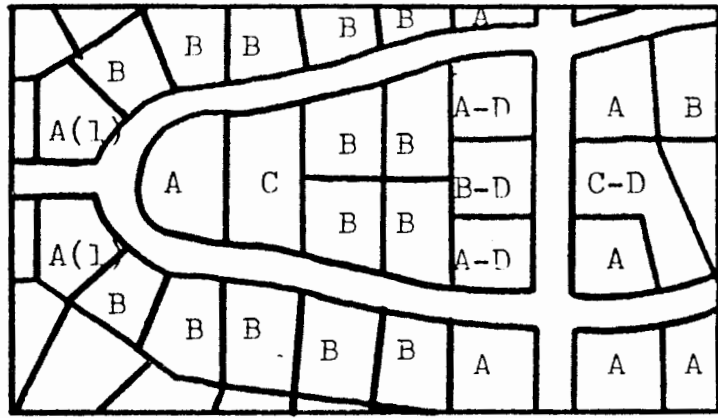


Figure 1