Section

Legal Statements and Definitions
CHAPTER 152: ZONING CODE

152.001 Title
152.002 Purpose
152.003 Rules
152.004 Applications and interpretation
152.005 Definitions
152.006 Effective date

Nonconforming Uses of Land and Structures

152.020 Nonconforming uses of land
152.021 Nonconforming structures or buildings
152.022 Discontinuance of use
152.023 Construction on nonconforming lots of record

General Provisions

152.035 Application of district regulations
152.036 Lot width and lot depth
152.037 Uses not provided for within zoning districts

Zoning Map

152.050 Official Zoning Map
152.051 Rules for interpretation of district boundaries
152.052 Annexed property

A Agricultural District

152.065 Purpose
152.066 Dwelling restrictions
152.067 Construction on lots of record
152.068 Required street frontage for developable lots
152.069 Lot design standards
152.070 Height regulations
152.071 General regulations

2008 S-1  65
152.072 Permitted uses
152.073 Permitted accessory uses
152.074 Conditional uses
152.075 Zoning permits required

**R-1 Residential District**

152.090 Purpose
152.091 Dwelling restrictions
152.092 Construction on lots of record
152.093 Required street frontage for developable lots
152.094 Lot design standards
152.095 Setback exceptions
152.096 Height regulations
152.097 Access drives
152.098 General regulations
152.099 Permitted uses
152.100 Permitted accessory uses
152.101 Conditional accessory uses
152.102 Conditional uses
152.103 Zoning permits required

**B-1 Highway Commercial District**

152.115 Purpose
152.116 Construction on lots of record
152.117 Required street frontage for developable lots
152.118 Lot design standards
152.119 Height regulations
152.120 General regulations
152.121 Permitted uses
152.122 Accessory uses
152.123 Conditional uses
152.124 Zoning permits required

**B-2 Central Business District**

152.135 Purpose
152.136 Special requirements
152.137 Construction on lots of record
152.138 Required street frontage for developable lots
152.139 Lot design standards
152.140 Height regulations
152.141 Parking requirements
152.142 General regulations
152.143 Permitted uses
152.144 Accessory uses
152.145 Conditional uses
152.146 Zoning permits required

**I-I Industrial District**

152.160 Purpose
152.161 Construction on lots of record
152.162 Required street frontage for developable lots
152.163 Lot design standards
152.164 Height requirements
152.165 Screening requirements
152.166 General regulations
152.167 Permitted uses
152.168 Accessory uses
152.169 Conditional uses
152.170 Zoning permits required

**R-M Residential-Mobile Home District**

152.185 Purpose
152.186 Location
152.187 Permitted uses
152.188 Permitted accessory uses
152.189 Procedure for manufactured home park or manufactured home subdivision approval
152.190 Manufactured home park design and development requirements
152.191 General provisions
152.192 Administration

**Performance Standards**

152.205 Home occupations
152.206 Travel trailers, recreational or camping vehicles, and cabins
152.207 Removal of soil, sand, and other material
152.208 Exterior storage requirements
152.209 General fencing, landscaping, and vision clearance standards
152.210 Standards for required screening structures
152.211 Required trash areas
152.212 Grading and alteration of lots
152.213 Single-family attached dwelling units
152.214 Vehicle storage
152.215 Environmental and health standards
152.216 Parking standards
152.217 Off-street loading berth requirements
152.218 Sign regulations
152.219 Telecommunication towers and antennae
152.220 Drive-in business design standards
152.221 Building relocation requirements
152.222 Swimming pools; outdoors
152.223 Subdivision of 2-family home or twin home development
152.224 Residential planned unit development (PUD)
152.225 Junk yards or auto salvage yards
152.226 Non-conforming building materials

Administration; Conditional Use Permits

152.240 Purpose
152.241 Procedure
152.242 Findings
152.243 Reconsideration
152.244 Laps of conditional use permit by non-use
152.245 Violations

Administration; Variance

152.260 Board of Adjustments and Appeals
152.261 Written reports and recommendations to Board to become permanent record
152.262 Standard for variation
152.263 Appeal of administrative decisions or orders
152.264 Procedures
152.265 Reconsideration
152.266 Appeals
152.267 Lapse of variance or appeal

Administration; Amendments

152.280 Kinds of amendments
152.281 Initiation of proceedings
152.282 Procedure
152.283 Limitation on applications
152.284 Appeal

Administration; Enforcement

152.295 Generally
152.296 Zoning permits required
152.297 Zoning permit application
152.298 Approval or denial of zoning permit
152.299 Construction and use to be same as application and plans

2012 S-2
152.300 Fees

Administration; Fees, Violations, Duties, and Interpretations

152.315 Schedule of fees
152.316 Complaints regarding violations
152.317 Violation of zoning code may be enjoined
152.318 Violation a misdemeanor
152.319 Duties of City Clerk/Treasurer, Zoning Administrator, Zoning Committee, and City Council

Administration; Zoning Committee

152.330 Establishment of the Zoning Committee
152.331 Proceedings of the Zoning Committee
152.332 Powers
152.333 Public hearing and notice
152.334 Authority to impose conditions
152.335 Violations

Shoreland Overlay District

152.350 Statutory authorization
152.351 Notifications of the Department of Natural Resources
152.352 Definitions
152.353 Shoreland classification system
152.354 Lot area and width standards
152.355 Placement design, and height of structures
152.356 Agricultural use standards
152.357 Vegetation alteration
152.358 Topographic alteration (grading and filling)
152.359 Placement and design of roads, driveways, and parking areas
152.360 Stormwater management
152.361 Water supply and wastewater treatment

LEGAL STATEMENTS AND DEFINITIONS

§ 152.001 TITLE.

The Morristown Zoning Ordinance.
(Ord. 170, § 1.01, passed 5-6-2002)
§ 152.002 PURPOSE.

The intent of this chapter is to protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use of land and structures. This chapter shall divide the city into use districts and establish regulations governing the uses of land and structures, including the location, construction, and alteration of structures. The regulations are established to protect access to property; to prevent congestion in the public right-of-way; to regulate the density of population; to provide for compatibility of different land uses; to provide for administration of this chapter; to provide for amendments; to prescribe penalties for violation of the regulations; and to define powers and duties of the Board of Adjustment and Appeals (City Council), the Zoning Committee, and the City Council in relation to the zoning ordinance.
(Ord. 170, § 1.02, passed 5-6-2002)

§ 152.003 RULES.

(A) Generally. Unless the context otherwise dictates, the following rules of interpretation shall apply.

(B) Specifically.

(1) The singular number includes the plural, and the plural the singular.

(2) The present tense includes the past and the future tenses, and the future tense includes the present.

(3) The word “shall” is mandatory, while the word “may” is permissive.

(4) The masculine gender includes the feminine and the neuter.

(5) All measured distances shall be the nearest integral foot. If a fraction is 1/2 foot or less, the integral foot next below shall be taken.
(Ord. 170, § 1.03, passed 5-6-2002)

§ 152.004 APPLICATIONS AND INTERPRETATION.

(A) The provisions of this chapter shall be held to be the minimum requirements for the promotion of public health, safety, and welfare.

(B) Where the requirement imposed by any provisions of this chapter is either more or less restrictive than a comparable requirement imposed by any law, ordinance, statute, resolution, or regulation of any kind, the regulation which is more restrictive or which imposes higher standards or requirements shall prevail.

(C) 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 the provisions of this chapter.
§ 152.005 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABUTTING, ABUT. To have a common border, including parcels separated by right-of-way, alley, or easement.

ACCESS DRIVEWAY. The area between the traveled portion of a roadway and a parking lot used by motor vehicles for access to and from the parking lot.

ACCESSORY STRUCTURE. A subordinate structure located on the same lot as the principle structure, the use of which is incidental and accessory to that of the principal structure.

ACCESSORY USE. A use incidental to, and on the same lot as, a principal use.

AGRICULTURE. A use of land, which includes farming, dairying, pasturage, agriculture, horticulture, viticulture, and animal and poultry husbandry.

ALLEY. A public or private way permanently reserved as a secondary means of access to property.

ANCHORING EQUIPMENT. This term means bolts, straps, cables, turnbuckles, and chains, including tensioning devices, which are used with ties to secure a structure to a foundation system.

ANCHORING SYSTEM. Any method used for securing a structure to a foundation system.

ANTENNA. (See also SATELLITE DISH ANTENNA.) A wire or set of wires used in transmitting and receiving electromagnetic waves and including the supporting structure; includes, but is not limited to, amateur radio antennas, television antennas, and satellite dishes.

BASEMENT. The portion of a building that is partly or completely below grade.

BEDROOM. A room in a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

BILDERBOARD. A structure upon which a sign is located which directs attention to a business commodity, service, or entertainment, which is located or provided elsewhere than upon the premises where the structure is located.

BUFFER AREA. A strip of land established to protect 1 type of land use from another land use. Normally, the area is landscaped and kept in open space use.

BUILDABLE PORTION OF A LOT. The portion of a lot other than required yard setback areas upon which the principal building may be located under the terms of this chapter.

BUILDING. Any structure, designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

BUILDING HEIGHT. The vertical distance measured from the adjoining curb grade to the highest point of the roof surface if a flat roof, to the deck-line of a mansard roof, and to the mean height
level between eaves and ridges for a gable, hip, or gambrel roof; provided that where a building is set back from the street line, the height of the building shall be measured from the average elevation of the finished surface of the ground adjacent to the exterior walls of the building.

**CITY CLERK/TREASURER.** This term and term usage shall include the City Clerk/Treasurer and/or appointed officials or representatives of the city where it is deemed appropriate, including, but not limited to, the following: Zoning Administrator, City Engineer, or Building Official.

**COMMERCIAL USE.** An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

**CONDITIONAL USE.** A use that, owing to some special characteristics attendant to its operation or installation (for example, potential danger, smoke, or noise), is permitted in a district subject to approval by the City Council, and subject to special requirements for the district in which the conditional use may be located.

**CONVENTIONAL CONSTRUCTION.** Essentially all construction of the structure is accomplished on the building site and is construed to be permanently placed.

**COUNCIL.** The City Council of the City of Morristown, Minnesota.

**CUL-DE-SAC.** A local street, 1 end of which is closed and consists of a circular turn around.

**DAY CARE FACILITY.**

(1) **FAMILY CHILD CARE HOME.** A private residence where care, protection, and supervision are provided, for a fee, at least twice a week to no more than 6 children at 1 time, including children of the adult provider.

(2) **GROUP CHILD CARE CENTER, CLASS 1.** A building or structure where care, protection, and supervision are provided, on a regular schedule, at least twice a week to at least 7 and no more than 12 children, including children of the adult provider.

(3) **GROUP CHILD CARE CENTER, CLASS 2.** A building or structure where care, protection, and supervision are provided on a regular schedule, at least twice a week to more than 12 children, including children of the adult provider.

**DECK.** Horizontal, unenclosed platform, greater than 50 square feet in size, 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 grade.

**DISTRICT.** See ZONE.

**DWELLING, MULTIPLE.** A residence designed for or occupied by 3 or more families, with separate housekeeping and cooking facilities for each.

**DWELLING, SINGLE-FAMILY.** A residential building containing not more than 1 dwelling unit entirely surrounded by open space on the same lot.
**DWELLING, SINGLE-FAMILY ATTACHED.** A building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings.

**DWELLING, 2-FAMILY.** A residence designed for 2 families only, with separate housekeeping and cooking facilities for each.

**DWELLING UNIT.** A room or group of rooms forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating purposes.

**FAMILY.** One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless a majority of the members are related by blood or marriage, no such family shall contain over 5 persons.

**FEEDLOT.** Any tract of land or structure, pen, or corral, wherein cattle, horses, sheep, goats, swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

**FLOOD PLAIN.** Flood plain or flood-prone area means any land area susceptible to being inundated by water from any source.

**FLOODWAY.** The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than 1 foot at any point.

**FLOODWAY FRINGE.** All that land in the flood plain not lying within a delineated floodway. Land within a **FLOODWAY FRINGE** is subject to inundation by relatively low velocity flows and shallow water depths.

**FLOOR AREA, GROSS.** The total gross floor area on all floors as measured to the outside surfaces of exterior walls, excluding crawl spaces, garages, car ports, breezeways, attics, open porches, balconies, and terraces.

**FRONTAGE.** The straight line distance between the intersection of the side lot lines and the front lot line.

**GARAGE, PRIVATE.** A building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial nature.

**GARAGE, REPAIR.** A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, painting, and body work.

**GAS STATION.** See **SERVICE STATION.**
GLARE. A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance.

GRADE. The average of the finished ground level at the center of all walls of a building.

HARD SURFACED. A descriptive term used in conjunction with a surface feature or improvement required to be made to a lot and meaning the use of concrete or bituminous material.

HEIGHT. See BUILDING HEIGHT.

HOME OCCUPATION. An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit.

INOPERABLE VEHICLE. Any vehicle designed for transportation or any other use on public rights-of-way and not in running condition either temporarily or permanently, or any such vehicle which does not meet all vehicle requirements for operation on public rights-of-way set forth by M.S. Ch. 169, as it may be amended from time to time. INOPERABLE VEHICLES would include, but not be limited to, inoperable implements of husbandry, vehicles lacking wheels, lighting, brakes, wheel coverings, bumpers, windshields, or horns.

INSTITUTION. A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

JUNK YARD. A parcel of land in an R-1 Zoning District on which 2 or more motor vehicles not in running condition, or parts thereof are stored in the open, in a fenced area, or in a partially enclosed building, or, a parcel of land in any other zoning district on which 4 or more motor vehicles not in running condition, or parts thereof are stored in the open, in a fenced area, or in a partially enclosed building. Also, any parcel of land which is used for wrecking or storing of the motor vehicles or farm machinery, or parts thereof, are stored in the open, and including an open area where waste, scrap metal, used building materials, paper, rags or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled.

LANDING. 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 grade, with an area no larger than 50 square feet.

LOT. A platted parcel of land intended to be separately owned.

LOT, AREA. The area of horizontal plane bounded by the vertical planes through front, side, and rear lot lines.

LOT, CORNER. A lot abutting on and at the intersection of 2 or more streets.

LOT DEPTH. The average horizontal distance between the front and rear lot lines.
LOT, FLAG. Lots or parcels that the city has approved with less frontage on a public street than is normally required.

LOT, INTERIOR. An interior lot is a lot other than a corner lot.

LOT LINE. A line dividing 1 lot from another or from a street or alley.

LOT LINE, FRONT. On an interior lot, the lot line abutting a street; or, on a corner lot, the lot line(s) abutting a street(s); or, on a through lot, the lot lines abutting a street(s).

LOT LINE, REAR. The rear property line of a lot is that lot line opposite the front property line. A lot bounded by only 3 lot lines will not have a rear lot line.

LOT LINE, SIDE. Any boundary of a lot that is not a front or rear lot line.

LOT OF RECORD. (See also LOT.) A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Rice County, Minnesota, or a parcel of land described by metes and bounds, the description of which has been recorded in the office of the County Recorder of the county.

LOT, THROUGH. A lot that has a pair of opposite lot lines along 2 substantially parallel streets, and which is not a corner lot. On a through lot, both street lot lines shall be deemed front lot line.

LOT WIDTH. The horizontal distance between side lot lines, measured at the required front setback line. In the case of a lot fronting a curvilinear street or cul-de-sac or otherwise irregular in shape or size, the width shall be determined be measuring the horizontal distance from the side lot lines measured at the front yard setback line.

MANUFACTURED HOME. A structure, transportable in 1 or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 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 system contained therein; except that the term includes any structure which meets all the requirement and with respect to which the manufacturer file a certification required by the secretary of the U.S. Department of Housing and Urban Development and complies with the standard established under M.S. Ch. 327, as it may be amended from time to time.

MANUFACTURED HOME PARK. Any site, lot, field, or tract of land upon which 2 or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of the manufactured home park.

MANUFACTURED HOME SITE. The part of an individual lot or space within a manufactured home park designed for the placement of 1 manufactured home.
MOBILE HOME. A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standard Act of 1974, being U.S.C. §§ 5401 et seq., which became effective 6-15-1976.

NONCONFORMING BUILDING. Any building that does not meet the requirements for the building size and location on a lot, for the district in which the building is located, or for the use to which the building is being put.

NONCONFORMING LOT. A lot, which at the time it was initially created or defined, was not in violation of any law or regulation, but which fails to conform to the requirements of this chapter.

NONCONFORMING USE. A lawful use of land that does not comply with the use regulations for its zoning district, but which complied with applicable regulations at the time the use was established.

OPEN SPACE. Land use for recreation, resource protection, amenity, and/or buffers. In no event shall any area of a lot constituting neither the minimum lot area nor any part of an existing or future road or right-of-way be counted as constituting open space.

PARK. An area open to the general public reserved for recreational, educational, cultural, or aesthetic purposes.

PARK MANAGEMENT. The person who owns or has charge, care, or control of the manufactured home park.

PARK STREET. A private way that affords principal means of access to individual manufactured home lots or auxiliary buildings.

PARKING LOT. An area not within a building where motor vehicles may be parked hourly, daily, or overnight off-street parking.

PERFORMANCE GUARANTEE. A financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be completed in compliance with the ordinance, regulations, and approved plans and specifications of a development.

PERMIT (ZONING PERMIT). A written permit or certification issued by the City Council, City Clerk/Treasurer, or Zoning Administrator permitting the construction, alteration, and extension of any permanent structure.

PERSON. The use of this term includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

PRINCIPAL BUILDING. A building in which the principle use of the lot on which the building is located is conducted.
**PRINCIPAL USE.** The main use of land or structures, as distinguished from a secondary or accessory use.

**RECREATIONAL VEHICLE.**

(1) Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses;

(2) Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation;

(3) Any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and

(4) Any folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

**RIGHT-OF-WAY.** A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

**ROAD, HARD SURFACED.** Paved with asphalt, concrete, or portland cement concrete.

**ROAD, PRIVATE.** A way open to vehicular ingress and egress established as a separate tract for the benefit of certain, adjacent properties. This definition shall not apply to driveways.

**ROAD, PUBLIC.** All public property reserved or dedicated for street traffic.

**SATELLITE DISH ANTENNA.** A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. The device shall be used to transmit and/or receive radio or electromagnetic wave between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

**SERVICE STATION.** Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tuneup, lubrication, minor repairs, and carburetor cleaning are conducted. **SERVICE STATIONS** shall not include premises where automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

**SETBACK.** The minimum horizontal distance between the lot or property line and the nearest front, side, or rear line of the building (as the case may be), including any covered projection thereof, excluding steps.

**SIGN.** A structure or device designed or intended to convey information to the public or written or pictorial form. A **SIGN** includes, but is not limited to, any and all reading matter, letters, numerals,
pictorial representations, emblems, trademarks, flags, banners, streamers, pennants, inscriptions and patterns, whether affixed to a building, painted or otherwise depicted on a building, or separated from any building, and shall include window signs.

**SIGN, AWNING, CANOPY, OR MARQUEE.** A sign painted, stamped, perforated, or stitched, or otherwise applied on the valance of an awning. Also included are, illuminated architectural canopy signs (backlit awning), which are enclosed, illuminated structures that are attached to the wall of a building with the face of the sign approximately parallel to the wall and with the message integrated into the face.

**SIGN, BILLBOARD, OR POSTER PANEL.** A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at location other than where the sign is located.

**SIGN, BUSINESS.** A sign that identifies the business, project, profession, service, or activity conducted, sold, or offered upon the premises where the sign is located.

**SIGN, FLASHING.** Any sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off. Illuminated signs that indicated the time, temperature, weather, or similar public service information shall not be considered flashing signs.

**SIGN, FREESTANDING (PYLON).** A sign erected on free standing shafts, posts, walls, or piers which are solidly affixed to the ground and not attached to a building. In addition, the term **SIGN PYLON** shall also mean a sign inflated or otherwise suspended or anchored to mooring lines or cables solidly affixed to the ground or attached to a building. A **PYLON SIGN** shall be considered as 1 sign, though it may have 2 faces. So long as the faces are parallel to each other and are not separated by more than 20 inches.

**SIGN, ILLUMINATED.** A sign illuminated in any manner by an artificial light source.

**SIGN, INDIRECTLY ILLUMINATED.** A sign illuminated by an external artificial light source, in such a manner that no direct rays of light are projected from the source into residence districts or public streets.

**SIGN, NAMEPLATE.** A sign that states the name and address, or both, of the occupant of the lot where the sign is located.

**SIGN, PORTABLE.** A sign so designed as to be moveable from 1 location to another, and which is not permanently attached to the ground, sales display device or structure.

**SIGN, PROJECTING.** Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure, including a canopy/marquees sign.
SIGN, ROOF. Any sign erected upon, against, or directly above a roof or roof eave, or on top or above the parapet, or on a functional architectural appendage above the roof or roof eave.

SIGN, SURFACE AREA OF. The entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border. Curved, spherical, or any other shaped sign face be computed on the basis of actual surface area. The copy of signs composed individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of the letter or devices. The calculation for a double-faced sign shall be the area of 1 face only. Double-faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and not more than 24 inches apart.

SIGN, TEMPORARY. Any sign that is erected or displayed for a special period of time, and not of a permanent nature.

SIGN, WALL. A sign which is attached to the wall of a building with the face in a plane parallel to the wall, and not extending more than 18 inches from the face of the wall.

SIGN, WINDOW. A sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between the floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over 6 feet above the average level of the finished ground surface adjoining the exterior walls of the story, or if it is used for business or dwelling purposes.

STREET. A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

STREET, IMPROVED PUBLIC. A local street or road under the jurisdiction of the city, township, county, or state which is maintained so as to allow normal vehicular access to adjacent properties.

STREET LINE. The right-of-way line of a street.

STRUCTURAL ALTERATIONS. Any change in the supporting member of a structure, such as bearing walls, partitions, columns, beams, or girders, or any substantial change in the roof or any exterior walls.

STRUCTURE. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including, but not limited to, buildings, mobile homes, walls, fences, billboards, and poster panels.

SUBDIVIDE. To divide a lot of record if any lot resulting from the division is less than 2-1/2 acres in area.
**SUBDIVISION.** Any division of land creating new public rights-of-way shall be deemed a **SUBDIVISION.**

**SWIMMING POOL, OUTDOORS.** Any structure, basin, chamber, or tank containing an artificial body of water for swimming, diving, or recreational bathing and having a depth of more than 24 inches at any point and a surface area exceeding 150 square feet.

**TEMPORARY USE.** A use allowed only by permit authorized by the City Council for a limited time period.

**VARIANCE.** A relaxation by the Zoning Administrator and/or the Planning Commission of the dimensional regulations of the code where the action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this code would result in unnecessary and undue hardship.

**YARD.** Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or the projections as are expressly permitted in these regulations.

(Ord. 170, § 1.06, passed 5-6-2002)

§ 152.006 EFFECTIVE DATE.

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

(Ord. 170, § 18, passed 5-6-2002)

**NONCONFORMING USES OF LAND AND STRUCTURES**

§ 152.020 NONCONFORMING USES OF LAND.

(A) Generally. Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, the use may be continued so long as it remains otherwise lawful, subject to the following provisions.

(B) Specifically.

(1) No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied to the effective date of adoption or amendment of this chapter.

(2) No nonconforming use shall be moved in whole, or in part, to any other portion of the lot or parcel occupied by the use at the effective date of adoption or amendment of this chapter.
(3) If any such nonconforming use of land is voluntarily discontinued for 90 days or more, any subsequent use of the land shall conform to the regulations specified by this chapter for the district in which the land is located.

(Ord. 170, § 2.01, passed 5-6-2002; Am. Ord. passed 2-7-2005) Penalty, see § 10.99

§ 152.021 NONCONFORMING STRUCTURES OR BUILDINGS.

(A) Generally. Where lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, height, yard, or other characteristics of the structure or its location on the lot, the structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

(B) Specifically.

(1) No nonconforming structure may be enlarged or altered in a way which increases its nonconformity.

(2) Should the structure be damaged by any means to an extent of more than 50% of its replacement cost at time of destruction, any reconstruction work on nonconforming structures must occur within the existing footprint of the structure, or if enlarged, must occur in a manner that does not increase its nonconformity, the work must be completed within 12 months of sustaining the damage, the reconstruction efforts must be of like or similar materials, or the architectural design and building materials be approved by the Planning Commission.

(3) Should the structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(4) A lawful nonconforming building or structure which is the principal use of a parcel or lot and nonconforming by reason of the setbacks required by this chapter may be increased in size or bulk provided the following:

(a) The addition or alteration does not infringe upon established building lines, setbacks or any building requirements which were established when the building or structure was declared a legal nonconformity; and/or

(b) That the additions or alterations attached to the structure or building since being declared a legal nonconformity must not exceed 50% of the bulk of the building or 50% of its fair market value, as determined by the County Assessor and City Clerk/Treasurer whichever is more.

(5) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use, provided that the Zoning Committee, in
conformance with the procedures established in §§ 152.280 et seq., either by proposing a general rule change or by making recommendations 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 recommending a change, the Zoning Committee may require appropriate conditions and safeguards in accordance with the provisions of this chapter.

(Ord. 170, § 2.02, passed 5-6-2002) Penalty, see § 10.99

§ 152.022 DISCONTINUANCE OF USE.

When a nonconforming use of a structure, or structure and premises in combination, is voluntarily discontinued for 1 year or more, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

(Ord. 170, § 2.03, passed 5-6-2002) Penalty, see § 10.99

§ 152.023 CONSTRUCTION ON NONCONFORMING LOTS OF RECORD.

(A) Lots of record in the office of the County Recorder and dated prior to May 6, 2002, that do not meet the lot size requirements of this chapter may be allowed as building sites; provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and setback requirements of this chapter are met.

(B) If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the lot size requirements of the zoning district within which it falls, it must not be considered as a separate parcel of land for the purpose of sale or development. The lot must be combined with one or more contiguous lots so they equal one or more conforming lots.

(Ord. passed 2-7-2005) Penalty, see § 10.99

GENERAL PROVISIONS

§ 152.035 APPLICATION OF DISTRICT REGULATIONS.

(A) The regulations provided by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land use.

(B) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, converted, enlarged, constructed, moved, or structurally altered

2008 S-1
unless in conformity with all of the regulations herein specified for the district in which it is located, or unless otherwise exempted.

(C) No building or other structure shall hereafter be erected or altered:

(1) In excess of the height requirements herein established;

(2) With lot area, ground floor area, or total floor area less than the minimum;

(3) To accommodate or house a number of families in excess of that allowed; and/or

(4) To provide for rear, side, or front yard setback areas, or other open spaces with less than the minimum dimensions herein required, or in any other manner contrary to the provisions of this chapter.

(D) No part of a yard setback area, open space, or off-street parking or loading space required for 1 use for the purpose of complying with this chapter, shall be included as part of a yard setback area, open space, or off-street parking or loading space required for any other use or building.

(E) No yard setback area or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yard setback areas or lots created
after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
(Ord. 170, § 3.01, passed 5-6-2002) Penalty, see § 10.99

§ 152.036 LOT WIDTH AND LOT DEPTH.

(A) The required lot width as established in each zoning district shall be found by measuring the horizontal distance between the side lot lines, measured at the front yard setback line.

(B) In the case of a lot fronting a curvilinear street or cul-de-sac or otherwise irregular in shape or size, the width shall be determined by measuring the horizontal distance from the side lot lines measured at the front yard setback line.

(C) The required lot depth as established in each zoning district within this chapter shall be found by measuring the shortest horizontal distance between the front lot line and the rear lot line measured from a 90-degree angle from the street right-of-way within the lot boundaries.
(Ord. 170, § 3.02, passed 5-6-2002)

§ 152.037 USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS.

Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In that case, the City Council, the Zoning Committee, or a property owner may request a study by the city to determine if the use is acceptable and if so what zoning district would be most appropriate and the determination as to conditions and standards relating to the development of the use. The City Council and/or the Zoning Committee may initiate an amendment to the zoning ordinance to provide for the particular use under consideration or may find that the use is not compatible for development within the city.
(Ord. 170, § 3.03, passed 5-6-2002)

ZONING MAP

§ 152.050 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, are hereby adopted by reference and declared to be a part of this chapter. A copy of this zoning map is on file for public inspection in the city offices.
(Ord. 170, § 4.01, passed 5-6-2002)
§ 152.051 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

(A) Generally. Where uncertainty exists as to the boundaries of districts as shown on the official zoning maps, the following rules shall apply.

(B) Specifically.

(1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow the centerlines.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.

(3) Boundaries indicated as approximately following city limits shall be construed as following city limits.

(4) Boundaries indicated as following shore lines shall be construed to follow the shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow the centerlines.

(5) Where physical or cultural features existing on the ground are at variance with this shown on the official zoning maps, the Zoning Committee shall interpret the district boundaries.

(Ord. 170, § 4.02, passed 5-6-2002)

§ 152.052 ANNEXED PROPERTY.

All territory that may hereafter be annexed to the city shall be considered zoned in the same manner as the contiguous territory inside the previous city limits until otherwise classified and indicated as such on the Zoning Map.

(Ord. 170, § 4.03, passed 5-6-2002)

A AGRICULTURAL DISTRICT

§ 152.065 PURPOSE.

The A Agricultural District is intended to establish a district that is best suited for the transition from rural agricultural uses to urban uses. This district is designed for the protection of both urban and rural uses by controlling excessive and wasteful scattering of population and by holding land for eventual urban development until the time as adequate municipal facilities are available.

(Ord. 170, § 5.01, passed 5-6-2002)
§ 152.066 DWELLING RESTRICTIONS.

(A) No basement, cellar, garage, tent, or accessory building shall, at any time, be used as an independent residence or dwelling unit.

(B) All structures used for residential occupancy shall have a minimum width of 24 feet on its narrowest dimension and shall be affixed to a permanent foundation constructed of continuous poured footings. The house must sit directly on a continuous foundation wall that extends to a minimum depth of 42 inches to clay or granular fill.

(Ord. 170, § 5.02, passed 5-6-2002) Penalty, see § 10.99

§ 152.067 CONSTRUCTION ON LOTS OF RECORD.

A principal use or building may be erected on any lot which has been approved and recorded prior to the effective date of this chapter regardless of its area or width, provided all other applicable requirements of this chapter are satisfied, and provided that the developer or property owner does not own any adjoining land on the date of adoption of this chapter.

(Ord. 170, § 5.03, passed 5-6-2002) Penalty, see § 10.99

§ 152.068 REQUIRED STREET FRONTAGE FOR DEVELOPABLE LOTS.

All lots used for the purpose of conducting or erecting a principal use and building shall have frontage on an improved public street.

(Ord. 170, § 5.04, passed 5-6-2002) Penalty, see § 10.99

§ 152.069 LOT DESIGN STANDARDS.

(A) Lot area. Every lot on which a single-family dwelling is erected shall contain an area of not less than 8,600 square feet.

(B) Lot width. Every lot shall have a minimum width at the building setback line of 80 feet.

(C) Yard requirements.

(1) Front yard. There shall be a minimum front yard of 20 feet from the property line. In the event the building is located on a lot at the intersection of 2 or more roads, the lot shall have a front yard abutting each such road.

(2) Side yard. Every building, except buildings on corner lots, shall have 2 side yards. Each side yard shall have a width of not less than 10 feet.
(3) **Rear yard.** There shall be a minimum rear yard of 25 feet.  
(Ord. 170, § 5.05, passed 5-6-2002) Penalty, see § 10.99

§ 152.070 **HEIGHT REGULATIONS.**

(A) No permitted or conditionally permitted building shall be erected or enlarged to exceed 30 feet in height.

(B) No building used as a part of an operational farm is subject to height regulations, with the exception of increased setback requirements. For each foot in height exceeding 30 feet, an agricultural building shall be setback from property lines and road rights-of-way an additional foot beyond the minimum standards established in the yard setback requirements stated above.

(C) Building height limitations shall be determined by measuring the vertical distance from the average elevation of the finished lot grade at the front of the building to the highest point of the coping of the flat roof, or the deck line of a mansard roof or to the average height between the plate and ridge of a gable, hip or gambrel roof.

(D) The building height limits established above shall apply to all structures except the following: belfries, chimneys or flues, church spires, cooling towers, cupolas and domes which do not contain useable space, flag poles, monuments, parapet walls extending not more than 3 feet above the limiting height of the building, water towers, poles, towers, and other structures for essential services, necessary mechanical and electrical appurtenances, television antennas not exceeding 20 feet.  
(Ord. 170, § 5.06, passed 5-6-2002) Penalty, see § 10.99

§ 152.071 **GENERAL REGULATIONS.**

Off-street parking, signage, and other requirements that may apply to uses are set forth in §§ 152.205 et seq.  
(Ord. 170, § 5.07, passed 5-6-2002)

§ 152.072 **PERMITTED USES.**

(A) **Generally.** The following uses shall be permitted within the Agricultural District.

(B) **Specifically.**

(1) Any single-family dwelling;

(2) Any agricultural use, including farm building, nursery, greenhouse; except that any feedlot shall be prohibited; and
(3) Any utility facility necessary for local service.
(Ord. 170, § 5.08, passed 5-6-2002) Penalty, see § 10.99

§ 152.073 PERMITTED ACCESSORY USES.

(A) Generally. Any accessory building or use in association with any permitted or conditional use;

(B) Residential accessory use design standards.

(1) Two residential accessory buildings or structures are allowed per residential lot. The size of 1 accessory structure shall not exceed 1,344 square feet in size. The size of the second accessory structure shall not exceed 160 square feet in size.

(2) No detached residential accessory building or structure shall be erected or located within any required yard other than a rear yard. The accessory building or structure shall not exceed 1 story over 24 feet in height, nor exceed a wall height of 14 feet.

(3) Accessory buildings and structures shall be located not less than 10 feet from another building on the same lot (on corner lots accessory structures shall be located no closer than 25 from the side street line.

(4) All garages shall, if the vehicle entrance and driveway is located perpendicular to a public alley, be set back at least 20 feet from the public right-of-way.

(5) The large or primary accessory structure shall be constructed upon a totally concrete slab or floating foundation (Minnesota State Building Code). The second or smaller accessory structure does not need to be constructed on a concrete slab or floating foundation, if some type of constructed floor component is included with the structure. However, this type of accessory structure does need to be anchored to the ground in a manner acceptable to the Zoning Administrator.

(6) Each parcel, lot, or tract zoned for residential use shall be limited to having 2 detached accessory structures, with no more than 1 in excess of 160 square feet.

(C) Farming accessory uses. For all property owners in the Agricultural District on parcels of land containing 5 or more acres, and who are actively engaged in the farming profession, the standards specified above for the number and size of accessory structures do not apply. However, if the owner and/or the farm site ceases to be the location on which the farming profession is conducted, any accessory structure not conforming to the standards specified above becomes nonconforming and is therefore subject to all nonconforming structure requirements specified in this chapter.
(Ord. 170, § 5.09, passed 5-6-2002; Am. Ord. passed 2-7-2005) Penalty, see § 10.99

2008 S-1

§ 152.074 CONDITIONAL USES.

Within the Agricultural District, no structure or land shall be used for the following uses or uses deemed similar by the City Council without obtaining a conditional use permit according to the provisions of §§ 152.240 et seq.:
(A) Any public or private school;

(B) Any park, playground, or community building;

(C) Any cemetery or mausoleum;

(D) Any church;

(E) Any government building;

(F) Any child care center (day care) for pre-school children;

(G) Any roadside structure for the sale of agricultural products;

(H) Any (public only) airport or landing field;

(I) Any outdoor commercial, recreational, or amusement development for temporary or seasonal periods only. Provided that not more than 5% of the land area of the site be covered by buildings and structures;

(J) Any development of natural resources, including the extraction of sand, gravel, fill dirt, topsoil, or stone;

(K) Gun club, country club, or private or semi-private golf course or similar recreation club or organization;

(L) Any radio or television broadcasting tower or station;

(M) Any commercial riding stables, dog kennels, and similar uses;

(N) Any 2-family dwelling or multi-family dwelling; and

(O) The relocation and/or placement of dwellings that have been occupied in a previous location.

(Ord. 170, § 5.10, passed 5-6-2002) Penalty, see § 10.99

2008 S-1

Zoning Code 88A

§ 152.075 ZONING PERMITS REQUIRED.

(A) No building or structure shall be erected, reconstructed, moved, or structurally altered to increase the exterior dimensions, height, or floor area; or remodeled to increase the number of dwellings or to accommodate a change in use of the building and/or premises, or any part thereof, without first securing a zoning permit to be issued by the City Clerk/Treasurer or Zoning Administrator, depending upon the type of permit needed.

(B) No zoning permits are required for the construction and/or placement of gazebos, trellises, playhouses, kennels, hot tubs, swing sets, arbors, and inflatable swimming pools.

(Ord. 170, § 5.11, passed 5-6-2002; Am. Ord. passed 2-7-2005) Penalty, see § 10.99

Cross-reference:
For agricultural use standards in the Shoreland Overlay District, see § 152.356
§ 152.090 PURPOSE.

The R-1 Residential District is intended to establish a district which will define and protect an area suitable for low to high density residential developments as the principal use of the land and to allow related facilities desirable for a residential environment. Single-family dwellings are the primary residential use; however, multi-family dwelling structures may be allowed subject to the special provisions of this chapter.

(Ord. 170, § 6.01, passed 5-6-2002)

§ 152.091 DWELLING RESTRICTIONS.

(A) No basement, cellar, garage, tent, or accessory building shall, at any time, be used as an independent residence or dwelling unit.

(B) No more than 1 principal building shall be located on a lot in the R-1 District.

(C) All structures used for residential occupancy shall have a minimum width of 24 feet on its narrowest dimension and shall be affixed to a permanent foundation constructed of continuous poured footings. The house must sit directly on a continuous foundation wall that extends to a minimum depth of 42 inches to clay or granular fill.

(D) For all principal buildings in the R-1 Residential District, exterior building materials shall be of a durable, maintainable material that is in keeping with the character of the existing residential area. Materials such as unfinished concrete or concrete block may compose up to 3 feet of the exterior perimeter of the structure, as measured from the ground vertically, and up to 25% of the remaining outer surface area of the structure not visible from a public right-of-way. Siding materials such as corrugated or sheet metal, unpainted wood composite materials, tile panels and reflective materials, but not glass, are prohibited. These provisions shall not apply to metal tool sheds used as accessory buildings only, located only in the rear yard portion of a lot, and not exceeding 120 square feet in area.

(Ord. 170, § 6.02, passed 5-6-2002) Penalty, see § 10.99

§ 152.092 CONSTRUCTION ON LOTS OF RECORD.

A principal use or building may be erected on any lot which has been approved and recorded prior to the effective date of this chapter regardless of its area or width, provided all other applicable requirements of this chapter are satisfied, and provided the developer or property owner does not own any adjoining land on the date of adoption of this chapter, in which case, the developer or owner will
be required to combine adjacent lots to form new and conforming lots prior to the city issuing zoning permits or any other requested permit.
(Ord. 170, § 6.03, passed 5-6-2002) Penalty, see § 10.99

§ 152.093 REQUIRED STREET FRONTAGE FOR DEVELOPABLE LOTS.

All lots used for the purpose of conducting or erecting a principal use and building shall have frontage on an improved public street.
(Ord. 170, § 6.04, passed 5-6-2002) Penalty, see § 10.99

§ 152.094 LOT DESIGN STANDARDS.

(A) Generally. No building shall be erected or enlarged unless the following minimum requirements are met.

(B) Lot area.

(1) Every lot on which a single-family dwelling is erected shall contain an area of not less than 7,000 square feet.

(2) Every lot on which a 2-family dwelling is erected shall contain an area of not less than 9,000 square feet.

(3) Every lot on which a multi-family dwelling is erected shall contain 2,000 square feet minimum per 1 bedroom dwelling units, plus 500 square feet of area for each additional bedroom within the dwelling unit.

(4) For uses other than residential, the lot area shall be adequate to meet the setback, yard, and other applicable requirements of this chapter.

(C) Lot width. Every lot on which a single-family dwelling is erected shall have a minimum width at the building setback line of 80 feet.

(D) Yard requirements.

(1) Front yard.

(a) There shall be a minimum front yard of 20 feet from the property line. In the event the building is located on a lot at the intersection of 2 or more roads, the lot shall have a front yard abutting each such road provided this does not reduce the buildable width of less than 30 feet.

(b) Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If
there is only 1 adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure.

(2) **Side yard.**

(a) Every building, except buildings on corner lots, shall have 2 side yards. Each side yard shall have a width of not less than 10 feet from the property line.

(b) On corner lots, the "side yard" on the street side shall be the same as the front yard on the reverse interior lots on that street provided this does not reduce the buildable width to less than 30 feet.

(3) **Rear yard.**

(a) There shall be a minimum rear yard of 25 feet from the property line to the nearest foundation point of the principle structure. Accessory structures may be located a minimum of 5 feet from property lines within the rear yard.

(b) On corner lots, the rear yard shall meet the same requirements as interior lots. Accessory structures in the rear yards must be located a minimum of 20 feet from a side street line and at least 5 feet from the rear property line.

(Ord. 170, § 6.05, passed 5-6-2002) Penalty, see § 10.99

§ 152.095 SETBACK EXCEPTIONS.

(A) On a through lot (a lot fronting on 2 parallel streets), both street lot lines shall be front lot lines for applying yard and parking requirements of this chapter.

(B) Front yard encroachments allowed:

(1) Into any required front yard, required side or required rear yard, cornices, canopies, and eaves may project a distance not exceeding 3 feet. Fire escapes, uncovered stairs and necessary landings, bay windows, balconies, uncovered decks, walkways, or chimneys may project into any required front yard, required side yard or required rear yard a distance not to exceed 4 feet; and

(2) Vestibules, greenhouses, and active solar energy systems attached to the structure to achieve energy conservation are permitted to extend from the building into any required front, rear, or side yard a distance of not more than 4 feet.

(Ord. 170, § 6.06, passed 5-6-2002) Penalty, see § 10.99
§ 152.096 HEIGHT REGULATIONS.

(A) No permitted or conditionally permitted building shall be erected or enlarged to exceed 30 feet in height.

(B) Building height limitations shall be determined by measuring the vertical distance from the average elevation of the finished lot grade at the front of the building to the highest point of the coping of the flat roof, or the deck line of a mansard roof or to the average height between the plate and ridge of a gable, hip, or gambrel roof.

(C) The building height limits established above shall apply to all structures except the following: belfries, chimneys or flues, church spires, cooling towers, cupolas and domes which do not contain useable space, flag poles, monuments, parapet walls extending not more than 3 feet above the limiting height of the building, water towers, poles, towers, and other structures for essential services, necessary mechanical and electrical appurtenances, television antennas not exceeding 20 feet.

(Ord. 170, § 6.07, passed 5-6-2002) Penalty, see § 10.99

§ 152.097 ACCESS DRIVES.

(A) For single-family residential uses:

(1) One driveway access to an improved public street is allowed per single-family residential lot. A second driveway access may be allowed into a single-family residential lot, but will require securing a conditional use permit;

(2) All vehicle driveways shall be paved with concrete or bituminous materials;

(3) A residential access drive must not exceed 20 feet in width at the point it intersects with the right-of-way line, except that a driveway that provides access to a 3-car garage may have a driveway width up to 30 feet at the right-of-way line;

(4) A curb cut for the access drive must not exceed the width of the driveway at the property line by more than 6 feet; and

(5) Access drives may not be placed closer than 5 feet to any side or rear lot line.

(B) For duplexes or twin homes (2 dwelling units):

(1) One driveway access to an improved public street is allowed per dwelling unit;

(2) All vehicle driveways shall be paved with concrete or bituminous materials;
(3) The access drive must not exceed 20 feet in width at the point it intersects with the right-of-way line, except that a driveway that provides access to a 3-car garage may have a driveway width up to 30 feet at the right-of-way line;

(4) A curb cut for the access drive must not exceed the width of the driveway at the property line by more than 6 feet; and

(5) Access drives may not be placed closer than 5 feet to any side or rear lot line.

(C) For all other uses, such as multiple-family units (more than 2 dwelling units) or nonresidential uses, consult with the Zoning Committee.

(Ord. 170, § 6.08, passed 5-6-2002) Penalty, see § 10.99

§ 152.098 GENERAL REGULATIONS.

Off-street parking and loading requirements are set forth in §§ 152.216 and 152.217. Signage and other requirements are set forth in §§ 152.205 et seq.

(Ord. 170, § 6.09, passed 5-6-2002)

§ 152.099 PERMITTED USES.

(A) Generally. The following uses shall be permitted within the R-1 Residential District.

(B) Specifically.

(1) Any single-family dwelling, including the following uses within the structure:

(a) A state-licensed residential facility or as housing with services accommodating up to 6 or fewer persons, both of which must be licensed and registered as specified under M.S. Ch. 144D, as it may be amended from time to time; and

(b) A licensed day care facility for up to 12 or fewer persons and licensed under Minn. Rules, Chapter 9502, as it may be amended from time to time.

(2) Any park, playground, or community building; and

(3) Any utility facility necessary for local service (essential services).

(Ord. 170, § 6.10, passed 5-6-2002) Penalty, see § 10.99
§ 152.100 PERMITTED ACCESSORY USES.

(A) Generally. The following uses shall be permitted accessory uses within any R-1 Residential District:

(1) Any accessory building or use associated with the permitted or conditional uses listed in this section;

(2) The parking of any travel trailer or pleasure boat, provided that only 1 travel trailer not exceeding 32 feet in length shall be permitted. No living quarters shall be maintained and no business or other activity shall be carried on in the travel trailer; and/or

(3) A home occupation subject to the provisions of § 152.205.

(B) Residential accessory use design standards.

(1) Two residential accessory buildings or structures are allowed per residential lot. The size of 1 accessory structure shall not exceed 1,344 square feet in size. The size of the second accessory structure shall not exceed 160 square feet in size.

(2) No detached residential accessory building or structure shall be erected or located within the front or side yard setback area, but may be located within the rear yard setback area. The accessory building or structure shall not exceed 1 story over 24 feet in height, nor exceed a wall height of 14 feet.

(3) Accessory buildings and structures shall be located a minimum of 10 feet from another building on the same lot, on corner lots accessory structures shall be setback a minimum of 20 feet from the side street line.

(4) All garages in the R-1 District shall, if the vehicle entrance and driveway is located perpendicular to a public alley, be set back at least 20 feet from the public right-of-way.

(5) The large or primary accessory structure shall be constructed upon a totally concrete slab or floating foundation (Minnesota State Building Code). The second or smaller accessory structure does not need to be constructed on a concrete slab or floating foundation, if some type of constructed floor component is included with the structure. However, this type of accessory structure does need to be anchored to the ground in a manner acceptable to the Zoning Administrator.

(C) All other accessory use standards. Accessory buildings and structures for parking attendants, guard shelters, gate houses, and transformer buildings may be located in the front or side yards not closer than 5 feet from any property line.

(Ord. 170, § 6.11, passed 5-6-2002; Am. Ord. passed 2-7-2005) Penalty, see § 10.99

§ 152.101 CONDITIONAL ACCESSORY USES.

The following accessory uses require applying for and securing a conditional use permit: a second access driveway to a single-family residential lot.

(Ord. 170, § 6.12, passed 5-6-2002)
§ 152.102 CONDITIONAL USES.

(A) Generally. The following uses may be allowed in the R-1 Residential District subject to obtaining a conditional use permit in accordance with the provisions of §§ 152.240 et seq.

(B) Specifically.

(1) Any hospital or institution, provided that any such use shall not occupy more than 25% of the total lot area and shall be set back from all yard lines at least 30 feet;

(2) Radio or television broadcasting tower or station (see § 152.219);

(3) Any 2-family dwelling or multi-family dwelling;

(4) Subdivision of 2-family dwelling or development of a twin home (see § 152.223 for development requirements);

(5) Residential planned unit developments (§ 152.224 for development standards);

(6) Any public or private school;

(7) Any church;

(8) Any cemetery or mausoleum;

(9) Any nursing home;

(10) Any government building;

(11) State-licensed residential facilities serving from 7 to 16 mentally or physically challenged persons, licensed and registered as specified under M.S. Ch. 144D, as it may be amended from time to time, or a state-licensed day care facility serving 13 to 16 children, as regulated under Minn. Rules, Chapter 9502, as it may be amended from time to time; and

(12) The relocation and/or placement of a dwelling that has been occupied in a previous location, and subject to provisions of § 152.221.

(Ord. 170, § 6.13, passed 5-6-2002) Penalty, see § 10.99

§ 152.103 ZONING PERMITS REQUIRED.

(A) No building or structure shall be erected, reconstructed, moved, or structurally altered to increase the exterior dimensions, height, or floor area; or remodel to increase number of dwellings or accommodate a change in use of the building and/or premises or part thereof without first securing a zoning permit to be issued by the City Clerk/Treasurer or Zoning Administrator, depending upon the type of permit needed.

(B) No zoning permits are required for the construction and/or placement of gazebos, trellises, playhouses, kennels, hot tubs, swing sets, arbors, and inflatable swimming pools.

(Ord. 170, § 6.14, passed 5-6-2002; Am. Ord. passed 2-7-2005) Penalty, see § 10.99
§ 152.115 PURPOSE.

The B-1 Highway Commercial District is intended to encourage the concentration of a broad range of commercial establishments, including drive-in business, establishments requiring outdoor display area, and businesses operating with late hours. It is important that businesses in this district provide adequate off-street parking with safe ingress and egress to the adjoining streets. Equally important is the provision of adequate safeguards between business establishments and residential uses when the two are adjoining.

(Ord. 170, § 7.01, passed 5-6-2002)

§ 152.116 CONSTRUCTION ON LOTS OF RECORD.

A principal use or building may be erected on any lot which has been approved and recorded prior to the effective date of this chapter regardless of its area or width, provided all other applicable requirements of this chapter are satisfied, and provided the developer or property owner does not own any adjoining land on the date of adoption of this chapter.

(Ord. 170, § 7.02, passed 5-6-2002) Penalty, see § 10.99

§ 152.117 REQUIRED STREET FRONTAGE FOR DEVELOPABLE LOTS.

All lots used for the purpose of conducting or erecting a principal use and building shall have frontage on an improved public street.

(Ord. 170, § 7.03, passed 5-6-2002) Penalty, see § 10.99

§ 152.118 LOT DESIGN STANDARDS.

(A) Generally. No building shall be erected or enlarged unless the following minimum requirements are met.

(B) Lot area. No minimum lot size is required; however, the lot size shall be adequate to meet the setback, yard, and other requirements of this chapter.

(C) Lot width. There shall be a minimum lot width requirement of 100 feet.
(D) **Yard requirements.**

(1) **Front yard.**

(a) There shall be a minimum front yard of 20 feet from the property line. In the event the building is located on a lot at the intersection of 2 or more roads, the lot shall have a front yard abutting each such road.

(b) On a through lot (a lot fronting on 2 parallel streets), both street lot lines shall be front lot lines for applying yard and parking requirements of this chapter.

(2) **Side yard.** Every building, except buildings on corner lots, shall have 2 side yards. Each side yard shall have a width of not less than 10 feet.

(3) **Rear yard.** There shall be a minimum rear yard of 25 feet.  
(Ord. 170, § 7.04, passed 5-6-2002) Penalty, see § 10.99

§ 152.119 **HEIGHT REGULATIONS.**

(A) No permitted or conditionally permitted building shall be erected or enlarged to exceed 30 feet in height.

(B) The building height limits established above shall apply to all structures except the following: belfries, chimneys or flues, church spires, cooling towers, cupolas and domes which do not contain useable space, flag poles, monuments, parapet walls extending not more than 3 feet above the limiting height of the building, water towers, poles, towers, and other structures for essential services, necessary mechanical and electrical appurtenances, television antennas not exceeding 20 feet.
(Ord. 170, § 7.05, passed 5-6-2002) Penalty, see § 10.99

§ 152.120 **GENERAL REGULATIONS.**

Off-street parking and loading requirements are set forth in §§ 152.205 *et seq.* Signage and other requirements are set forth in §§ 152.205 *et seq.* Screening of storage areas, all outside business activity areas, and off-street parking areas shall be required when a commercial use is located adjacent to a use of lesser activity in the R-1 residential zone.
(Ord. 170, § 7.06, passed 5-6-2002) Penalty, see § 10.99

§ 152.121 **PERMITTED USES.**

The following structures and uses shall be permitted in the B-1 Highway Commercial District:
(A) Wholesale and bulk sales totally enclosed. No processing or fabrication shall be permitted in conjunction with such uses;

(B) Hotels and motels;

(C) Farm stores, equipment and supply sales for farm and home;

(D) Retail stores primarily engaged in selling merchandise for personal household consumption and rendering services incidental to the sale of the merchandise:
   
   (1) Any grocery store, meat market, supermarket, fruit market, or bakery; and

   (2) Any drug store, apparel shop or hardware store, bookstore, stationary store, or flower shop.

(E) Personal services generally involving the care of the person or his or her personal effects:

   (1) Any cleaning or laundry establishment, self-service laundry including any pressing, cleaning or garment repair;

   (2) Any dressmaking, millinery, tailor shop, or shoe repair shop;

   (3) Any beauty shop or barber shop; and

   (4) Any photographic studio.

(F) Administrative, business, or professional offices:

   (1) Any bank or savings and loan institution;

   (2) Any insurance or real estate agent or broker;

   (3) Any professional office, including any physician, dentist, chiropractor, engineer, architect, lawyer, or recognized profession; and

   (4) Government office buildings, buildings housing equipment used to protect the community’s health and safety such as firefighting equipment, ambulances, first-response vehicles, and others as needed.

(G) Entertainment and recreation establishment. Any restaurant (other than convenience or drive-in food establishments), theater, dance hall, bowling alley, pool or billiard hall, or roller or ice rink;

(H) Repair services:

   (1) Any electrical repair shop;
(2) Any watch, clock, or jewelry repair;

(3) Any re-upholster and furniture repair;

(4) Any miscellaneous repair shop; and

(5) Any repair service carried on in conjunction with any permitted use.

(I) Business services. Any duplicating, printing, addressing, blueprinting, photocopying, mailing, or stenographic service;

(J) Building materials and contractors. Any building materials sales or contractor’s office, provided the uses shall be conducted wholly within an enclosed building;

(K) Any motor fuel station (gas station), automotive service station, subject to standards in section § 152.220;

(L) An adult use, as defined in Chapter 111 and subject to the standards specified in that same chapter; and

(M) Miscellaneous uses:

   (1) Any utility facility necessary for local service; and

   (2) Any residence, when included as an integral part of the principal building.

(Ord. 170, § 7.07, passed 5-6-2002) Penalty, see § 10.99

§ 152.122 ACCESSORY USES.

(A) The following shall be permitted accessory uses within any B-1 Highway Commercial District:

   (1) An accessory building or use in association with any permitted or conditional use;

   (2) Daycare facility as an accessory use to a principal activity, providing services exclusively to employees of that activity; and

   (3) Accessory retail as a secondary activity to a permitted use.

(B) Accessory use design standards:

   (1) Accessory structures and buildings shall conform to all setbacks established for the principal building or structure; and
(2) Accessory buildings and structures for parking attendants, guard shelters, gate houses, and transformer buildings may be located in the front or side yards not closer than 5 feet from any property line.
(Ord. 170, § 7.08, passed 5-6-2002) Penalty, see § 10.99

§ 152.123 CONDITIONAL USES.

Within any B-1 Highway Commercial District, the following uses shall be allowed to be developed only when a conditional use permit is secured, according to the provisions of §§ 152.240 et seq.:

(A) Motor vehicle and implement sales and services, subject to standards in § 152.220:
   (1) Any automobile sales, trailer sales or service, auto repair garage, or automobile rental;
   (2) Any agricultural equipment sales or service;
   (3) Any truck sales or services, or truck repair garage;
   (4) Any boat sales or repair;
   (5) Any mobile home or travel trailer sales or repair; and
   (6) Any tire and battery sales.

(B) Drive-in establishments, subject to standards in § 152.220:
   (1) Any drive-in establishment including banks and restaurants; and
   (2) Any shopping center.

(C) Car or truck washes (drive-through, mechanical, and self-service); and

(D) Any veterinary clinic where there are no outside runs or kennels.
(Ord. 170, § 7.09, passed 5-6-2002) Penalty, see § 10.99

§ 152.124 ZONING PERMITS REQUIRED.

No building or structure shall be erected, reconstructed, moved, or structurally altered to increase the exterior dimensions, height, or floor area; or remodel to increase number of dwellings or accommodate a change in use of the building and/or premises or part thereof without first securing a zoning permit to be issued by the City Clerk/Treasurer or Zoning Administrator, depending upon the type of permit needed.
(Ord. 170, § 7.10, passed 5-6-2002) Penalty, see § 10.99
§ 152.135 PURPOSE.

The B-2 Central Business District comprises the downtown section of the city, which is called the Central Business District. The use of land is intensive, and this is 1 of the main determinants of the vitality of the Central Business District. It is the purpose of these regulations to encourage the intensity of use and to exclude activities having a negative effect upon the proper functioning of the Central Business District.

(Ord. 170, § 8.01, passed 5-6-2002)

§ 152.136 SPECIAL REQUIREMENTS.

The following requirements shall apply to all uses in this district.

(A) Expansion of the B-2 District. The B-2 Central Business District applies only to land located in the downtown. The B-2 District is not intended for other locations in the city. The B-2 District may be expanded through rezoning, but only through an expansion of the existing district boundaries.

(B) Enclosure of uses.

(1) Every use, unless expressly exempted by this section, shall operate entirely within a completely enclosed structure.

(2) The temporary or incidental display of products sold on the premises shall be exempt from this requirement.

(C) Noise limitation. There shall be no noise beyond the lot boundary upon which a business is located, except for normal car and pedestrian activity.

(Ord. 170, § 8.02, passed 5-6-2002) Penalty, see § 10.99

§ 152.137 CONSTRUCTION ON LOTS OF RECORD.

A principal use or building may be erected on any lot which has been approved and recorded prior to the effective date of this chapter regardless of its area or width, provided all other applicable requirements of this chapter are satisfied, and provided the developer or property owner does not own any adjoining land on the date of adoption of this chapter.

(Ord. 170, § 8.03, passed 5-6-2002) Penalty, see § 10.99
§ 152.138 REQUIRED STREET FRONTAGE FOR DEVELOPABLE LOTS.

All lots used for the purpose of conducting or erecting a principal use and building shall have frontage on an improved public street.
(Ord. 170, § 8.04, passed 5-6-2002) Penalty, see § 10.99

§ 152.139 LOT DESIGN STANDARDS.

There are no lot design requirements (lot area; lot width; lot depth; and yard requirements) for this district.
(Ord. 170, § 8.05, passed 5-6-2002)

§ 152.140 HEIGHT REGULATIONS.

(A) No permitted or conditionally permitted building shall be erected or enlarged to exceed 30 feet in height.

(B) The building height limits established above shall apply to all structures except the following: belfries, chimneys or flues, church spires, cooling towers, cupolas and domes which do not contain useable space, flag poles, monuments, parapet walls extending not more than 3 feet above the limiting height of the building, water towers, poles, towers, and other structures for essential services, necessary mechanical and electrical appurtenances, television antennas not exceeding 20 feet.
(Ord. 170, § 8.06, passed 5-6-2002) Penalty, see § 10.99

§ 152.141 PARKING REQUIREMENTS.

The only off-street parking requirements in this district shall be 1 off-street parking space for every apartment. There are no other off-street parking requirements for uses in this district.
(Ord. 170, § 8.07, passed 5-6-2002) Penalty, see § 10.99

§ 152.142 GENERAL REGULATIONS.

Loading requirements, signage, and other regulations are set forth in §§ 152.205 et seq. Screening of outside storage areas and trash receptacles shall be required when a commercial use is located adjacent to a use of lesser activity in the R-1 residential zone. Screening standards are specified in § 152.210.
(Ord. 170, § 8.08, passed 5-6-2002) Penalty, see § 10.99

§ 152.143 PERMITTED USES.

The following uses are permitted in the B-2 District.
(A) Retail stores primarily engaged in selling merchandise for personal household consumption and rendering services incidental to the sale of the merchandise, including:

(1) Any grocery store, meat market, supermarket, fruit market, or bakery; and
(2) Any drug store, apparel shop or hardware store, bookstore, stationary store, or flower shop.

(B) Personal services generally involving the care of the person or his or her personal effects:

(1) Any cleaning or laundry establishment, self-service laundry including any pressing, cleaning or garment repair;
(2) Any dressmaking, millinery, tailor shop, or shoe repair shop;
(3) Any beauty shop or barber shop;
(4) Any photographic studio; and
(5) Any eating or drinking establishment, except for drive-in establishments.

(C) Administrative, business, or professional offices:

(1) Any bank or savings and loan institution;
(2) Any insurance or real estate agent or broker; and
(3) Any professional office, including any physician, dentist, chiropractor, engineer, architect, lawyer, or recognized profession.

(D) Entertainment and recreation establishment. Any theater, dance hall, bowling alley, or pool or billiard hall;

(E) Repair services:

(1) Any electrical repair shop;
(2) Any watch, clock, or jewelry repair;
(3) Any re-upholsters and furniture repair;
(4) Any miscellaneous repair shop; and
(5) Any repair service carried on in conjunction with any permitted use.
(F) Business services. Any duplicating, printing, addressing, blueprinting, photocopying, mailing, or stenographic service; and

(G) Miscellaneous uses:

(1) Any utility facility necessary for local service;

(2) Any motel or hotel; and

(3) Any parking facility; not to be enclosed.

(Ord. 170, § 8.09, passed 5-6-2002) Penalty, see § 10.99

§ 152.144 ACCESSORY USES.

The following uses shall be permitted accessory uses within the B-2 Central Business District:

(A) Day care facility as an accessory use to a principal activity, providing service exclusively to employees of that activity; and

(B) Combination residential and commercial uses in a single structure provided that the front 20 feet of the street level floor is exclusively a permitted commercial use.

(Ord. 170, § 8.10, passed 5-6-2002) Penalty, see § 10.99

§ 152.145 CONDITIONAL USES.

Conditional uses require a conditional use permit based upon procedures set forth in and regulated by §§ 152.240 et seq.:

(A) Open and outdoor storage as an accessory use;

(B) Open and outdoor service sales and/or rental as an accessory use;

(C) Day care facility;

(D) Elderly housing;

(E) Government and public utility buildings and structures necessary for the health, safety, and general welfare of the community;

(F) Bars, liquor establishments, on- and off-sale liquor stores where the principal activity involves liquor sales;
(G) The establishment of an outdoor enclosure, beer garden or patio as an accessory use to a bar, restaurant, or club licensed to sell intoxicating or 3.2% malt liquor;

(H) Vehicle storage associated with, but not limited to, vehicle repair shops, towing businesses, automotive service stations; and

(I) Inside warehouse/storage buildings use in support of a business operating within the City of Morristown.
(Ord. 170, § 8.11, passed 5-6-2002; Am. Ord. 176, passed 1-5-2004; Am. Ord. 178, passed 5-3-2004)

Penalty, see § 10.99

§ 152.146 ZONING PERMITS REQUIRED.

No building or structure shall be erected, reconstructed, moved, or structurally altered to increase the exterior dimensions, height, or floor area; or remodel to increase number of dwellings or accommodate a change in use of the building and/or premises or part thereof without first securing a zoning permit to be issued by the City Clerk/Treasurer or Zoning Administrator, depending upon the type of permit needed.
(Ord. 170, § 8.12, passed 5-6-2002) Penalty, see § 10.99

I-1 INDUSTRIAL DISTRICT

§ 152.160 PURPOSE.

The I-1 Industrial District is intended to provide space to meet the location requirements of a broad range of industrial uses. These industrial uses should be encouraged to locate in areas where adequate utilities are available. Industrial uses should be designed to blend harmoniously with adjacent land uses, particularly residential uses. For this reason, industrial uses should have adequate area to provide off-street parking and loading, and screening should be used to provide a visual barrier for unsightly operational characteristics.
(Ord. 170, § 9.01, passed 5-6-2002) Penalty, see § 10.99

§ 152.161 CONSTRUCTION ON LOTS OF RECORD.

A principal use or building may be erected on any lot which has been approved and recorded prior to the effective date of this chapter regardless of its area or width, provided all other applicable requirements of this chapter are satisfied, and provided the developer or property owner does not own any adjoining land on the date of adoption of this chapter.
(Ord. 170, § 9.02, passed 5-6-2002) Penalty, see § 10.99
§ 152.162 REQUIRED STREET FRONTAGE FOR DEVELOPABLE LOTS.

All lots used for the purpose of conducting or erecting a principal use and building shall have frontage on an improved public street.
(Ord. 170, § 9.03, passed 5-6-2002) Penalty, see § 10.99

§ 152.163 LOT DESIGN STANDARDS.

(A) Generally. No building shall be erected or enlarged unless the following minimum requirements are met.

(B) Specifically.

   (1) Lot area and lot width. No minimum lot size or width is required; however, the lot size shall be adequate to meet the setback, yard, and other requirements of this chapter.

        (2) Yard requirements.

        (a) Front yard - 25 feet minimum;
        (b) Side yard - each side yard a minimum of 25 feet; and
        (c) Rear yard - 25 feet minimum.
(Ord. 170, § 9.04, passed 5-6-2002) Penalty, see § 10.99

§ 152.164 HEIGHT REQUIREMENTS.

There shall be no limitation of height, except that a building shall be set back from a required yard setback line 1 foot for each foot of building height above 30 feet where the required yard is contiguous to or across the street from any residential zoning district.
(Ord. 170, § 9.05, passed 5-6-2002) Penalty, see § 10.99

§ 152.165 SCREENING REQUIREMENTS.

All principal and accessory industrial structures and uses shall be screened from all adjacent districts of lesser activity, in accordance to provisions established in § 152.210.
(Ord. 170, § 9.06, passed 5-6-2002) Penalty, see § 10.99
§ 152.166 GENERAL REGULATIONS.

Off-street parking, loading regulations, signage, and other regulations are set forth in §§ 152.205 et seq.
(Ord. 170, § 9.07, passed 5-6-2002) Penalty, see § 10.99

§ 152.167 PERMITTED USES.

The following uses shall be permitted within any I-1 Industrial District:

(A) Any plant nursery or greenhouse;

(B) Any contractor establishment or construction equipment dealer, provided that material or equipment is not stored in required front yard;

(C) Any cartage, express, or hauling establishment;

(D) Any bulk storage of petroleum products;

(E) Any print plant;

(F) Any bottling work;

(G) Any radio or television broadcasting station or tower (see § 152.219 for performance standards);

(H) Any research laboratory;

(I) Any warehouse;

(J) Any repair service or business, including automobile repair garage, provided that outdoor storage of material or items being repaired are not within required front yard;

(K) Any utility, including railroad terminal facility;

(L) Any laundry and dry cleaning plant;

(M) Any animal hospital or veterinary office, provided that outside runs and outdoor animal pens are not located within 400 feet of any residential zoning districts; and

(N) Any industrial plant manufacturing or assembling the following: boats, small metal products such as bolts, nuts screws, washers, rivets, nails, and the like; clothing; drugs and medicines; electrical equipment; glass products from previously manufactured glass; furniture and wood products; and plastic products for production of finished equipment.
(Ord. 170, § 9.08, passed 5-6-2002) Penalty, see § 10.99
§ 152.168 ACCESSORY USES.

(A) Generally. The following uses shall be permitted accessory uses within I-1 Industrial District:

(1) All permitted accessory uses as allowed in a B-1 Highway Commercial District;

(2) Offices accessory to a principal use; and

(3) Any accessory building or use in association with any permitted or conditional uses in this subchapter and subject to the design standards below.

(B) Accessory use design standards.

(1) Accessory structures and buildings shall conform to all setbacks established for the principal building or structure.

(2) Accessory buildings and structures for parking attendants, guard shelters, gate houses, and transformer buildings may be located in the front or side yards not closer than 5 feet from any property line.

(Ord. 170, § 9.09, passed 5-6-2002) Penalty, see § 10.99

§ 152.169 CONDITIONAL USES.

The following uses may be allowed in the I-1 Industrial District subject to obtaining a conditional use permit in accordance with the provisions of §§ 152.240 et seq.:

(A) Any ammonia, bleaching powder, or chlorine manufacture;

(B) Any asphalt manufacture or refining;

(C) Any asphalt mixing plant;

(D) Any automobile salvage yard or junk yard (see § 152.225 for performance standards);

(E) Any cement or cinder block manufacture;

(F) Any creosote treatment or manufacture;

(G) Any fertilizer manufacture from organic materials or bond distillation;

(H) Any glucose, dextrin, or starch manufacture;

(I) Any iron, steel, brass, or copper foundry;
(J) Any metal stamping; and

(K) Any sauerkraut or pickle, and the like, manufacture.
(Ord. 170, § 9.10, passed 5-6-2002) Penalty, see § 10.99

§ 152.170 ZONING PERMITS REQUIRED.

No building or structure shall be erected, reconstructed, moved, or structurally altered to increase the exterior dimensions, height, or floor area; or remodel to increase number of dwellings or accommodate a change in use of the building and/or premises or part thereof without first securing a zoning permit to be issued by the City Clerk/Treasurer or Zoning Administrator, depending upon the type of permit needed.
(Ord. 170, § 9.11, passed 5-6-2002) Penalty, see § 10.99

**R-M RESIDENTIAL-MOBILE HOME DISTRICT**

§ 152.185 PURPOSE.

The R-M Residential-Mobile Home District regulations are to promote health, safety, order, convenience, and general welfare by enforcing minimum standards for manufactured home subdivisions and manufactured home parks, the location and use of manufactured homes and the design, construction, alteration, and arrangement of homes on the lots, authorizing the inspection of these parks and subdivisions, the licensing of operator and fixing penalties for violations.
(Ord. 170, § 10.01, passed 5-6-2002)

§ 152.186 LOCATION.

A mobile home park or subdivision may be established in the R-M Residential-Mobile Home District, provided the proposed park or subdivision contains a minimum of 10 acres and has frontage on an arterial street. All parks and subdivision must comply with the development and design requirements of this subchapter. The City Council may waive the required 10-acre minimum size requirement upon good cause where special conditions exist.
(Ord. 170, § 10.02, passed 5-6-2002) Penalty, see § 10.99

§ 152.187 PERMITTED USES.

(A) Manufactured home parks with only 1 manufactured home permitted on each approved space; and
(B) Manufactured home subdivisions with only 1 manufactured home on each approved
manufactured home lot. No recreational vehicle or dwelling units of conventional construction shall be
permitted on a manufactured home lot for living purposes.
(Ord. 170, § 10.03, passed 5-6-2002) Penalty, see § 10.99

§ 152.188 PERMITTED ACCESSORY USES.

(A) Manager's office and residence which may be of conventional type construction;

(B) Recreation and social centers which may be used for dancing, crafts, hobbies, games, child
care, meetings, banquets, theatrical performances, movie viewing, emergency weather shelter, and
similar entertainment uses;

(C) Outdoor recreation facilities, such as parks, swimming pools, playground equipment,
shuffleboard and tennis courts, putting greens, and similar recreational uses;

(D) Coin-operated laundry facilities, outdoor drying areas, maintenance buildings, and/or
facilities;

(E) Security guard houses at park or subdivision entrances;

(F) Boat and recreation vehicle storage including washing areas;

(G) Recreational center and guest parking areas;

(H) Certain accessory structures, which are complementary to individual manufactured homes,
such as patio awnings, storage buildings, and room additions, which appear to be an integral part of and
architecturally compatible with the manufactured home itself;

(I) Directional informational sign within the subdivision or park and one identification as
provided in § 152.218; and

(J) Temporary construction buildings and yards necessary during the actual development of the
manufactured home subdivision or parks.
(Ord. 170, § 10.04, passed 5-6-2002) Penalty, see § 10.99

§ 152.189 PROCEDURE FOR MANUFACTURED HOME PARK OR MANUFACTURED
HOME SUBDIVISION APPROVAL.

(A) The developer shall meet informally with the City of Morristown Zoning Committee to review
tentative site plans for the development and review procedural steps required by this chapter.

(B) An application to amend the zoning boundaries shall be filed and processed upon the
procedures established by this chapter.
(C) The application to amend the zoning district boundaries shall be accompanied by 5 copies of the "development plan" containing the following information:

(1) Proposed name of the park or subdivision names shall not duplicate or too closely resemble names of existing parks or subdivisions;

(2) Park or subdivision lines in relation to a known section, quarter section, or quarter-quarter section lines comprising a legal description of the property;

(3) Names and addresses of all developers who have vested interests in the park or subdivision and also the designer of the park or subdivision;

(4) The number, location, and dimensions of all spaces;

(5) Typical manufactured home locations on proposed spaces;

(6) Street locations, widths and typical cross-sections;

(7) Pedestrian circulation;

(8) The location, square footage, and acreage of all recreational areas, facilities, and buildings;

(9) Walls, fencing, and right-of-way landscaping;

(10) Off-street parking facilities;

(11) Vehicle storage areas;

(12) Sign; location, size, height, and illumination;

(13) Location, width, and name of each existing or platter street or other public way, railroad, the utility right-of-way, parks, and other public open spaces and permanent buildings within or adjacent to the proposed subdivision;

(14) All existing sewers, water mains, gas mains, culverts, or other underground installations within the proposed subdivision or immediately adjacent thereto; and

(15) All subdivision proposals and other proposed new developments greater than 50 lots or 5 acres whichever is less, including base flood elevation data.

(D) Upon request of the City Council, supplementary information shall be submitted. The supplementary information may include the following:
(1) Topography, with contour intervals of not more than 1 foot, related to the United States Geological Survey datum; also the location of water courses, ravines, bridges, lakes, wooded areas, approximate acreage, and other features as many be pertinent to the subdivision;

(2) Two copies of profiles for each proposed street, showing existing grades and proposed approximate grades and gradients on the center line. The location of proposed culverts and bridges shall also be shown;

(3) Vicinity sketch, at a legible scale, to show the relation of the plat to its surroundings; and/or

(4) The location and character of all proposed public utility lines, including sewers (storm and sanitary), water, gas, and power lines.

(E) All manufactured home subdivision proposals must comply with all procedural and design requirements as set forth in this chapter and other related ordinances of the City of Morristown. (Ord. 170, § 10.05, passed 5-6-2002) Penalty, see § 10.99

§ 152.190 MANUFACTURED HOME PARK DESIGN AND DEVELOPMENT REQUIREMENTS.

(A) Area and space requirements.

(1) Each manufactured home space shall contain at least 5,000 square feet of land area for the exclusive use by the occupant.

(2) Each manufactured home space shall be no less than 50 feet in width.

(3) Each manufactured home space shall have frontage on an approved roadway.

(4) Each manufactured home space shall be marked and numbered with digits that are at least 3 inches in height and made from a bright metal or alloy which will not rust, tarnish, or change color.

(5) The corners of each manufactured home space shall be marked on a permanent basis with metal corner markers.

(6) A maximum density of 7 manufactured home spaces per net acres after deduction of existing and/or proposed public rights-of-way.

(7) Except in the case of public or semi-public buildings, no building or manufactured home hereafter shall be erected or altered which exceeds 20 feet in height.
(B) **Yard and setback requirements.**

1. No manufactured home shall be parked closer than 10 feet to the side lot lines or closer than 15 feet to the front lot line or within 15 feet of the rear lot line.

2. There shall be an open space of at least 20 feet between any portion of the manufactured home, room additions, and other manufactured homes, or room additions.

3. There shall be an open space of at least 7 feet between any portion of the manufactured home and any permitted accessory structure.

4. There shall be a minimum setback of 3 feet between any permitted accessory structure and any rear or side lot line.

5. Automobiles shall not be parked nearer than 5 feet from any side lot line.

6. Screening shall be required along the perimeter of the manufactured home park. The screening shall consist of coniferous trees and other natural landscaping materials at the determination of the City Council. In circumstances where the screening requirements would be redundant, the requirements may be waived at the discretion of the City Council.

(C) **Parking.**

1. **Manufactured home space.** A minimum of 2 parking spaces per each manufactured home space is required.

2. **Manager’s office and residence.** Two parking spaces per manager’s office and 2 additional parking spaces per residence.

3. **Recreation or social centers within manufactured home parks.** Each recreation or social center within a manufactured home subdivision shall develop at least 1 parking space for each 10 manufactured home spaces.

4. **Hard surface.** Each manufactured home space access drive and parking space shall be hard surfaced.

(D) **Accessory structures.**

1. **Generally.** It is preferable that accessory structures be constructed upon and anchored to a concrete slab or floating foundation (Minnesota State Building Code). Steel rods cast in concrete shall be used as anchoring devices for the accessory structure, unless some other anchoring system is otherwise approved by Zoning Administrator. Accessory structures do not need to be constructed on a concrete slab or floating foundation, if some type of constructed floor component is included with the structure. However, this type of accessory structure does need to be anchored to the ground in a manner acceptable to the Zoning Administrator.

2. **Ties; materials and tension.** Cable or strapping or other approved methods or materials shall be used for ties.
(3) **Permanency of connections.** Anchoring equipment shall be designed to prevent self-disconnection when ties are slack. Hook ends shall not be used in any part of the anchoring system.

(4) **Tensioning device design.** Tensioning devices such as turnbuckles or yoke-type fasteners shall be ended with clevis or forged or welded eyes.

(5) **Other anchoring devices.** Other anchoring devices meeting the requirements of this part shall be permitted if approved prior to installation by the Zoning Administrator.

(E) **Utilities.**

(1) All manufactured homes shall be connected to a public water and sanitary sewer system.

(2) The ground surface in all parts of every manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner. All installations for disposal of surface storm water must be approved by the city.

(3) All utility connections shall be as approve by the city.

(4) The source of fuel for cooking, heating, or other purposes at each manufactured home site shall be as approved by the city.

(5) All utilities shall be underground; there shall be no overhead wires or supporting poles except those essential for street or other lighting purposes.

(6) No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities, and related manufactured home equipment.

(7) The method of garbage, waste and trash disposal must be as approved by the city. The storage, collection, and disposal of refuse in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards, or air pollution.

(8) Owner shall pay required sewer and water connection fees to the city.

(F) **Internal roads and streets.**

2008 S-1

**Zoning Code**

(1) All roads shall have a hard-surfaced roadway (mountable, roll type), curb and gutter, and shall be maintained in a suitable condition, free of holes and other hazards at all times.

(2) All streets shall be developed with a road bed of not less than 36 feet in width. Transverse grades (crown) of all streets shall be sufficient to insure adequate transverse drainage.

(3) The matter of development of the roads shall be approved by the City Council subject to engineering review and the cost of development and maintenance shall be at the owner/operator’s expense.

(4) Intersections-within 50 feet of an intersection, street shall be at right angles. A distance of 85 feet shall be maintained between the centerlines of offset intersection streets. Intersections of more than 2 streets at any 1 point shall be avoided.

(5) Entrances to manufactured home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of 100 feet from its point of beginning.
(G) Recreation. All manufactured home parks shall have at least 10% of the land area developed for recreational use. Development of the recreational land shall be approved by the City Council and the cost and maintenance shall be at the owner/operator's expense. The area of recreational land shall not be areas included within any setback nor shall they include any areas of less than 30 feet in length or width.

(H) Landscaping.

(1) Each site shall properly landscaped with at least 1 tree, hedges, grass, fences, windbreaks, or the like.

(2) A compact hedge, redwood fence, or landscaped area shall be installed around each manufactured home park.

(3) All manufactured home parks located adjacent to residential, recreational, commercial, or industrial land uses shall provide screening such as fences, shrubs, or trees, along the property boundary line separating the park and such uses, which shall be maintained in a neat and orderly fashion.

(I) Weather shelters. There shall be emergency weather shelters large enough to accommodate the residents in the area (M.S. § 327.20, as it may be amended from time to time).

(J) Lighting.

(1) Artificial light shall be maintained during all hours of darkness in all buildings containing public toilets, laundry equipment, and the like.

2008 S-1

116 Morristown - Land Usage

(2) The manufactured home park grounds shall be lighted as approved by the city from sunset to sunrise.

(K) Tiedown of manufactured homes required. All manufactured homes, other than transient home or recreational vehicles, installed in the manufactured home park shall be anchored by means of adequate tiedowns to prevent uplift, sliding, rotation and overturning. The anchoring systems shall conform to the regulation pertaining to manufactured home installation adopted by the Minnesota Commissioner of Administration.
(Ord. 170, § 10.06, passed 5-6-2002; Am. Ord. passed 2-7-2005) Penalty, see § 10.99

§ 152.191 GENERAL PROVISIONS.

(A) Manufactured homes shall not be used for residential purposes in the city if they:

(1) Do not conform to the requirements to the Vehicle Code of the State of Minnesota;

(2) Are in an unsanitary condition or have an exterior in bad repair;

(3) Are structurally unsound and do not protect the inhabitants against all elements; and/or

(4) Do not conform with conditions outlined in city zoning ordinance for single-family dwellings.

(B) All land areas shall be:
(1) Adequately drained;
(2) Free from dust; and
(3) Clean and free from refuse, garbage, rubbish, or debris.

(C) All manufactured homes within a manufactured home park shall be owner-occupied only except the owner may lease his or her manufactured home to a lessee for not exceeding 5 months per calendar year. This division (C) may be subject to Council review.

(D) No tents shall be erected in a manufactured home park.

(E) There shall be no outdoor camping anywhere in a manufactured home park.

(F) No public address or loud-speaker system shall be permitted in the park.

2008 S-1

Zoning Code

(G) Dogs and animals shall not run at large within the manufactured home park.

(H) Advertising of the manufactured home park subdivision shall be limited to 1 sign not to exceed 32 square feet, with lighting, height and location as approved by the city.

(I) Responsibilities of park managements:

(1) The person to whom a license for a manufactured home park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition;

(2) The park management shall notify park occupants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter; and

(3) It shall be the duty of the operator of the manufactured home park to keep a register containing a record of all manufactured home owners and occupants located within the park. The register shall contain the following information: the name and address of each manufactured home occupant; the name and address of the owner of each manufactured home and motor vehicle by which it is towed; the make, model, year, and license number of each manufactured home and motor vehicle, the state, territory, or county issuing the license; and the date of arrival and departure of each manufactured home. 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 record for each occupant registered shall not be destroyed for a period of 3 years following the date of departure of the registrant from the park.

(J) A map of the manufactured home park shall be displayed near the entrance of the court and be illuminated during all hours of darkness.

(K) All structures (fences, private sidewalks, private roads, storage sheds, or other) shall require a zoning permit from the Morristown City Clerk/Treasurer, except that an unenclosed steps and landing of not greater than 50 square feet shall not require a permit.

(L) The area beneath a manufactured home coach shall be enclosed except that the enclosure must have access for inspection.

(M) Laundry and clothing shall be hung out to dry only on lines located in Council-approved areas
established and maintained exclusively for that purpose.

(N) Not more than 10% of all trailer sites in a dependent manufactured home park shall be occupied by transient coaches.

(O) No building, cabana, carport, awning, storage closet, cupboard, or other structure shall be permitted on a transient trailer site except plumbing and electrical service connections.

2008 S-1

118 Morristown - Land Usage

(P) Where the manufactured home park is dependent, it shall have an adequate central community building with the following features:

(1) Laundry drying areas and machines;
(2) Laundry washing machines;
(3) Showers; and
(4) Public toilets and lavatories. The buildings shall have central heating and be maintained in a safe, clean, and sanitary condition.

(Ord. 170, § 10.07, passed 5-6-2002) Penalty, see § 10.99

§ 152.192 ADMINISTRATION.

(A) Zoning permits.

(1) Zoning permits required. No building or structure shall be erected, reconstructed, moved, or structurally altered to increase the exterior dimensions, height, or floor area; or remodel to increase number of dwellings or accommodate a change in use of the building and/or premises or part thereof without first securing a zoning permit to be issued by the City Clerk/Treasurer or Zoning Administrator, depending upon the type of permit needed. No zoning permits are required for the construction and/or placement of gazebos, trellises, playhouses, kennels, hot tubs, swing sets, arbors, and inflatable swimming pools.

(2) Applications. All applications for permits shall contain the following:

(a) Name and address of applicant;
(b) Location and legal description of the manufactured home park; and
(c) Complete engineering plans and specifications of the proposed park, including, but not limited to, the following: the area and dimensions of the tract of land; topography sketch of the land; the number, location, and size of all manufactured home spaces; the location and width of roadways and walkways; the location of water and sewer lines and riser pipes; plans and specifications of the water supply and refuge and sewage disposal facilities; plans and specifications of all buildings constructed or to be constructed within the manufactured home park; the location and details of lighting and electrical systems; a landscaping plan approved by the city, and that park ground area and recreational equipment be shown on the landscaping plan.


(3) **Fee.** All applications for a permit shall be accompanied by a fee which shall be based on total valuation of the work to be done. The fees shall be in accordance with established zoning permit fees required in the city.

(4) **Review of applications.** The Zoning Committee shall review all applications for permits issued hereunder. The findings and recommendations of the Zoning Committee shall be forwarded to the City Council for appropriate action.

(5) **Denial.** Any person whose application for permit under this chapter has been denied may request and shall be granted a hearing on this matter before the Zoning Committee.

(B) **Inspection of manufactured home parks.**

(1) **Compliance with ordinance.** The zoning inspector or a representative of the city is hereby authorized and directed to make the inspections as are necessary to determine satisfactory compliance with this chapter, including the power to enter at reasonable times upon any private or public property for the purposes.

(2) **Registration record.** The Zoning Inspector, the Chief of Police, or their duly authorized representatives, shall have the power to inspect the register containing a record of all residents of the manufactured home park.

(3) **Access.** It shall be the duty of the park management to give the zoning inspector free access to all spaces at reasonable times for the purpose of inspection.

(4) **Repairs.** It shall be the duty of every occupant of a manufactured home park to give the owner thereof or his or her agent or employee access to any part of the manufactured home park at reasonable time for the purpose of making the repairs or alterations as are necessary to effect compliance with this chapter.

(C) **Notices, hearing, and orders.**

(1) **Notice.** Whenever the Zoning Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, the Zoning Inspector shall give notice of the alleged violation to the person to whom the permit or license was issued, as well as to the park owner, as hereinafter provided. The notice shall:

   (a) Be in writing;

   (b) Include a statement of the reasons for its issuance;

   (c) Allow 30 days time for the performance of any act it requires. If work cannot be completed in the 30-day period, extensions may be granted if reasons for hardship do prevail and can be verifies; and

   (d) Be served upon the owner or his or her agent when a copy thereof has been sent by registered mail to his or her last known address, or when he or she has been served with the notice by
any method authorized or required by the laws of this state.

(2) Hearing. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter, may request and shall be granted a hearing before the Zoning Committee.

(3) Emergency. Whenever the Zoning Inspector finds that an emergency exists which requires immediate action to protect the public health, he or she may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that the action be taken as he or she may deem necessary to meet the emergency, including the suspension of the permit or license. Notwithstanding any other provisions of this chapter, the order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the City Clerk/Treasurer shall be afforded a hearing before the Zoning Committee as soon as possible. Pending any such hearing, the emergency orders shall be in full force and effect until and unless later removed, modified, or changed by the Zoning Inspector, Zoning Committee or the City Council.

(Ord. 170, § 10.08, passed 5-6-2002; Am. Ord. passed 2-7-2005)

PERFORMANCE STANDARDS

§ 152.205 HOME OCCUPATIONS.

(A) The purpose of this classification is to prevent competition with business districts and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety, and general welfare of the surrounding residential neighborhood.

(B) The establishment and continuance of home occupations as accessory uses shall be permitted with any residential use if the following requirements and conditions are met.

(1) No more than 1 person other than the members of the family occupying the premises shall be employed in conjunction with a permitted home occupation.

(2) The home occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes.

(3) Floor area devoted to the home occupation shall not exceed 25% or 500 square feet of the gross floor area of the residence whichever is less.

(4) The home occupation may also be conducted within an accessory structure (garages inclusive), so long as no more than 1/3 of the accessory structure is used for the activity. There shall be no exterior storage of materials used in conjunction with the home occupation.

(5) No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area in which it is located.

(6) Two non-illuminated signs, not to exceed 8 square feet each, are allowed in the front yard. The signs cannot be attached to the house proper. No sign shall be erected closer than 8 feet to any side or rear lot line, nor closer to the front lot line than 1/2 the depth of the front yard.

(7) No equipment or process shall be used in the home occupation to create noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises.
(8) The operation of the home occupation shall begin no earlier than 6:30 a.m. and end no later than 9:00 p.m.

(9) There shall be no display or evidence apparent from the exterior of the lot that the premises are being used for any purpose other than that of a dwelling.

(10) The home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings.

(11) A home occupation shall not include the repair of internal combustion engines (other than small engine repair), body shops, machine shops, welding, and ammunition, manufacturing other objectionable uses as determined by the City Council. Machine shops are defined as places where raw metal is fabricated, using machines that operate on more than 110 volts of current.

(12) Home occupations such as beauty, barber shops, and tanning salons, but not restricted to, shall provide not more than 1 station.

(13) All vehicles used in conjunction with any home occupation shall be parked upon hardsurfacing (concrete or bituminous).

(14) In the case of a home occupation which requires the use of a commercial truck, tractor, van, pickup, trailer, or any vehicle whatsoever with a rated capacity of greater than 1 ton, the vehicle shall be parked off-street and upon the lot of the owner from where the home occupation is conducted and subject to the following conditions and restrictions: any commercial vehicle that is brought home to a residence shall be considered a home occupation. Engines of the commercial vehicles shall not be permitted to run continuously; provided, however, a 30-minute engine warm-up time shall be permitted immediately prior to leaving the premises. The 30-minute warm-up time shall also apply to any and all air handline, refrigeration, heating, or other equipment involving motors, which may accompany or be part of the commercial vehicle.

(Ord. 170, § 11.01, passed 5-6-2002; Am. Ord. passed 2-7-2005) Penalty, see § 10.99

§ 152.206 TRAVEL TRAILERS, RECREATIONAL OR CAMPING VEHICLES, AND CABINS.

Only under the following conditions or circumstances shall any person maintain, install, construct, erect, or permit on any property within the city the parking or standing of travel trailer, recreational vehicle, or any other temporary building:

(A) Unoccupied travel trailers, recreational vehicles stored within a building or displayed for sale in a commercial district;

(B) On a year-round basis, 1 unoccupied travel trailer or recreational vehicle may be stored within the rear yard setback or the side yard setback area;

(C) Travel trailers, recreational vehicles, or temporary buildings such as cabins that are used in conjunction with construction work only may be permitted in any district during the period of construction; provided, that they shall be removed upon completion of the construction work. The travel trailers, recreational vehicles, or temporary buildings may be occupied 24 hours a day for site security; however, they may not be used as a residence or family dwelling unit on the site; and/or
(D) One travel trailer or recreational vehicle may be placed and used for lodging or sleeping for a period not to exceed 14 days; provided it is placed on the same lot which is occupied by a principal building or dwelling and has access to sanitary sewer and water facilities. (Ord. 170, § 11.02, passed 5-6-2002) Penalty, see § 10.99

§ 152.207 REMOVAL OF SOIL, SAND, AND OTHER MATERIAL.

(A) Temporary excavation permit. The use of land for the removal of topsoil, sand or gravel, and other materials from the land is not permitted in any zone except by granting of a temporary excavation permit by the City Council after recommendation is submitted by the City Zoning Committee. Permits shall be issued for a maximum period of 1 year and shall be subject to review and rehearing at that time.

(B) Future use of land. The persons applying for a temporary excavation permit must submit a plan of intent as to the future use of the property being excavated as well as development plans showing proposed elevations, drainage, access routes to be used in hauling to and/or from the site and daily hours intended for operation as well as projected period of excavation.

2008 S-1

Zoning Code 122A

(C) Safety precautions. If during the excavation work, it becomes necessary to protect the health and/or safety of nearby residents or curiosity seekers, the persons operating the excavation pit shall erect or construct a fence to protect the area from the general public during the period of danger. (Ord. 170, § 11.03, passed 5-6-2002) Penalty, see § 10.99

§ 152.208 EXTERIOR STORAGE REQUIREMENTS.

(A) Generally. The following standards apply to all uses in all districts except the Agricultural District or unless otherwise exempted in other sections of this chapter.

(B) Standards.

(1) All material, supplies, or semi-finished products, and equipment shall be stored within a building, fenced or screened according to the provisions outlined in § 152.210, so as not to be visible from adjoining properties.

(2) The following are exempt from screening requirements of this chapter:

(a) Clotheslines poles, and pet equipment;

(b) Recreational equipment;

(c) Construction and landscaping materials currently being used for construction (or reconstruction) of a structure on the premises;
(d) Passenger vehicles, which are operational and/or currently licensed under the provisions of the law; and

(e) Stockpiling and storage of soil materials used for construction or landscape purposes. Stockpiling and storage of firewood or tree brush not to exceed 7 cords of wood.

(Ord. 170, § 11.04, passed 5-6-2002) Penalty, see § 10.99

§ 152.209 GENERAL FENCING, LANDSCAPING, AND VISION CLEARANCE STANDARDS.

(A) No fences shall exceed 6 feet nor be less than 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 the highest and lowest grade.

(B) No fences, other than split rail fences or chain link fences with openings to be 1-5/8 inches to 2 inches, and not to exceed a maximum height of 48 inches, and no structures, trees, or shrubs or hedges shall be permitted within 25 feet of any corner formed by the intersection of 2 street property lines. The 25 feet referred to above shall be in the form of a triangle with 2 sides formed by the property lines and the third side formed by a straight line connecting the 2 twenty-five-foot points on the sides of the corner.

(C) All walls and fences hereafter erected shall be durable, weather-treated, and rustproofed and so situated to ensure that they can be maintained from within the property boundaries where they are located. All fences shall be kept in good condition, repair, and true without damage. No wall or fence shall be built on a property line. Fences shall be setback a minimum of 1 foot from all property lines.

(D) Barbed wire and electric wire fencing may be used only (in A Agricultural District) for agricultural purposes for the retention of livestock if the fence is appropriately marked with reflectorized warning devices, or proper signage.

(E) Except in case of split rail or chain link fences with openings to be 1-5/8 inches, not to exceed a maximum height of 48 inches, no fences may be erected on any part of a lot that is considered to be the front setback yard area of the principal building.

(F) In all zoning districts the lot area remaining after providing off-street parking, off-street loading, sidewalks, driveways, building site, and/or other requirements shall be planted and maintained in grass, sodding, shrubs, or other acceptable vegetation or treatment generally used in landscaping.

(G) The side of the fence considered to be the face, shall face the abutting property owner.

(Ord. 170, § 11.05, passed 5-6-2002) Penalty, see § 10.99
§ 152.210 STANDARDS FOR REQUIRED SCREENING STRUCTURES.

(A) When fences or walls are used for screening purposes, the fence or wall shall be constructed of masonry brick, painted or treated wood, or metal. The fence shall be not less than 7 feet in height nor provide less than 90% opacity.

(B) The design and materials used in the construction of required fencing or walls shall be approved by the Zoning Committee.

(C) Whenever screening or landscaping is required by this chapter, it shall be completed within 180 days from the date of permit approval or from the date of official notification and shall thereafter be maintained to provide a screen to abutting properties.

(D) When vegetation is used for screening purposes, the landscaping materials shall consist of evergreen trees, deciduous trees, and/or shrub material installed using the following standards to ensure sufficient width, density, and height.

   (1) Plant materials shall not be placed closer than 4 feet from the fence line or property line.

   (2) Where plant materials are planted in 2 or more rows, plantings shall be staggered in rows.

   (3) Evergreen trees shall be a minimum of 2-1/2 inches in diameter and planted not more than 25 feet on center.

   (4) Narrow evergreens shall be a minimum of 2-1/2 feet in height and planted not more than 3 feet on center.

   (5) Deciduous trees shall be a minimum of 3 feet in height and planted not more than 25 feet on center.

   (6) Tree-like shrubs shall be a minimum of 3 feet in height and planted not more than 10 feet on center.

   (7) Large deciduous shrubs shall be a minimum of 3 feet in height and planted not more than 4 feet on center.

(E) The combined average height of materials used to satisfy screening and/or landscaping requirements shall be not less than 4 feet in height, unless otherwise approved by the Zoning Committee.

(F) Earth mounding or berms may be used but shall not contribute to the satisfaction or more than 3 feet of the screen and landscaping height requirement.

(Ord. 170, § 11.06, passed 5-6-2002) Penalty, see § 10.99
§ 152.211 REQUIRED TRASH AREAS.

Except in case of residential uses, all uses that provide trash or garbage collection areas shall enclose these areas on at least 3 sides by opaque screening at least 6 feet in height. The open side of the trash or garbage collection area shall not face any street or the front yard of any abutting property. (Ord. 170, § 11.07, passed 5-6-2002) Penalty, see § 10.99

§ 152.212 GRADING AND ALTERATION OF LOTS.

Whenever the slope or elevation of any lot is changed by 1 foot or more, the city, prior to issuance of the zoning permit, may require an engineer’s report to ensure that adjacent properties will not be adversely impacted by storm water runoff. (Ord. 170, § 11.08, passed 5-6-2002)

§ 152.213 SINGLE-FAMILY ATTACHED DWELLING UNITS.

(A) Generally. The construction, conversion, or conveyance of single-family attached dwelling units or multiple-family dwelling units, which result in separate ownerships of the dwelling units, shall conform to the following requirements.

(B) Condominiums. Condominiums (a form of individual ownership within a multi-family building which entails joint responsibility for maintenance and repairs; in the condominium each apartment or townhouse is owned outright by its occupant) shall meet the following: The regulatory provisions of M.S. Ch. 515A, as it may be amended from time to time, commonly known as the Uniform Condominium Act, is hereby adopted.

(C) Single-family attached dwellings. Single-family attached dwelling shall meet the following requirements.

(1) The dwelling units are attached on the side and the remaining side conforms to the minimum side yard setbacks as required by the zoning district regulations where the structure is to be located.

(2) That if a division or conveyance of a portion of a platted land or parcel of land is necessary, the applicable sections of the subdivision ordinance are applied and met. In the case where the dwelling units are situated on a parcel of property which is described within a recorded plat and that it is proposed to subdivide or create common ownership, it is the intent of the ordinance to require formal revision or replat of the original recorded plat as set forth in the subdivision ordinance.

(3) Each dwelling unit must have independent and separate front and rear entrances.

(4) The owner(s) shall submit, to the satisfaction of the City Council, an agreement addressing:
(a) The repair and maintenance of all common properties;

(b) A provision regarding access to the abutting property for the adjacent property owner and/or his or her representatives for the purpose of construction, reconstruction, repair, and maintenance of either side of the total property;

(c) A provision which provides easements for necessary encroachments for footings and eaves, and provides for mutual perpetual easements in the event of an encroachment by the party wall;

(d) A restriction limiting changes in color, material, and design of the dwelling, so as to be compatible with the attached unit; and

(e) A provision which addresses maintenance of insurance coverage in event of fire, explosion, vandalism, and malicious mischief.

(5) Utility corrections:

(a) Water connections. Where more than 1 resident is served from the same service line, a shutoff valve must be located in such a way that each unit’s services may be shut off by the city, in addition to the normally supplied shutoff at the street; and

(b) Sewer connection. Where more than 1 unit is served by a sanitary sewer lateral, which exceeds 300 feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the homeowner’s association, or owner.

(Ord. 170, § 11.09, passed 5-6-2002) Penalty, see § 10.99

§ 152.214 VEHICLE STORAGE.

(A) Residential districts. No inoperable vehicles shall be stored outside a building in any residential use.

(B) Commercial and industrial districts. For conforming commercial and industrial uses, as many as 4 inoperable vehicles may be stored outside a building or area screened according to § 152.210, provided that no 1 vehicle is so stored in excess of 30 days in a given year. Any use, which exceeds this prescribed limit, shall automatically be required to make application to the city for a conditional use permit within 20 days of receipt of official notice.

(Ord. 170, § 11.10, passed 5-6-2002) Penalty, see § 10.99

§ 152.215 ENVIRONMENTAL AND HEALTH STANDARDS.

(A) Points of measurements. The determination of the existence of objectionable elements shall be made at the location of the activity or use creating the same and at any points where the existence of the
elements may be more apparent; provided, however, that the measurements necessary for the enforcement standards set forth in this chapter shall be taken at property line boundaries. All measurements shall be made outdoors.

(B) **Noise standards.** All noise shall be muffled so as not to be objectionable due to intermittence, beat, frequency, or shrillness and shall be in compliance with the State of Minnesota Pollution Control Standards, Minnesota Code of Agency Rules, as subsequently expanded, modified, or amended.

(C) **Vibration.** No continuous intermittent vibration or oscillation which is discernible without instrument at the points of measurement shall be permitted.

(D) **Smoke.** The emission of smoke by any use shall be in compliance with and recognized by the State of Minnesota Pollution Control Standards, Minnesota Code of Agency Rules, as subsequently expanded, modified, or amended.

(E) **Dust and other particulated matter.** The emission of dust, fly ash, or other particulated matter by any use shall conform to the State of Minnesota Pollution Control Standards, Minnesota Code of Agency Rules, as subsequently expanded, modified, or amended.

(F) **Odors.** The emission of odorous matter in the quantities as to be offensive shall not be permitted. The emission of odor by any use shall conform to the State of Minnesota Pollution Control Standard, Minnesota Code of Agency Rules, as subsequently expanded, modified, or amended.

(G) **Glare and light emission.**

(1) All outdoor light used to illuminate the general area of specified site, is to be shielded to reduce glare and be so arranged as to reflect lights way from adjacent residential zoning districts or adjacent residences.

(2) All outdoor lighting shall be directed toward and confined to the ground areas of lawns and parking lots.

(3) All lighting in nonresidential zoning districts used for the external illumination of buildings shall be so placed and shielded downward so as not to interfere with the vision of persons on adjacent property or using an adjacent public right-of-way.

(4) Any light or combination of lights which cast light on a public right-of-way shall not exceed 1 footcandle (meter reading) as measured from the centerline of the street. Any lights or combination of lights which cast light on residential property shall not exceed 0.4 footcandles (meter reading) as measured from the property.

(5) Any light, combination of lights, or illumination of object shall not be of flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.
(6) Public street lights, traffic signals, warning devices, and seasonal decorations of which the placement has been approved under the authorization of the Zoning Committee are exempted from this chapter.
(Ord. 170, § 11.11, passed 5-6-2002) Penalty, see § 10.99

§ 152.216 PARKING STANDARDS.

(A) Definition of off-street parking space. An off-street parking space shall be defined for the purpose of this chapter as an area of 180 square feet or more, exclusive of driveways, permanently reserved and available for the storage of 1 automobile, which is enclosed in a building or unenclosed, and is not in a public right-of-way, and which has satisfactory ingress and egress to a public street or alley.

(B) Application. The regulations and requirements set forth herein shall apply to all off-street parking facilities in all of the zoning districts of the city except the B-2 Central Business District. In the B-2 Central Business District, the only parking required of proposed uses shall be 1 off-street parking space for every apartment.

(C) General provisions.

(1) Fractions. When determining the number of off-street parking spaces results in a fraction, each fraction of 1/2 of or more shall constitute another space.

(2) Floor area. The term “floor area” for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the buildings, structure or use times the number of floors, minus 10%.

(3) Benches, pews, and the like. In sports arenas, churches, and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 22 inches of the seating shall be counted as 1 seat for the purpose of determining requirements.

(4) Multiple uses. Should a structure contain 2 or more types of uses, each use shall be calculated separately for determining the total off-street parking spaces required.

(D) Stall, aisle, and driveway design.

(1) Parking space size. Each parking space shall be no less than 9 feet wide and 20 feet in length exclusive of access aisles, and each space shall be served adequately by access aisles.

(2) Within structures. The off-street parking requirements may be furnished by providing a space so designed within the principal building or 1 attached thereto as defined by § 152.005; however, if provisions are so made, no building permit shall be issued to convert the space into a dwelling or living area unless other adequate provisions are made to comply with the required off-street parking provisions of this chapter.
(3) **Traffic circulation.** Except in the case of single-family, 2-family and townhouse dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley. Parking areas designed that requires backing into the public street is prohibited.

(4) **Distance of curb cut access from intersection.** No curb cut access shall be located less than 50 feet or in the case where such is not possible, not less than 2/3 of the lot width from an intersection of 2 public streets. The distance shall be measured from the curb lines that intersect.

(5) **Standard for parking areas and aisles.** Except in the case of single-family, 2-family, and townhouse dwellings, parking areas and their aisles shall be developed in compliance with the following standards:

<table>
<thead>
<tr>
<th>Angle</th>
<th>Wall to Wall (Minimum)</th>
<th>Wall to Interlock (Minimum)</th>
<th>Interlock to Interlock (Minimum)</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>48.6 feet</td>
<td>44.5 feet</td>
<td>40.3 feet</td>
</tr>
<tr>
<td>45</td>
<td>56.8 feet</td>
<td>53.4 feet</td>
<td>50.0 feet</td>
</tr>
<tr>
<td>60</td>
<td>62.0 feet</td>
<td>59.7 feet</td>
<td>57.4 feet</td>
</tr>
<tr>
<td>90</td>
<td>64.0 feet</td>
<td>64.0 feet</td>
<td>64.0 feet</td>
</tr>
</tbody>
</table>

NOTES TO TABLE:
Parallel parking - 22 feet in length.

(6) **Minimum width of curb cut access.** In all zoning districts except the R-1 District, the minimum curb cut width shall be 22 feet.

(7) **Minimum distance between driveway access curb openings.** Driveway access curb openings onto a public street except in the case of single-family, 2-family, and townhouse dwellings shall not be located less than 25 feet from one another.

(8) **Surfacing.** All areas intended to be utilized for parking space and driveways shall be hard surfaced with concrete or bituminous materials. Plans for surfacing and drainage of driveways and stalls shall be submitted to the city for approval.

(9) **Lighting.** Any lighting used to illuminate off-street parking areas shall be so arranged as to reflect the light away from adjoining property, abutting residential uses, and public rights-of-way.

(10) **Signs.** No sign shall be so located as to restrict the orderly operation and traffic movement within any parking lot.

(11) **Landscaping requirements.** Except for single-family, 2-family, and townhouses, all off-street parking areas shall maintain a vegetation perimeter (grass and/or shrubbery), 5 feet in width, between the parking lot and any public road.
(12) **Required screening.** All open commercial and industrial off-street parking areas with 5 or more spaces shall be screened and landscaped from abutting or surrounding residential districts.

(E) **Location of required off-street parking spaces.** All accessory off-street parking facilities shall be located as follows.

(1) Except as provided in division (H) below, required accessory off-street parking shall be on the same lot under the same ownership as the principal use being served.

(2) Except for single-family, 2-family, and townhouse dwellings, head-in parking, directly off of and adjacent to a public street, with each stall having its own direct access to the public street shall be prohibited.

(3) There shall be no off-street parking within 5 feet of any street surface.

(F) **Use of required area.** Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, storage of inoperable vehicles, and/or storage of snow.

(G) **Maintenance.** It shall be the responsibility of the operator and owner of the principal use, uses and/or building to maintain in a neat and adequate manner, the parking space, accessways, striping, landscaping, and required fences.

(H) **Off-site parking.**

(1) Reasonable access from off-site parking facilities to the use being served shall be provided.

(2) The site used for meeting the off-street parking requirements of this chapter shall be under the same ownership as the principal use being served or under public ownership.

(3) Off-site parking for multi-family dwellings shall not be located more than 100 feet from any normally used entrance of the principal use served. The off-site parking should not be separated from the site of the principal use by a public right-of-way.

(4) Off-site parking for nonresidential uses shall not be located more than 300 feet from the main entrance of the principal use being served.

(5) Any use which depends upon off-site parking to meet the requirements of this chapter shall maintain ownership and parking utilization of the off-site location until the time as on-site parking is provided or a site in closer proximity to the principal use is acquired and developed for parking.

(6) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
(I) **Number of spaces required.**

<table>
<thead>
<tr>
<th>Use</th>
<th>Number of Required Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1- and 2-family dwellings</td>
<td>1 space for each dwelling unit.</td>
</tr>
<tr>
<td>Amphitheater, stadium, or similar outdoor place of assembly</td>
<td>If normally used or intended for use more than 12 times each year, 1 space for each 10 seats provided.</td>
</tr>
<tr>
<td>Bowling alley</td>
<td>4 spaces for each alley, plus additional spaces as may be required for related uses contained within the principal structure.</td>
</tr>
<tr>
<td>Business or professional office, studio, bank, medical or dental clinic</td>
<td>1 space for each 300 square feet of floor area.</td>
</tr>
<tr>
<td>Church</td>
<td>1 space for each 6 seats in the main auditorium.</td>
</tr>
<tr>
<td>Community center, library, museum or art gallery</td>
<td>10 spaces plus 1 additional space for each 300 square feet of floor area in excess of 2,000 square feet.</td>
</tr>
<tr>
<td>Dance hall, roller rink, assembly or exhibition hall without seats</td>
<td>1 space for each 100 square feet of floor area used.</td>
</tr>
<tr>
<td>For uses not listed</td>
<td>As determined by the Zoning Committee</td>
</tr>
<tr>
<td>Furniture or appliance store, hardware store, wholesale establishment, machinery or equipment sales and service business, clothing store, shoe repair or service shop</td>
<td>2 spaces plus 1 additional parking space for each 300 square feet of floor area in excess of 1,000 square feet.</td>
</tr>
<tr>
<td>Hospital</td>
<td>1 space for each 4 beds.</td>
</tr>
<tr>
<td>Hotel or motel</td>
<td>1 space for each sleeping room, guest room, or suite and 1 space for each employee on any shift.</td>
</tr>
<tr>
<td>Manufacturing or industrial establishment, research, or testing laboratory, creamery, bottling plant, warehouse, or similar establishment</td>
<td>1 space for each 2 employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.</td>
</tr>
<tr>
<td>Mortuary or funeral home</td>
<td>3 spaces for each room used as a chapel, slumber room, or parlor, or 1 space for each 50 square feet of floor area of assembly rooms used for service, whichever is greater.</td>
</tr>
<tr>
<td>Multiple-dwellings - 3 or more units</td>
<td>1 space per dwelling unit containing 1 bedroom and 2 spaces per dwelling unit containing 2 or more bedrooms.</td>
</tr>
<tr>
<td>Printing or plumbing shop</td>
<td>1 space for each person employed therein.</td>
</tr>
<tr>
<td>Private club, lodge, fraternity</td>
<td>1 space for every 5 members.</td>
</tr>
<tr>
<td>Restaurant, night club, bar, café similar recreation or amusement establishment</td>
<td>1 space for each 100 square feet of floor area.</td>
</tr>
<tr>
<td>Retail store or personal service establishment</td>
<td>Except as otherwise specified herein, 1 space for each 200 square feet of floor area.</td>
</tr>
</tbody>
</table>
### Morristown - Land Usage

<table>
<thead>
<tr>
<th>Use</th>
<th>Number of Required Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sanatorium, convalescent home, nursing home, home for the aged or similar institution</td>
<td>1 space for each 6 beds.</td>
</tr>
<tr>
<td>School (high school/college)</td>
<td>1 space for each 8 seats in the main auditorium or 3 spaces for each classroom, whichever is greater.</td>
</tr>
<tr>
<td>School (elementary/middle school)</td>
<td>1 space for each 10 seats in the auditorium or main assembly room or 1 space for each classroom, whichever is greater.</td>
</tr>
<tr>
<td>Theater or auditorium (except schools)</td>
<td>1 space for each 5 seats or bench seating spaces.</td>
</tr>
</tbody>
</table>

(J) **Application to existing buildings and change of use.** Buildings existing at the time of adoption of this chapter, not meeting the off-street parking requirements, may be structurally altered to the extent of 50% of the cost of equivalent new construction, and the use of the buildings may be changed to an equally intensive or less intensive use, without providing the required off-street parking spaces. However, if the buildings are structurally altered to an extent greater than 50% of the cost of equivalent new construction, or if the use is changed to a more intensive use, all required off-street parking spaces shall be provided.

(K) **Enlargement of existing buildings.** Buildings existing at the time of adoption of this chapter not meeting off-street parking requirements of this section may be enlarged to the extent of 50% addition of floor area and need provide off-street parking for the enlargement only and not for the original building. When an existing building is enlarged to an extent greater than a 50% addition in floor area, off-street parking spaces shall be provided for both the original building and the enlargement.

(L) **Existing parking spaces.** Off-street parking spaces allocated for a use in existence at the time of adoption of this chapter may not be reduced in number below the number required herein for equivalent new construction, or may not be further reduced below the number required for equivalent new construction.

(M) **Requirements for parking areas adjacent to residential district.** The following requirements apply to all parking areas that have 5 or more spaces and which are adjacent to land zoned residential. Included in this category are parking areas that are within residential areas themselves, such as for schools, churches, and other uses.

1. Parking areas shall be set back 7 feet or more from a side yard of a residentially zoned parcel and screened therefrom.

2. Parking area shall be set back 5 feet or more from a rear yard of a residentially zoned parcel and screened therefrom. (The Zoning Committee has authority to waive the requirements for parking areas adjacent to side and rear yards).
(3) Lighting facilities, where provided, shall be so arranged as to reflect light away from any adjacent residential district.
(Ord. 170, § 11.12, passed 5-6-2002) Penalty, see § 10.99

§ 152.217 OFF-STREET LOADING BERTH REQUIREMENTS.

(A) Definition of loading berth. A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks, having a minimum dimension of 12 feet by 35 feet and a vertical clearance of at least 14 feet.

(B) Location.

(1) All required loading berths shall be off-street and located on the same lot as the building or use to be served.

(2) Loading berths shall be setback 50 feet from a residential district unless it is contained within a structure.

(3) No loading berth shall be located in a front yard or at the front of a building.

(4) Each loading berth shall be located with appropriate means of vehicular access to a street or public alley causing the least interference with traffic.

(C) Surfacing. All loading berths and access ways shall be hard surfaced to control the dust and drainage.

(D) Use of required area. Any space allocated as a required loading berth or access drive so as to comply with the terms of these zoning regulations shall not be utilized for open storage, sale, or rental of goods, storage of inoperable vehicles, and/or storage of snow.

(E) Screening. All loading areas shall be screened and landscaped from abutting and surrounding residential uses.

(F) Schedule of loading berth requirements. All non-residential buildings, including retail, wholesale, office, and industrial buildings, hereafter built, relocated, or structurally altered to the extent of more than a 50% addition in floor area, shall provide an off-street loading berth or berths in accordance with the following schedule:

(1) A building whose dominant use is the selling of goods at retail shall provide loading berths in relation to the floor area used for retail purposes as follows:
(2) Manufacturing, repair, wholesale, trucking terminal, or warehouse uses shall provide loading berth in relation to total floor area as follows:

<table>
<thead>
<tr>
<th>Total Floor Area</th>
<th>Berth Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,000 - 40,000 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td>40,001 - 100,000 sq. ft.</td>
<td>2</td>
</tr>
<tr>
<td>More than 100,000 sq. ft.</td>
<td>3</td>
</tr>
</tbody>
</table>

(3) Other non-residential buildings, including offices, hotels, mortuaries, and institutions, having more than 10,000 square feet of floor area, shall provide 1 off-street loading berth. (Ord. 170, § 11.13, passed 5-6-2002) Penalty, see § 10.99

§ 152.218 SIGN REGULATIONS.

(A) Permitted signs in all districts. The following signs are permitted in all districts:

(1) Real estate signs, not exceeding 12 square feet in surface area, advertising the sale, rental or lease of the premises upon which the signs are located. The signs shall be removed within 7 days after completion of the advertised sale or lease;

(2) Residential and professional nameplates, not exceeding 3 square feet in surface area;

(3) Signs or bulletin boards, not over 24 square feet in surface area, for public, charitable, or religious institutions where the same are located on the premises of the institutions;

(4) Signs denoting the architect, engineer, or contractor, when placed upon work under construction and not exceeding 24 square feet in surface area. The signs shall be removed within 7 working days after completion of the work;

(5) Traffic or other municipal signs, legal notices, danger and other such temporary, emergency or non-advertising signs as may be approved by the City Council;

(6) Memorial signs or tablets, names of buildings and date or erection, when cut into any masonry surface or when constructed of bronze or other incombustible material;
(7) Decorations connected with civic, patriotic, or religious holidays may be displayed no more than 40 days prior to, nor more than 7 working days after, the appropriate holiday. The decorations are exempt from the provisions of this section;

(8) Flags, emblems, and signs of civic, political, patriotic, and religious holiday or events and signs pertaining to commercial promotions and/or sales may be displayed no more than 40 days prior to, nor later than 7 days after, the appropriate holiday, event or promotion. The decorations are exempt from the provisions of this section; and

(9) Non-illuminated signs not exceeding 6 square feet in surface area displayed strictly for the direction, safety, or convenience of the public, including signs which identify rest rooms, parking area entrances or exits, freight entrances, addresses, or similar signs are exempt from the provisions of this section.

(B) General sign standards.

(1) Unsafe and unlawful signs. If the Zoning Committee shall find that any sign regulated under this section is unsafe or insecure, or has been constructed or erected in violation of the provisions of this section, the City Clerk/Treasurer shall be instructed to give written notice to the owner thereof. If the owner fails to remove or alter the structure so as to comply with the standards set forth in this section within 30 days after the notice, the sign may be removed or altered at the expense of the owner of the property upon which it is located. The sign may be removed summarily and without further notice.

(2) Attachment to buildings. All signs attached to a building shall be secured in a manner approved by the Zoning Committee, and shall be repaired and maintained to keep them secure, safe, and free from danger.

(3) Safety obstructions. No sign in the city shall obstruct access to fire escapes, windows, doors, exits, or standpipes.

(C) Removal of certain signs. Any business sign in the city which no longer advertises or identifies a bona fide business or product sold shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or lot upon which the sign may be found within 30 days after written notification from the City Clerk/Treasurer. Upon failure by any such owner, agent, or person to comply with the notice within the time specified in the order, the Zoning Committee is hereby authorized to cause removal of the sign. Any expense incident to the sign removal shall be paid by the owner of the building, structure, or lot to which the sign is attached.

(D) Computations.

(1) Computation of area of individual signs. The area of the sign face (which is also the sign area of a wall sign or other sign with only 1 face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part.
of the background of the display if used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when the fence or wall otherwise meets zoning ordinance regulations, and is clearly incidental to the display itself.

(2) **Computation of area on multi-faced sign.** The sign area for a sign with more than 1 face shall be computed by adding together the area of all sign faces visible from any 1 point. When 2 identical sign faces are placed back to back, so that both faces cannot be viewed from any 1 point at 1 time, and when the sign faces are part of the same structure and not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

(3) **Computation of height.** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attachment component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction, or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot be reasonable determined, sign height shall be computed on the assumption that the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

(E) **Other permitted signs by zoning district.** Except as otherwise provided in this chapter, no sign shall be erected in the city, unless it is permitted in the district in which it is to be located or under the provisions of this section.

(1) **“A” Agricultural District.** In the “A” Agricultural District, only the following signs shall be permitted to be erected:

(a) **Roadside sign.** One sign per highway or street frontage, not to exceed 32 square feet, advertising farm products, or listing the real estate for sale or rent; and

(b) **Temporary signs.** Portable signs may be displayed for no longer than 40 days prior to and not more than 7 working days after a special sale or promotion.

(2) **Residential districts.** In residential districts R-1 and R-M, the following signs shall be permitted to be erected.

(a) **Institutional signs.** One identification sign, not to exceed 24 square feet in surface area, for each building devoted to the following uses: church, school, hospital, library, or similar use. The sign shall be solely for the purpose of displaying the name of the institution or association and its activities or services. In addition, a bulletin board may be permitted; provided that, a total of 30 square feet is not exceeded by both bulletin board and identification sign. The sign may be indirectly illuminated, but not flashing. No sign shall be erected closer than 8 feet to any side or rear lot line nor closer to the front lot line than 1/2 the depth of the front yard. The sign, when affixed to a building shall not project higher than 1 story, or 20 feet above curb level, whichever is lower, and a ground sign shall not project higher than 8 feet above ground level.
(b) **Identification signs.** An identification sign for apartment or institutional office building, not exceeding a surface area of 30 square feet or 3% of the wall area upon which it is placed, whichever is less, and indicating only the name and address of the building, occupant, or management. For corner lots, 2 such signs, 1 facing each street, may be displayed. The signs shall either be illuminated or non-illuminated, but shall not be flashing.

(c) **Real estate signs (for subdivisions).** Temporary real estate signs for approved subdivisions, not exceeding 30 square feet in surface area and limited to 1 for each major street entrance to the subdivision. The sign shall be set back at least 10 feet from each lot line. It may be indirectly illuminated, not flashing, and shall be removed following the completion of sale of property advertised. The sign shall not be more than 15 feet nor less than 2 feet, above ground level.

(d) **Temporary signs.** Portable signs may be displayed for no longer than 40 days prior to, nor more than 7 working days after a special sale or promotion.

(3) **Business/commercial districts.** In the B-1 Highway Commercial District, and B-2 Central Business District, the following signs are permitted, subject to the following limitations.

(a) **Business or advertising signs.** The total surface area for all business signs, not to exceed 3 in number (except in a unified shopping center) on a lot, shall not exceed 2-1/2 square feet for each linear foot of street frontage of the lot. Commercial lots may have 1 freestanding sign. Additional freestanding signs are permitted provided a lot has a minimum of 100 feet of street frontage per freestanding sign. Wall signs shall not exceed 10% of the wall area as defined by this chapter. The percentage figure here shall mean the percentage of the wall area of the wall, which the sign is a part or to which each sign is most nearly parallel. No wall sign shall be permitted to project more than 2 feet above the roof or parapet line of the building, not extend more than 18 inches from the wall to which it is attached. One pylon or projection sign may be permitted for each separate street frontage of a business occupancy; provided that the sign does not project more than 36 inches past the front property line and ground signs are limited to an overall maximum height of 28 feet.

(b) **Unified shopping center/multiple occupancy buildings.** In a unified shopping center/multiple occupancy building under single ownership or control, the total surface area of all business signs in the lot shall not exceed 2-1/2 square feet for each lineal foot of street frontage of the lot. The number of signs shall not exceed the number of shops located within the center. A unified shopping center may also erect 1 additional business sign for each separate street frontage, not to exceed 350 square feet in area; and not to display more than the name and location of the shopping center.

(4) **Industrial districts.** In the I-1 Industrial Districts, signs are permitted subject to the following limitations. In the I-1 Industrial Districts, signs are permitted as and regulated under B Business District; except that, in lieu of the permitted additional shopping center sign of 350 square feet, an identification sign for a unified industrial park of the same size, height, and location shall be allowed in addition to other business signs permitted under the 2-1/2 square feet for each lineal foot of frontage ratio.
(F) **Billboards and posterboard signs.** Billboards and posterboard signs as defined in the definitions section are permitted only on property defined below.

(1) **Location.** Billboards or posterboard signs shall be permitted in the following districts, subject to the requirements below. All properties which are zoned B-2 or I-1 and border Trunk Highway 60.

(2) **Size.** Billboard or posterboard sign structures shall not contain more than 2 signs per facing, nor shall the sum of the sign or signs exceed the length of 55 feet nor the surface area of 750 square feet.

(3) **Setback.** Billboard or posterboard sign structures must maintain a 25-foot minimum front yard setback off the property line. Where adjacent building structures within the same block have front yard setbacks different than those required, the front yard minimum setback shall be the average of the required setback and the actual setback of adjacent structures.

(4) **Distance from other uses.** No billboard or posterboard structure shall be permitted to be erected within 100 feet of an adjoining residential district boundary line or any public park, school, library, church, or government building. No billboard, posterboard, or advertising sign shall be located within 200 feet of a residential dwelling.

(5) **Spacing.** All billboard or posterboard sign structures shall be spaced at least 750 linear feet from another sign on the same side of the street right-of-way line.

(6) **Height.** The height of billboard or posterboard signs is limited to 40 feet above curb level.

(7) **Conditional use.** A conditional use permit may be requested for the placement of billboard or posterboard signs on property zoned A Agricultural District.

(8) **State statutes.** All billboard or posterboard sign structures are also subject to any provisions not provided for in this code, but cited in the Minnesota Outdoor Advertising Control Act, M.S. Ch. 173, as it may be amended from time to time.

(G) **Sign prohibitions and restrictions applicable in all zoning districts.** The construction of any type of sign within the city shall conform to the requirements of the State Building Code. In addition, the following prohibitions and general restrictions shall apply to signs in all zoning districts in the city.

(1) No sign, whether illuminated or not, shall obscure any traffic-control signal from the vision of any motorist, in a moving traffic lane, within 150 feet of the signal.

(2) No sign visible from the street shall use the work “stop” or “danger” or any other word, phrase, symbol, or character with the intent of simulating a public safety warning or traffic sign.

(3) Awning and marquee signs must be limited to places of public assemblage. Marquee signs may extend to 2 feet of the curb line, but no such sign shall be less than 10 feet in the clear above the
level of the sidewalk, at its lowest level. On authorized marquees and awnings there may be placed a sign which may extend not more than 4 feet above nor more than 1 foot below the marquee or awning, but under no circumstance shall the sign be wider than 8 feet.

(4) Any existing sign or logo painted directly to the surface of any wall shall be required to be repainted at least once every 3 years, and a sign permit shall be required for the painting. If the repainted sign should result in exceeding the total allowable sign area in the respective business or industrial district for the business sign, the sign shall be painted out or otherwise removed or reduced in area to conform to the limitations.

(5) Gooseneck and thin-line reflectors and lighting shall be permitted on illuminated signs; provided that, the reflectors and lighting do not extend more than 8 feet beyond the sign structure to which it is attached and the illumination is focused directly upon the face of the sign to reduce possibility of direct light rays shining onto adjoining property or into the public right-of-way.

(6) No sign is permitted which purports to be or resembles an official traffic-control device, sign, or signal, or which hides from view or interferes in any material degree with the effectiveness of any traffic-control device, sign, or signal, or which obstructs or interferes with the driver’s view of approaching, merging, or intersecting traffic for a distance of 500 feet.

(7) No sign is allowed which has flashing or moving lights.

(Ord. 170, § 11.14, passed 5-6-2002) Penalty, see § 10.99

§ 152.219 TELECOMMUNICATION TOWERS AND ANTENNAE.

(A) Purpose. To accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the city finds that these regulations are necessary in order to:

(1) Facilitate the provision of wireless telecommunication services to the residents and businesses of the city;

(2) Minimize adverse visual effects of towers through careful site location and design standards;

(3) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and

(4) Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

(B) Required permits. Prior to any construction activities, the following permits must be secured from the city:
(1) A zoning permit, as required by § 152.295 et seq.; and

(2) A conditional use permit, as required by this chapter, with attachments, as required by §§ 152.240 et seq., and as required by the conditional use permit application.

(C) **Zoning district use.** Telecommunication towers and antennae will be allowed in any zoning district in the city upon the approval of the 2 permits required above. The conditional use permit is required regardless of the underlying zoning district.

(D) **Area, setback, and height restrictions.**

(1) **Lot area.** The minimum lot area requirements are determined by the zoning district in which the tower development site is located and as determined by any additional area needed to meet all setback requirements of this chapter.

(2) **Tower setbacks.** The minimum setback from all property lines and public rights of way for telecommunications towers shall be equal to its height, except for towers that are designed to collapse in upon themselves. For these later types of towers, the minimum yard setbacks are 1/2 the tower height or 50 feet, whichever is less.

(3) **Height restrictions.** A maximum height for telecommunications towers is 200 feet.

(E) **Co-location requirements.**

(1) A proposal for a new commercial wireless telecommunication service tower shall not be approved unless it can be documented by the applicant, as documented by a qualified and licensed engineer, that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower, commercial building, or public structure within 1 mile radius of the proposed tower site due to 1 or more of the following reasons.

(a) The planned equipment would exceed the structural capacity of the existing or approved tower or commercial building, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

(b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building and interference cannot be prevented at a reasonable cost.

(c) Existing or approved towers and buildings within the search radius (1 mile) cannot accommodate the planned equipment at a height necessary to reasonably function.

(d) The applicant must demonstrate that a good faith effort to co-locate equipment on existing towers or structures within the 1 mile radius, but an agreement could not be reached.
(2) Predominantly economic reasons for not pursuing co-location sites shall not be accepted and would generally be grounds for rejection of the application and/or denial of the conditional use permit.

(3) Any proposed commercial wireless telecommunication service tower shall be designed to accommodate both the applicant’s antennae and comparable antennae for at least 2 additional users. Towers must be designed to allow for future rearrangement of antennae upon the tower and to accept antennae mounted at varying heights.

(F) Tower design requirements. Proposed or modified towers and antennae shall meet the following design requirements.

(1) Towers and antennae shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities.

(2) Commercial wireless telecommunication service towers shall be of a monopole design unless the City Council determines that an alternative design would better blend in to the surrounding environment. Towers must be self-supporting without the use of wires, cables, beams, or other means.

(G) Construction requirements.

(1) All antennae, towers, and accessory structures shall comply with all applicable provisions of this chapter.

(2) Towers shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and Electronics Industry Association.

(3) No part of any antenna or tower nor any lines, cable, equipment, wires, or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line.

(4) Towers and associated antennae shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.

(5) All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least 8 feet above the ground at all points, unless buried underground.

(6) Every tower affixed to the ground shall be protected by a security fence to discourage climbing of the tower by unauthorized persons.

(7) Tower locations should provide the maximum amount of screening possible for off-site views of the facility. Existing on-site vegetation shall be preserved to the maximum extent practicable.
The area around the base of the tower and any accessory structures shall be landscaped and/or screened. See § 152.210.

(H) Lights and other attachments.

(1) No antenna or tower shall have affixed or attached to it in any way, except during time of repair or installation, any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Agency (FAA) or the Federal Communications Commission (FCC), nor shall any tower have constructed on, or attached to, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.

(2) The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

(I) Accessory utility buildings. All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the zoning district in which the tower site is located. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

(J) Screening standards.

(1) When used, walls or fences must provide for full visual screening of accessory buildings or storage areas, as viewed from residential areas and state and county roads.

(2) The materials used for constructing the wall or fence shall be specified in the site plan and shall be subject to approval by the Zoning Committee and City Council.

(3) Berms, if used, shall be constructed with a slope not to exceed 3:1 and shall be covered with sod or other landscape material sufficient to prevent erosion of the berm.

(4) Trees, hedges, or other vegetative materials, when used, must provide at least 75% capacity throughout the year. The screening must also conform to all vegetative setback requirements of this chapter.

(K) Maintenance requirements.

(1) The yard area in front of fences and walls shall be trimmed and maintained in a neat and attractive manner.

(2) Repairs to damaged areas of walls or fences shall be made within 30 days of sustaining the damage.

(3) Areas left in a natural state and vegetative screening area shall be properly maintained in a sightly and well kept condition.
(4) Diseased, dying, or dead vegetative screening elements shall be removed and then replaced, at a minimum, with healthy plants of the same size required when first planted.

(L) Abandoned or unused towers or portions of towers.

(1) All abandoned or unused towers and associated facilities shall be removed within 6 months of the cessation of operations at the site unless a time extension is approved by the City Council. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and any associated facilities upon the cessation of their operations shall be submitted at the time of application. In the event that a tower is not removed within 6 months of cessation of operations at a site, the tower and associated facilities may be removed by the city and the cost of removal assessed against the property.

(2) Unused portions of towers above manufactured connection shall be removed within 6 months of the time of antenna relocations. The replacement of portions of a tower previously removed requires the issuance of a new building/conditional use permit.

(M) Antennae mounted on roofs, walls, and existing towers. The placement of wireless telecommunication antennae on roofs, walls, and existing towers may be approved by the City Council, provided the antennae meet the requirements of this chapter, after submittal of:

(1) A site and building plan; and

(2) A report prepared by a qualified and licensed professional engineer indicating the existing structure or towers suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. A complete detailing of all fixtures and couplings needed and the precise point of attachment shall be indicated.

(N) Additional submittal requirements. In addition to the information required elsewhere in this chapter, applications for towers shall include the following supplemental information.

(1) Documentation of the area to be served by the tower including a narrative describing why the site chosen is the most appropriate site for the tower location, the results of any environmental review conducted on the chosen site, and a discussion of why existing structures within the search area would not be suitable as locations or co-locations for the purpose of antennae.

(2) A copy of an agreement between the applicant and property owner that the site and tower will be designed for not less than 3 users. The agreement shall also include a statement that any unused or obsolete tower shall be removed by the property owner or applicant. This agreement shall be signed by the applicant and property owner and shall be attached to and become part of the permit.

(3) A report from a qualified and licensed professional engineer which:

(a) Describes the tower height and design including a cross-section and elevation;
(b) Documents the height above grade for all potential mounting positions for co-locating antennae and the minimum separation distances between antennae;

(c) Describes the tower capacity, including the number and type of antennae it can accommodate;

(d) Documents what steps the applicant will take to avoid interference with established public safety telecommunications;

(e) Includes an engineer’s stamp and registration number; and

(f) Includes other information necessary to evaluate the request.

(4) Before the issuance of a zoning permit, the following supplemental information shall be submitted:

(a) Proof that the proposed tower complies with regulations administered by the FAA; and

(b) A report from a qualified and licensed professional engineer which demonstrates the tower’s compliance with the aforementioned structural and electrical standards.

(5) Additional liability insurance equivalent to the minimum city requirements and proof of insurance be provided with all other information contained with the submittal materials.

(Ord. 170, § 11.15, passed 5-6-2002) Penalty, see § 10.99

§ 152.220 DRIVE-IN BUSINESS DESIGN STANDARDS.

The following standards shall apply to drive-in businesses in all districts.

(A) General standards.

(1) Any drive-in business serving food or beverages may also provide, in addition to vehicular service areas, indoor food and beverage service seating area. Each drive-in business serving food may have outside seating.

(2) The hours of operation shall be set forth as a condition of any zoning permit for drive-in businesses.

(3) No service shall be rendered, deliveries made, or sales conducted within the required front yard.

(4) The entire area, other than that occupied by structures or landscaped areas, shall be hard surfaced to control dust and drainage runoff.
(5) A fence or screening of acceptable design not more than 6 feet in height nor less than 4 feet shall be constructed along the property line abutting a residential district and the fence or screen shall be adequately maintained.

(B) Site design standards.

(1) Each food or beverage drive-in business shall place trash receptacles at all exits as well as 1 refuse receptacle per 10 vehicle parking spaces within the parking area.

(2) Electronic devices such as loudspeakers, automobile service order devices, drive-in car speakers, and similar instruments shall not be located within 300 feet of any residential dwelling unit.

(3) Number of stacking spaces required, in addition to the vehicle being served:
   (a) Financial institutions – 3 stacking spaces;
   (b) Car wash – 4 stacking spaces; and
   (c) All other uses requiring the use of stacking spaces – 3 stacking spaces.

(4) The minimum size of each stacking space shall be 9 feet wide by 18 feet deep.

(5) Location of stacking spaces:
   (a) No stacking space shall encroach into any drive aisle that is necessary for the circulation of vehicles; and
   (b) All stacking spaces shall be setback from property lines the same distance required of parking areas.

(6) All canopies and equipment appurtenant to a drive-through facility shall provide the same setbacks as are required for principal buildings.

(7) Lights shall be designed and placed in such a manner as to direct the light away from residential areas.

(8) All areas used for the storage or disposal of trash, debris, discarded parts, and similar items shall be fully screened from public view or from adjacent properties. All structures and grounds shall be maintained in an orderly, clean, and safe manner.

(C) Auto service stations; additional site design standards.

(1) Vehicles. No more than 4 vehicles awaiting service shall be parked outside building areas, other than those utilized by employees. No single vehicle shall be parked in an area visible from a public street or a residential property for a period longer than 15 days.
(2) Exterior storage. Exterior storage, besides vehicles as referenced above, shall be limited to service equipment and items offered for sale. Items for sale shall be in containers that are designed for outside display such as racks, trays, or similar containers. Junk cars, empty cans, and other unsightly materials are not permitted in an area visible from public rights-of-way or from adjacent property.

(D) Locations.

(1) No drive-in business shall be located within 200 feet of a public or parochial school or church.

(2) No drive-in business shall be located such that it may increase traffic volumes on nearby residential streets.

(E) Site plan.

(1) The site plan shall clearly indicate suitable storage containers for all waste material. All commercial refuse containers shall be screened.

(2) A landscaping plan shall be included and shall set forth complete specifications for plants and other features.

(3) Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street.

(4) The entire area of any drive-in business shall have a drainage system approved by the Zoning Committee or City Engineer.

(Ord. 170, § 11.16, passed 5-6-2002) Penalty, see § 10.99

§ 152.221 BUILDING RELOCATION REQUIREMENTS.

(A) Generally. The relocation of any building or structure from 1 lot or from out of city limits to another lot within the city limits requires the applicant to secure a conditional use permit and a zoning permit.

(B) Performance standards.

(1) Upon relocation, the building will comply with the applicable requirements of the building code.

(2) The proposed relocated building shall comply with the character of the neighborhood in which it is being relocated, as determined by the Zoning Committee.
(3) The relocated building shall only be used for a conforming use, as designated by the zoning map and the district use designations in this chapter.

(4) Except as otherwise allowed by the City Council, the relocated structure shall be ready for occupancy within 6 months of its relocation.

(C) **Performance Security.**

(1) Any person seeking a permit under this section shall also provide a bond, executed by a corporate surety company authorized to do business in the state, in the amount of $25,000, conditioned upon the compliance by the applicant with the provisions contained in this chapter and other applicable provisions of state law, to be used for the payment to the city for any damage the city may sustain by reason of the building being moved.

(2) After the building has been moved, the Zoning Administrator shall furnish the City Clerk/Treasurer with a written statement of all expenses incurred and of all damage caused to or inflicted upon property belonging to the city by reason of the move. The City Clerk/Treasurer shall return to the applicant all deposits after deducting a sum sufficient to pay for all costs associated with making repairs to damaged city property.

(Ord. 170, § 11.17, passed 5-6-2002) Penalty, see § 10.99

§ 152.222 SWIMMING POOLS; OUTDOORS.

(A) **Generally.** The following standards are to be applied to swimming pools.

(B) **Standards.**

(1) The interior vertical wall of swimming pools shall not be closer than 5 feet to any side or rear lot line.

(2) No swimming pool shall be located beneath or within 10 feet of any overhead utility lines or over any underground utility lines.

(3) All outdoor swimming pools shall be completely enclosed by a security fence or wall at least 4 but not more than 6 feet high and be located no less than 4 feet from the edge of the pool. The bottom of the fence or wall shall be no higher than 4 inches above the surface of the ground. Fence openings or points of entry to the pool area shall be equipped with self-closing and self-latching lockable gates.

(4) No swimming pool shall be used, kept, maintained or operated in such a manner as to constitute a nuisance or as to be hazardous to health, life, or property. All swimming pools shall have and operate adequate equipment to filter and otherwise keep the water clean and free from contamination.

(Ord. 170, § 11.18, passed 5-6-2002) Penalty, see § 10.99
§ 152.223 SUBDIVISION OF 2-FAMILY HOME OR TWIN HOME DEVELOPMENT.

(A) The subdivision of base lots in the R-1 District containing a 2-family structure to permit individual private ownership of a single dwelling unit within such a structure is acceptable upon review by the Zoning Committee and with the approval of the City Council.

(B) Prior to a 2-family dwelling and lot being subdivided, the base lot must meet the area requirements and the structure must meet the setback requirements of the R-1 zoning district.

(C) After subdivision in which a zero lot line between the 2 units is established, the principal structure on each of the lots created will be that portion of the attached dwelling unit existing or constructed on the platted unit lots.

(D) Each of the subdivided lots shall abut an improved public street.

(E) A property maintenance agreement must be arranged by the applicant and submitted to the Zoning Committee for review and approval. The agreement shall specify the requirement for maintenance provisions for owners of the structures and the lots to coordinate efforts to ensure that their efforts will maintain continuity in the appearance of the structure’s exterior. This agreement is to be filed with the Rice County Recorder’s office as a deed restriction against the title of each unit lot.

(F) Separate public utility service shall be provided to each subdivided unit.

(G) The subdivision is to be platted and recorded in conformance to requirements of Chapter 151. (Ord. 170, § 11.19, passed 5-6-2002) Penalty, see § 10.99

§ 152.224 RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD).

(A) Purpose. To provide a set of procedures and standards to allow for greater flexibility in the development of neighborhoods with mixed densities or varying residential uses. The PUD process will permit variation in setbacks, height of buildings, lot area, width, and depth standards, densities, for the purpose of encouraging any of the following:

(1) Innovations in development proposals by integrating housing variety, design, and the location of structures;

(2) Conservation and more efficient use of land resulting in smaller networks of utilities and streets thereby lowering development costs and public investment;

(3) Preservation and enhancement of desirable site characteristics such as natural topography, surface water features, or the prevention of soil erosion; or

(4) A more desirable and creative environment than might be possible through strict application of zoning and subdivision regulations.
(B) General requirements and standards.

(1) Ownership. An application for a PUD must be filed by the landowner or jointly by all landowners of the property included in the project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple owners, the approved plan shall be binding upon all owners.

(2) Land use plan consistency. The proposed PUD shall be consistent with the Morristown Land Use Plan.

(3) Common open space. Common open space at least sufficient to meet the minimum requirements as established in the Land Use Plan shall be provided, as well as, structures and improvements necessary and appropriate for the benefit and enjoyment of the residents of the PUD.

(4) Operating and maintenance requirements for PUD common open space or facilities. Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of the open space and service facilities to a pre-determined standard. Common open space and service facilities within a PUD may be placed under the ownership of 1 or more of the following, as approved by the City Council:

   (a) Dedicated to public, where a community wide use is anticipated and the Council agrees to accept the dedication;

   (b) Landlord control, where only use by tenants is anticipated; and/or

   (c) Property owners association, provided all of the following conditions are met:

      1. Prior to the use or occupancy or sale of an individual building unit, parcel, tracts, townhouse, apartment or common area, a declaration of covenants, conditions and restrictions or an equivalent document shall be submitted to the city prior to having it recorded with the county;

      2. The declaration of covenants, conditions, and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses, or apartments shall subject the properties to the terms of the declaration;

      3. The declaration of covenants, conditions, and restrictions shall provide that an owner’s association or corporation shall be members of the association or corporation which shall maintain all properties and common areas in good repair and shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be reviewed by the Zoning Committee and City Council. The intent of this requirement is to protect the property values of the individual owner through establishing private control;

      4. The declaration shall also provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the city or fails to pay taxes or assessments on properties as they become due and in the event the city incurs any expenses
in enforcing its rules and regulations, which the expenses are not immediately reimbursed by the association or corporation, then the city shall have the right to assess each property its pro rated share of the expenses. The assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made;

5. Membership must be mandatory for each owner and any successive buyer;

6. The open space restrictions must be permanent, not for a given number of years;

7. The association must be responsible for liability insurance, local taxes, and the maintenance of the open space facilities to be deeded to it;

8. Property owners must pay their prorated share of the cost of the Association by means of an assessment to be levied by the Association which meet the requirements for becoming a lien on the property in accordance with state statutes;

9. The association must be able to adjust the assessment to meet changed needs;

and

10. The bylaws and rules of the Association and all covenants and restrictions to be recorded must be approved by the Council prior to the approval of the final PUD plan.

(5) **Density.** The maximum allowable density variation in a PUD shall be determined by standards negotiated and agreed upon between the applicant and the city.

(6) **Utilities.** All utilities shall be installed underground.

(7) **Utility connections.**

(a) **Water connections.** Where more than 1 property is served from the same service line, individual unit shut-off valves shall be provided.

(b) **Sewer connections.** Where more than 1 unit is served by a sanitary sewer lateral which exceeds 300 feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners association or owner.

(8) **Roadways.** All streets shall conform to the design standards required by Chapter 151, or as approved by the City Council.

(9) **Landscaping.** In any PUD, landscaping shall be provided according to a plan approved by the Council. In assessing the landscaping plan, the Council shall consider the natural features of the particular site and the overall scheme of the PUD plan.
(10) **Setbacks.** The front and side yard design standards specified in the R-1 District will apply to the periphery of the PUD. No building within the project shall be nearer to another building than \( \frac{1}{2} \) the sum of the building heights of the 2 buildings.

(C) **Submission requirements; general concept stage.** Five copies of the following exhibits and plans shall be submitted to the Zoning Committee and City Council:

1. **General information:**
   - (a) The landowner(s) name, address, and interest in the property;
   - (b) The applicant’s name and address, if different from landowners;
   - (c) Names and addresses of all consultants who have contributed to the development of the PUD plan being submitted, such as attorney, land planner, engineer, surveyor, others; and
   - (d) Evidence the applicant has sufficient control over the subject property on which the PUD is proposed, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and any other evidences as the city may require of the petitioner to show control of the subject property.

2. **Present status:**
   - (a) The legal description of the property;
   - (b) The existing zoning classification and present use of land within the subject property, as well as, the use of land adjacent to the subject property within 500 feet; and
   - (c) A map showing any existing development within the subject property and of the property within 500 feet of the subject property, including the location of existing streets, property lines, easements, water mains, sanitary sewers, and storm sewers.

3. **A written statement generally describing the proposed PUD and the market it is intended to serve, how the PUD is designed, arranged, and operated in order to permit the development and use of neighboring property in accordance to the land use controls of the city;**

4. **Graphic reproduction of the following site conditions shall be provided at a scale of 1 inch = 100 feet.**
   - (a) Contours - minimum of 2 intervals;
   - (b) Location, type, and extent of tree cover;
(e) Location and extent of water bodies, wetlands, streams, flood plains within the subject property and within 300 feet of the subject property;

(d) Significant rock outcroppings;

(e) Existing drainage patterns;

(f) Vistas and significant views; and

(g) Soils conditions as they may affect development.

(5) Schematic drawing of the proposed development concept, including but not limited to, the general location of major circulation elements, public and common open space, and residential uses;

(6) A statement of the estimated total number of dwelling units proposed for the development, as well as estimates of the following:

(a) An estimate of the amount of land devoted to residential uses;

(b) An estimate of the amount of land devoted to residential use by building type;

(c) An estimate of the amount of land devoted to common open space;

(d) An estimate of the amount of land devoted to public open space;

(e) Approximate area devoted to streets; and

(f) Approximate area devoted to and an number of off-street parking spaces, loading spaces, and accessways.

(7) When the PUD is to be constructed in stages, extending beyond a single construction season, a schedule for the development stages or units shall be submitted stating the approximate beginning and completion date for each such stage and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such stage and the overall chronology of development to be followed from stage to stage;

(8) When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of the open space or service facilities;

(9) General intents of any restrictive covenants that are to be recorded with respect to the property included in the proposed PUD;

(10) Schematic utilities plans indicating placement of water, sanitary and storm sewers;
(11) The Zoning Committee may excuse an applicant from submitting any specific item of information or document required in this stage, which it finds to be unnecessary to the consideration of the specific proposal for PUD approval; and

(12) The Zoning Committee may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD or any aspect or stage thereof.

(D) Submission requirements; development stage. The development stage submissions shall include, but not be limited to:

(1) Zoning classification required for development and any other public decisions required to implement the plan;

(2) Five sets of preliminary plans, drawn to a scale of not less than 1 inch = 100 feet, or a scale requested by the Zoning Committee, containing the following information:
   
   (a) Proposed name of the development, not duplicating the name of any other plat recorded in the city;

   (b) Property boundary lines and dimensions of the property and any significant topographical or physical features of the property;

   (c) The location, size, use, and arrangement including height in stories and feet and total square feet of ground area coverage and floor area, of proposed buildings, and existing buildings which will remain, if any;

   (d) Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements;

   (e) Location, designation, and total area of all common open space;

   (f) Location, designation, and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites, and recreational facilities;

   (g) Proposed lots and blocks, if any, and numbering system;

   (h) The location, use, and size of structures and other land uses on adjacent properties;

   (i) Detailed sketches and provisions of proposed landscaping;

   (j) General grading and drainage plans for the developed PUD; and
(k) Any other information that may be required by the Zoning Committee or City Council in conjunction with the approval of the general concept plan.

(3) An accurate legal description of the entire area within the PUD for which final development plan approval is sought;

(4) A tabulation indicating the number of residential dwelling units and expected population;

(5) Preliminary architectural “typical” plans indicating use, floor plan, elevations and exterior wall finishes of proposed buildings;

(6) A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easement, rights-of-way, utility lines and facilities, lots, blocks, public and common open space, general landscaping plan, and structure uses;

(7) Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan;

(8) A preliminary plat prepared in accordance with Chapter 151;

(9) Any other information or documentation requested by the Zoning Committee or City Council; and/or

(10) The Zoning Committee and City Council may excuse an applicant from submitting any specific item of information or document required in this section if it is determined to be unnecessary to the consideration of the proposal for PUD approval.

(E) Submission requirements; final plan stage. After approval of a general concept plan for the PUD and the development stage plan, the applicant will submit the following material for review prior to requesting a zoning permit:

(1) Proof of recording any easements and restrictive covenants prior to the sale of any land or dwelling unit within the PUD and of the establishment or hiring of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility;

(2) All certificates, seals, and signatures required for the dedication of land and recording of documents;

(3) Final architectural working drawings of all structures;

(4) A final plat and final engineering plans and specifications for streets, utilities, and other public improvements, together with a developer’s agreement for the installation of the improvements and financial guarantees for the completion of the improvements; and
(5) Any other plan, agreements, or specifications necessary for the Zoning Committee and City Council to review the proposed construction.

(F) Procedure for processing a planned unit development (PUD).

(1) Application conference. The applicant of a proposed PUD is encouraged to arrange for and attend a conference with the Zoning Committee. The primary purpose is to provide the applicant with an opportunity to gather information and obtain guidance about the general suitability of the project for the area on which the PUD is proposed.

(2) Time lines. The general concept plan, development stage, and final plan stage will conform to the time lines set in Chapter 151.

(3) Zoning and other permits. Upon receiving notice that the final plan has been recorded, zoning permits may be issued pursuant to the applicable city provisions.

(4) Limitation on final plan approval. Within 1 year after the approval of a final plan for a PUD, construction shall commence in accordance with the approved plan. Failure to commence construction within the period shall, unless an extension shall have been granted, automatically render the PUD permit invalid.

(G) Additional standards applying to residential PUDs developed in shoreland.

(1) Site suitable area evaluation.

(a) The suitable area within shoreland is calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters.

(b) The suitable area within shoreland is divided by the single residential lot size standard, which shall then be used to yield a base density of dwelling units.

(2) Density increase multiplier. A 50% increase to the dwelling unit base density calculated above is allowable, if structure setbacks from the ordinary high water level are increased to at least 50% greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through the use of increased vegetative screening plantings, and the setback is at least 25% greater than the minimum setback.

(3) Open space requirements. Planned unit developments must contain open space meeting all of the following requirements:

(a) At least 50% of the total project area must be preserved as open space;

(b) Dwelling units, road surfaces, parking areas, or other structures are developed areas, and shall not be included in the computation of minimum open spaces;

(c) Open space may include outdoor recreational facilities for use by owners of dwelling units;

(d) The appearance of open space areas, including topography, vegetation, and allowable
uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and

(e) The shore impact zone must be included as open space. At least 70% of the shore impact zone must be preserved in its natural or existing state.

(Ord. 170, § 11.20, passed 5-6-2002; Am. Ord. passed 2-7-2005) Penalty, see § 10.99

Cross-reference:
For Shoreland Overlay District regulations, see §§ 152.350 et seq.

§ 152.225 JUNK YARDS OR AUTO SALVAGE YARDS.

(A) Generally. Junk yards and auto reduction yards shall conform to the following performance standards.

(B) Performance standards.

(1) Designated storage areas shall be totally screened by means of fencing so the area shall not be visible from public roads nor from dwellings that are located on adjacent lots. Screening shall be completed within 90 days from receipt of the notice from the Zoning Administrator.

(2) All storage areas shall be setback a minimum of 100 feet from a residential district, any lake, stream, creek, public or private ditch.

(3) The area upon which the business activity is located must be a contiguous area within the owner’s parcel and must meet all yard setbacks and screening provisions herein.

(4) Vehicle storage provisions include:

(a) All vehicles must remain upright unless the motor and running gear have been removed; and

(b) No vehicle storage nor any business operation is permitted in any flood plain area, wetland, or in areas where groundwater is less than 3 feet from the ground surface.

2008 S-1
(5) All structures will conform to yard setbacks as established in the district provisions. However, no fencing is permitted in the front yard nor is the storage of any autos. Additionally, all autos must be setback at least 10 feet from the rear and side property lines.

(6) The site plan for the establishment of any new use or for any rezoning request must be accompanied by the following information:

(a) The location of buildings and auto storage area and all applicable linear dimensions;
(b) A fencing plan;
(c) A signage plan;
(d) A drainage plan;
(e) A hazardous waste plan which conforms to MPCA guidelines and addresses the handling and storage of any or all of the following:
   1. Motor oil and/or fuel;
   2. CFCs (chlorofluorocarbons);
   3. Auto or other motorized vehicle batteries;
   4. Antifreeze; and
   5. Any other substance as requested by the Zoning Committee or City Council.
(f) Provide a copy of the EPA ID Number Notification and a copy of their hazardous waste license.
(Ord. 170, § 11.21, passed 5-6-2002) Penalty, see § 10.99

§ 152.226 NON-CONFORMING BUILDING MATERIALS.

In all zoning districts any principle or accessory building and or structure shall not be constructed or erected of:

(A) Temporary materials such as canvas, tarps, plastics, or other such materials; or
(B) Prefabricated kits greater than 160 square feet.
(Ord. 2011-3, passed 4-18-2011)
ADMINISTRATION; CONDITIONAL USE PERMITS

§ 152.240 PURPOSE.

The purpose of this section of the zoning ordinance is to provide the City of Morristown with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health, and safety. In making this determination, whether or not the conditional use is
Zoning Code

§ 152.241 PROCEDURE.

(A) Application.

(1) The applicant requests proper form for a conditional use permit from the City Clerk/Treasurer or Zoning Administrator.

(2) The application shall be filed with the City Clerk/Treasurer or Zoning Administrator accompanied by the fee as set by the City Council. The application shall contain the following information:

(a) The legal description and local address of the property;

(b) The names and addresses of the owners of all property within 350 feet of the property for which the conditional use permit is being applied;

(c) Detailed description of the proposed conditional use;

(d) Detailed plans of all proposed buildings, roadways, and any other structural or cultural improvements;

(e) A map showing the locations, dimensions, and use of all property within 350 feet of the applicant’s property, including streets, alleys, and other physical and cultural features;

(f) A statement describing the reasons for the request of the conditional use permit; and

(g) Other information or exhibits as required by the Zoning Committee and City Council in making recommendations, determinations, and dispositions on the application.

(B) Application process.

(1) The applicant shall file the completed application form with the City Clerk/Treasurer or Zoning Administrator. If the application and submittals are complete, the date on which the application was accepted shall be the official submission date. If the application or submittals are not complete, the City Clerk/Treasurer or Zoning Administrator will notify the applicant of the deficiencies within 10 days.
(2) Upon receipt of a complete application, a copy of the application and attachments shall be forwarded immediately to the Zoning Committee.

(3) A representative of the Zoning Committee shall set the date for a public hearing for its next regular meeting and instruct the City Clerk/Treasurer to give notice of time, place, and purpose of the public hearing in the following manner.

   (a) Notify by mail all property owners within 350 feet of the property at least 10 days prior to the date of the public hearing.

   (b) Give public notice in a newspaper of general circulation in the city at least 10 day prior to the public hearing.

   (c) Notify the appropriate Township Board, County Planning Commission, or other agencies as instructed or deemed necessary.

(4) The Zoning Committee or delegation thereof shall view the area being considered for a conditional use permit.

(C) Public hearings.

   (1) The Chairperson of the Zoning Committee shall conduct the public hearing.

   (2) The applicant and/or his or her representative shall appear before the Zoning Committee and answer any questions relative to the proposed conditional use permit.

   (3) An accurate record of all testimony shall be kept by the Secretary of the Zoning Committee. This record shall include the names of all persons who participated in the meeting.

(D) Recommendation.

   (1) The Zoning Committee shall consider all possible adverse effects of the proposed conditional use permit and what, if any, additional requirements may be necessary to prevent the adverse effects.

   (2) The Zoning Committee in considering an application for a conditional use permit, shall make findings on the following criteria and report these findings in its recommendation to the City Council:

       (a) Relationship to community plans;

       (b) The geographical area involved;

       (c) Whether the use will depreciate the area in which it is proposed;
(d) The character of the surrounding area;

(e) The demonstrated need for the use;

(f) Whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise, or vibration or would impose hazards to life or property in the neighborhood;

(g) Whether the use would inherently lead to or encourage disturbing influences in the neighborhood;

(h) Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences;

(i) The danger of life and property due to increase flood heights or velocities;

(j) Elimination of nonconforming uses of land or nonconforming signs;

(k) Hours of operation;

(l) Off-street parking and loading;

(m) Location of egress and ingress for off-street parking and loading;

(n) Direction and intensity of outdoor illumination; and

(o) Cleaning and painting.

(3) The Zoning Committee shall make a decision and forward its report and recommendations to the City Council no later than 30 to 40 days from the official submission date of the application. It shall recommend 1 of 3 actions: approval, denial, or approval with special conditions to the City Council.

(E) Decision.

(1) Upon receipt of the report and recommendations from the Zoning Committee, the City Council shall place the consideration of the application for conditional use on the agenda for its next regular meeting.

(2) The City Council shall make a decision on the application for a conditional use permit within 60 days of the official submission date of the conditional use application.

(3) The concurring vote of a majority of the full council membership shall be necessary for the approval or denial of an application for a conditional use permit.
(4) Decision of the City Council shall immediately be filed and recorded with the City Clerk/Treasurer's office. Copies shall be sent to the applicant and/or his or her representative.

(a) The Council shall detail its reasons for denial or approval.

(b) Upon approval of an application, the Council may impose any additional special conditions if considered necessary to protect the public’s health, safety, and welfare.

(5) In the event that the applicant violates any of the conditions set forth in this permit, the City Council shall have the authority to revoke the conditional use permit.

(6) The conditional use permit, if granted, shall also be recorded with the County Recorder and become a part of the title to the property.

(F) Issuance. The City Clerk/Treasurer shall issue a conditional use permit for a particular use to a particular tract of land.

(G) Appeal. If the application for a conditional use permit is denied by the City Council, the decision may be appealed to the Board of Adjustment as provided for in this chapter.

(Ord. 170, § 12.02, passed 5-6-2002)

§ 152.242 FINDINGS.

No conditional use shall be recommended for approval by the Zoning Committee unless the committee shall find:

(A) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for permitted uses;

(B) That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area;

(C) That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided;

(D) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use; and

(E) That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

(Ord. 170, § 12.03, passed 5-6-2002)
§ 152.243 RECONSIDERATION.

Whenever an application for a conditional use permit has been considered and denied by the City Council, a similar application for a conditional use permit affecting substantially the same property shall not be considered again by the Zoning Committee or City Council for at least 6 months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the Zoning Committee or City Council for an additional 6 months from the date of the second denial.
(Ord. 170, § 12.04, passed 5-6-2002)

§ 152.244 LAPSE OF CONDITIONAL USE PERMIT BY NON-USE.

Whenever within 1 year after granting a conditional use permit the work as permitted has not been completed, then the permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. The extension shall be requested in writing and filed with the City Clerk/Treasurer at least 30 days before the expiration of the original conditional use permit. There shall be no charge for the filing of such a petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. The petition shall be presented to the Zoning Committee and the City Council for a decision.
(Ord. 170, § 12.05, passed 5-6-2002)

§ 152.245 VIOLATIONS.

Violations of conditions imposed by the City Council in conjunction with approval of an action shall be deemed a violation of this chapter and punishable under §§ 152.315 et seq.
(Ord. 170, § 12.06, passed 5-6-2002) Penalty, see § 10.99

ADMINISTRATION; VARIANCE

§ 152.260 BOARD OF ADJUSTMENTS AND APPEALS.

The City Council shall act as the Board of Adjustment and Appeals.
(Ord. 170, § 13.01, passed 5-6-2002)

§ 152.261 WRITTEN REPORTS AND RECOMMENDATIONS TO BOARD TO BECOME PERMANENT RECORD.

The City Council serving as the Board of Adjustment and Appeals shall, after receiving the written reports and recommendations of the Zoning Committee, decide upon request for variance from the literal
provisions of the ordinance in instances where strict enforcement would cause non-economic and undue hardship because of circumstances that are unique to the property under consideration. (Ord. 170, § 13.02, passed 5-6-2002)

§ 152.262 STANDARD FOR VARIATION.

(A) A variance to the provisions of this chapter may be issued by the Board of Adjustment to provide relief to the landowner in those cases where this chapter imposes undue hardship or practical difficulties to the property owner in the use of this land. No use variances (uses different than those allowed in the district) may be issued.

(B) A variance may be granted only in the event that all the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property(ies) which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this chapter have had no control;

2. The literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

3. That the special conditions or circumstances do not result from the actions of the applicant;

4. That granting the variance requested would not confer on the applicant any special privilege that is denied by this chapter to owners of other lands, structures, or buildings in the same district;

5. That the variance requested is the minimum variance that would alleviate the hardship. Economic conditions alone shall not be considered a hardship;

6. The variance would not be materially detrimental to the purpose of this chapter, or to other property in the same zone; and

7. The Board of Adjustment may impose the restrictions and conditions upon the premises benefitted by a variance as may be necessary to comply with the standards established by this chapter, or to reduce or minimize the effect of the variance upon other properties in the neighborhood, and to better carry out the intent of the variance. (Ord. 170, § 13.03, passed 5-6-2002)

§ 152.263 APPEAL OF ADMINISTRATIVE DECISIONS OR ORDERS.

The City Council serving as the Board of Adjustment shall, after receiving the written report and recommendation from the Zoning Committee, make a decision on appeals where it is alleged by the applicant that error has occurred in any order, requirement, decision, or determination made by the city
in the enforcement of this chapter. However, the appeal shall be filed no later than 90 days after the applicant has received a written notice from the City Clerk/Treasurer, or the appeal shall be considered void.
(Ord. 170, § 13.04, passed 5-6-2002)

§ 152.264 PROCEDURES.

(A) Application.

(1) The applicant requests the proper form for a variance from the City Clerk/Treasurer or Zoning Administrator.

(2) The application shall be filed with the City Clerk/Treasurer or Zoning Administrator accompanied by the fee as set by the City Council. The application shall contain the following information:

(a) The legal description and local address of the property;

(b) The names and addresses of the owners of all property within 350 feet of the property for which the variance is being applied;

(c) Detailed description of the proposed variance;

(d) Detailed plans of all buildings, roadways, and any other structural or cultural improvements;

(e) A map showing the locations, dimensions, and use of all property within 350 feet of the applicant’s property, including streets, alleys, railroads, and other physical and cultural features;

(f) A statement describing the reasons for the request of the variance; and

(g) Other information or exhibits as required by the Zoning Committee and/or Board of Adjustment in making disposition and determinations on the application.

(B) Application processing.

(1) The applicant shall file the completed application form with the City Clerk/Treasurer or Zoning Administrator. If the application and submittals are complete, this date shall be the official submission date. If the application or submittals are not complete, the City Clerk/Treasurer or Zoning Administrator will notify the applicant of the deficiencies within 10 days.

(2) Upon receipt of a complete application by the City Clerk/Treasurer or Zoning Administrator, a copy of the completed application and attachments shall be forwarded immediately to the Zoning Committee. The Zoning Committee, at their next regularly scheduled meeting and following
their review of the variance request, shall prepare a recommendation for the Board of Adjustment. It shall recommend 1 of 3 actions: approval, denial, or approval with special conditions. The recommendation shall be forwarded to the Board of Adjustment to be considered at a public hearing.

(3) The Board of Adjustment shall set the date for a public hearing and instruct the City Clerk/Treasurer to give notice of time, place, and purpose of the public hearing in the following manner:

(a) Notify by mail all property owners within 350 feet of the property at least 10 days prior to the date of the public hearing;

(b) Give public notice in newspaper of general circulation in the city at least 10 days prior to public hearing; and

(c) Notify the appropriate Township Board of Supervisors, County Planning Commission, or other agencies as instructed or deemed necessary.

(4) The Board of Adjustment or a delegation thereof shall view the area being considered for a variance.

(C) Public hearing.

(1) The Chairperson of the Board of Adjustment shall conduct the public hearing.

(2) The applicant and/or his or her representative shall appear before the Board of Adjustment and answer any questions relative to the proposed variance.

(3) The Secretary of the Board of Adjustment shall keep an accurate record of all testimony. This record shall include the names of all persons who participated in the meeting.

(D) Decision.

(1) The Board of Adjustment shall consider all potential adverse effects of the proposed variance and what, if any, additional requirements may be necessary to prevent the adverse effects. It shall also review the criteria listed in § 152.262 to ensure that the variance request conforms to the requirements listed.

(2) The Board of Adjustment shall hold a public hearing on the proposed variance and shall make a decision within 60 days of the official submission date. It shall take 1 of 3 actions: approval, denial, or approval with special conditions.

(Ord. 170, § 13.05, passed 5-6-2002)
§ 152.265 RECONSIDERATION.

Whenever an application for a variance has been considered and denied by the Board of Adjustment, a similar application affecting substantially the same property shall not be considered again by the Zoning Committee or Board of Adjustment for at least 6 months from the date of its denial.
(Ord. 170, § 13.06, passed 5-6-2002)

§ 152.266 APPEALS.

If the Board of Adjustment denies the application for a variance, the decision may be appealed to the court of competent jurisdiction.
(Ord. 170, § 13.07, passed 5-6-2002)

§ 152.267 LAPSE OF VARIANCE OR APPEAL.

Whenever within 1 year after granting a variance or appeal the work as permitted by the variance or appeal shall not have been completed, then the variance or appeal shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. The extension shall be requested in writing and filed with the City Clerk/Treasurer at least 30 days before the expiration of the original variance or appeal. There shall be no charge for the filing of the petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the variance or appeal. The petition shall be presented to the Zoning Committee and the City Council for a decision.
(Ord. 170, § 13.08, passed 5-6-2002)

ADMINISTRATION; AMENDMENTS

§ 152.280 KINDS OF AMENDMENTS.

(A) A change in a district’s boundary (rezoning);

(B) A change in a district’s regulations; and

(C) A change in any other provision of this chapter.
(Ord. 170, § 14.01, passed 5-6-2002)
§ 152.281 INITIATION OF PROCEEDINGS.

Proceedings for amending this chapter may be initiated by 1 of the following 3 methods:

(A) By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed;

(B) By recommendation of the Zoning Committee; or

(C) By action of the City Council.
(Ord. 170, § 14.02, passed 5-6-2002)

§ 152.282 PROCEDURE.

No district amendment or change may be taken unless it shall have been proposed by or shall have been first submitted to the Zoning Committee for review and recommendation in the following manner.

(A) Application.

(1) Applicant requests the proper form for zoning amendment from the City Clerk/Treasurer or Zoning Administrator.

(2) Application shall be filed with the City Clerk/Treasurer or Zoning Administrator accompanied by a fee as set by the City Council. The application shall contain the following information:

(a) The legal description and local address of the property;
(b) The present zoning classification and the zoning classification requested for the property;
(c) The existing use and proposed use of the property;
(d) The names and address of the owners of all property within 350 feet of the property for which the change is requested;
(e) A statement of the reasons why the applicant believes the present zoning classification is no longer valid; and
(f) A map showing the locations, dimensions, and use of the applicants property and all property within 350 feet thereof, including streets, alleys, railroads, and other physical features.

(3) Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.
(B) *Application processing.*

(1) If the application and submittals are complete, this date shall be the official submission date. If the application or submittals are not complete, the City Clerk/Treasurer or Zoning Administrator will notify the applicant of the deficiencies within 10 days.

(2) Upon receipt of a complete application by the City Clerk/Treasurer or Zoning Administrator, a copy of the completed application shall be forwarded immediately to the Zoning Committee for study and recommendation.

(3) The Zoning Committee shall schedule a date for public hearing at their next regular meeting and instruct the City Clerk/Treasurer to give notice of time, place, and purpose of the public hearing in the following manner. The City Clerk/Treasurer shall:

   (a) Notify by mail all property owners within 350 feet of the property at least 10 days prior to the date of the public hearing;

   (b) Give public notice in a newspaper of general circulation in the city at least 10 days prior to the public hearing; and

   (c) Notify the appropriate Township Board of Supervisors, the County Planning Commission, and other agencies as instructed and deemed necessary.

(4) The Zoning Committee or delegation thereof shall view the area being considered.

(C) *Public hearing.*

(1) The Chairperson of the Zoning Committee shall conduct the public hearing.

(2) Any person with legitimate interest in the application may present his or her views to the Zoning Committee either verbally or in writing.

(3) The Secretary of the Zoning Committee shall keep an accurate record of all testimony. This record shall include the names and addresses of all persons who participated in the meeting.

(D) *Zoning Committee decisions and recommendations.*

(1) The Zoning Committee shall, prior to making a recommendation, consider the following:

   (a) All relevant facts and findings brought out in public hearings;

   (b) Physical inspection of property in question by all members or a delegation of members of the Zoning Committee; and

   (c) The following items should be considered in reaching a decision:
1. Would granting of the rezoning request conform to the presently accepted future land use plans for the city as well as present land uses?

2. Is it in the community’s best interest for additional land space to be zoned to the class requested?

3. If the request were granted, what additional public services would be required?

4. Is the capacity of existing roads and sewer and water facilities sufficient to accommodate this proposal?

5. Was there an error or oversight in preparing the original zoning map that indicates this zoning class should have been included at that time?; and

6. Is this change beneficial to the community or is it merely a convenience to the applicant?

(2) The Zoning Committee shall make a written recommendation with reasons for approval or denial of the application to the City Council no later than 30 to 40 days from the official submission date of the application. The Zoning Committee shall recommend 1 of 3 actions: approval, denial, or approval with special conditions to the City Council.

(E) City Council decision.

(1) The City Council may approve or deny the application by simple majority vote of the entire City Council.

(2) The City Council shall act upon the application within 20 to 30 days of receiving the recommendations by the Zoning Committee, or, ultimately, within 60 days of the official submission date.

(F) Approval. The City Council officially adopts the ordinance change. The City Clerk/Treasurer shall forward a certified copy to the County Recorder and make map and/or ordinance changes and publish a summary of the changes adopted.
(Ord. 170, § 14.03, passed 5-6-2002)

§ 152.283 LIMITATION ON APPLICATIONS.

An applicant shall not initiate action for a zoning amendment affecting the same land more often than once every 12 months unless the Zoning Committee has determined that the conditions of the application have sufficiently changed to warrant reconsideration by the city of the proposal.
(Ord. 170, § 14.04, passed 5-6-2002)
§ 152.284 APPEAL.

If the application is denied by the City Council, the decision may be appealed to the Board of Adjustment as provided for by this chapter.
(Ord. 170, § 14.05, passed 5-6-2002)

ADMINISTRATION; ENFORCEMENT

§ 152.295 GENERALLY.

The Zoning Committee, with the help of the City Clerk/Treasurer and the Zoning Administrator, shall administer and enforce this chapter. If the members of the Zoning Committee, the City Clerk/Treasurer, or Zoning Administrator find that any of the provisions of this chapter are being violated, the City Clerk/Treasurer or Zoning Administrator shall be directed to notify, in writing, the person responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it. This notification could include an order to discontinue illegal use of land, buildings, or structures; remove illegal buildings or structures or additions, alterations, or structural changes thereto; discontinue any illegal work being done; or any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.
(Ord. 170, § 15.01, passed 5-6-2002)

§ 152.296 ZONING PERMITS REQUIRED.

No building or structure shall be erected, reconstructed, moved, or structurally altered to increase the exterior dimensions, height, or floor area; or remodeled to increase the number of dwellings or accommodate a change in use of the building and/or premises or part thereof without first securing a zoning permit to be issued by the City Clerk/Treasurer or Zoning Administrator, depending upon the type of permit needed. In addition, a zoning permit shall be required for replacement of roofs, siding, or windows. No zoning permit is required for the construction and/or placement of gazebos, trellises, playhouses, kennels, hot tubs, swing sets, arbors, and inflatable swimming pools. No zoning permit shall be issued by an administrative official except in conformity with the provisions of this chapter unless he or she receives a written order from the Board of Adjustment, Zoning Committee, or City Council, dependent on the form of administrative review, variance, conditional use, or amendment, as provided by this chapter.
(Ord. 170, § 15.02, passed 5-6-2002; Am. Ord. passed 2-7-2005; Am. Ord. 2010-5, passed 7-6-2010)
Penalty, see § 10.99

2012 S-2
§ 152.297 ZONING PERMIT APPLICATION.

All applications for a zoning permit shall be accompanied by the appropriate site plans and shall be made in duplicate on forms furnished by the City Clerk/Treasurer or Zoning Administrator and shall include the following where applicable:

(A) Names and addresses of the:

(1) Applicant;

(2) Owner of the site;

(3) Architect; and

(4) Professional engineer or contractor.

(B) Description of the site by lot, block, and record subdivision or by metes and bounds and the address of the proposed site;

(C) Type of structure, existing and/or proposed operation or use of the structure or site and the zoning district in which the site is located;

(D) Where applicable, the number of housekeeping units, families, rental units, or employees the proposed building is designed to accommodate; and

(E) Additional information, as may be requested by the Zoning Committee, City Clerk/Treasurer, Zoning Administrator, or other city official.

(Ord. 170, § 15.03, passed 5-6-2002)

§ 152.298 APPROVAL OR DENIAL OF ZONING PERMIT.

Upon approval or denial, the City Clerk/Treasurer or Zoning Administrator shall attest to the same by his or her signature on the zoning permit. If the zoning permit is approved, 1 copy shall be returned to the applicant and the City Clerk/Treasurer shall retain 1 copy. If the zoning permit is denied, the City Clerk/Treasurer shall, in addition to the above, notify the applicant with a memorandum stating the reason for denial of the zoning permit. The zoning permit shall be issued for a length of time as determined by the city, but in no event to exceed 12 months. All construction shall be finished within the time specified in the zoning permit. If construction is not completed within the time specified in the zoning permit, the permit shall become void. Failure to finish the project within the time specified in the zoning permit shall be a violation of this section and shall subject the applicant to a fine as established by the City Council. An extension or reissuance of a zoning permit shall be subject to a fee as established by the City Council.

(Ord. 170, § 15.04, passed 5-6-2002; Am. Ord. 2012-1, passed 4-2-2012)

2012 S-2

Zoning Code 170A

§ 152.299 CONSTRUCTION AND USE TO BE SAME AS APPLICATION AND PLANS.

Zoning permits issued on the basis of plans and applications approved by the city shall authorize only that use, arrangement, and construction set forth in the approved site plan and applications and for no other use, arrangement, or construction. Any use, arrangement, and construction that varies with that authorized shall be deemed a violation of this chapter and punishable as provided herein.

(Ord. 170, § 15.05, passed 5-6-2002)
§ 152.300 FEES.

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, appeals, amendments, conditional uses, variances, and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the City Clerk/Treasurer and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

(Ord. 170, § 15.06, passed 5-6-2002)

ADMINISTRATION; FEES, VIOLATIONS, DUTIES, AND INTERPRETATION

§ 152.315 SCHEDULE OF FEES.

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, appeals, and applications to the Zoning Committee, and applications for rezoning of land. The schedule of fees shall be posted in the office of the City Clerk/Treasurer, and may be altered or amended only by the City Council. No permit, amendment, variance, or conditional use shall be issued or allowed unless or until the costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Zoning Committee or City Council unless or until preliminary charges and fees have been paid in full.

(Ord. 170, § 16.01, passed 5-6-2002)

§ 152.316 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may submit a complaint. The complaint stating fully the causes and basis thereof shall be filed with the City Clerk/Treasurer. The City Clerk/Treasurer shall promptly record the complaint, immediately investigate and take action thereon as provided by this chapter.

(Ord. 170, § 16.02, passed 5-6-2002)

§ 152.317 VIOLATION OF ZONING ORDINANCE MAY BE ENJOINED.

No person shall erect, construct, alter, repair, or maintain any building or structure or use any land in violation of this chapter. In the event of any such violation or imminent threat thereof, the municipal corporation or the owner of any contiguous or neighboring property who would be especially damaged by the violation, in addition to any other remedies provided by law, may institute a suit for injunction or prevent or terminate the violations.

(Ord. 170, § 16.03, passed 5-6-2002) Penalty, see § 10.99
§ 152.318 VIOLATION A MISDEMEANOR.

(A) Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor with maximum penalties as established by the laws of the State of Minnesota. Each day the violation continues shall be considered a separate offense.

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

(C) Nothing in this chapter shall prevent the city from taking the other lawful action as is necessary to prevent or remedy any violation, including appropriate actions in District Court for the State of Minnesota. In addition to the other remedies as may be available to the city by access to the District Court, any person found in violation of this chapter shall pay all costs and expenses involved in the case, including reasonable and actual expenses generated by city officials or employees, legal expenses including attorneys fees and any other actual and necessary expenses as the city may have generated in pursuing relief in the court.

(Ord. 170, § 16.04, passed 5-6-2002) Penalty, see § 10.99

§ 152.319 DUTIES OF CITY CLERK/TREASURER, ZONING ADMINISTRATOR, ZONING COMMITTEE, AND CITY COUNCIL.

(A) City Clerk/Treasurer and Zoning Administrator. It is the intent of this chapter that all questions on interpretation and enforcement shall first be presented to the City Clerk/Treasurer or the Zoning Administrator.

(B) Zoning Committee. It is further the intent of this chapter that the Zoning Committee shall conduct public hearing in order to collect evidence and to hear all parties who may be interested in the resolution of an issue. Thereafter, the Committee shall make the recommendations as it deems appropriate to the Council concerning all matters which may arise under this chapter, including, but not limited to, conditional use permits, appeals from the interpretation and enforcement of this chapter by the City Clerk/Treasurer or Zoning Administrator, and variances from the literal provisions of this chapter. The Zoning Committee shall be advisory to the City Council.

(C) City Council. It is further the intent of this chapter that the duties of the City Council shall include a careful consideration of the recommendations provided by the Zoning Committee and the making of the ultimate decision concerning the merits of the application for a conditional use permit, appeal from the interpretation of the zoning ordinance by the City Clerk/Treasurer or Zoning Administrator, or for the issuance of a variance. The City Council may hear comments from the applicant, the City Clerk/Treasurer, or Zoning Administrator, as it deems appropriate in the consideration of its decision. However, the City Council shall not conduct public hearing unless it determines that the issue under consideration is of significant and compelling importance to the city. If such a public hearing is to be conducted by the City Council, then the notice provisions of this chapter
shall be followed. The city and not the applicant shall bear the cost of providing notice to the public hearing held by the Council pursuant to this chapter.

(D) Notice and hearing. In all cases where a public hearing is required under this chapter the City Clerk/Treasurer shall cause to have published in the official newspaper a notice of the time, place, and purpose of the hearing. When the area of land involved is 5 acres or less, a similar notice shall be sent by first-class mail to each owner of the affected property and to the owners of property situated wholly or partly within 350 feet of the affected property. Publication and mailing notices shall be made not less than 10 days nor more than 30 days prior to the date of the hearing. For the purpose of giving mailed notice, the City Clerk/Treasurer may use any appropriate record to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent, shall be attested to by the City Clerk/Treasurer and shall be made a part of the records of the proceedings. For purposes of computing the 10 days of notice, the day after publication or mailing, shall be counted as the first day. Saturdays, Sundays, or any other day made a legal holiday by the city, state, or federal governments shall be included in the computation unless the tenth day of the period falls on such a day, when it shall not be counted. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings. Upon evidence that adequate notice has been served, at least 1 public hearing shall be held on each application. The applicant or duly authorized representative shall be present at the public hearings. Absence of the applicant or duly authorized representative shall be sufficient cause to deny the application. All other persons wishing to be heard at a hearing shall be heard although reasonable limitations may be imposed concerning time or subject materials at the discretion of the Commission or Council conducting the hearing.

(Ord. 170, § 16.05, passed 5-6-2002)

ADMINISTRATION; ZONING COMMITTEE

§ 152.330 ESTABLISHMENT OF THE ZONING COMMITTEE.

The Morristown Zoning Committee shall have the power and duty to hear matters within its jurisdiction and to make recommendations to the Council concerning the same. Each member of the Zoning Committee must be a property owner or resident of the city for at least 3 years or have a vested interest in the welfare of the city. The Zoning Committee will consist of a 5-member board with each member serving a 5-year term. Reappointment at the end of the 5-year term may be allowed. Appointments to this Committee shall be made by the City Council, based upon recommendations of the Zoning Committee. The Committee shall meet monthly or through special meetings that may be called by the Committee Chairperson or City Clerk/Treasurer.

(Ord. 170, § 17.01, passed 5-6-2002; Am. Ord. 2009-2, passed 12-7-2009)
§ 152.331 PROCEEDINGS OF THE ZONING COMMITTEE.

(A) The Zoning Committee shall adopt rules necessary to the conduct of its affairs. Meetings shall be held at the call of the chairperson and at such other times as the Committee may determine, may administer oaths, and compel the attendance of witnesses. All meetings shall be open to the public.

(B) The Committee shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating the fact, and shall keep records of its examinations and other official actions, all of which shall be of public record and be filed in the City Clerk/Treasurer’s office. Every decision of the Committee shall be based upon a finding of fact, which shall be reduced to writing and preserved among its records.

(Ord. 170, § 17.02, passed 5-6-2002)

§ 152.332 POWERS.

The Zoning Committee has the following powers with respect to this chapter:

(A) Review all applications for appeals and variances to this chapter and report the findings and recommendations to the Board of Adjustments as provided in this chapter;

(B) Review or initiate applications for amendments and changes to this chapter and report the findings and recommendations to the City Council as provided in this chapter; and

(C) Review all applications for conditional use permits, hear and make disposition of applications as provided in this chapter.

(Ord. 170, § 17.03, passed 5-6-2002)

§ 152.333 PUBLIC HEARING AND NOTICE.

The Zoning Committee shall follow the procedures concerning the holding of public hearings and the giving of notice, which are compelled by this chapter.

(Ord. 170, § 17.04, passed 5-6-2002)

§ 152.334 AUTHORITY TO IMPOSE CONDITIONS.

(A) In recommending action under any of the powers conferred upon the Committee, the Committee may recommend the manner in which an approved action shall be carried out, or may suggest other required improvements, safeguards and conditions for the protection of the health, safety, and welfare of owners and occupants of surrounding lots for the public.

(B) Specifically, the Zoning Committee on its own initiative may attach conditions dealing with the following:
(1) Paving, shrubbery, screening, fences, or walls;
(2) Control or elimination of smoke, dust, vibration, gas, noise, or odor;
(3) Hours of operation;
(4) Location of exits;
(5) Cleaning and painting;
(6) Elimination of nonconforming uses of land or nonconforming signs, as allowed by law;
(7) Direction and intensity of outdoor illumination; and
(8) Off-street parking and loading.

(Ord. 170, § 17.05, passed 5-6-2002)

§ 152.335 VIOLATIONS.

Violations of conditions imposed by the Committee in conjunction with approval of an action shall be deemed a violation of this chapter and punishable as specified in this chapter.

(Ord. 170, § 17.06, passed 5-6-2002) Penalty, see § 10.99

SHORELAND OVERLAY DISTRICT

§ 152.350 STATUTORY AUTHORIZATION.

These shoreland standards are adopted pursuant to the authorization and policies contained in M.S. Ch. 105. Minnesota Regulations, Parts 6120.2500 through 6120.3900, and the planning and zoning enabling legislation in M.S. Ch. 462.

(Ord. passed 2-7-2005)

§ 152.351 NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES.

(A) Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the regional area hydrologist, and postmarked at least 10 days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

2008 S-1

176

Morristown - Land Usage

(B) A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the regional area hydrologist, and postmarked within 10 days of final action.

(Ord. passed 2-7-2005) Penalty, see § 10.99

§ 152.352 DEFINITIONS.
For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

**BLUFF** A topographic feature, such as a hill, cliff, or embankment, having the following characteristics (an area with an average slope of less than 18% over a distance for 50 feet or more shall not be considered part of the bluff):

1. Part or all of the feature is located in a shoreland area;
2. The slope rises at least 25 feet above the ordinary high water level of the waterbody;
3. The grade of the slope, from the toe of the bluff to a point 25 feet or more above the ordinary high water level, averages 30% or greater; and
4. The slope must drain toward the waterbody.

**BLUFF IMPACT ZONE.** A bluff and land located within 20 feet from the top of a bluff.

**BUILDING LINE.** A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

**COMMERCIAL PLANNED UNIT DEVELOPMENTS.** Typically uses that provide transient, short-term lodging spaces, rooms, or parcels, whose operations are essentially service-oriented. Hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are **COMMERCIAL PLANNED UNIT DEVELOPMENTS.**

**COMMERCIAL USE.** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

**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 more than 3 feet above ground.

**INTENSIVE VEGETATIVE CLEARING.** The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

**ORDINARY HIGH WATER LEVEL.** The boundary of public waters and wetlands, an elevation delineating the highest water level that 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 predominantly terrestrial. For watercourses, the **ORDINARY HIGH WATER LEVEL** is the elevation of the top of the bank of the channel.

**PUBLIC WATERS.** Any waters as defined in M.S.§ 105.37, Subds. 14 and 15.

**RESIDENTIAL PLANNED UNIT DEVELOPMENT.** A use where the nature of residency is non-transient, and the major or primary focus of the development is not service-oriented. To qualify, the development must contain at least 5 dwelling units or sites.

**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.

**SHORE IMPACT ZONE.** Land located between the ordinary high water level of a public water and a line parallel to it, at a setback of 50% of the structure setback.

**SHORELAND.** Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides that extend landward from the waters for lesser distances, and when approved by the Commissioner.

**STEEP SLOPE.** Land where agricultural activity or development is either not recommended or described as poorly suited, due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this subchapter. Where specific information is not available, steep slopes are lands having average slopes over 12%, as measured over horizontal distances of 50 feet or more, that are not bluffs.

**TOE OF THE BLUFF.** The lower point of a 50-foot segment with an average slope exceeding 18%.

**TOP OF THE BLUFF.** The higher point of a 50-foot segment with an average slope exceeding 18%.

2008 S-1

178 Morristown - Land Usage

**WETLAND.** A surface water feature classified as a WETLAND in the United States Fish and Wildlife Service Circular No. 39.

(Ord. passed 2-7-2005)

§ 152.353 SHORELAND CLASSIFICATION SYSTEM.

The public waters of Morristown have been classified below, consistent with the criteria found in Minnesota Regulations, Part 6120-3300, and the Protected Waters Inventory Map for Rice County, Minnesota. The shoreland area for the waterbodies listed below shall be as defined in § 152.352, and as shown on the official zoning map.

(A) Cannon River: Sections 22 and 23 in Township 109N, Range 22W;

(B) Dixon Creek: Sections 23 and 26 in Township 109N, Range 22W.

(Ord. passed 2-7-2005)

§ 152.354 LOT AREA AND WIDTH STANDARDS.

The lot area and lot width standards for lots created after the date of enactment of this subchapter are as follows:

(A) **Lot area.** Lot area requirements for this overlay district shall conform to the area requirements specified in the underlying zoning district.

(B) **Lot width.** Lot area requirements must conform to the minimum standards as specified below.
<table>
<thead>
<tr>
<th>Use</th>
<th>Cannon River</th>
<th>Dixon Creek</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Single-Family Home</td>
<td>150 feet</td>
<td>75 feet</td>
</tr>
<tr>
<td>2. Duplex (2-family units)</td>
<td>225 feet</td>
<td>115 feet</td>
</tr>
<tr>
<td>3. Triplex (3-family units)</td>
<td>300 feet</td>
<td>150 feet</td>
</tr>
<tr>
<td>4. Quadraplex (4-family units)</td>
<td>375 feet</td>
<td>190 feet</td>
</tr>
<tr>
<td>5. Larger Units: must be designed and approved as residential planned unit developments (see § 152.224(G))</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Ord. passed 2-7-2005) Penalty, see § 10.99

2008 S-1

Zoning Code

§ 152.355 PLACEMENT, DESIGN, AND HEIGHT OF STRUCTURES.

(A) Setbacks.

(1) Structures and facilities must be located to meet setbacks specified in the underlying district, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.

(2) Structures in the shoreland overlay district shall also be subject to the following setbacks:

   (a) From the ordinary high water level: 50 feet;
   (b) From the top of bluff: 30 feet;
   (c) From an unplatted cemetery: 50 feet;
   (d) From the right-of-way of a federal, state, or county highway: 50 feet; and
   (e) From the right-of-way of all other roads or streets: 20 feet.

(B) Height of structures. The height of structures shall be 25 feet, except for churches and nonresidential agricultural structures.
(Ord. passed 2-7-2005) Penalty, see § 10.99

§ 152.356 AGRICULTURAL USE STANDARDS.

Steep slopes and shore and bluff impact zones must be maintained in permanent vegetation, or if cultivated, must be conducted in a manner that is consistent with the guidelines set up by the local soil and water conservation district. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to, and 50 feet from, the ordinary high water level.
(Ord. passed 2-7-2005) Penalty, see § 10.99

Cross-reference:
For A Agricultural District regulations, see §§ 152.065 et seq.
§ 152.357 VEGETATION ALTERATION.

Removal or alteration of vegetation in the shoreland district is subject to the following standards.

(A) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed.
(B) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs, and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site, provided that:

(1) The screening of structures, vehicles, or other facilities, as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced; and

(2) Along rivers, existing shading of water surfaces is preserved.

(Ord. passed 2-7-2005) Penalty, see § 10.99

§ 152.358 TOPOGRAPHIC ALTERATION (GRADING AND FILLING).

Excavations for the construction of structures and driveways under validly issued permits do not require the issuance of a separate grading and filling permit, but the standards in this section must be incorporated into the zoning permits issued for the construction of those structures.

(A) A grading and filling permit will be required for:

(1) The movement of more than 10 cubic yards of material on steep slopes or within the shore or bluff impact zones; or

(2) The movement of more than 50 cubic yards of material anywhere else within the shoreland district.

(B) The following considerations and conditions must be adhered to during the issuance of zoning permits, grading and filling permits, conditional use permits, variances and subdivision approvals.

(1) Grading or filling in any wetland is prohibited.

(2) Ground alterations must ensure that only the smallest amount of bare ground is exposed for the shortest time possible.

(3) Mulches or similar materials must be used for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.

(4) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.

(5) Fill or excavated material must not be placed in a manner that creates an unstable slope.

(6) No alterations below the ordinary high water level are allowed.

2008 S-1
(7) Topographic alterations are allowed only if they do not adversely affect adjacent or nearby properties.
(Ord. passed 2-7-2005) Penalty, see § 10.99

§ 152.359 PLACEMENT AND DESIGN OF ROADS, DRIVEWAYS, AND PARKING AREAS.

(A) Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters.

(B) Roads, driveways, and parking areas must meet structure setbacks, and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
(Ord. passed 2-7-2005) Penalty, see § 10.99

§ 152.360 STORMWATER MANAGEMENT.

The following standards shall apply.

(A) When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.

(B) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible, and facilities or methods used to retain sediment on the site.

(C) When natural features are not sufficient to handle stormwater runoff, constructed facilities, such as diversions, settling basins, skimming devices, dikes, waterways, and ponds, may be used, but are not encouraged. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.

(D) Impervious surface coverage of lots must not exceed 25% of the lot area.

(E) No new stormwater outfalls to public waters are allowed. Reconstruction of any existing outfalls must provide filtering or settling of suspended solids, and skimming of surface debris before discharge.
(Ord. passed 2-7-2005) Penalty, see § 10.99

2008 S-1
§ 152.361 WATER SUPPLY AND WASTEWATER TREATMENT.

(A) Water supply.

(1) All new uses must connect to the public water supply system.

(2) If a property owner proposes to change uses or to expand the use on an existing parcel currently served by an individual well, the owner must demonstrate that the standards for water quality, as mandated by the Minnesota Department of Health, are being met by the private water supply source.

(3) If the public water supply source is extended past an existing use that is served by a private water supply source, the owner of the parcel and existing use must connect to the public water supply within 1 year of the water supply system's extension.

(B) Wastewater.

(1) All new uses must connect to the public wastewater treatment system.

(2) If a property owner proposes to change uses, or to expand the use on an existing parcel currently served by a private wastewater treatment system, the owner must demonstrate that the existing system meets the standards for wastewater treatment mandated by the Minnesota Pollution Control Agency. If they do not, the owner must abandon the private treatment system and connect to the public wastewater collection and treatment system.

(3) If the public wastewater collection and treatment system is extended past an existing use that is served by a private wastewater treatment system, the owner of the parcel and existing use must connect to the public wastewater collection and treatment system within 1 year of the system's extension.

(Ord. passed 2-7-2005) Penalty, see § 10.99