

CHAPTER 9

LAND USE REGULATION (ZONING)

- SECTION 9.01. INTENT AND PURPOSE
Purpose.
Legal Authority.
Compliance.
- SECTION 9.02. DEFINITIONS
- SECTIONS 9.03-9.09. RESERVED
- SECTION 9.10. ZONING USE DISTRICTS
District Boundaries.
District Regulations.
Establishment of District and District Map.
- SECTION 9.11. (R) RESIDENTIAL DISTRICT
Purpose.
Permitted Uses.
Conditional Uses.
Accessory Uses.
Accessory Structure Standards.
Single-Family Residence: Lot Area, Lot Width, and Yard Requirements.
Two-Family and Multiple-Family Residences: Lot Area, Lot With, and Yard Requirements.
Maximum Ground Cover.
Height Requirements.
- SECTION 9.12. TWIN HOMES.
Lot Area, Lot Width, and Yard Requirements.
- SECTION 9.13. REGULATION OF MANUFACTURED HOMES AND MANUFACTURED HOME PARKS.
Requirements of Manufactured Homes.
Regulation of Manufactured Home Parks.
Minimum Requirements for Manufactured Home Parks.
- SECTION 9.14. REGULATION OF TRAILERS.
Permit Required.
Application.
Issuance.

Duration.

SECTIONS 9.15 THROUGH 9.10. RESERVED.

SECTION 9.20. (C-1) DOWNTOWN COMMERCIAL DISTRICT
Purpose.
Permitted Uses.
Conditional Uses.
Accessory Uses.
Lot Area, Lot Width, and Yard Requirements.
Off-street Parking and Unloading.
Height Requirements.

SECTION 9.21. (C-2) GENERAL COMMERCIAL DISTRICT
Purpose.
Permitted Uses.
Conditional Uses.
Accessory Uses.
Lot Area, Lot Width, and Yard Requirements.
Off-Street Parking and Unloading.
Height Requirements.

SECTION 9.22-9.29. RESERVED.

SECTION 9.30. (I) INDUSTRIAL DISTRICT.
Purpose.
Permitted Uses.
Conditional Uses.
Lot Coverage, Lot Width, and Yard Requirements.
Height Requirements.

SECTION 9.31-9.35. RESERVED.

SECTION 9.36-9.39. RESERVED.

SECTION 9.40. PLANNED UNIT DEVELOPMENT.
Purpose.
Application.
Procedures.

SECTION 9.41 WIND ENERGY CONVERSION SYSTEMS

SECTION 9.42-9.49. RESERVED.

SECTION 9.50. GENERAL REQUIREMENTS.

Intent.
Non-Conforming Lots of Record.
Non-Conforming Uses and Structures.
General Sign Provisions.
Parking and Loading Requirements.

SECTION 9.51. PERMITS AND REQUIREMENTS FOR FENCES, WALLS, OR HEDGES.

Application.
General Requirements.
Residential Regulations.
Commercial and Industrial Regulations.
Duties of Building Official.
Abatement.
Recovery of Cost.
Variance.
Penalty.

SECTIONS 9.52. - 9.55. RESERVED.

SECTION 9.56. PERFORMANCE STANDARDS.

Intent.
Noise.
Vibration.
Glare.
Smoke, Dust, Fumes or Gases.
Toxic or Noxious Matter.
Storage Standards.
Hazardous Materials.
Visual Standards.
Right of Inspection.
Right of Inspection for Investigation.
Environmental Documents.
Administration.
Optional EAW.
Enforcement.

SECTION 9.57-9.69. RESERVED.

SECTION 9.70. ADMINISTRATION.
Planning Commission.
Board of Adjustment.
Zoning Administrator.
Conditional Use Permits.
Amendments; Rezoning.

SECTION 9.71-9.74. RESERVED.

SECTION 9.75. ENFORCEMENT; APPEALS.
Enforcement.
Expense of Proceedings and Schedule of Fees.
Building Permits.
Appeals from the Council.

SECTION 9.76-9.98. RESERVED.

SECTION 9.99. VIOLATION A MISDEMEANOR.

CHAPTER 9

LAND USE REGULATION (ZONING)

SECTION 9.01. INTENT AND PURPOSE.

Subdivision 1. Purpose.

The purpose of this Chapter is to promote the public health, safety, comfort, and general welfare of the people of the City. To accomplish this end, this Chapter shall regulate the location of structures proposed for specific uses, the height and bulk of buildings hereafter erected, provide for minimum sanitation standards, and regulate and determine the area of lots, dependent on the provision of central water and/or sewage disposal facilities.

Subdivision 2. Legal Authority.

This Chapter is enacted pursuant to the Municipal Planning Act, M.S. 462.357, et seq.

Subdivision 3. Compliance.

No structure located in the City shall be erected or altered which does not comply with the regulations of this Chapter for the zoning use district wherein located, nor shall any structure or premises be used for any purpose other than a use permitted by this Chapter in the district wherein located.

SECTION 9.02. DEFINITIONS.

The following terms, as used in this Chapter, shall have the meanings stated:

1. "Abandoned Motor Vehicle" - A motor vehicle, as defined in Minnesota Statutes, Chapter 160.01, that:
 - (1) has remained for a period of more than 48 hours on public property illegally;
 - (2) has remained for a period of more than 48 hours on public property and is lacking vital component parts such that it is in inoperable condition;
 - (3) has remained for a period of more than 48 hours on private property and is without the consent of the person in control of such property;
 - (4) has remained for a period of more than 48 hours on private property with or without the consent of the person in control of such property, which is in an inoperable condition such that it has no substantial potential further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building;or,

- (5) has been voluntarily surrendered by its owner to a unit of government or person duly licensed pursuant to Minnesota Statutes, 168B.10 and these regulations, except that a classic car or pioneer car, as defined by statute, shall not be considered an abandoned motor vehicle within the meaning of these regulations.
2. "Accessory Structure or Facility" - Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.
3. "Accessory Use" - The use on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structures.
4. "Agriculture" - The art or science of cultivating the soil and activities incidental thereto the growing of soil crops in the customary manner on open tracts of land.
5. "Automobile Service Station" - Any building or premises used for the dispensing or sale of automobile fuels (including diesel), lubricating oil or grease, tires, batteries, or minor automobile accessories. Automobile service stations shall not include the sale or storage of junkers, premises offering major automobile repairs, automobile wrecking, or automobile sales.
6. "Basement" - That portion of a building located partly underground, but having less than half of its floor-to-ceiling height below the average grade of the adjoining ground. This portion is not a completed structure and serves as a substructure or foundation for a building.
7. "Boathouse" - A structure designed and used solely for the storage of boats or boating equipment.
8. "Building" - Any structure built for the shelter, enclosure of persons, animals or equipment.
9. "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.
10. "Carport" - An automobile shelter having one or more open sides meeting the standards of Section 9.11, Subdivision 4.5.
11. "Cellar" - That portion of a building having more than half of its floor-to-ceiling height below the average grade of the adjoining ground. This portion is not a completed structure and serves as a substructure or foundation for a building.

12. "Commercial Planned Unit Developments" - Typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

13. "Commercial Use" - The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

14. "Conditional Use" - A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood. Such a use can be permitted only upon meeting prescribed performance standards or requirements.

15. "Conditional Use Permit" - A permit issued by the Planning and Zoning Commission when ordered by the City Council. When such a permit is issued, it shall have stated thereon any special requirements related to: design, facilities, measures, need, compliance, time limitation, etc; as shall be imposed as a condition for issuance of that permit. When at any time such special requirements stated on the permit are not adhered to, subsequent use of the property covered by such a permit shall be changed to a non-conforming use, and the premises would be in violation of this Ordinance.

16. "Day Care Facility" - Any facility licensed by the Commissioner of Public Welfare, public or private, which for gain or otherwise, regularly provides one or more individuals with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the individual's own home. Day care facilities include, but are not limited to: family day care homes (5 children or less), group family day care homes (6 to 10 children), day care centers (11 or more children), day nurseries (11 or more children - instructional), daytime activity centers (D.A.C. - mentally retarded adults), day treatment programs (mentally retarded adults) and day services (adult activity programs).

17. "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 three feet above ground.

18. "DNR Commissioner" - The Commissioner of the Department of Natural Resources.

19. "Dwelling" - A building or portion thereof used exclusively for residence occupancy, including one-family, two-family and multiple-family dwellings; but not including hotels, motels, boarding or rooming houses.

20. "Dwelling, Duplex, Triplex, and Quad" - A dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
21. "Dwelling Site" - A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
22. "Dwelling Unit" - Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.
23. "Earth-Sheltered Building" - A building constructed so that 50% or more of the completed structure is covered with earth. An earth-sheltered building is a completed structure that does not serve just as a foundation or substructure for above-ground construction. A partially completed building shall not be considered as an earth-sheltered structure.
24. "Feedlot" - A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure.
25. "Forest Land Conversion" - The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
26. "Guest Cottage" - A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
27. "Hardship" - The property in question cannot be put to a reasonable use under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property, not created by the landowner and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under terms of the official controls.
28. "Height of Building" - The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.
29. "Home Occupation" - Any occupation which is clearly secondary to the main use of the premises as a dwelling and meets the standards established in section 9.20 Subd. 3, paragraph 16.

30. "Industrial Use" - The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
31. "Intensive Vegetation Clearing" - The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
32. "Junkyard" - The area where used waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, parked, disassembled or handled, including, but not limited to scrap iron, and other metals, paper rags, rubber products, bottles, and used building materials. Storage of material in conjunction with construction or a manufacturing process shall not be included. Such use shall not include garbage. Three or more automobiles without current licenses constitute a junkyard.
33. "Land Use Plan" - A compilation of policy statements, goals, standardizations and maps for guiding the development of land, both private and public within the City.
34. "Lot" - A lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces which or so described for the purpose of sale, lease, or separation as are herein required.
35. "Lot of Record" - A lot which is a part of a subdivision recorded in the office of the Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
36. "Lot Width in all areas, excluding the Shoreland Overlay District" The horizontal distance between the side lot lines measured at the street line. In the case of a lot of irregular shape, the mean width shall be the lot width.
37. "Lot Width in the Shoreland Overlay District" - The shortest distance between lot lines measured at the midpoint of the building line.
38. "Manufactured Home" – A Manufactured Home has the meaning specified in Minnesota Statutes Section 327.31, Subd. 6 and shall include a mobile home.
39. "Manufactured Home Park" – Manufactured Home Park has the meaning specified in Minnesota Statutes Section 327.14, Subd. 3.
40. "Modular Home" - A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site. A modular home shall be congruous to a one-family dwelling.
41. "Non-Conforming Individual Sewage Treatment" - A system that is functioning in an unsanitary manner.

42. "Nonconformity" - Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

43. "Non-Conforming Use" - Use of land, buildings, or structures legally existing at the time of adoption of this Ordinance which does not comply with all the regulations of this Ordinance or any amendments to it, governing the zoning district in which such use is located.

44. "Ordinary High Water Level" - The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

45. "Parking Space" - A suitably surfaced and maintained area for the storage of one standard automobile (10' x 20').

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

47. "Planned Unit Development" - An urban development having two or more principal uses or structures on a single lot and developed according to an approved plan. Where appropriate, this development control advocates:

- (1) a mixture of land uses, one or more of the non-residential uses being regional in nature,
- (2) the clustering of residential land uses providing common and public open space, the former to be maintained either by the residents of the development or the local community, and
- (3) increase administrative discretion to a local professional planning staff and the setting aside of present land use regulations and rigid plat approval processes.

48. "Principal Uses" - The primary or main use of land or building as distinguished from subordinate or accessory uses.

49. "Public Waters" - Any waters as defined in Minnesota Statutes 103G.005, subdivisions 14 and 15. A body of water capable of substantial beneficial public use. This shall be construed to mean, for the purposes of this ordinance, a body of water which has the potential to support any type of recreational pursuit or water supply purpose. However, no lake, pond or flowage of less than twenty-five (25) acres in size and no river or stream having a total drainage area of less than two (2) square miles need be regulated by the City.

50. "Recreational Development Lake" - Recreational Development Lakes are generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. They are often characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences and recreationally-oriented commercial uses. Many of these lakes have capacities for accommodating additional development.

51. "Residential Facility" - Any facility licensed by the Commissioner of Public Welfare, public or private, which for gain or otherwise, regularly provides one or more individuals with a 24 hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the individual's own home. Residential facilities include, but are not limited to: state institutions under the Control of the Commissioner of Public Welfare, foster homes, residential treatment centers, maternity shelters, group homes, residential programs or schools for handicapped children.

52. "Semipublic Use" - The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

53. "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.

54. "Setback" - The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, road, highway, property line, or other facility.

55. "Sewage Treatment System" - A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 9.35 Subdivision 8H2 of this ordinance.

56. "Sewer System" - Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

57. "Significant Historic Site" - Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
58. "Signs" - A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.
59. "Solar Collector" - Any device relying upon direct solar energy that is employed in the collection of solar energy for heating and/or cooling of a structure, building, or water.
60. "Solar Energy System" - Any solar collector or other solar device or any structural design or a building whose primary purpose is to collect, convert, and store solar energy for useful purposes including heating and cooling of buildings, domestic water heating, electric power generation, and other energy using processes.
61. "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 ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more.
62. "Street" - The entire width between property lines of a way or place dedicated, acquired, or intended for the purpose of public use for vehicular traffic or access other than an alley.
63. "Structure" - Anything constructed or erected, including decks, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground including but not limited to walls, fences, signboards and billboards.
64. "Subdivision" - Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.
65. "Substandard Individual Sewage Treatment System" - A system that is functioning in a sanitary manner, but may not be constructed to acceptable design standards.

66. "Surface Water-Oriented Commercial Use" - "Surface water-oriented commercial use" means the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with docking facilities for patrons are examples of such use.
67. "Trailer" – The word trailer shall mean a vehicle equipped with wheels or rollers and constructed with the capacity to be moved from place to place with or without its own motor power. The word includes vehicles, recreational vehicle, motor home or recreational camper.
68. "Transportation Plan" - A compilation of policy statements, goals, standards, maps and action programs for guiding the future development of the various modes of transportation for the City.
69. "Variance" - Any modification or variation of the zoning ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of the zoning ordinance would cause unnecessary hardship.
70. "Water-Oriented Accessory Structure or Facility" - A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.
71. "Wetland" - A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).
72. "Yard" - A required open space unoccupied and unobstructed by a structure or portion of a structure from thirty-six (36) inches above the ground level of the graded lot upwards, provided, however, that fences, signs, utility poles, lawn lights, antenna and related minor equipment may be permitted in any yard provided that they do not create a traffic safety hazard.
73. "Yard, Front" - A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof.
74. "Yard, Rear" - A yard extending across the full width of the lot and measured between the rear lot line and the building or any projection thereof.
75. "Yard, Side" - A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building, or any projection thereof.

76. "Zoning Map, Official" - The map or maps incorporated into this chapter as part thereof, designating the zoning districts.

(Sections 9.03 through 9.09 reserved.)

SECTION 9.10. ZONING USE DISTRICTS

1. Residential, (R)
2. Commercial, Downtown (C-1)
3. Commercial, General (C-2).
4. Industrial (I).

Subdivision 1. District Boundaries.

1. Boundaries indicated as approximately following the center lines of streets or highways shall be considered to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following the township boundary shall be construed as such township boundaries.
4. Where a district boundary line divides a lot which was in single ownership at the effective date of this Chapter, the extension of the regulations for either portion of the lot may be interpreted by the Planning Commission upon request of the owner.

Subdivision 2. District Regulations.

1. The regulations of this Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly except as hereinafter provided.
2. No building, structure or land shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
3. No yard or lot existing at the effective date of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.

Subdivision 3. Establishment of District and (District) Map.

Certain districts are hereby created which shall be shown upon the zoning map which is incorporated herein and made a part hereof. Said map and all notation, references, and other information shown thereon shall be as much a part of this Chapter as if the matters and information set forth by said map were all duly described herein.

SECTION 9.11. (R) RESIDENTIAL DISTRICT.

Subdivision 1. Purpose.

The Residential District is intended to promote moderate to intensive residential use in areas that are provided with community water and sewer facilities.

Subdivision 2. Permitted Uses.

1. Single-family and two-family (duplex) dwellings.
2. Existing agriculture.
3. Recreational or community buildings which are publicly owned and operated.
4. Parks and playgrounds.

Subdivision 3. Conditional Uses.

1. Multi-family dwellings and twin homes.
2. Churches, provided that no building shall be located within twenty-five (25) feet of any lot in the residential district.
3. Libraries.
4. Public, parochial, or other private elementary, middle, junior high, or senior high school offering a curriculum equivalent to the public school system; and not operated for profit.
5. Hospitals and clinics (excluding non-human) and medical offices.
6. Boarding and lodging houses.
7. Residential facilities or day care facilities.
8. Essential public utility structures.
9. Planned unit developments.

10. Manufactured Home Parks.
11. Offices of persons and home occupations when such use does not exceed one-third (1/3) of the main floor space of a dwelling or when located in an existing accessory building and when only persons residing on the premises are employed. A conditional use permit for a home office is not required if such office is supplementary to a business located elsewhere in the City and if the amount of traffic entering such office does not exceed that which is normal and customary for a residence.
12. Mortuaries or funeral homes.
13. Convalescent, nursing, and rest homes.
14. Home occupations that meet the following requirements:
 1. Only family members residing on the premises shall be engaged in the home occupation.
 2. Hours: Except for licensed child day care facilities, customers may visit the site only during the hours of 7 a.m. to 9 p.m.
 3. The home occupation shall be clearly incidental to the primary use of the home as a residence. Except for licensed child day care facilities, the home occupation shall not exceed 33% of the main floor space of a dwelling. Exterior modifications to the dwelling to accommodate the home occupation shall be prohibited.
 4. The use of an accessory building for the home occupation is limited to just storage. This type of use is further limited to 25% of the enclosed area within the accessory building or a total of 250 square feet, whichever is less
 5. No display of goods, products or services shall be visible from off-site.
 6. Traffic and parking associated with the use shall not be detrimental to the neighborhood or create congestion on the street where the home occupation is located. Truck deliveries or pick-ups at the home are permitted to occur between the hours of 8 a.m. to 6 p.m. The amount of traffic shall not exceed that which is normal and customary for a residence.
 7. No goods, products or commodities bought or secured for the express purpose of resale shall be sold at retail or wholesale on the premises. The sale of products or goods may be permitted if such items are incidental or supplementary to the home occupation.

8. No equipment or process shall be used in connection with the home occupation which creates noise, vibration, glare, fumes, odors or electrical interference which is detectable off-site.
9. Only one commercially licensed vehicle shall be allowed in connection with the home occupation.
10. A conditional use permit for a home office is not required if is supplementary to the business located elsewhere in the City and if the amount of traffic entering such office does not exceed that which is normal and customary for a residence.

Subdivision 4. Accessory Uses.

1. Private garage.
2. Private swimming pool when completely enclosed within a chain link or similar fence, five (5) feet high.
3. Keeping of not more than two (2) boarders and/or roomers by a resident family; provided that the Council may grant a special permit to keep more than two boarders and/or roomers for one year at a time upon proof of compliance by the applicant for such special permit with the provisions of Section 9.50, Subdivision 4, prescribing the required number of on-site parking spaces.
4. Living quarters of persons employed on the premises.
5. Storage garages where the lot is occupied by a multiple-family dwelling, hospital, or institutional building.
6. Accessory uses incidental to the principal uses allowed.

Subdivision 4.5. Accessory Structure Standards.

1. The total square footage of all accessory structures, attached and detached, shall be limited in size to ten percent (10%) of lot square footage or to no more than the square footage of the principal dwelling unit, whichever is less.
2. No accessory structure, attached and detached, in a residential district shall have sidewalls greater than ten (10) feet and height in excess of eighteen (18) feet. Height shall be measured from grade to the upper most peak of building or structure.
3. All accessory structures, attached and detached, shall be constructed of dimensional lumber or material that has been approved by the City Council.

No pole buildings, carports or galvanized coverings are allowed. All accessory structures over one hundred twenty (120) square feet shall be on footings or a foundation. Accessory structures shall be compatible in design, color, materials, and construction type to the principal structure on the lot.

a. Compatible means that the exterior appearance of the accessory structure is not at variance with the principal building from the aesthetic and architectural standpoint as to cause:

1. A difference to a degree to cause incongruity.
2. A depreciation of neighborhood values or adjacent property values.
3. A nuisance. Types of nuisance characteristics include, but are not limited to noise, dust, odors, glare, and unsightly building exterior.

4. No accessory structure may be constructed prior to the time of construction of the principal building or structure.

5. Owners of two abutting lots of record will be required to create a single lot of record before a building permit for an accessory structure will be issued.

Subdivision 5. Single-Family Residence; Lot Area, Lot Width, and Yard Requirements.

Lot Area: 7,500 square feet.

Lot Width: 75 feet.

Front Yard: 25 feet from the public right of way or lot line; except, where twenty-five percent (25%) or more of the lots in a block are built upon, in which no building shall be erected that is set back from the front lot line, less than a distance which shall be the average of the setbacks observed by the adjoining houses to either side.

Side Yard: Ten percent (10%) of the lot width not to exceed ten (10) feet.

Rear Yard: Ten (10) feet from the public right-of-way or lot line.

Subdivision 6. Two-Family and Multiple-Family Residences; Lot Area, Lot Width, and Yard Requirements.

- Lot Area: 12,500 square feet for a two-family dwelling plus 1,500 square feet for each additional dwelling unit.
- Lot Width: 125 feet.
- Front Yard: 25 feet; except where twenty-five percent (25%) or more of the lots in a block are built upon, in which no building shall be erected that is set back from the front lot line, less than a distance which shall be the average of the setbacks observed by adjoining houses to either side.
- Side Yard: Ten percent (10%) of the lot width not to exceed ten (10) feet.
- Rear Yard: Ten (10) feet from the public right-of-way or lot line.

Subdivision 7. Maximum Ground Coverage.

The total area of all impervious surfaces shall not exceed thirty-five percent (35%) of the lot area.

Subdivision 8. Height Requirements.

Two and one-half (2-1/2) stories or thirty (30) feet, maximum height.

SECTION 9.12. TWIN HOME ORDINANCE

Subdivision 1. Lot Area, Lot Width, and Yard Requirements

- Lot Area: Minimum Lot area 5,200 square feet.
- Lot Width: Minimum Lot width 65'.
- Front Yard: 25 feet.
- Side Yard: Ten percent (10) of the lot width, but not less than 10 feet.
- Rear Yard: Ten (10) feet from the public right-of-way or lot line.

Subdivision 2. Conditional Uses

Two family dwellings and twin homes may be divided into single parcels of record with the party wall acting as the dividing lot line by issuance of a conditional use permit and subject to the following conditions.

- A. Each of the lots created in subdividing lands on which a two family structure is located shall be equal as is reasonably possible.
- B. Each lot so created shall contain no less than ½ the minimum land area requirement for a twin home dwelling, and shall be shown on a registered survey.
- C. Except for setbacks along the common property line, all other setback and yard requirements shall be met.
- D. Separate services shall be provided to each residential unit for sanitary sewer, water, electricity, natural gas, telephone, and other utilities.
- E. The two family units, either existing or proposed, must be constructed in a side-by-side matter.
- F. To protect the safety and property of the owner and occupants of each individual unit, no existing two family structure may be split into two separate ownerships unless and until the common party wall fire rating is brought up to new construction standards contained in the Uniform Building Code (UBC). Party walls must provide sound transmission control ratings as per the UBC.
 - A. Uniformity in outside appearance. Siding, roofing need to be made of the same product and same color.
 - B. Party Walls –
 - a. Definition – each wall, which is built as a part of the original construction of the living units upon the properties and placed on the dividing line between the lots shall constitute a party wall, and, to the extent not inconsistent with the provisions of this Article, the general rules of law regarding party walls and liability for property damage due to negligence or willful act or omissions shall apply thereto.
 - b. Repairs and Maintenance – The cost of reasonable repair and maintenance of a party wall shall be shared by the Owners who make use of the wall in proportion to such use of wall.

- c. Destruction by Fire and Other Casualty – If a party wall is destroyed or damaged by fire or other casualty, any Owner who has used the wall may restore it, and if the other Owner thereafter make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such Owners to call for a larger contribution from the others under any rule of law regarding liability for negligent or willfull acts or omissions.

Subdivision 3. Effective Date

This ordinance is effective from and after its passage and publication.

SECTION 9.13. REGULATION OF MANUFACTURED HOMES AND MANUFACTURED HOME PARKS

Subdivision 1. Requirements of Manufactured Homes.

Manufactured Homes as defined in this Ordinance, are permitted uses in the residential district and are subject to the following requirements:

- A. All manufactured homes constructed after June 15, 1976, shall comply with the manufactured home building code, pursuant to Minnesota Statutes Section 327.31, and shall bear a seal by the United States Department of Housing and Urban Development to evidence compliance with the Manufactured Home Building Code.
- B. The minimum width of the structure at its narrowest point shall not be less than 20 feet.
- C. All dwellings shall be placed on a continuous permanent foundation in compliance with the Minnesota State Building Code.
- D. Hitches and or other visible transport equipment shall be removed.

Subdivision 2. Regulation of Manufactured Home Parks.

- A. Manufactured Home Parks shall be a conditional use in residential and commercial general zoning districts.
- B. No person, firm or corporation shall establish, maintain, conduct or operate a manufactured home park within the City of Westbrook, without first obtaining a license therefor from the State Department of Health and complying with Minnesota Statutes Section 327.14 through 327.67.

- C. Off-street Parking and Street Requirements. Each manufactured home lot shall have a hard-surfaced, off-street parking space for two (2) automobiles. All parking shall be completely within the confines of the lot. All streets shall be hard-surfaced and have a minimum of twenty (20) feet. In addition to on-site parking, guest parking shall be provided as part of the development, at a ration of one parking space per each six home spaces.
- D. Service facilities such as laundries, storage and garages shall be for on-site residents only.
- E. If a manufactured home park is converted to another use requiring a variance or zoning change, the City must give notice of hearing of the levy to each occupant pursuant to Minnesota Statutes, Section 327C.095.

Subdivision 3. Minimum Requirements for Manufactured Home Parks.

The following minimum requirements shall apply to all new manufactured home parks and the expansion of existing parks.

- A. General
 - a. The minimum area for a new manufactured home park is five (5) acres.
 - b. The minimum number of spaces completed and ready for occupancy before the first occupancy is permitted in a new park shall be ten (10) units.
 - c. Each manufactured home site withing the park shall have a minimum area of 3,500 square feet.
 - d. No manufactured home site shall be closer than 35 feet to any adjacent property.
 - e. Accessory structures including a porch or deck and one detached structure may be conctructed or erected on a home space, subject to the approval of the manufactured home park management. No such accessory structure shall be located closer than five feet to a home space boundary.
 - f. A landscape buffer shall be provided where natural vegetation exists and provided a more or less opaque screen, or where no natural vegetative screen exists, a landscape strip with tress that will grow to a height of at least six feet within three years shall be installed and maintained between the park adjacent resident property.
 - g. No less than ten (10) percent of the manufactured home park shall be improved for recreational activities for residents of the park.

- B. Site Plan: At time of application for a conditional use permit, the applicant must submit a site plan to the City. The site plan shall include:
- a. The name and address of all owners and developers of the proposed manufactured home park.
 - b. The legal description and lot size in acres of the proposed park.
 - c. The location and size of all manufactured home lots, convenience establishments, storage areas, recreation areas and facilities, landscaping, existing tree growth, water areas, roadways, sidewalks, and parking sites.
 - d. Detailed landscaping and grading plans and specifications.
 - e. Plans for sanitary sewage disposal, surface drainage, fire hydrants, water systems, electrical service, gas service, cable television, street lighting, and topography diagrams.
 - f. Location and size of all public roadways abutting the manufactured home park and all street and sidewalk access from such street and sidewalk to the manufactured home park.
 - g. Preliminary road construction plans and specifications including cross section and curb details.
 - h. Preliminary floor plans and elevations for all permanent structures.
 - i. Description and method of disposing of garbage and refuse.
 - j. Staging and timing of construction program regardless of whether the the entire area will be developed at one time or in stages.
 - k. Such other reasonable information as shall be required by the City.
 - l. The scale for all drawings shall be one (1) inch to One Hundred (100) feet.

SECTION 9.14. REGULATION OF TRAILERS.

Subdivision 1. Permit Required.

A person must not occupy or use a trailer for habitation or living quarters for longer than ten (10) days in a calender year, without first obtaining a permit from the City Council.

Subdivision 2. Application.

Application for a permit must be made to the City Council, must be accompanied by the required fee and must contain the following information:

- A. The names of the owners and persons who are to occupy the trailer;
- B. Name of the owner and address and description of premises on which the trailer is to be placed and used;
- C. Description of the trailer, the serial number, if any;
- D. Date of placing on the private premises describe in the application;
- E. Duration of the proposed occupancy;
- F. Signature of applicant and verification.

Subdivision 3. Issuance.

A permit will not be issued unless adequate water supply and sanitary services are provided.

Subdivision 4. Duration.

The term of a permit is no greater than three (3) months. The applicant is the new owner and the land is occupied by no other habitable dwelling than the applicant's trailer, the zoning administrator may grant a permit for longer than three (3) months while a permanent dwelling is constructed. Only one permit may be issued for a particular piece of property in a 24 month period, except that additional permits may be granted when necessitated by unforeseen acts of nature.

(Sections 9.15 through 9.19, reserved.)

SECTION 9.20. (C-1) DOWNTOWN COMMERCIAL DISTRICT.

Subdivision 1. Purpose.

The Downtown Commercial District is intended to preserve and enhance the downtown district as the primary center for office and government employment and retail activities.

Subdivision 2. Permitted Uses.

1. Recreational or community facilities which are publicly owned or operated.
2. Parks and playgrounds which are publicly owned and operated.
3. Libraries, museums, or art galleries.
4. Hotels.
5. Business, medical, and professional offices.
6. Clubs, fraternities, and lodges.
7. Retail commercial merchandising establishments.
8. Licensed places of amusement including theaters and dance halls.
9. Bowling alleys, and billiard or pool halls.
10. Restaurants, cafes, delicatessens, and taverns.
11. Banks and savings and other financial institutions.
12. Telephone and utility offices.
13. Job printing, newspaper, lithographing, or publishing shops.
14. Municipal or government administration buildings, post office, police and fire stations.
15. Cabinet or carpenter shops.
16. Furniture repair and upholstery shops
17. Electrical, metal-working, plumbing, heating and air conditioning; water, gas, or steam-fitting shops.
18. Barber and beauty shops.
19. Photography studios.
20. Radio or television broadcasting studios.
21. Music studios.

22. Laundromats and dry cleaning or laundry pickup stores.
23. Automobile parking lots and garages, excluding the parking of trucks, buses, equipment, and goods.
24. Meat shops and cold storage lockers (excluding slaughtering).
25. Bus stations.
26. Newstands.
27. Television or radio repair shops.
28. Repair and rental shops of domestic or household type equipment and items.
29. Athletic Clubs

Subdivision 3. Conditional Uses.

1. Dwellings and boarding or lodging houses.
2. Automobile service stations, for sale of gasoline, oil, and accessories.
3. Tire, battery, and automobile accessories shops.
4. Automobile, truck, tractor, or implement sales offices and used car lots.
5. Automobile laundries or car wash.
6. Billboards.
7. Animal pet shops.
8. Meat shops and cold storage lockers that include slaughtering.
9. Lawn and garden supply stores and farm, feed, and seed stores.
10. Lumber yards and building supply centers.
11. Water supply buildings, wells, elevated tanks, power plants, and similar essential public utility or public works facilities.
12. Planned unit developments.
13. Convalescent, nursing, and rest homes.

14. Mortuaries or funeral homes.
15. Hospitals and clinics (excluding non-human).

Subdivision 4. Accessory Uses.

1. Private garage.
2. Private swimming pool when completely enclosed within a chain link or similar fence, five (5) feet high.
3. Keeping of not more than two (2) boarders and/or roomers by a resident family; provided that the Council may grant a special permit to keep more than two boarders and/or roomers for one year at a time upon proof of compliance by the applicant for such special permit with the provisions of Section 9.50, Subdivision 4, prescribing the required number of on-site parking spaces.
4. Living quarters of persons employed on the premises.
5. Storage garages where the lot is occupied by a multiple-family dwelling, hospital, or institutional building.
6. On-site parking and loading as regulated.
7. Accessory uses incidental to the uses permitted in Subdivisions 2 and 3 of this Section.

Subdivision 5. Lot Area, Lot Width, and Yard Requirements.

Lot Area: 3,500 square feet.

Lot Width: 24 feet.

Front Yard: 10 feet from the curb.

Side Yard: No restrictions; 15 feet if abutting a residential district.

Subdivision 6. Off-Street Parking and Unloading.

Off-street parking and unloading requirements as established in Section 9.50.

Subdivision 7. Height Requirements.

Five (5) stories or sixty (60) feet, maximum height.

SECTION 9.21. (C-2) GENERAL COMMERCIAL DISTRICT.

Subdivision 1. Purpose.

The General Commercial District provides a location for uses that are appropriate to thoroughfare locations, are largely dependent upon thoroughfare traffic, and are not altogether suitable within the Downtown Commercial District.

Subdivision 2. Permitted Uses.

1. Motels or motor inns.
2. Automobile, truck, tractor, or implement sales offices and sales lots.
3. Automobile service stations, for sale of gasoline, oil, and accessories.
4. Automobile, truck, tractor, and implement garages and repair shops, with no outside storage of vehicles or equipment.
5. Tire, battery, and automobile accessories shops.
6. Automobile laundries or car wash.
7. Bicycle or motorcycle sales and repair shops.
8. Marine or boat sales shops.
9. Sales and service centers of travel and camping trailers, and motor homes which do not require a special permit to be transported on a public highway.
10. Mobile home sales and storage centers.
11. Lumber yards and building supply centers.
12. Lawn and garden supply stores.
13. Farm, feed, and seed stores.
14. Commercial nurseries and greenhouses.
15. Drive-up offices (banks, etc.).
16. Drive-up retail or service shops.
17. Grocery stores or supermarkets.

18. Meat shops and cold storage lockers.
19. Restaurants, cafes, or delicatessens.
20. Taverns and cocktail lounges.
21. Licensed places of amusement including theaters and dance halls.
22. Bowling alleys and billiard or pool halls.
23. Miniature golf courses, archery and golf driving ranges, tennis clubs, skating rinks, and swimming pools serving more than one family.
24. Rental and repair shops.
25. Carpenter, plumbing, heating, and air conditioning shops.
26. Electrical, metal-working, water, gas, or steam-fitting shops.
27. Janitorial service shops.
28. Monument sales centers.
29. Mortuaries or funeral homes.
30. Furniture stores.
31. Carpet, rug, and flooring stores.
32. Paint, wallpaper, and other furnishing stores.
33. Appliance sales and service stores.
34. Retail ice delivery stations.
35. Laundromats and dry cleaning or laundry pickup stores.
36. Billboards.
37. Medical, dental, and optical laboratories.
38. Antique, gift, or florist shops.
39. Retail establishments.
40. Radio or television broadcasting studios.

41. Bus stations.

Subdivision 3. Conditional Uses.

1. Water supply buildings, wells, elevated tanks, and similar essential public utility structures.
2. Automobile parking lots and garages.
3. Terminals, including motor freight.
4. Wholesale establishments.
5. Hospitals and medical clinics or offices.
6. Municipal or government buildings, police or fire stations.
7. Convalescent, nursing, and rest homes.
8. Institutions of a religious, educational, or philanthropic nature.
9. Animal pet shops, animal hospitals, veterinarian clinics, and pounds and extermination centers.
10. Recreational or community buildings, parks, or playgrounds which are publicly owned and operated.
11. Dwellings or boarding and lodging houses.
12. Railroad rights-of-way.
13. Wind energy conversion systems which comply with the requirements as set forth in Section 9.41.

Subdivision 4. Accessory Uses.

1. Private garage.
2. Private swimming pool when completely enclosed within a chain link or similar fence, five (5) feet high.
3. Keeping of not more than two (2) boarders and/or roomers by a resident family; provided that the Council may grant a special permit to keep more than two boarders and/or roomers for one year at a time upon proof of compliance by the

applicant for such special permit with the provisions of Section 9.50, Subdivision 4, prescribing the required number of on-site parking spaces.

4. Living quarters of persons employed on the premises.
5. Storage garages where the lot is occupied by a multiple-family dwelling, hospital, or institutional building.
6. On-site parking and loading as regulated.
7. Accessory uses customarily incidental to the uses permitted in Subdivisions 2 and 3 of this Section.

Subdivision 5. Lot Area, Lot Width, and Yard Requirements.

Lot Area: 10,000 square feet.

Lot Width: 80 feet.

Front Yard: 50 feet.

Side Yard: 10 feet.

Rear Yard: 25 feet.

Subdivision 6. Off-Street Parking and Unloading.

Off-street parking and unloading requirements as established in Section 9.50.

Subdivision 7. Height Requirements.

Two and one-half (2-1/2) stories or thirty-five (35) feet, maximum height, excluding material-handling equipment and its containing structure.

(Sections 9.22 through 9.29, reserved)

SECTION 9.30. (I) INDUSTRIAL DISTRICT.

Subdivision 1. Purpose.

The Industrial District is intended to provide a location for compact, convenient, and transportation-oriented industry to occur within Westbrook. The regulations for this district are intended to encourage industrial development that is compatible with surrounding or abutting districts.

Subdivision 2. Permitted Uses.

1. Creameries, milk and cream distribution stations, produce stations and plants.
2. Express, hauling, and cartage offices or stations, transportation or freight terminals.
3. Warehouses.
4. Wholesale establishments.
5. Ice plants.
6. Carpenter, plumbing, heating, and air conditioning shops.
7. Electrical, metal-working, water, gas, or steam-fitting shops.
8. Railroad rights-of-way.
9. Contractor's offices, shops, and yards excluding automobile wrecking or junk yards and machine sheds.
10. Public utility or service buildings and stations.
11. Highway maintenance shops and yards.
12. Auto, truck, tractor, or implement repair shops and garages.
13. Lumber yards and building materials centers.
14. Manufacturing, processing, servicing, and testing, excluding: chemicals, livestock, fuels, fertilizer, feed, or grain.
15. Adult Entertainment

Subdivision 3. Conditional Uses.

1. Storage, manufacturing, processing, or testing of chemicals, fuels, fertilizer, feed or grain.
2. Livestock slaughter houses, packing, or processing plants.
3. Gasoline and oil bulk stations and distributing plants.
4. Refineries and distilleries.

5. Extraction of minerals or other materials.
6. Wind energy conversion systems which comply with the requirements as set forth in Section 9.41.

Subdivision 4. Lot Coverage, Lot Width, and Yard Requirements.

- Lot Coverage: No more than fifty percent (50%) of the total lot area shall be covered by buildings.
- Lot Width: Every lot shall have a width of not less than one hundred (100) feet abutting a public right-of-way.
- Front Yard: There shall be a front yard set-back of fifty (50) feet from all public rights-of-way.
- Side Yard: No side yard shall be required; except, that no building shall be located within one hundred (100) feet of any residential district.
- Rear Yard: No rear yard shall be required; except that no building shall be located within seventy-five (75) feet of any rear lot line abutting a lot in any district other than an industrial district.

Subdivision 5. Height Requirements.

No building other than grain elevators shall hereafter be erected or structurally altered to exceed four (4) stories or forty-five (45) feet in height, excluding material-handling equipment and its containing structure.

(Sections 9.31 through 9.34, reserved.)

Section 9.41 Wind Energy Conversion Systems

Subdivision 1 General.

Wind energy conversion systems (WECS) are allowed as a conditional use in the commercial – general (C-2) and industrial (I) zoning districts and are not permitted in the residential (R) and downtown commercial (C-1) of the City of Westbrook.

Proposed WECS shall meet the following minimum conditions:

Subdivision 2 Permit Application Requirements:

An application shall be filed with the Zoning Administrator on a form prescribed by the **City**. The following information is required:

- a. Name(s) and address(es) of property owner and project applicant, parcel number and legal description of property
- b. A description of the project including number and capacity of turbines, height and diameter of turbine rotors, turbine, tower, and blade color, and rotor direction.
- c. A site plan, detailing the size of property, location of turbine, buildings, driveways, transformers, power lines, communication lines, interconnection point with transmission lines and other ancillary facilities or structures.
- d. Current zoning of the property.
- e. Decommissioning plan.
- f. Safety and Signage plan.
- g. Engineering and/or manufacturer certification.
- h. Documentation that the power will be used on site or evidence of a power purchase contract with the Westbrook Public Utility. If the power is sold to the Westbrook Public Utility the meter(s) used must be approved by the Westbrook Public Utility Superintendent.
- i. Verification from Westbrook Public Utilities Superintendent that the turbine will be compatible with the electrical system.
- j. Verification from other private and public utilities located in the city, including but not limited to telephone, cable, other types of communication and natural gas, that the turbine will not negatively impact these utilities and that the steps have been taken to correct any potential problems.

Subdivision 3 Compliance with Codes and Standards

All WECS shall be in compliance with applicable state and federal regulatory standards including:

- a. Uniform Building Code as adopted by the City of Westbrook
- b. National Electrical Code as adopted by the State of Minnesota
- c. FAA requirements

- d. MPCA/EPA regulations for hazardous waste and construction
- e. MN Pollution Control Agency Chapter 7030, Noise Standards

Subdivision 4 Certification

The commercial system manufacturer or a certified engineer must attest to:

- a. Tower and foundation designs are suitability for turbine and soils.
- b. Tower and foundation are able to withstand wind and icing loads.
- c. The system has an automatic shutdown to render it inoperable in conditions of imbalance or high wind speeds.
- d. The tower and turbine were manufactured in compliance with industry standards.

Subdivision 5 Setback requirements

All turbines must be set back from property lines a total of structure height (tower height and one-half the rotor diameter) plus a 10 to 25 % additional margin. No structures are allowed in this setback. This setback will ensure a near zero probability of harm to the general public.

Subdivision 6 Decommissioning

Provisions shall ensure that turbine and tower are properly decommissioned at the end of the project life or abandonment. Decommissioning shall include:

- a. Removal of all structures and footings
- b. when and how turbine and tower are to be decommissioned
- c. estimated cost of decommissioning
- d. financial resources to be used to accomplish decommissioning. The establishment of an escrow account into which the project developer/owner will deposit funds on a regular basis over the life of the project may be required. The City will then have access to the escrow account for the explicit purpose of decommissioning. Financial provisions shall not be so onerous and to make wind power project unfeasible.

Subdivision 7 Safety and Signage

- a. Access to the tower and turbine shall be limited either by a fence 6 ft. high with a locked gate or by limiting tower climbing apparatus to no lower than 12 ft. from the ground.
- b. Towers with guyed wires are not allowed.
- c. High voltage signs shall be placed at the base of the tower.
- d. Fences and signs shall comply with Westbrook City Code.

Subdivision 8 Aesthetics

- a. The tower and turbine shall be of non-reflective, unobtrusive color.
- b. Projects shall utilize minimal lighting.
- c. All lines shall be buried underground.
- d. Screening may be necessary to minimize visual impact.

Subdivision 9 Interference

- a. The operation of the WECS shall not cause radio, television, telephone or microwave interference.

(Sections 9.42 through 9.49, inclusive, reserved for future expansion.)

SECTION 9.50. GENERAL REQUIREMENTS.

Subdivision 1. Intent.

Pursuant to the purposes of this Chapter, there are certain general requirements that are not provided for in other Sections of this Chapter. It is the purpose of this Section to set forth these requirements.

Subdivision 1.5. Non-conforming Lots of Record.

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings, which are non-conforming as Feb. 1, 1986, may be erected on any single lot of record on the effective date of this ordinance provided that it fronts on a public right-of-way and provided, that further that width and area measurements are at least 65 percent of the minimum requirements of this ordinance.

Subdivision 2. Non-Conforming Uses and Structures.

Any structure or use existing upon the effective date of this Chapter and which does not conform to the provisions of this Chapter may be continued subject to the following:

- A. No such use shall be expanded or enlarged except in conformity with the provisions of this Chapter.
- B. If a non-conforming use is discontinued for a period of one year, further use of the structures or property shall conform to this Chapter.
- C. If a non-conforming structure is destroyed by any cause, to an extent exceeding fifty percent of its fair market value as indicated by the records of the County Assessor, a future structure on the site shall conform to this Chapter.
- D. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the non-conforming use.

Subdivision 3. General Sign Provisions.

Notwithstanding directional or parking signs, no sign shall be located on the zoning lot or on the exterior of any structure, except those signs which identify the name and/or type of business conducted within such structure or identify the building. All flashing, revolving and intermittently lighted signs must be approved by the City Council.

- A. Residential Districts. No billboards or signs shall be erected in the residential districts except as follows:
 - 1. Signs displaying the name only of the property or the premises upon which displayed or the owner or lessee thereof.
 - 2. Signs not exceeding eight (8) square feet in area, pertaining only to the sale, rental, or base of the premises upon which displayed.
 - 3. Property entrance signs are acceptable.
- B. Commercial and Industrial District. The total of the area of all signs measured in square feet shall not be greater than two times the number of lineal feet of each street frontage of each zoning lot. No sign shall be located more than 15 feet above the street level with the exception of a building identification sign. The gross surface of all illuminated signs shall not exceed the lineal feet of frontage of such zoning lot. The total allowable sign area shall be reduced by 10 percent for each sign in excess of four (4) signs per street frontage.

- C. Political Posters. Political posters in accordance with applicable State laws are allowed, provided they are removed within ten (10) days following the election for which they are intended.
- D. Sign Design, Construction, and Maintenance.
 - 1. Required Marking on Signs.
 - (1) Every sign, for which a permit is required, shall have painted in a conspicuous place thereon, in letters not less than one (1) inch in height, the date of erection, the permit number and voltage of any electrical apparatus used in connection therewith.
 - (2) Every outdoor advertising sign erected under the provisions of this Chapter shall be plainly marked with the name of the person, or firm erecting such sign.
 - 2. Ground Signs.
 - (1) No ground sign shall be erected, constructed, altered, rebuilt, or relocated to a height exceeding thirty-five (35) feet above the ground.
 - (2) No ground sign for which a permit is required shall be erected to a height of more than twelve (12) feet above the ground unless the face is constructed of sheet metal or other noncombustible facing materials.
 - (3) The bottom of the facing of every ground sign shall be at least three (3) feet above the ground, which space may be filled with platform or decorative trim of light wood or metal' construction.
 - (4) No private sign shall be erected, constructed, or maintained within the boundary of any street, avenue, highway, alley or public ground of the City, County, or State in which it is to be located, except by special permit.
 - (5) The soil used for the dug-in type of anchor or post support shall be carefully placed and thoroughly compacted. The anchors and supports shall penetrate to a depth below ground greater than that of the frost line.
- E. Obsolete Signs. Any sign which no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or land upon which the sign may be found within ten (10) days after written notice from the Council

- F. **Unsafe or Dangerous Signs.** Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or land upon which the sign is located within ten (10) days after written notification from the Council.
- G. **Off Site Signs.** Off site directional signs shall require a permit. Off site signs shall not be spaced closer than three hundred (300) feet to any other advertising sign on the same side by the road except back to back.
- H. **Non-Conforming Signs.** Signs existing on the effective date of this Chapter which do not conform to the regulations set forth in this Chapter shall become a non-conforming use and shall be discontinued within the following period of amortization: Advertising and business signs one (1) year from the effective date of this Chapter.

Subdivision 4. Parking and Loading Requirements.

Off-street automobile parking shall be provided on any commercial, industrial, and residential lot on which any new structures are hereafter established in conformance with said district's requirements. The parking area shall be provided with vehicular access to a street, alley, or roadway and shall be required with such use and shall not be reduced or encroached upon in any manner. Required off-street automobile parking space shall not be utilized for open storage or for the storage of vehicles which are inoperable, for sale, or for rent. If, in the application of these provisions, a fractional number is obtained, one parking space shall be provided for that fraction. Each space required constitutes a gross area of 200 square feet.

- A. **Surfacing and Drainage.** On-site parking areas may be required to be improved with a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area. These requirements shall also apply to open sales lots for cars, trucks and other equipment. This Section shall not apply to one and two family dwellings.
- B. **Loading Requirements.**
 - 1. All required loading berths shall be located on the same lot as the building to be served. Loading berths shall not occupy the required front yard space.
 - 2. Any space allocated as a loading berth or maneuvering area shall not be used for the storage of goods, inoperable vehicles or be included as a part of the space requirements necessary to meet the off-street parking area.
 - 4. All loading berths and access ways shall be improved with a durable material to control the dust and drainage.

SECTION 9.51. PERMITS AND REQUIREMENTS FOR FENCES, WALLS, OR HEDGES.

Subdivision 1. Application.

The requirements of this section shall apply to all new or replacement fences, walls, or shrubbery erected or installed from and after the effective date of this ordinance, but shall not apply to the mere repair of existing fences.

Subdivision 2. General Requirements.

- A. All fences of more than thirty inches (30) in height shall require a building permit.
- B. No fence shall contain barbed wire except in those areas used for open storage, or requiring public protection, which may be enclosed with industrial chain link fence of at least seven (7) feet topped with three (3) strands of barbed wire, provided it projects over the property on the private side of the fence.
- C. No fence shall be charged with electric current.
- D. No fence, wall, shrubbery or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted, within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.
- E. Fences must be maintained so as not to endanger life or property and any fence which through lack of repair, type of construction or otherwise that imperils health, life or property, or the well-being of a neighborhood shall be deemed a nuisance.
- F. All fences must be located on the private property of the person, firm, or corporation constructing the fence.
- G. All fences shall comply with all other requirements of law as it applies to fence installation and materials.

Subdivision 3. Residential Regulations.

- A. Prohibited Material. No fence or wall shall be constructed of any electrically charged element or barbed wire.

- B. Approved Material. All fences in residential districts shall be constructed of finished wood, chained link, and vinyl. The finished side of the fence, or that side of the fence without exposed support or posts, shall face the neighboring properties or streets.
- C. Side and Rear Yard Requirements. No fence or wall located in a side or rear yard shall be of height exceeding (6) feet, measured from its top edge to the ground at any point.
- D. Front Yards. No fence or wall located in a front yard shall be of a height exceeding four (4) feet, measured from its top edge to the ground at any point and (10) feet from the curb line.
- E. Maintenance. Every fence or wall shall be maintained in a good and safe condition at all times. Every damaged or missing element of any fence or wall shall be repaired or replaced immediately.
- F. Setbacks. A fence may be located adjacent to, but not on, a property line. No fence, wall hedge, or other screening device shall be permitted to encroach on any public right-of-way.

Subdivision 4. Commercial and Industrial Regulations.

- A. Electrically Charged Elements and Barbed Wire. No fence or wall shall be constructed of any electrically charged element or barbed wire. In the Industrial Districts barbed wire may be used in accordance with Subd2 (b).
- B. Front, Side and Rear Yard Requirements. No fence or wall located in a side or rear yard shall be of height exceeding (8) feet, measured from its top edge to the ground at any point.
- C. Setbacks. A fence may be located adjacent to, but not on, a property line. No fence, wall, hedge, or other screening device shall be permitted to encroach on any public right-of-way.

Subdivision 5. Duties of City Council

Violation of this Ordinance shall be deemed a public nuisance. The City Police and City Council shall enforce the provisions of this ordinance and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

Subdivision 6. Duties of Building Official.

Whenever City Council/Police Dept. determines that a public nuisance is being maintained or exists on premises within the city, the City Clerk shall notify in writing the owner and occupant of the premises of such fact and order that such nuisance be terminated and abated. The owner and occupant of the premises shall be served such notice in person or by Certified U. S. mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding thirty (30) days shall elapse between the day of posting and the hearing.

Subdivision 7. Recovery of Cost.

- A. Personal Liability. The owner of premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city clerk or other official designated by the Council shall prepare a bill for the cost and mail it to the owner. There upon the amount shall be immediately due and payable at the office of the city clerk.

- B. Assessment. If the nuisance is on private property, the clerk shall on or before September 1, following abatement of the nuisance list the total unpaid charges along with all other such charges as well as other charges for current services assessed under Minnesota Statutes, Section 429.101 against each separate lot or parcel to which the charges are attributable. The council may then spread the charges against such property under that statute and other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the council may determine in each case.

Subdivision 8. Variance.

Any deviation from the provisions of this Section shall require a variance. If a variance is requested, the variance shall be considered in accordance with the zoning variance procedures and fees for this variance will be in accordance with the zoning variance fee.

Subdivision 9. Penalty.

Violation of any provisions of this ordinance shall be a misdemeanor and shall be punishable as provided by Minnesota Law.

(Sections 9.52 through 9.55, inclusive, reserved for future expansion.)

SECTION 9.56. PERFORMANCE STANDARDS.

Subdivision 1. Intent.

It is the intent of this Section to provide that industrial and commercial related activities shall be established and maintained with the proper front streets and adjoining properties and to provide that each such permitted use shall be a good neighbor to adjoining properties by the control of the following:

Subdivision 2. Noise.

Any use established shall be so operated that no undue noise resulting from said use is perceptible beyond the boundaries of the property on which such use is located. This standard shall not apply to incidental traffic, loading, parking, construction, farming or maintenance operators.

Subdivision 3. Vibration.

Any use creating periodic, earthshaking vibrations shall be prohibited if undue vibrations are perceptible beyond the boundaries of the property on which the use is located. This standard shall not apply to vibration created during the process of construction.

Subdivision 4. Glare.

Glare, whether direct or reflected, such as from flood lights, spotlights or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the site or origin at any property line.

Subdivision 5. Smoke, Dust, Fumes or Gases.

Any use established, enlarged, or remodeled after the effective date of this Chapter shall be so operated as to meet the minimum requirements of the Minnesota Pollution Control Agency for the emission of smoke, dust, fumes or gases.

Subdivision 6. Toxic or Noxious Matter.

Any use shall not discharge into the atmosphere, water or subsoil, any toxic or noxious matter. All sewage and industrial wastes shall be treated and disposed of in such manner as to comply with the Minnesota State Department of Health Standards and Requirements.

Subdivision 7. Storage Standards.

All materials and equipment shall be stored within a building or fully screened so as to not be visible from adjoining properties except for the following:

- A. Agricultural equipment.
- B. Construction.
- C. Automobile sales.
- D. Recreation equipment.

Subdivision 8. Hazardous Materials.

Any use requiring the storage, utilization, or manufacturing of hazardous products shall not be located less than 500 feet from any residence or public meeting place.

Subdivision 9. Visual Standards.

Where any commercial or industrial use is adjacent to proposed zoned or developed residential use, that activity shall provide screening along the boundary of the residential property. Screening shall also be provided where a commercial or industrial activity is across the street from a residential zone, but not on that side of a commercial or industrial site considered to be the front as determined by the Planning Commission.

Subdivision 11. Right of Inspection.

An applicant for any permit under this Chapter, by making such application, does thereby give the City Council/Police Dept. reasonable right of access to premises concerned for inspection from time to time, so he may carry out his duties as specified in this Chapter.

Subdivision 12. Right of Inspection for Investigation.

The City Council/Police Dept. is hereby authorized to enter upon lands within the City for the purpose of carrying out his duties and functions imposed upon him under this Chapter, or to make investigations of any possible violation of this Chapter, and to cause proceedings to be instituted if proofs at hand warrant such action.

(Sections 9.57 through 9.69, reserved.)

SECTION 9.70. ADMINISTRATION.

Subdivision 1. Board of Adjustment.

- A. Creation. The functions of the Board of Adjustment are very specific. Variances and appeals from decisions made by administrative officers are the two areas in which the Board has authority. The Board has no role in conditional use permits or amendments to the Zoning Chapter. The Council shall serve as the Board of Adjustment. The members of the Board of Adjustment shall serve without compensation, except that they shall be paid for necessary expense in the conduct of the business of the Board.
- B. Organization. The Board of Adjustment shall elect a Chairman and Vice-Chairman from among its members and shall appoint a Secretary who need not be a member of the Board. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and determinations. The meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify. The Chairman, or in his absence, the Vice-Chairman, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public.
- C. Variance, Expected Conditions to Prevail. The Board may authorize a variance where the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Chapter or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or if the use or development of property immediately adjoining the piece of property in question, or the literal enforcement of the requirements of the zoning provisions of the City Code would involve unnecessary hardship and not mere inconvenience.
- D. Variance, Findings Required. No variance from the terms of the zoning provisions shall be authorized unless all of the following facts and conditions are considered:
 - 1. Exceptional Circumstances. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of property, that do not apply generally to other properties or classes of uses in the same zoning district.
 - 2. Natural Causes. That the alleged difficulty or hardship has not resulted from the actions of the applicant.
 - 3. Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment by the owner of the property in question of similar and substantial property rights possessed by the owners of other properties in the same zoning district and in the same vicinity.

4. Absence of Detriment. That the authorization of such variance will not be of substantial detriment to adjacent property, and will be in keeping with the spirit and intent of the zoning provisions and the public interest.
 5. General Nature. That the condition, situation, or intended use of the subject property, is not so general or recurrent in nature as to make it reasonably practicable to formulate a general regulation to cover such cases.
- E. Appeals Filed. Appeals to the Board of Adjustment shall be filed with the Zoning Administrator who shall thereupon notify the Chairman of the Board of Adjustment. Such appeals must be filed with the Zoning Administrator within thirty (30) days of the date of the order, action, or determination appealed from. The Chairman shall, within one (1) week of such notice from the Zoning Administrator, call a public hearing to hear such appeal. The Chairman shall cause notice of such hearing to be published in the legal newspaper for the City, not more than two (2) weeks nor less than one (1) week before the time of such hearing. The Chairman of the Board of Adjustment shall send similar notices to the Board and by mail shall send notices of such hearings to the adjacent property owners or those wholly or partly affected within 200 feet of the property to which the permit application relates. The Board shall decide the matter appealed within thirty (30) days after the date of the hearing and shall file such decision with the Zoning Administrator therewith. The applicant shall pay the cost of publication notice. At any such hearing, any party may appear in person, or by agent, or by attorney.
- F. Minutes and Recording of the Voting. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact and shall keep the records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Clerk.
- G. Basis of Actions. The Board of Adjustment shall always act with due considerations to promoting the public health, safety, convenience, and welfare, assure that the proposal is consistent with the intent and purpose of this Chapter, will insure a density of land use no higher than otherwise required in this Chapter for the zoning district the premises lie within, will not impede the normal and orderly development and improvement of surrounding property for uses predominant in the area, and that the location and character of the proposed development is consistent with the desirable pattern of development for the locality in general and the zoning district more particularly.
- H. Appeal. The decision of the Board of Adjustment shall not be final. Any person having an interest affected by this Chapter or any decision made relating to it shall have the right to appeal to the Council within ninety (90) days of when the

decision of the Board of Adjustment is filed with the Zoning Administrator. The decision of the Council shall not be final. Any person having an interest affected by this Chapter or any decision relating to it shall have the right of appeal to the District Court on questions of law and fact within ninety (90) days of the date of such Council action.

Subdivision 3. City Council/Police Dept.

This Chapter shall be administered by the Zoning Administrator and enforced by the City Council/Police Dept. or its agent. The City Council/Police Dept. shall: (1) determine that all permit applications comply with the terms of this Chapter; (2) conduct inspections of buildings and use of land to determine compliance with this Chapter; (3) maintain permanent and current records of this Chapter, including all maps, amendments, conditional uses, variances, appeals, and applications thereof; (4) receive, file, and forward all applications for variances, conditional uses, appeals, and amendments to the designated official bodies; (5) notify, in writing, any person responsible for violating a provision of this Chapter, indicating the nature of the violation and ordering the action necessary to correct it.

Subdivision 4. Conditional Use Permits.

- A. Application. Applications for conditional use permits shall be made to the Zoning Administrator together with required fees. The application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Chapter, including but not limited to:
1. Description of site (legal description).
 2. Site plan drawn to scale showing parcel and building dimensions.
 3. Location of all buildings and their square footage.
 4. Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.
 5. Landscaping and screening plans.
 6. Drainage plan.
 7. Sanitary sewer and water plan with estimated use per day.
 8. Soil type.
 9. Any additional written or graphic data reasonably required by the City Council.

B. Procedure.

1. The Zoning Administrator shall forward said application to the City Council for consideration at its next regular meeting.
2. The City Council shall set a date for the official public hearing. Notice of such hearing shall be published in accordance with State law and notice shall be published at least once in the official paper of the City and mailed to individual properties within three hundred fifty (350) feet of the parcel included in the request not less than ten (10) days nor more than thirty (30) days prior to the date of said hearing. Failure of a property owner to receive said notice shall not invalidate any such proceedings.
3. The City Council shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce any adverse effects, and shall make a recommendation to the Council within sixty (60) days after the first regular meeting at which the request was initially considered.
4. Upon receiving the report and recommendation from the Zoning Administrator, the Council shall have the option of holding a public hearing if necessary and may impose any conditions deemed necessary. Approval of a conditional use shall require passage by a majority vote of the full Council.

C. Standards. No conditional use shall be recommended by the Council unless said Council finds:

1. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
2. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will

constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

6. That proper facilities are provided which would eliminate any traffic congestion or traffic hazard which may result from the proposed use.
 7. The demonstrated need for the proposed use.
 8. The proposed use is in compliance with the City Land Use Plan.
- D. Recording. A certified copy of any conditional use permit shall be filed with the Cottonwood County Recorder. The conditional use permit shall include the legal description of the property involved.
- E. Compliance. Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity to the terms of such permits and of any conditions designated in connection therewith.
- F. Lapse of Conditional Use Permit by Non-Use.. Whenever within one (1) year after granting the conditional use the work permitted has not been started, then such permit shall become null and void unless a petition for an extension has been approved by the Council.

Subdivision 5. Amendments; Rezoning.

- A. Initiation. The Council may, upon their own motion, initiate a request to amend the text or the district boundaries of this Chapter. Any person, persons, firm or corporation or his expressed agent owning real estate within the City may initiate a request to amend the district boundaries and/or text of this Chapter so as to affect the said real estate.
- B. Procedure.
1. A request plus copies of detailed written and graphic materials fully explaining the proposal for an amendment to this Chapter shall be filed with the Zoning Administrator.
 2. The Zoning Administrator shall refer said amendment request along with all related information to the City Council for consideration.
 3. The City Council shall consider the amendment request at its next regular meeting.
 4. The City Council shall set a date for the official public hearing, at its next regular meeting. Notice of such hearing shall be published in conformance

with the State law and individual notices, if it is a district change request, shall be mailed not less than ten (10) nor more than thirty (30) days prior to the hearing to all owners of property, according to the County Treasurer records, within three hundred fifty (350) feet of the parcel included in the request, such notice shall also be published in the official paper within the above time periods. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Chapter.

5. The Council shall, within sixty (60) days, from time of public hearing, place such request on the agenda of its next regular meeting and decide the issue within thirty (30) days.
7. The Council shall have the option to set and hold a public hearing if deemed necessary for reaching a decision.
9. Amendment of this Chapter shall be by a four-fifths (4/5) vote of the full Council.
10. The City Council shall notify the originator of the amendment in writing.

(Sections 9.71 through 9.74, reserved.)

SECTION 9.75. ENFORCEMENT; APPEALS.

Subdivision 1. Enforcement.

This Chapter shall be administered and enforced by the Council, or its authorized representative. The City Council may institute appropriate action for any violations of this Chapter and through the Police Department or City Attorney as deemed necessary.

Subdivision 2. Expense of Proceedings and Schedule of Fees.

To defray the administrative costs of processing an amendment to this Chapter or for a variance adjustment or for a conditional use permit, the applicant shall pay a fee of \$10.00 and in addition shall pay the actual cost of publication, if any, and all other direct out-of-pocket expense arising therefrom, including but not limited to special meetings of the Council. The fee and collection procedure for all other permits, certificates, and petitions shall be determined by the Council. No permit, certificate, or petition shall be recognized or issued unless such fee or fees have been paid in full.

Subdivision 3. Building Permits.

No building or structure shall hereafter be erected or moved or construction on an existing structure shall be started until a lawful building permit has been issued by the Zoning Administrator. Fees for all building permits shall be established by the Council in accordance with the Minnesota State Building Code. Building permits shall be valid for one (1) year from date of issue, and be issued by the building officials.

Subdivision 4. Appeals from the Council

The decision of the Council may not be final. Any person or persons jointly aggrieved by any decision of the Council may first appeal to the Council to be heard at the next regularly scheduled Council meeting. If the matter is still not resolved, the aggrieved party may appeal to the District Court of Cottonwood County by filing a petition setting forth that such decision is illegal in whole or in part, specifying the grounds for such illegality.

(Sections 9.76 through 9.98, reserved.)

SECTION 9.99. VIOLATION A MISDEMEANOR.

Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.