

TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS

151. FLOOD PLAIN MANAGEMENT

152. SUBDIVISIONS

153. AIRPORT ZONING REGULATIONS

154. ZONING CODE

Unnumbered – Ordinance 44, 3rd Series – Communal and Short Term Housing (end of 154).

CHAPTER 150: BUILDING REGULATIONS

Section

General Provisions

- 150.01 External wood burning heating systems
- 150.02 Unlawful acts of contractors
- 150.03 Primary Structure Addresses

Building Code

- 150.15 Building code adopted
- 150.16 Application, administration and enforcement
- 150.17 Permits and fees
- 150.18 Violations
- 150.19 Building code optional chapters

Moving Buildings

- 150.30 Definition
- 150.31 Moving permit required and application
- 150.32 Permit and fee
- 150.33 Code compliance for moving a building
- 150.34 Proof of tax payment
- 150.35 Fees

- 150.99 Penalty

GENERAL PROVISIONS**§ 150.01 EXTERNAL WOOD BURNING HEATING SYSTEMS.**

(A) External wood burning heating systems located adjacent to and serving residential, commercial or industrial buildings may, unless subject to reasonable regulation, adversely affect the health and welfare of the residents of the city, thereby diminishing the quality of life therein by creating a pollution nuisance or cause an adverse economic impact by creating a negative environment for neighboring residents or landowners.

(B) The city authorizes the issuance of permits for the installation of external wood burning heating

systems in accordance with the following requirements:

(1) That an application for a building permit be filed with the Building Inspector for the system containing, in addition to the usual requirements of a building permit, the following information:

(a) Name of the contractor installing the system;

(b) The estimated cost of the system;

(c) A sketch of applicant's property and the abutting property showing the location of the primary buildings located on applicant's property and abutting properties and indicating the location of the proposed external wood burning heating system;

(d) A description of all structures described pursuant to subsection (c), including types of construction and the exterior facing materials used in all of said structures.

(2) It is unlawful for any person to construct, maintain or operate the system with a smokestack or chimney of less than 20 feet in height when measured from the base of the unit or from the top of the ground if the base is lower than ground level.

(3) The system shall be constructed in such a manner as will be consistent and in reasonable aesthetic conformity with the particular neighborhood in which the same will be located. The building housing the system shall be faced with an exterior surface of the same or reasonably similar materials as the exterior facing of the primary buildings located on the same property.

(C) (1) Following receipt of any application, the Building Inspector shall, within a reasonable time period, review the application and submit it with his or her recommendations to the Council.

(2) The Council shall then approve a permit therefore or deny the same. If the permit is denied, the Council shall enumerate the basis for the denial.

(1986 Code, § 4.20) Penalty, see § 150.99

§ 150.02 UNLAWFUL ACTS OF CONTRACTORS.

It is unlawful for any general contractor or subcontractor to hereafter erect, construct or place any building, improvement or facility upon land, except such as are specifically permitted by the terms of this chapter or allowed by proceedings pursuant to this chapter to be placed thereon or before all permits required by the City Code are duly issued.

(1986 Code, § 4.30) Penalty, see § 150.99

§ 150.03 PRIMARY STRUCTURE ADDRESSES.

(A) Purpose

(1) This ordinance provides a system whereby all owners of all primary structures located in the incorporated limits of the City of Roseau are required to post the assigned address in specified locations in accordance with standards set forth in this ordinance. The purpose of this address system is to promote the public's health, safety, and general welfare.

(B) Definitions

(1) **Uniform Addressing System:** The section of this ordinance which governs the assignment, display, and placement of address numbers by the owners and occupants of every primary structure which is located within the limits of Roseau.

(2) **Uniform Addressing Plan:** The section of this ordinance which governs the assignment of addresses for primary structures located within the limits of Roseau.

(3) **Address:** Number for each primary structure as assigned by the Roseau County 911 Administrator or the department designated by the Administrator and used in conjunction by the City of Roseau.

(4) **Signpost:** A post, permanently affixed in the ground, used solely for display of the address. A post can include a mailpost so long as the mailpost is not attached to other mailposts/boxes. The mailpost must be located on the property of the primary structure and not part of a cluster of mailposts/boxes.

(5) **Primary Structure:** A building in which is conducted the principal use of the lot or parcel in which it is located. A primary structure may be used for residential, commercial, industrial, public-semipublic, recreation or other.

(6) **Driveway:** A private road serving not more than two primary structures.

(7) **Road:** A public or private way which affords primary means of access by vehicles to adjacent property whether designed as a drive, easement, street, avenue, highway, road, boulevard, cartway, or otherwise designated. A public or private way which is accessible only by foot or off-road vehicle is not a road as defined in this section.

(C) Uniform Address System

(1) Each primary structure located inside the limits of the City of Roseau has been assigned a sole address number as designated by the Uniform Addressing Plan. The Uniform Addressing Plan is on file with the County Auditor and utilized by the City of Roseau.

(2) All owners of primary structures shall establish and display their assigned address number in conformity with the following standards.

(3) All owners of primary structures which are not clearly visible year-round from the road because of vegetation, snow conditions, terrain, or other obstacles shall display their address number on a signpost. The signpost shall conform with the following standards:

(a) The post shall be located within ten (10) feet of the driveway and at a location which is clearly visible year-round from the road. The post must be placed in a location which is at least ten (10) feet from the edge of the road surface for roads with a defined shoulder or at least four (4) feet from the edge of the road surface for roads without a defined shoulder and, in any case, not farther from the road than the end of the right-of-way.

(b) On the signpost must be placed a sign which contains the assigned address number.

(c) The sign shall be installed on the signpost. The sign shall be clearly visible from the curb. The bottom of the sign shall be placed at a height which is no less than four feet above the level of the road surface. The sign shall contain numbers which are clearly visible from the road and provide a strong contrast to the background color. In addition to the requirement of this section, owners of all primary structures shall comply with the terms and conditions of paragraph b. as follows, so that owners of primary structures which are not clearly visible shall place a signpost as indicated above and also place address numbers on the outside of the primary structure.

(4) All owners of primary structures which are clearly visible year-round from the road or which are located on a driveway containing two or more primary structures must erect and maintain their assigned address numbers on the outside of the primary structure. The address numbers must be located on a primary structure surface facing the nearest road.

(a) The address numbers shall be clearly visible from the curb and shall present a strong contrast to the background color.

(5) The occupant of the primary structure shall be responsible for keeping its address numbers clear of snow, dirt, debris or other obstruction.

(D) Uniform Addressing System Implementation

(1) All owners of primary structures which are located within the City of Roseau city limits shall comply with this ordinance by January 1, 2009.

(2) Each primary structure owner shall be responsible for posting, replacing and maintaining in good repair the addresses, address signs, and signposts as required by this ordinance.

(3) All owners of primary structures which are subsequently annexed into the Roseau city limits shall be given 90 days of the date of said annexation.

(4) Primary structures which already display a house number deemed to be in substantial compliance with this Ordinance by the City Building Inspector shall not be required to replace the same.

(E) Administration

Roseau - Land Usage

(1) Interpretation of the provisions contained in this ordinance shall be directed to and made by the City Superintendent.

(2) All Roseau City licenses, applications, and permits may be withheld from the owners and occupants of primary structures if the address is not placed or maintained in conformance with this ordinance.

(F) Amendment

(1) Amendments to this ordinance may be made by the City Council.

(G) Variances

(1) Variances to the official controls set forth in this ordinance shall be governed by the applicable City Code Section, and the terms of this section.

(2) The Roseau City Building Inspector shall have the exclusive power to order the issuance of variances from the terms of this ordinance, including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of this ordinance in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of this ordinance, and when the terms of the variance are consistent with the purposes of this ordinance.

(3) A certified copy of any order issued by the Roseau City Council acting upon an appeal from an order, requirement, decision or determination by an administrative official, or a request for a variance, shall be filed with the Roseau City Clerk/Treasurer for record. The order issued by the Roseau City Council shall include the legal description of the property involved. The City Superintendent is responsible for meeting the requirements of this section and is authorized to delegate such responsibility.

(4) All decisions by the Roseau City Council in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department, board of commission of the jurisdiction or of the state shall have the right to appeal within 30 days, after receipt of notice of the decision, to the Roseau County district court.

(H) Severability

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

(I) Enforcement

(1) Failure to comply with any section of this ordinance shall constitute a petty misdemeanor which is punishable, upon conviction, of a fine only not to exceed \$300.00.

BUILDING CODE

§ 150.15 BUILDING CODE ADOPTED BY REFERENCE.

The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes chapter 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

§ 150.16 APPLICATION, ADMINISTRATION AND ENFORCEMENT.

(A) The application, administration and enforcement of the code shall be in accordance with Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 16B.62, subdivision 1, when so established by this ordinance.

(B) The code enforcement agency of this municipality is called the "Building and Zoning Department."

(C) This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code (Minnesota Statute 16B.65) subdivision 1.

§ 150.17 PERMITS AND FEES.

(A) The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 16B.62, subdivision 1.

(B) Permit fees shall be assessed for work governed by this code in accordance with Table No. 3-A-1988-UBC. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statute 16B.70.

§ 150.18 VIOLATIONS.

A violation of the code is a misdemeanor (Minnesota Statutes 16B.69).

§ 150.19 BUILDING CODE OPTIONAL CHAPTERS.

The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75 allows the Municipality to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code.

MOVING BUILDINGS**§ 150.30 DEFINITION.**

STREET or ***STREETS*** as used in this subchapter means all streets and highways in the city which are not state trunk highways, county state aid highways or county roads.
(1986 Code, § 4.05(1))

§ 150.31 MOVING PERMIT REQUIRED AND APPLICATION.

(A) It is unlawful for any person to move a building on any street without a moving permit from the city.

(B) The application for a moving permit shall state the approximate size and weight of the structure or building proposed to be moved, together with the places from and to which it is proposed to move the same and proposed route to be followed, proposed dates and times of moving and parking and the name and address of the proposed mover. The application shall also state any municipal utility, street and public property repairs or alterations that will be required by reason of the movement.
(1986 Code, § 4.05(2)) Penalty, see § 150.99

§ 150.32 PERMIT AND FEE.

The moving permit shall state date or dates of moving, hours, routing, movement and parking. Permits shall be issued only for moving buildings by building movers licensed by the State of Minnesota, except that a permit may be issued to a person moving his or her own building or a person moving a building which does not exceed 12 feet in width, 25 feet in length or 16 feet in loaded height. Fees to be charged shall be separate for each of the following: a moving permit fee to cover use of streets and route approval and a fee equal to the anticipated amount required to compensate the city for any municipal utility and public property (other than streets) repairs or alterations occasioned by the movement. The latter shall be paid in advance.
(1986 Code, § 4.05(3))

§ 150.33 CODE COMPLIANCE FOR MOVING A BUILDING.

Before any building is moved from one location to another within the city, or from a point of origin without the city to a destination within the city, regardless of the route of movement, upon review by the Planning Commission and approval by the City Council it shall be inspected and a building permit shall have been issued for at least the work necessary to bring it into full compliance with the State Building Code.

(1986 Code, § 4.05(4))

§ 150.34 PROOF OF TAX PAYMENT.

It is unlawful to move any building (including a manufactured home) if the point of origin or destination (or both) is within the city and regardless of the route of movement without having paid in full all real and personal property taxes and special assessments due thereon and filing written proof of the payment with the City Clerk-Treasurer.

(1986 Code, § 4.05(5)) Penalty, see § 150.99

§ 150.35 FEES

The fees required herein shall be as adopted from time to time by resolution of the City Council.

§ 150.99 PENALTY.

Every person violates a section, division, subsection or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, fails to act when the failure is thereby prohibited or declared unlawful, performs an act prohibited or declared unlawful or fails to act when the failure is prohibited or declared unlawful by a Code adopted by reference by this chapter and, upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof, and shall be subject to § 10.99.

(1986 Code, § 4.99)

CHAPTER 151: FLOOD PLAIN MANAGEMENT

Section 1.0 Statutory Authorization, Findings of Fact and Purpose.

Section 2.0 General Provisions

Section 3.0 Establishment of Zoning Districts

Section 4.0 Requirements for all Floodplain Districts

Section 5.0 Floodway District (FW)

Section 6.0 Flood Fringe District (FF)

Section 7.0 General Floodplain District (GF)

Section 8.0 Subdivision Standards

Section 9.0 Public Utilities, Railroads, Roads and Bridges

Section 10.0 Manufactured Homes and Recreational Vehicles

Section 11.0 Administration

Section 12.0 Nonconformities

Section 13.0 Violations and Penalties

Section 14.0 Amendments

SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

1.1 Statutory Authorization: The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Roseau, Minnesota, does ordain as follows.

1.2 Purpose:

1.21 This ordinance regulates development in the flood hazard areas of the City of Roseau. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

- 1.22 National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 - 78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
- 1.23 This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

SECTION 2.0 GENERAL PROVISIONS

2.1 **Lands to Which Ordinance Applies:** This ordinance applies to all lands within the jurisdiction of the City of Roseau shown on the Official Zoning Map and/or the attachments to the map as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts. The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map, or as modified in accordance with 2.12 below.

- 2.11 The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.
- 2.12 Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor in locating the regulatory floodplain limits.
- 2.13 Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning Commission and to submit technical evidence.

2.2 **Incorporation of Maps by Reference:** The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for Roseau County, Minnesota, and Incorporated Areas, dated April 19, 2017 and the Flood Insurance Rate Map panels enumerated below, dated April 19, 2017, as well as the Letter of Map Revision, case number 17-05-1873P, dated July 31, 2017, all prepared by the Federal Emergency Management Agency.

27135C0431D	27135C0433D	27135C0451D
27135C0432D	27135C0434D	27135C0453D

- 2.3 **Abrogation and Greater Restrictions:** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- 2.4 **Warning and Disclaimer of Liability:** This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of Roseau or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- 2.5 **Severability:** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.
- 2.6 **Definitions:** Unless specifically defined below, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.
 - 2.611 Accessory Use or Structure – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
 - 2.612 Base Flood – the flood having a one percent chance of being equaled or exceeded in any given year.

- 2.613 Base Flood Elevation – The elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.
- 2.614 Basement – any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- 2.615 Conditional Use – a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:
- (a) Certain conditions as detailed in the zoning ordinance exist.
 - (b) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.
- 2.616 Critical Facilities – facilities necessary to a community’s public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.
- 2.617 Development – any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- 2.618 Equal Degree of Encroachment – a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- 2.619 Farm Fence – A fence as defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.
- 2.620 Flood – a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
- 2.621 Flood Frequency – the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- 2.622 Flood Fringe – the portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Roseau County, Minnesota.
- 2.623 Flood Insurance Rate Map – An official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- 2.624 Flood Prone Area – any land susceptible to being inundated by water from any source (see “Flood”).
- 2.625 Floodplain – the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
- 2.626 Floodproofing – a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- 2.627 Floodway – the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

- 2.628 Lowest Floor – the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.
- 2.629 Manufactured Home – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”
- 2.630 New Construction - Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.
- 2.631 Obstruction – any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- 2.632 One Hundred Year Floodplain – lands inundated by the “Regional Flood” (see definition).
- 2.633 Principal Use or Structure – all uses or structures that are not accessory uses or structures.
- 2.634 Reach – a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- 2.635 Recreational Vehicle – a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”
- 2.636 Regional Flood – a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.
- 2.637 Regulatory Flood Protection Elevation (RFPE) - an elevation not less than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
- 2.638 Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.
- 2.639 Special Flood Hazard Area – a term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”
- 2.640 Start of Construction – includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit’s expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a

basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

2.641 Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 10.22 of this ordinance and other similar items.

2.642 Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

2.643 Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this ordinance, "historic structure" is as defined in 44 Code of Federal Regulations, Part 59.1.

2.7 **Annexations:** The Flood Insurance Rate Map panels adopted by reference into Section 2.2 above may include floodplain areas that lie outside of the corporate boundaries of the City of Roseau at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Roseau after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

SECTION 3.0 ESTABLISHMENT OF ZONING DISTRICTS

3.1 Districts:

3.11 Floodway District. The Floodway District includes those areas within Zones AE that have a floodway delineated, as shown on the Flood Insurance Rate Map adopted in Section 2.2.

3.12 Flood Fringe District. The Flood Fringe District includes areas within Zones AE on the Flood Insurance Rate Map adopted in Section 2.2, but located outside of the floodway.

3.13 RESERVED FOR GENERAL FLOODPLAIN DISTRICT

3.2 **Applicability:** Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 5 or 6 will apply, depending on the location of a property.

SECTION 4.0 REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS

4.1 Permit Required. A permit must be obtained from the Zoning Administrator to verify a development meets the standards outlined in this ordinance prior to conducting the following activities:

4.11 The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in

conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.

- 4.12 The use or change of use of a building, structure, or land.
 - 4.13 The construction of a dam, on-site septic system, or fence, although a permit is not required for a farm fence as defined in this ordinance.
 - 4.14 The change or extension of a nonconforming use.
 - 4.15 The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
 - 4.16 The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
 - 4.17 Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for.
 - 4.18 Any other type of “development” as defined in this ordinance.
- 4.2 **Building Sites.** If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:
- 4.21 Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - 4.22 Constructed with materials and utility equipment resistant to flood damage;
 - 4.23 Constructed by methods and practices that minimize flood damage; and
 - 4.24 Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 4.3 **Flood Capacity.** In no cases shall floodplain development adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems.
- 4.4 The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- 4.5 **Critical Facilities,** as defined in Section 2.616, are prohibited in all floodplain districts.

SECTION 5.0 FLOODWAY DISTRICT (FW)

- 5.1 **Permitted Uses:** The following uses, subject to the standards set forth in Section 5.2, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:
- 5.11 General farming, pasture, grazing, farm fences, outdoor plant nurseries, horticulture, forestry, sod farming, and wild crop harvesting.
 - 5.12 Industrial-commercial loading areas, parking areas, and airport landing strips.
 - 5.13 Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.

- 5.14 Residential yards, lawns, gardens, parking areas, and play areas.
- 5.15 Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit.

5.2 Standards for Floodway Permitted Uses:

- 5.21 The use must have a low flood damage potential.
- 5.22 The use must not obstruct flood flows or cause any increase in flood elevations and must not involve structures, obstructions, or storage of materials or equipment.
- 5.23 Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

5.3 Conditional Uses: The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 11.4 of this ordinance and further subject to the standards set forth in Section 5.4, if otherwise allowed in the underlying zoning district or any applicable overlay district.

- 5.31 Structures accessory to the uses listed in 5.11 – 5.13 above and the uses listed in 5.32 - 5.33 below.
- 5.32 Extraction, fill and storage of soil, sand, gravel, and other materials.
- 5.33 Marinas, boat rentals, permanent docks, piers, wharves, and water control structures.
- 5.34 Storage yards for equipment, machinery, or materials.
- 5.35 Construction of fences that obstruct flood flows. Farm fences, as defined in section 2.619, are permitted uses.
- 5.36 Travel-ready recreational vehicles meeting the exception standards in Section 10.22.
- 5.37 Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

5.4 Standards for Floodway Conditional Uses:

- 5.41 All Uses. A conditional use must not cause any increase in the regional flood elevations or cause an increase in flood damages in the reach or reaches affected.
- 5.42 Fill; Storage of Materials and Equipment:
 - (a) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.
 - (b) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the Planning Commission has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.
- 5.43 Accessory Structures. Accessory structures, as identified in Section 5.31, may be permitted, provided that:
 - (a) Structures are not intended for human habitation;
 - (b) Structures will have a low flood damage potential;

- (c) Structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;
 - (d) Service utilities, such as electrical and heating equipment, within these structures must be elevated to or above the regulatory flood protection elevation or properly floodproofed;
 - (e) Structures must be elevated on fill or structurally dry floodproofed in accordance with the FP1 or FP2 floodproofing classifications in the State Building Code. All floodproofed structures must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls.
 - (f) As an alternative, an accessory structure may be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:
 - (1) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - (2) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.
- 5.44 Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.
- 5.45 A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.
- 5.46 Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

SECTION 6.0 FLOOD FRINGE DISTRICT (FF)

6.1 Permitted Uses: Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Sections 6.2. If no pre-existing, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.

6.2 Standards for Flood Fringe Permitted Uses:

- 6.211 All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.
- 6.212 Accessory Structures. As an alternative to the fill requirements of section 6.211, structures accessory to the uses identified in Section 6.1 may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:
 - (a) The accessory structure constitutes a minimal investment, does not exceed 576 square feet in size, and is only used for parking and storage.

- (b) All portions of floodproofed accessory structures below the Regulatory Flood Protection Elevation must be: (i) adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls, (ii) be constructed with materials resistant to flood damage, and (iii) must have all service utilities be water-tight or elevated to above the regulatory flood protection elevation
- (c) Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:
 - (1) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - (2) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

6.213 The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 6.211 of this ordinance, or if allowed as a conditional use under Section 6.33 below.

6.214 The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.

6.215 All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.

6.216 All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

6.217 All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the Planning Commission.

6.218 Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

6.219 Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.

6.220 Manufactured homes and recreational vehicles must meet the standards of Section 10 of this ordinance.

6.3 Conditional Uses: The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Section 11.4 of this ordinance.

6.31 Any structure that is not elevated on fill or floodproofed in accordance with Sections 6.211 and 6.212 of this ordinance.

6.32 Storage of any material or equipment below the regulatory flood protection elevation.

- 6.33 The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Section 6.211 of this ordinance.
- 6.34 The use of methods to elevate structures above the regulatory flood protection elevation, including stilts, pilings, parallel walls, or above-grade, enclosed areas such as crawl spaces or tuck under garages, shall meet the standards in Section 6.46.

6.4 Standards for Flood Fringe Conditional Uses:

- 6.41 The standards listed in Sections 6.214 through 6.219 apply to all conditional uses.
- 6.42 Residential basements, as defined by Section 2.614 of this ordinance, are not allowed below the regulatory flood protection elevation.
- 6.43 All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be structurally dry floodproofed, meeting the FP1 or FP2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- 6.44 The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.
 - (a) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.
 - (b) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Planning Commission.
 - (c) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
- 6.45 Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.
- 6.46 Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:
 - (a) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding. Structure shall be subject to a non-conversion agreement with upon the issuance of any permit.
 - (b) Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
 - (1) The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the

structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and

- (2) That the enclosed area will be designed of flood resistant materials in accordance with the FP3 or FP4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

SECTION 7.0 RESERVED FOR GENERAL FLOODPLAIN DISTRICT (GF)

SECTION 8.0 SUBDIVISION STANDARDS

8.1 **Subdivisions:** No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

8.11 All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.

8.12 All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the Planning Commission. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.

8.13 For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.

8.14 Subdivision proposals must be reviewed to assure that:

- (a) All such proposals are consistent with the need to minimize flood damage within the flood prone area,
- (b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
- (c) Adequate drainage is provided to reduce exposure of flood hazard.

SECTION 9.0 PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES

9.1 **Public Utilities:** All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.

9.2 **Public Transportation Facilities:** Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 4.0 and 5.0 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

9.3 On-site Water Supply and Sewage Treatment Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.

SECTION 10.0 MANUFACTURED HOMES AND RECREATIONAL VEHICLES.

10.1 Manufactured Homes: New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, the following requirements apply:

10.11 Placement or replacement of manufactured home units is prohibited in the Floodway District.

10.12 Placement or replacement of manufactured home units in the Flood Fringe District is subject to the requirements of Section 6 of this ordinance and the following standards.

- (a) New and replacement manufactured homes must be elevated in compliance with Section 5 of this ordinance and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
- (b) New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 8.12.

10.2 Recreational Vehicles: New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the requirements below.

10.21 Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Section 10.22:

- (a) Individual lots or parcels of record.
- (b) Existing commercial recreational vehicle parks or campgrounds.
- (c) Existing condominium-type associations.

10.22 Criteria for Exempt Recreational Vehicles:

- (a) The vehicle must have a current license required for highway use.
- (b) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
- (c) No permanent structural type additions may be attached to the vehicle.
- (d) Accessory structures may be permitted in the Flood Fringe District, provided that they constitute a minimal investment, do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Sections 4.2 and 6.212.

SECTION 11.0 ADMINISTRATION

11.1 Duties: A Zoning Administrator or other official designated by the City Council must administer and enforce this ordinance.

11.2 Permit Application Requirements:

- 11.21 Application for Permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:
- (a) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
 - (b) Location of fill or storage of materials in relation to the stream channel.
 - (c) Copies of any required municipal, county, state or federal permits or approvals.
 - (d) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
- 11.22 Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect. Accessory structures designed in accordance with Section 6.212 are exempt from certification, provided sufficient documentation is provided.
- 11.23 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.
- 11.24 Record of First Floor Elevation. The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The City Building Official must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.
- 11.25 Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- 11.26 Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

11.3 Variances:

- 11.31 Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and Section(s) 154.335 of the zoning ordinance/code.
- 11.32 Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
- 11.33 Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

- (a) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (b) Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (c) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

11.34 Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

11.35 General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:

- (a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
- (b) The danger that materials may be swept onto other lands or downstream to the injury of others;
- (c) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
- (d) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
- (e) The importance of the services to be provided by the proposed use to the community;
- (f) The requirements of the facility for a waterfront location;
- (g) The availability of viable alternative locations for the proposed use that are not subject to flooding;
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (i) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

11.36 Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Zoning Administrator must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

11.37 Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

11.38 Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

11.4 Conditional Uses:

11.41 Administrative Review. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section(s) 154.320 – 154.323 of the zoning ordinance/code.

11.42 Factors Used in Decision-Making. In passing upon conditional use applications, the City Council must consider all relevant factors specified in other sections of this ordinance, and those factors identified in Section 10.35 of this ordinance.

11.43 Conditions Attached to Conditional Use Permits. The City Council may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- (a) Modification of waste treatment and water supply facilities.
- (b) Limitations on period of use, occupancy, and operation.
- (c) Imposition of operational controls, sureties, and deed restrictions.
- (d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- (e) Floodproofing measures, in accordance with the State Building Code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

11.44 Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Zoning Administrator must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

11.45 Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

SECTION 12.0 NONCONFORMITIES

12.1 Continuance of Nonconformities: A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 2.643(b) of this ordinance, are subject to the provisions of Sections 12.11 – 12.16 of this ordinance.

12.11 A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in 12.12 below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

- 12.12 Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 12.14 below.
- 12.13 If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.
- 12.14 If any structure experiences a substantial improvement as defined in this ordinance, then the entire structure must meet the standards of Section 5.0 or 6.0 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. If the current proposal, including maintenance and repair during the previous 365 days, plus the costs of any previous alterations and additions since the first Flood Insurance Rate Map exceeds 50 percent of the market value of any nonconforming structure, the entire structure must meet the standards of Section 5.0 or 6.0 of this ordinance.
- 12.15 If any nonconformity is substantially damaged, as defined in this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Sections 5.0 or 6.0 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.
- 12.16 If any nonconforming use or structure experiences a repetitive loss, as defined in Section 2.638 of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.

SECTION 13.0 VIOLATIONS AND PENALTIES

- 13.1 **Violation Constitutes a Misdemeanor:** Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.
- 13.2 **Other Lawful Action:** Nothing in this ordinance restricts the City of Roseau from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.
- 13.3 **Enforcement:** Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Section(s) 154.999 of the zoning ordinance/code. In responding to a suspected ordinance violation, the Zoning Administrator and City Council may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City of Roseau must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

SECTION 14.0 AMENDMENTS

- 14.1 **Floodplain Designation – Restrictions on Removal:** The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

14.2 Amendments Require DNR Approval: All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.

14.3 Map Revisions Require Ordinance Amendments. The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 2.2 of this ordinance.

CHAPTER 152: SUBDIVISIONS

Section

General Provisions

- 152.01 Purpose
- 152.02 Interpretation
- 152.03 Scope

- 152.04 Definitions
- 152.05 Regulations for Subdivision of Real Estate
- 152.06 Preliminary plan
- 152.07 Variations from requirements
- 152.08 Final plat
- 152.09 Amendments

Minimum Design Standards

- 152.20 Application
- 152.21 Land requirements
- 152.22 Street system
- 152.23 Cul-de-sac streets
- 152.24 Street design
- 152.25 Restrictions of access
- 152.26 Intersections
- 152.27 Street jogs
- 152.28 Street names
- 152.29 Alleys
- 152.30 Blocks
- 152.31 Arrangement of lots
- 152.32 Size of lots
- 152.33 Public use and service areas
- 152.34 Public open spaces
- 152.35 Easements for utilities
- 152.36 Drainage courses
- 152.37 Minimum lot standards, street and sanitation improvements

Improvements

- 152.50 General
- 152.51 Survey monuments
- 152.52 Grading
- 152.53 Surface water drainage
- 152.54 Minimum pavement width and roadway surfacing
- 152.55 Sanitation
- 152.56 Water supply
- 152.99 Penalty

GENERAL PROVISIONS

§ 152.01 PURPOSE.

Each new subdivision becomes a permanent unit in basic physical structure of the city, a unit to which in the future communities will of necessity be forced to adhere. In order that new subdivisions will contribute toward an attractive, orderly, stable and wholesome community environment, adequate public services and safe streets, all subdivisions hereafter platted within the city and within a two mile area shall fully comply with the regulations hereinafter set forth in this chapter.

(1986 Code, § 12.01(1))

§ 152.02 INTERPRETATION.

In the interpretation and application, the provisions of this chapter shall be the minimum requirements adopted for the protection of the public health, safety and general welfare.

(1986 Code, § 12.01(2))

§ 152.03 SCOPE.

This chapter shall apply and be binding upon all of the area of Roseau, Minnesota and within the unincorporated area two miles from the city limits. Except in the case of resubdivision, this chapter shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the County Recorder prior to the effective date of this chapter, nor is it intended by this chapter to repeal, annul or in any way impair or interfere with existing provisions of other laws or resolutions except those specifically repealed by or in conflict with this chapter or with private restrictions placed upon property by deed, covenant or other private agreement or with restriction upon the land than is imposed or required by the existing provisions of law, ordinance, contract or deed, the provisions of this chapter shall control.

(1986 Code, § 12.01(3))

§ 152.04 DEFINITIONS.

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

ALLEY. A public way used primarily as a service access to the rear or side of a property which abuts on a street.

BLOCK. The distance as measured along a road between intersection streets from center line to center line; and where the context requires, it also means the enclosed area within the perimeter of the streets or property lines enclosing it.

CLUSTER DEVELOPMENT. A subdivision development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of open space and wooded areas.

COLLECTOR. A street that serves as a connection between a thoroughfare and minor roads. The term may include the principal entrance of a residential development and streets for major circulation within such a development as well as those shown on the Guide Plan.

COMMISSION. The Planning Commission of the city.

CUL-DE-SAC. A permanent street terminating at one end without connecting with another road and designed so that it cannot be further extended without taking property not dedicated as a street.

FINAL PLAT. The drawing of a subdivision prepared in the manner and containing the data, documents and information as required by §§ 152.20 et seq.

GROUP HOUSING. A housing project consisting of a group of five or more buildings constructed on a plot of ground three acres or more in size.

LOT WIDTH. The dimension of a lot measured on the building setback line.

LOT. Any tract, including outlots, within a subdivision marked by the subdivider as a numbered tract.

MARGINAL ACCESS STREET. A street or service road parallel to and adjacent to a thoroughfare which provides access from the thoroughfare to abutting properties.

MINOR STREET. A street of relatively short length that provides direct access to a limited number of abutting properties.

OFFICIAL PLAN or **GUIDE PLAN.** The plan or plans for the orderly growth of the city, adopted and amended from time to time by the Planning Commission and the Council.

PRELIMINARY PLAN. A drawing of a proposed subdivision prepared in the manner and containing the data, documents and information required by § 152.06.

PRIVATE STREET or **RESERVE STRIP.** A purported street, way or strip of land reserved for the use of a limited number of persons or purposes as distinguished from a publicly dedicated street.

PUBLIC WALKWAY. A public way designed for the use of pedestrian traffic.

STREET. A public way which affords primary means of access by pedestrians and vehicles to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane or however otherwise designated.

SUBDIVIDER. The owner, agent or person having control of the land as the term is used in this chapter.

SUBDIVISION OF LAND and **SUBDIVIDE.** The division of a tract of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land.

SURVEYOR. The Surveyor for the city or his or her authorized representative.

THOROUGHFARE, MAJOR OR SECONDARY. Major and secondary thoroughfares are shown on the Guide Plan.

ZONING CHAPTER. The Zoning Chapter controlling the use of land as adopted by the Council. (1986 Code, § 12.02)

§ 152.05 REGULATIONS FOR SUBDIVISION OF REAL ESTATE.

No individual, corporation, L.L.C., Partnership or other entity shall subdivide lands within the City of Roseau, whether by metes and bounds description or other form of division, without first receiving from the City a Waiver of Subdivision Regulations allowing said subdividing of real estate. Any individual, Corporation, L.L.C., Partnership or other entity creating such a subdivision, without first receiving such a Waiver of Subdivision Regulations, shall be liable for any and all special assessments levied against all or any portion of the lands so subdivided in violation of these regulations.

Application for such a Wavier of Subdivision Regulations shall be made to the City of Roseau on a form provided by the city, which shall be essentially in the following form.

CITY OF ROSEAU--LAND SUBDIVISION FORM

Name of Property Owner Proposing Subdivision: _____
Address: _____
Phone Number: _____
Legal Description of Property To Be Subdivided: _____

1. Is the Proposed Property Subdivision part of a current plat? ___ Yes ___ No
 If so, which plat: _____
If not, the property must be platted according to City Code or a waiver of subdivision regulations must be requested from the Roseau City Council.

2. How many new parcels of land will be created with the proposed subdivision? _____
No subdivision of parcels into more than 3 new parcels is allowed without Planning Commission approval

3. Provide the property descriptions for the new parcels:
 Parcel #1 _____
 Parcel #2 _____
 Parcel #3 _____

4. Does the parcel of land proposed for subdivision contain any improvements (water, sewer, electric, street, curb & gutter, etc.) ___ Yes ___ No (If no, proceed to line 8)

5. Indicate any improvements on the property to be subdivided:
 ___ Water ___ Sanitary Sewer ___ Street (paved or gravel)
 ___ Curb & Gutter ___ Electric Service ___ Storm Sewer/Drainage Course
 (Any improvements that are required to be altered as a result of a proposed subdivision are strictly at the expense of the person requesting the subdivision)

6. Are there any outstanding assessments for improvements (current year and beyond) on the parcel proposed for subdivision? ___ Yes ___ No (If no, proceed to line 8)

7. Indicate all assessments and splits being request for the Land Subdivision: (please attach map if available)

	Assessment Type	Current Total	New Parcel #1 Total	New Parcel #2 Total	New Parcel #3 Total
Name of Lot	_____	_____	_____	_____	_____
Assessment 1	_____	_____	_____	_____	_____
Assessment 2	_____	_____	_____	_____	_____

Assessment 3	_____	_____	_____	_____	_____
Assessment 4	_____	_____	_____	_____	_____
Assessment 5	_____	_____	_____	_____	_____

8. I, _____, certify that I am the owner of the above real estate in the City of Roseau and request the approval of the above subdivision of land and reapportionment of assessments (if any) to be recorded with the Roseau County Recorder.

Signature _____ Date _____

THE ABOVE REQUEST FOR SUBDIVISION AND REAPPORTIONMENT HAS BEEN:
APPROVED _____ DENIED _____ (REMARKS) _____

Authorized City Official: _____ Date: _____

No instruments of conveyance creating a subdivision of existing parcels of real estate within the City of Roseau, whether by metes and bounds description or other form of division, shall be recorded in the office of the Roseau County Recorder without a Waiver of Subdivision Regulations issued by the City of Roseau, allowing said subdividing, being first recorded in said Recorder’s office. The city shall cause to be appended to any approved Wavier of Subdivision Regulations a copy of the applicant’s application which shall be recorded with said wavier.

§ 152.06 PRELIMINARY PLAN.

(A) In order to familiarize himself or herself with this chapter and related laws and to avoid costly revisions of plans and plats, the subdivider is encouraged to have a preliminary discussion with the Surveyor.

(B) The subdivider shall submit to the City Clerk-Treasurer three copies of the preliminary plan.

(C) The City Clerk-Treasurer shall, upon receipt of the preliminary plan, refer two copies to the Planning Commission and one copy to the Surveyor.

(D) If the proposed subdivision fronts upon or has access to a state or federal trunk highway, the City Clerk-Treasurer shall require an extra copy and shall also refer one copy to the Minnesota District Highway Headquarters for review as required by state law. If the proposed subdivision fronts upon or access to an existing or proposed county road, the City Clerk-Treasurer shall require an extra copy and shall also refer one copy to the County Engineer for review as required by state law.

(E) The Surveyor shall within 30 days submit reports to the Commission expressing recommendations for approval, disapproval or revisions.

(F) At the first regular meeting following receipt of the above reports, the Commission shall determine whether the plan conforms to design standards set forth in this chapter and conforms to adopted city plans. The Commission may approve a preliminary plan subject to certain revisions.

(G) Approval of a preliminary plan by the Commission assures the general acceptability of the layout.

Subsequent approval will be required of the final plat as outlined in § 152.07.

(H) The action taken by the Commission shall be recorded in the proceedings of the Commission and transmitted to the applicant within ten days.

(I) Data required for preliminary plan:

(1) *Scale*. One inch equals 100 feet or larger scale.

(2) *Identification and description*. Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the city; location by section, town and range with a small-scale sketch showing location within the section; names and addresses of the owner, subdivider, surveyor and designer of the plan; graphic scale; north-point and date of preparation.

(3) *Existing conditions in the tract and within 300 feet surrounding the tract*. Property lines; districts proposed for nonresidential use; total acreage of proposed plat; platted roads, railroad right-of-way and utility easements; permanent buildings or other structures; topographic conditions of area to be platted, including lakes, water courses, swamp areas and terrain exceeding 15% slope to adequately portray the land form conditions in sketch form; and other reasonable information, such as soil tests and/or proposed street profiles, if requested by the Surveyor in order to make a proper review of the site or to determine proper design.

(4) *Subdivision design features*. Layout of proposed streets, showing rights-of-way widths and names of streets; location and widths of proposed pedestrian ways and utility easements; layout, numbers and dimensions of lots; areas, other than streets, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of the area or areas in acres.

(5) *Stage development*. Whenever a portion of a tract is proposed for platting and is intended or of a size for future enlargements of the platted portion from time to time, a tentative plan for the future subdivision of the entire tract shall be submitted. (1986 Code, § 12.03)

§ 152.07 VARIATIONS FROM REQUIREMENTS.

(A) The Planning Commission may recommend a variation to the Council from the requirements of subdivision planning procedure or public improvements when a group housing or cluster development is proposed or in specific cases when the tract to be subdivided is of such unusual size, shape or character or is surrounded by the development or unusual conditions that the strict compliance with the requirements of this section would result in substantial hardship or injustice. The standards and requirements of these regulations may be modified by the Council in the case of plans which, in the judgment of the Commission, achieve substantially the objectives of this chapter and which are further protected by the covenants or other legal provisions as will assure conformity to and achievement of the plan.

(B) In recommending any variation, the Commission shall take into account the following:

(1) The location of the proposed subdivision, proposed land use and existing use of land in the vicinity;

(2) The number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity;

(3) Those variations that will allow the subdivider to develop his or her property in a reasonable manner and at the same time preserve the general intent and spirit of this chapter and to protect the public welfare and interests of the city;

(4) In granting variances and modifications, the Commission may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

(C) Application for any variation shall be submitted in writing by the subdivider at the time the preliminary plan is filed and shall state fully the grounds for the application and the facts relied upon by the petitioner. The Commission shall consider the application; give its written recommendations thereon, with the reasons therefore, at the time of its approval or disapproval of said plan. If the Commission refuses to recommend a variation, the subdivider may at once, without preparing a final plat, petition the Council for a review of the decision of application for variation.

(1986 Code, § 12.06)

§ 152.08 FINAL PLAT.

After the approval and endorsement of a preliminary plan, the following procedure shall be followed.

(A) Unless an extension of time is requested by the subdivider and granted by the Commission, the subdivider shall, within one year following approval of the preliminary plan, submit to the City Clerk-Treasurer:

- (1) Four paper prints of the final plat, together with an up-to-date abstract of title or a certificate of title; and
- (2) An opinion of title by the subdivider’s attorney and a form indicating latitude and departure traverse closure.

(B) The final plat shall conform to all Minnesota platting regulations. This final plat shall incorporate all changes required by the Commission; otherwise, it shall conform to the preliminary plan. The final plat may constitute only that portion of the preliminary plan which the subdivider proposes to record and develop at the time.

(C) A plat inspection fee of an amount as adopted by resolution of the Council on file in the City Clerk-Treasurer’s office.

(D) The City Clerk-Treasurer shall refer one paper print of the final plat to the Surveyor, one to the Planning Commission and one to the City Attorney, together with an up-to-date abstract of title or a certificate of title and the opinion of title prepared by the subdivider’s attorney.

(E) A report of the Surveyor, the Planning Commission and the City Attorney shall be submitted to

the City Clerk-Treasurer within 30 days after the submission of the final plat. The Surveyor shall state whether the final plat conforms to the state platting regulations and is correctly surveyed. The Planning Commission shall state whether a final plat conforms to the preliminary plan approved by the Commission. The City Attorney, following examination of the Abstract of Title, shall state whether the fee simple title to the platted property is in the names of the platters.

(F) The Council shall act on the final plat within 60 days of the date on which it was submitted to the City Clerk-Treasurer unless a longer time is agreed to in writing by the city and the applicant. It shall not approve a final plat unless it:

- (1) Conforms to a preliminary plan approved by the Commission;
- (2) Meets the design standards and engineering specifications set forth in this chapter;
- (3) Conforms to all plans as adopted by the Commission and the Council;
- (4) Meets all requirements of the State of Minnesota.

(G) When the final plat is approved by the Council and certified by the City Clerk-Treasurer, the subdivider shall submit two double mounted, cloth backed prints on card stock or material of equal quality and two transparent reproducible copies. The plat shall then be recorded with the County Recorder.

(H) Data required for final plat shall be as required under regulation of state laws.
(1986 Code, § 12.07)

§ 152.09 AMENDMENTS.

Amendments may be made to this chapter by the Council after recommendations of the Commission following the holding of a public hearing with notice given in the official newspaper of the city at least ten days in advance of the hearing.

(1986 Code, § 12.08) (Ord. 121, passed 5-21-70)

MINIMUM DESIGN STANDARDS

§ 152.20 APPLICATION.

The following land subdivision principles, standards and requirements will be applied by the Commission in evaluating plans for proposed subdivisions.

(A) The provisions outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, morals and general welfare.

(B) Where literal compliance with the standards herein specified is clearly impractical, the Council may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of these regulations. The procedure for a variation is stated in § 152.06. (1986 Code, § 12.04(1))

§ 152.21 LAND REQUIREMENTS.

(A) Land shall be suited to the purpose for which it is to be subdivided. No preliminary plan shall be approved if, considering the best interests of the public, the site is not suitable for plat and development purposes of the kind proposed by reason of potential flooding, swamp conditions, topography or soils limitations. Unless a plan is presented to indicate that the land can be made suitable, lots subject to flooding and lots deemed uninhabitable because of topography or soils limitations shall not be approved by the Commission for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the hazard, but the land within a plat shall be set aside for the uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

(B) Land subject to hazards to life, health or property shall not be subdivided for residential purposes until all the hazards have been eliminated or unless adequate safeguards against the hazards are provided by the subdivision plan.

(C) Proposed subdivisions shall be coordinated with existing nearby cities or neighborhoods so that the community as a whole may develop harmoniously.

(D) Proposed land uses shall conform to any county or city zoning ordinance in effect. (1986 Code, § 12.04(2))

§ 152.22 STREET SYSTEM.

(A) Proposed streets shall be properly related to the street plans or parts thereof as have been officially prepared and adopted by the city.

(B) Proposed streets shall further conform to the county and state road and highway plans as have been prepared, adopted and/or filed as prescribed by law.

(C) Streets shall be logically related to the topography so as to produce usable lots and reasonable grades. Grades shall not be in excess of 10% for collector roads or 15% for minor roads.

(D) Access shall be given to all lots and portions of the tract in the subdivision and to adjacent unsubdivided territory unless the topography clearly indicates that the connection is not feasible. Streets giving the access shall be improved to the limits of the subdivision. Reserved strips and land-locked areas shall not be created.

(E) Minor streets shall be laid out to discourage their use by through traffic, and thoroughfares shall be protected for use by through traffic by marginal access roads, lots served by an interior street or other

means.

(F) Half or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.

(G) Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within the tract.

(H) Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts or when designed as cul-de-sac streets.

(I) Private streets and reserve strips shall be prohibited except when a variation is submitted and approved in accordance with § 152.06.
(1986 Code, § 12.04(3))

§ 152.23 CUL-DE-SAC STREETS.

(A) Cul-de-sac streets permanently designed as such shall not exceed 800 feet in length, except as variances are permitted by the Commission. Such a variance may be granted if it can be clearly shown that by reason of unfavorable land form or the irregular shape of the plat from which the subdivision is made that a normal street pattern cannot be established or that land would be wasted by not granting such a variance.

(B) Cul-de-sac streets shall be provided at the closed end with a turn-around having a minimum radius to the outside edge of the finished road or curb line of not less than 80 feet.

(C) Unless future extension is clearly impractical or undesirable, the turn-around right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract. At the time as such a street is extended, the overage created by the turn-around outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turn-around. (1986 Code, § 12.04(4))

§ 152.24 STREET DESIGN.

(A) Minimum widths for each type of public street or road shall be as follows:

<i>Type of Street or Road</i>	<i>Right of Way Width</i>
Major Thoroughfare	200 ft.
Secondary Thoroughfare	100 ft.
Collector Street or Road	75 ft.
Minor Street	66 ft.

<i>Type of Street or Road</i>	<i>Right of Way Width</i>
-------------------------------	---------------------------

Marginal Access Street	50 ft.
Alley	20 ft.

(B) Where a subdivision abuts or contains an existing road or street of inadequate width, sufficient additional width shall be provided to meet the above standards.

(C) Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use.

(D) Short extensions of existing streets or roads with lesser right-of-way and/or roadway widths than prescribed above may be permitted by variance in special cases.
(1986 Code, § 12.04(5))

§ 152.25 RESTRICTIONS OF ACCESS.

When a subdivision or portion thereof adjoins a major thoroughfare, no lot shall have direct access thereto. The lots shall be provided with frontage on a marginal access street or an interior street with lot depth adequate for screen planting of the portion of any lot contiguous with said major thoroughfare.
(1986 Code, § 12.04(6))

§ 152.26 INTERSECTIONS.

Street centerline intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than 70 degrees.
(1986 Code, § 12.04(7))

§ 152.27 STREET JOGS.

Street jogs with centerline offsets of less than 125 feet shall not be allowed.
(1986 Code, § 12.04(8))

§ 152.28 STREET NAMES.

A proposed street which is in alignment with and joins an existing and named street shall bear the name of the existing street.
(1986 Code, § 12.04(9))

§ 152.29 ALLEYS.

Alleys shall be provided to the rear or side of all lots to be used for commercial or industrial use.
(1986 Code, § 12.04(10))

§ 152.30 BLOCKS.

Blocks shall meet the following standards:

(A) In residential areas, blocks shall not be less than 600 nor more than 1320 feet in length measured along the greatest dimension of the enclosed block areas unless minor variations are necessitated by topography or conformance with an adjoining plat;

(B) Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with similar access. Extension of streets, railroad access right-of-way and utilities shall be provided as necessary;

(C) In blocks over 800 feet in length, the Commission may require one or more public walkways within an easement not less than ten feet in width to extend entirely across the block and at locations deemed necessary at intervals not closer than 400 feet;

(D) Blocks shall be wide enough to allow two tiers of lots with a minimum depth as required by zoning regulations except adjoining a lake, stream, railroad or thoroughfare or where one tier of lots is necessary because of topographic conditions.

(1986 Code, § 12.04(11))

§ 152.31 ARRANGEMENT OF LOTS.

(A) Side lot lines shall be substantially at right angles to straight street lines or radial to lake or stream shores unless topographic conditions necessitate a different arrangement.

(B) Each lot must front upon a public street not less than 50 feet in width.

(C) Through lots or double-frontage lots shall be avoided when possible. Residential lots shall be separated from thoroughfares and railroad rights-of-way by a greater lot depth amounting to 10% increase over that required by zoning regulations or by § 152.37.

(1986 Code, § 12.04(12))

§ 152.32 SIZE OF LOTS.

No lot shall have less area or width than is required by zoning regulations; unless provided for otherwise by zoning regulations, the provisions of § 152.37 shall apply.

(A) To minimize the danger of the building site being flooded, the Surveyor may require the lots abutting a drainage course, channel, stream or lake have additional area, depth or width.

(B) Lots designed for commercial or industrial purposes shall be adequate for off-the-street service, loading and parking facilities.

(1986 Code, § 12.04(13))

§ 152.33 PUBLIC USE AND SERVICE AREAS.

Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as public service areas.

(1986 Code, § 12.04(14))

§ 152.34 PUBLIC OPEN SPACES.

Where a proposed highway, school, historic site, park, recreation area or public access to water frontage shown on an official city plan is located in whole or in part in the applicant’s subdivision, the Council shall require as a condition of final approval that the space within the subdivision be dedicated or reserved. The reserved land shall not be developed for a period of one year from the date of final approval of the plat so that within said period the appropriate public agency may acquire said land in the manner provided by law and before it is developed for some purpose not conforming to the official plan.

(1986 Code, § 12.04(15))

§ 152.35 EASEMENTS FOR UTILITIES.

Except where alleys are provided for the purpose, utility easements not less than 20 feet in width across lots or centered on rear or side lot lines shall be provided for use in erecting, constructing and maintaining poles, wires, conduits, surface drainage, water mains, electrical lines and other public utilities. The easements shall be placed along rear lot lines whenever possible.

(1986 Code, § 12.04(16))

§ 152.36 DRAINAGE COURSES.

Where storm water from adjacent areas naturally passes through a subdivision, adequate provision shall be included in the subdivision for facilities to route the storm water through the subdivision to its natural outlet to maintain or replace the natural water course.

(1986 Code, § 12.04(17))

§ 152.37 MINIMUM LOT STANDARDS, STREET AND SANITATION IMPROVEMENTS.

	<i>Individual Sewage Disposal</i>	<i>City Sewage Disposal</i>	<i>City Water Supply and Sewage Disposal System</i>
Lot Area	43,560 sq. ft. or more if required as a result of soil percolation tests as provided in § 152.55	21,600 sq. ft. (" acre)	10,000 sq. ft. (1/4 acre)
Lot Width	175 ft.	120 ft.	75 ft.
Lot Depth	250 ft.	180 ft.	130 ft.
Street Driving			

Roseau - Land Usage

Surface Width	24 ft.	24 ft.	24 ft.
Street Pavement	6" stabilized gravel	6" stabilized gravel	6" stabilized gravel
Water Supply	Individual Well	Individual Well	City

(1986 Code, § 12.04(18))

IMPROVEMENTS**§ 152.50 GENERAL.**

Before the Council shall approve a final plat of a subdivision, the subdivider shall provide the required improvements at his or her own expense, shall give bond in an amount equal to the Surveyor's estimate or make other financial arrangements acceptable to the Council to cover the cost of the following.

(1986 Code, § 12.05(part))

§ 152.51 SURVEY MONUMENTS.

All subdivision boundary corners, block and lot corners, road intersection corners and points of tangency and curvature shall be marked with survey monuments meeting the minimum requirements of state law. All U.S., state, county and other official bench marks, monuments or triangular stations in or adjacent to the property shall be preserved in precise position.

(1986 Code, § 12.05(1))

§ 152.52 GRADING.

Streets and lots shall be graded to secure proper drainage and to prevent the collection of storm water in pools.

(1986 Code, § 12.05(2))

§ 152.53 SURFACE WATER DRAINAGE.

Surface water drainage shall be provided by storm sewers or drainage course adequate to drain surface water from the subdivision and protect roadway surfaces.

(1986 Code, § 12.05(3))

§ 152.54 MINIMUM PAVEMENT WIDTH AND ROADWAY SURFACING.

Minimum pavement width and roadway surfacing shall meet the standards set forth in § 152.37 and

shall be approved after inspection by the City Superintendent of his/her designate.
(1986 Code, § 12.05(4))

§ 152.55 SANITATION.

When located within the service area of a public sanitary sewerage system, sanitary sewers shall be constructed throughout the entire subdivision in such manner as to serve adequately all lots with connection to the public system. Storm water drainage shall not be permitted to combine with sanitary sewers nor shall sanitary sewers be permitted in storm water sewers. Where lots cannot be connected with a public sewerage system, provisions must be made for sanitary sewerage facilities consisting of a central treatment plant or individual disposal devices for each lot. This does not mean that the subdivider must provide the devices. Any subdivision or lot not provided with off-site water and off-site sewer facilities shall be subject to soil and percolation tests being made to determine whether or not the lot size proposed will meet minimum standards of health and sanitation. The tests shall be made at the expense of the subdivider. All proposed sewage disposal systems shall comply with the regulations and recommended standards of the Minnesota Department of Health.
(1986 Code, § 12.05(5))

§ 152.56 WATER SUPPLY.

Water supply for all areas shall be designed to meet the regulations and recommended standards of the Minnesota Department of Health. When the subdivision is located within the service area of a public water supply system, water mains not less than six inches in diameter shall be constructed throughout the entire subdivision in such a manner as to serve adequately all lots and tracts with connection to the public system, together with shut-off valves and fire hydrants at intervals of not less than 600 feet.
(1986 Code, § 12.05(6))

§ 152.99 PENALTY.

Every person violates a section, division, subsection or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful or fails to act when the 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, and shall be subject to § 10.99.
(1986 Code, § 12.99) (Ord. 121, passed 5-21-70)

CHAPTER 153: AIRPORT ZONING REGULATIONS

Section

- 153.01 Purpose and authority
- 153.02 Land affected
- 153.03 Definitions
- 153.04 Airspace obstruction zoning
- 153.05 Land use safety zoning
- 153.06 Airport Zoning Map
- 153.07 Nonconforming uses
- 153.08 Permits
- 153.09 Variances
- 153.10 Hazard marking and lighting
- 153.11 Airport Zoning Administrator
- 153.12 Judicial review
- 153.13 Conflicts

- 153.99 Penalty
- Appendix: Land affected

§ 153.01 PURPOSE AND AUTHORITY.

The Council finds and declares that:

(A) An airport hazard endangers the lives and property of users of the Roseau Municipal Airport and property or occupants of land in its vicinity and also, if of the obstructive type, in effect reduces the size of the area available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the Roseau Municipal Airport and the public investment therein;

(B) The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Roseau Municipal Airport;

(C) For the protection of the public health, safety, order, convenience, prosperity and general welfare and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of airport hazards;

(D) The prevention of these airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation;

(E) The prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds.
(1986 Code, § 14.01)

§ 153.02 LAND AFFECTED.

Those parcels of land affected by this chapter are indicated in the Appendix to this chapter.
(1986 Code, § 14.02)

§ 153.03 DEFINITIONS.

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

AIRPORT. The Roseau Municipal Airport located in Sections 9 and 16 of Township 162 North, Range 39 West, according to the United States Government Survey Thereof.

AIRPORT ELEVATION. The established elevation of the highest point on the usable landing area which elevation is established to be 1059.0 feet above mean sea level.

AIRPORT HAZARD. Any structure or tree or use of land which obstructs the airspace required for or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport; and any use of land which is hazardous to persons or property because of its proximity to the airport.

DWELLING. Any building or portion thereof designed or used as a residence or sleeping place of one or more persons.

HEIGHT. For the purpose of determining the height limits in all zones set forth in this chapter and shown on the Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

LANDING AREA. The area of the airport used for the landing, taking off or taxiing of aircraft.

NONCONFORMING USE. Any pre-existing structure, tree, natural growth or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.

NONPRECISION INSTRUMENT RUNWAY. A runway having an existing or planned straight-in instrument approach procedure utilizing air navigation facilities with only horizontal guidance and for which no precision approach facilities are planned or indicated on an approved planning document.

PLANNED. Those proposed future airport developments that are so indicated on a planning document having the approval of the Federal Aviation Administration, the Department of Aeronautics and the city.

PRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). Also, a runway for which a precision instrument approach system is planned and is so indicated on an approved planning document.

RUNWAY. Any existing or planned paved surface or turf covered area of the airport which is specifically designated and used or planned to be used for the landing and/or taking off of aircraft.

SLOPE. An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.

STRUCTURE. An object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks and overhead transmission lines.

TREE. Any object of natural growth.

VISUAL RUNWAY. A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an approved planning document.

WATER SURFACES. The same meaning as land for the establishment of protected zones.
(93 Code, § 14.03)

§ 153.04 AIRSPACE OBSTRUCTION ZONING.

(A) *Airspace zones.* In order to carry out the purposes of this chapter, the following airspace zones are hereby established: Primary Zone, Horizontal Zone, Conical Zone, Approach Zone and Transitional Zone and whose locations and dimensions are as follows.

(1) *Primary Zone.* All that land which lies directly under an imaginary primary surface longitudinally centered on a runway and extending 200 feet beyond each end of a runway as indicated on Airport Zoning Map, sheet two of two sheets. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 500 feet.

(2) *Horizontal Zone.* All that land which lies directly under an imaginary horizontal surface 100 feet above the established airport elevation or a height of 1159 feet above mean sea level, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 6,000 feet for all runways.

(3) *Conical Zone.* All that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet as measured radially outward from the periphery of the horizontal surface.

(4) *Approach Zone.* All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The approach surface inclines upward and outward at a slope of 40 to 1, expanding uniformly to a width of 2,500 feet at a horizontal distance of 10,000 feet and then continuing at the same rate of divergence to the

periphery of the conical surface.

(5) *Transitional Zone.* All that land which lies directly under an imaginary surface extending upward and outward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surfaces and from the sides of the approach surfaces until they intersect the horizontal surface or the conical surface.

(B) *Height restrictions.* Except as otherwise provided in this chapter, and except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained or allowed to grow in any airspace zone created in division (A) of this section so as to project above any of the imaginary airspace surfaces described in said division (A) of this section. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.
(1986 Code, § 14.04)

§ 153.05 LAND USE SAFETY ZONING.

(A) *Safety zone boundaries.* In order to carry out the purpose of this chapter, there are created and established the following land use safety zone boundaries.

(1) *Safety Zone A.* All land in that portion of the approach zones of a runway, as defined in § 153.04(A), which is located within a horizontal distance of 6,000 feet from each end of the primary zone.

(2) *Safety Zone B.* All that land in the approach zones of a runway, as defined in § 153.04(A), which is located within a horizontal distance of 10,000 feet from each end of the primary zone and is not included in Zone A.

(3) *Safety Zone C.* All that land which is enclosed within the perimeter of the horizontal zone, as defined in § 153.04(A), and which is not included in Zone A or Zone B.

(B) *Use restrictions.*

(1) *General.* Subject at all times to the height restrictions set forth in § 153.04(B), no use shall be made of any land in any of the safety zones defined in division (A) of this section which creates or causes interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport or otherwise endangers the landing, taking off or maneuvering of aircraft.

(2) *Zone A.* Subject at all times to the height restrictions set forth in § 153.04(B) and to the general restrictions contained in division (A) of this section, areas designated as Zone A shall contain no buildings, overhead power lines or temporary structures and shall be restricted to those uses which will not create, attract or bring together an assembly of persons thereon. Permitted uses may include, but are not limited to, such uses as agriculture (seasonal crops), horticulture, animal husbandry, raising of livestock, wildlife habitat, light outdoor recreation (nonspectator), cemeteries and auto parking.

Roseau - Land Usage

(3) *Zone B.* Subject at all times to the height restrictions set forth in § 153.04(B) and to the general restrictions contained in subsection (1) of this division, areas designated as Zone B shall be used for the following purposes only:

(a) For agricultural and residential purposes, provided there shall not be more than one single-family dwelling per three acre tract of land;

(b) Any commercial or industrial use which meets the following minimum standards:

1. Each single commercial or industrial use shall not create, attract or bring together a site population that would exceed 15 times that of the site acreage;
2. Each single commercial or industrial site shall be of a size not less than three acres;
3. Each single commercial or industrial site shall contain no more than one building plot upon which any number of buildings may be erected;
4. A building plot shall be a simple uniform and non-contrived area whose shape shall be uncomplicated and whose area shall not exceed the following minimum ratios with respect to the building site area:

<i>At Least But Less Than (Acres)</i>	<i>Acres</i>	<i>Ratio of Site Area to Bldg. Plot Area</i>	<i>Bldg. Plot Area (sq. ft.)</i>	<i>Maximum Site Population (15 persons/A)</i>
3	4	12:1	10,900	45
4	6	10:1	17,400	60
6	10	8:1	32,600	90
10	20	6:1	72,500	150
20	and up	4:1	218,000	300

(c) The following uses are specifically prohibited in Zone B: churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, camp grounds and other places of public or semipublic assembly.

(4) *Zone C.* Zone C is subject only to the height restrictions set forth in § 153.04(B) and to the general restrictions contained in division (A) of this section.
(1986 Code, § 14.05)

§ 153.06 AIRPORT ZONING MAP.

The several zones herein established are contained within the Airport Master Plan the same being approved by the FAA and MnDot Aeronautics Division, which plan, together with the amendments thereto as may from time to time be made, and all notations, references, elevations, data, zone boundaries and other information thereon shall be adopted by reference. A copy of the Airport Master Plan is on file in the office of the City Clerk-Treasurer.

(1986 Code, § 14.06)

§ 153.07 NONCONFORMING USES.

The regulations prescribed by this chapter shall not be construed to require the removal, lowering or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of this chapter or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter and is diligently prosecuted and completed within two years thereof.

(1986 Code, § 14.07)

§ 153.08 PERMITS.

(A) *Future uses.* Except as specifically provided in subsections (1) and (2) of this section, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone created unless a permit therefore shall have been applied for and granted by the Zoning Administrator, hereinafter provided for. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to conform to the regulations herein prescribed. If the determination is in the affirmative, the permit shall be granted.

(1) However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when the tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for the respective zone.

(2) Nothing contained in this foregoing exception shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limitations established by this chapter as set forth in § 153.04.

(B) *Existing uses.* Before any existing use or structure may be replaced, substantially altered or repaired or rebuilt within any zone established herein, a permit must be secured authorizing the replacement, change or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this chapter or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(C) *Nonconforming uses abandoned or destroyed.* Whenever the Zoning Administrator determines that a nonconforming structure or tree has been abandoned or more than 80% torn down, physically deteriorated or decayed, no permit shall be granted that would allow the structure or tree to exceed the applicable height limit or otherwise deviate from the provisions of this chapter. Whether application is made for a permit under this division or not, the Zoning Administrator may order the owner of the abandoned or partially destroyed nonconforming structure, at his or her own expense, to lower, remove, reconstruct or equip the same in the manner necessary to conform to the provisions of this chapter. In the event the owner of the nonconforming structure shall neglect or refuse to comply with the order for ten

days after receipt of written notice of the order, the Zoning Administrator may, by appropriate legal action, proceed to have the abandoned or partially destroyed nonconforming structure lowered, removed, reconstructed or equipped and assess the cost and expense thereof against the land on which the structure is or was located. Unless such an assessment is paid within 90 days from the service of notice thereof on the owner of the land, the sum shall be certified to the Roseau County Auditor as a special assessment and shall bear interest at the rate of 8% per annum from the date the cost and expense is incurred until paid and shall be collected in the same manner as are general taxes.

(1986 Code, § 14.08)

§ 153.09 VARIANCES.

Any person desiring to erect or increase the height of any structure, permit the growth of any tree or use his or her property not in accordance with the regulations prescribed in this chapter may apply to the Board of Adjustment and Appeals hereinafter provided for a variance from the regulations. The variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this chapter; provided any variance so allowed may be subject to any reasonable conditions that the Board of Adjustment and Appeals may deem necessary to effectuate the purposes of this chapter.

(1986 Code, § 14.09)

Cross reference:

Board of Adjustment and Appeals, see § 31.045 et seq.

§ 153.10 HAZARD MARKING AND LIGHTING.

(A) *Nonconforming uses.* The owner of any nonconforming structure or tree is required to permit the installation, operation and maintenance thereon of the markers and lights as shall be deemed necessary by the Zoning Administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of the airport hazards. The markers and lights shall be installed, operated and maintained at the expense of the city.

(B) *Permits and variances.* Any permit or variance granted by the Zoning Administrator or Board of Adjustment and Appeals as the case may be may, if the action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, so condition the permit or variance as to require the owner of the structure or tree in question at his or her own expense to install, operate and maintain thereon the markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

(1986 Code, § 14.10)

§ 153.11 AIRPORT ZONING ADMINISTRATOR.

It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permit and variances shall be made to the Zoning Administrator upon a form furnished by him or her. Permit applications shall be promptly considered and granted or denied by him or her. Variance applications shall be forthwith transmitted by the Zoning Administrator for action by the Board of Adjustment and Appeals.

(1986 Code, § 14.11)

§ 153.12 JUDICIAL REVIEW.

Any person aggrieved, any taxpayer affected by any decision of the Board of Adjustment and Appeals or any governing body of a municipality, county or airport zoning board which is of the opinion that a decision of the Board of Adjustment and Appeals is illegal may present to the District Court of Roseau County a verified petition setting forth that the decision or action is illegal, in whole or in part, and specifying the grounds of the illegality. The petition shall be presented to the Court within 30 days after the decision is filed in the office of the Board of Adjustment and Appeals. The petitioner must exhaust the remedies provided in this chapter before availing himself or herself of the right to petition a court as provided by this section.

(1986 Code, § 14.12)

Cross reference:

Board of Adjustment and Appeals, see § 31.045 et seq.

§ 153.13 CONFLICTS.

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, the more stringent limitation or regulation shall govern and prevail.

(1986 Code, § 14.13)

§ 153.99 PENALTY.

Every person violates a section, division, subsection or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful or fails to act when the 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, and shall be subject to § 10.99.

(1986 Code, § 14.99) (Ord. 148, passed 5-20-76)

CHAPTER 154: ZONING CODE

Section

General Provisions

- 154.001 Purpose and scope
- 154.002 Definitions
- 154.003 Districts established, abbreviations, Zoning District Map, annexation and zoning permits
- 154.004 General prohibitions
- 154.005 Erosion and drainage

F-R Farming-Residence Zoning District

- 154.020 Purpose
- 154.021 Permitted uses
- 154.022 Conditional uses
- 154.023 Accessory uses
- 154.024 Dimensional and area requirements

R-1 Single Family Residence Zoning District

- 154.035 Purpose
- 154.036 Permitted uses
- 154.037 Conditional uses
- 154.038 Accessory uses
- 154.039 Dimensional and area requirements

R-2 One or Two Family Residence Zoning District

- 154.050 Purpose
- 154.051 Permitted uses
- 154.052 Conditional uses
- 154.053 Accessory uses
- 154.054 Dimensional and area requirements

R-3 Multi-Family Residence Zoning District

- 154.065 Purpose
- 154.066 Permitted uses
- 154.067 Conditional uses
- 154.068 Accessory uses
- 154.069 Dimensional and area requirements

R-5 High Density Multi-Family Residence Zoning District

- 154.080 Purpose
- 154.081 Permitted uses
- 154.082 Conditional uses
- 154.083 Accessory uses
- 154.084 Dimensional and area requirements
- 154.085 Administrative procedure

R-4 Manufactured Home Park Residence Zoning District

- 154.100 Purpose
- 154.101 Permitted uses
- 154.102 Prohibited uses
- 154.103 Inspection of manufactured home parks
- 154.104 Environmental, open space and other basic requirements
- 154.105 Park street system and car parking
- 154.106 Walks
- 154.107 Trees
- 154.108 Skirts
- 154.109 Water and sewage
- 154.110 Refuse handling
- 154.111 Fire protection

C-1 Central Commercial Zoning District

- 154.125 Purpose
- 154.126 Permitted uses
- 154.127 Conditional uses
- 154.128 Accessory uses
- 154.129 Dimensional and area requirements

C-2 Outlying Commercial Zoning District

- 154.140 Purpose
- 154.141 Permitted uses
- 154.142 Conditional uses
- 154.143 Accessory uses
- 154.144 Dimensional and area requirements

I-M Industrial and Manufacturing Zoning District

- 154.155 Purpose
- 154.156 Permitted uses
- 154.157 Conditional uses
- 154.158 Accessory uses
- 154.159 Dimensional and area requirements
- 154.160 Special district provisions

P-1 Light Public Zoning District

- 154.175 Purpose
- 154.176 Permitted uses
- 154.177 Conditional uses
- 154.178 Dimensional and area requirements

P-2 Heavy Public Zoning District

- 154.190 Purpose
- 154.191 Permitted uses
- 154.192 Conditional uses
- 154.193 Dimensional and area requirements

O Open Zoning District

- 154.205 Permitted uses
- 154.206 Conditional uses

Signs

- 154.220 Purpose and Definitions
- 154.221 Administration and Enforcement
- 154.222 General Provisions
- 154.223 Specific Regulations by Zoning District
- 154.224 Non-Conforming Uses
- 154.225 Non-Commercial Speech

Off-Street Parking and Loading Facilities

- 154.240 Minimum size regulations
- 154.241 Reduction and use of parking and loading space
- 154.242 Computing requirements
- 154.243 Yards
- 154.244 Buffer fences and planting screens
- 154.245 Access
- 154.246 Location of parking facilities

- 154.247 Truck or bus parking in residence districts
- 154.248 Combined facilities
- 154.249 Construction and maintenance
- 154.250 Lighting
- 154.251 Required site plan
- 154.252 Application of parking and loading regulations
- 154.253 Required number of off-street parking spaces

Additional Regulations

- 154.270 Home occupations
- 154.271 Manufactured homes
- 154.272 Wind energy systems
- 154.273 Design control
- 154.274 Foundations
- 154.275 Satellite dish antennas
- 154.276 Screening
- 154.277 Compliance with provisions
- 154.278 Building requirements
- 154.279 Area requirements
- 154.280 Minimum requirements
- 154.281 Dwelling on any lot of record
- 154.282 Height limitations not applicable
- 154.283 Yard and frontage limitations not applicable
- 154.284 Yard space
- 154.285 Placement of single and two family residential structures on large lots
- 154.286 Yard space encroachments
- 154.287 Yard space exception, steep slopes
- 154.288 Erection of more than one principal structure on a lot
- 154.289 Housing projects utilizing the “zero lot line” concept
- 154.290 Accessory buildings standards and garage structure size
- 154.291 Fences in residence districts
- 154.292 Determination of yard requirements
- 154.293 On-site sewerage system
- 154.294 Metal buildings

Nonconforming Lots, Land Uses and Structures

- 154.305 Intent
- 154.306 Enlargement prohibited
- 154.307 Nonconforming lots of record
- 154.308 Nonconforming uses of land
- 154.309 Nonconforming structures
- 154.310 Repair and maintenance

Conditional Uses

- 154.320 General
- 154.321 Authority
- 154.322 Standards and conditions
- 154.323 Procedure
- 154.324 Planned Unit Development (PUD)

Administration and Enforcement

- 154.335 Variances and appeals
- 154.336 Amendment; initiation and procedure
- 154.337 Hearings; requirement, notice and procedure
- 154.338 Schedule of fees
- 154.339 Recording

- 154.999 Penalty
- Appendix: Schedule of Required Off-Street Parking and Loading Spaces

GENERAL PROVISIONS

§ 154.001 PURPOSE AND SCOPE.

(A) The purpose of this chapter is to regulate the location, height, width, bulk, type of foundation, number of stories, size of buildings and other structures, the percentage of lot which may be occupied, the size of yards and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation and water supply conservation; to divide the city into districts of suitable numbers, shape and area; all to promote the public health, safety, morals and general welfare of the city.

(B) This chapter shall apply to all land, buildings and structures within the limits of the city and to all unincorporated territory within two miles of the limits of the city in all directions.
(1986 Code, § 11.01)

§ 154.002 DEFINITIONS.

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

AFFECTED PROPERTY OWNER. Any person owning property affected within the jurisdiction of this chapter. Notice to affected property owners may vary depending upon the proximity and the issue.

ALLOWED. This term, as distinguished from **PERMITTED**, implies a necessity for proceedings as for a conditional use permit or a variance.

APARTMENT. A room or suite of rooms in a multifamily or multi-use building arranged and intended as a place of residence for a single family or a group of individuals living together as a single housekeeping unit.

APPEALS AND ADJUSTMENTS, ZONING BOARD OF. That group of persons who, by reason of the positions they hold or having been duly appointed, have the powers and perform the duties of the Board as specified in the city code.

Cross reference:

Board of Adjustment and Appeals, Ch. 31

ARCHITECTURAL DESIGN CONTROL BOARD. That group of persons, known as the Planning Commission, by reason of the positions they hold or having been duly appointed, have the powers and perform the duties of the Board as specified in the city code.

BILLBOARD. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is located or to which it is affixed.

BUILDING. Any structure having a roof and designed or intended for the support, enclosure, shelter or protection of persons, animals or property. When any such structure is completely divided into parts by an unpierced wall or walls extending from the ground to the top of the structure, each such part shall be deemed a separate building.

BUILDING, HEIGHT. The vertical distance measured from the average grade of a building line to the top, to the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch-type roof or to the mean distance of the highest gable on a pitched or hip roof.

BUILDING, MAXIMUM COVERAGE. That portion of the compact and contiguous lot, piece or parcel of land occupied by a building, including accessory buildings and non-porous surfaces, but excluding earth berms. Only the above grade portions of an earth sheltered building are included in a coverage calculation.

DWELLING, MULTI-FAMILY. A residence structure, or portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

DWELLING, SINGLE FAMILY. A detached residence structure designed exclusively for, and occupied exclusively by, one family only.

DWELLING, TWO FAMILY. A residence structure designed exclusively for occupancy by two families living independently of each other.

DWELLING UNIT. Any building or portion thereof which is designed or used for residential purposes.

FAMILY. One or more persons occupying a dwelling and living as a single housekeeping unit in a

dwelling unit.

FOUNDATION. That portion of a building or structure which at the bottom is supported by footings and at the top supports a building or other structure.

JURISDICTION. That area within which the regulations set forth in this chapter are enforceable.

LOADING, OFF-STREET. Space or area accessible from a street or driveway for the use of commercial trucks or other vehicles while loading or unloading merchandise or material.

LOT. A parcel of land occupied, or intended to be occupied, by a principal use and accessory uses, together with the yards and open spaces as are required under the provisions of this chapter.

LOT, AREA. The total horizontal area within the lot lines of the parcel.

LOT, CORNER. A lot abutting upon two or more streets at the intersection or junction, or a lot bounded on two sides by a curving street where it is possible to draw two intersecting chords, one each commencing at each of the two points of intersection of the lot lines and street line which intersect with each other to form an interior angle of less than 120 degrees.

LOT, INTERIOR. A lot not fitting the description of a corner lot.

LOT, NONCONFORMING. An unimproved lot which was legally recorded on or before the effective date of this chapter and which does not comply with the lot size requirements for any permitted use in the district in which it is located.

LOT OF RECORD. A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder, or a parcel of land, the deed to which was recorded in the office of the County Recorder, prior to the effective date of this chapter.

LOT, WIDTH. The horizontal distance between the side lot lines where the building line or setback line intersects the side lot lines.

MANUFACTURED HOME. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet in length or, when erected on-site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein.

MANUFACTURED HOME PARK. A site, lot or tract of land upon which two or more manufactured homes are lawfully situated, which is licensed by the State of Minnesota or will, when completed, qualify for the license.

NOT APPLICABLE (N/A). The particular regulation stated does not apply in that Zoning District.

OFF-SITE. The particular facility or structure referred to is either permitted or required to be separated in distance from the lot or parcel on which the use is placed.

ON-SITE. The particular facility or structure referred to is either permitted or required to be upon the lot or parcel on which the use is placed.

PARKING, OFF-STREET. A facility providing vehicular parking spaces, together with adequate areas for maneuvering, together with access for entrance and exit, for parking on private property as distinguished from public streets.

PLANNED UNIT DEVELOPMENT (PUD). A tract of land developed as an integral unit rather than as individual and unrelated development efforts, wherein two or more buildings may be located in relation to each other rather than to lot lines and lot standards as stipulated in this chapter.

PLANNING COMMISSION. The Commission established by §§ 31.030 and 31.031 of this code.

SATELLITE DISH ANTENNA. A solid and opaque facility or structure, the exterior edge of which is usually circular, and which exceeds 100 square inches in area on at least one of its surfaces, designed for reception of a radio or television signal or signals from an earth satellite.

SCREENING. Vegetative plantings and growth, solid fence or wall structures or earth mounds or berms designed to obscure a use or block direct visual access to an object.

SEWERAGE SYSTEM. The means by which sanitary sewerage is collected and disposed. The system can be of two types, **ON-SITE** which is constructed in accordance with the provisions of the city code and **CITY** which is collected through a system of mains and disposed of in a common treatment facility.

SIGN. A name, identification, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or parcel of land and which directs attention to an object, product, place, activity, institution, organization, idea or business. However, a **SIGN** shall not include any display of official court, public office, notice or traffic sign, nor shall it include the flag, separate emblem or insignia of a nation, political unit or school or religious group or incombustible tablet or lettering built into the wall of a building or other structure. A **SIGN** inside a building is not included unless its face is visible only from the exterior of a building. Each display surface of a sign shall be considered a **SIGN**.

SQ. FT. An abbreviation for square feet or the singular square foot.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

USE. The purpose or activity for which the land or building thereon is designed, arranged or intended or for which it is occupied, utilized or maintained.

USE, ACCESSORY. A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

USE, CONDITIONAL. An activity or use of land which is not generally permitted because of unique characteristics may be allowed by the Council after a public hearing and a finding that:

(1) Certain conditions detailed in this chapter exist; and

(2) The use is compatible with the existing neighborhood and subject to appropriate conditions and guarantees written into the conditional use permit. A conditional use permit is attached to the land, not to the owner or user, unless otherwise specified by the Council in the permit itself.

USE, PERMITTED. A use which may be lawfully established in a particular zoning district or zoning districts, generally without special proceedings as for a conditional use, provided the use conforms with all requirements, regulations and limitations of this chapter and provided also that it conforms with standards of the zoning district.

UTILITY STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground for the purposes of generating, treating or transmitting cable television, electrical power, sanitary sewer, storm sewer, telephone and water; including power transmission lines over 7,200 volts, electrical substations, receiving and transmission towers over 35 feet, water towers, wells and well houses, water treatment plants and sewage treatment plants and ponds. Utility structures incidental to the distribution of utilities to properly zoned developments are permitted in all zoning districts without conditional use. These include: street lights, utility distribution poles, lines, transformers and boxes; water hydrants, valves and distribution enclosures; and sewer lift stations, manholes and castings.

WATER SYSTEM. The means by which water is furnished to the premises. The system can be of two types, **ON-SITE** which is constructed in accordance with the provisions of the city code and **CITY** which is developed at a central production and treatment facility and furnished through a system of mains.

YARD. An open space on the same lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted. A **YARD** extends along a lot line, and to the depth or width specified in the yard requirements for the zoning district in which the lot is located.

YARD, CORNER SIDE. A side yard which adjoins a public street.

YARD, FRONT (SETBACK). A yard extending along the full length of the front lot line between the side lot lines and on which the main entrance of the structure is, or may be, located.

YARD, INTERIOR SIDE. A yard which is located immediately adjacent to another zoning lot or to an alley separating the side yard from another lot.

YARD, REAR. A yard extending along the full length of the rear lot line between the side lot lines.

YARD, SIDE. A yard extending along a side lot line from the front yard to the rear yard.

ZONING DISTRICT. An area or areas for which the regulations and requirements governing use are uniform.

(1986 Code, § 11.02) (Am. Ord. 110, 2nd Series, passed 4-6-98)

§ 154.003 DISTRICTS ESTABLISHED, ABBREVIATIONS, ZONING DISTRICT MAP, ANNEXATION AND ZONING PERMITS.

(A) *Districts established, abbreviations and Zoning District Map.* For the purpose of this chapter, the city is divided into zoning districts as shown on the Current Zoning Map, which the same is on file in the office of the City-Clerk, as it may be amended from time to time, which, together with all explanatory matter thereon, is adopted by reference and incorporated herein. For convenience and brevity, the zoning districts may be referred to in this chapter by reference to their abbreviated titles rather than full titles. Said districts are hereby established, as follows:

<i>Abbreviated Title</i>	<i>Full Title</i>
F-R	Farming-Residence Zoning District
R-1	Single Family Residence Zoning District
R-2	One or Two Family Residence Zoning District
R-3	Multi-Family Residence Zoning District
R-5	High Density Multi-Family Residence Zoning District
R-4	Manufactured Home Park Residence Zoning District
C-1	Central Commercial Zoning District
C-2	Outlying Commercial Zoning District
I-M	Industrial and Manufacturing Zoning District
P-1	Light Public Zoning District
P-2	Heavy Public Zoning District
O	Open Zoning District
PUD	Planned Unit Development

(B) *Restriction on issuance of building permits, annexation and zoning permits.*

(1) No building permit shall be issued for construction on land within the city not in a zoning district established by the city. As to land not within the limits of the city but in the unincorporated territory within two miles of the limits of the city, zoning permits shall be required for any construction.

(2) On completion of annexation proceedings the Planning Commission shall study any portion of the land annexed which is not in a zoning district established by the city to determine the district or districts most suitable, hold a hearing and forthwith report its findings and decision to the Council. (1986 Code, § 11.03) (Ord. 199, passed 12-1-86; Ord. 42, 2nd Series, passed 7-3-91)

§ 154.004 GENERAL PROHIBITIONS.

(A) *Land uses.* Unless otherwise allowed by proceedings pursuant to the provisions of this chapter, it is unlawful to hereafter initiate the use of any land, buildings or structures other than those stated herein as permitted uses or accessory uses for the district in which the land lies. The use, whether permitted or allowed, is further subject to all of the terms, limitations and other provisions of this chapter having general or special application to various uses or classes of uses.

(B) *Building permits.* No building permit shall be issued for any purpose inconsistent with land uses permitted in the district in which the land lies or pursuant to proceedings under this chapter.

(C) *Contractors; unlawful act.* It is unlawful for any general contractor or subcontractor to hereafter

erect, construct or place any building, improvement or facility upon land, except such as are specifically permitted by the terms of this chapter or allowed by proceedings pursuant to this chapter to be placed thereon or before all permits required by the city code are duly issued.

(1986 Code, § 11.04) (Ord. 199, passed 12-1-86) Penalty, see § 154.999

§ 154.005 EROSION AND DRAINAGE.

(A) No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion or deposit of sediment on adjacent properties. The runoff shall be properly channeled into a storm drain, watercourse, ponding area or other public facilities subject to the review and approval of the City Building Official.

(B) In the case of all single family lots, multiple family lots, business, industrial and institutional developments, a drainage plan shall be submitted to the City Building Official for review, and the final drainage plan shall be subject to approval by the City Building Official and the City Superintendent. Upon final approval, work shall be completed within one year from the date of said final approval, if work is not completed within one year the city shall have the right to complete the improvements and bill permittee for costs incurred. No modification in grade and drainage flow through, fill, cuts, erection of retaining walls or other such actions shall be permitted until the plans have been reviewed and received written approval from the City Building Official or City Superintendent.

(C) The City Building Official is authorized to direct "stop work" orders for any violation of this section.

(Am. Ord. 121, 2nd Series, passed 4-3-00)

F-R FARMING-RESIDENCE ZONING DISTRICT

§ 154.020 PURPOSE.

The F-R District is intended to allow maximum freedom of operation for agricultural and residential uses, to protect the uses from untimely or disorganized encroachment by potentially conflicting urban uses and to protect the limited natural amenities of the city from harmful exploitation.

(1986 Code, § 11.10(1))

§ 154.021 PERMITTED USES.

The following uses are permitted in this District:

- (A) Athletic field;
- (B) Auditorium, assembly halls;
- (C) Church and synagogue;
- (D) Community center, town hall;
- (E) Dwelling, single family;

- (F) Farmland (all types except livestock and poultry);
- (G) Fire station;
- (H) Ice skating rink;
- (I) Library;
- (J) Park, playground, public (no overnight camping);
- (K) Professional office, doctors, lawyers and the like.
(1986 Code, § 11.10(2))

§ 154.022 CONDITIONAL USES.

The following uses are conditional in this District:

- (A) Airplane repair;
- (B) Airplane hangar;
- (C) Association (clubs and lodges, private);
- (D) Bait sales;
- (E) Baked goods, manufacturing, sales (small scale);
- (F) Beauty shop;
- (G) Broadcasting station;
- (H) Broadcasting studio;
- (I) Building contractor equipment and material storage;
- (J) Building materials, storage, sales;
- (K) Camp, private;
- (L) Carpentry and cabinet shop, power woodworking;
- (M) Cemetery;
- (N) Child care center, play school;

- (O) Clinic, medical;
- (P) Club, lodge (private, noncommercial);
- (Q) Contractor (general) equipment and storage yard;
- (R) Dairy farm (exclusive of residence);
- (S) Dairy products, manufacturing, sales, distribution;
- (T) Disposal plant, sewage;
- (U) Driving range, miniature golf;
- (V) Dwelling, two family;
- (W) Egg processing, distribution;
- (X) Electric light and power company yards;
- (Y) Farm implement dealer, distribution, repair, sales;
- (Z) Farmland (all types including livestock and game farm);
- (AA) Fish or meat, wholesale, curing, storage;
- (BB) Florist, greenhouse, nursery;
- (CC) Food products, warehouses;
- (DD) Fuel storage, distribution;
- (EE) Garage, equipment, sales;
- (FF) Gasoline or filling station;
- (GG) Gravel pit;
- (HH) Grocery store, retail;
- (II) Home occupations; (See § 154.270)
- (JJ) Home, old age, children, nursing;
- (KK) Housing, group or cluster subdivision (planned unit development);
- (LL) Industrial park (planned unit development);

- (MM) Kennel;
 - (NN) Lighting and power plants;
 - (OO) Lockers, food storage;
 - (PP) Museum, historical display, information center;
 - (QQ) Public or private school;
 - (RR) Public campground;
 - (SS) Public utilities and storage area;
 - (TT) Radio broadcasting tower;
 - (UU) Restaurants, cafes, supper club;
 - (VV) Roadside sales stand;
 - (WW) Sawmill, portable;
 - (XX) Swimming pool, public, private;
 - (YY) Trailer (mobile homes) sales;
 - (ZZ) Utility structure, substation;
 - (AAA) Warehouse, all types;
 - (BBB) Welding shop, service, storage;
 - (CCC) Wood, storage, sales.
- (1986 Code, § 11.10(3))

§ 154.023 ACCESSORY USES.

- (A) One to three car garage or carport for vehicle and equipment storage only.
 - (B) Swimming pools or game courts designed for exclusive use of occupants of the principal use.
 - (C) Recreational lawn equipment and structures.
- (1986 Code, § 11.11(4)) (Ord. 199, passed 12-1-86)

§ 154.024 DIMENSIONAL AND AREA REQUIREMENTS.

Roseau - Land Usage**(A) Yard (minimum).**

- (1) Side: 20 feet.
- (2) Corner side: 35 feet.
- (3) Rear: 50 feet.
- (4) Front (setback): 35 feet.

(5) Unattached garage and accessory building. (*this section is not applicable to lots greater than five (5) acres in size.*)

(a) Rear.

- 1. Adjoining city street or city alley: 20 feet.
- 2. Not adjoining city street or city alley: 20 feet including overhang.

(b) Side.

- 1. Adjoining city street or city alley: 20 feet.
- 2. Not adjoining city street or city alley: 20 feet including overhang.

(B) Lot (minimum).

- (1) Area: 2.5 acres (minimum).
- (2) Width: 200 feet (minimum).
- (3) Length: 200 feet (minimum).

(C) Building.

- (1) Minimum floor area: 960 square feet for one dwelling unit and 1,650 square feet for two dwelling units.
- (2) Maximum coverage: 35% of the lot area.
- (3) Height: not applicable.

(1986 Code, § 11.10(4)) (Ord. 199, passed 12-1-86; Ord. 62, 2nd Series, passed 7-28-93)

R-1 SINGLE FAMILY RESIDENCE ZONING DISTRICT**§ 154.035 PURPOSE.**

The R-1 District is intended to provide areas for primarily single family residential uses on major parcels of land. Regulations in this District are designed to maintain low density residential uses and restrict incompatible development such as apartment complexes, offices or commercial establishments. (1986 Code, § 11.11(1))

§ 154.036 PERMITTED USES.

The following uses are permitted in this District:

- (A) Dwelling, single family;
- (B) Library;
- (C) Park, playground, public (no overnight camping);
- (D) A state licensed residential facility serving six or fewer persons;
- (E) A state licensed day care facility serving 12 or fewer persons.

(1986 Code, § 11.11(2))

§ 154.037 CONDITIONAL USES.

The following uses are conditional in this District:

- (A) Art gallery;
- (B) Child care center, play school;
- (C) Church, synagogue;
- (D) Dwelling, two family;
- (E) Fire station;
- (F) Home occupations; (See § 154.270)
- (G) Housing, public project;
- (H) Housing, group or cluster subdivision (planned unit development);
- (I) Ice skating rink;

(J) Public or private school;

(K) Swimming pool, public, private;

(L) Utility structure, substation.
(1986 Code, § 11.11(3))

§ 154.038 ACCESSORY USES.

(A) One to three car garage or carport for vehicle and equipment storage only.

(B) Swimming pools or game courts designed for exclusive use of occupants of the principal use.

(C) Recreational lawn equipment and structures.
(1986 Code, § 11.11(4)) (Ord. 199, passed 12-1-86)

§ 154.039 DIMENSIONAL AND AREA REQUIREMENTS.

(A) *Yard (minimum).*

(1) Side: 10 feet.

(2) Corner side: 20 feet.

(3) Rear: 35 feet.

(4) Front (setback): 30 feet.

(5) Unattached garage and accessory building.

(a) *Rear.*

1. Adjoining city street or
city alley: 20 feet.

2. Not adjoining city street or
city alley: 4 feet including overhang.

(b) *Side.*

1. Adjoining city street or
city alley: 10 feet.

2. Not adjoining city street or
city alley: 4 feet including overhang.

(B) *Lot (minimum).*

- (1) Width: 100 feet and area of 20,000 square feet if served by on-site water and sewerage systems.
- (2) Width: 75 feet and area of 15,000 square feet if served by city water and on-site sewerage systems.
- (3) Width: 50 feet and area of 10,000 square feet if served by city water and sewerage systems.

(C) *Building.*

- (1) Minimum floor area: 960 square feet.
 - (2) Maximum coverage: 35% of the lot area.
 - (3) Maximum height: 2 stories or 35 feet, whichever is the lesser.
- (1986 Code, § 11.11(5)) (Ord. 14, 2nd Series, passed 7-27-89)

R-2 ONE OR TWO FAMILY RESIDENCE ZONING DISTRICT

§ 154.050 PURPOSE.

The R-2 District is intended to provide for single family dwellings, duplexes and double bungalows and yet retain the character and amenities of exclusive single family residence districts.
(1986 Code, § 11.12(1))

§ 154.051 PERMITTED USES.

The following uses are permitted in this District:

- (A) Dwelling, single family;
- (B) Dwelling, two family;
- (C) Library;
- (D) Park, playground, public (no overnight camping);

(E) A state licensed residential facility serving from seven through 16 persons;

(F) A state licensed day care facility serving from 13 through 16 persons.
(1986 Code, § 11.12(2))

§ 154.052 CONDITIONAL USES.

The following uses are conditional in this District:

(A) Art gallery;

(B) Association (clubs and lodges, private);

(C) Child care center, play school;

(D) Church, synagogue;

(E) Clinic, medical;

(F) Community center, town hall;

(G) Dwelling, multiple family;

(H) Fire station;

(I) Grocery store, retail;

(J) Home occupations; (See § 154.270)

(K) Home, old age, children, nursing;

(L) Hospitals, public, private;

(M) Housing, public project;

(N) Housing, group or cluster subdivision (planned unit development);

(O) Ice skating rink;

(P) Museum, historical display, information center;

(Q) Professional office, doctors, lawyers and the like;

(R) Public or private school;

(S) Swimming pool, public, private;

(T) Utility structure, substation.

(1986 Code, § 11.12(3))

§ 154.053 ACCESSORY USES.

(A) One to three car garage or carport for vehicle and equipment storage for single family dwellings or garage structures sufficient to house one vehicle per dwelling unit for multiple dwellings.

(B) Swimming pools or game courts designed for the exclusive use of occupants of the principal use.

(C) Recreational lawn equipment and structures.

(1986 Code, § 11.12(4))

§ 154.054 DIMENSIONAL AND AREA REQUIREMENTS.

(A) *Yard (minimum).*

- (1) Side: 10 feet.
- (2) Corner side: 20 feet.
- (3) Rear: 35 feet.
- (4) Front (setback): 30 feet.

(B) *Lot (minimum).*

- (1) Width: 100 feet and area of 20,000 square feet for the first dwelling unit and 10,000 square feet for the second dwelling unit if served by on-site water and sewerage systems.
- (2) Width: 75 feet and area of 15,000 square feet for the first dwelling unit and 7,000 square feet for the second dwelling unit if served by city water and on-site sewerage systems.
- (3) Width: 50 feet and area of 10,000 square feet for the first dwelling unit and 5,000 square feet for the second dwelling unit if served by city water and sewerage systems

(C) *Building.*

- (1) Minimum floor area: 960 square feet for one dwelling unit and 1,650 square feet for two dwelling units.
- (2) Maximum coverage: 35%.

(3) Maximum height: 3 stories or 45 feet, whichever is the lesser.
(1986 Code, § 11.12(5))

R-3 MULTI-FAMILY RESIDENCE ZONING DISTRICT

§ 154.065 PURPOSE.

The R-3 District is intended to provide areas for a mixture of single family homes, duplexes and double bungalows and multi family structures. Such a district not only provides a variety of life styles integrated within district boundaries, but recognizes and accommodates areas in transition, where former single family housing is gradually being replaced with multiple family structures to meet increasing housing demands.

(1986 Code, § 11.13(1))

§ 154.066 PERMITTED USES.

The following uses are permitted in this District:

- (A) Apartment;
- (B) Dwelling, single family;
- (C) Dwelling, two family;
- (D) Dwelling, multiple family;
- (E) Library;
- (F) Park, playground, public (no overnight camping);
- (G) A state licensed residential facility serving from seven through 16 persons;
- (H) A state licensed day care facility serving from 13 through 16 persons.

(1986 Code, § 11.13(2))

§ 154.067 CONDITIONAL USES.

The following uses are conditional in this District:

- (A) Apartment hotel;
- (B) Art gallery;
- (C) Association (clubs and lodges, private);
- (D) Auditorium, assembly hall;

- (E) Child care center, play school;
 - (F) Church, synagogue;
 - (G) Clinic, medical;
 - (H) Community center, town hall;
 - (I) Dormitory building (institutional);
 - (J) Fire station;
 - (K) Grocery store, retail;
 - (L) Home, old age, children, nursing;
 - (M) Hospitals, public, private;
 - (N) Housing, public project;
 - (O) Housing, group or cluster subdivision (planned unit development);
 - (Q) Ice skating rink;
 - (R) Laundries, self-service;
 - (S) Museum, historical display, information center;
 - (T) Professional office, doctors, lawyers and the like;
 - (U) Public or private school;
 - (V) Swimming pool, public, private;
 - (W) Utility structure, substation.
- (1986 Code, § 11.13(3))

§ 154.068 ACCESSORY USES.

- (A) One to three car garage or carport for vehicle and equipment storage for single family dwellings, garage structure sufficient to house one vehicle per dwelling unit for multiple dwellings.
- (B) Swimming pools or game courts designed for the exclusive use of occupants of the principal use.
- (C) Recreational lawn equipment and structures.
- (D) Homeowner Association or rental unit recreational and service facilities and structures.

(E) Enclosed equipment and vehicle storage areas for nonresidential uses.
(1986 Code, § 11.13(4))

§ 154.069 DIMENSIONAL AND AREA REQUIREMENTS.

(A) *Yard (minimum).*

- | | |
|----------------------|----------|
| (1) Side: | 10 feet. |
| (2) Corner side: | 20 feet. |
| (3) Rear: | 35 feet. |
| (4) Front (setback): | 30 feet. |

(B) *Lot (minimum).*

- | | |
|------------|--|
| (1) Width: | 100 feet and area of 20,000 square feet when not served by city water and sewer. |
| (2) Width: | 75 feet and area of 15,000 square feet when not served by city sewer. |
| (3) Width: | 50 feet and area of 10,000 square feet when served by city water and sewer. |

(C) *Building.*

- | | |
|---|--|
| (1) Minimum floor area: | 960 square feet for one dwelling unit, 1,650 square feet for two dwelling units, and 500 additional square feet for each additional dwelling unit. |
| (2) Maximum coverage: | including principal structure and all accessory buildings: |
| (a) Maximum floor area ration: | .45 |
| (b) Maximum ground floor area ratio: | .35 |
| (c) Maximum of 20 dwelling units per acre | |
| (3) Maximum height: | 3 stories or 45 feet, whichever is the lesser. |

(1986 Code, § 11.13(5)) (Ord. 199, passed 12-1-86; Am. Ord. 109, 2nd Series, passed 11-3-97)

§ 154.080 PURPOSE.

The R-5 District is intended to provide high density multi family dwelling structures where traffic and activity is not a problem. The community unit projects shall be developed in accordance with an overall design and an integrated general development plan, be consistent with the intent and purposes of this subchapter and not adversely affect the property adjacent to the land included in the project.
(1986 Code, § 11.135(1))

§ 154.081 PERMITTED USES.

The following uses are permitted in this District:

- (A) Apartment;
 - (B) Dwelling, multi family;
 - (C) Park and playground;
 - (D) A state licensed residential facility serving from seven through 16 persons;
 - (E) A state licensed day care facility serving from 13 through 16 persons.
- (1986 Code, § 11.135(2))

§ 154.082 CONDITIONAL USES.

The following uses are conditional in this District:

- (A) Apartment hotel;
- (B) Art gallery;
- (C) Association (clubs and lodges, private);
- (D) Auditorium, assembly hall;
- (E) Child care center, play school;
- (F) Church, synagogue;
- (G) Clinic, medical;
- (H) Community center, town hall;
- (I) Dormitory building (institutional);
- (J) Fire station;

- (K) Grocery store, retail;
 - (L) Home, old age, children, nursing;
 - (M) Hospitals, public, private;
 - (N) Housing, public project;
 - (O) Housing, group or cluster subdivision (planned unit development);
 - (P) Ice skating rink;
 - (Q) Laundries, self-service;
 - (R) Museum, historical display, information center;
 - (S) Professional office, doctors, lawyers and the like;
 - (T) Public or private school;
 - (U) Swimming pool, public, private;
 - (V) Utility structures, substation.
- (1986 Code, § 11.135(3))

§ 154.083 ACCESSORY USES.

The following are accessory uses in this District:

- (A) Car garages or carports, equipment storage;
 - (B) Swimming pools or game courts designed for the exclusive use of occupants of the principal use;
 - (C) Recreational lawn equipment and structures;
 - (D) Homeowner Association or rental unit, recreational and service facilities and structures.
- (1986 Code, § 11.135(4))

§ 154.084 DIMENSIONAL AND AREA REQUIREMENTS.

(A) *Yard (minimum).*

- (1) Side: 10 feet.
- (2) Corner side: 20 feet.
- (3) Rear: 35 feet.

(4) Front (setback): 30 feet.

(B) *Lot (minimum).*

(1) Width: 100 feet and area of 18,000 square feet when not served by city water and sewer.

(2) Width: 100 feet and area of 7,500 square feet when served by city water and sewer.

(3) Detailed plot plans to be reviewed and approved by the Planning Commission.

(4) No high density multi-family low rent housing and housing for the elderly building shall be closer than 25 feet to the street line, (the distance to be measured from that portion of the building nearest the street line which would include overhangs in the case of those buildings which have upper stories extending beyond the building line at grade).

(C) *Building.*

(1) Minimum floor area: 960 square feet for one dwelling unit, 1,650 square feet for two dwelling units, and 500 additional square feet for each additional dwelling unit.

(2) Maximum coverage, including principal structure and all accessory buildings:

(a) Maximum floor area ratio: .65.

(b) Maximum ground floor area ratio: .45

(c) Maximum of 30 dwelling units per acre.

(3) Maximum height: 3 stories or 45 feet, whichever is the lesser.

(D) *Minimum 10% of the gross project area.* Minimum 10% of the gross project area shall be in private recreational uses for project residents. The areas shall be for active or passive recreational uses suited to the needs of the residents of the project, including swimming pools, trails, nature areas, picnic areas, playgrounds, gardens and the like.

(1986 Code, § 11.135(5)) (Am. Ord. 109, 2nd Series, passed 11-3-97)

§ 154.085 ADMINISTRATIVE PROCEDURE.

(A) The proponents of a community unit project shall submit a general development plan to and secure the approval of the Planning Commission and the Council. The general development plan shall be drawn to scale and the plan shall show:

- (1) The proposed site and existing developments on adjacent properties;
- (2) Proposed size, location and arrangement of buildings;
- (3) Parking areas and stall arrangements;
- (4) Entrance and exit drives;
- (5) Landscaping;
- (6) Dimensions.

(B) If the plan is approved, any substantial change to the plan will require a resubmission to and approval by the Planning Commission and the Council.

(C) If the plan is approved, construction must begin within two years after approval of the general development plan.

(1986 Code, § 11.135(6)) (Ord. 42, 2nd Series, passed 7-3-91)

R-4 MANUFACTURED HOME PARK RESIDENCE ZONING DISTRICT

§ 154.100 PURPOSE.

The R-4 District is intended to set aside areas in the city where manufactured homes may be placed with due regard to their necessity as a residential use. Further, it is the purpose of this subchapter to provide for manufactured home parks in recognition of changing economic values and life-styles.

(1986 Code, § 11.14(1))

§ 154.101 PERMITTED USES.

The only dwellings permitted in the R-4 District shall be of the manufactured home type. No new or existing manufactured home park shall be established, modified or expanded unless it is in compliance with the requirements of this subchapter.

(1986 Code, § 11.14(2))

§ 154.102 PROHIBITED USES.

Mobile home sales lots, storage areas, travel trailer sales lots or like or similar operations shall be prohibited in the R-4 District.

(1986 Code, § 11.14(3))

§ 154.103 INSPECTION OF MANUFACTURED HOME PARKS.

(A) The Zoning Administrator is authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter, including the power to enter at reasonable times upon any private or public property for said purposes.

(B) The Building Inspector, the Chief of Police or their duly authorized representative shall have the power to inspect the register containing a record of all residents of the manufactured home park.

(C) It shall be the duty of every occupant of a manufactured home park to give the owner thereof or his or her agent or employee access to any part of the manufactured home park at reasonable times for the purpose of making the repairs or alterations as are necessary to effect compliance with this chapter. (1986 Code, § 11.14(4))

§ 154.104 ENVIRONMENTAL, OPEN SPACE AND OTHER BASIC REQUIREMENTS.

(A) *General requirements.* Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health and safety of the occupants. The site should not be exposed to objectionable smoke, noise, odors or other adverse influences and no portion subject to unpredictable or sudden flooding.

(B) *Area.* Minimum total manufactured home park area shall be five acres.

(C) *Soil and ground cover requirements.* Exposed ground surfaces in all parts of every manufactured home park shall be paved or covered with stone, screening or other solid material or protected with a grass that is capable of preventing soil erosion and of eliminating objectionable dust.

(D) *Site drainage requirements.* The ground surface in all parts of every manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner.

(E) *Use requirements.*

(1) No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park; and

(2) Nothing contained in this section shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home stand and connected to the pertinent utilities.

(F) *Required separation between manufactured homes.*

(1) Manufactured homes shall be separated from each other and from other buildings and structures by at least 15 feet. Manufactured homes placed end-to-end must have minimum clearance of 15 feet;

(2) An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak and

porch which has an opaque top or roof shall, for purposes of all separation requirements, be considered to be part of the manufactured home; and

(3) Minimum lot sizes shall not be less than 2,500 square feet.

(G) *Open space.* A minimum of 2,000 square feet for every acre, or part thereof, in a manufactured home park shall be provided for definable play areas and open space. The areas of open space and play area shall not be areas included within any setback nor shall they include any areas of less than 20 feet in length or width.

(H) *Required setbacks, buffer strips and screening.*

(1) All manufactured homes shall be located at least 20 feet from any property boundary line abutting upon a public street or highway and at least 20 feet from other property boundary lines.

(2) There shall be a minimum distance of 20 feet between the manufactured home stand and abutting park street.

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

(I) *Cluster development.* Cluster development shall be encouraged; in such cases the Planning Commission and Council may vary or modify the strict application and requirements of divisions (F), (G) and (H) above as applied herein to more readily accommodate this development concept.

(J) *Maximum density.* Notwithstanding the type of development concept used, the maximum density shall be ten manufactured homes per acre.

(K) *Storage buildings.*

(1) One storage building for storage of equipment and refuse is permitted by lot.

(2) The storage buildings shall be designed of weather resistance material that will enhance the general appearance of the lot.

(1986 Code, § 11.14(5))

§ 154.105 PARK STREET SYSTEM AND CAR PARKING.

(A) *General requirements.* All manufactured home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each manufactured home lot.

(B) *Internal streets.* Surfaced roadways shall be of adequate width to accommodate anticipated traffic and in any case shall meet the following requirements:

(1) All park streets shall be a minimum of 30 feet in width from face of curb to face of curb.

Streets without curb shall be considered minor streets.

(2) Minor streets shall be a minimum of 18 feet in width.

(3) Dead-end streets shall be provided at the closed end with a reasonable turning area. All dead-end streets shall be marked with approved signs at the entrance.

(C) *Car parking.* Off-street parking areas shall be provided for the use of park occupants and guests. The areas shall be furnished at a rate of at least two car spaces for each manufactured home lot, of which at least one-half of the spaces may be in compounds. At least one space will be provided on driveway.

(D) *Required illumination of park street systems.* All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at the mounting heights as will provide average levels of illumination.

(E) *Street intersections.* Within 50 feet of an intersection, streets shall be at right angles.
(1986 Code, § 11.14(6))

§ 154.106 WALKS.

All manufactured home stands shall be provided with safe, convenient, all-season pedestrian access of adequate width for indented use.
(1986 Code, § 11.14(7))

§ 154.107 TREES.

A minimum of one tree per lot is required. In open area and park area, a minimum of 20 trees per acre is required.
(1986 Code, § 11.14(8))

§ 154.108 SKIRTS.

All manufactured homes shall have skirts around the entire manufactured home made of metal, plastic, fiberglass or comparable, noncombustible material approved by the Building Inspector and shall be painted to match the appropriate manufactured home so that it will enhance the general appearance thereof.
(1986 Code, § 11.14(9))

§ 154.109 WATER AND SEWAGE.

All manufactured homes shall be serviced by the city water system, or a water system approved by the city, and by the city sanitary sewer system.
(1986 Code, § 11.14(10))

§ 154.110 REFUSE HANDLING.

The storage, collection and disposal of refuse in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards or air pollution,

according to city regulations.
(1986 Code, § 11.14(11))

§ 154.111 FIRE PROTECTION.

(A) *Litter, rubbish and the like.* Manufactured home parks shall be kept free of litter, rubbish and other inflammable material and state license holder shall be held liable.

(B) *Fire extinguishers.* Portable fire extinguishers rated for Classes A, B and C fires shall be kept visible in service buildings and readily accessible for use by all of the occupants and shall be maintained in good operating condition. Their capacity shall not be less than ten pounds.

(C) *Fires.* Fires shall be made only in stoves, indoor approved incinerators and other equipment intended for such purposes.

(D) *Hydrants.* Fire hydrants shall be installed.

(1) The water supply system shall permit the operation of standard city fire hydrants.

(2) Fire hydrants shall be located within 300 feet of every manufactured home, service building or other structure in the park.
(1986 Code, § 11.14(12))

C-1 CENTRAL COMMERCIAL ZONING DISTRICT

§ 154.125 PURPOSE.

The C-1 District is intended to provide one or more areas for the grouping of general retail sales establishments, offices and services which offer convenient shopping facilities for residents of the city and the surrounding area. The C-1 District provisions and boundaries are established to promote compatible land use and relationships among diverse types of uses and encourage well-planned development or expansion. Only those uses which substantially interfere with the overall function of the general business area will be excluded.
(1986 Code, § 11.15(1))

§ 154.126 PERMITTED USES.

The following uses are permitted in this District:

(A) Apartment hotel;

(B) Art gallery;

(C) Association (clubs and lodges, private);

- (D) Athletic club;
- (E) Bait sales;
- (F) Baked goods, manufacturing, sales (small scale);
- (G) Bank, trust company, bonding company;
- (H) Bar, tavern, saloon;
- (I) Barber;
- (J) Beauty shop;
- (K) Billiard parlor;
- (L) Bowling alley;
- (M) Broadcasting studio;
- (N) Building materials, storage, sales;
- (O) Bus line depot;
- (P) Carpet and rug sales, storage, cleaning;
- (Q) Church, synagogue;
- (R) Clothing store, general, specialty;
- (S) Coin machines, rental, service;
- (T) Commercial school (beauty, dancing, music, business);
- (U) Credit union, loan company;
- (V) Curio and souvenir shop;
- (W) Department store;
- (X) Dry cleaning and laundry, pick up only;
- (Y) Electrical appliances, equipment, sales;
- (Z) Farmland (all types except livestock and poultry);
- (AA) Fire station;

- (BB) Floor materials;
- (CC) Florist, sales;
- (DD) Food products, sales;
- (EE) Funeral parlor, mortuary;
- (FF) Furniture store;
- (GG) Furs, sales;
- (HH) Gas, appliances, sales;
- (II) Gift shops;
- (JJ) Grocery store, retail;
- (KK) Hardware sales, repair;
- (LL) Hotel;
- (MM) Interior decorator, display, workshop, sales;
- (NN) Jeweler, sales, manufacturing;
- (OO) Key and lock shop;
- (PP) Knit goods, manufacturing and sales;
- (QQ) Laboratories;
- (RR) Laundries, self-service;
- (SS) Library;
- (TT) Liquor, off-sale storage;
- (UU) Meat and fish sales;
- (VV) Monuments, sales, display;
- (WW) Motel;
- (XX) Motion picture theater, non drive-in;
- (YY) Museum, historical display, information center;

- (ZZ) Park, playground, public (no overnight camping);
- (AAA) Pet shop (sales only);
- (BBB) Pharmacy;
- (CCC) Phonograph and record store;
- (DDD) Plumbing fixtures and supplies, sales, shops;
- (EEE) Police station;
- (FFF) Post office;
- (GGG) Printing service, lithograph, photo engraving;
- (HHH) Professional office, doctors, lawyers and the like;
 - (III) Public or private school;
- (JJJ) Restaurants, cafes, supper clubs;
- (KKK) Retail store, general, specialty;
- (LLL) Sauna, steam bath, commercial;
- (MMM) Schools, commercial;
- (NNN) Shopping center (planned unit development);
- (OOO) Signs, on-site;
- (PPP) Sporting goods, sales;
- (QQQ) Tailor;
- (RRR) Taxidermist;
- (SSS) Trailer (mobile homes) sales.
(1986 Code, § 11.15(2))

§ 154.127 CONDITIONAL USES.

The following uses are conditional in this District:

- (A) Ambulance garage and office;

- (B) Apartment;
 - (C) Auditorium, assembly hall;
 - (D) Automobile and truck sales, parts, repair;
 - (E) Baked goods, manufacturing, sales (large scale);
 - (F) Bicycle and motorcycle sales and repair;
 - (G) Carpentry and cabinet shop, power woodworking;
 - (H) Child care center, play school;
 - (I) Clinic, medical;
 - (J) Cold storage, locker plant;
 - (K) Community center, town hall;
 - (L) Dairy products, sales, distribution;
 - (M) Dance hall;
 - (N) Drive-in restaurant;
 - (O) Dwelling, multiple family;
 - (P) Garage, equipment, sales;
 - (Q) Gasoline or filling station;
 - (R) Hospitals, public, private;
 - (S) Ice skating rink;
 - (T) Public utilities and storage area;
 - (U) Roller skating rink;
 - (V) Signs, off-site;
 - (W) Utility structure, substation;
 - (X) Animal hospital/veterinarian (small animals).
- (1986 Code, § 11.15(3)) (Am. Ord. 124, 2nd Series, passed 10-17-00)

§ 154.128 ACCESSORY USES.

The following are accessory uses in this District:

(A) Any accessory use, building or structure customarily incidental to a principal use permitted or allowed and located on the same lot;

(B) Apartments incorporated with general business uses on floors other than the ground floor. Parking requirements shall conform to the residential requirements.
(1986 Code, § 11.15(4))

§ 154.129 DIMENSIONAL AND AREA REQUIREMENTS.

(A) *Yard (minimum) - not applicable.*

(B) *Lot (minimum) - not applicable.*

(C) *Building.*

(1) Minimum floor area: not applicable.

(2) Maximum coverage: 100% of the lot area.

(3) Maximum height: 3 stories or 45 feet, whichever is the lesser.

(1986 Code, § 11.15(5))

C-2 OUTLYING COMMERCIAL ZONING DISTRICT

§ 154.140 PURPOSE.

The C-2 District is intended to establish suitable areas within the city for the location and expansion of business operations providing retail goods and services to the motoring public. Uses would be primarily in convenient shopping areas with a means of safe access and exit to abutting roads and highways.
(1986 Code, § 11.16(1))

§ 154.141 PERMITTED USES.

The following uses are permitted in this District:

(A) Agricultural implements service and sales;

(B) Ambulance garage and office;

(C) Art gallery;

(D) Association (clubs and lodges, private);

- (E) Automobile and truck sales, parts, repair;
- (F) Bait sales;
- (G) Baked goods, manufacturing, sales (small scale);
- (H) Bank, trust company, bonding company;
- (I) Bar, tavern, saloon;
- (J) Barber;
- (K) Beauty shop;
- (L) Bicycle and motorcycle sales and repair;
- (M) Billiard parlor;
- (N) Bowling alley;
- (O) Broadcasting studio;
- (P) Building materials, storage, sales;
- (Q) Bus line depot;
- (R) Church, synagogue;
- (S) Clothing store, general, specialty;
- (T) Coin machines, rental, service;
- (U) Credit union, loan company;
- (V) Curio and souvenir shop;
- (W) Drive-in restaurant;
- (X) Dry cleaning and laundry, pick up only;
- (Y) Electrical appliances, equipment, sales;
- (Z) Farmland (all types except livestock and poultry);
- (AA) Farm implement dealer, distribution, repair, sales;
- (BB) Fire station;

- (CC) Floor materials;
- (DD) Florist, greenhouse, nursery;
- (EE) Florist, sales;
- (FF) Food products, sales;
- (GG) Funeral parlor, mortuary;
- (HH) Furniture store;
- (II) Furs, sales;
- (JJ) Garage, equipment, sales;
- (KK) Gas, appliances, sales;
- (LL) Gasoline or filling station;
- (MM) Gift shops;
- (NN) Grocery store, retail;
- (OO) Hardware sales, repair;
- (PP) Hotel;
- (QQ) Interior decorator, display, workshop, sales;
- (RR) Jewelry, sales, manufacturing;
- (SS) Key and lock shop;
- (TT) Knit goods, manufacturing and sales;
- (UU) Laboratories;
- (VV) Laundries, self-service;
- (WW) Library;
- (XX) Liquor, off-sale storage;
- (YY) Meat and fish sales;
- (ZZ) Monuments, sales, display;

- (AAA) Motel;
- (BBB) Motion picture theater, non drive-in;
- (CCC) Museum, historical display, information center;
- (DDD) Park, playground, public (no overnight camping);
- (EEE) Pet shop (sales only);
- (FFF) Pharmacy;
- (GGG) Plumbing fixtures and supplies, sales, shops;
- (HHH) Police station;
 - (III) Post office;
 - (JJJ) Printing service, lithograph, photo engraving;
- (KKK) Professional office, doctors, lawyers and the like;
- (LLL) Public or private school;
- (MMM) Restaurants, cafes, supper clubs;
- (NNN) Retail store, general, specialty;
- (OOO) Roadside sales stand;
- (PPP) Sauna, steam bath, commercial;
- (QQQ) Schools, commercial;
- (RRR) Shopping center (planned unit development);
 - (SSS) Signs, on-site;
 - (TTT) Sporting goods, sales;
- (UUU) Swimming pool, public, private;
- (VVV) Tailor;
- (WWW) Taxidermist;
- (XXX) Trailer (mobile homes) sales.

(1986 Code, § 11.16(2))

§ 154.142 CONDITIONAL USES.

The following uses are conditional in this District:

- (A) Amusement park;
- (B) Animal hospital, veterinarian;
- (C) Apartment;
- (D) Armory;
- (E) Athletic club;
- (F) Baked goods, manufacturing, sales (large scale);
- (G) Beverages, wholesale and storage;
- (H) Boat manufacturing, storage;
- (I) Broadcasting station;
- (J) Carpet and rug sales, storage, cleaning;
- (K) Clinic, medical;
- (L) Cold storage, locker plant;
- (M) Commercial school (beauty, dancing, music, business);
- (N) Community center, town hall;
- (O) Dairy products, manufacturing, sales, distribution;
- (P) Dance hall;
- (Q) Department store;
- (R) Drive-in theater;
- (S) Driving range, miniature golf;
- (T) Dry cleaning and laundry, processing;
- (U) Dwelling, multiple family;

- (V) Food products, warehouses;
- (W) Freight depot, office, wholesaling;
- (X) Furs, manufacturing, assembly;
- (Y) Grocery store, wholesale, warehousing;
- (Z) Hospitals, public, private;
- (AA) Ice, manufacturing, sales;
- (BB) Iron or woodworking;
- (CC) Kennel;
- (DD) Lumber yard, storage, sales;
- (EE) Public utilities and storage area;
- (FF) Roller skating rink;
- (GG) Signs, off-site;
- (HH) Sporting goods, manufacturing;
- (II) Utility structure, substation;
- (JJ) Welding shop, service, storage;
- (KK) Wood, storage, sales;
- (LL) Recreational vehicle park.
(1986 Code, § 11.16(3)) (Am. Ord. 115, 2nd Series, passed 4-5-99)

§ 154.143 ACCESSORY USES.

The following are accessory uses in this District:

- (A) Any accessory use, building or structure customarily incidental to a principal use permitted or allowed and located on the same lot;
- (B) Apartments incorporated with general business uses on floors other than the ground floor.
(1986 Code, § 11.16(4))

§ 154.144 DIMENSIONAL AND AREA REQUIREMENTS.

(A) *Yard (minimum).*

- (1) Side: 8 feet.
- (2) Corner side: 15 feet.
- (3) Rear: 35 feet.
- (4) Front (setback): 25 feet.

(B) *Lot (minimum) - not applicable.*

(C) *Building.*

- (1) Minimum floor area: not applicable.
- (2) Maximum coverage: 50%.
- (3) Maximum height: 2 stories or 35 feet, whichever is the lesser.
(1986 Code, § 11.16(5))

I-M INDUSTRIAL AND MANUFACTURING ZONING DISTRICT

§ 154.155 PURPOSE.

It is the purpose of the I-M District to create industrial and manufacturing areas to accommodate a wide variety of establishments which may operate to their maximum advantage without adversely affecting other uses.

(1986 Code, § 11.17(1))

§ 154.156 PERMITTED USES.

The following uses are permitted in this District:

- (A) Acoustical materials, manufacturing, storage;
- (B) Advertising display manufacturing;
- (C) Agricultural implements service and sales;
- (D) Armory;
- (E) Automobile and truck sales, parts, repair;

- (F) Baked goods, manufacturing, sales (large scale);
- (G) Beverages, wholesale and storage;
- (H) Bicycle and motorcycle sales and repair;
- (I) Boat manufacturing, storage;
- (J) Building contractor equipment and material storage;
- (K) Building materials, storage, sales;
- (L) Carpentry and cabinet shop, power woodworking;
- (M) Carpet and rug sales, storage, cleaning;
- (N) Coin machines, rental, service;
- (O) Cold storage, locker plant;
- (P) Contractor (general) equipment and storage yard;
- (Q) Dairy products, manufacturing, sales, distribution;
- (R) Dry cleaning and laundry, pick up only;
- (S) Dry cleaning and laundry, processing;
- (T) Egg processing, distribution;
- (U) Electrical appliances, equipment, sales;
- (V) Electric light and power company yards;
- (W) Farmland (all types except livestock and poultry);
- (X) Farm implement dealer, distribution, repair, sales;
- (Y) Fire station;
- (Z) Fish or meat, wholesale, curing, storage;
- (AA) Food products, sales;
- (BB) Food products, warehouses;
- (CC) Freight depot, office, wholesaling;

- (DD) Garage, equipment, sales;
- (EE) Gasoline or filling station;
- (FF) Grocery store, retail;
- (GG) Grocery store, wholesale, warehousing.
- (HH) Hardware sales, repair;
- (II) Ice, manufacturing, sales;
- (JJ) Insulation materials, storage;
- (KK) Interior decorator, display, workshop, sales;
- (LL) Iron or woodworking.
- (MM) Industrial park (planned unit development);
- (NN) Knit goods, manufacturing and sales;
- (OO) Laboratories;
- (PP) Lumber yard, storage, sales;
- (QQ) Machine shop;
- (RR) Meat and fish sales;
- (SS) Metal fabrication, processing;
- (TT) Mining equipment, storage;
- (UU) Mining operations; gravel, quarries, crushing;
- (VV) Plumbing fixtures and supplies, sales, shops;
- (WW) Printing service, lithograph, photo engraving;
- (XX) Public utilities and storage area;
- (YY) Radio broadcasting tower;
- (ZZ) Signs, on-site;

- (AAA) Sporting goods, manufacturing;
 - (BBB) Storage warehouse, unclassified;
 - (CCC) Storage yard, bulk material, equipment;
 - (DDD) Taxidermist;
 - (EEE) Tire repairing, equipment and supplies;
 - (FFF) Trailer (mobile homes) sales;
 - (GGG) Utility structure, substation;
 - (HHH) Warehouse, all types;
 - (III) Welding shop, service, storage;
 - (JJJ) Wood, storage, sales.
- (1986 Code, § 11.17(2))

§ 154.157 CONDITIONAL USES.

The following uses are conditional in this District:

- (A) Ambulance garage and office;
- (B) Animal hospital, veterinarian;
- (C) Asphalt and asphalt products processing, storage;
- (D) Automobile and truck salvage and scrap yard;
- (E) Body shop;
- (F) Bottled gas, storage and distribution;
- (G) Cement and concrete products, manufacturing, sales, storage;
- (H) Coal and coke storage yards;
- (I) Disposal plant, sewage;
- (J) Dog pound;
- (K) Farmland (all types including livestock and game farm);
- (L) Floor materials;

- (M) Florist, greenhouse, nursery;
 - (N) Florist, sales;
 - (O) Fuel storage, distribution;
 - (P) Furs, sales;
 - (Q) Gasoline, bulk storage;
 - (R) Junk or salvage yard;
 - (S) Kennel;
 - (T) Lighting and power plants;
 - (U) Meat packers;
 - (V) Museum, historical display, information center;
 - (W) Paper and wood products manufacturing, storage;
 - (X) Paving materials, storage;
 - (Y) Poultry, product processing;
 - (Z) Railroad, service and repair;
 - (AA) Reservoirs, water tower;
 - (BB) Sawmill, portable;
 - (CC) Salvage yards, storage, sales;
 - (DD) Seed and grain handling;
 - (EE) Shopping center (planned unit development);
 - (FF) Signs, off-site.
- (1986 Code, § 11.17(3))
§ 154.158 ACCESSORY USES.

The following are accessory uses in this District:

- (A) Any use, building or structure customarily incidental to a principal use permitted or allowed and located on the same lot therewith;

(B) Specialized freight and yard equipment, private utility structures, secondary processing structures and other similar specialized structures.

(1986 Code, § 11.17(4))

§ 154.159 DIMENSIONAL AND AREA REQUIREMENTS.

(A) *Yard (minimum).*

- | | |
|----------------------|-----------------|
| (1) Side: | not applicable. |
| (2) Corner side: | 15 feet. |
| (3) Rear: | 15 feet. |
| (4) Front (setback): | 35 feet. |

(B) *Lot (minimum).*

- | | |
|------------|---------------------|
| (1) Width: | 75 feet. |
| (2) Area: | 10,000 square feet. |

(C) *Building.*

- | | |
|-------------------------|----------------------|
| (1) Minimum floor area: | not applicable. |
| (2) Maximum coverage: | 50% of the lot area. |
| (3) Maximum height: | not applicable. |

(1986 Code, § 11.17(5))

§ 154.160 SPECIAL DISTRICT PROVISIONS.

(A) *Landscaping.* All open areas of any site, lot, tract or parcel shall be graded to provide proper drainage and except for areas used for parking, drives or storage shall be landscaped with trees, shrubs or planted ground cover. It shall be the owner's responsibility to see that this landscaping is maintained in an attractive and well-kept condition. All adjacent vacant lots, tracts or parcels under the same ownership shall also be properly maintained.

(B) *Storage.* All raw materials, supplies, finished or semi-finished products and equipment shall be stored in an orderly manner on the premises.

(1986 Code, § 11.17(6))

P-1 LIGHT PUBLIC ZONING DISTRICT**§ 154.175 PURPOSE.**

The P-1 District is for the purpose of providing certain uses which are generally open to the public or segments of the public and not as extensive as those uses in the P-2 District.
(1986 Code, § 11.18(1))

§ 154.176 PERMITTED USES.

The following uses are permitted in this District:

- (A) Athletic field;
- (B) Auditorium, assembly hall;
- (C) Cemetery;
- (D) Clinic, medical;
- (E) College, public;
- (F) Community center, town hall;
- (G) Dormitory building (institutional);
- (H) Fairground;
- (I) Farmland (all types except livestock and poultry);
- (J) Fire station;
- (K) Hospitals, public, private;
- (L) Housing, public project;
- (M) Ice skating rink;
- (N) Jail;
- (O) Library;
- (P) Museum, historical display, information center;
- (Q) Park, playground, public (no overnight camping);
- (R) Police station;

- (S) Post office;
- (T) Public or private school;
- (U) Public campground;
- (V) Radio broadcasting tower;
- (W) Reservoirs, water tower;
- (X) Roller skating rink;
- (Y) Swimming pool, public, private;

(Z) Utility structure, substation.
(1986 Code, § 11.18(2))

§ 154.177 CONDITIONAL USES.

The following uses are conditional in this District:

- (A) Disposal plant, sewage;
- (B) Gravel pit;
- (C) Public utilities and storage area.
(1986 Code, § 11.18(3))

§ 154.178 DIMENSIONAL AND AREA REQUIREMENTS.

(A) *Yard (minimum).*

- | | |
|----------------------|----------|
| (1) Side: | 25 feet. |
| (2) Corner side: | 25 feet. |
| (3) Rear: | 25 feet. |
| (4) Front (setback): | 25 feet. |

(B) *Lot (minimum) - not applicable.*

(C) *Building.*

- | | |
|-------------------------|-----------------|
| (1) Minimum floor area: | not applicable. |
|-------------------------|-----------------|

(2) Maximum coverage: not applicable.

(3) Maximum height: not applicable.
(1986 Code, § 11.18(4))

P-2 HEAVY PUBLIC ZONING DISTRICT

§ 154.190 PURPOSE.

The P-2 District is for uses by the public or segments of the public and more extensive than those in the P-1 District.

(1986 Code, § 11.19(1))

§ 154.191 PERMITTED USES.

The following uses are permitted in this District:

- (A) Armory;
- (B) Athletic field;
- (C) Auditorium, assembly hall;
- (D) Cemetery;
- (E) Clinic, medical;
- (F) College, public;
- (G) Community center, town hall;
- (H) Disposal plant, sewage;
- (I) Farmland (all types except livestock and poultry);
- (J) Fire station;
- (K) Fish hatchery;
- (L) Hospitals, public, private;
- (M) Ice skating rink;
- (N) Jail;
- (O) Library;

- (P) Lighting and power plants;
- (Q) Museum, historical display, information center;
- (R) Park, playground, public (no overnight camping);
- (S) Police station;
- (T) Post office;
- (U) Public or private school;
- (V) Public campground;
- (W) Public utilities and storage area;
- (X) Radio broadcasting tower;
- (Y) Reservoirs, water tower;
- (Z) Swimming pool, public, private;

(AA) Utility structure, substation.
(1986 Code, § 11.19(2))

§ 154.192 CONDITIONAL USES.

The following uses are conditional in this District:

- (A) Dump, ash, garbage, offal and the like;
- (B) Electric light and power company yards;
- (C) Sawmill, portable;

(D) Gravel pit.
(1986 Code, § 11.19(3))

§ 154.193 DIMENSIONAL AND AREA REQUIREMENTS.

(A) *Yard (minimum).*

- (1) Side: 25 feet.
- (2) Corner side: 25 feet.

(3) Rear: 25 feet.

(4) Front (setback): 25 feet.

(B) *Lot (minimum) - not applicable.*

(C) *Building.*

(1) Minimum floor area: not applicable.

(2) Maximum coverage: not applicable.

(3) Maximum height: not applicable.
(1986 Code, § 11.19(4))

O OPEN ZONING DISTRICT

§ 154.205 PERMITTED USES.

The following uses are permitted in this District:

(A) Athletic field;

(B) Ice skating rink;

(C) Park, playground, public (no overnight camping);

(D) Public campground.

(1986 Code, § 11.20(1))

§ 154.206 CONDITIONAL USES.

The following uses are conditional in this District:

(A) Airplane hangar;

(B) Amusement park;

(C) Armory;

(D) Auditorium, assembly hall;

(E) Contractor (general) equipment and storage yard;

(F) Dog pound;

- (G) Drive-in theater;
 - (H) Driving range, miniature golf;
 - (I) Dump, ash, garbage, offal and the like;
 - (J) Electric light and power company yards;
 - (K) Fairground;
 - (L) Farmland (all types including livestock and game farm);
 - (M) Fire station;
 - (N) Florist, sales;
 - (O) Fuel storage, distribution;
 - (P) Gasoline, bulk storage;
 - (Q) Kennel;
 - (R) Lighting and power plants;
 - (S) Mining equipment, storage;
 - (T) Public utilities and storage area;
 - (U) Reservoirs, water tower;
 - (V) Roadside sales stand;
 - (W) Sawmill, portable;
 - (X) Utility structure, substation.
- (1986 Code, § 11.20(2))

SIGNS

§154.220 – PURPOSE AND DEFINITIONS

Section 1. Findings, purpose and effect

a. Findings. The city council hereby finds as follows:

1. Exterior signs have a substantial impact on the character and quality of the environment.

2. Signs provide an important medium through which individuals may convey a variety of messages.

3. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.

4. The city's zoning regulations have included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the city has had a positive impact on traffic safety and the appearance of the community.

b. Purpose and intent. It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this article to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this article is to:

1. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.

2. Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.

3. Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goals of public safety and aesthetics.

4. Provide for fair and consistent enforcement of the sign regulations set for herein under the zoning authority of the city.

c. Effect. A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of these regulations. The effect of this sign ordinance, as more specifically set forth herein, is to:

1. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this sign ordinance.

2. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.

3. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.

4. Provide for the enforcement of the provisions of this sign ordinance.

Section 2. Severability

If any section, subsection, sentence, clause, or phrase of this Sign Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Sign Ordinance. The City Council hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. Definitions

The following words and terms, when used in this Sign Ordinance, shall have the following meanings, unless the context clearly indicates otherwise:

Abandoned sign - any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

Awning - a roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an awning.

Awning sign - a building sign or graphic printed on or in some fashion attached directly to the awning material.

Balloon sign - a sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than twenty-four (24) inches in diameter.

Building - any structure used or intended for supporting or sheltering any use or occupancy.

Building sign - any sign attached or supported by any structure used or intended for supporting or sheltering any use or occupancy.

Cabinet sign - any wall sign that is not of channel or individually mounted letter construction.

Canopy - a roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.

Canopy sign - any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee and is different from service area canopy signs.

Changeable copy sign - a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Changeable copy signs do not include signs upon which characters, letters or illustrations change or rearrange only once in a 24-hour period.

Commercial Speech – speech advertising a business, profession, commodity, service or entertainment.

Elevation - the view of the side, front, or rear of a given structure(s).

Elevation area - the area of all walls that face any lot line.

Erect - activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.

Flag - any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Flashing sign - a directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling.

Freestanding sign - any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Frontage - the line of contact of a property with the public right-of-way.

Grade - grade shall be construed to be the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.

Ground sign - any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding eight (8) feet.

Height of sign - the height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

Hotel, motel, motor hotel - any building or combination of buildings contained six or more rooms used for sleeping purposes by guest on a transient basis.

Illuminated sign - any sign which contains an element designed to emanate artificial light internally or externally.

Interior sign - a sign which is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court or entrance of any theater.

Issuing Authority - the City of Roseau Building Official

Legally established nonconforming sign - any sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this ordinance and which does not comply with this ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

Marquee - any permanent roof-like structure projecting beyond a theater building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

Marquee sign - any building sign painted, mounted, constructed or attached in any manner, on a marquee.

Monument sign - any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a height exceeding eight (8) feet.

Multiple tenant site - any site which has more than one (1) tenant, and each tenant has a separate ground level exterior public entrance.

Non-commercial speech – dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Off-premise sign – a commercial speech sign which directs the attention of the public to a business activity conducted, or product sold or offered at a location not on the same premises where such business sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such a platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

On-premise message – identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

Parapet (wall) – that portion of a building wall that rises above the roof level.

Pole sign – see Pylon Sign.

Portable sign – any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.

Porte cochere – a roofed structure or roof-like cover, extending from the entrance of a building and which provides shelter over a doorway.

Principal building - the building in which the principal primary use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Projecting sign - any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface or such building or wall face.

Property owner - legal owner of property as officially recorded by Roseau County.

Public notices - official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents.

Public street right-of-way - the planned right-of-way for a public street.

Pylon sign - any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

Residential district - any district zoned for residential uses.

Roof - the exterior surface and its supporting structure on the top of a building or structure. The structural make-up of which conforms to the roof structures, roof construction and roof covering sections of the Uniform Building Code.

Roof line - the upper-most edge of the roof or in the case of an extended facade or parapet, the upper-most height of said facade.

Roof sign - any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Roof sign, integral - any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Rotating sign - a sign or portion of a sign which turns about on an axis.

Setback, front - the minimum horizontal distance permitted between the public right-of-way and a structure on the premises. In instances in which a property fronts on more than one (1) street, front setbacks are required on all street frontages.

Setback, rear - the minimum horizontal distance permitted between the property line opposite the principal street frontage and a structure on the premises.

Setback, side - the minimum horizontal distance permitted between the side lot line and a structure on the premises.

Shimmering signs - a sign which reflects an oscillating sometimes distorted visual image.

Sign - any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed

or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

Sign face - the surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign structure - any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Site - a plot or parcel of land, or combination of contiguous lots or parcels of land, which are intended, designated, and/or approved to function as an integrated unit.

Stringer - a line of string, rope, cording, or an equivalent to which is attached a number of pennants.

Suspended sign - any building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface.

Total site signage - the maximum permitted combined area of all freestanding and wall identification signs allowed on a specific property.

Visible - capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

Wall - any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of sixty (60) degrees or greater with the horizontal plane.

Wall sign - any building sign attached parallel to, but within two (2) feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

Window sign - any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

§154.221- ADMINISTRATION AND ENFORCEMENT

Section 1. Permit Required

No sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the city. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

Application for a permit shall be in writing addressed to the issuing authority and shall contain the following information:

- a. names and addresses of the owners of the display structure and property;
- b. the address at which any signs are to be erected;
- c. the lot, block and addition at which the signs are to be erected and the street on which they are to front;

- d. a complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and place of the signs;
- e. type of sign (i.e. wall sign, monument sign, etc.);
- f. certification by applicant indicating the application complies with all requirements of the sign ordinance; and
- g. if the proposed sign is along state trunk highway , the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign.

The issuing authority shall approve or deny the sign permit in an expedited manner no more than 60 days from the receipt of the complete application, including applicable fee. All permits not approved or denied within 60 days shall be deemed approved. If the permit is denied, the issuing authority shall prepare a written notice of within 10 days its decision, describing the applicant's appeal rights under this ordinance, and send it by certified mail, return receipt requested, to the applicant.

Section 2. Exemptions

The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.

- a. The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on a building.
- b. Signs six (6) square feet or less in size.

Section 3. Fees

Sign permit fees are set by the Roseau City Council annually.

Section 4. Repairs

Any sign located in the city which may now be or hereafter become out of order, rotten or unsafe, and every sign which shall hereafter be erected, altered, resurfaced, reconstructed or moved contrary to the provisions of this section, shall be removed or otherwise properly secured in accordance with the terms of this section by the owners thereof or by the owners of the grounds on which said sign shall stand, upon receipt of proper notice so to do, given by the issuing authority. No rotten or other unsafe sign shall be repaired or rebuilt except in accordance with the provisions of this section and upon a permit issued by the issuing authority.

Section 5. Removal

In the event of the failure of the owner or person, company or corporation having control of any sign, or the owner of the ground on which the sign is located, to remove or repair said sign within 60 days after the use is terminated, a notice shall be given pursuant to this ordinance and the sign may be removed by the city at the expense of the owner or manager of the sign, or the owner of the ground upon which the sign stands.

Section 6. Violations

Violation of this section is a misdemeanor. Each day that the violation continues is a separate offense.

§154.222- GENERAL PROVISIONS**Section 1. Size**

No sign shall exceed 250 square feet in area.

Section 2. Regulations

Subd. 1. General. Except as hereinafter provided, no signs shall be erected or maintained at any angle to a building or structure which sign extends or projects over the sidewalk, street or highway. No sign which is erected or maintained flat against any building or structure shall extend or project more than fifteen inches over the sidewalk, street or highway.

Subd. 2. Exceptions. The provisions of this subsection do not prohibit:

- a. the erection and maintenance of signs, either illuminated or unilluminated, which are on the sides of a marquee which is firmly attached to and a part of a theatre or other building, providing such signs are an integral part of the marquee and do not project above or below the marquee; or
- b. the erection and maintenance of signs, not illuminated, which are attached to the marquee and which do not project more than 16 inches above the marquee.

Section 3. Below Marquee

No sign, either illuminated or non-illuminated, may project below a marquee.

Section 4. Electrical Signs

Electrical signs must be installed in accordance with the current electrical code and a separate permit from the building official must be obtained prior to placement.

Section 5. Unauthorized signs

The following signs are unauthorized signs:

- a. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

- b. All off-premise signs.
- c. Signs painted, attached or in any other manner affixed to trees, rocks, or similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures.
- d. Banners or portable signs in place for longer than fourteen (14) consecutive days.

Section 6. Setbacks

Subd. 1. Yards. Signs shall conform to building yard regulations for the zoning district in which the signs are located except as otherwise specified in this section.

	C-1	C-2	I-M	F-R	Public	Residential
Front Yard	0'	10'	10'	10'	5'	5'
Side Yard	0'	10'	10'	10'	5'	5'
Rear Yard	0'	10'	10'	10'	5'	5'
Rear Yard – abutting Residential District 20’ (C-1, C-2, I-M, F-R, Public)						

Section 7. Area

The area within the frame shall be used to calculate the square footage except that the width of a frame exceeding 12 inches shall constitute sign face, and if such letters or graphics be mounted directly on a wall or fascia or in such way as to be without a frame the dimensions for calculating the square footage shall be the area extending six inches beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Each surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage. Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign and are included in calculating the overall square footage.

Section 8. Canopies, marquees and fixed awnings

Canopies, marquees and fixed awnings are an integral part of the structure to which they are attached. They are allowed in the Business and Industrial Districts if they meet following requirements and the applicable square footage requirements.

- a. an awning, canopy or marquee may not project into the public right-of-way nearer than 30 inches to the street curb or curb line;
- b. awnings, canopies or marquees may have no part of the structure other than supports nearer the ground surface than eight feet;
- c. the architectural style of the awning, canopy or marquee may be consistent with the building being served;
- d. awnings, canopy or marquees projecting into the required yards may not be enclosed except with a transparent material permitting through vision.

Section 9. Illumination

External illumination for signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property.

Section 10. Height

The top of a sign, including its superstructure, if any, shall be no higher than the roof of the building to which such sign may be attached or 35 feet above ground level, whichever height is less; except that the height of any changeable sign which is attached to or an integral part of a functional structure, such as a water tower, smoke stack, radio or TV transmitting tower, beacon or similar structure shall be no higher than such structure. Signs, including any superstructure standing or erected free of any building or other structure, shall not exceed an overall height of 35 feet from ground level and shall be located on land in an area which is landscaped or if such land is part of an approved parking area, it shall be surfaced or paved as required in the zoning code.

Section 11. Retroactive affect

This sign ordinance shall apply to all sign applications applied for and/or pending prior to its enactment.

Section 12. Non-commercial speech

Notwithstanding any other provisions of this sign ordinance, all signs of any size containing Non-Commercial Speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election.

§154.223 - SPECIFIC REGULATIONS BY ZONING DISTRICT

Section 1. Permitted signs by district

Subd. 1 Residential Districts

a. Within residential zoning districts, signs are permitted as follows:

<u>District</u>	<u>Maximum sign area of single sign</u>	<u>Total area of all signs</u>
F-R	12 square feet per surface	24 square feet
R-1, R-2	8 square feet per surface	16 square feet
R-3, R-4, R-5	12 square feet per surface	24 square feet

b. The following types of signs are not permitted in residential zoning districts:

1. Awning signs;
2. Balloon signs;
3. Canopy signs;

- 4. Flashing signs;
- 5. Marquee signs;
- 6. Pole signs;
- 7. Pylon signs; and
- 8. Shimmering signs.

Subd. 2 Business Districts

a. Within business zoning districts, signs are permitted as follows:

<u>District</u>	<u>Maximum sign area of single sign</u>	<u>Total area of all signs</u>
C-1	60 square feet	2.5 square feet per front foot of building abutting a public right-of-way 25 feet or more in width. Not to exceed 120 SF.
C-2	150 square feet	3 square feet per front foot of lot (narrowest footage on a corner lot) abutting public right-of-way 50 feet or more in width. Not to exceed 275 SF.

Subd. 3 Industrial and Public Districts

a. Within industrial and public zoning districts, signs are permitted as follows:

<u>District</u>	<u>Maximum sign area of single sign</u>	<u>Total area of all signs</u>
I-M	250 square feet	4 square feet per front foot of Lot plus 1 square foot per foot of side yard abutting a public right-of-way of 50 feet or more. Least width of frontage shall be considered front yard. Not to exceed 350 SF.
P-1, P-2	150 square feet	3 square feet per front foot of lot (narrowest footage on a corner lot) abutting public right-of-way 50 feet or more in width. Not to exceed 275 SF.

Section 2. Permitted signs: Multi-Tenant Buildings

Subd. 1. Multi-tenant signs. Each tenant in a multi-tenant building may have a flat wall sign, not extending more than 18 inches from the face of the building. The aggregate area of such signs shall not exceed 10% of the area of the wall to which they are attached, and no individual sign shall exceed the maximum sign area of a single sign for the applicable zoning district as outlined in this ordinance.

Subd. 2. Multi-tenant monument signs. One monument sign shall be permitted for each multi-tenant building provided the surface area of the sign does not exceed the 100 square feet per side, 15 feet in height, and is setback in no case less than 20 feet from the property lines. The area may be increased to a maximum of 150 square feet per side for developments with over 750 lineal feet of frontage in C-2 and I-M zoning districts.

§154.224 NON-CONFORMING USES

Non-conforming signs: compliance.

It is recognized that signs exist within the zoning districts which were lawful before this sign ordinance was enacted, which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. It is the intent of this sign ordinance that nonconforming signs shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this sign ordinance to permit legal nonconforming signs existing on the effective date of this sign ordinance, or amendments thereto, to continue as legal nonconforming signs provided such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed subject to the following provisions:

- a. No sign shall be enlarged or altered in a way which increases its nonconformity.
- b. Should such sign or sign structure be destroyed by any means to an extent greater than fifty (50) percent of its replacement cost and no building permit has been applied for within 180 days of when the property was damaged, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- c. Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
- d. No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, extended or moved except in changing the sign to a sign permitted in the zoning district in which it is located.
- e. When a structure loses its nonconforming status all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color which will harmonize with the structure.

§154.225 NONCOMMERCIAL SPEECH

Substitution Clause

The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

OFF-STREET PARKING AND LOADING FACILITIES

§ 154.240 MINIMUM SIZE REGULATIONS.

Each space shall contain a minimum area of not less than 300 square feet, including access drives, a width of not less than 8-1/2 feet and a depth of not less than 20 feet. Each space shall be adequately served by access drives. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles it is designed to serve. The minimum dimensions allowable for a loading space or truck berth shall be 12 feet in width and 65 feet in depth. (1986 Code, § 11.31(1))

§ 154.241 REDUCTION AND USE OF PARKING AND LOADING SPACE.

Off-street parking facilities existing at the effective date of this chapter shall not subsequently be reduced to an amount less than that required under this chapter for a similar new building or use. Off-street parking facilities provided to comply with the provisions of this chapter shall not subsequently be reduced below the requirements of this chapter. The required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent. (1986 Code, § 11.31(2))

§ 154.242 COMPUTING REQUIREMENTS.

In computing the number of the parking spaces required, the following rules shall govern:

(A) Floor space shall mean the gross floor area of the specific use;

(B) Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number;

(C) For uses not specifically listed in this chapter, uses for which a specific number of spaces have not been defined or for joint parking facilities serving two or more different uses, the Zoning Board of Appeals and Adjustments shall determine the number of spaces to be required by utilizing the requirements of the most similar use listed in the Appendix. Issuance of building permits for the above situations shall be subject to approval of all site plans.

(1986 Code, § 11.31(3))

§ 154.243 YARDS.

Off-street parking and loading facilities shall be exempt from the front yard and rear yard regulations for the use district in which the parking is located, except that:

(A) In any of the residence districts, no parking space shall be located within five feet of any front or rear property line, unless enclosed as an accessory use;

(B) In the I-M District, no parking or loading space shall be located in any front yard or in any side yard or rear yard that abuts any of the classes of residence districts, and in no instance shall parking or loading space be located within five feet of a side or rear property line, except for railroad loading areas or except in the case of parking space which abuts parking space on the adjoining property in which case no setback shall be required;

(C) Placement of loading docks and berths shall be limited to side and rear yards, except that where a dock or berth is so designed as to be fully enclosed and incorporated within a principal structure, including any vehicle being loaded or unloaded, the dock or berth may be placed in a front area.

(1986 Code, § 11.31(4))

§ 154.244 BUFFER FENCES AND PLANTING SCREENS.

Off-street parking and loading areas near or adjoining residence districts shall be screened by a buffer fence of adequate design or a planting buffer screen. Plans of the screen or fence shall be submitted for approval as a part of the required site or plot plan, and the fence or landscaping shall be installed as part of the initial construction prior to issuance of a certificate of zoning compliance.

(1986 Code, § 11.31(5))

§ 154.245 ACCESS.

(A) Parking and loading space shall have access from a public right-of-way.

(B) The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazard, and no driveway in the R-3 District and all C-1 and I-M Districts shall be closer

than 50 feet from any right-of-way line of a street intersection. In R-1 and R-2 Districts and the C-2 District, the minimum distance shall be 20 feet.

(C) In R-3 and I-M Districts, direct access from parking areas for more than eight vehicles shall be provided to a street.
(1986 Code, § 11.31(6))

§ 154.246 LOCATION OF PARKING FACILITIES.

Required off-street parking space shall be provided on the same lot or lots as the principal building or use is located.
(1986 Code, § 11.31(7))

§ 154.247 TRUCK OR BUS PARKING IN RESIDENCE DISTRICTS.

Off-street unenclosed parking of trucks or buses with a gross weight of over 4.5 tons, except for deliveries and unloading, in all residence districts shall be prohibited.
(1986 Code, § 11.31(8))

§ 154.248 COMBINED FACILITIES.

Combined or joint parking facilities may be provided for one or more buildings or uses, provided that the total number of spaces shall be determined as provided in § 154.242.
(1986 Code, § 11.31(9))

§ 154.249 CONSTRUCTION AND MAINTENANCE.

(A) In the R-3 District and all Commercial and the I-M Districts, parking areas and access drives shall be covered with a dust-free all-weather surface with proper surface drainage.

(B) The operator of the principal building or use shall maintain parking and loading areas, access drives and yard areas in a neat manner.
(1986 Code, § 11.31(10))

§ 154.250 LIGHTING.

Lighting shall not be directed upon the public right-of-way and nearby or adjacent properties. Areas to be lighted where glare towards adjacent properties would occur shall be required to employ indirect or diffused lighting.
(1986 Code, § 11.31(11))

§ 154.251 REQUIRED SITE PLAN.

Any application for a building permit, zoning permit or for a certificate of zoning compliance shall include a site plan or plot plan drawn to scale and dimensioned showing off-street parking and loading

space to be provided in compliance with this chapter.
(1986 Code, § 11.31(12))

§ 154.252 APPLICATION OF PARKING AND LOADING REGULATIONS.

Off-street parking and loading regulations shall apply to all buildings and uses of land established after the effective date of this chapter.
(1986 Code, § 11.31(13))

§ 154.253 REQUIRED NUMBER OF OFF-STREET PARKING SPACES.

Off-street parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. The Appendix designates the minimum number of parking and loading spaces that are required to be provided and maintained at the time any new use or structure is occupied or any existing use or structure is enlarged or increased in capacity. Uses not specifically listed must provide the number of spaces required by this subchapter.
(1986 Code, § 11.31(14))

ADDITIONAL REGULATIONS

§ 154.270 HOME OCCUPATIONS.

(A) Conditions.

(1) Home occupations, such as personal and professional services, handicrafts, dressmaking or tailoring, artistic or food crafts are the subject of conditional uses, provided that not more than 25% of the livable floor area of the dwelling shall be used for the purpose.

(2) Accessory uses that are incidental to the dominant use of the property as a residential dwelling shall not change the character of the neighborhood. All home occupations shall be subject to the following conditions:

(a) *Equipment.* No unreasonable use of materials or mechanical equipment not recognized as being part of and compatible with normal household use shall be permitted;

(b) *Traffic.* The home occupation shall not cause or encourage excess vehicular traffic beyond that customary to the district;

(c) *Delivery.* The home occupation shall not involve commercial delivery service other than parcel service and U.S. mail;

(d) *Accessory buildings.* No accessory building or space outside of the principal building shall be exclusively used for such purposes;

(e) *Home modification.* No special space within the principal structure shall be designed or arranged for the use so that it would require any major internal or external alterations or involve construction features not customary to dwellings (either by color, materials or construction, lighting, sound or noise, vibration or electrical interference and the like);

(f) *Size.* The home occupation shall occupy no more than 25% of the livable floor area;

(g) *Residency.* The landowner must reside on premises;

(h) *Parking.* Three off-street parking spaces are required for occupant and visitors;

(i) *Employ.* Employees shall be limited to occupants of the home and one person who resides outside the home;

(j) *Entrances.* Entrance shall be gained from within the principal structure;

(k) *Signage.* One non-illuminated identification sign for the following uses: resident professional offices, home occupations and boarding/lodging houses; provided however, that no sign shall exceed two and one-half square feet in size nor a height of more than five feet above grade;

(l) *Utilities.* No home occupation shall cause an increase in electric, sewer, water or refuse collection usage so that the combined total use for dwelling and home occupation purposes exceeds normal range for residences in the city;

(m) *Outdoor displays.* Exterior displays or storage is prohibited;

(n) *Transferability.* Conditional uses granted for home occupations are nontransferable.

(B) *Particular home occupations prohibited.* Prohibited home occupations shall include, but not be limited to, the following:

(1) Automobile repair or salvage;

(2) Funeral homes;

(3) Restaurants;

(4) Stables, kennels, animal or veterinary hospitals;

(5) Antique dealers;

(6) Beauty shops and barber shops. (Note: Beauty shops and barber shops legally operating as home occupations on the effective date of the ordinance codified in this section are not affected by its passage).

(1986 Code, § 11.32) (Ord. 199, passed 12-1-86; Ord. 50, 2nd Series, passed 7-22-92; Am. Ord. 129, 2nd Series, passed 4-2-01)

§ 154.271 MANUFACTURED HOMES.

(A) *Manufactured homes authorized.* The city authorizes placement of manufactured homes in residential zones if the manufactured homes comply with the following conditions:

- (1) The homes shall comply with all zoning regulations for the zone in which they are located;
- (2) A building permit and any other required permits shall be obtained for the manufactured homes;
- (3) No such home shall have ground floor space of less than 960 square feet;
- (4) No such home shall have a width of less than 20 feet;
- (5) It shall be placed upon a permanent foundation as otherwise provided in this chapter;
- (6) Any such manufactured homes shall have exterior siding extending from within six inches of the finished grade or two inches of foundation, which siding shall be of a conventional exterior dwelling-type material. Any metal siding shall have horizontal edges and overlap in sections no wider than 12 inches. Sheet metal siding is not permitted;
- (7) The homes shall have a pitched roof covered with shingles or tile and have eaves of not less than six inches;
- (8) All such homes shall be built in conformance with Minnesota Statutes;
- (9) All homes shall have available for inspection manufacturer's instructions specifying how said home is to be situated on a permanent foundation;
- (10) All exterior and bearing stud walls to be of at least two inches by four inches construction.

(B) *Exemptions.* This section shall have no application to manufactured homes built in compliance with the State Building Code or to manufactured housing placed in a manufactured home park. (1986 Code, § 11.33)

§ 154.272 WIND ENERGY SYSTEMS.

(A) *Definition.* **WIND ENERGY SYSTEMS**, as used in this section, means any device or mechanism, including but not limited to windmills, wind turbines, wind chargers or any other mechanical system converting wind energy to other forms of usable energy, including but not limited to electricity.

(B) *Requirement of permit.* No wind energy system or support facility of any kind shall be erected unless and until a conditional use permit has been issued therefore.

(C) *Construction and operation requirements.* All wind energy systems shall comply with the following requirements:

- (1) The maximum height of any wind energy system shall be the lesser of the following:

(a) 75 feet; or

(b) The horizontal distance between the base of the tower and the nearest lot line, building line or overhead electrical transmission or distribution line. Height shall be measured from the surrounding grade level to the higher of the rotor blade as extended in the vertical position or the top of the tower.

(2) The distance between the bottom of the rotor blades when extended in their vertical position and the ground shall be a minimum of 20 feet.

(3) Access to the wind energy system shall be prevented by a six-foot chain link fence completely surrounding the tower base, including a locking gate or, in the alternative, the system tower shall be constructed in such a manner as to be unclimbable from the ground level to a height of 15 feet where a ladder may begin.

(4) No wind energy system shall create a noise level exceeding 50 decibels measured at the nearest property line.

(5) No wind energy system shall be the source of or cause radio or television interference in the surrounding area.

(6) All wind energy systems shall be constructed to provide an automatic shutoff or braking device to control and protect the system in conditions of high wind.

(7) Wind energy systems shall be so equipped that in the event of a loss of power to a public electrical distribution system, the wind energy system shall not permit electricity to be introduced into the distribution system.

(8) All wind energy systems used to provide heat for buildings shall be equipped with switching devices allowing the public electrical system to be switched off by electronic signal during times of peak demand for electricity. All such buildings heated by a wind energy system shall have an alternative source of heat for the times of peak demand for electricity.

(9) All wind energy systems shall be designed, constructed and installed to provide protection against strikes by lightning.

(10) All wind energy systems and all equipment and connections related thereto shall be subject to all laws, rules and regulations of the city, the United States of America, the State of Minnesota and all other applicable laws.

(11) All wind energy systems shall be securely attached to a sufficient concrete pad constructed following proper excavation and backfilling.

(D) *Liability insurance.* Following receipt of a permit to construct a wind energy system, the permittee shall acquire and maintain in force liability insurance in the amount of \$500,000 and shall provide a copy of the policy to the office of the City Clerk-Treasurer which, by the terms thereof, cannot be canceled or lapse without 30 days written notice to the City Clerk-Treasurer.

(E) *Rights of adjacent property owners.* The operation of any wind energy system at its proposed location shall be consistent with the rights of adjacent real estate owners to reasonable enjoyment of their

property.

(F) *Maintenance, repairs or termination of insurance coverage.* All wind energy systems shall be maintained in a state of good repair and sound mechanical condition and, upon abandonment of its use or termination of insurance coverage, the entire wind energy system, including all towers and related structures, shall be dismantled and removed from the property.

(G) *Access to wind.* All permittees are placed on notice that, by the issuance of a permit, the city assumes no burden or responsibility to, by its action or inaction on future matters, preserve access to wind for wind energy systems.

(1986 Code, § 11.34)

§ 154.273 DESIGN CONTROL.

(A) *Purpose.* It is deemed to be in the best interests of the persons and property within the jurisdiction of this chapter to promote the health, safety, general welfare, comfort and appearance by controlling the exterior design of new construction; by controlling the placement of previously used buildings; by regulating congestion and preventing fires and other danger; by assuring adequate light, ventilation and utility systems; and preserving the value of property and encouraging appropriate land use.

(B) *Prohibited exterior facing.* Except as allowed by proceedings under this section, no building permit shall be issued for any structure having a front, (either) side or rear abutting or facing a public street when the proposed structure contains exterior facing materials which tend to rapidly deteriorate or which for any reason are or tend to quickly become unsightly. The following are examples of materials which are prohibited by this section: concrete masonry units, common clay brick, sand lime brick, concrete brick, unfinished structural clay tile, sheet metal (either corrugated or plain), plywood, OSB, housewrap and exposed unfinished concrete.

(C) *Moving buildings.* No building permit shall be issued to move a building from without the jurisdiction onto a site within the jurisdiction or from one site to another within the jurisdiction, unless the architectural design of the buildings in the area of the new site is compatible with the building moved to the site. Comparative age, bulk, architectural style and quality of construction of both the building moved and the buildings existing in the area shall be considerations in determining whether a building is compatible. If the building to be moved is more than ten years older than the oldest building situated on surrounding properties to which the building is moved, the fact shall be evidence that the building to be moved is incompatible. Incompatibility shall be ground for refusal of a building permit.

(D) *Hearing.* Before issuing a permit for moving a building, or use of exterior facing materials prohibited by this section, a hearing shall be held before the Architectural Design Control Board after notice as required for a change in zoning district boundaries.

(1986 Code, § 11.35)

§ 154.274 FOUNDATIONS.

Any structure designed to be used as a dwelling unit or units shall be placed on a foundation constructed of masonry, concrete or treated wood. All footings supporting the foundation shall be constructed of solid masonry or concrete placed at a minimum depth of five feet below the finished grade, provided that this section shall not apply to manufactured homes situated in an R-4 District licensed by the state as a manufactured home park.

(1986 Code, § 11.36) (Ord. 199, passed 12-1-86)

§ 154.275 SATELLITE DISH ANTENNAS.

(A) *Conditional use permit.* Satellite dish antennas are allowed only by conditional use permit in all zoning districts. The following specifications and restrictions shall apply:

- (1) The antenna shall have a diameter of 11 feet or less;
- (2) The antenna shall be mounted on the ground and no portion thereof may exceed 15 feet in height above the average finished grade within a radius of ten feet;
- (3) The antenna shall not be located in any front yard or side yard; and
- (4) A site plan showing the proposed location of the antenna shall be submitted with the application for a conditional use permit.

(B) *Exceptions.* Notwithstanding the provisions of division (A) of this section, all satellite dishes or receivers having a diameter of 24 inches or less are exempted from the provisions of this section and shall not require a conditional use permit.

(1986 Code, § 11.37) (Ord. 68, 2nd Series, passed 12-15-93)

§ 154.276 SCREENING.

(A) *Required.*

(1) In all zoning districts, all stored equipment, raw materials, supplies and finished or semi-finished products, including but not limited to junk yards, machinery storage yards, construction materials, mined gravel and other soil and paving products shall be screened. The only exceptions to this division (A) of this section shall be:

(a) In the case of machinery or mechanical equipment, a stock of merchandise currently being displayed for immediate sale and delivery and not lacking parts or components, provided that the merchandise is arranged in a neat and orderly manner, and if not, then this exception shall not apply;

(b) Materials and equipment currently being used for lawful construction on the premises where stored; and

(c) Merchandise located on service station pump islands.

(2) All principal and accessory industrial and manufacturing uses, except business signs, which are situated within 50 feet of a residence zoning district and which are not required to be screened by division (A) of this section shall be screened from the residence zoning district.

(B) *Height.* The height of screening required by this section shall generally be no less than five feet nor more than seven feet, provided that a conditional use permit, where required, may alter the limitations. (1986 Code, § 11.38) (Ord. 199, passed 12-1-86)

§ 154.277 COMPLIANCE WITH PROVISIONS.

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

(1986 Code, § 11.60(1))

§ 154.278 BUILDING REQUIREMENTS.

No building or other structure shall hereafter be erected or altered to exceed the height; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; or to have narrower or smaller rear yards, front yards, side yards or other open spaces than therein required; or in any other manner contrary to the provisions of this chapter.

(1986 Code, § 11.60(2))

§ 154.279 AREA REQUIREMENTS.

(A) No part of a yard or other open space or off-street parking or loading space required for or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building, except as modified herein.

(B) No yard or lot existing at the time of adoption of this chapter shall be reduced in size 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.

(1986 Code, § 11.60(3))

§ 154.280 MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, convenience, comfort and general welfare.

(1986 Code, § 11.60(4))

§ 154.281 DWELLING ON ANY LOT OF RECORD.

In any district where dwellings are permitted, a one family detached dwelling may be erected on any lot of official record at the effective date of this chapter, irrespective of its area or width, provided the applicable yard and other open space requirements are satisfied or modified by the Zoning Board of

Appeals and Adjustments.
(1986 Code, § 11.60(5))

§ 154.282 HEIGHT LIMITATIONS NOT APPLICABLE.

The height limitations stipulated in this chapter shall not apply to the following.

(A) *Essential service structures, architectural features and the like.* Church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, chimneys, smoke stacks, flag poles, radio and television towers, masts and aerials; also parapet walls extending not more than four feet above the limiting height of the building.

(B) *Places of public assembly.* Places of public assembly in churches, schools and other permitted public and semipublic buildings, provided that they are located on the first floor of the buildings; provided that for each two feet by which the height of the building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district and further provided that the Zoning Board of Appeals and Adjustments shall find that the additional height will not be materially detrimental to surrounding property.

(C) *Elevator penthouses and the like.* Elevator penthouses (elevator machinery loft), monitors and scenery lofts, provided no linear dimension of any such structure exceeds 50% of the corresponding street lot line frontage. Fire hose or cooling towers, elevators, gas holders or other structures incorporated into a principal structure where a manufacturing process requires a greater height shall be accepted.
(1986 Code, § 11.60(6))

154.283 YARD AND FRONTAGE LIMITATIONS NOT APPLICABLE.

The yard and frontage limitations stipulated elsewhere in this chapter shall not apply in any district where front yards are required and where 40% or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have a front yard that is greater or less than the required front yard in the district. No building shall project beyond the average front yard so established. Where the varying average front yard setback has been so established, no variance action by the Zoning Board of Appeals and Adjustments shall be required for structure placement.
(1986 Code, § 11.60(7))

§ 154.284 YARD SPACE.

Any building, structure or use hereafter erected, altered or established shall comply with the yard space requirements of the district in which it is located except as specified below. The required yard space for any building, structure or use shall be contained on the same lot as the building, structure or use and the required yard space shall fall entirely upon land in a district or districts in which the principal use is permitted. Any required yard space shall be open from 30 inches above the ground to the sky except as specified elsewhere in this chapter.
(1986 Code, § 11.60(8))

§ 154.285 PLACEMENT OF SINGLE AND TWO FAMILY RESIDENTIAL STRUCTURES ON LARGE LOTS.

In any residence district where a single or two family structure is to be developed on large lots which could later be resubdivided and still meet the dimensional and area requirements for another lot for the district in which it is situated, it is desirable but not mandatory for the structure to be placed in a manner which would permit the later resubdivision.

(1986 Code, § 11.60(9))

§ 154.286 YARD SPACE ENCROACHMENTS.

(A) The following projections may be permitted into any front, rear or exterior side yards adjoining a street lot line:

(1) Cornices, sills, belt courses, eaves and other ornamental features to a distance of not more than two feet six inches;

(2) Fire escapes to a distance of not more than four feet six inches;

(3) Landings, patios, porches and similar structures, provided said structure has its floor no higher than the entrance floor of the building. An open railing no higher than three feet six inches may be placed around the structure;

(4) Bay windows and chimneys to a distance of not more than three feet, provided that the features do not occupy, in the aggregate, more than one-third the length of the building wall on which they are located;

(5) Canopies to a distance of not more than four feet six inches;

(6) Balconies, in residence district, to a distance of not more than eight feet, provided that said balconies do not occupy, in the aggregate, more than one-third the length of the building wall on which they are located.

(B) *Interior side yards.* Subject to the limitations for features projecting into front yards, the features may also project into required yards adjoining interior side lot lines, provided that the distance shall not exceed one-fifth of the required least width of the side yard and not more than three feet in any case.

(1986 Code, § 11.60(10))

§ 154.287 YARD SPACE EXCEPTION, STEEP SLOPES.

In any residence district where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along the line, of such a degree or per cent of slope that it is not practicable to provide a driveway with a grade of 12% or less to a private garage conforming to the

requirements of this chapter, the garage may be located within the front yard, but not in any case closer than twelve feet to the street line.

(1986 Code, § 11.60(11))

§ 154.288 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT.

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

(1986 Code, § 11.60(12))

§ 154.289 HOUSING PROJECTS UTILIZING THE “ZERO LOT LINE” CONCEPT.

Every development proposed in an R-3 Residence District which is designed so as to place the principal structure abutting a side property line in order to have only one open side yard must file with the Zoning Administrator a signed copy of the covenant assuring access through the adjacent yard for purposes of repairs and general maintenance. The covenant is mandatory and the issuance of any certificate of zoning compliance shall be contingent on the filing.

(1986 Code, § 11.60(13))

§ 154.290 ACCESSORY BUILDINGS STANDARDS AND GARAGE STRUCTURE SIZE.

Accessory Building Standards:

(A) Height Restrictions

(1) In no event shall the overall height of any garage or accessory buildings exceed the height of the dwelling.

(2) In no event shall a detached accessory buildings have side walls higher than 10 feet and an overall height of 15 feet.

(B) General Restrictions

(1) Accessory buildings may be constructed of any material accepted by the Minnesota State Building Code which is appropriate to the application and location. Accessory buildings must be erected on crushed rock or concrete, or be constructed with a treated wood floor.

(2) Exterior materials and finish must match or compliment the exterior finish of the principal structure in material, color and texture. Structures commonly referred to as “pole buildings” or other structures with ribbed sheet metal panel siding shall be prohibited in all residential zoning districts, except for small metal shed kits smaller than 100 square feet.

(3) Exterior surfaces of all accessory buildings shall be maintained in new or like new condition, free from cracked and peeling paint, rusting or deteriorating materials.

(C) Use Restrictions

(1) All garages and accessory buildings constructed in residential zones shall be exclusively for private use related to the principal structure. No commercial storage or commercial uses are allowed in any garage or accessory building constructed in a residential zone; except for commercial vehicles driven primarily by the resident of the principal structure as long as the commercial vehicle is a vehicle customarily found within residential districts (i.e. two-axle trucks and associated work trailers up to 20 feet in length). Heavy construction vehicles and commercial vehicles with three or more axles are prohibited from being stored in any residential accessory building.

(2) No garage or accessory building is allowed on a residentially zoned lot that does not have a principal residential structure associated with said accessory structure.

Garage Structure Size:

(A) Standard to Small Lots

(parcels less than or equal to 15,000 square feet [approximately 1/3 acre])

(1) Each lot may have a detached garage equal to 100% of the total above grade square footage of the principal structure's four-season living area, up to a maximum of:

- a. 1,000 square feet; or
- b. 35% lot coverage for all structures (including principal structure) which ever is less.

(2) All lots be allowed to have a garage which is attached, detached, or combination thereof, with a maximum square footage of 625 feet regardless of the size of the principal structure and lot size so long as the 35% lot coverage is not exceeded.

(3) The total square footage for all detached accessory uses is limited to 1,120 square feet or 35% lot coverage, whichever is less.

(B) Large Lots

(parcels larger than 15,000 square feet [1/3 acre or larger])

(1) Each lot may have a total square footage for all detached accessory structures equal to 100% of the total above grade square footage of the principal structure's four-season living area, up to a maximum of:

- a. 1,120 square feet plus 5% of the lot area greater than 15,000 square feet;
- b. 2,000 square feet; or
- c. 35% lot coverage for all structures (including principal structure) whichever is less.

(2) All lots shall be allowed to have a garage which is attached, detached, or combination thereof, with a maximum square footage of 625 feet regardless of the size of the principal structure. (1986 Code, § 11.60(14)) (Ord. 199, passed 12-1-86; Ord. 14, 2nd Series, passed 7-27-89)

§ 154.291 FENCES IN RESIDENCE DISTRICTS.

In any residence district, fences for decorative, screening or confinement purposes may be constructed on any lot. Provided, however, that fences in any front or side yard of a corner lot shall be limited to a maximum height of 30 inches above the curb level along the street side within 40 feet of the intersecting street or alley right-of-way lines and of 60 inches if of mesh or similar construction permitting functional line-of-sight through the fencing for purposes of street traffic safety. If the foregoing height limitation is not applicable, all fences shall be limited to a height of eight feet. All fence heights shall be measured from contiguous ground level on both sides. Setbacks from lot lines shall be sufficient in all cases to permit painting, repair and general maintenance. Provided, however, that adjoining owners may construct a fence on the lot line, each side of which is to be maintained by the adjoining owner, if they have entered into a written agreement and duly recorded the same in the office of the County Recorder. (1986 Code, § 11.60(15))

§ 154.292 DETERMINATION OF YARD REQUIREMENTS.

Before issuing any permit, a determination shall be made by the Zoning Administrator as to what constitutes the rear yard and the side yard. After the determination has been made, no future permits on the premises shall be issued which are not in full compliance with the determination. As to premises on which there are existing structures, the determination shall also be made with reference to applications for permits, reasonably construing the apparent election at the time of the original and any subsequent construction. (1986 Code, § 11.60(16))

§ 154.293 ON-SITE SEWERAGE SYSTEM.

If the lot area or dimensional requirements of this chapter are insufficient to accommodate sewage disposal and distances from private water supplies in areas served by the private facilities, then, and in that event, the increased areas and dimensions necessary to accommodate the facilities shall be controlling. (1986 Code, § 11.60(17))

§ 154.294 METAL BUILDINGS.

It shall be unlawful to erect a metal building in the city which is of a design commonly referred to as a “pole barn” or “agri-building” unless the building:

- (A) Is located in F-R (farming-residence zoning district);

(B) Is a metal building commonly used as a backyard storage shed when the building does not exceed 160 square feet in area or 12 feet in height. In addition, the exterior color of materials of the structure are aesthetically compatible with the principal structure or utilize colors commonly referred to as earth tones; or

(C) Is located in a I-M (industrial and manufacturing zoning district) or C-2 (outlying commercial zoning district) and is modified with an architectural design, including facing with brick, stone, glass, architectural concrete, pre-cast concrete or other equivalent materials which are aesthetically pleasing so that no more than 1/3 of the viewable area from a residential district or highway contains a metal surface. (Am. Ord. 101, 2nd Series, passed 1-6-97) Penalty, see § 154.999

NONCONFORMING LOTS, LAND USES AND STRUCTURES

§ 154.305 INTENT.

Within the districts established by this chapter, there exist lots, structures and uses of land and structures which were lawful before this chapter was adopted, but which would be prohibited under the terms of this chapter. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. The uses are incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(1986 Code, § 11.61(1)) (Ord. 199, passed 12-1-86)

§ 154.306 ENLARGEMENT PROHIBITED.

A nonconforming use of a structure, a nonconforming use of land or a nonconforming use of a structure and land shall not be extended or enlarged after adoption of this chapter by attachment of additional signs to a building or the placement of additional signs or display devices on the land outside the building or by the addition of other uses, if the additions are of a nature which would be prohibited generally in the district involved. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this chapter and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner and demolition, elimination and removal of an existing structure in connection with the construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

(1986 Code, § 11.61(2)) (Ord. 199, passed 12-1-86)

§ 154.307 NONCONFORMING LOTS OF RECORD.

(A) In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption of this chapter. The lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though the lot fails to meet the requirements for area, width or depth that are generally applicable in the district, provided that yard dimensions and other requirements not involving area, width or

depth of lot shall conform to the regulations for the district in which the lot is located. Variance of lot coverage or lot requirements shall be obtained only through action of the Zoning Board of Appeals and Adjustments.

(B) If two or more lots or combinations of lots and portions of lots with continuous frontage are in single ownership at any time after the effective date of adoption of this chapter, and if all or part of the lots do not meet the requirements for lot width and area as established for this chapter, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of the parcel shall be used or sold which does not meet lot and width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this chapter, unless done in accordance with division (A) of this section.

(1986 Code, § 11.61(3)) (Ord. 199, passed 12-1-86)

§ 154.308 NONCONFORMING USES OF LAND.

Where, at the effective date of adoption of this chapter, lawful use of land exists that is no longer permitted under the terms of this chapter, the use may be continued, so long as it remains otherwise lawful, subject to the following provisions.

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

(B) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by the use at the effective date of adoption of this chapter.

(C) If any such nonconforming use of land ceases for any reason for a period of more than 90 days, any subsequent use of the land shall conform to the regulations specified by this chapter for the district in which the land is located.

(1986 Code, § 11.61(4)) (Ord. 199, passed 12-1-86)

§ 154.309 NONCONFORMING STRUCTURES.

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption of this chapter that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

(A) No such structure may be enlarged, extended, converted, reconstructed or structurally altered unless the use of the structure is changed to one permitted within the district in which the building is located. The nonconforming use shall not thereafter be resumed.

(B) Should the structure be destroyed by any means to an extent where the cost to repair the damage to the structure equals or exceeds its appraised market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

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

(D) When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period, the structure, or structure and land in combination, shall not thereafter be used, except in conformance with the regulations of the district in which it is located.

(E) When a nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(1986 Code, § 11.61(5)) (Ord. 199, passed 12-1-86)

§ 154.310 REPAIR AND MAINTENANCE.

(A) On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repairs or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding 10% of the current appraised market value of the building, provided that the cubical space content of the building as it existed at the time of adoption of this chapter shall not be increased.

(B) Nothing in this chapter shall be construed so as to prevent the restoring of a nonconforming structure to a safe condition when said structure is declared to be hazardous or unsafe by authorized city administrative officials. The restoration shall not extend the nonconforming structure in any manner, except as reasonably required to eliminate the hazardous or unsafe condition.

(1986 Code, § 11.61(6)) (Ord. 199, passed 12-1-86)

CONDITIONAL USES

§ 154.320 GENERAL.

Conditional uses may be permitted within the several zoning districts of the city subject to the provisions of this subchapter.

(1986 Code, § 11.21(part))

§ 154.321 AUTHORITY.

The Council may, after review, hearing and report by the Planning Commission, grant a conditional use permit authorizing the development of a conditional use upon a showing by the applicant that the standards, criteria and purpose of the district in which the proposed use is to be located will be satisfied. The standards and criteria shall include both general requirements for all conditional uses and, insofar as practicable, requirements specific to each designated conditional use.

(1986 Code, § 11.21(1))

§ 154.322 STANDARDS AND CONDITIONS.

(A) A conditional use permit shall be granted only if evidence is presented to establish:

(1) That the proposed building or use at the particular location requested is necessary or desirable

to provide a service or a facility which is in the interest of the public convenience and will contribute to the general welfare of the neighborhood or city;

(2) That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare; and

(3) That the proposed building or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations.

(B) The Council may impose such conditions upon the premises benefitted by a conditional use as may be necessary to prevent or minimize injurious effects therefrom upon other property in the neighborhood. Violation of the conditions and safeguards shall be a violation of this chapter. (1986 Code, § 11.21(2))

§ 154.323 PROCEDURE.

(A) Prior to filing a formal application for a conditional use permit as hereinafter provided, a prospective applicant shall, by application, request a preliminary appearance before the Planning Commission at one of its regular public meetings to generally acquaint the Planning Commission with the proposed request for a conditional use permit and to obtain the preliminary views of the Commission prior to the expenditure of funds necessary to prepare the complete documentation required for a formal application. At the preliminary appearance, the prospective applicant shall present the information and plans as he or she shall deem necessary to generally acquaint the Planning Commission with his or her proposal. At the preliminary hearing, the members of the Planning Commission may make inquiries and express views concerning the proposal as they shall deem appropriate. The Planning Commission shall inform the prospective applicant of any specific items of information or documents required which it may consider necessary to the consideration of the application to be filed in addition to the general requirements for all conditional uses and specific requirements for the use for which application is to be made. The application shall also include a showing that the standards and criteria of the district in which the proposed use is to be located, are met.

(B) An application for a conditional use permit shall contain a legal description in form capable of being recorded in the office of the County Recorder and shall be accompanied by a sketch or drawing containing dimensions and location supporting the application and shall be submitted in triplicate to the Zoning Administrator. The Planning Commission or the Council may require any additional information they deem necessary before a hearing is held.

(C) A public hearing shall be set, noticed and conducted by the Planning Commission in accordance with this chapter.

(D) Within a reasonable time after the conclusion of any public hearing, the Planning Commission shall transmit to the Council a written report containing its recommendations concerning the proposed conditional use. The report shall be accompanied by findings of fact specifying the reasons for the recommendation.

(E) Except in the case of an application for a conditional use permit to establish a planned unit

development, the Council shall, within after the receipt of the report of the Planning Commission, grant or deny the conditional use or refer the matter back to the Planning Commission for further consideration. The Council shall not grant a conditional use unless it finds that the standards of this subchapter have been satisfied. Any proposed conditional use (including application for a planned unit development) which fails to receive the approval of the majority of the members of the Planning Commission voting upon it shall not be approved except by a favorable vote of two-thirds of all of the elected members of the Council.

(F) The purpose for which the conditional use permit is issued shall be initiated within a period of one year from the date of issuance, (except when issued specifically for a planned unit development, in which case the period shall extend to 18 months), after which the same shall be revoked in the event that any proposed construction, alteration or operation has not been started in accordance with the terms of the permit.

(G) A conditional use permit shall remain in effect as long as the conditions agreed upon are observed, but nothing in this chapter shall prevent the city from enacting or amending official controls to change the status of conditional uses.

(1986 Code, § 11.21(3))

§ 154.324 PLANNED UNIT DEVELOPMENT (PUD).

The provisions of this section shall be in addition to those applicable to any other conditional use.

(A) *Purpose.* It is recognized that this chapter is structured to require land use and development patterns of a conventional or traditional nature; however, there are situations where innovative proposals for use of land may be submitted which do not relate to ordinance controls and would have to be rejected even though feasible and beneficial to the community. It is to accommodate the innovative proposals, even those that may "mix" land uses within a development, exceed stipulated residential densities or depart from traditional lot sizes, that the PUD is established. The technology of land development is constantly changing and creative but practical approaches to the use of land should be encouraged. The provisions of this section are intended to do so in a manner which is in the best interests of both the developer and the community.

(B) *Requirements.*

(1) *Ownership.* The tract shall be a development of land under unified control at the time of application, planned and scheduled to be developed as a whole. However, no authorizations or permits shall be granted for the development unless the applicant has acquired actual ownership.

(2) *Minimum size.* No planned unit development may include less than three acres of contiguous land, provided that a public street, public highway or easements for drainage or utility purposes shall not prevent the land from being considered "contiguous."

(3) *Maximum development intensity.* No more than 50% of the gross land area of the subject tract may be developed (covered) with principal and accessory uses.

(4) *Comprehensive Plan.* The development should be planned so that it is consistent with the Comprehensive Plan for the city.

(5) *Harmony*. The planned unit development should be planned and developed to harmonize with any existing or imminent development in the area surrounding the project site.

(6) *Financing*. The financing for the project should be proven to be available to the applicant on conditions and in an amount which is sufficient to assure completion of the planned unit development.

(C) *Application*.

(1) An applicant for a PUD shall submit a preliminary development plan to the Planning Commission with a fee for costs incurred by the city in checking and processing the plans. The application shall be signed by the owner(s) of every property within the boundaries of the proposed PUD.

(2) The drawings which are part of the development plan may be in general, schematic form and must contain the following information:

(a) Location and size of the site and nature of the landowner's interest in the land to be developed;

(b) The density of the land use to be allocated to the several parts of the site to be developed;

(c) The location and size of any common open space and the form of organization proposed to own and maintain the space;

(d) The use and approximate height, bulk and location of buildings and other structures;

(e) Proposals for collection of sanitary wastes, distribution of water and disposal of surface runoff;

(f) Provisions for parking of vehicles and location and width of proposed streets and public ways;

(g) In case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned unit development are intended to be filed.

(3) The written statement which is a part of the application shall include:

(a) A description of the character of the PUD and the manner in which it has been planned to take advantage of the PUD regulations;

(b) A statement of proposed financing;

(c) Total anticipated population to occupy the PUD.

(D) *Building permits*. Building permits shall not be issued for any of the structures or land alterations shall not be made until the following conditions are met:

(1) Public open space has been dedicated and officially recorded;

- (2) The design and construction specifications for all utilities, street improvements and mass grading have been approved by the City Engineer;
- (3) Any private by-laws, covenants and deed restrictions have been approved by the City Attorney;
- (4) The construction plans for proposed structures have been approved by the Building Official;
- (5) The final plat (if necessary) has been approved by the city and recorded with appropriate governmental agencies as required by law;
- (6) The detailed site development plans have been approved by the Council.

(E) *Zoning changes.* If any zoning change is approved by the Council as a part of the PUD, the plan shall be attached to and made part of the ordinance establishing the zoning change. The Zoning Administrator shall then change the zoning classification on the Official Zoning Map, if a zoning change was made, and further designate the district or portion of a district as a PUD District whether or not a zoning change was made.

(1986 Code, § 11.21(4)) (Ord. 199, passed 12-1-86)

ADMINISTRATION AND ENFORCEMENT

§ 154.335 VARIANCES AND APPEALS.

(A) *Application.* Any person affected by any decision of the Zoning Administrator, or desiring a variance, may apply therefore and have the matter heard by the Zoning Board of Appeals and Adjustments. Any application for a variance shall contain a legal description in form capable of being recorded in the office of the County Recorder and shall be accompanied by a sketch or drawing containing dimensions and location supporting the application.

(B) *Variances.*

(1) A variance from the literal provisions of this chapter may be granted in instances where the strict enforcement of the provisions would cause undue hardship because of circumstances unique to the individual property under consideration only when it is demonstrated that the action will be in keeping with the spirit and intent of this chapter.

(2) The term ***UNDUE HARDSHIP*** as used in this division (B) has the meaning given it in § 154.002.

(3) Economic considerations alone will not constitute an undue hardship if reasonable use for the property exists under the terms of this chapter.

(4) Variances shall be granted for earth sheltered construction as defined by statute, when in harmony with this chapter.

(5) A variance may not be granted for any use that is not permitted or conditional under this chapter for property in the district where the affected land is located.

(6) A variance may be granted for the temporary use of a one family dwelling as a two family dwelling.

(7) A variance may be granted which imposes conditions to insure compliance and to protect adjacent properties.

(8) No variance permitting the erection or alteration of a building shall be valid for a period longer than one year unless a building permit is issued and construction actually begun within that period and is thereafter diligently pursued to completion.

(C) *Notice.* Notice of hearings on all variances and appeals shall be given as provided in this chapter. (1986 Code, § 11.80)

§ 154.336 AMENDMENT; INITIATION AND PROCEDURE.

(A) *Initiation.* An amendment to this chapter, including an amendment involving a change in district boundaries, may be initiated by the Council, the Planning Commission or by the petition of affected property owners.

(B) *Procedure.*

(1) An amendment shall be initiated in writing showing the reason or need therefore. If initiated by the Council or Planning Commission, the action taken to initiate shall show the recorded roll call vote thereon. If initiated by an affected property owner, it shall be by petition to the Council.

(2) If the amendment involves a change in district boundaries it must contain a legal description of the land, its area and the existing and adjoining uses.

(C) *Report.* If the amendment is not initiated by the Planning Commission, it shall be referred to the Commission for hearing, study and a report containing a recommendation supported by findings of fact. If no report is received by the Council from the Planning Commission within a reasonable time, the Council shall hold a hearing and make a decision which must also be supported by findings of fact. The adoption or amendment of any portion of this chapter which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds vote of all the members of the City Council.

(1986 Code, § 11.81)

§ 154.337 HEARINGS; REQUIREMENT, NOTICE AND PROCEDURE.

(A) *Requirement.* Neither a request for a conditional use permit or variance, an amendment of this chapter, whether by repeal, change (including a district boundary change) or addition of a provision, nor an appeal, shall be made, permitted, granted or allowed without a public hearing thereon.

(B) *Notice.*

(1) Notice of all hearings stating the time, place and purpose thereof shall be published once in the official newspaper of the city at least ten days prior to the day of hearing.

(2) If an amendment involves a change in district boundaries affecting an area of five acres or less, a similar notice shall also be mailed at least ten days prior to the day of hearing to each owner of affected property and property situated wholly or partially within 350 feet of the property to which the amendment relates. Any appropriate records may be used to determine the names and addresses of the owners.

(3) The City Clerk-Treasurer, his or her deputy or designate shall give all notices provided for in this division. A copy of the notice and a list of names and addresses of owners to which it was sent shall be attested to by the person giving notice and shall be made a part of the records and proceedings.

(4) Failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt has been made to comply with this division.

(C) *Procedure.*

(1) All hearings shall be orderly and conducted in accordance with any rules of procedure as the Council may promulgate.

(2) Any person who is a resident or owner of land in the city or in the extraterritorial jurisdiction of this chapter may appear in person or by attorney and be heard on the subject matter of the hearing.

(3) All decisions shall be rendered in writing within 45 days after the hearing and supported by written findings of fact.

(1986 Code, § 11.82)

§ 154.338 SCHEDULE OF FEES.

The Council may by ordinance prescribe, and from time to time and in the same manner amend, a schedule of fees to defray the costs incurred by the city in reviewing, investigating and administering an application for either an amendment of this chapter (including a change in district boundaries), an appeal, a conditional use permit or a variance. Costs incurred by the city for publication and mailing notices and recording documents shall be added to the fees.

(1986 Code, § 11.83)

§ 154.339 RECORDING.

A certified copy of every ordinance amending this chapter, map, regulation, variance and conditional use permit shall be filed with the County Recorder and does not constitute an encumbrance on real property. Every such recording relating to a change in a district boundary, variance or conditional use permit shall contain a legal description of the land to which it relates.

(1986 Code, § 11.84) (Ord. 199, passed 12-1-86)

§ 154.999 PENALTY.

Every person violates a section, division, subsection or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful or fails to act when the 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.

(1986 Code, § 11.99) (Ord. 199, passed 12-1-86)

**APPENDIX: SCHEDULE OF REQUIRED OFF-STREET
PARKING AND LOADING SPACES**

<i>Use or Use Category</i>	<i>Number of Parking Spaces Required Per Unit of Measurement</i>		<i>Number of Loading Spaces Required Per Size of Structure in Sq. Ft.</i>	
	<i>No.</i>	<i>Unit</i>	<i>Floor Area</i>	<i>Number</i>
<i>Residential</i>	<i>Total</i>			
Dwellings, 1 and 2 family	2.0	Dwelling unit	—	None
Townhouses	2.0	Dwelling unit	—	None
Dwellings, multi family (except elderly)	1.5	Efficiency or 1 bedroom	—	1 per complex building
	2.0	2 or more bedroom		
Dwellings, multi family which are specifically designed and occupied exclusively by person 60 years of age or older	0.8	Dwelling unit	—	1 per complex building
Motels, hotels	0.8	Sleeping unit	Under 20,000	1
			20,000-50,000	2
			50,000-100,000	3
Mobile homes	2.0	Mobile home stand	—	—
Educational, Cultural & Institutional				
Churches, auditoriums & other places of assembly	1.0	6 seats	Under 100,000	1
Elementary schools	2.0	Classroom	—	1
Hospitals, convalescent or nursing homes	1.0	4 beds plus: 2 employees or professional staff members	Under 10,000	1
	1.0		10,000-50,000 Each part of 50,000 over 50,000	2 1 additional
Junior and senior high school	1.0	2 employees or: Each 10 seats or auditorium, stadium, etc. (whichever is larger)	—	1
	1.0			
Public libraries, art galleries, museums, etc.	1.0 1.0	300 sq. ft. floor area	—	1
<i>Commercial *See Note Below</i>				
Automobile or machinery sales	6.0	500 sq. ft. of floor area over 1,000	Less than 2,000	None

Use or Use Category	Number of Parking Spaces Required Per Unit of Measurement		Number of Loading Spaces Required Per Size of Structure in Sq. Ft.	
	No.	Unit	Floor Area	Number
Bowling alley	3.0	Per alley	2,000-5,000	1
Car wash, machine	3.0	Per lane	—	
Commercial				
Clinics	1.0	300 sq. ft. floor area	5,000-10,000	2
Funeral homes	1.0	15 seats with min. of 10 spaces	—	
Furniture and appliance stores	1.0	600 sq. ft. floor area	10,000-20,000	3
Offices, banks & public administration	1.0	200 sq. ft. floor area	20,000-40,000	4
Restaurants, night clubs, clubs over 1,000 sq. ft.	1.0	75 sq. ft. floor area	40,000-70,000	5
Retail stores over 2,000 sq. ft.	1.0	150 sq. ft. floor area	Each part of 50,000 over 70,000	1 additional
Service garages and manual car wash	4.0	Stall with min. of 7 spaces	—	
Shopping center	1.5	100 sq. ft. floor area	—	
Industrial, warehousing, wholesaling	1.0	2 employees of the largest shift of 2,000 sq. ft. of floor area, whichever is greater	Under 10,000 10,000-20,000 20,000-40,000 40,000-70,000 70,000-110,000 Each part of 50,000 over 110,000	1 2 3 4 5 1 additional
F-R District	No requirements			

***Note:**

Pursuant to Ordinance No. 25 Third Series:

That Chapter 154 of the City of Roseau’s Zoning Code appendix entitled “Schedule of Required Off-Street Parking and Loading Spaces” is hereby amended to delete all previous requirements designated as being applicable to “commercial” real property located in the City of Roseau.

That the amendment set forth in above is based upon the recommendation of the City of Roseau Planning Commission based upon the Planning Commission’s following findings of fact:

1. That the application of the requirements of the existing appendix to commercial property in the City of Roseau is unduly restrictive.
2. That the issue of adequate parking for commercial enterprises will be best served by market research initiated by prospective commercial businesses desiring to locate in the City of Roseau.
3. That the adoption of the amendment is in the best interests of economic development in the City of Roseau.

(1986 Code, § 11.31(part))

CITY OF ROSEAU COMMUNAL HOUSING AND SHORT-TERM HOUSING ORDINANCE (Ordinance 44, Third Series)

Permitted Uses - Single Family, Two Family and Multi-Family Residential Districts

SECTION 1.00 PURPOSE AND INTENT.

1.01 Purpose. The purpose of this ordinance is to establish standards for all communal housing and short-term housing establishments and to protect the health, safety, and general welfare of the people of the City of Roseau.

1.02 Intent. The intent of this ordinance is to allow the use of communal housing and short-term housing rentals in appropriate zoning districts, with established standards with the intent of mitigating or eliminating potential impacts of the health, safety, and general well-being of neighboring property owners and tenants.

SECTION 2.00 SCOPE

This ordinance shall provide for the licensing and inspection of all communal and short term housing establishments.

SECTION 3.00 DEFINITIONS.

3.01 Communal Housing. Means a means building(s) or structure(s) providing housing or accommodation in either shared or private suites in a communal setting, together with services which may include shared kitchen/dining facilities, sanitary facilities, laundry facilities, amenities, and other facilities to the residents living therein.

3.02 Family: A single person or a group of persons *related by blood, marriage or adoption*. The following groups of individuals are also designated as being permitted to occupy a single-family residence or each unit within a two-family or multiple-family dwelling unit as if it was a family:

- a. A family as defined above plus one (1) additional unrelated individual; one (1) unrelated legally married couple, or one (1) unrelated single parent with one (1) single child;
- b. A family as defined above plus up to four (4) children living with the family in a licensed foster care or host home; or
- c. A group of no more than three (3) persons regardless of their familial relationship

Related by Blood, Marriage or Adoption: Means father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents or grandchildren, to include the half as well as the whole blood.

3.03 Owner. Means the property of record of the real estate located in the City of Roseau.

3.04. Owner's Authorized Representative or Agent. Means a person who has written authority to act on behalf of the owner.

3.05 Short-term Rental: means a private single-family dwelling, such as a home, cabin, condominium, townhome, bed and breakfast, vacation property, home sharing accommodation, or other similar single family unit for any time period, that is advertised or held out to be a place where sleeping accommodations are furnished to the public on a nightly, weekly period or a time period which is less than 30 days and is not a permitted use such as a, resort, hotel, or motel, provided that such dwelling units are not used exclusively for short-term rental use 365 days a year, or if marketed for rental 365 days-a-year such dwelling must be occupied by property owner, or manager, on a full-time basis.

3.06 Bedroom. means an area that is (a) a room designed or used for sleeping; or (b) a room or area of a dwelling that has a minimum floor area of 70 square feet with access to and from the living room or living area hallway and has a separate window for ingress and egress.

3.07 Shareable Housing means any communal housing, single room occupancy, boarding house, or other multifamily use housing.

SECTION 4.00 CONDITIONAL USE AND LICENSURE REQUIREMENT FOR SHAREABLE HOUSING IN SINGLE FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICTS

4.01 Conditional Use Permit any owner seeking to operate shareable housing must first apply for and obtain a conditional use permit (CUP) from the City.

4.02 Requirements to obtain CUP sharable dwellings must meet the following requirements:

- No more than four unrelated persons, or family units, may occupy any dwelling regardless of the number of bedrooms provided in the dwelling, and no more than 6 persons total may occupy any sharable dwelling.
- Each person, or family unit, residing in the dwelling must be provided their own bedroom with a minimum habitable area of 70 square feet for one person and square for two people. All bedrooms must be located above grade, have ceilings at least 7 ½ feet from the floor, and be lockable by the individual tenant.
- The dwelling must contain at least one bathroom with a working toilet, wash sink and shower/tub facility for every four (4) persons residing in the dwelling. All bathrooms must have working locks and be accessible to all residents from their own bedroom of the dwelling without having to access through any other bedroom in the dwelling.
- Bedrooms shall not contain a kitchen or kitchenette. A refrigerator and/or microwave oven may be contained within the unit, but heat producing equipment including, but not limited to hot-plates, electric fry pans, toaster ovens, crock pots, ovens, ranges, coffee pots, electric kettles, air fryers, pressure cookers, or any other cooking items may not be housed in individual bedrooms.

Roseau - Land Usage

- The sharable dwelling must provide a communal kitchen and dining area available to all residents of the dwelling unit with a working wash sink, and working cooking facilities including a range, oven, and refrigerator/freezer.
- Sufficient off-street parking must be made available to each tenant that does not require the parking of vehicles in any front or side yard lawn area. Front and side yard lawn areas may be used for temporary off-street parking during the months of November through March during snow removal.

4.03 Annual Licensure Requirement. No shareable dwelling may be operated without a valid shareable dwelling license issued by the city pursuant to this ordinance.

- All shareable dwelling licenses are an annual license and must be renewed each year. License renewal applications for rental operations in the following year must be submitted prior to any rental activity.
- The owner or owner's authorized agent shall permit access to the property and all permitted units at any reasonable time for the purposes of inspection upon request of the city of Roseau building official or designee.
- It is the owner or owner's authorized agent's responsibility to contact the Minnesota Department of Health regarding lodging license requirements. If proof of MDH license is provided, the city of Roseau licensing fee will be waived however all other provisions of the ordinance still apply.

4.04 License Application Requirement. The following information shall be provided to the city on the license application:

- the name, mailing address, email address and telephone number of the owner of the home for which the license is to be issued.
- Physical address of the home and personal identification number.
- The name, address, telephone number and email address of the owner's authorized agent.
- All other information as requested on the application form.
- No application for an initial or renewal of the license will be accepted if there are past due property taxes on the property described in the license application.
- Applicants must submit proof of adequate homeowners insurance and liability insurance in an amount to be determined by the city.
- A license application fee shall be determined and set annually by the Roseau City Council.

4.05 License Transfer. The license shall not be transferable upon any change in ownership of the license property, or otherwise and any new owner of the property will be required to apply for new licensure if said new owner wishes to operate the property as a shareable dwelling.

SECTION 5.00 CONDITIONAL USE AND LICENSURE REQUIREMENT FOR SHAREABLE HOUSING IN MULTIFAMILY AND COMMERCIAL ZONING DISTRICTS.

5.01 Conditional Use Permit any owner seeking to operate a shareable housing in a multifamily or commercial zoning district must first apply for and obtain a conditional use permit (CUP) from the City.

5.02 Requirements to obtain CUP sharable dwellings must meet the following requirements:

- Each person, or family unit, residing in the dwelling must be provided their own bedroom with a minimum habitable area of 70 square feet for one person, plus 50 square feet for each additional person. No more than two adults, who must be related, may inhabit a single unit regardless of the unit size. All bedrooms must be located above grade, have ceilings at least 7 ½ feet from the floor, and be lockable by the individual tenant.
- The dwelling must contain at least one bathroom with a working toilet, wash sink and shower/tub facility for every ten (10) persons residing in the dwelling. All bathrooms must have working locks and be accessible to all residents from their own dwelling unit of the without having to access through any other dwelling unit.
- Individual bedroom units shall not contain a kitchen or kitchenette. A refrigerator and/or microwave oven may be contained within the unit, but heat producing equipment including, but not limited to hot-plates, electric fry pans, toaster ovens, crock pots, ovens, ranges or any other cooking items may not be housed in individual bedrooms.
- The sharable dwelling must provide a communal kitchen and dining area available to all residents of the dwelling unit with a working wash sink, and working cooking facilities including a range, oven, and refrigerator/freezer.
- Sufficient off-street parking must be made available to each tenant that does not require the parking of vehicles in any front or side yard lawn area. Front and side yard lawn areas may be used for temporary off-street parking during the months of November through March during snow removal.

5.03 Annual Licensure Requirement. No shareable dwelling may be operated without a valid shareable dwelling license issued by the city pursuant to this ordinance.

- All shareable dwelling licenses are an annual license and must be renewed each year. License renewal applications for rental operations in the following year must be submitted prior to any rental activity.
- The owner or owner's authorized agent shall permit access to the property and all permitted units at any reasonable time for the purposes of inspection upon request of the city of Roseau building official or designee.
- It is the owner or owner's authorized agent's responsibility to contact the Minnesota Department of Health regarding lodging license requirements. If proof of MDH license is provided, the city of Roseau licensing fee will be waived however all other provisions of the ordinance still apply.

5.04 License Application Requirement. The following information shall be provided to the city on the license application:

- the name, mailing address, email address and telephone number of the owner of the home for which the license is to be issued.
- Physical address of the home and personal identification number.
- The name, address, telephone number and email address of the owner's authorized agent.
- All other information as requested on the application form.
- No application for an initial or renewal of the license will be accepted if there are past due property taxes on the property described in the license application.
- Applicants must submit proof of adequate homeowners insurance and liability insurance in an amount to be determined by the city.
- A license application fee shall be determined and set annually by the Roseau City Council.
- All initial licensing applications must be reviewed by the City of Roseau Building Official who shall conduct an inspection to determine whether or not the structure meets all necessary City of Roseau and State of Minnesota requirements.
- The City reserves the right to require annual inspections of the premises by the City of Roseau Building Official.
- Applications shall be submitted to the Roseau City Clerk-Treasurer and the City Clerk-Treasurer is authorized to issue a license conditioned upon all requirements set forth herein being satisfied.

5.05 License Transfer. The license shall not be transferable upon any change in ownership of the license property, or otherwise and any new owner of the property will be required to apply for new licensure if said new owner wishes to operate the property as a shareable dwelling.

SECTION 6.00 SHORT-TERM RENTALS

6.01 Conditional Use Permit any owner seeking to operate a short term rental property must first apply for and obtain a conditional use permit (CUP) from the City.

6.02 Requirements to obtain CUP short term rentals must meet the following requirements:

- Anyone seeking to operate a short-term rental in the City of Roseau, must maintain a permanent residence within 60 miles of the short-term rental property, or must maintain a full-time property manager that is available during rental periods and within 60 miles of the short-term rental property.
- Anyone seeking to operate a short-term rental must provide proof of homeowners and liability insurance in an amount and in a form acceptable to the City of Roseau.

- Anyone seeking to operate a short-term rental must establish a means for the automatic collection and remittance of lodging taxes for all stays of less than 30 days in accordance with City Ordinance 34.01. In lieu of collecting lodging taxes, as required under City Ordinance 34.01, a short-term rental operator may pay a flat annual fee as determined annually by the Roseau City Council to the City of Roseau for each short-term rental property operated.
- Property owners or operators seeking to establish a short-term rental in a single-family residential neighborhood must obtain written consent from all contiguous neighboring property owners.
- No signage advertising a short-term rental is permitted within a single family or two-family zoning districts. Short-term rental advertising signage is permitted in all other zoning districts as allowed by that district.
- No on-street parking is permitted for any short-term rental property. No short-term rental shall permit parking on the front or side yard lawn of the short-term rental property. Parking cannot restrict access by emergency vehicles or the traveling public and shall not impede any ingress or egress a property owner.
- No short-term rental operator shall allow properties to be used as venues for large parties, events, gatherings, or any other non-residential use.
- Quiet hours are between the hours of 11:00 PM to 7:00 AM, Sunday through Thursday; and 1:00 AM to 7:00 AM Friday and Saturday. The owner of the short-term rental is expected to enforce this rule failure to do so may result in enforcement action as provided below.

6.03 Annual Licensure Requirement. No short term rental may be operated without a valid shareable dwelling license issued by the city pursuant to this ordinance.

- All shareable dwelling licenses are an annual license and must be renewed each year. License renewal applications for rental operations in the following year must be submitted prior to any rental activity.
- The owner or owner's authorized agent shall permit access to the property and all permitted units at any reasonable time for the purposes of inspection upon request of the city of Roseau building official or designee.
- It is the owner or owner's authorized agent's responsibility to contact the Minnesota Department of Health regarding lodging license requirements. If proof of MDH license is provided, the city of Roseau licensing fee will be waived however all other provisions of the ordinance still apply.

6.04 License Application Requirement. The following information shall be provided to the city on the license application:

- the name, mailing address, email address and telephone number of the owner of the home for which the license is to be issued.
- Physical address of the home and personal identification number.

- The name, address, telephone number and email address of the owner's authorized agent.
- All other information as requested on the application form.
- No application for an initial or renewal of the license will be accepted if there are past due property taxes on the property described in the license application.
- Applicants must submit proof of adequate homeowners insurance and liability insurance in an amount to be determined by the city.
- A license application fee shall be determined and set annually by the Roseau City Council.
- All initial licensing applications must be reviewed by the City of Roseau Building Official who shall conduct an inspection to determine whether or not the structure meets all necessary City of Roseau and State of Minnesota requirements.
- The City reserves the right to require annual inspections of the premises by the City of Roseau Building Official.
- Applications shall be submitted to the Roseau City Clerk-Treasurer and the City Clerk-Treasurer is authorized to issue a license conditioned upon all requirements set forth herein being satisfied.

6.05 License Transfer. The license shall not be transferable upon any change in ownership of the license property, or otherwise and any new owner of the property will be required to apply for new licensure if said new owner wishes to operate the property as a short-term rental.

SECTION 7.00 ENFORCEMENT

7.01 Enforcement. The city of Roseau will investigate all complaints and alleged violations of this ordinance within a reasonable time period. The owner or owner's authorized agent shall address any substantiated complaints and/or violations as directed by the city of Roseau. All substantiated complaints and/or violations which are not resolved as directed by the city of Roseau building official, or law enforcement officer or designee, will result in enforcement action as provided in 7.04 below.

7.02 Substantiated Complaints. If 3 substantiated complaints and/or violations have occurred within a one year time period, then the city of Roseau may revoke the license for the operation of the unit.

7.03 Misdemeanor. Any owner or owner's authorized agent who fails to comply with this section or who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this ordinance may be subject to misdemeanor prosecution, forfeiture of their license, or both.

7.04 One year revocation. Any license revoked under this section shall not be reissued for a period of one year from the date of revocation.