

TITLE XV: LAND USAGE

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CHAPTER 150: GENERAL PROVISIONS

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GENERAL PROVISIONS

§ 150.01 MUNICIPAL COMMERCIAL REHABILITATION LOAN.

(A) *Purpose and findings.* The City of Nashwauk finds that within the city limits of the City of Nashwauk there are a number of small- and medium-sized commercial buildings which are physically deteriorating, underused, economically inefficient, or functionally obsolete, and in need of rehabilitation to meet applicable building codes; and further that there is a need for a comprehensive program for rehabilitation to prevent further economic and physical blight and deterioration and to increase the municipal tax base; that some owners of the small- and medium-sized commercial buildings in the city are unable to afford rehabilitation loans on terms available on the private mortgage market or to obtain a rehabilitation loan; and that the health, safety, general welfare, and the preservation of the quality of life of the residents of the city are dependent upon the preservation and rehabilitation of the small- and medium-sized buildings.

(B) *Loan provision.* A loan for rehabilitation as contemplated by this section shall be secured by mortgages on the property in favor of the City of Nashwauk or by other security acceptable to the City Council.

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(C) *Loan application.* In approving applications for loans for this program, the City Council shall consider the following factors:

- (1) The availability and affordability of private mortgage credit;
- (2) The availability and affordability of other governmental programs;
- (3) Whether the building is required, pursuant to any court order, statute, or ordinance, to be repaired, improved, or rehabilitated; and
- (4) Whether the proposed improvements will result in conformance with building and zoning codes and improvement of the aesthetic quality of existing commercial areas.

(D) *Loan limitations.* The loan program shall be operated within the following limitations.

(1) The terms and conditions of all loans shall be fixed so that the sum of all repayments of principal and interest on them, not then delinquent and all fees and charges collected, together with other sums to be contributed by the city, shall over the duration of the program, be estimated to be equal to or greater than the sum of all estimated costs of the program, as determined by the program administrator and approved by the governing body of the city, including administrative costs, mortgage foreclosure costs, and principal and interest payments on bonds, if any, issued to finance the program to the extent not paid from bond proceeds.

(2) No loan shall be made for a period exceeding 20 years.

(3) No loan shall exceed 80% of the estimated market value of the property to be rehabilitated upon completion of the rehabilitation, less the principal balance of any prior mortgage existing on the property at the time the loan is made.

(4) No loan shall be made in excess of \$200,000 for the rehabilitation of any particular small- or medium-sized commercial building.

(E) *Administration.* The city shall act in cooperation with the Nashwauk Area Development Corporation in administering the program.

(F) *Program regulations.* The City Council and Nashwauk Area Development Corporation shall adopt program regulations; and, from time to time, more restrictive as the City Council shall deem appropriate.

(G) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

SMALL- AND MEDIUM-SIZED COMMERCIAL BUILDING. All buildings with useable space of 15,000 square feet or less, and an estimated market value as set by the Itasca County Assessors office of \$500,000 or less.

(H) *Effective date.* This section shall be effective upon its passage and publication. (Ord. 182, passed - -)

ADOPTED CODES

§ 150.15 MINNESOTA ACCESSIBILITY CODE.

(A) The Minnesota Accessibility Code, established pursuant to M.S. §§ 16B.59 to 16B.75, as they may be amended from time to time, and as provided for in Minn. Rules Ch.

1341, as it may be amended from time to time, is adopted as the building code for accessibility in this city. M.S. § 16B.735 provides that a city which has not adopted the Uniform State Building Code is nevertheless responsible for the enforcement of the Minnesota Accessibility Code, and this section is intended to comply with that requirement.

(B) No building subject to the provisions of the Minnesota Accessibility Code shall be constructed, reconstructed or substantially altered, or undergo a change in use within the city unless the building will comply with the Minnesota Accessibility Code after the construction or alteration is completed or the change in use occurs.

(C) Any person who constructs, reconstructs or substantially alters any building subject to the Minnesota Accessibility Code, or changes the use of any such building shall, before construction or alteration begins, certify to the City Clerk that the applicable provisions of the Minnesota Accessibility Code will be complied with.

(D) No person shall be issued a building, zoning or land use permit unless they certify that any structure to be located on the property shall be constructed or reconstructed in compliance with the handicapped accessibility provisions, if they apply to the structure to be constructed, substantially altered or reconstructed.

(E) A violation of this section is a misdemeanor punished as provided for in § 10.99.

SIGNS

§ 150.20 CAMPAIGN LAWN SIGNS.

All non-commercial signs (campaign lawn signs) of any size may be posted in any number from June 25 in any state general election year, until 10 days following the state general election.

(Ord. 218-10, passed 5-25-2010)

LOCAL REVIEW PROCESSES

§ 150.30 LOCAL REVIEW PROCESS FOR QUALIFYING ELECTRIC PROJECTS.

(A) *Application.* Application may be made to the Nashwauk Planning Commission for approval of qualifying electric projects under M.S. § 216E.05, as it may be amended from time to time, and Minn. Rules 7849.6200, as it may be amended from time to time, pursuant to an application for a conditional use permit under § 152.24.

(B) *Application requirements.* The application shall satisfy the application requirements of a conditional use permit under § 152.24, including applicable fees, as well as the requirements of the local review process pursuant to Minn. Rules 7849.6200, as it may be amended from time to time, including the applicant's notice to the Minnesota Public Utilities Commission. In response to a request by the Planning Commission, the applicant shall provide such other information as is necessary and reasonable to adequately review the application.

(C) *Public hearing and findings.* Upon receipt in proper form of the application, the Nashwauk Planning Commission shall prepare an environmental assessment EA, at the applicant's expense and provide the public an opportunity to comment on the scope of the EA in compliance with Minn. Rules 7849.6200, subpart 5, as it may be amended from time to time. Further, the Nashwauk Planning Commission shall publish notice in the EQB Monitor that the EA is available for review and public comment and provide a copy of the EA to the Minnesota Public Utilities Commission. The Nashwauk Planning Commission shall hold at least 1 public hearing to consider the application and report its findings and recommendations to the City Council, all pursuant to § 152.24.

(D) *Final decision.* Upon receipt of the Planning Commission's recommendation, the City Council shall not make a final decision on the application until at least 10 days after notice of the EA appears in the EQB Monitor.
(Ord. 215-09, passed 1-12-2009)

CHAPTER 151: MOBILE HOME PARKS

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§ 151.01 PURPOSES.

The purposes of this chapter are to promote health, safety, order, convenience, and general welfare by enforcing minimum standards for mobile home parks, regulation of the location and use of mobile homes and the design, construction, alteration, and arrangement of homes within the park, authorization of the inspection of mobile home parks, and provisions for the grant of permits for the construction of mobile home parks.

(Ord. 129, passed 8-12-1975)

§ 151.02 DEFINITIONS.

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

DRIVEWAY. A minor private way used by vehicles and pedestrians on a mobile home lot.

MOBILE HOME. A transportable, single-family dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal, and electrical conveniences as immobile housing and subject to tax or registration, under the provisions of M.S. Chapters 168 or 273, as they may be amended from time to time, and having no foundation other than wheels, jacks, or skirtings.

MOBILE HOME LOT. A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

MOBILE HOME PARK. Any site, lot, field, or tract of land upon which 2 or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of the mobile home park.

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

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

PERMIT. A certification issued by the City Council permitting the construction, alteration, or extension of any mobile home park or structures within the park that are permanent in nature.

PERSON. Any individual, firm, trust, partnership, public or private association, or corporation.

SEWER CONNECTION. The connection consisting of all pipes, fittings, and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home park.

SEWER RISER PIPE. The portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.

WATER CONNECTION. The connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

WATER RISER PIPE. The portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

(Ord. 129, passed 8-12-1975)

§ 151.03 PERMITS.

(A) *Valid permit.* It shall be unlawful for any person to construct, alter, or extend any mobile home park or structures within the park that are permanent in nature within the limits of the City of Nashwauk unless he or she holds a valid permit issued by the City Council in the name of the person for the construction, alteration, or extension proposed.

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

(1) Name and address of applicant;

(2) Location and legal description of the mobile home park; and
(3) Complete engineering plans and specifications of the proposed park, including, but not limited to, the following: the area and dimensions of the tract of land; topography sketch of the land; the number, location, and size of all mobile home lots; the location and width of roadways and walkways; the location of water and sewer lines and riser pipes; plans and specifications of the water supply and refuse and sewage disposal facilities; plans and specifications of all buildings constructed or to be constructed within the mobile home park; the location and details of lighting and electrical systems; a landscaping plan approved by the city; and areas set aside for recreation equipment and parks.

(C) *Fee.* All applications for a permit shall be accompanied by a fee in an amount established by City Council from time to time.

(D) *Review of applications.* The City Council shall review all applications for permits issued hereunder and shall hold the hearings as they deem proper with respect thereto.

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

(Ord. 129, passed 8-12-1975) Penalty, see § 10.99

§ 151.04 INSPECTION OF MOBILE HOME PARKS.

(A) *Compliance with this chapter.* The City Council is hereby authorized to make the inspections as are necessary to determine satisfactory compliance with this chapter, including the power to enter at reasonable times upon any private or public property for those purposes.

(B) *Registration record.* The City Council, the Chief of Police, or a duly authorized representative shall have the power to inspect the register containing a record of all residents of the mobile home park.

(C) *Access.* It shall be the duty of the park management to give the City Council free access to all lots at reasonable times for the purpose of inspection.

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

(Ord. 129, passed 8-12-1975) Penalty, see § 10.99

§ 151.05 NOTICES, HEARINGS, AND ORDERS.

(A) *Notice.* Whenever the City Council determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, the Council shall give notice of the alleged violation to the person to whom the permit was issued, as hereinafter provided. The notice shall:

- (1) Be in writing;
- (2) Include a statement of the reasons for its issuance;
- (3) Allow 30-days time for the performance of any act it requires. If work cannot be completed in the 30-day period, extensions may be granted if reasons for hardship do prevail and can be verified; and

(4) Be served upon the owner or his or her agent as the case may require; provided that the notice or order shall be deemed to have been properly served upon the owner or agent when a copy thereof has been sent by registered mail to his or her last known address, or when he or she has been served with the notice by any method authorized or required by the laws of this state.

(B) *Hearing.* Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this chapter may request and shall be granted a hearing of the same before the City Council.

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

(Ord. 129, passed 8-12-1975) Penalty, see § 10.99

§ 151.06 ENVIRONMENTAL, OPEN SPACE, AND ACCESS 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) *Soil and ground cover requirements.* Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone, screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

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

(D) *Use requirements.* No part of any park shall be used for nonresidential purposes, except the uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.

(E) *Cluster development.* Cluster development shall be encouraged, but not required. In any case, the minimum standards of the State Department of Health shall be met by the park.

(F) *Park street system and car parking.*

(1) *General requirements.*

(a) All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot.

(b) The access shall be provided by streets, driveways, or other means.

(2) *Internal streets.* Surfaced roadways shall be of adequate width to accommodate anticipated traffic.

(G) *Walks.*

(1) *General requirements.* All parks shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets, and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

(2) *Individual walks.* All mobile homes shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street.

(H) *Skirt.* All mobile homes shall have skirts or an equivalent substituted for skirts around the entire trailer made of metal, plastic, fiberglass, or comparable non-combustible material approved by the City Council and shall be painted appropriately to match the trailer so that it will enhance the general appearance of the trailer and the park.

(Ord. 129, passed 8-12-1975) Penalty, see § 10.99

§ 151.07 WATER SUPPLY.

All mobile homes shall be serviced by the city water system.

(Ord. 129, passed 8-12-1975) Penalty, see § 10.99

§ 151.08 SEWAGE DISPOSAL.

All mobile homes shall be serviced by the city sanitary sewer system.

(Ord. 129, passed 8-12-1975) Penalty, see § 10.99

§ 151.09 REFUSE HANDLING.

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

(Ord. 129, passed 8-12-1975) Penalty, see § 10.99

§ 151.10 INSECT AND RODENT CONTROL.

(A) *Grounds, buildings, and structures.* Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the City Council.

(B) *Parks.* Parks shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.

(C) *Storage areas.* Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe, and other building materials shall be stored at least 1 foot above ground.

(Ord. 129, passed 8-12-1975)

(D) *Screens.* Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

(E) *Brush, weeds, and grass.* The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

(Ord. 129, passed 8-12-1975) Penalty, see § 10.99

§ 151.11 MISCELLANEOUS REQUIREMENTS.

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

(B) It shall be the duty of the operator of the mobile home park to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information: the name and address of each mobile home occupant; the name and address of the owner of each mobile home and motor vehicle by which it is towed; the make, model, year, and license number of each mobile home and motor vehicle, the state, territory, or country issuing the license; and the date of arrival and departure of each mobile home.

(C) The park shall keep the register available for inspection at all times by law enforcement officers, public health officials, and other officials whose duty necessitates acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of 3 years following the date of departure of the registrant from the park.

(Ord. 129, passed 8-12-1975) Penalty, see § 10.99

§ 151.12 VIOLATIONS.

Each month during which compliance is delayed shall constitute a separate offense.

(Ord. 129, passed 8-12-1975) Penalty, see § 10.99

§ 151.13 EFFECTIVE DATE.

This chapter shall be in full force and effect from and after its passage and publication according to law.

(Ord. 129, passed 8-12-1975)

CHAPTER 152: ZONING CODE

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GENERAL PROVISIONS

§ 152.01 TITLE.

This chapter shall be known and cited as the "Zoning Ordinance of the City of Nashwauk."

(Ord. 196, § 1, passed - -)

§ 152.02 DEFINITIONS.

(A) For the purpose of this chapter, certain terms or words used herein shall be interpreted or defined as follows. Words used in the present tense include the future tense. The singular number includes the plural. The word **PERSON** includes a corporation, partnership, association, society, or agency, as well as an individual. The word **LOT** includes the word "plot" or "parcel." The term **SHALL** is always mandatory. The word **USED** or **OCCUPIED** as applied to any land or building shall be construed to include the words "intended, arranged, or deigned to be used or occupied."

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

ACCESSORY. A use, building, or structure subordinate and incidental to the principal use, building, or structure on the lot.

AUTOMOTIVE SERVICE STATION. Any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles, and including products such as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, anti-freeze, motor vehicle accessories, and other items customarily associated with the sale of the products; and for the rendering of service and making of adjustments and replacements to motor vehicles; as incidental to other services rendered, washing, waxing, and polishing of motor vehicles and making of repairs to motor vehicles except those of a major type.

BILLBOARD. Any sign pertaining to a business, product, or event which is not carried on or manufactured in or upon the premises upon which it is located.

BOARD. Board of Appeals and Adjustments.

BUILDING. Any building or structure, or portion thereof, which is used or designed or intended to be used for human habitation, for living, sleeping, cooking, or eating purposes or any combination thereof.

BUILDING COVERAGE. The percentage of the total area of a lot which is covered by structures.

BUILDING HEIGHT. The vertical distance from the grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING LINE. The edge or side of a building nearest a lot line, including, where applicable, the outer edge of overhanging eaves, but not steps.

BUILDING PRINCIPAL. A structure in which the primary use of the lot is situated.

CHAPTER. This chapter or any subsequent revisions thereto.

COMMERCIAL BUSINESS DEVELOPMENT (CBD). CBD within a Planned Unit Development (PUD).

COMMISSION. The Planning Commission of the City of Nashwauk.

CONDITIONAL USE. The use of land in a district where the use requires additional controls and safeguards not required of permitted uses.

CONDOMINIUM. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a **CONDOMINIUM** unless the undivided interests in the common elements are vested in the unit owners. Any multi-unit dwelling may be held under multiple ownership.

COUNCIL. The City Council of the City of Nashwauk.

DISTRICT. A section or sections of the City of Nashwauk within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.

DWELLING, 1-FAMILY OR SINGLE-FAMILY. A detached building designed for or occupied exclusively by 1 family and constituting 1 dwelling unit.

DWELLING, 2-FAMILY. A detached building designed for or occupied exclusively by 2 families and constituting 2 dwelling units.

DWELLING, 3-FAMILY. A detached building designed for or occupied exclusively by 3 families and constituting 3 dwelling units.

DWELLING, MULTIPLE-FAMILY. A detached building or portion thereof, designed for occupancy by 3 or more families and constituting at least 3 dwelling units.

DWELLING UNIT. A structure or portion thereof, providing independent cooking, living, sleeping, and toilet facilities for 1 family.

ESTATE. A dwelling unit situated on a parcel of land at least 1/2 acre in size.

FAMILY. One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a rooming house, club, fraternity, or hotel.

FLASHING SIGN. A sign, part or all of those lights go on and off intermittently.

GARAGES, PRIVATE. Residential accessory buildings principally intended for the storage of automobiles.

GRADE (GROUND LEVEL). The average of the finished ground level at the center of all walls of a building. In case walls are parallel to within 5 feet of a sidewalk, the above ground level shall be measured at the sidewalk.

GUEST ROOM. Any room or rooms used, or intended to be used, by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory is a **GUEST ROOM**.

HOME OCCUPATION. Any gainful occupation or profession conducted within the dwelling, or accessory building, by a resident thereof. Home occupations shall meet the criteria specified below.

(a) Only residents residing on the premises shall be engaged in the occupation.

(b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the main floor area of the dwelling unit shall be permanently set aside to be used in the conduct of the home occupation.

(c) There shall be no change to the outside appearance of the premises that would reflect the presence of a home occupation other than 1 sign, not to exceed 2 square feet, non-illuminated, and mounted flat against the wall of the principal building.

(d) No equipment shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot or in a neighboring dwelling unit. In the case of electrical interference, no equipment shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

(e) No home occupation shall be permitted that creates the need for parking which frequently infringes upon the on-street parking in the neighborhood.

(f) For uses within the dwelling unit, the entrance to the space devoted to the occupation shall be within the dwelling unit.

(g) There shall be no exterior storage of equipment or materials used in the occupation.

(h) The home occupation must be conducted entirely within a building.

(i) Permissible home occupations include, but are not limited to, the following: art studio, dressmaking, special offices of a clergyman, lawyer, architect, engineer, accountant, beautician, professional offices, real estate agent or appraiser, teaching, day-care centers, and miscellaneous services including sales, repairs, fix-it shops, and the like.

HOTEL. Any building containing 6 or more guest rooms intended or designed to be used or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests, whether rent is paid in money, goods, labor, or otherwise.

HOUSEKEEPING UNIT. Anyone or a group of individuals living together as a unit.

INCIDENTAL. Directly and immediately pertaining to, or involved in, though not an essential part.

JUNKYARD. Any area where waste, discarded, or salvaged materials are stored, bought, sold, exchanged, baled or packaged, disassembled, or handled, including house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, automobile tractor, or machinery wrecking and used parts yard, but not including areas where the uses are conducted entirely within a completely enclosed building and not including the processing of used, discarded, or salvaged materials as part of manufacturing operations.

LOT. A parcel of land shown as an individual unit of ownership on the most recent plat of record or other public records.

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

LOT, DEPTH OF. The mean horizontal distance between the front and rear lot lines measured in the direction of its side property lines.

LOT, INTERIOR. A lot other than a corner lot, with frontage only on 1 street.

LOT LINES. The lines bounding a lot.

LOT OF RECORD. A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Itasca County, Minnesota.

LOT WIDTH. The mean horizontal distance between side lot lines measured parallel to the street line or its chord if curved.

MAYOR. The Mayor of the City of Nashwauk.

MOTEL, AUTO COURT. A building or group of attached or detached buildings containing individual sleeping or living units for transients with garage attached or with parking facilities conveniently located near each unit.

MOTOR VEHICLE DEALER. A person engaged in the sales of new and/or used motor vehicles.

MOTOR VEHICLE REPAIR GARAGE. Any building used for major automobile repairs defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof, or recapping or retreading of tires.

NONCONFORMING USE. A structure of land lawfully used or occupied as of the date of enactment of this chapter, which does not conform to the regulations of this chapter.

NURSERY SCHOOL. A home or institution where care and instruction are provided for 4 or more non-resident children during the day, including a kindergarten.

NURSING HOMES. A home for aged, chronically ill, or incurable persons in which 3 or more persons not of the immediate family are received, kept, and provided with food, shelter, and care, for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick, or injured, or of sane, inebriate, or contagious cases.

PARKING SPACE. A permanently surfaced area either within a structure, or in the open, exclusive of driveway or access drives, for the temporary parking of a motor vehicle.

PERMITTED USES. Uses permitted under this chapter which require no additional action by the Planning Commission or the City Council.

PLANNED UNIT DEVELOPMENT. A tract of land developed as a unit rather than as individual development, wherein 2 or more buildings and activities may be located in relationship to each other rather than to lot lines or zoning district boundaries.

SCREENED. Concealed or cut off from view.

SIGN. Any face or any lettered or pictorial device or structure designed to inform or attract attention.

STORY. The portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than 6 feet above grade, the basement or cellar shall be situated between the rear property line of the lot and the rear line of the building projected to the side property lines of the lot.

YARD, SIDE. A space situated between any side line of a building and the adjacent side property line of the lot and extending from the rear line of the front yard to the front line of the rear yard. In the case of corner lots, the side yard most nearly conforming to the front yard of adjacent lots to the rear shall be considered the side yard.

ZONING OFFICIAL. The officer charged with the administration and enforcement of this chapter shall be the person appointed by the Nashwauk City Council by resolution.

(Ord. 196, § 2, passed - -)

§ 152.03 VIOLATIONS.

(A) The owner, lessee, or renter of a building or premises in or upon which a violation of any provision of this chapter has been committed or shall exist; or the lessee of the entire building or entire premises in or upon which violation has been committed or shall exist; or the owner or lessee of any part of the building or premises in or upon which the violation has been committed or shall exist, shall be served with an order to remove the violation.

(B) If the violator has not complied with the order within 30 days after being so served, the violator shall be guilty of a misdemeanor.

(Ord. 196, § 21, passed - -) Penalty, see § 10.99

§ 152.04 INTERPRETATION.

In interpreting and applying the provisions of this chapter, they shall be heard to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare. It is not the intention of this chapter to interfere with or annul any easement, covenant, or other agreement between parties; provided, however, that where this chapter imposes a greater restriction upon the use of building or premises or upon height of building or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or permits or by easement, covenants, or agreements, the provisions of this chapter shall govern.

(Ord. 196, § 22, passed - -)

ZONING REGULATIONS

§ 152.20 OFFICIAL ZONING MAP.

(A) The city is hereby divided into districts as shown on the Official Zoning Map, which, together with the matter thereon and the certificate attached thereto, is hereby adopted and declared to be a part of this chapter as if described in detail herein. The Official Zoning Map shall be prepared and accurately maintained by the city and be displayed at all times in the office of the City Clerk/Treasurer.

(B) The Official Zoning Map shall bear a certificate with the signature of the Mayor and the certification of the City Clerk/Treasurer and the date of adoption of this chapter. If any changes to the map are made by amendment of this chapter, the changes shall be made to the Official Zoning Map and signed and certified upon the map or upon materials attached thereto.

(C) In the event that the Official Zoning Map becomes damaged, lost, or difficult to read or interpret because of the number or nature of changes thereto, a new Official Zoning Map shall be prepared by the city and shall be approved for certification by the Council and signed by the Mayor and certified as the Official Zoning Map by the City Clerk/Treasurer.

(D) Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the boundaries shall be interpreted as following the nearest logical line to that shown; where shown as approximately following platted lot lines, it shall be construed as following the lines; where shown as approximately following the city limits, railroad tracks, street centerlines, stream or water centerlines or shorelines, it shall be construed as following the lines. Boundaries indicated as extension of or parallel to the lines shall be so construed. Where distances are not shown on the map, they shall be determined by scale of the map. Where any boundaries seem to conflict with physical or cultural features on the land, the Board of Appeals and Adjustments shall interpret the boundaries.

(Ord. 196, § 3, passed - -)

§ 152.21 APPLICATION OF DISTRICT REGULATIONS.

Except as hereinafter provided, the regulations set by this chapter shall be minimum regulations and shall apply uniformly to each class or kind of structure or land in each district, and particularly:

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

(B) No part of any yard, other open space, or off-street parking or loading space required in connection with any building or use shall be included as part of a yard, open space, loading or parking space of any other building or use;

(C) No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the requirements set forth herein, and all yards or lots created after the effective date of this chapter shall meet the minimum requirements of this chapter;

(D) All territory which may hereafter be annexed to the city shall be considered to be zoned in the Residence District (R-2) until otherwise classified;

(E) No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations below 8 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street lines and a line connecting them at points 15 feet from the intersection of the street lines, or in the case of a rounded corner from the intersection of the street property lines extended on streets having an angle of intersection of 90 degrees or more. No tree shall be permitted to remain within the distances of the intersections unless the foliage line is maintained at sufficient height to prevent obstruction of the right lines. The same limitations shall apply on a street having an angle of intersection of less than 90 degrees except that the distance back from the point of intersection of the lot lines shall increase 10 feet for every 10 degrees below 90 degrees;

(F) No accessory building or use shall be permitted in any required front yard and no separate accessory building shall be erected within 10 feet of any principal building;

(G) Sign regulations shall not apply to signs or lights established by a government body for public warning or direction, for safety or for traffic control;

(H) *Ponds.*

(1) The developer of property, whether it be the city or a private owner, must design the pond as to its size and location on the property.

(2) The developer is responsible to ensure that the pond:

(a) Does not alter the course of the natural drainage so as to impact adjacent property: and

(b) Once built, is properly maintained.

(3) The owner of the property is responsible for making any changes to the property.

(4) If the city or a local developer is making any changes,

(a) They would be responsible for the pond.

(b) They must contact the county if there are wetland issues.

(5) Approval by the Zoning Commission is required prior to any work being done; and

(I) *Drainage.* No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion, or deposit of minerals on adjacent properties. Such runoff shall be properly channeled into a storm drain, water course, pond area, or other public

facilities. Any change in grade affecting water runoff onto adjacent property must be as approved by the Zoning Commission. Besides being a violation of this code, any person causing such flooding, erosion, or deposit of minerals may be liable for additional civil remedies. (Ord. 196, § 4, passed - -; Am. Ord. passed 4-20-2011; Am. Ord. passed 4-20-2011) Penalty, see § 10.99

§ 152.22 OFF-STREET PARKING.

(A) *Intent.* This section is intended to provide for off-street parking adequate to each type of development in terms of both amount and location in order to reduce the need for parking on the streets and highways and the traffic congestion and hazards caused thereby.

(B) *Off-street parking design standards.*

(1) Accessory off-street parking required for the uses specified herein shall only be for use by automobiles of employees, customers, and residents of the activity served and shall be in addition to provisions for parking for the public at large.

(2) Off-street parking requirements shall be met on the same lot as the building served or on a lot within 100 feet thereof especially reserved for the use. Off-street parking facilities for separate uses may be provided collectively on a separate lot if the total spaces are not less than the total requirements of the separate uses and if other requirements are met.

(3) An off-street parking space shall be at least 9 feet in width and at least 20 feet in length, exclusive of access drive and ramps, and have a vertical clearance of at least 7 feet.

(4) All off-street parking spaces and access areas shall be improved and maintained with minimum of an aggregate base, Class 5 material or the other surface as may be approved by the city, to provide a durable and dust-free surface and shall be so arranged and marked as to provide for orderly and safe parking and storage.

(5) All open parking areas with 4 or more parking spaces adjoining property in a residential district shall be effectively screened by wall, fence, or landscaping.

(6) Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect light away from adjoining premises in any residential district.

(7) Every off-street parking area shall be provided with adequate access of 8 feet, if a residence, and 16 feet if a non-residential use from a public street or alley.

(8) All or any part of off-street parking requirements may be met within the building.

(C) *Number of off-street parking spaces required.* The following number of off-street parking spaces are minimum requirements in all districts and "any-portion-of-any-requirement" shall be interpreted to require a full parking space:

(1) *Dwelling.* Two parking spaces for each dwelling unit;

(2) *Automobile sales and service garages.* One square foot of parking space for each 4 feet of gross floor area;

(3) *Banks and business and professional offices.* One square foot of parking space for each 8 square feet of gross floor area or 1 space per 2 employees, whichever provides the greater number of spaces;

(4) *Bowling alleys.* Three spaces for each alley;

- (5) *Churches and elementary schools.* One space for each 3 seats in a principal auditorium and, if there is no auditorium, 1 space for each classroom and office room;
 - (6) *Dance halls and assembly halls.* Three square feet of parking space for each square foot of gross floor area;
 - (7) *Funeral homes and mortuaries.* One space for each 3 seats in the principal auditorium;
 - (8) *High school and vocational high school.* One space for each full-time employee, plus 1 space for each 5 pupils of designed student enrollment capacity;
 - (9) *Hospitals, clinics, and care institutions.* One half space for each bed, plus 1 space for each employee in the maximum shift;
 - (10) *Hotel, motel, and lodging houses.* One and 2/10 space for each room or suite or each lodging unit;
 - (11) *Manufacturing establishments.* One space for each employee on the maximum shift;
 - (12) *Restaurants, beer taverns, and nightclubs.* One space for each 3 seats in the main seating area;
 - (13) *Retail stores and personal service shops.* One space for each 500 square feet of retail or service floor area and 1 for each employee in the maximum shift;
 - (14) *Sports arenas, auditoriums, stadiums, or theaters.* One parking space for each 3 seats of designed seating capacity;
 - (15) *Other uses.* For any use or building not provided for above, the off-street parking requirements shall be determined by the Planning Commission; and
 - (16) *Special accommodation.* In cases where the aforementioned are deemed too restrictive, the Planning Commission may make special determination to accommodate a relief.
- (Ord. 196, § 5, passed - -) Penalty, see § 10.99

§ 152.23 NONCONFORMITIES.

(A) *Intent.* Within the districts established by this chapter, there exist lots, structures, and uses which were lawful before this chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or its amendments. It is the intent of this chapter to permit these uses to continue until they are removed, but not to encourage their survival. The uses are declared to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded, extended, or used as grounds for adding other prohibited uses. However, nothing in this chapter shall be deemed to require a change in plans, construction, or designated uses of a building on which actual lawful construction has been begun prior to the effective date hereof.

(B) *Nonconforming lots of record.*

(1) In any district in which single-family dwellings are permitted, notwithstanding other limitations imposed by this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record on the effective date of this chapter. The lot must be in separate ownership and not of contiguous frontage with other

lots of the same ownership. A lot of record that does not meet lot area or lot width requirements must still meet other requirements of the district.

(2) If 2 or more lots or combinations of lots with contiguous frontage in single ownership are of record at the effective date of this chapter, and if all or part of the lots do not meet the requirements for lot area and lot width, the land involved shall be considered to be an undivided parcel and no portion of the parcel shall be used or sold which does not meet lot area and width requirements of the district in which it is located, nor shall any division of the parcel be made which creates lots or portions of lots below the requirements. Shifting of boundary lines between adjacent properties are permitted if they do not create an illegal lot.

(C) *Nonconforming uses of land.* A lawful use on the effective date of this chapter or its amendments which is made no longer permissible by the terms of this chapter may be continued if it remains otherwise lawful, subject to the following provisions.

(1) No use shall be enlarged, increased, or extended to occupy a greater area of land than was occupied by the use at any effective date.

(2) No use shall be moved in whole or in part to any other portion of the lot or parcel being occupied by that use at any effective date.

(3) If any nonconforming use ceases for a period of more than 60 days, any subsequent use of the land shall conform to district regulations for the district in which it is located.

(D) *Nonconforming structures.* Where a lawful structure exists that could not be built under the terms of this chapter, the structure may be continued, while under the same ownership, so long as it remains otherwise lawful, providing that:

(1) No structure may be enlarged or altered in any way that increases its nonconformity;

(2) Should the structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter; and

(3) Should the structure be moved, it shall thereafter conform to the regulations for the district to which it is relocated.

(E) *Nonconforming uses of structures.* If a lawful use of a structure or of structures and premises exists at the effective date of adoption or amendment 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, providing that:

(1) No existing structure devoted to a nonconforming use shall be enlarged, extended, reconstructed, or structurally altered, unless the use is changed to a permitted use;

(2) Any nonconforming use may be extended to any other part of a building designed for that use, but the use may not be extended in any way to occupy land outside the building;

(3) If no structural alterations are made, any nonconforming use of a building, structure, or premises may be changed to another nonconforming use, provided that the Board of Appeals and Adjustments shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting the change, the Board may require appropriate conditions or safeguards;

(4) Any structure or structures and land in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed;

(5) Wherever a nonconforming use of a structure or premises is discontinued or abandoned for 6 consecutive months or for 18 months during any 3-year period, the structure or premises shall not thereafter be used except in conformance with the regulations of the district in which it is located; and

(6) Where nonconforming use status applies to both structure and land, tide removal or destruction of the structure shall eliminate the nonconforming status of the land.

(F) *Repairs and maintenance.* On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs and fixtures, wiring, plumbing, or repair or replacement of nonbearing walls, to an extent not exceeding 10% of the replacement value of the building in any 1 year, provided that the work does not increase the size of the building. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to safe conditions of any buildings or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of the official.

(G) *Conditional uses.* Conditional uses provided for under § 152.24 shall not be deemed a nonconforming use in the district in which it is permitted.

(H) *Cessation of junkyards or billboards.* Any junkyards or billboards are declared to be nuisances, and any such activities in existence in the residential districts at the date of the enactment of this chapter shall, at the expiration of 1 year from that date, become a prohibited and unlawful use and shall immediately be discontinued.

(Ord. 196, § 6, passed - -) Penalty, see § 10.99

§ 152.24 CONDITIONAL USES.

(A) *Intent.* Conditional use permits for use other than those specifically permitted in each district are intended to provide for the needs of the community in areas where they may be appropriate, but where special safeguards may be needed to protect other permitted uses from their adverse effects.

(B) *Conditional use requirements.*

(1) No land or structure may be used for any purpose, or designed, constructed, or altered for that purpose, in a district where the use is not listed as a permitted use, unless the use is provided for as a conditional use in that district and a conditional use permit is applied for in writing and granted by the City Council.

(2) A conditional use permit shall only be granted by the Council based upon a statement of findings by the Planning Commission that:

(a) The use conforms generally to the objectives and the intent of this chapter;

(b) The uses will not be detrimental in any way to nearby affected properties or their occupants;

(c) The uses (except in the case of planned unit development) meet the overall density, coverage, yard, height, and all other regulations of the district in which they are located; and

(d) A public hearing has been held thereon by the Planning Commission.

(C) *Procedures on applications for conditional use.*

(1) An application for a conditional use shall be filed with the Zoning Official.

(2) The application for a conditional use shall be accompanied by a list containing the names and addresses of owners of record of all property lying within 300 feet of the lot for which the conditional use is requested.

(3) The Zoning Official shall transmit the application to the Planning Commission immediately upon receipt of the application and list of record owners.

(4) The Planning Commission shall set a date of public hearing on the application for the conditional use permit which hearing shall be held no later than 30 days after receipt of the application from the Zoning Official.

(5) The Zoning Official shall notify the owners of record of all property lying within 300 feet of the lot for which the conditional use is requested by U.S. mail not later than 10 days prior to the hearing. Similar notice shall also be published in the official city newspaper not less than 10 days prior to the hearing.

(6) The mailed and published notices shall state:

(a) The date, time, and place of the public hearing;

(b) The purpose of the public hearing; and

(c) The substance of the proposal in the application.

(7) The public hearing shall be held in accordance with the rules adopted by the Planning Commission. The application for conditional use shall be described and any opinion in favor or opposed may be heard.

(8) The Planning Commission shall then make its findings and submit a recommendation to the City Council for approval or rejection of the application and may specify conditions which will improve the appearance of the property, to reduce any of its adverse effects on nearby property or its occupants, to preserve the character of the area, to protect or enhance the view from this or other properties or make it more acceptable in other ways.

(9) The Planning Commission shall report its findings and recommendation to the City Council within 10 days after the public hearing and shall send a copy thereof to the applicant.

(10) In the course of its deliberations, the Planning Commission may consult the people as may be deemed helpful or necessary.

(D) *Conditional approval.* The City Council may make the granting of a conditional use permit subject to the additional reasonable limitations or conditions as it may impose to enhance the appearance of the property, to reduce any of its adverse effects on nearby property or its occupants, to preserve the character of the area, to protect or enhance the view from this or other properties, or to make it more acceptable in other ways.

(E) *Action upon approval.* Whenever the City Council approves an application for a conditional use, a permit therefore shall be issued by the Zoning Official, who shall be responsible for determining that the conditions imposed by the City Council are met.

(F) *Failure to comply.* Failure to comply with the conditions shall void the permit. (Ord. 196, § 16, passed - -)

ZONING DISTRICTS

§ 152.35 R-1 RESIDENTIAL ESTATES.

(A) *Intent.* This district is intended to provide for very low density residential development, protected as to its residential quality, values, and amenities so as to conform to the system of service available and to provide for the community facilities as will enhance the residential quality of the area.

(B) *Permitted uses.*

- (1) Single-family dwellings;
- (2) Parks, playgrounds, golf courses, and other outdoor recreation areas;
- (3) Temporary buildings for and during construction; and
- (4) Private garages and storage sheds.

(C) *Conditional uses.*

- (1) Two-family dwellings;
- (2) Churches;
- (3) Cemeteries;
- (4) One-family farms including truck gardening and plant nurseries;
- (5) Hospitals and nursing homes;
- (6) Planned unit residential development on site of not less than 5 acres;
- (7) Public utility buildings and structures;
- (8) Elementary, junior high, and senior high schools;
- (9) Home occupations;
- (10) Townhouses; and
- (11) Condominiums.

(D) *Minimum lot dimensions.*

- (1) Area - 1/2 acre;
- (2) Width - 150 feet.

(E) *Maximum building height, width, and length.*

- (1) Maximum building height shall be 2 and 1/2 stories and not over 35 feet.
- (2) The minimum size of all single- and multi-family dwellings shall be 24 feet in width and 24 feet in length.

(F) *Minimum yard requirements.* Minimum yards shall be provided as follows:

- (1) Front yard - 40 feet;
- (2) Rear yard - 50 feet, provided that accessory buildings may be located within 10 feet;
- (3) Side yards - 25 feet, except that the side yards must be at least 30% of the lot provided that no side yard width shall be less than 10 feet. The side yard of a corner lot facing a street shall be 30 feet; and
- (4) Private garages facing the property line shall have a setback of 20 feet.

(G) *Maximum building coverage.* Twenty percent.

(H) *Signs.*

- (1) One sign identifying home occupation which shall not exceed 2 square feet in area and shall be placed no more than 2 feet away from the principal building;
- (2) One sign advertising property for sale, lease, or rent which shall not exceed 12 square feet; and
- (3) No illuminated, flashing, or moving signs are permitted.

(Ord. 196, § 7, passed - -) Penalty, see § 10.99

§ 152.36 R-2 LOW DENSITY RESIDENTIAL.

(A) *Intent.* This district is intended to provide for a low density, single-family residential development, protected as to its residential quality, values, and amenities and conforming to the system of services available or to be provided the community facilities as will enhance the residential quality of the area.

(B) *Permitted uses.*

- (1) Single-family dwellings;
- (2) Parks, playgrounds, and other outdoor recreation areas;
- (3) Temporary buildings for and during construction;
- (4) Private garages and storage sheds; and
- (5) Public utility buildings and structures.

(C) *Conditional uses.*

- (1) Two-family dwellings;
- (2) Churches;
- (3) Nursery schools and child-care centers (nonboarding);
- (4) Planned unit residential developments on sites not less than 5 acres;
- (5) Public utility buildings and structures;
- (6) Home occupations;
- (7) Townhouses; and
- (8) Condominiums.

(D) *Minimum lot dimensions.*

- (1) Width - 100 feet; and
- (2) Depth - 150 feet.

(E) *Maximum building height, width, and length.*

- (1) Maximum building height shall be 2 and 1/2 stories and not over 35 feet.
- (2) Maximum accessory building height shall be 15 feet.
- (3) The minimum size of all single- and multi-family dwellings shall be 24 feet in width and 24 feet in length.

(F) *Minimum yard requirements.*

- (1) Front yard - 25 feet;
- (2) Rear yard - 20 feet, except accessory buildings 10 feet;
- (3) Side yards - 8 feet except that the side yard of a corner lot facing a street shall be 12 feet; except that when there is a front yard adjoining the side yard, then the side yard shall be 17 feet; and
- (4) Private garages facing the property line shall have a setback of 20 feet.

(G) *Maximum building coverage.* Thirty percent.

(H) *Signs.* As specified in § 152.35(H).

(Ord. 196, § 8, passed - -) Penalty, see § 10.99

§ 152.37 R-3 MEDIUM DENSITY RESIDENTIAL.

(A) *Intent.* This district is intended to provide for a medium density residential development, protected as to its residential quality, amenity, and values and conforming to the

system of services available or to be provided and to provide the community facilities as will enhance the residential character of the area.

- (B) *Permitted uses.*
 - (1) Uses permitted in the R-2 Low Density Residential District;
 - (2) Two-family dwellings;
 - (3) Temporary buildings for and during construction;
 - (4) Private garages and storage sheds;
 - (5) Condominiums; and
 - (6) Townhouses.
- (C) *Conditional uses.*
 - (1) Churches;
 - (2) Nursery schools and child-care centers (nonboarding);
 - (3) Public utility buildings and structures;
 - (4) Public parking area if within 200 feet of a commercial district;
 - (5) Clinics, nursing homes, homes for the elderly, and convalescent homes;
 - (6) Planned unit developments on sites of not less than 5 acres;
 - (7) Three-family dwellings; and
 - (8) Home occupations.
- (D) *Minimum lot dimensions.*
 - (1) *Width.*
 - (a) Single-family dwelling - 50 feet;
 - (b) Two-family dwelling - 75 feet; and
 - (c) Three-family dwelling - 90 feet.
 - (2) *Depth.* One hundred ten feet.
- (E) *Townhouses.*
 - (1) A townhouse shall have no more than 10 dwelling units.
 - (2) Townhouse dwelling units shall contain at least 720 square feet when it is a 1-story structure and at least 1,100 square feet when it is a 2-story structure.
 - (3) The minimum width of a townhouse shall be 20 feet.
 - (4) The minimum yard requirements are:
 - (a) Front yard - 25 feet;
 - (b) Rear yard - 35 feet; and
 - (c) Side yards - 10 feet.
 - (5) All driveways and parking areas shall be hard surfaced with a permanent material.
 - (6) Each dwelling unit shall be provided with a minimum of 2 parking spaces, 1 of which shall be a garage.
 - (7) Each townhouse shall be provided with a minimum of 1 sanitary sewer connection of adequate size to provide the needed service for each of the townhouse dwelling units in a complex.
 - (8) Each townhouse shall be provided with at least 1 potable water service connection of sufficient size to provide a 1-inch "service hookup equivalence" for each townhouse dwelling unit in a complex.
- (F) *Maximum building height, width, and length.*
 - (1) Maximum building height shall be 2 and 1/2 stories and not over 35 feet.

(2) The minimum size of all single- and multi-family dwellings shall be 24 feet in width and 24 feet in length.

(G) *Minimum yard requirements.*

(1) Front yard - 25 feet;

(2) Rear yard - 20 feet, except accessory buildings 10 feet; and

(3) Side yards - 8 feet except that the side yard of a corner lot facing a street shall be 12 feet; except that when there is a front yard adjoining the side yard, the side yard shall be 20 feet.

(H) *Maximum building coverage.* Forty percent.

(I) *Signs.* As specified in § 152.35(H).

(Ord. 196, § 9, passed - -) Penalty, see § 10.99

§ 152.38 R-4 MULTIPLE RESIDENCE DISTRICT.

(A) *Intent.* This district is intended to provide for an interesting and pleasant high density environment close to major travel, service retail, and other facilities and services.

(B) *Permitted uses.*

(1) Uses permitted in an R-3 District;

(2) Multi-family dwellings;

(3) Temporary buildings for and during construction;

(4) Private garages and storage sheds;

(5) Townhouses; and

(6) Condominiums.

(C) *Conditional uses.*

(1) Churches;

(2) Nursery schools, child-care centers (nonboarding);

(3) Public utility buildings and structures;

(4) Public parking areas if within 200 feet of a commercial district;

(5) Nursing homes for the elderly and convalescent homes;

(6) Planned Unit Developments on sites of not less than 5 acres;

(7) Funeral homes and mortuaries;

(8) Lodges and fraternal organizations;

(9) Medical clinics and professional offices;

(10) Mobile home parks subject to the provisions of § 152.39; and

(11) Home occupations.

(D) *Minimum lot dimensions.*

(1) Area - uses permitted in R-3 District as specified in § 152.37;

(2) Multiple dwellings - plus 800 square feet for each additional unit over 3;

(3) Width - uses permitted in R-3 District as specified in § 152.37; and

(4) Depth - 110 feet.

(E) *Maximum building height, width, and length.*

(1) Maximum building height shall be 2 and 1/2 stories and not over 35 feet in height.

(2) The minimum size of all single- and multi-family dwellings shall be 24 feet in width and 24 feet in length.

- (F) *Minimum yard requirements.*
- (1) Front yard - 25 feet;
 - (2) Rear yard - 20 feet;
 - (3) Side yards - 8 feet except that the side yard of a corner lot facing a street shall be 20 feet; and
 - (4) Private garages facing the property line shall have a setback of 20 feet.
- (G) *Maximum building coverage.* Fifty-five percent.
- (H) *Signs.* As specified in § 152.35(H), provided that signs for non-residential uses allowed as conditional uses in the R-4 District may be non-flashing illuminated and may have an area of not more than 15 square feet.
- (Ord. 196, § 10, passed - -) Penalty, see § 10.99

§ 152.39 R-5 MOBILE HOMES.

- (A) *Intent.* This district is intended to provide for a medium density single-family residential development of mobile homes, protected as to its residential quality, amenity, and values and conforming to the system of services available or provided and to provide the community facilities as will enhance the residential character of the area.
- (B) *Permitted uses.*
- (1) Mobile home parks or trailer coach parks meeting the requirements of the Minnesota Trailer Coach Park Law;
 - (2) Temporary buildings for or during construction; and
 - (3) Private garages and storage sheds.
- (C) *Conditional uses.*
- (1) Mobile home or trailer coach sales lots on which unoccupied mobile homes are parked for the purpose of inspection and sale;
 - (2) Retail or service outlets intended to serve occupants of the mobile home park;
 - (3) Public utility buildings and structures;
 - (4) Home occupations; and
 - (5) Condominiums.
- (D) *Minimum dimensions.* Minimum area requirements for a mobile home park site shall be 8 acres and shall be not less than 150 feet in width. Eighty percent of the lots within the mobile home park shall be not less than 4,000 square feet in area and 20% of the lot shall be not less than 3,000 square feet in area. Minimum lot requirements may be reduced by 10% provided the land is used to provide definable open space and recreation area within the mobile home park. The open space or recreation area shall not be areas included within any required yard or setback nor shall they include any area less than 20 feet in length and width.
- (E) *Maximum building height.* Twenty-four feet or 1 and 1/2 stories.
- (F) *Minimum yard requirements.*
- (1) *Front yard.*
 - (a) For mobile home parks abutting on a federal or state highway or city arterial, the exterior front yard shall be not less than 100 feet from the centerline of the highway or 45 feet from the highway right-of-way, whichever is greater.

(b) For lots abutting on all other roads, the exterior front yard shall not be less than 75 feet from the centerline of the road or 40 feet from the road right-of-way line, whichever is greater.

(c) No mobile home shall be located closer than 20 feet to the mobile home park exterior front yard line. There shall be a front yard of not less than 10 feet at the front end of each mobile home site within the mobile home park.

(2) *Rear yard.* When a mobile home park abuts a residential district, there shall be a minimum rear yard of 50 feet between the rear property line of the mobile home park and any mobile home located therein. A minimum rear yard of 25 feet shall be required for any mobile home park abutting any other district. The minimum distance between mobile homes within the mobile home park shall be 20 feet or the sum of the height of the 2 adjoining mobile homes, whichever is greater. The point of measurement shall be a straight line at the closest point between the mobile homes being measured.

(3) *Side yards.*

(a) When a mobile home park abuts a residential district, there shall be a minimum side yard of 50 feet between the side property line of the mobile home park and any mobile home located therein. A minimum side yard of 25 feet shall be required for a mobile home park abutting any other district. The minimum distance between mobile homes within the mobile home park shall be 20 feet, or the sum of the heights of the 2 adjoining mobile homes, whichever is greater.

(b) The point of measurement shall be a straight line at the closest point between the mobile homes being measured.

(G) *Maximum building coverage.* Thirty-five percent of the total mobile home park area.

(H) *Signs.* As specified in § 152.38(H).

(I) *Site improvements and designs; minimum site improvements.* The following shall be considered as minimum site improvements which shall be made in developing any mobile home park.

(1) Before approving an area for zoning an R-5 Mobile Homes District, the Council shall require a detailed site plan and a written agreement with the developer of a mobile home park specifying the improvements and the date they will be made.

(2) To provide privacy for occupants of the mobile home park, a 20-foot greenbelt shall be located and maintained along all exterior boundary lot lines not bordering a street.

(3) A landscaped area shall be located and maintained between the mobile home park area and any bordering street.

(4) All mobile home lots shall be provided with a surface stand, or pad, large enough to cover the entire area underneath any mobile home parked thereon. The pad shall be surfaced with asphaltic concrete, or comparable material, of a minimum thickness of 2 inches or with at least 6 inches of crushed rock, clay, or aggregate.

(5) Access to a mobile home park shall be so designed as to limit ingress and egress points in order to facilitate traffic movement and to control undesirable traffic.

(6) The interior street system of a mobile home park shall be designed to provide for convenient access to each mobile home lot by means of proper located arterial, collector, and local access streets.

(Ord. 196, § 11, passed - -) Penalty, see § 10.99

§ 152.40 R-6 PLANNED UNIT DEVELOPMENT.

(A) *Purpose.*

(1) The purpose of the Planned Unit Development District is to offer an alternative zone to development as outlined in the residential, commercial, and industrial use districts of this chapter.

(2) Deviation from the definitive and precise requirements of the several districts is to be conditionally allowed as a Planned Unit Development if the particular areas to be developed can offer greater value to the community and can better meet the community's health, welfare, and safety requirements than if those same areas were to be developed in a single-purpose zone.

(3) The Planned Unit Development may be multi-purpose in nature so that not only may it be residential, commercial, or industrial but also it may contain a combination of these uses. Moreover, the Planned Unit Development, through the use of conditional use permits, superimposes the regulations of this form of development over any underlying district regulations.

(4) The Planned Unit Development may take any of the following forms.

(a) *Residential Planned Unit Development (PUD).* The purpose of the Residential Planned Unit Development is to provide for the harmonious development of residential areas in a manner:

1. That aesthetic qualities of the landscape may be preserved or created which would otherwise be impossible under the traditional 1-lot-1-building concept;

2. That provisions may be made for natural non-geometric location of buildings within a site which will provide for economy of development through the use of good street and utility design; and

3. That land uses consistent with or complementary to existing developments and the community's needs be encouraged.

(b) *Commercial Planned Unit Development.* The purpose of the Commercial Planned Unit Development is to allow alternatives to the restrictions made mandatory in the commercial districts in a manner that more efficient means of providing off-street parking, thoroughfare access, separation of pedestrian and vehicular traffic, stabilization of contiguous property values, buffering of adjacent noncommercial areas, and other general and pertinent planning considerations may be developed and utilized.

(c) *Industrial Planned Unit Development.* The purpose of the Industrial Planned Unit Development is to promote the creation of integrated industrial areas providing design features and control standards for superior industrial developments. In particular, attention shall be given to improving aesthetics, architectural form and scale, traffic circulation, and buffers between industrial and non-industrial areas. And, as in all other Planned Unit Developments, exceptions from the specific regulations found in the zoning districts shall be made for developments which propose innovative or original schemes for the creation of a better urban environment.

(d) *Commercial Business Development Planned Unit Development.* The purpose of the CBD Planned Unit Development is to encourage the reconstruction or renewal of areas in the commercial districts. In cases whether mixed usage is a goal or not, the development shall insure standards which will provide safe, healthful, aesthetic, and uncongested use of the area. This chapter recognizes that, in the commercial districts, the dimension of

height is an important factor so that in this Planned Unit Development mixed uses may take this space into account and the city shall judge the use of this space on the merits of the plan and on the general needs of the residents of the city.

(e) *Mixed Use Planned Unit Development.* The purpose of the Mixed Use Planned Unit Development is to provide developers with a tool whereby tracts of land outside of the commercial districts may be developed for multiple uses, provided the development is compatible with the needs of the residents of the city and in no way detracts from their general health, welfare, or safety. This section makes possible a mixture of land uses in a manner that residential, commercial, and industrial land uses may be juxtaposed if they are both internally and externally compatible and complementary within themselves and with the remainder of the community. To provide for the proper utilization of land in a Mixed Use Planned Development, it must be assumed that only large tracts shall be determining the merits of any such proposal.

(B) *Planned Unit Development projects.*

(1) *Generally.* This section makes provisions for Residential, Commercial, Industrial, Central Business District, and Mixed Use Planned Unit Developments for tracts of land under single or unified ownership. The Planned Unit Development projects shall be developed in accordance with an overall design as shown in a General Development Plan which shall not in any way be inconsistent with the general intents of this chapter.

(2) *Regulations.*

(a) All roadways and utilities within Planned Unit Development shall be constructed to specifications established by the City Council. At the City Council's request, an agreement for the completion of this work shall be established by the city and the developer.

(b) There shall be no standard minimum size requirement for any Planned Unit Development. It should be expected, however, that the size of the proposed developments will be such that this form of development will be logical and such that the purposes of this chapter will not be defeated.

(c) The burden of justification for any Planned Unit Development project shall be the exclusive responsibility of the developer. He or she shall be responsible for providing the information and data required in this section. In addition, as the Planned Unit Development is an innovative approach, he or she shall provide any other data or information as may be required by the Planning Commission or the City Council.

(d) Upon approval of the Planned Unit Development by the City Council, the area will be subject to the stipulations of the conditional use permit and the area shall be rezoned to the Planned Unit Development District. The developer, when so requested, shall make periodic reports of development to the Planning Commission. Under no circumstances, however, shall deviation from the General Development Plan be allowed unless prior approval has been given by the City Council.

(e) Once the request for the conditional use permit and rezoning have been approved by the City Council and the resulting ordinance becomes effective, the developer may begin construction. It shall be understood, however, that the Planned Unit Development District is in all cases conditional and that no departure from the General Development Plan shall be allowed without prior approval by the City Council. At the termination of the usage of any of the principal buildings in the Planned Unit Development, no new construction or new land use shall be undertaken. The Planned Unit Development District is contractual in nature and once those conditional and approved land uses and structures are no longer in use, the zoning shall

revert to its previous classification. The developer shall be responsible for notifying the city of any discontinuance or variance from the conditions of an approved Planned Unit Development.

(f) Nothing in this section or this chapter shall be interpreted as negating the necessity of filing a plat as required by the city's subdivision regulations. In addition, nothing in this section shall be interpreted as defeating the purpose of the orderly and rational development of the city and of the environment.

(C) *Administrative procedure.*

(1) Before any construction, the proponents of a Planned Unit Development project shall submit and receive approval of:

- (a) Preliminary Development Plan;
- (b) General Development Plan; and
- (c) Detailed Development Plan for the construction area.

(2) The Preliminary Development Plan shall be submitted to the Planning Commission. The plan shall include the proponent's general intentions regarding function and land use. The plan may be submitted for approval at the same time the Preliminary Plat is being considered.

(3) After Planning Commission and City Council approval of the Preliminary Development Plan (and the Preliminary Plat where necessary) application for rezoning of the entire area to the Planned Unit Development District shall be made. Accompanying the request, there shall be a reproducible copy of the General Development Plan. The General Development Plan and the Final Plat may be submitted for approval concomitantly.

(4) The General Development Plan shall indicate:

- (a) The topographic surface of the entire area to be developed;
 - (b) Points of ingress or egress excluding those of 1- and 2-family detached residences;
 - (c) Recreation and other open space areas;
 - (d) Parking areas for other than 1- and 2-family detached dwellings;
- and
- (e) Land use of each specific lot or outlot as determined by the Final Plat.

(5) After Planning Commission approval of the General Development Plan and after City Council approval of the rezoning request, the proponents shall submit a Detailed Development District provided the Final Plat has been approved and provided a plating agreement has been completed with the city. This Detailed Development Plan shall be accompanied by a request for a conditional use permit which, if granted, will specify the uses and conditions of development in the area delimited by this Final Plan by incorporating the Detailed Development Plan into the ordinance. The submitted, reproducible plan at a minimum shall show:

- (a) Parking areas with stall arrangements for other than 1- and 2-family detached dwellings;
- (b) The size, bulk, location, arrangement, and use of buildings other than 1- and 2-family detached dwellings. In addition where a CBD Planned Unit Development is proposed with mixed uses, floor plans with the various functional uses shall be included;
- (c) General landscaping of the area to exclude ornamental shrubs and plantings provided for in 1- and 2-family residential developments; and
- (d) Facilities and uses of recreation area.

(6) Any deviation from the Detailed Development Plan after approval by the City Council shall be a violation of this chapter unless approved by the City Council following review and recommendation of the Planning Commission.

(7) Addendums to this chapter shall be added to each R-6 Zone.
(Ord. 196, § 12, passed - -) Penalty, see § 10.99

§ 152.41 C-1 CORE COMMERCIAL.

(A) *Intent.* This district is intended to provide a retail and service center for the city and all economic activities that provide jobs for its residents. It should not intrude on residential development, and residential development in this area should be discouraged as harmful to the economic development of the city.

(B) *Permitted uses.*

- (1) Retail uses conducted entirely within a building;
- (2) Eating and drinking establishments except drive-ins;
- (3) Personal service shops;
- (4) Financial institutions;
- (5) Offices, clinics, business schools;
- (6) Theaters and commercial amusement places;
- (7) Hotels and motels;
- (8) Lodges and fraternal organizations;
- (9) Institutional uses and churches;
- (10) Funeral homes and mortuaries;
- (11) Parking lots;
- (12) Public utility buildings and structures;
- (13) Temporary buildings for and during construction; and
- (14) Apartments over business establishment.

(C) *Conditional uses.*

- (1) Retail sales lots including used cars;
- (2) Open storage lots included as part of a permitted use;
- (3) Billboard or outdoor advertising signs not exceeding 600 square feet;
- (4) Wholesale and storage establishments;
- (5) Gasoline service stations and auto repair garages;
- (6) Residences, if in conjunction with a non-residential establishment;
- (7) Day-care centers;
- (8) Multi-family dwellings; and
- (9) Condominiums.

(D) *Accessory uses.*

- (1) Storage within a building, if accessory to a principal use;
- (2) Off-street parking spaces and loading berths; and
- (3) Accessory buildings and uses customarily incidental to the above listed

uses.

(E) *Minimum lot dimensions.* No minimum lot area or width is prescribed.

(F) *Maximum building height, width, and length.*

- (1) Maximum building height shall be 2 and 1/2 stories and not over 35 feet.

(2) The minimum size of all single- and multi-family dwellings shall be 24 feet in width and 24 feet in length.

(G) *Minimum yard requirements.* No yards are required provided that if a building abuts on a residential district there shall be a yard of not less than 20 feet provided on the abutting side, which yard shall be screened from view of the residential district.

(H) *Maximum building coverage.* Eighty percent.

(I) *Signs.*

(1) No flashing signs shall be permitted;

(2) A sign of not more than 400 square feet on the facings of all its sides for any 1 building or for all the uses in the building is permitted;

(3) Signs may not extend over a sidewalk or other public right-of-way for more than 5 feet; and

(4) Other overhangs.

(Ord. 196, § 13, passed - -) Penalty, see § 10.99

§ 152.42 C-2 HIGHWAY COMMERCIAL.

(A) *Intent.* This district is intended to provide roadside service for travelers, as well as for residents, and to provide for the development of activities that use land extensively. The business activities should not be permitted to interfere with the movement of traffic near or within the amenities of the city.

(B) *Permitted uses.*

(1) Motels;

(2) Eating and drinking establishments including drive-in restaurants;

(3) Gasoline service stations and truck stops;

(4) Car washes and repair garages, but not including open storage of dismantled vehicles;

(5) Landscape, nursery, or garden sales;

(6) Public utility buildings and structures; and

(7) Temporary buildings for and during construction.

(C) *Conditional uses.*

(1) Auto, truck, trailer, and farm implement sales;

(2) Marine and boat sales;

(3) Bowling alleys and dance halls;

(4) Miniature golf course, golf driving range, and other commercial outdoor recreation activities;

(5) Combined business and residential uses;

(6) Planned unit development for retail and service uses on site of 4 or more acres;

(7) Billboards and outdoor advertising signs not exceeding 1,600 square feet; and

(8) Condominiums.

(D) *Accessory uses.*

(1) Storage of goods related to sales establishments;

(2) Off-street parking spaces and loading berths; and

- uses.
- (3) Accessory buildings and uses customarily incidental to the above listed uses.
 - (E) *Minimum lot dimensions.*
 - (1) Area - 5,000 square feet;
 - (2) Width - 50 feet; and
 - (3) Depth - 100 feet.
 - (F) *Maximum building height, width, and length.*
 - (1) Maximum building height shall be 2 and 1/2 stories and not over 35 feet.
 - (2) The minimum size of all single- and multi-family dwellings shall be 24 feet in width and 24 feet in length.
 - (G) *Minimum yard requirements.*
 - (1) Front yard - 30 feet; and
 - (2) Rear and side yards - none required, provided that if a property abuts a residential district there shall be a yard of not less than 20 feet provided on the abutting side, which yard shall be screened from view of the residential district.
 - (H) *Maximum building coverage.* Sixty percent.
 - (I) *Signs.*
 - (1) No flashing signs shall be permitted.
 - (2) A sign of not more than 600 square feet on the facings of all its sides for any 1 building or for all the uses in the building is permitted.
 - (3) Signs may not extend over a sidewalk or other public right-of-way.
- (Ord. 196, § 14, passed - -) Penalty, see § 10.99

§ 152.43 M-1 INDUSTRIAL DISTRICT.

- (A) *Intent.* It is intended that this district provide for the activities that give employment to many of the city's residents. In this area, close to rail and highway transportation, the most advantageous sites for the activities are located. However, uses of land which adversely may effect the health or welfare of the people are prohibited.
- (B) *Permitted uses.*
 - (1) Gasoline service stations;
 - (2) Automotive works and repair garages, but not including the open storage of dismantled vehicles;
 - (3) Landscape, nursery, or garden sales;
 - (4) Public utility buildings and structures;
 - (5) Lumber yards, building materials sales yards;
 - (6) Auto, truck, trailer and farm implement sales;
 - (7) Marine and boat sales;
 - (8) Bottling and manufacturing;
 - (9) Food processing plants;
 - (10) Storage warehouses and open storage yards;
 - (11) Transportation and freight terminals;
 - (12) Contractor's offices, warehouses, storage yards;
 - (13) Hay, grain, feed, and fuel supply sales and storage;
 - (14) Monument works; and

- (15) Temporary buildings for and during construction.
 - (C) *Conditional uses.*
 - (1) Billboards and outdoor advertising signs not exceeding 600 square feet.
 - (2) Planned unit industrial development on sites of not less than 10 acres.
 - (3) Any lawful use of land or building not expressly prohibited or provided for and which, by its nature, does not constitute either a public or private nuisance because of noise, dirt, soot, offensive odor, or unsanitary condition.
 - (D) *Accessory uses.*
 - (1) Off-street parking spaces and loading berths; and
 - (2) Accessory buildings and uses customarily incidental to the above listed uses.
 - (E) *Minimum lot dimensions.*
 - (1) Area - 10,000 square feet;
 - (2) Width - 100 feet; and
 - (3) Depth - 100 feet.
 - (F) *Maximum building height, width, and length.*
 - (1) Maximum building height shall be 2 and 1/2 stories and not over 35 feet.
 - (2) The minimum size of all single- and multi-family dwellings shall be 24 feet in width and 24 feet in length.
 - (G) *Minimum yard requirements.*
 - (1) Front yard - 30 feet;
 - (2) Side yards - 20 feet provided that where an M-1 Industrial District abuts a residential district a side yard of 50 feet shall be provided on the abutting side, which yard shall be screened from view of the residential district; and
 - (3) Rear yard - 30 feet provided that where an M-1 Industrial District abuts a residential district a rear yard of 50 feet shall be provided on the abutting side, which yard shall be screened from view of the residential district.
 - (H) *Maximum building coverage.* Sixty percent.
 - (I) *Signs.*
 - (1) No flashing signs shall be permitted.
 - (2) A sign of not more than 600 square feet on the facings of all its sides for any 1 building or for all the uses in the building is permitted.
 - (3) Signs may not extend over a sidewalk or other public right-of-way.
- (Ord. 196, § 15, passed - -) Penalty, see § 10.99

§ 152.44 M-2 INDUSTRIAL, COMMERCIAL, AND BUSINESS DISTRICT.

- (A) *Intent.* This district is to provide for activities that create employment and to add economic vitality to the community. This area is a developed Industrial Park with water, sewer, electric power, and telephone service on site and natural gas is nearby. All residential land use is prohibited.
- (B) *Permitted uses.*
 - (1) Gasoline service stations;
 - (2) Automotive works and repair garages, but not the open storage of dismantled vehicles;

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- (3) Landscape, nursery, and garden sales;
- (4) Public utility buildings;
- (5) Building materials sales yards;
- (6) Auto, truck, trailer, and farm implement sales, and service;
- (7) Marine and boat sales;
- (8) Bottling and manufacturing;
- (9) Food processing plants;
- (10) Warehouses and open storage yards;
- (11) Transportation and freight terminals;
- (12) Contractor's offices, warehouses, and storage yards;
- (13) Fertilizer, seed, and fuel sales;
- (14) Monument works;
- (15) Bowling alleys;
- (16) Office buildings;
- (17) Wholesale outlets;
- (18) Temporary buildings for and during construction;
- (19) Billboards & signs not exceeding 600 square feet;
- (20) Off-street parking;
- (21) Industrial sales; and
- (22) Veterinary dispensary and small animal hospital.

(C) *Conditional Uses.*

- (1) Retail sales not specifically included in permitted uses;
- (2) Convention Center; and
- (3) Any use of land not expressly prohibited or provided for which creates

employment and economic advantage.

(D) *Minimum lot dimensions.*

- (1) Area - 10,000 square feet;
- (2) Width - 100 feet; and
- (3) Depth - 100 feet.

(E) *Minimum yard requirements.*

- (1) Front yard - 30 feet;
- (2) Side yards - 20 feet. Where the side yard abuts a residential district, the

side yard shall be screened from view of the residential district if requested by the residential property owner; and

- (3) Rear yard - 20 feet. Where the rear yard abuts a residential district, the

rear yard shall be screened from view of the residential district if requested by the residential property owner.

(F) *Maximum building coverage.* Sixty percent.

(G) *Signs.*

- (1) Flashing signs are prohibited.
- (2) Signs may not extend over a public right-of-way.

(Ord. 196, § 15-A, passed - -) Penalty, see § 10.99

§ 152.45 MANUFACTURED/MOBILE HOMES.

(A) Manufactured and mobile homes shall be permitted in all zoning districts provided they meet the following minimum standards.

- (1) The mobile or manufactured home must exceed 18 feet in width and have a roof with 4 feet by 12 feet pitch.
- (2) The mobile or manufactured home must have a minimum floor area of 700 square feet.
- (3) The mobile or manufactured home must be placed on a permanent concrete foundation or permanent wood basement extending below the frost line.
- (4) The mobile or manufactured home must be connected to city water and city sewer systems.
- (5) The mobile or manufactured home must be secured to the foundation or basement by a method of anchoring that complies with applicable laws and regulations and that will prevent the mobile or manufactured home from overturning or moving laterally.
- (6) All other requirements of state law and city code provisions must be met.

(B) The requirements of this section shall not apply to dwellings within the R-5 Mobile Homes District provided that all the requirements of Chapter 151 and § 152.39 of this code are met.

(Ord. 243-17, passed 9-26-2017)

ZONING ADMINISTRATION

§ 152.55 ADMINISTRATION AND ENFORCEMENT.

(A) *Generally.* The Zoning Official and the other staff assistance as is provided by the City Council shall administer and enforce this chapter.

(1) If the Zoning Official shall find that any provision of this chapter is being violated, he or she shall notify in writing the person responsible for the violation and order corrective actions.

(2) The Zoning Official shall order discontinuance of illegal use of land, structures, or buildings, removal of illegal buildings or structures or of additions or alterations or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to insure compliance to prevent its violation.

(B) *Zoning permit requirement.* No building or other structure shall be erected, moved, added to, or structurally altered without a valid zoning permit.

(C) *Procedures on application for zoning permit.*

(1) No zoning permit shall be issued except in conformity with all of the provisions of this chapter, except upon written order from the Board of Appeals and Adjustments of a conditional use permit approved by the City Council.

(2) An application for a zoning permit shall be filed with the Zoning Official.

(3) All applications for zoning permits shall be accompanied by building and plot plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lots of buildings already existing, if any; and the location and dimensions of the proposed building or alteration.

(4) The application shall include the other information as lawfully may be required, including existing or proposed building or alteration; existing or proposed use of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and the other matters as may be necessary to determine conformance with and provide for the enforcement of this chapter.

(5) The Zoning Official with staff assistance shall approve or disapprove the application. If approved, the Zoning Official shall issue a zoning permit. If disapproved, the Zoning Official shall notify the applicant of the reason for disapproval.

(6) One copy of the plan shall be returned to the applicant after the copy either is approved or disapproved. The second copy of the plans, similarly marked, shall be retained by the city.

(7) The zoning permit shall be displayed on the premises.

(D) *Expiration of zoning permits.*

(1) If the work described in any zoning permit has not begun within 2 years from the date of issuance, the permit shall expire and it shall be canceled and written notice thereof shall be given.

(2) If the work described in any zoning permit has not been substantially completed within 3 years of the date of issuance, the permit shall expire and be canceled and written notice thereof shall be given. Further work, as described in the canceled permit, shall not proceed unless a new zoning permit has been obtained.

(E) *Conformity of construction of use.* Zoning permits or occupancy permits issued on the basis of plot plans and applications approved by the Zoning Official authorize only the use, arrangement, and construction set forth in the plans, and no other use or arrangement. Use, arrangement, or construction at variance with that authorized plot plan shall be deemed a violation of this chapter and is punishable as provided in this chapter.

(F) *Duties of Zoning Official, Board of Appeals and Adjustments, and the City Council.* It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the Planning Commission and that the questions shall be presented to the Board of Appeals and Adjustments only on appeal from the decision of the Planning Commission and that recourse from the decision of the Board of Appeals and Adjustments shall be to the courts, as provided by law.

(1) It is further the intent of this chapter that the duties of the City Council in connection with this chapter shall not include hearing and deciding questions of interpretation or enforcement that may arise. The procedure for deciding the questions shall only be as stated in this section and this chapter.

(2) Under this chapter, the City Council shall have only the duties of:

(a) Considering and adopting or rejecting proposed amendments or the repeal of this chapter, as provided by law;

(b) Establishment of a schedule of fees and charges as stated in division (G) below;

(c) Approving zoning permits for conditional uses, after hearing thereon and recommendations by the Planning Commission; and

(d) Exercising their power and duties on the Board of Appeals and Adjustments.

(G) *Schedule of fees, charges, and expenses.*

(1) The City Council hereby may establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, appeals, and other matters pertaining to this chapter.

(2) The schedule of fees shall be posted in the office of the Zoning Official and may be altered or amended only by the City Council.

(1) No permit, certificate, conditional use, or variance shall be issued unless or until the costs, charges, fees, or expenses listed below have been paid in full nor shall any action be taken on proceedings before the Board of Appeals and Adjustments or Planning Commission, unless or until preliminary charges and fees have been paid in full, if there are any.

(2) Fees for appeals shall be the same as for a variance, except that when an appeal is upheld the full amount shall be refunded.

(3) Fees:

(a) Zoning permit;

(b) Variance application;

(c) Conditional use application;

(d) Zoning change application; and

(e) Appeals.

(Ord. 196, § 17, passed - -) Penalty, see § 10.99

§ 152.56 BOARD OF APPEALS AND ADJUSTMENTS.

(A) *Creation of Board.* A Board of Appeals and Adjustments is hereby created which shall consist of the Mayor and the City Council.

(1) The members shall annually elect 1 of their members as Chairperson.

(2) Members shall serve without compensation but shall be entitled to reimbursement for expenses incurred in performance of their duties.

(3) A majority of the members of the Board shall constitute a quorum for the transaction of business.

(4) The Board shall keep a written record of all its proceedings which shall include: minutes of its meetings showing the vote of each member or if absent or failing to vote or an indication of that fact; record of its examination and official actions; and its findings and final orders indicating the action taken on each matter heard by the Board.

(5) The Board shall adopt rules for its own proceedings which shall provide among other things for regular or special meetings at the call of the Chairperson and at the time as the members may determine and also provide for a time limit within which appeals may be taken as provided herein.

(B) *Powers and duties of Board.* The Board of Appeals and Adjustment shall have the power and duty of hearing and deciding appeals or requests in the following cases:

(1) Appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Zoning Official in the enforcement of this chapter; and

(2) Requests for variance from the literal provisions of this chapter or instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

(C) *Procedure for appeals and variances.* Appeals from an administrative order or requests for variances from the literal provisions of this chapter shall be made within the time limits specified.

(1) Decisions of the Board shall be final subject to review by a court of record in the rule of the Board.

(2) Appeals and request for variances shall be made by filing a notice of appeal or variance with the Secretary of the Board.

(3) A notice of appeal stays all proceedings.

(4) Upon receipt of the notice of appeal or variance, the Secretary of the Board shall immediately transmit to the Board all papers constituting the record.

(5) Within 10 days after the notice of appeal or variance is filed with the Board, it shall set a date for hearing hereunto which shall be held no later than 30 days after the notice is filed and hear any parties who may appear in person or by agent or attorney.

(6) Notice of the time and place of hearing shall be published once in the official newspaper of the city as least 10 days in advance of the hearing.

(7) Notice of time and place of hearing shall be mailed not less than 10 days in advance of the hearing to the person filing the notice of appeal or variance and to the owner or owners of property within 300 feet of the subject property.

(8) The City Planning Commission, or a representative authorized by it, shall, prior to the hearing on an appeal, review and report to the Board upon the appeal.

(9) The Board may refuse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from in its decision on appeals from an administrative order.

(10) The Board may prescribe appropriate conditions and safeguards to ensure compliance and to protect adjacent properties when granting a variance.

(11) The concurring vote of 4 members of the Board shall be necessary to reverse administrative order, requirement, decision, or determination or to effect any variance in the application of this chapter.

(12) The Board shall, within 30 days of the date of the hearing, make its order deciding the matter and shall serve by mail a copy of the order upon the persons filing the notice of appeal or variance.

(D) *Variance criteria.* A variance from the terms of this chapter shall not be granted by the Board unless and until the Board shall make findings that the following conditions exist.

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or building in the same district.

(2) The literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

(3) The special conditions and circumstances do not result from the actions of the applicant.

(4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

(5) The reasons set forth in application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

(6) The granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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

(8) Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in the district.
(Ord. 196, § 18, passed - -)

§ 152.57 PLANNING COMMISSION.

(A) *Establishment and composition.* A Planning Commission, composed of 5 members appointed for 3-year terms, and including the City Engineer and the City Clerk/Treasurer as ex officio members only and not included in this number, is hereby established.

(B) *Duties.* The Planning Commission shall have the following duties:

(1) To interpret and enforce the intent of this chapter;

(2) To prepare and recommend to the Council plans for specific improvements and to aid the Council in the development and completion of the projects;

(3) To hear, review, and offer recommendations to the Council on applications for conditional uses;

(4) To initiate procedures for changes and amendments to the zoning provisions and to hold the required public hearing, and review and recommend appropriate action to the Council in the manner specified; and

(5) To review and report to the Board of Appeals and Adjustments from administrative orders.

(Ord. 196, § 19, passed - -)

§ 152.58 AMENDMENTS.

(A) *Generally.* Amendments, including changes in the use district boundaries or in the text of this chapter, may be adopted upon the concurring vote of all members of the Council

(B) *Initiation of amendment.* Amendments to this chapter may be initiated in 1 of the following manners:

(1) By motion of the City Council;

(2) By motion of the Planning Commission; or

(3) By verified petition of not less than 50% of the property owners within 300 feet of a proposed use district boundary change filed with the Zoning Official.

(C) *Planning Commission review.* Any amendment not initiated by the Planning Commission shall be referred to it for study and report and shall not be acted upon by the City Council until it has received the recommendation of the Planning Commission or until 60 days have elapsed from the date of referral.

(1) Before it makes its recommendation to the City Council, the Planning Commission shall hold at least 1 public hearing on the proposed amendment.

(2) Notice of the time, date, and purpose of the hearing shall be published at least once in the official newspaper of the city at least 10 days before the date of the hearing.

(3) Following the hearing, the Planning Commission shall make a written report of its findings and recommendations on the proposed amendment and shall file a copy of the report with the City Clerk/Treasurer for transmittal to the Council.

(4) Failure of the Planning Commission to so report within 60 days, following referral of the proposed amendment to it by the City Council shall be deemed approval of the proposed amendment.

(D) *City Council action.* Upon the filing of the report of the Planning Commission or upon expiration of the 60 days, the City Council may hold the public hearings on the proposed amendment as it deems advisable. At the conclusion of the hearings, if any, the Council may adopt the proposed amendment or any part thereof as it deems advisable.

(Ord. 196, § 20, passed - -)

CHAPTER 153: BUILDING MAINTENANCE AND OCCUPANCY

Section

153.01	Purpose
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§ 153.01 PURPOSE.

(A) The City Council recognizes that improperly maintained structures and premises and the unreasonable overcrowding of dwellings has an adverse affect on the public health,

safety, morals, and general welfare of the citizens of this community and, further, that such conditions contribute to the unnecessary, excessive, and disproportionate expenditures of public funds for public health, public safety, crime prevention, fire protection, and other public services. In order to address those and other similar concerns, the City Council finds that the following objectives are important in achieving the goal of maintaining a safe and healthy community:

(1) To protect the character and stability of all buildings and property within the city.

(2) To correct and prevent conditions that adversely affect or are likely to adversely affect the life, safety, general welfare, and health, including the physical, mental, and social well being of persons occupying buildings within the city.

(3) To provide minimum standards for heating, sanitation, ventilation, light, and maintenance necessary to the health and safety of occupants of buildings.

(4) To prevent, to the extent reasonably possible, the overcrowding of dwellings by providing minimum space standards per occupant for each dwelling unit.

(5) To provide minimum standards for the maintenance of existing buildings and thus prevent slums and blight.

(6) To preserve the value of land and buildings throughout the city.

(B) The City Council further finds that the enactment of this chapter is essential to the public interest and it is intended that this chapter be liberally construed to effectuate its purpose as stated herein.

(C) The City Council, however, declares that except as otherwise specifically provided by the terms contained in this chapter, it is not the intention of the city to interfere with or intrude upon the rights of landlord and tenant to enter into fair and accepted contractual relationships. In the case of a dispute, the city will not intervene as an advocate of either party, or act as arbiter, nor be receptive to complaints from landlord or tenant which are not specifically and clearly relevant to the provisions of this chapter. In the absence of such relevancy, the city intends that rental disputes be resolved through established legal proceedings without city intervention. The City Council further declares that it is not the intention of the city to interfere with or permit the interference with legal rights to personal privacy.

(Ord. 200-16, passed - -2016; Am. Ord. passed - -)

§ 153.02 MINIMUM STANDARDS.

(A) *Basic equipment.* No person shall occupy or let to another for occupancy any dwelling or apartment for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following:

(1) *Kitchen sink.* Every single family dwelling or apartment must contain a kitchen sink in good working condition and must be properly connected to a water and sewer system.

(2) *Toilet and lavatory basin.* Every single family dwelling or apartment must contain a room which affords privacy to a person within said room, be equipped with a flush water closet and a lavatory basin in good working condition and be properly connected to a water and sewer system.

(3) *Bathtub or shower.* Every single family dwelling or apartment must contain a room which affords privacy to a person within said room, a bathtub or shower in good working condition and be properly connected to a water and sewer system.

(4) *Hot and cold water.* Every kitchen sink, lavatory basin, and bathtub or shower must be properly connected with both hot and cold water lines.

(5) *Water heating facilities.* Every dwelling must have heating facilities which are properly installed, maintained in safe and good working condition, properly connected with the hot water lines required under division (A)(4), and capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120°F. Such water heating facilities must be capable of meeting the requirements of this section when the dwelling or apartment heating facilities required under division (A)(6) are not in operation.

(6) *Heating facilities.* Every dwelling must have heating facilities which are properly installed, maintained in safe and good working condition, and capable of safely heating all habitable rooms, bathrooms, and water closet compartments in every apartment located therein to a temperature of a least 68°F at a distance 3 feet above the floor level and not closer than 2 feet from an outside wall, window or door, when the temperature outside is minus 20°F.

(B) *Fire safety.* No person shall occupy or let to another for occupancy any dwelling or apartment for the purpose of living therein, which does not comply with the following:

(1) *Smoke and carbon monoxide detectors.* Every dwelling unit shall be provided with an approved UL listed single station smoke and carbon monoxide detector, properly mounted on the ceiling or wall outside of the sleeping rooms of the dwelling unit. All required smoke and carbon monoxide detectors must be maintained in an operable condition at all times and tested on a regular basis to insure batteries are in place and replaced as necessary to insure the detector is operational. Smoke and carbon monoxide detectors that fail to sound an alarm when tested and smoke and carbon monoxide detectors more than 10 years old must be replaced. It is the building owner's responsibility to provide and install properly working smoke and carbon monoxide detectors and establish a maintenance program to insure their proper operation.

(2) *Emergency escape or rescue openings in sleeping rooms.*

(a) Emergency escape or rescue openings must be provided in all sleeping rooms. In any case, the escape opening must provide:

1. A minimum 24-inch clear, opening height;
2. A minimum 20-inch clear, opening width;
3. A minimum 5 square foot clear opening; and
4. A finished sill height not more than 48 inches above the

floor.

(b) Such openings must be maintained clear of obstructions and in good operating condition at all times. The net clear opening dimensions must be the result of the normal operation of the opening and must not involve the use of keys, tools, or special knowledge.

(c) Notwithstanding anything in divisions (B)(2)(a) and (B)(2)(b) above to the contrary:

1. Escape windows are not required if a building is protected throughout by an approved automatic fire sprinkler system; and

2. Escape windows need not be installed in rooms of existing buildings having two separate means of escape provided that the means of escape are independent of each other and they pass through only one adjacent non-lockable room or area.

(C) *Exterior.*

(1) *Siding.* Every single family dwelling or apartment building must have in place an approved and finished exterior siding of masonry, wood, vinyl, or aluminum.

(2) *Roofing.* Every single family dwelling or apartment building must have in place an approved roof.

(3) *Driveway approach.* Every single family dwelling or apartment building must have in place an approved driveway approach.

(4) *All windows and door openings (including garages).* Every single family dwelling or apartment building providing openings must be installed, finished, and operational.

(D) *Miscellaneous.*

(1) *Plumbing.* Every single family dwelling or apartment building needs to be fully operational with all fixtures installed and connected to an approved waste system and supply.

(2) *HVAC.* Every single family dwelling or apartment building must have a proper primary heat source. All heating sources will be properly vented to the exterior of the home.

(Ord. 200-16, passed - -2016; Am. Ord. passed - -)

§ 153.03 LICENSING.

(A) *License required.* No person shall operate a rental dwelling or rental dwelling unit without first having obtained a license to do so from the city.

(B) *Issuance of license.* The Rental Inspector shall perform an inspection of the rental dwelling and complete an inspection report detailing property or items that require repair or servicing. If no items need remedial action, a license will be issued by the City Clerk's office. If repairs are needed a 60 day grace period will be granted in which the landlord will be required to repair any listed issues. After 60 days the Rental Inspector shall perform a second inspection. If all issues have been remedied, a rental license will be issued by the City Clerk's office. In the event that any listed issues have not been remedied within the 60 day time frame and a third inspection is warranted, a penalty fee shall be assessed to the landlord's license fee.

(C) *Expiration of license.* Licenses shall be issued on the following system and shall expire on the anniversary date of license.

(1) Licenses shall be issued for a 3 year term.

(2) HUD properties would be issued a 3 year license without an inspection if they provide proof of their HUD status yearly.

(D) *Fees.*

(1) Fees can be found on the corresponding fee schedule. The applicable fee shall be for the life of the license. All required fees shall accompany an initial or renewal application. In addition the city shall impose an administrative fee for processing and issuance of the license. Dwellings subject to a third inspection shall be subject to an additional fee.

(2) A delinquency penalty of 5% of the license fee shall be charged for each day of operation without a valid license up to 30 days. Thereafter the city may take appropriate

action to prevent the continued use of the affected dwelling unit or units in accordance with state and local laws and ordinances.

(Ord. 200-16, passed - -2016; Am. Ord. passed - -)

§ 153.04 LICENSE TRANSFER.

No license or any temporary certificate issued under this section shall be transferable except by application to the City Clerk and a report and recommendation of transfer by the City Housing Inspector. No refunds shall be made for unused periods of any license, to include any contract for deed sales.

(Ord. 200-16, passed - -2016; Am. Ord. passed - -)

§ 153.05 VACANT BUILDINGS.

The owner of any building or any part thereof which is vacant for a period of 60 days or more, shall make the building and the premises safe and secure so as to not be hazardous to the health, safety, and welfare of the public and so as to not constitute a public nuisance. Any vacant building open at windows or doors, if unguarded, shall be deemed to be a hazard to the health, safety, and welfare of the public and a public nuisance within the meaning of this section and shall be made safe and secure immediately by boarding the openings. Boarding must be done with sound materials which are securely fastened to the building and painted with a color consistent with the adjacent surfaces, except that openings on walls facing street frontages shall be covered with clear acrylic plastic sheets only. Non-residential buildings which become vacant must remove exterior signage on the vacant portions of the building, except that signage which is used for sale or lease of the building. The premises of a vacant building shall be maintained in an appropriate manner including, but not limited to, mowing of yard areas; removal of weeds from parking areas, drives, medians, and landscaping; collection and removal of debris; and watering and maintaining the landscaping of yard.

(Ord. 200-16, passed - -2016; Am. Ord. passed - -)

§ 153.06 BUILDING UNFIT FOR HUMAN HABITATION.

(A) Any building or portion thereof which is damaged, decayed, dilapidated, unsanitary, unsafe, pest infested, or which lacks provision for basic illumination, heat, ventilation, or sanitary facilities to the extent that the defects create a hazard to the health, safety, or welfare of the occupants or of the public, may be declared unfit for human habitation. Whenever any building or premises has been declared unfit for human habitation, the Compliance Official shall order the building or affected dwelling unit or units vacated within a reasonable time and shall post a placard on the building or dwelling units indicating that the building or unit is unfit for human habitation, and any license previously issued for such building, dwelling, or occupancy shall be revoked. An order issued pursuant to this section shall be served on the owner, operator, or owner's agent and upon any occupants in the same manner as a notice under § 153.11(C). The appeal process for § 153.11(E) shall apply to orders issued

under this section except that the Compliance Official may order the vacation of the building or any part thereof pending an appeal upon a finding that continued occupancy poses an immediate and substantial threat to health and safety.

(B) It shall be unlawful for such building or any part thereof to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the Compliance Official and a license issued for the affected building or units. It shall be unlawful for any person to deface or remove the declaration placard from any such building or dwelling unit.

(C) No rents shall be collected from the tenant of any affected dwelling unit which has been placarded, from the date of placarding until the placard has been removed by the city. (Ord. 200-16, passed - -2016; Am. Ord. passed - -)

§ 153.07 HAZARDOUS BUILDING.

In the event that a building has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the building may be declared a hazardous building and treated consistent with the provisions of Minnesota Statutes. (Ord. 200-16, passed - -2016; Am. Ord. passed - -)

§ 153.08 DISORDERLY BEHAVIOR.

Any of the following activities constitute disorderly behavior:

- (A) A nuisance under city basic code.
 - (B) A violation of any state or federal law related to ownership, possession, or use of a firearm.
 - (C) Illegal drug related activity including, but not limited to the illegal possession, manufacture, sale, distribution, purchase, or use or possession with intent to manufacture, sell, or distribute a controlled substance or possess drug paraphernalia.
 - (D) Any act that jeopardizes the health, safety, or welfare of the landlord, landlord's agent, or other tenant or guests of tenant of a licensed premises.
 - (E) The following circumstances shall be deemed to be exceptions to the definition of disorderly behavior:
 - (1) An emergency call within the definition of M.S. § 609.78, Subd. 3 will not be considered an instance of disorderly behavior when the victim and suspect are family or household members as defined in the Domestic Abuse Act, M.S. § 518B.01, Subd. 2(b) and there exists a report of domestic abuse as defined in M.S. § 518B.01, Subd. 2(a).
 - (2) An emergency call within the definition of M.S. § 609.78, Subd. 3 will not be considered an instance of disorderly behavior if the call is a result of a tenant or guest of a tenant taking action to seek emergency assistance that is protected by M.S. § 504B.205.
- (Ord. 200-16, passed - -2016; Am. Ord. passed - -)

§ 153.09 LICENSE DUTIES: MANDATORY RENTAL AGREEMENT TERMS.

(A) It shall be the responsibility of any tenant to ensure that all tenants and all guests of a tenant while on or about the licensed premise not engage in disorderly behavior.

(B) The licensee shall cause the commencement of an unlawful detainer or other eviction proceedings pursuant to the provisions of state law if a tenant violates the provisions of division (A) of this section on 3 or more occasions during a 12 month period.

(C) Except for rental agreements related to occupancy of a state licensed residential facility, and except as otherwise preempted by federal or state laws and regulations, all rental agreements for the occupancy of a rental unit entered into or on after August 1, 2012 shall be assumed to contain the following provisions:

(1) No tenant or guest of a tenant shall engage in disorderly behavior while on or about the licensed premise;

(2) No tenant or guest of a tenant shall aid or abet disorderly behavior occurring on or about the licensed premise;

(3) No tenant or guest of a tenant shall conspire with others to engage in disorderly behavior on or about the licensed premise;

(4) No tenant shall permit a guest of the tenant to engage in disorderly behavior on or about the licensed premise; and

(5) Any violation of divisions (C)(1) through (C)(4) above shall constitute a material violation of the rental agreement and shall constitute good cause for the immediate termination of the rental agreement.

(D) The licensee, prior to the commencement of the term of the rental agreement shall provide to the lessee(s) a written notice that contains the definition of disorderly behavior as provided by § 153.08 above, and the provisions of division (C)(1) of this section and shall maintain a written acknowledgment signed by the lessee(s) acknowledging receipt of such notice.

(Ord. 200-16, passed - -2016; Am. Ord. passed - -)

§ 153.10 ABATEMENT NOTICE; PROCEDURE.

(A) The city shall respond as follows to a violation of the provisions of this chapter:

(1) Upon occurrence of the first instance of a determination by the city that a rental unit was the location of an incident of disorderly behavior, the city shall cause notice to be made to the licensee, a property manager whose identity and address is on file in the office of the Code Official, and the tenant of the rental unit. The notice shall direct the licensee to take steps to prevent further violations.

(2) Upon the occurrence of the second instance of an incident of disorderly behavior occurring at the rental unit within 12 months of the notice provided in division (A)(1) of this section, the city shall send a notice. The notice shall direct the licensee to submit, within 10 days of the date of the notice, a written abatement report of all actions taken by the licensee since the first notice and actions the licensee intends to take to prevent further disorderly behavior. Failure of either owner or property manager to file a report within 30 days of said notice may result in an administration fine and rental license revocation.

(3) Upon the occurrence of the third instance of disorderly behavior occurring at the rental unit within 12 months after the first two previous notices, the city shall cause notice to be made to the licensee, a property manager whose identity and address is on file in the office

of the Code Official, and the tenant of the rental unit. In addition to such notice, the Code Official shall revoke, suspend, or reject any application to renew the license. The Code Official shall make the decision to revoke, suspend or refuse to renew the license within 15 days of the notice.

(B) For purposes of this section, second and third instances of disorderly behavior shall be those which:

- (1) Occur at the same rental unit;
- (2) Involve tenants of the same rental unit;
- (3) Involve guests of a tenant at the same rental unit;
- (4) Involve guests of the same tenant; or
- (5) Involve the same tenant.

(C) Notwithstanding the provisions of division (A)(3) above, no adverse license action shall be imposed where the instance of disorderly behavior occurred during a pending unlawful detainer action or other eviction proceeding or within 30 days of notice given by the licensee to a tenant to vacate the rental unit, except that if the Code Official determines that the licensee has failed to diligently pursue such process, such adverse license action shall proceed. Further, an action to deny, revoke, suspend or not renew a license based upon violations of this section may be postponed or discontinued at any time if the Code Official determines that the licensee has taken appropriate measures which will prevent further instances of disorderly behavior. Such measures may include, but are not limited to, evidence of a failed eviction process despite the licensee's diligent pursuit of same.

(D) A determination that the rental unit has been the location of disorderly behavior shall be made by a preponderance of the evidence to support such a determination. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly behavior, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section.

(E) The Code Official shall notify the licensee or the licensee's agent in writing of the basis for the revocation, suspension, denial, or nonrenewal and the date upon which the action takes effect. Notice of the action shall be posted at the rental unit and/or licensed premise by the Code Official. No person other than the Code Official shall remove or alter any posting. The notice shall indicate the date the rental unit or licensed premise shall be vacated and no person shall reside in, occupy or cause to be occupied the rental unit or licensed premise until the Code Official has so removed said posting and issued a valid license therefore.

(Ord. 200-16, passed - -2016; Am. Ord. passed - -)

§ 153.11 ENFORCEMENT.

(A) *Inspection authority.* Except as otherwise provided herein, the Compliance Official shall administer and enforce the provisions of this chapter and is hereby authorized to cause inspections on a scheduled basis for rental dwelling units, and other buildings when reason exists to believe that a violation of state or local laws and ordinances have been or are being committed. Inspections shall be conducted during reasonable daylight hours, and the Compliance Official shall present evidence of official capacity to the occupant in charge of a respective dwelling unit. This section shall not apply to investigations conducted by law enforcement regarding prohibited conduct or other similar illegal activities. In addition, in the event that

reasonable concerns or complaints arise, the city reserves the right to conduct a follow-up inspection at the expense of the city.

(B) *Compliance order.* Whenever the Compliance Official determines that any building or any part thereof or the premises surrounding any building, fails to meet the provisions of this chapter a compliance order setting forth the violations and ordering the owner, occupant, operator, or agent to correct such violations shall be issued. This compliance order shall:

- (1) Be in writing;
- (2) Describe the location and nature of the violation(s);
- (3) Establish a reasonable time for the correction of such violations;
- (4) Provide notice of appeal rights; and
- (5) Be served upon the owner, operator, agent, or occupant as appropriate.

(C) *Service of notice.* Except as otherwise provided in this chapter, all notices given by the city relating to violations under this chapter shall be personally served on the appropriate party or sent by certified mail to the party's last known address. If service cannot be made personally or by certified mail, it can be made by posting the notice in a conspicuous place on the licensed premises. Except where the city has reasonable cause to believe an emergency exists, notice shall be given to the owner, operator, manager, representative, or local agent, and any affected occupant at least 5 business days before any inspection. Inspection notices shall be in writing and may be personally delivered or mailed by regular mail.

(D) *Right to appeal.* Any person to whom a compliance order is directed who believes such order is based upon an erroneous interpretation of law or ordinance, may appeal the order of the Compliance Official to the Council. Such appeal must be in writing, specify the grounds for the appeal, and be filed with the Compliance Official within 10 business days after service of the compliance order. The filing of an appeal shall stay all proceedings and furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health, or property. (Ord. 200-16, passed - -2016; Am. Ord. passed - -)

§ 153.98 VIOLATIONS.

Violations of this chapter shall be a misdemeanor. Every day of a failure to comply constitutes a separate punishable offense. The Compliance Official, a building official hired by the city, or law enforcement are hereby authorized to issue citations for any violation of this chapter.

(Ord. 200-16, passed - -2016; Am. Ord. passed - -)

§ 153.99 PENALTIES, SUSPENSION, REVOCATION.

Every license issued under this section, and every licensee, is subject to license suspension, revocation, and other penalties as provided in this section if the licensee or the licensee's duly authorized agent fails to operate or maintain the licensed premises in accordance with the provisions of applicable federal, state, or local laws and ordinances. In the event a license is suspended or revoked for just cause, it shall be unlawful for the licensee or the licensee's duly authorized agent to thereafter permit any new occupation of the affected vacant or

thereafter vacated rental unit or rental units until such time as valid license is restored for that unit or units.

(A) *Procedure for suspension or revocation.*

(1) The licensee is notified in writing of the nature of the charges or violations and of the date of a public hearing before the City Council.

(2) The notice may be personally served or served by certified mail.

(3) The public hearing shall be conducted before the City Council not less than 10, nor more than 20 days after service of the notice. Service shall be considered complete upon personal service or upon deposit of the notice in the U.S. mail.

(4) The licensee may appear at the public hearing either with or without legal counsel and present such evidence or argument as may be relevant.

(B) *Suspension.* No suspension of a license under this division shall be for more than 12 months following the date of suspension provided, however, if at any time during the suspension the city determines that further violations regarding the suspended unit or units have occurred, the City Council, following another public hearing as provided in division (A), may extend the suspension for an additional period, or may revoke the license as to the affected unit or units. No extension or revocation shall be for longer than 12 months following the date of the most recent violation. Upon the expiration of a suspension, the license is reinstated as to the suspended unit or units without further action of the City Council.

(C) *Revocation.* The revocation of a license as to a unit or units shall remain in effect until such time as the City Council reinstates the license as to the affected unit or units. The Council may establish a period of time, not to exceed 12 months from the date of revocation, during which the Council will not hear a request for reinstatement. No revocation may extend beyond 12 months unless the City Council, following a public hearing as provided in division (A), determines that further violations relating to the unit or units under revocation have occurred. No additional revocation period shall extend beyond 12 months after the date of the most recent violation.

(D) *Misdemeanor.* In addition to the suspension or revocation of a license, any person who violates this section is guilty of a misdemeanor. Each day of each violation shall constitute a separate punishable offense.

(Ord. 200-16, passed - -2016; Am. Ord. passed - -)