

TITLE XV: LAND USAGE

Chapter

150. SUBDIVISIONS AND ZONING

CHAPTER 150: SUBDIVISIONS AND ZONING

Section

General Provisions

| | |
|---------|--|
| 150.001 | Title |
| 150.002 | Purpose |
| 150.003 | Legal authority |
| 150.004 | Rules of construction |
| 150.005 | Definitions |
| 150.006 | Application |
| 150.007 | Environmental documents and concurrent permits |
| 150.008 | Use of pre-existing lots |
| 150.009 | Non-conforming structures and uses |
| 150.010 | Building standards |
| 150.011 | Other standards |
| 150.012 | Separability |
| 150.013 | Supremacy |

Zoning Districts

| | |
|---------|---|
| 150.025 | Creation of zoning districts |
| 150.026 | Districts for annexed and unzoned areas |
| 150.027 | Establishment of districts and district map |
| 150.028 | Criteria for land use categories |

R - Residential District

| | |
|---------|---|
| 150.040 | Purpose |
| 150.041 | Permitted uses |
| 150.042 | Conditional uses |
| 150.043 | Accessory uses |
| 150.044 | Minimum lot area, yard and setback requirements |
| 150.045 | Other requirements |

Verndale - Land Usage***C - Commercial District***

- 150.060 Purpose
- 150.061 Permitted uses
- 150.062 Conditional uses
- 150.063 Minimum lot area, yard and setback requirements
- 150.064 Visual standards; screening and landscaping
- 150.065 Trash handling equipment
- 150.066 Exterior lighting
- 150.067 Industrial emission disclosure

Performance Standards

- 150.080 Manufactured home parks
- 150.081 Signs
- 150.082 Nuisances
- 150.083 Hanging objects
- 150.084 Maintenance
- 150.085 Storage
- 150.086 Sanitation standards
- 150.087 Pets and livestock
- 150.088 Tree removal; soil erosion prevention
- 150.089 Parking and loading
- 150.090 Fencing

Special Conditions and Provisions

- 150.105 Home occupations
- 150.106 Adult uses
- 150.107 Landfills; solid waste
- 150.108 Temporary family health care dwellings

Subdivisions

- 150.120 Sketch plan
- 150.121 Preliminary plats, preliminary condominium plats or metes and bounds subdivisions resulting in at least one parcel less than ten acres
- 150.122 Final plats or final condominium plats
- 150.123 Design layout standards; minimum
- 150.124 Survey standards
- 150.125 Street improvements
- 150.126 Sanitary provisions

- 150.127 Water supply standards
- 150.128 Drainage/grading standards
- 150.129 Dedication to the public

Administration and Enforcement

- 150.140 Building permits
- 150.141 Zoning Administrator
- 150.142 Variances
- 150.143 Conditional uses
- 150.144 Amendments
- 150.145 Appeals from City Council
- 150.146 Notices

- 150.999 Penalty

GENERAL PROVISIONS

§ 150.001 TITLE.

This chapter, from the date of its passage, shall be titled “Zoning and Subdivision Ordinance for the City of Verndale, Minnesota”.

(Ord. passed - -2007)

§ 150.002 PURPOSE.

The purpose of this chapter is to promote the public health, safety, comfort and general welfare of the people of the city. To accomplish this end, this chapter shall regulate the location, construction, reconstruction and alteration and use of structures and regulate the height and bulk of buildings hereafter erected; provide minimum sanitation standards; and regulate and determine minimum lot size and dimension standards for each zoning district.

(Ord. passed - -2007)

§ 150.003 LEGAL AUTHORITY.

This chapter is enacted pursuant to the authority granted by state statutes, in particular the Municipal Planning Act of 1983, §§ 462.351 to 461.364, as they may be amended from time to time.

(Ord. passed - -2007)

§ 150.004 RULES OF CONSTRUCTION.

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

(A) The word “person” includes a firm, association, partnership, trust, company or corporation, as well as an individual.

(B) The word “shall” is mandatory; the word “may” is permissive.

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

(D) The words “used” or “occupied” include the words intended, designed or arranged to be used or occupied.

(E) The word “lot” includes the words plot, piece or parcel and all are interchangeable.

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

(G) All horizontal and vertical measured distances shall be expressed to the nearest one-tenth of a foot, unless stated otherwise.

(Ord. passed - -2007)

§ 150.005 DEFINITIONS.

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

ABANDONED BUILDING. A building, as defined hereafter, on public or private property, which no longer serves a practical use and, due to its location or structural condition, is considered a safety hazard in the opinion of the Zoning Administrator.

ABANDONED MOTOR VEHICLE. A motor vehicle as defined in M.S. § 169.011, subd. 42, as it may be amended from time to time, that:

(1) Has remained on public property in an inoperable condition for more than 48 hours;

(2) Has remained on private property for more than 48 hours without the permission of the land owner; or

(3) Has remained on private property for more than 30 days and is inoperable or is unlicensed, unless kept in a garage or other storage structure.

ABUTTING. Making direct contact with or immediately bordering.

ACCESSORY STRUCTURE. A building or other structure that is supportive, secondary and subordinate in use and/or size to the principal structure on the same parcel or lot which, because of the nature of its use, can be reasonably located at or greater than the minimum structure setbacks. Includes all structures not considered the principal structure, including, but not limited to, television towers, antennas, dish antennas, outdoor swimming pools, outdoor hot tubs, detached garages, sheds and guest quarters.

ACCESSORY USE. A use naturally and normally incident and subordinate to the main use of the premises.

ADJACENT. In close proximity to or neighboring, not necessarily abutting.

ADULT BOOK AND/OR MEDIA STORE. An establishment which has a substantial portion (at least 25% of utilized floor area) of its stock in trade or stock on display books, magazines, films, videotapes or other media which are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT CABARET. An establishment which provides dancing or other live entertainment, and such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, depiction or description of specified sexual activities or specified anatomical areas.

ADULT ESTABLISHMENT. Any business which offers to its patrons services, entertainment or the sale of merchandise characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to specified sexual activities or specified anatomical areas. Specifically included in the term, but without limitation, are adult book and media stores, adult cabarets, adult hotels or motels, adult mini-motion picture theaters, adult modeling studios, adult motion picture arcades, adult motion picture theaters, adult novelty businesses and other adult establishments.

ADULT HOTEL OR MOTEL. A hotel or motel wherein material is presented which is distinguished by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT MINI-MOTION PICTURE THEATER.

(1) A theater in an enclosed building, with a capacity for less than 50 persons used for presenting motion pictures, including, but not limited to, film and videotape, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(2) Any business which presents motion pictures, including films and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, for viewing on the premises, including, but not limited to, private booths, viewing by means of coin-operated or other mechanical devices, and the viewing of excerpts of motion pictures offered for sale or rent.

ADULT MOTION PICTURE ARCADE. Any place wherein coin- or token-operated or electronically, electrically or mechanically controlled or operated still or motion pictures machines, projectors or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE THEATER. A theater in an enclosed building with a capacity of 50 or more persons used regularly and routinely for presenting live entertainment or motion pictures, including, but not limited to, film and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT NOVELTY BUSINESS. A business which sells, offers to sell or displays devices which stimulate human genitals or devices which are designed for sexual stimulation.

ADULT USE. Any of the adult activities and businesses described above constitutes “adult businesses”, which are subject to the regulation of this chapter.

AGENT. Any person acting on behalf of a landowner in dealing with activities under the jurisdiction of this chapter, including, but not limited to, realtors, contractors or attorneys.

ANIMAL HUSBANDRY. The care or breeding of domestic animals such as cattle, hogs, sheep, horses, poultry, dogs (more than two) or cats (more than three) for the occupants of a property.

ANTENNA. Any structure or device used or the purpose of collecting or radiating electromagnetic waves including, but not limited to, direction antennas, such as panels, microwave dishes, satellite dishes and omni-directional antennas such as whip antennas. Dishes under 36 inches in diameter are excluded from the definition of **ANTENNA**.

APARTMENT. A room or suite of rooms that is designed for, intended for or occupied as a residence by a family or individual, and is equipped with sanitary facilities.

APPEAL. An application for the review of an order, requirement, decision, determination or interpretation of this chapter made by an administrative office in the application and/or enforcement of this chapter.

ATTACHED. Two buildings or structures that combine to form one building or structure through the use of at least one common wall, not including a breezeway.

AUTO TRIP. Transport in a vehicle that includes both an arrival and a departure from a location.

BLOCK. An area of land bounded by streets, exterior boundary lines and/or bodies of water.

BREEZEWAY. A covered or enclosed walkway that physically connects two or more or structures.

BUILDING. Any structure having a roof, or completely enclosing and roofing an area for the purpose of storage, shelter or occupancy.

BUILDING HEIGHT. The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height between the eaves and the highest ridge of gable, hip or gambrel roofs or ten feet below the peak, whichever is greater.

BUILDING LINE. A line parallel to a lot line at the required setback beyond which a structure may not extend.

BUILDING PERMIT. A permit authorizing an applicant under this chapter to undertake construction or other development activity.

CAMPING. Habitation of a temporary structure.

CITY CLERK/TREASURER. The duly appointed person responsible for the administration of the city affairs.

CITY COUNCIL. The duly elected governing body of the city.

CITY SEWER OR WATER SYSTEM. A system of municipally-maintained utilities, approved by the state, and serving more than one building or property.

COMMERCIAL USE. The principal use of land or buildings for the sale, lease, rental, trade of products, good or services.

COMPREHENSIVE PLAN. Also referred to as **COMMUNITY PLAN.** A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development of the city.

CONDITIONAL USE. A land use or development that would not be appropriate without restriction, but may be specifically allowed without restrictions of conditions as determined by the Council upon a finding that:

- (1) The use or development is an appropriate conditional use in the land use zone;
- (2) The use or development, with conditions, conforms to the Comprehensive Land Use Plan;
- (3) The use, with conditions, is compatible with the existing neighborhood; and
- (4) The use, with conditions, would not be injurious to the public health, safety, welfare, morals, order, comfort, convenience, appearance or prosperity of the city.

CONTIGUOUS. The sharing of a common border at more than a single point. Lots, parcels or boundaries may be considered **CONTIGUOUS** where separated by rights-of-way, rivers or streams.

COUNCIL. The City Council, as established by state law.

CUL-DE-SAC. A local street terminating in a vehicular turn-around.

DUPLEX, TRIPLEX or QUAD. A structure on a single lot having two-, three- or four-dwelling units, respectively, being attached by common walls and each being equipped with separate sleeping, cooking, eating, living and sanitation facilities.

DWELLING, GUEST QUARTERS. A structure, not for sale or lease, used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling on the property. Any accessory structure with kitchen or bathroom facilities shall be considered a **DWELLING, GUEST QUARTERS**.

DWELLING, MULTI-FAMILY. Two or more dwelling units attached together by any point including duplexes, triplexes and multi-level units, regardless of the type of ownership.

DWELLING, SINGLE-FAMILY. A dwelling unit totally separated and detached from any other dwelling unit.

DWELLING SITE. A designated location for residential use by one or more persons using temporary or moveable shelter including camping and recreational vehicle sites.

DWELLING UNIT. A structure or portion of a structure or other shelter designed as a short- or long-term living quarters for one or more persons, including rental or time-share accommodations, such as a motel, hotel, resort rooms and resort cabins.

DWELLING WIDTH. The smallest horizontal dimension of the major portion of a dwelling.

ENGINEER. The engineer duly appointed by the Council to perform technical services for the city.

EXTERIOR STORAGE. Storage of goods, materials, equipment and manufactured products outside of a fully-enclosed building.

FAMILY. An individual, or two or more persons related by blood, marriage, adoption or a relationship legally recognized in the state, or not more than five unrelated persons maintaining a common household.

FENCE. A constructed barrier, including berms, intended to prevent escape or intrusion, or to mark a boundary, to shield or screen view or to perform any similar function.

FOOTPRINT. The horizontal extent to which a structure covers the ground plan as represented in a plan view including cantilevered building elements, but excluding eaves and similar architectural projections of the roof plane.

FOUNDATION. A concrete, concrete and block, or treated wood portion of a structure that supports the bearing loads of the superstructure and penetrates the ground providing frost protection. Must meet the provisions of the Building Code adopted by the state. Concrete pillars may be used as a **FOUNDATION** of manufactured homes so long as the installation is done to the manufacturer's specifications and skirting is provided around the perimeter to provide the appearance of a completely enclosed foundation.

FRONTAGE. The uninterrupted front boundary line of a lot, or the length of such line, that abuts on a street.

GREEN SPACE. Privately owned property permanently dedicated by covenant or deed restriction to vegetate ground coverage, with allowance for use as recreational facilities, tree coverage, water course, sewage disposal or other similar low-impact uses. Public property permanently dedicated for a park, vegetative buffer, tree coverage or resource.

HARDSHIP. The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property and were not created by the landowner and a variance, if granted, would not alter the essential character of the locality. Economic considerations alone shall not constitute a **HARDSHIP**.

HOME OCCUPATION. A use of commercial nature conducted by an occupant entirely within the dwelling or accessory buildings which use is clearly incidental and secondary to the use of the dwelling residential purposes and does not change the residential character thereof.

IMPERVIOUS SURFACE. The horizontal area of buildings, patios, walks, driveways, accessory structures and other surfaces generally impervious to the penetration of storm water, including gravel drives and parking areas.

INDUSTRIAL USE. The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.

ISTS. Individual sewage treatment system. Also referred to as **ON-SITE SEPTIC SYSTEMS**.

JUNK YARD. An area where used waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleared, parked, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber products, bottles and used building materials. Storage of materials in conjunction with the construction of a manufacturing process shall not be included. Three or more automobiles without current licenses constitute a **JUNK YARD**. Such use shall not include putrid wastes, such as garbage.

LANDSCAPING. The placement of trees, shrubs, water displays, rocks, arbors, decorative timbers, grass, walls and earth mounds or the use of existing natural vegetative cover equal thereto.

LICENSED ENGINEER. A person licensed as a professional engineer by the state.

LICENSED SURVEYOR. A person licensed as a professional surveyor by the state.

LITTER. Waste materials including, but not limited to, cans, bottles, plastic and paper wrappings or containers.

LOT. A parcel, piece or portion of land described by metes and bounds, registered land survey, auditor's plat or subdivision plat and separated from other parcels or portions of land by said description for purposes of sale, lease, mortgage, building or separation.

LOT AREA. The horizontal area of a lot bounded by the lot lines and the ordinary high water level if bounded by water.

LOT, CORNER. A lot situated at the junction of and abutting on two or more intersecting streets. A **CORNER LOT** has two front yards and two side yard. Each side of a building that faces a street is a front of that building.

LOT, FRONT. The boundary of a lot which abuts on a public right-of-way.

LOT LINE. The property lines bounding a lot; except that, where the description extends into a public right-of-way, the right-of-way line shall be considered the **LOT LINE**.

LOT, PRE-EXISTING. A lot which is one unit of a subdivision plat heretofore duly approved and filed or one unit of an auditor's subdivision or registered land survey, or a lot created by metes and bounds that has been recorded in the office of the County Recorder prior to the effective date of this chapter.

LOT WIDTH. The shortest distance between lot lines measured at the midpoint of the building line.

MAINTENANCE. The normal upkeep of a structure including the replacement of windows, siding, roofs, non-bearing walls or interior remodeling that does not expand the footprint of the existing structure, add volume to the usable living space or intensity a non-conforming use.

MANUFACTURED HOME. A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that, the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under M.S. Ch. 327, as it may be amended from time to time.

METES AND BOUNDS. A method of property description utilizing directions and distances commencing from and terminating at an identifiable point.

MOTEL/HOTEL. A commercial business with a central management to provide lodging and may provide related facilities such as restaurants, bars and other recreational amenities. This does not include a bed and breakfast inn.

NON-CONFORMING. The building, structure or land lawfully existing prior to and not in conformance with the provisions of this chapter.

NUISANCE. By authority and direction of M.S. §§ 412.221, subd. 23 and 24, as they may be amended from time to time, **NUISANCE** is any thing that interferes with the use or enjoyment of property, endangers personal health or public safety, or is offensive to the senses such as excessive smoke, odor, noise, heat, vibration, glare, traffic generation, visual impact and other similar interferences or offenses. See §§ 150.080 through 150.090 of this chapter.

OFF-STREET PARKING. A designated space or area of land with a paved or all-weather surface not within a public street or right-of-way and sized and used for the parking of vehicles.

PARKING SPACE. A ten-foot by 20-foot site maintained and sized to accommodate the parking of one automobile.

PARTY WALL or **FLOOR.** A common wall which divides two independent dwelling units or businesses.

PERMITTED USE. A land use conforming to the character of a zoning district which is permitted by ordinance requiring only a building permit issued by the Zoning Administrator.

PET. An animal, bird, reptile or fish commonly associated with human habitation, not considered under animal husbandry and not raised for the production of income.

PORCH. A covered platform attached to a structure.

PORCH, ENCLOSED. A covered platform attached to a structure with more permanent enclosures than those described in **PORCH**.

PORTABLE. Capable of being transferred or moved from one place to another.

PRINCIPAL STRUCTURE or **USE.** The single primary structure or use on a lot, as distinguished from accessory uses or structures. To be considered a **PRINCIPAL STRUCTURE**, the structure must have a footprint of at least 400 square feet.

RECORDER. The County Recorder of Wadena County.

RECREATIONAL EQUIPMENT. Equipment, both motorized and non-motorized, that is subject to licensing by the state and is designed primarily for recreational use.

RECREATIONAL VEHICLE. Vehicles for recreational use that can be driven, towed or hauled. These vehicles are designed to be temporary living space for camping or travel use. *RVs* shall include travel trailers, camper trailers, truck campers, self-propelled motor homes and other similar vehicles.

RIGHT-OF-WAY. A parcel of property dedicated to the public, connecting to other public rights-of-way, which affords primary access by pedestrians and vehicles to abutting properties.

SCREENING. Fencing, an earthen berm or vegetative growth that visually separates one object from another.

SEMI-PUBLIC USE. The use of land by private non-profit organizations to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

SETBACK. The minimum horizontal distance between a structure, sewage treatment system or other facility and another sewage treatment system, road, highway, property line or other facility. Three feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over four feet wide may protrude into the setback.

SETBACK, ROAD. The closest horizontal distance between the road right-of-way line and the foundation or wall of a structure. Three feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over four feet wide may protrude into the setback.

SEWAGE TREATMENT SYSTEM. A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in State Pollution Control Agency, Minn. Rules, Ch. 7080. Also referred to as *ISTS*.

SEWER SYSTEM. Pipe lines or conduits, pumping stations and forcemains, and all other constructions, devices, appliances or appurtenances used for conducting sewage or industrial waste or other waste to a point of ultimate disposal.

SIGNS. A name, identification, description, display, illustration, advertisement or device which is displayed for the purpose of attracting attention to a person, product, place, activity, institution or business.

SIGNIFICANT HISTORICAL SITE. Any archaeological site, standing structure or other property that meets the criteria for eligibility to the National Register of Historic Places, or is listed in the State Register of Historical Sites, or is determined to be an unplatted cemetery that falls under the provisions of M.S. § 307.08, as it may be amended from time to time. A **HISTORICAL SITE** meets this criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be **SIGNIFICANT HISTORICAL SITES**.

SPECIFIED ANATOMICAL AREAS (ADULT USE). Areas that include any less than completely and opaquely covered human genitals, pubic region or pubic hair, buttocks, and female breast below a point immediately above the top of the areola; and human male genitals in a discernible turgid state, even if opaquely covered.

SPECIFIED SEXUAL ACTIVITIES (ADULT USE). Activities that include any of the following conditions:

(1) An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital or oral-genital intercourse, whether between human beings or between a human being and an animal;

(2) Sado-masochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume, or the condition of being fettered, bound or otherwise physically restricted on the part of one so clothed;

(3) Masturbation or lewd exhibitions of the genitals including any explicit, close-up presentation of a human genital organ, clothed or unclothed; and

(4) Physical contact or simulated physical contact with the clothed or unclothed pubic area or buttocks of a human male or female, or the breasts of a female, whether alone or between members of the same or opposite sex, or between humans and animals in an act of apparent sexual stimulation or gratification.

STOOP. An entry platform into a structure.

STORAGE SHED. Refer to ***ACCESSORY STRUCTURE.***

STREET. A public right-of-way that provides primary vehicular access to abutting properties and shall include avenue, drive, road or highway and the like.

STRUCTURE. Any building, appurtenance including decks or other facility constructed, placed or erected by humans, except aerial or underground utility lines such as sewer, electric, telephone, telegraph, gas lines and except walks or steps on grade not more than four feet wide, stoops not exceeding 30 square feet, temporary furniture, planters or decorative materials and retaining walls comprised of wood or decorative block.

SUBSTANDARD LOT. A lot that is non-conforming.

SUBSTANDARD USE. A use that does not conform to the provisions of this chapter.

TEMPORARY. A use or structure that lasts longer than three days and is discontinued within 14 days. Any use or structure existing longer than 14 days, except where specifically provided for in this chapter, shall be considered permanent unless a specific date of discontinuation, agreeable to the Zoning Administrator and to be reviewed by the City Council, has been submitted in writing to the city.

TEMPORARY STRUCTURE. A structure of a temporary character including, but not limited to, recreational vehicles, tents and camping trailers.

TOWER. A structure situated on a site that is intended for transmitting or receiving television, radio, telephone, cellular or wireless communications.

VARIANCE.

(1) A legally permitted deviation from the provisions of this chapter as deemed necessary by the City Council when the strict interpretation of this chapter would create undue hardship and impractical because of circumstances relating to lot size, shape, topography or other characteristics of the property not created by the landowner, and when the deviation from the ordinance, with any attached conditions, will still be in keeping with the spirit and intent of this chapter.

(2) Variances cannot create a land use that is not permitted or is prohibited in a zone.

WALKWAY. A parcel of land dedicated to the public for non-vehicular access purposes.

WETLAND.

(1) Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water.

(2) Such land is subject to periodic or continued inundation by water such as floodplains, marshes, swamps and peat lands and is classified as provided for in Circular 30 from the U.S. Fish and Wildlife Service.

ZONING ADMINISTRATOR. The duly appointed person responsible for the enforcement and administration of this chapter.

ZONING DISTRICT. An area of the city defined on the zoning map, having uniform zoning provisions.

ZONING MAP. The map of the city, amended periodically, which defines the boundaries of the zoning districts.

(Ord. passed - -2007)

§ 150.006 APPLICATION.

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

(B) Where the provisions of this chapter are either more restrictive or less restrictive than applicable provision of other laws, ordinances, statutes, resolutions, covenants or regulations of any kind, the more restrictive condition, standard or requirement shall prevail, except as authorized by the more restrictive agency.

(C) Except as this chapter specifically provides, no structure shall be erected, converted, enlarged, reconstructed or altered and no structure or land shall be used for any purpose nor in any manner which is not in conformity with this chapter.

(D) Any existing structure or use of property subject to conditions of approval for a variance, conditional use permit or other land use application must have a land use certificate of compliance issued within 12 months of the approval. The land use certificate of compliance, when issued, shall state that the building or use appears to be in compliance with the conditions of approval.

(E) Ambiguities in this chapter shall be resolved by interpretation of the City Council and Zoning Administrator. If an applicant wishes to appeal the interpretation of the Administrator, an appeal can be made through a hearing of the City Council.
(Ord. passed - -2007)

§ 150.007 ENVIRONMENTAL DOCUMENTS AND CONCURRENT PERMITS.

(A) It shall be the property owner's responsibility to secure necessary concurrent permits such as Minnesota Pollution Control Agency, state waste disposal permits; Health Department permits; DNR planned unit development permits; Corps of Engineers permits, DNR public water permits and DNR water appropriation permits. Approval by the city does not imply approval by other agencies.

(B) The city will prepare an environmental assessment worksheet (EAW) where a proposed project exceeds the limits defined in the Environmental Quality Council's rules and regulations for Environmental review program or as requested by the City Council or petitioned by the public.

(C) (1) The administration of an EAW or and environmental impact statement (EIS) shall be in accordance with the rules and regulations of the state's Environmental Quality Board.

(2) The Zoning Administrator shall be responsible to the City Council and have the authority to administer the environmental document.

(3) The City Council shall review each document with the decision being final.
(Ord. passed - -2007)

§ 150.008 USE OF PRE-EXISTING LOTS.

(A) A lot, pre-existing for which a deed, recorded contract for deed or other legal conveyance or plat has been executed prior the effective date of this chapter shall be deemed a buildable lot without

requiring a variance provided it has at least 80% of required lot area and lot width at the ordinary high water mark and building line, all the setbacks can be maintained, and sanitary provisions for well and sewage disposal can be maintained.

(B) (1) If two or more pre-existing contiguous lots in total could not be divided into two or more lots meeting the requirements of division (A) above, and are held by the same owner on the effective date of this chapter, they will be considered one lot for building and zoning purposes.

(2) A covenant, duly filed and recorded, shall be required before a building permit is issued thereon.

(C) Lots joined together for zoning permit applications shall not be divided in the future, but shall be tied together by restriction filed with the County Recorder.

(Ord. passed - -2007)

§ 150.009 NON-CONFORMING STRUCTURES AND USES.

Any structure or use legally existing upon the effective date of the adoption of this chapter and which does not conform to the provisions of this chapter may be continued subject to the following.

(A) No such structure or use shall be expanded, enlarged or intensified, except in conformity with the provisions of this chapter and division (B) below, with consideration for variances thereto.

(B) Where a parcel is voluntarily redeveloped to the extent that 50% or more of the footprint building area, above the foundation, on the parcel, is removed, all non-conforming structures on the parcel must be modified to conform to this chapter.

(C) If a non-conforming structure is damaged, by any cause, to an extent where the repair costs exceed 50% of its assessed value immediately prior to damage, then the structure or its replacement shall thereafter conform to this chapter.

(D) Normal maintenance of a building or other structure containing or relating to a lawful non-conforming use is permitted when it includes necessary non-structural repairs that do not extend, intensify or increase the size or shape of the non-conforming building or use.

(E) A lawful, non-conforming use may be changed to lessen the non-conformity of use. Once a non-conforming use has been changed, it shall not thereafter be altered to increase the non-conformity.

(Ord. passed - -2007)

§ 150.010 BUILDING STANDARDS.

(A) (1) All structures and appurtenances shall be constructed in accordance with the general standards of the building industry.

(2) The city does not examine plans, nor assume liability, for the structural stability or quality of any structures.

(B) All dwelling units shall be a minimum of 20 feet wide and shall be placed on a foundation, except in designated mobile home parks where 14 feet is the required minimum width.

(C) Any new structure constructed or placed after the date of this chapter and not on a permanent foundation shall be considered a temporary structure.

(D) New manufactured homes and mobile homes shall be installed by a licensed installer and a copy of the installation compliance certificate shall be submitted to the city prior to occupancy of the dwelling.

(E) For dwellings to be moved onto a property, excluding manufactured homes that have never been occupied, the following shall be applicable.

(1) (a) Permit issuance shall be made only by motion of the City Council.

(b) A public hearing is not required for approval.

(2) Prior to permit issuance, the property owner shall provide documentation of a certified home inspection including the following, at a minimum:

(a) Certification that the electrical wiring meets state codes;

(b) Certification that the plumbing meets state codes;

(c) An evaluation of foundation adaptability and condition;

(d) An evaluation of roof condition;

(e) An evaluation of structural integrity; and

(f) Certification that all doors, windows and siding are in acceptable condition.

(g) The dwelling, once in place, must meet all municipal ordinances, with consideration given for approved variances.

(F) Sewage treatment systems shall conform to State Pollution Control Agency, Minn. Rules, Ch. 7080.

(G) Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the state's Department of Health and the MPCA.

(H) Plumbing and electrical facilities installed after the date of this chapter in all structures shall conform to the State Plumbing Code and State Electrical Code, respectively.

(Ord. passed - -2007)

§ 150.011 OTHER STANDARDS.

(A) The provisions of this chapter do not take precedent over other federal, state or local laws that may be more restrictive.

(B) In the case of a more restrictive standard applied by a governing body that has land use authority within the city, the non-local standard would apply.

(C) In the case where this chapter is the most restrictive standard, the provisions of this chapter shall apply.

(Ord. passed - -2007)

§ 150.012 SEPARABILITY.

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

(Ord. passed - -2007)

§ 150.013 SUPREMACY.

(A) When any condition implied by this chapter on the use of land or building is either more restrictive or less restrictive than applicable conditions imposed by statute, rules and regulations, other city ordinance or regulation, or other jurisdiction, the more restrictive shall apply.

(B) The ordinance does not abrogate any easements, restrictions or covenants imposed on the land by private declaration or agreement, but where such provisions are less restrictive than an applicable provision of this chapter, the ordinance shall prevail.

(Ord. passed - -2007)

ZONING DISTRICTS

§ 150.025 CREATION OF ZONING DISTRICTS.

The city is hereby divided into zoning districts as shown on the official zoning district map, which may be subsequently amended by the procedures outlines in this chapter.

(Ord. passed - -2007)

§ 150.026 DISTRICTS FOR ANNEXED AND UNZONED AREAS.

(A) *Annexed area.* Areas hereafter annexed to the city shall be considered to be in the residential district until placed wholly or partly in another district by amendment as provided for herein.

(B) *Unzoned area.* Areas not included in any district shall be considered reserved for public use and purposes to the extent necessary.

(Ord. passed - -2007)

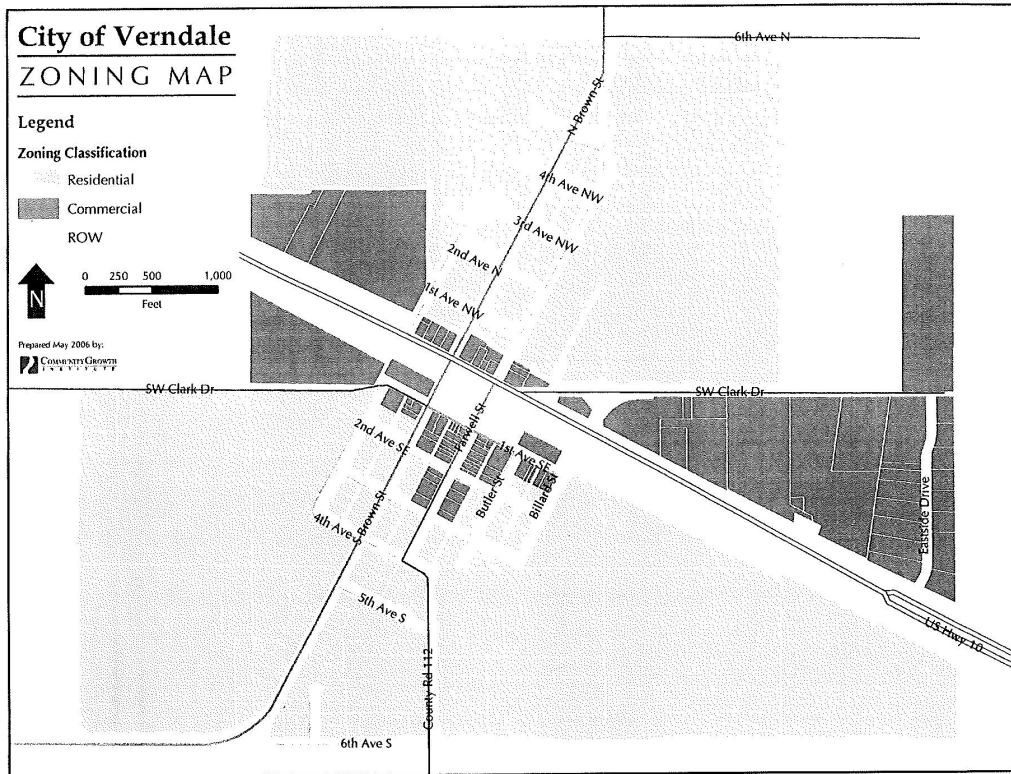
§ 150.027 ESTABLISHMENT OF DISTRICTS AND DISTRICT MAP.

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

(A) R - Residential; and

(B) C - Commercial.

Verndale - Land Usage



(Ord. passed - -2007)

§ 150.028 CRITERIA FOR LAND USE CATEGORIES.

The following criteria shall be used in establishing the city's zoning map and any future amendments to the map:

- (A) Preservation of natural sensitive areas;
- (B) Present ownership and development;
- (C) Soil types and their engineering capabilities;
- (D) Topographic characteristics;
- (E) Vegetative cover;
- (F) Other physical characteristics;
- (G) Recreational use of the area and any surface waters;

(H) Road and service center accessibility;

(I) Socio-economic development needs of the public;

(J) Availability of public sewer and water services;

(K) The necessity to preserve and restore certain areas having significant historical or ecological value;

(L) Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties;

(M) Alternatives available for desired land use;

(N) Prevention of spot zoning; and

(O) Conformance with the city's Community Plan.
(Ord. passed - -2007)

R - RESIDENTIAL DISTRICT

§ 150.040 PURPOSE.

This district is intended to establish an area of primarily residential uses.
(Ord. passed - -2007)

§ 150.041 PERMITTED USES.

(A) Single-family dwellings;

(B) Public buildings;

(C) Public and private parks;

(D) Medical facilities; and

(E) Temporary structures for less than 60 days.
(Ord. passed - -2007)

§ 150.042 CONDITIONAL USES.

(A) Commercial and industrial uses may be allowed if found by the City Council not to be detrimental to the general public health and welfare of the residents of the city;

(B) Multi-family dwellings;

(C) Home occupations;

(D) Cemetery;

(E) Mobile/manufactured home;

(F) Manufactured home park;

(G) Semi-public use; and

(H) Temporary structures for greater than 60 days.

(Ord. passed - -2007)

§ 150.043 ACCESSORY USES.

Uses incidental to the principal uses and structures are allowed unless otherwise provided for by this chapter.

(Ord. passed - -2007)

§ 150.044 MINIMUM LOT AREA, YARD AND SETBACK REQUIREMENTS.

(A) Lot area: 4,500 square feet;

(B) Lot depth: 100 feet;

(C) Lot width 45 feet;

(D) Corner lot width: 60 feet; and

(E) Setback:

(1) Front yard: 25 feet;

(2) Side yard: ten feet; and

(3) Rear yard: ten feet.

(Ord. passed - -2007)

§ 150.045 OTHER REQUIREMENTS.

(A) All manufactured homes shall be skirted with approved skirting and correspond to the homes within 30 days of occupancy and be such as to be a permanent part of the home structure.

(B) No manufactured homes, other than a mobile home park, are allowed within the city limits without a conditional use permit and then only as living quarters of a reasonable length of time, while a permanent dwelling is being built. If a manufactured home or trailer is on the host's lot for greater than seven days, a visiting family may obtain a conditional use permit for a maximum of 30 days.

(C) Existing manufactured homes may continue in their present location, but may not be replaced if vacated, moved or destroyed; provided, however, that, any such replacement may be made if a variance is obtained in accordance with § 150.143 of this chapter; and, provided further that, an existing manufactured home may be replaced by the same owner with a newer manufactured home of greater value if a variance is obtained in accordance with § 150.143 of this chapter. Divisions (A) and (B) above shall not apply to those manufactured homes that comply with the provisions of M.S. §§ 327.31 through 327.35, as they may be amended from time to time, and the following design standards.

(1) The manufactured home must contain a permanent concrete or wood foundation which the manufactured home will be anchored to.

(2) The manufactured home will have a minimum width of 14 feet and a minimum wall thickness of six inches.

(D) All exterior property areas shall be maintained in a clean and sanitary condition, free from any accumulation of refuse or garbage (defined as waste material). There shall be proof of weekly garbage pickup. The owner of the property is the responsible party.

(E) All sewer and water facilities shall be hooked up and operational before occupation.

(F) Those who are unable to hook-up to the city sewer shall have a sanitary septic system which meets county standards and the standards set forth in State Pollution Control Agency, Minn. Rules, Ch. 7080.

(G) Guest dwellings may be allowed; provided that, the structure meets the standards outlined in this section.

(1) The guest dwelling shall be located, along with the principal structure, on a lot meeting the lot size requirements outlined herein.

(2) The guest dwelling shall not cover more than 700 square feet of land and must not exceed 15 feet in height.

(H) Lots joined together for building permit applications shall not be divided in the future, but shall be tied together with restriction filed with the County Recorder permanently requiring that the lots be considered as one lot only.

(I) Buildings with four or more units shall meet the requirements of the International Building Code. Multi-family buildings shall have one-hour fire rating on all party walls and floors and shall be designed to a 45-decibel rating between units. Visual screening shall be provided in the side yard setback area when adjacent to single-family residences.

(Ord. passed - -2007)

C - COMMERCIAL DISTRICT

§ 150.060 PURPOSE.

The Commercial District is designed to provide for the convenient highway-oriented business facilities and to satisfy the shopping needs of the people.

(Ord. passed - -2007)

§ 150.061 PERMITTED USES.

(A) All bona fide commercial uses, as defined by this chapter, that are not detrimental to the general health and welfare of the residents of the city;

(B) Hotel/motel;

(C) Medical facilities; and

(D) Semi-public uses.

(Ord. passed - -2007)

§ 150.062 CONDITIONAL USES.

(A) Multi-family dwellings;

(B) Industrial uses; and

(C) Adult uses.

(Ord. passed - -2007)

§ 150.063 MINIMUM LOT AREA, YARD AND SETBACK REQUIREMENTS.

(A) Lot area: 2,250 square feet;

(B) Lot width: 25 feet; and

(C) Setback:

(1) Front yard: one foot;

(2) Side yard: zero feet; and

(3) Rear yard: ten feet.

(Ord. passed - -2007)

§ 150.064 VISUAL STANDARDS; SCREENING AND LANDSCAPING.

(A) No use shall create any structure or use that has a strong negative visual impact or violates the standards of this chapter.

(B) Where any business or industry is adjacent to property that is zoned residential, or any use cannot meet the visual standards of the city, screening shall be provided by the business or offending use.

(C) Screening required shall be in addition to normal landscaping and planting, and consist of a visual obstruction completely containing the activity from view.

(D) Screening may consist of dense vegetative plantings eight feet or more in height, wood walls with 100% obstruction, a building wall consisting of aesthetically pleasing materials or other similar structure. All structural elements shall meet required setbacks.

(E) All commercial buildings shall be landscaped with a plan approved by the City Council.

(Ord. passed - -2007)

§ 150.065 TRASH HANDLING EQUIPMENT.

All waste materials, debris, refuse or garbage shall be kept in an enclosed building or enclosed within a container. Said container shall be completely screened by a wall or equivalent visual screen. Said screen or enclosed building shall be architecturally compatible with the principal building which it serves.

(Ord. passed - -2007)

§ 150.066 EXTERIOR LIGHTING.

(A) Lighting fixtures shall be of a downcast, cut-off type, concealing the light source from view and preventing glare and spilling into residential areas. Lighting levels at contiguous residential property lines shall not exceed one-half footcandle.

(B) All parking lot and security lighting shall be directed away from adjoining residential uses.
(Ord. passed - -2007)

§ 150.067 INDUSTRIAL EMISSION DISCLOSURE.

All proposed industrial uses shall be required to disclose any environmentally sensitive emissions, discharges or waste products at the time of the public hearing and review. The allowable level of these materials shall be established in the conditional use permit and be at least as restrictive as the applicable state or federal standards, and a testing program shall be established to monitor the facility. Exceeding the allowable level of any parameter shall constitute a failure to perform a condition of a conditional use permit.

(Ord. passed - -2007)

PERFORMANCE STANDARDS**§ 150.080 MANUFACTURED HOME PARKS.**

Manufactured home parks shall be licensed by the state and approved by the City Council.

(A) The property owner shall submit to the city's Clerk/Treasurer a development plan and a plot plan showing the following:

- (1) Location and legal description of the site;
- (2) All streets, lights, driveways, parking areas and sidewalks;

(3) A drawing of the proposed foundations, support systems and tie downs for individual manufactured homes;

(4) The size and arrangements of lots and the location of all accessory buildings;

(5) The topography by two-foot contour intervals and a grading plan;

(6) Open space areas;

(7) All gas, sewer, water, telephone and electric lines; and

(8) A typical lot plan.

(B) The Clerk/Treasurer shall forward the plans to the City Council for review and final approval. (Ord. passed - -2007)

§ 150.081 SIGNS.

(A) *Purpose.* The purpose of these standards is to protect the general welfare and safety of the city by providing a policy of aesthetic development to prevent signs from intruding on the rural and residential character of the city; to provide adequate signs for direction and property identification purposes; and to provide adequate and effective signs for commercial use.

(B) *Required permits.* All signs are considered structures and require a building permit, except signs placed by the city, county or state to relate the laws or ordinances, which are exempt and any signs exempted under this chapter.

(C) *Exempt signs.* The following signs can be erected without a building permit:

(1) Temporary signs pertaining only to construction, sale or rental of the premises are allowable; provided that, they do not exceed nine square feet in any zone and are removed within 30 days of completion of construction, sale or rental;

(2) Temporary signs, including banners, streamers and portable signs, are allowed for special events such as grand openings and promotions; provided that, they are not in place longer than 14 days during any 90-day period;

(3) Street identification signs, no hunting signs and no trespassing signs are allowed without a permit;

(4) Temporary signs endorsing a political candidate, party, or issue during an election season are allowed without a permit. The sign must be removed within ten days after the election; and

(5) Any signs in the Residential District; provided that, it meets the following standards.

Verndale - Land Usage

(a) Signs shall not be internally or externally lighted, but may be reflective.

(b) No sign shall be larger than three square feet in size, except for a permitted home occupation, where six square feet is allowed.

(c) Only one sign per parcel shall be allowed without a permit.

(D) *General sign provisions.*

(1) Non-maintained signs or signs for discontinued businesses shall be removed after notification by the Zoning Administrator or 30 days after the last day the discontinued business was open to the public.

(2) Placement of signs shall consider protecting sight distances at intersections, driveways and curves.

(3) Digital time and temperature signs that are part of an overall sign design are allowed in commercial areas.

(4) A non-conforming sign may be refaced, removed and replaced for maintenance purposes; however, it shall not be increased in size, the support system shall not be improved, and the sign shall be removed in its entirety upon the determination by the Zoning Administrator that the sign is in disrepair or that the support system is failing.

(5) Residential and commercial signs shall not contain elements commonly used by highway departments to alert, direct or caution traffic, such as, but not limited to, octagonal stop signs or speed limit signs.

(6) All signs must be professionally constructed.

(Ord. passed - -2007)

§ 150.082 NUISANCES.

(A) *Compliance required.* Every use permitted by this chapter shall be so established and maintained as to comply with the provisions of this section. The City Council may require the complaining party to provide such tests or investigations by an independent testing organization satisfactory to the City Council as are necessary to show non-compliance with these standards. The entire cost of such investigations and tests shall be paid for by the complaining party unless the results disclose non-compliance with these standards; in that event, the entire cost shall be borne by the owner or operator. This provision does not preclude the city from making any investigations and tests it finds appropriate to determine compliance with these standards.

(B) *Noise.*

(1) Noise shall be measured on any property line of the tract on which the source of the noise is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity. At the property line of the tract on which the source of noise is located, the sound pressure level of noise radiated shall not exceed the following limits measured for 10% (L10) and 50% (L50) of a one-hour period, using a sound level meter having the characteristics as specified in standards endorsed by the American National Standards Institute, specification for sound level meters and using procedures approved by the state's Pollution Control Agency. Noises emanating from any use shall be in compliance with and regulated by the state's Pollution Control Standards, Minn. Rules Ch. 7030.

(2) In addition, no persons shall make or cause to be made, any impulsive and loudly audible noise that injures or endangers comfort, repose, health, peace, safety or welfare of any persons or precludes their enjoyment of property or affects their property value.

(C) *Odor.* No use shall cause the discharge of toxic, noxious or odorous matter beyond the limits of the site where it is located in such concentrations as to be obnoxious or otherwise detrimental to the public health, safety, comfort or welfare or cause injury to property or business.

(D) *Glare.* Direct or reflected glare, such as from floodlights, spotlights or high temperature process, and as differentiated from general illumination, shall not be visible beyond the sight of origin at any property line. Any lights used for exterior illumination shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted where in view of adjacent property or public right-of-way. Except for public street lights, any light or combination of lights which cast light on a public street shall not exceed one footcandle as measured from the property line of said street. Any light or combination of lights which cast light on residential property shall not exceed one footcandle as measured from the property line of said property.

(E) *Vibration.* Vibration at any property line shall not be discernible to the human sense of feeling for three minutes or more duration in any one-hour period. Vibration of any kind shall not produce at any time an acceleration of more than one-tenth gravities or result in any combination of amplitudes and frequencies beyond the "safe" range of Table VII United States Bureau of Mines Bulletin No. 442, *Seismic Effects of Quarry Blasting* on any structure. The methods and equations of that bulletin shall be used to compute all values for the enforcement of this provision.

(F) *Smoke.* The emission of smoke by any use shall be in compliance with and regulated by the state's Pollution Control Standards, Minn. Rules Ch. 7017. Open burning shall require a DNR burning permit.

(G) *Dust and other particulate matter.* The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the state's Pollution Control Standards, Minn. Rules Ch. 7011.

(H) *Fumes or gases.* Fumes or gases shall not be emitted at any point in concentrations that are noxious, toxic or corrosive. The values given in Table I (Industrial Hygiene Standards - Maximum Allowable Concentration for eight hour day, five days per week), Table III (Odor Thresholds), Table IV (Concentrations of Substances Causing Pain in the Eyes), and Table V (Exposure to Substances Causing Damage to Vegetation) in the latest revision of Chapter 5, "Physiological Effects" that contains such tables, in the "Air Pollution Abatement Manual" published by the Manufacturing Chemists' Association, Inc., Washington D.C., are hereby established as guides for the determination of permissible concentration and amounts. The city may require detailed plans for the elimination of fumes or gases before the issuance of a zoning permit.

(I) *Fire hazards.* Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire prevention equipment and by such safety devices as are normally used in the handling of such materials. Such hazards shall be kept removed from adjacent activities to a distance that is compatible with the potential danger involved.

(J) *Wastes.*

(1) All waste generated shall be disposed of in a manner consistent with all State Pollution Control Agency rules.

(2) Any accumulation of waste generated on any premises not stored in containers which comply with State Pollution Control Agency rules, or any accumulation of mixed solid waste generated on any premises which has remained thereon for more than one week, or any accumulation of infectious, nuclear, pathological or hazardous waste which is not stored or disposed in a manner consistent with State Pollution Control Agency rules, is a nuisance and may be abated and the cost of abatement may be assessed against the property where the nuisance is found.

(3) The accumulation, storage, processing and disposal of waste on any premises, which is not generated on that premises, is prohibited, except as specifically provided in this chapter.

(K) *Air pollution.* Every activity shall conform to state regulations relating to air quality standards and air pollution control.

(L) *Erosion and drainage.*

(1) No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion or deposit of sediment on adjacent properties.

(2) All storm sewer inlets and drainage ways that are functioning during construction shall be protected so that sediment laden water does not enter the conveyance system without first being filtered or otherwise treated to remove sediment.

(3) All on-site storm water conveyance systems must be designed and constructed to withstand the designed volume of storm water with appropriate stabilization to prevent scour and erosion. Erosion controls must be provided at the outlets of all storm sewer pipes or drainage ways.

(4) All temporary and permanent erosion and sediment control practices shall be maintained and repaired to assure the continued performance of their intended function.

(5) All disturbed ground left inactive for seven or more days shall be stabilized by seeding or sodding or by mulching or covering or other equivalent control measure.

(6) All temporary erosion control devices, including silt fence, gravel, hay bales or other measures shall be removed from the construction site and properly disposed of or recycled. This removal and disposal must occur within 60 days of the establishment of permanent vegetative cover on the disturbed area.

(M) *Radioactivity or electrical disturbance.* No activity shall emit dangerous radioactivity at any point or any electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance. Adverse effects shall be measured by Federal Communications Commission (FCC) standards.

(N) *Fertilizers, herbicides and pesticides.* No person shall place, spread or store fertilizers, herbicides and/or pesticides in any manner other than that recommended by the manufacturer or in any manner which allows any escape of nutrients or toxins into the air, ground water or surface water of the city.

(O) *Abandoned buildings.* No person shall allow a building, mobile home/manufactured house or other structure to be abandoned, deteriorated or a safety hazard. All abandoned, deteriorated or unsafe structures shall be removed. If the owner fails to remove the structure, the city may do so and assess the cost against the property through the county taxation method.

(Ord. passed - -2007) Penalty, see § 150.999

§ 150.083 HANGING OBJECTS.

Any object protruding from a business (such as, signs, awning and the like) must be no less than seven feet from the surface of the ground.

(Ord. passed - -2007) Penalty, see § 150.999

§ 150.084 MAINTENANCE.

All structures shall be properly maintained in a clean and acceptable manner so as not to constitute a menace to the public health, safety, convenience, general welfare, property values and aesthetics. All landscaping shall be properly maintained so as to preserve planting in a live state and free of noxious weeds.

(Ord. passed - -2007) Penalty, see § 150.999

§ 150.085 STORAGE.*(A) Exterior storage.*

(1) There shall be no exterior storage allowed on lots that do not contain a principal or accessory structure.

(2) Where there is a principal or accessory structure, all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying; licensed recreational equipment; construction landscaping materials and equipment currently being used for construction of the premises; woodpiles less than five cords; agricultural equipment and materials, if these are used or intended for use on the premises; off-street parking, except as otherwise regulated herein.

(3) Recreational vehicles are only permissible if they are currently licensed. Recreational vehicles must be stored at least ten feet distant from any property line and in the rear yard, pursuant to division (A)(2) above.

(4) Abandoned motor vehicles shall be stored within a structure or completely screened from view from adjacent properties and right-of-way.

(B) Bulk storage. All uses associated with the bulk storage of oil, gasoline, liquid propane, liquid fertilizer, chemicals and similar liquids shall comply with the requirements of the state's Fire Marshal, the state's Pollution Control Agency and the state's Department of Agriculture. When in excess of normal domestic allowances, the property owner shall have documents from those offices stating that the use is in compliance. No storage facility shall be constructed or placed where spillage from the facility would drain to a drainageway or public waters without providing complete containment.

(Ord. passed - -2007) Penalty, see § 150.999

§ 150.086 SANITATION STANDARDS.

(A) Solid waste. All solid waste shall be disposed of in accordance with the standards of the county.

(B) *Domestic sewage.*

(1) All plumbing shall discharge into a municipal sanitary system if available.

(2) If municipal services are not available, all dwellings or structures with plumbing shall be served by an individual or common sewage disposal system meeting the requirements of the State Pollution Control Agency, Minn. Rules, Ch. 7080.

(3) All non-conforming on-site septic systems shall be brought into conformance.

(4) Sewage tanks being abandoned shall be thoroughly pumped and filled with soil.

(5) All owners of individual sewage treatment systems shall have the system inspected once each five years by a certified sewage system inspector.

(a) The person inspecting the system shall examine the septic tank and determine the need for pumping in accordance with State Pollution Control Agency, Minn. Rules, Ch. 7080.

(b) The person inspecting the system shall provide to the city a statement that the system appears to be in good working order, or specifying any defects discovered and the date such defects were/will be corrected. The form shall also indicate if the septic tank was pumped.

(c) The Zoning Administrator shall maintain a file by legal description and shall notify any delinquent property owner when six months have elapsed beyond the required five-year period.

(d) The Zoning Administrator, or assistant, shall have the authority to verify the inspections and/or conduct inspections on behalf of the city.

(C) *Water supply.*

(1) All potable water systems shall be connected to a municipal water supply, if available. A municipal water supply is considered available, if the connection to the municipal system lies adjacent to the property line of any property.

(2) All private water supply wells will be sampled and tested on an annual basis for nitrates by qualified laboratories. Tests for other contaminants listed in the National Drinking Water Primary Regulations may be required by the city, if deemed necessary. All testing shall be at the expense of the well owner, and it shall be the responsibility of the well owner to forward an annual sample and certified test results to the city by January 1 of each year.

(3) If a private water supply test has nitrate levels less than ten ppm, the property owner may submit to the city the required certified testing of all private water supplies used for potable water purposes for the presence of nitrates in the private water supply every two years instead of annually.

Verndale - Land Usage

(4) (a) If a private water supply tests less than ten parts of nitrate per million, the private water supply system may continue to be used until one of the following occurs:

1. The real property is title transferred; and
2. Any improvements, modifications or changes are made to the dwelling which require a building permit.

(b) When either of the events described in divisions (C)(4)(a)1. and (C)(4)(a)2. above occur, the private water system will be required to be connected to the municipal water supply within 30 days. No permit will be issued for any property improvements, alteration or changes sought to be made, until the proper connection to the municipal water supply has been made and reported to the city.

(c) In the event that a property with a private water system is for sale, the seller must notify the purchaser of the hook-up requirements of this chapter.

(5) A private water supply that tests with a nitrate level of ten ppm or higher will be required to connect to the municipal water supply by January 1 of the following year.

(6) Private water wells which are continued or maintained after any structure is connected to the municipal water supply shall have no means of cross-connection between the private well and the municipal system at any time. Hose bibs that will enable cross-connections of the two systems are prohibited.

(7) All domestic and agricultural wells shall conform to the state's Department of Health Standards for wells.

(8) All water systems shall meet the requirements of the state's Department of Health Standards for water systems.

(9) (a) In the event that any private water supply is voluntarily discontinued or is discontinued in conjunction with or pursuant to the city's Water Supply Ordinance, said private water supply, including any private water wells, shall be abandoned and shall be sealed in accordance to state's Department of Health Standards and report such to the state's Department of Health and to the city.

(b) All connections to the municipal water system shall be completed by a licensed plumber.

(Ord. passed - -2007; Ord. passed 9-4-2007) Penalty, see § 150.999

§ 150.087 PETS AND LIVESTOCK.

(A) *Pets.* Pets shall be properly cared for, shall not be allowed to create problems for neighbors or for the city, or become a nuisance, and shall have sanitary standards maintained that are consistent with the provisions of this chapter.

(B) *Livestock*. Keeping of livestock shall only be permitted as a conditional use where the keeping of such animals will not have a negative impact on the public health, safety and welfare. Livestock shall be properly cared for, shall not create problems for neighbors and shall have sanitary standards maintained consistent with this chapter.

(Ord. passed - -2007) Penalty, see § 150.999

§ 150.088 TREE REMOVAL; SOIL EROSION PREVENTION.

(A) Dead, damaged and diseased trees shall be removed immediately and disposed of as firewood or by other means.

(B) Vegetation removal, clear-cutting, if allowed, must be completed including removal of all debris. Soil erosion must be prevented and replanting of native species is encouraged.

(C) Natural areas designated by conditions on conditional use permits for screening or open space preservation purposes shall be left natural, except for the removal of diseased trees. Replanting or thickening with native species is encouraged.

(D) Any area disturbed during grading and filling operations shall have the native topsoil replaced and be seeded with perennial grasses.

(E) Vegetation alterations necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities are exempt from the above standards, except division (D) above. All remaining debris shall be removed.

(Ord. passed - -2007) Penalty, see § 150.999

§ 150.089 PARKING AND LOADING.

On-site parking or garage space shall be provided in all zoning districts, except as waived by the City Council, with adequate drive access to eliminate the need to back onto collector or arterial streets or highways. On-site parking spaces shall not be used for storage.

(A) *Location/design of parking facilities.*

(1) Commercial on-site parking shall not be closer than five feet from a lot line.

(2) All parking shall be paved or provided with all-weather surfacing and be adequately drained to a pervious area designed to allow the entrapment of silts and nutrients and prevent pooling of water in parking areas.

(3) More than five parking stalls contiguously located and any commercial parking adjacent to a residential property shall be landscaped according to a plan approved by the City Council.

(B) *Loading, general.*

(1) All required loading berths shall be off-street and shall be located on the same lot or on and adjoining lot to the principal use being served. Loading shall not occupy front yard space. Berths shall not be used for storage in excess of eight hours.

(2) Loading berths shall be no less than 15 feet in width and 50 feet long with 14 feet of vertical clearance. Berths shall have all-weather surfaces and be well-drained.
(Ord. passed - -2007) Penalty, see § 150.999

§ 150.090 FENCING.

(A) *Definition.* A **FENCE** is any lineal structure, including walls, hedges or similar barriers, used to prevent access by persons or animals or prevent visual or sound transference.

(B) *Material.* Acceptable fencing materials shall consist of treated wood, ornamental iron, chain line, vinyl or brick.

(1) *Residential district.* No barbed wire shall be allowed in a residential district, except barbed wire fences presently used in farming operations.

(2) *Commercial district.* No barbed wire shall be used for fencing; except that, it may be used on security fences which are at least six feet high exclusive of the barbed wire.

(C) *Building permit required.*

(1) No fence, except temporary fencing, shall be constructed without a building permit, the application shall be accompanied by a plot plan clearly describing the type, location and method of anchoring the fence.

(2) Boundary line fences shall be located entirely upon the private property of the party constructing the fence unless the owner of the property of the adjoining property agrees, in writing, that such fence may be erected on the division line of the respective properties. The persons, firms or corporations constructing or causing the construction of such fence shall be responsible for maintaining that part of their property between fence and property line. City Council requires any applicant for a fence permit to establish the boundary lines of his or her property by a survey thereof to be made by a registered land surveyor. That survey shall accompany the building permit application.

(D) *Conformance.* Fencing in all districts shall conform to the following.

(1) Fences may not be built any closer than 24 inches from the property line, to provide room for maintenance of the fence. Exception: if the adjoining property owners give written approval for the fence to be placed on the property line, then the fence may be placed on the property line.

(2) Fences in all districts shall be maintained so that the exposed outer surface shall be uniformly painted or stained in a neat and aesthetically pleasing condition.

(3) No fence shall be permitted on a public right-of-way or boulevard area without special permission from the City Council.

(4) No fence shall be erected on a corner lot that will obstruct or impede the clear view of an intersection by approaching traffic.

(5) All snow-stop fencing may be used from November 1 to April 1. No permit shall be required for temporary fencing.

(6) Any fence which is dangerous to the public safety or general welfare and health is a public nuisance and the city may commence proceedings for the abatement thereof. Electric fences may not be used as boundary fences and such material as hog wire fencing, barbed wire fencing or snow fencing will not be allowed as permanent fencing.

(7) The side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property.

(8) Both sides of fences shall be maintained in good condition both in appearance and in structure. Wood material, other than decay resistance varieties, shall be protected against decay by use of paint or other preservative. If 25% or more of the painted surface of a fence is determined by the enforcement officer to be paint blistered, the surface shall be properly scraped and repainted. Maintenance is a responsibility of owner.

(E) *Fencing in residential district.*

(1) A fence may be located along the rear lot line to a maximum height of six feet and to a maximum height of six feet along the side lot lines up to the point where it is parallel with the front edge of the house. From this point forward to the right-of-way the height of the fence shall not exceed three feet. Any fence that crosses the width of the front yard shall not exceed three feet in height. A variance is needed for fences exceeding the above mentioned heights.

(2) In any residence zone or any corner lot, no fence or accessory structure or planting shall rise over two and one-half feet in height above the level of the public sidewalk within 20 feet of any corner, so as to interfere with traffic visibility across the corner. No fence or wall or shrub planting of more than two and one-half feet in height above the level of the public sidewalk shall be erected on any interior lot within ten feet of the front property line where it will interfere with traffic visibility from a driveway.

(3) Fences around dog kennels not exceeding 50 square feet in size, fences around garbage cans and garden fences will not require fence permits, but shall adhere to the other regulations of this subdivision.

(F) *Fencing in commercial district.* Fences may be located along a lot line to a height of eight feet. Fences over eight feet in height shall require a variance.

(G) *Required fences, swimming pools.*

(1) Outdoor swimming pools shall be adequately fenced to prevent uncontrolled access from the street or adjacent property.

(2) Outdoor swimming pools with a capacity of 1,500 gallons or more, or with a depth of three feet or more of water shall be fenced in compliance with division (G)(3) below.

(3) A fence at least four feet in height measured from ground level shall completely enclose any permanent, outdoor swimming pool, whether it is an above ground, or below ground pool, that equals or exceeds the conditions set forth in division (G)(2) above. Any fence over six feet in height measured from ground level shall require a variance.

(H) *Existing fences.* No existing fences in violation of this section will be allowed to be replaced or rebuilt. Should an existing fence be replaced or rebuilt, it must come under the regulations of this section.

(Ord. passed - -2007; Ord. passed 9-4-2007) Penalty, see § 150.999

SPECIAL CONDITIONS AND PROVISIONS

§ 150.105 HOME OCCUPATIONS.

(A) Each home occupation established or substantially changed after the effective date of this chapter shall be considered a conditional use.

(B) Each home occupation shall be subject to at least the following minimum conditions, in addition to those applicable to general conditional uses.

(1) All business activities shall be clearly incidental and subordinate to the use of the property for residential purposes.

(2) The business owner must be a resident of the dwelling contained on that property. Additional family member employees are allowed. Up to one non-family member employee is allowed on the premises.

(3) Hours of operation shall be limited by conditional use permit to be compatible with the surrounding neighborhood and residential uses.

(4) Through the conditional use permit, the number of employees related to the business shall be defined and limited.

(5) On premises, retail sales will be allowed only of products manufactured on those premises unless specifically authorized by conditional use permit.

(6) All activities shall be controlled to prevent nuisance problems of noise, vibration, smoke, dust, fumes and litter.

(7) Parking adequate for all activities related to the home occupation shall be provided on-site, including parking for one non-family member employee.
(Ord. passed - -2007)

§ 150.106 ADULT USES.

(A) Purpose and intent.

(1) It is the purpose of this chapter to regulate adult-oriented businesses to promote the health, safety, morals and general welfare of the citizens of the city and to establish reasonable and uniform regulations to:

(a) Prevent additional criminal activity within the city;

(b) Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within the neighborhood;

(c) To locate adult-oriented businesses away from residential areas, schools, churches, parks and playgrounds; and

(d) Prevent concentration of adult-oriented businesses within certain areas of the city.

(2) The provisions of this chapter have neither the purpose, nor the effect, of imposing a limitation or restriction on the content of any communicative material, including adult-oriented materials. Similarly, it is not the intent, nor the effect, of this chapter to restrict or deny access by adults to adult-oriented materials protected by the First Amendment, or to deny access by distributors and exhibitors of adult-oriented material and entertainment to their intended market.

(B) Application.

(1) Except as specifically provided for in this chapter, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose, nor in any manner that is not in conformity with this chapter.

Verndale - Land Usage

(2) No adult-oriented business shall engage in any activity or conduct, or permit any other person to engage in or to conduct any activity in or about the establishment which is prohibited by this chapter, the laws of the state or the United States of America. Nothing in this chapter shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or ordinances, including, but not limited to, statutes or ordinances prohibiting the exhibition, sale or distribution of obscene material generally, or the exhibition, sale or distribution of specified materials to minors.

(C) *Location.* During the term of this chapter, no adult-oriented business shall be located less than 1,250 feet from any residential zoning district boundary or site used for residential purposes, nor less than 1,250 feet from any church site, school site, day care facility or park which is adjacent to residentially-zoned property. In addition, no adult-oriented business may be located within 300 feet of another adult-oriented business. For purposes of this chapter, this distance shall be a horizontal measurement from the nearest existing residential district boundary or site used for residential purposes, church site, school site, day care site, park site or another adult-oriented business site to the nearest boundary of the proposed adult-oriented business site.

(D) *Hours of operation.* No adult-oriented business site shall be open to the public from the hours of 11:00 p.m. to 9:00 a.m.

(E) *Operation.*

(1) *Off-site viewing.* An establishment operating as an adult-oriented business shall prevent off-site viewing of its merchandise, which if viewed by a minor, would be in violation of M.S. §§ 617.23 through 617.75, as they may be amended from time to time, or other applicable federal or state statutes or local ordinances.

(2) *Entrances.* All entrances to the business, with the exception of emergency fire exits which shall not be usable by patrons to enter the business, shall be visible from a public right-of-way.

(3) *Layout.* The layout of the display areas shall be designed so that the management of the establishment and any law enforcement personnel inside the business can observe all patrons while they have access to any merchandise offered for sale or viewing including, but not limited to, books, magazines, photographs, video tapes or any other material.

(4) *Illumination.* Illumination of the premises' exterior shall be adequate to observe the location and activities of all persons on the premises' exterior.

(E) *Signs.* Signs for adult-oriented businesses shall comply with the sign restrictions addressed in this chapter in division (D)(2) above and, in addition, signs for adult-oriented businesses shall not contain representational depiction of an adult nature or graphic descriptions of the adult theme of the operation.

(F) *Consumption or sale of alcoholic beverages.* Adult-oriented businesses shall not be located on the same parcel as or on a parcel adjacent to or within 500 feet of an establishment that serves alcoholic beverages. Sale and consumption of alcoholic beverages on a parcel containing an adult use is prohibited.

(G) *Licenses.*

(1) *Licenses required.* All establishments, including any business operating at the time this chapter becomes effective, operating or intending to operate an adult-oriented business, shall apply for and obtain a license from the city. A person is in violation of the city code if he or she operates an adult-oriented business without a valid license issued by the city.

(2) *Applications.* An application for a license must be made on a form provided by the city.

(a) The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of the total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

(b) The applicant must be qualified according to the provisions of this section and the premises must be inspected and found to be in compliance with the appropriate state, county and local law and codes by the Health Official, Fire Marshal and Building Official.

(c) Application for license shall contain the following:

1. Address and legal description of the property to be used;
2. The names, address, phone numbers, birth dates of the owners, lessees (if any), the operator or manager and all employees;
3. The names, addresses, and phone numbers of two persons, who shall be residents of the state, and who may be called upon to attest to the applicant's, manager's or operator's character;
4. Whether the applicant, manager or operator has ever been convicted of a crime or offense other than a traffic offense and, if so, complete and accurate information detailing the disposition thereof; and
5. The names and addresses of all creditors of the applicant, owner, lessee or manager regarding credit which has been extended for the purposes of constructing, equipping, maintaining, operating, furnishing or acquiring the premises, personal effects, equipment or anything incidental to the establishment, maintenance and operation of the business.

(d) If the application is made on behalf of the corporation, joint business venture, partnership or any legally constituted business association, it shall submit along with its application accurate and complete business records showing the names, address and birth dates of all individuals having an interest in the business, including partners, officers, owners and creditors furnishing credit for the establishment, acquisition, maintenance and furnishings of said business. In the case of a corporation, the names, addresses and birth dates of all officers, general managers, members of the

Verndale - Land Usage

board of directors, as well as any creditors who have extended credit for the acquisition, maintenance, operation or furnishing of the establishment, including the purchase or acquisition of any items of personal property for use in said operation.

(e) All applicants shall furnish to the city, along with their applications, complete and accurate documentation establishing the interest of the applicant and any other person having an interest in the premises upon which the building is proposed to be located or the furnishings thereof, personal property thereof, or the operation or maintenance thereof. Documentation shall be in the form of a lease, deed, contract for deed, mortgage deed, mortgage credit arrangement, loan agreements, security agreements and any other documents establishing the interest of the applicant or any other person in the operation, acquisition or maintenance of the enterprise.

(3) *Application; applicant disqualification.* Any one of the following items shall invalidate the application or disqualify the applicant from submitting an application:

(a) The license fee required by this chapter has not been paid; and/or

(b) An applicant has been convicted of a crime involving any one of the following offenses:

1. Any sex crimes, as defined by M.S. §§ 609.29 through 609.352 inclusive, as they may be amended from time to time, or as defined by any ordinance or statute in conformity therewith;

2. Any obscenity crime, as defined by M.S. §§ 617.23 through 617.299 inclusive, as they may be amended from time to time, or as defined by any ordinance or statute in conformity therewith, for which:

a. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

b. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is a felony offense; or

c. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the conviction is two or more misdemeanor offenses or a combination of misdemeanor offenses occurring within any 24-hour period.

3. The fact that a conviction is being appealed shall have no effect on disqualification of the applicant or the applicant's spouse.

(4) *Requalification.* An applicant who has been convicted of an offense listed in division (G)(3) above may qualify for an adult-oriented license only when the time period required by this chapter has elapsed.

(5) *Posting.* The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the adult-oriented business. The license shall be posted in a conspicuous location near the entrance to the adult-oriented business so that it may be easily read at any time.

(6) *Council action.* The City Council shall act to approve or disapprove the license application within 120 days from the date the application was submitted; provided that, the application contains all of the information required by this chapter. If the application is deficient, the Council shall act on the application within 120 days from the date that the deficiency has been corrected. The city's Clerk/Treasurer shall notify the applicant of the deficiencies in the application.

(7) *Appeals.* Within 90 days after the decision by the Council, the applicant may appeal to the District Court by serving a notice upon the Mayor or City Clerk/Treasurer of the municipality.

(8) *Investigation and issuance.* The City Council shall direct the Police Department or County Sheriff to investigate all facts set forth in the application. An advance fee of \$500, or the costs of performing said check as determined by the Police Department, shall be submitted with the application to defray the city's costs and expenses associated with the background investigation. After the background investigation has been completed and all information required by the application has been submitted to the city, the City Council shall determine whether to grant or to deny the license application.

(9) *License fees.* Fees shall be established by City Council resolution on the fee structure.

(10) *Inspection.*

(a) *Access.* An applicant or licensee shall permit health officials, representatives of the Police Department, Zoning Administrator and Building Inspection Division, County Sheriff's office and Fire Department to inspect the premises of an adult-oriented business for the purpose of ensuring compliance with the law and city code at any time it is occupied or open for business.

(b) *Refusal to permit inspections.* A person who operates an adult-oriented business or his or her agent or employee commits an offense if he or she refuses to permit a lawful inspection of the premises by health officials, representatives of the Police Department, County Sheriff's Department, Fire Department, Zoning Administrator or Building Inspection Division at any time it is occupied or open for business. Refusal to permit inspections may result in the suspension of the license as provided for in division (G)(12) below.

(c) *Exceptions.* The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for uses as a permanent or temporary habitation.

(11) *Expiration and renewal.*

(a) *Expiration.* Each license shall expire at the end of the calendar year and may be renewed only by making application as provided for in division (B) above. Application for renewal must be made at least 60 days before the expiration date, and when made less than 60 days before the expiration date, the expiration of the license will be unaffected.

(b) *Denial of renewal.* When the city denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the city finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the denial date became final.

(12) *Suspension.*

(a) *Causes of suspension.* The city may suspend a license for a period not to exceed 30 days if it determines that a license or an employee of a license has:

1. Violated or is not in compliance with any provision of this chapter;
2. Engaged in the use of alcoholic beverages while on the adult-oriented business premises;
3. Refused to allow an inspection of the adult-oriented business premises authorized by this chapter;
4. Knowingly permitted gambling by any person on the adult-oriented business premises; and
5. Demonstrated the inability to operate or manage an adult-oriented business in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.

(b) *Notice.* A suspension by the city shall be preceded by written notice to the licensee and before a hearing. The notice shall give at least ten days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensee's business premises with the person in charge thereof.

(13) *Revocation.*

(a) *Suspended licenses.* The city may revoke a license if a cause of suspension in division (G)(12) above occurs and the license has been suspended within the preceding 12 months.

(b) *Causes of revocation.* The city shall revoke a license if it determines that:

1. A licensee gave false or misleading information in the material submitted to the city during the application process;

2. A licensee or an employee knowingly allowed possession, use, or sale of controlled substances on the premises;
3. A licensee or an employee has knowingly allowed prostitution on the premises;
4. A licensee or an employee knowingly operated the adult-oriented business during a period of time when the licensee's license was suspended;
5. A licensee has been convicted of an offense listed in division (G)(3) above, for which the time period required in division (G)(3)(b)2. above, has not elapsed;
6. On two or more occasions within a 12-month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in division (G)(3) above for which a conviction has been obtained, and the person or persons were employees of the adult-oriented business at the time the offenses were committed;
7. A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation or masturbation to occur in or on the licensed premises; and
8. A licensee has allowed the sale and/or consumption of alcoholic beverages at the adult-oriented business for which a license has been issued herein.

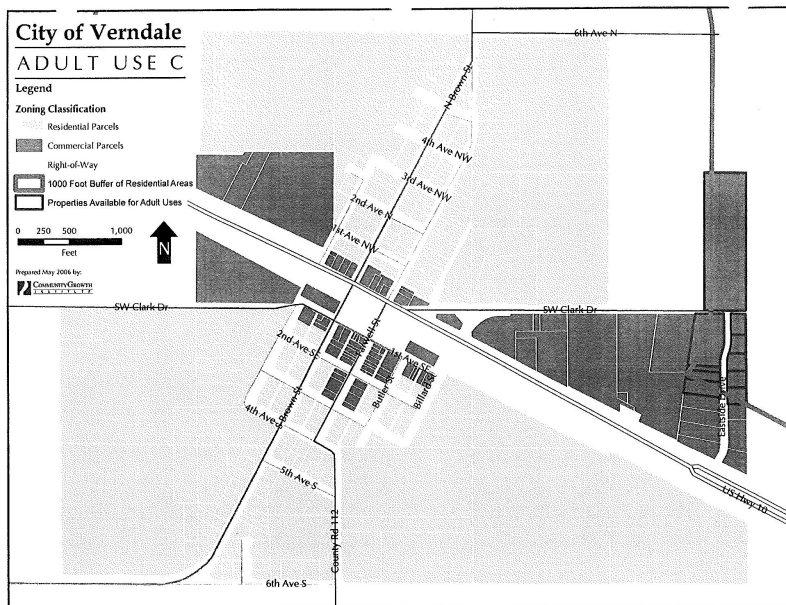
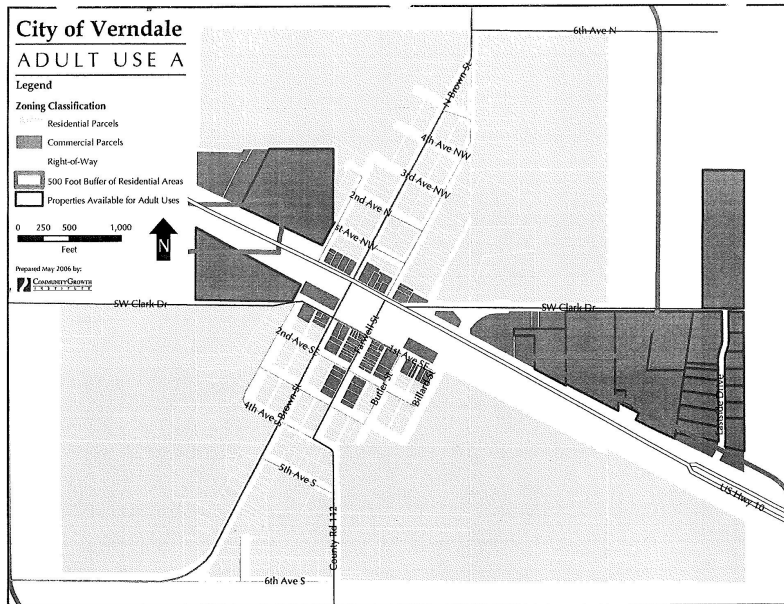
(c) *Appeals.* The fact that conviction is being appealed shall have no effect on the revocation of the license.

(d) *Granting a license after revocation.* When the city revokes a license, the revocation shall continue for one year, and the licensee shall not be issued an adult-oriented business license for one year from the date that the revocation became effective. If, subsequent to revocation, the city finds that the basis for revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective. If the license was revoked under division (G)(13)(b)5. above, an applicant may not be granted another license until the appropriate number of years required under division (G)(3) above have elapsed.

(e) *Notice.* A revocation by the city shall be preceded by written notice to the licensee and a public hearing. The notice shall give at least ten days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensed premises with the person in charge thereof.

(14) *Transfer of license.* A licensee shall not transfer this license to another, nor shall a licensee operate an adult-oriented business under the authority of a license at any place other than the address designated in the application.

Verndale - Land Usage



(Ord. passed - -2007)

§ 150.107 LANDFILLS; SOLID WASTE.

No landfills are allowed in the city. The county has the responsibility for solid waste disposal. Disposal of trees, stumps, rock, brush and other natural products by burning and/or burying is allowed on construction sites as determined by the building permit and a DNR burning permit, if applicable.

(Ord. passed - -2007)

§ 150.108 TEMPORARY FAMILY HEALTH CARE DWELLINGS.

The city opts out of the requirements of M.S. § 462.3593, as it may be amended from time to time, which defines and regulates temporary family health care dwellings.
(Ord. 81, passed 8-1-2016)

SUBDIVISIONS

§ 150.120 SKETCH PLAN.

A sketch plan shall contain the following data:

(A) Existing conditions.

- (1) Approximate exterior boundary drawn to a scale of not less than one inch equals 100 feet with the scale and northerly direction shown thereon;
- (2) Indication of floodplains, wetlands, slopes over 12%, bluffs, tree cover and ordinary high water mark;
- (3) Use of adjoining properties including street locations, structure locations and property lines;
- (4) Significant historical sites;
- (5) Approximate locations of existing structures;
- (6) Approximate locations of existing wells and sewage treatment systems;
- (7) Location by section, town and range with small scale sketch showing location within the city; and
- (8) The existing zoning classification and the zoning classification of adjacent parcels.

(B) Proposed design.

- (1) Proposed roads and walkways;
- (2) Proposed lots with building setbacks and bluff impact zones;
- (3) Proposed green space; and

(4) Proposed city sewer and water system connections or sewage treatment systems and well locations.

(Ord. passed - -2007)

§ 150.121 PRELIMINARY PLATS, PRELIMINARY CONDOMINIUM PLATS OR METES AND BOUNDS SUBDIVISIONS RESULTING IN AT LEAST ONE PARCEL LESS THAN TEN ACRES.

A preliminary plat, preliminary condominium plat or metes and bounds subdivision resulting in at least one parcel less than ten acres shall contain the following data (except as waived by the City Council), along with other reasonable information required by the Council needed to make a proper evaluation of the proposal.

(A) *Existing conditions.*

(1) Boundary lines with lengths and bearings drawn to exact scale of no less than one inch equals 100 feet taken from a boundary survey by a registered land surveyor with the legal description of the property, total acreage, name of the fee owner, developer and surveyor. North arrow and scale;

(2) Topography consisting of two-foot contour intervals or, at the discretion of the City Council during the sketch plan review, ten-foot contour intervals taken from USGS mapping with additional field determined spot elevations added to define drainageways, 100-year floodplains, wetlands, slopes and the ordinary high water mark. Near shore aquatic conditions, including depths, types of bottom, sediments and aquatic vegetation;

(3) Tree cover limits, specimen tree locations;

(4) Soils as determined by hand borings on a random basis, to determine depth to ground water at lower elevations and suitability for sewage treatment systems. At least one boring for each unit unless waived by the City Council;

(5) Location of adjoining streets, wetlands, structures and property lines within 200 feet of subject parcel, including acreage of any property owned by the developer not included in the preliminary plat;

(6) Significant historical sites;

(7) Significant wildlife habitat areas;

(8) Endangered, threatened, rare or critical species, both flora and fauna;

(9) Date of boundary survey, topography and proposed plat;

- (10) Layout of existing streets, walkways, driveways, blocks, lots and structures drawn to the same scale;
- (11) Locations of existing wells and sewage treatment systems;
- (12) Location by section, town and range with small scale sketch showing location within the city; and
- (13) The existing zoning classification and the zoning classification of adjacent parcels.

(B) *Proposed design.*

- (1) Layout of proposed streets, walkways, driveways, blocks, lots, buildings if known, drawn to same scale as existing data;
- (2) Dimensions scaled to nearest one foot of all lot lines, street widths, easement widths and lakeshore lengths;
- (3) Buildable areas of proposed lots;
- (4) Structure setback lines from streets, lot lines and ordinary high water mark and a designation of the buildable area on the parcel;
- (5) Proposed green space with area shown;
- (6) Proposed public dedication areas other than streets or walkways with the area shown;
- (7) Proposed city sewer or water system connections and extensions existing and proposed with grades shown;
- (8) Potential locations and estimated depth to water table for all proposed onsite sewage disposal systems, two per lot;
- (9) Information regarding adequacy of domestic water supply;
- (10) Proposed storm drainage system and erosion control, both during and after construction activities;
- (11) Proposed street standards and profiles;
- (12) Potential principal structure and accessory structure locations and elevations;
- (13) Extent of anticipated vegetation and topographic alterations;

(14) Proposed covenants;

(15) Name of subdivision and proposed street names, which shall not duplicate or be alike another plat previously recorded; and

(16) Stages of development proposed.

(C) *Evidence*. Evidence of authority to subdivide the parcel consisting of fee ownership or written concurrence of fee owners.

(Ord. passed - -2007)

§ 150.122 FINAL PLATS OR FINAL CONDOMINIUM PLATS.

A final plat or final condominium plat shall contain all elements required by this subchapter and M.S. Ch. 505, 515A or 515B respectively, as they may be amended from time to time, and the State Plat Manual, including, but not limited to, the following:

(A) Conformance with approved preliminary plat or agreed upon portion thereof;

(B) Design standards in conformance with this chapter;

(C) Preparation by a registered land surveyor. Signatures of Mayor, Clerk/Treasurer, County Auditor, County Treasurer and all parties with legal interest in the fee ownership of the land;

(D) Dedication to the public of easements, rights-of-way, walkways and land to become public;

(E) Drainage and utility easements over natural drainageways and significant wetlands;

(F) Reservation of private streets in outlots;

(G) Covenants shall be filed concurrently with the plat and shall be required to create an association of homeowners if a privately maintained cluster sewer or water system is proposed for subdivision.

(1) The association shall consist of all benefitted lot owners.

(2) The association shall be responsible for all costs of maintenance and replacement.

(3) The costs shall be uniformly divided by lots served.

(4) The costs shall be lienable against the lots by the association if payment is not forthcoming.

(5) The status of the facility shall be clearly stated as subject to perpetual private maintenance.

(6) Provisions shall be made for emergency access or emergency maintenance by the city with subsequent reimbursement by the association.

(H) Concurrent documents:

(1) Title opinion, less than 60 days old, acceptable to the City Attorney and showing conformance with those parties represented by signature on the plat as holding interest in the property being divided; and

(2) Financial security acceptable to the City Attorney in the amount of 125% of the cost estimated by the City Engineer for the uncompleted required improvements.

(I) Development contract acceptable to the City Attorney, if required.
(Ord. passed - -2007)

§ 150.123 DESIGN LAYOUT STANDARDS; MINIMUM.

The following design standards shall be considered minimum acceptable requirements in the review of the proposed subdivision by the Zoning Administrator, City Attorney, City Engineer and City Council, except as waived by variance approved by the City Council.

(A) The land shall be properly zoned and suitable in its natural state for the intended purpose with minimal alteration required. Land subject to flooding, land below the ordinary high water mark, wetlands, areas with high water table, bluffs, lands with slopes exceeding 12% or land containing other significant constraint(s) upon future intended usage, shall not be considered in the minimum size of a lot. The suitability analysis for each lot shall also consider soil and rock formations with severe limitations for development, severe erosion potential, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sights or any other feature of the natural land likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the community.

(B) All non-conforming structures and uses shall be brought into conformity during the subdivision process, except as specifically waived by motion of the City Council.

(C) Each lot shall be adjacent to public sewer or shall have a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment sewage systems.

(D) Provisions for water based recreation where near shore aquatic conditions are unsuitable for direct access.

(E) Lot areas and dimensions shall conform to the requirements of this chapter, without variance.

(F) Lot layouts shall be compatible with the existing layout of adjoining properties and/or shall not constrain the future development of adjacent properties if those properties were to be developed as per this chapter.

(G) (1) Side lot lines shall be substantially at right angles to straight road lines or radial to curved road lines, radial to lake or stream shores, and shall not contain bends or jogs unless topographic conditions necessitate a different arrangement.

(2) Existing structures shall not be construed to be a topographic condition.

(H) Each lot shall have a minimum of 33 feet of frontage on a designated right-of-way. Commonly owned property or green space used for access in a planned unit development shall have a minimum of 33 feet of frontage on a public right-of-way.

(I) Proposed streets shall conform to the adopted road plan of the city, county and state highway plans and existing boundary conditions.

(1) Streets shall be related to the topography so as to produce useable lots and reasonable gradients not in excess of 10% for collector roads and 12% for minor roads.

(2) Public access shall be given to adjacent properties unless the topography clearly indicated future connection is not feasible.

(3) When parcels abutting arterial or collector roads are subdivided, no new access points shall be created unless an equal number of access points are removed, unless access points are created not less than 500 feet apart; in which case, there shall be no limit on the number of accessed allowed.

(4) Half streets or connections of half streets to partial streets without providing for the full required right-of-way will not be permitted.

(5) Streets will be designed as collectors or local streets in accordance with any road plans that the city may adopt.

(6) The number of streets that terminate without a through connection shall be minimized and the street connected to a cul-de-sac (turnaround) shall not exceed 1,200 feet in length.

(7) Access shall be given to all adjacent properties when required by the City Council. All streets intended to be extended to adjoining property shall be provided with a temporary cul-de-sac with the sides on a temporary easement, which will revert to the adjoining lot owner when released by the city. Landlocked areas shall not be created.

(8) (a) Right-of-way shall be dedicated to the public:

| | |
|-------------------------|---|
| Arterials | 100 feet or as determined by the county |
| Collectors | 66 feet |
| Cul-de-sac (turnaround) | 68-foot radius |
| Local streets | 66 feet |

(b) Additional rights-of-way may be required to promote public safety and convenience if special conditions require such as intersections, sight lines on corners or excessive cut or fill sections.

(9) (a) Street centerlines shall intersect at not less than 75 degrees.

(b) Street jogs shall be no less than 200 feet from centerline to centerline.

(c) Gradients at intersections and for 50 feet approaching on each side of an intersection shall not exceed 2%. The approach shall contain no grades greater than 7% for 200 feet on each side of the intersection.

(10) Roads, driveways and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zones.

(11) Street names shall conform to the pattern of the city and continue an existing name on the same alignment, where determined applicable by the City Council. Street names shall be coordinated with the County Surveyor’s office.

(J) Easements shall be provided for public utilities or drainage where required by the City Council and shall be following widths, minimum:

| | |
|---|---------|
| Drainageway | 10 feet |
| Electrical, telephone or cable television | 10 feet |
| Sanitary sewer | 40 feet |
| Storm sewer | 20 feet |
| Water main | 20 feet |

(K) Lots requiring variances to allow their use for the intended purposes or requiring holding tanks for sewage shall not be allowed.

(Ord. passed - -2007)

§ 150.124 SURVEY STANDARDS.

Survey standards shall be those required by M.S. Ch. 505, as it may be amended from time to time, including the placement of all monuments including block corners, lot corners, curve points and lake survey line points on lot lines. All federal, state, county and other official benchmarks, monuments or triangulation points in or adjacent to the proposed subdivision shall be preserved in position unless relocation is approved by the controlling agency.

(Ord. passed - -2007)

§ 150.125 STREET IMPROVEMENTS.

All streets within the subdivision shall be constructed by the subdivider or otherwise provided for by agreement in a development contract between the subdivider and the City Council with all expenses borne by the subdivider. Local streets and collector streets shall be constructed according to the established minimum standards and shall be approved by the City Engineer.

(Ord. passed - -2007)

§ 150.126 SANITARY PROVISIONS.

No land shall be subdivided for building purposes unless two adequate sites are available on the newly created lot for a conforming onsite sewage treatment system, or the subdivider constructs a cluster system serving the lots to be owned and maintained by a property owner's association or the lot is provided with sanitary service by a municipal sewer system at the expense of the subdivider.

(A) A municipal sewer system shall be extended to the lot at the subdivider's expense by agreement in a development contract between the subdivider and the City Council if the existing system is adjacent to the parcel being subdivided or reasonably close in the opinion of the Engineer and City Council or if the density of the proposed development necessitates a municipal sewer connection. The sewer shall also be extended to the exterior boundary of the subdivision at locations designated by the Engineer.

(B) Onsite systems or cluster onsite systems shall conform to State Pollution Control Agency, Minn. Rules, Ch. 7080, and provide for two treatment sites for drainfields.

(C) Municipal sewage facilities shall be designed by a registered engineer, approved by the City Engineer, approved by the State Pollution Control Agency, and installed according to *Standard Utilities Specifications*, City Engineer's Association of Minnesota.

(Ord. passed - -2007)

§ 150.127 WATER SUPPLY STANDARDS.

The subdivider shall be responsible to provide the proposed subdivision with adequate spacing between building sites, on-site sewage disposal sites and potential well locations to allow the well

installations in conformance with this chapter requirements or the subdivider shall provide the lot with a cluster water supply system to be owned and operated by a property owner's association or the subdivider shall provide municipal water service to the lot.

(A) A municipal water system shall be extended to the lot at the expense of the subdivider by agreement in the development contract between the subdivider and the Council if the existing municipal system is adjacent to the parcel being subdivided or reasonably close in the opinion of the engineer and City Council or if the density of the proposed development necessitates a municipal water connection. The water main shall also be extended to the exterior boundary at locations designated by the Engineer.

(B) Onsite wells or cluster water systems shall conform to the state's Department of Health Rules and Regulations MHD 210-230 "Water Well Construction Code", and the cluster system shall receive the approval of the City Engineer.

(C) Municipal water facilities shall be designed by a registered engineer, approved by the City Engineer, approved by the state's Department of Health and installed according to "Standard Utilities Specifications" City Engineer's Association of Minnesota.
(Ord. passed - -2007)

§ 150.128 DRAINAGE/GRADING STANDARDS.

The subdivider shall consider the retention of natural storm water/snowmelt drainage patterns in the design of his or her proposed subdivision. The subdivider shall be responsible to provide adequate drainage facilities for his or her development and upstream properties.

(A) All subdivisions shall demonstrate provisions for adequate surface or subsurface runoff of storm water and snow melt directed to natural drainageways.

(B) All natural drainageways draining properties upstream from the subject property shall be identified and preserved, and no structures shall be less than one foot above the water level in the drainageway created by a storm of a 100-year, 24-hour rain event. No filling of areas inundated by the 100-year, 24-hour rain event shall be allowed.

(C) Additional runoff for a 100-year, 24-hour rain event from all streets and building sites at build-out shall be accounted for and maintained within the development.

(D) Natural or manmade storage areas shall be utilized where needed and shall be designated by drainage and utility easement by the subdivider. All storage areas shall be vegetated and designed to lower naturally after a storm.

(E) All drainage structures or improvements provided shall be sufficient in size to pass a 100-year, 24-hour storm event through the natural drainageway.

(F) All areas disturbed by grading, street construction or structure installation shall be covered with a minimum of three-inch natural topsoil and seeded. Drainageways over 2% in gradient shall, at a minimum, be sodded.

(G) All parking areas, heavy use areas, storage areas and impervious area shall be diverted to a basin designed to allow entrapment of silts and nutrients prior to discharge to a natural drainageway.

(H) There shall be no discharge of untreated storm water to a waterbody.

(I) Erosion control measures shall be provided as needed to prevent and/or contain erosion.
(Ord. passed - -2007)

§ 150.129 DEDICATION TO THE PUBLIC.

(A) In accordance with the provisions of M.S. § 462.358, as it may be amended from time to time, the subdivider shall dedicate, to the public, lands for highway rights-of-way, street rights-of-way, utility easements, wetland easements and similar lands required for perpetual and public improvements.

(B) In addition, for every new subdivision of land involving three or more lots which are to be developed for residential purposes, the City Council, shall require a payment to the city, in lieu of a land dedication for conservation purposes or for public use as parks, recreational facilities, playgrounds, trails, wetlands or open space, of a sum not to exceed 10%, of the fair market value of the land to be subdivided. The fair market value of the land to be subdivided shall be the value as determined by the County Assessor at the time of final plat approval. The amount of the payment shall be set by the City Council, after taking into consideration the open space, park, recreational or common areas and facilities which the applicant proposes to reserve for public use within the subdivision. Funds received by the city, in lieu of land dedication, shall be placed in a special fund in accordance with M.S. § 462.358, subd. 2b, as it may be amended from time to time.

(C) All dedications shall be included in the dedicated portion of the plat, included in the development contract, or received by the city in warranty deed prior to the approval of the final plat, without further restrictions or reservations.
(Ord. passed - -2007)

ADMINISTRATION AND ENFORCEMENT

§ 150.140 BUILDING PERMITS.

A building permit is required for any building or other structure (including mobile homes) which is to be erected, moved, added to or structurally altered. An application may be obtained from the city's Zoning Administrator. Each application shall be accompanied by a plan showing the actual dimensions

of the lot to be built upon, the size, shape and location of the building to be erected and such other information as may be necessary to provide for the enforcement of the regulation. The fee for a building permit shall be established by the City Council by resolution on the fee schedule.

(Ord. passed - -2007)

§ 150.141 ZONING ADMINISTRATOR.

(A) This chapter shall be administered by a Zoning Administrator appointed by the City Council.

(B) The Zoning Administrator’s duties shall include the following:

(1) Determine if applications comply with terms of this chapter;

(2) Conduct inspections of buildings and uses of land to determine compliance with this chapter;

(3) Maintain permanent records of this chapter;

(4) Receive, file and forward all applications for appeals, variances, conditional uses and amendments to the designated official bodies; and

(5) Notify, in writing, any persons responsible for violating a provision of this chapter, indicating the nature of the violation and ordering the action necessary to correct it.

(Ord. passed - -2007)

§ 150.142 VARIANCES.

Where the City Council finds that extraordinary and unnecessary hardships may result from strict compliance with this chapter, variances may be granted; provided that, such variations will not have the effect of nullifying the intent and purpose of the ordinances.

(A) Application for issuance of a variance shall be made to the city’s Zoning Administrator to forward to the City Council. A statement of the exceptional conditions and the peculiar difficulty involved shall be included. A site plan may be prescribed by the City Council.

(B) The Zoning Administrator shall notify all property owners within 350 feet of the subject property by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least ten days ahead of the public hearing of the intent of the proposed action and the date when the petitioners shall appear before the City Council.

(C) Variances shall be granted if the City Council finds that the application meets all of the following criteria:

Verndale - Land Usage

(1) The strict enforcement of the provisions of this chapter create an undue hardship on the property owner;

(2) The granting of the variance is in keeping with the spirit and intent of this chapter;

(3) The plight of the property owner is due to circumstances unique to the property and is not caused by the current, or previous, property owner;

(4) The terms and conditions of the variance protect the essential character of the neighborhood;

(5) The granting of the variance is based on finding of facts other than economic considerations; and

(6) The granting of the variance is for a land use that is allowed under the terms of the ordinance and does not create a land use that is explicitly prohibited by this chapter.

(D) The City Council shall consider the affect of the proposed variance upon the health, safety and the general welfare of the community. It shall be shown that issuance of the variance will not merely serve as a convenience to the applicant, but is necessary to alleviate a demonstrable difficulty. No application for a variance which has been denied shall be resubmitted for a period of six months from the date of denial.

(E) (1) Variances shall not allow or create a use not provided for in a zoning district.

(2) Variances shall run with the land and are transferable with the real estate to a new owner.

(3) Variances shall be decided within 60 days of the receipt of a completed application as determined by the Zoning Administrator, unless extended pursuant to M.S. § 15.99, as it may be amended from time to time.

(4) Failure by the property owner to act in reliance on the variance within 12 months or failure to complete the work under a variance within one year, unless extended by the City Council, shall void the variance. A second extension shall require a new public hearing. This provision shall apply to any variance outstanding at the time of the ordinance adoption.

(5) Violation of the conditions on a variance shall void the variance.

(6) The Zoning Administrator shall file a copy of all approved variances with the County Recorder within 15 days of approval at the expense of the applicant.

(Ord. passed - -2007)

§ 150.143 CONDITIONAL USES.

Pursuant to M.S. Ch. 462, as it may be amended from time to time, the city shall issue conditional use permits to the property for structures or other specified uses upon approval after a public hearing where the city makes findings of fact that the proposal is consistent with the terms of this section.

(A) Application for the issuance of a conditional use permit shall be made to the Zoning Administrator. The application shall be accompanied by such plans, elevations and site plans as prescribed by the City Council.

(B) Upon receipt of the application and other requested material, the City Council shall hold at least one public hearing as regulated by law. Written notice of public hearings shall be sent by regular mail to all property owners of record within 350 feet of the selected property and the Zoning Administrator shall advertise the public hearing once in the legal section of the official newspaper at least ten days ahead of the public hearing.

(C) The City Council shall consider the following criteria in reviewing a proposed conditional use permit application.

(1) The following must be met:

(a) The use or development is an appropriate conditional use in the land use zone;

(b) The use or development, with conditions, conforms to the Comprehensive Land Use Plan;

(c) The use with conditions is compatible with the existing neighborhood; and

(d) The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the city.

(2) The following must also be considered:

(a) The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity;

(b) The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area;

(c) The conditional requirements at public cost for public facilities and services will not be detrimental to the economic welfare of the community;

Verndale - Land Usage

(d) The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an interference with traffic on surrounding public thoroughfares;

(e) Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use;

(f) Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result;

(g) The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance; and

(h) The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

(D) The City Council may designate conditions and require guarantees in the granting of conditional use permits. In permitting a new conditional use or alteration of an existing conditional use permit, the City Council may impose, in addition to the standards and requirement expressly specified by this chapter, additional conditions which the City Council deems necessary to protect the best interest of the surrounding neighborhood or the city as a whole. These conditions may include, but are not limited to, the following:

(1) Increasing the required lot size or yard dimension;

(2) Limiting the height, size or location of buildings;

(3) Controlling the location and number of vehicle access points;

(4) Increasing or limiting the street width;

(5) Increasing or limiting the number, size, location or lighting of signs;

(6) Requiring diking, fencing, screening, landscaping or other steps to protect adjacent or nearby property; and

(7) Designating sites for green space.

(E) The City Council shall hold whatever public hearings it deems advisable and shall make a decision upon the proposal to grant a permit. If it finds that the conditions exist which are necessary under this section in order for the City Council to recommend granting of the conditions use permit, it may attach to the permit such conditions and guarantees as may be necessary to assure reasonable development.

(F) A building permit must be applied for within nine months of the granting of the conditional use permit. Failure by the property owner to act in reliance on a conditional use permit within six months, or failure to complete the work under a conditional use permit within one year, unless extended by the City Council, shall void the permit. A second extension shall require a new public hearing. This provision shall apply to any conditional use permit outstanding at the time of ordinance adoption.

(G) An approved conditional use permit shall be filed with the County Recorder within 15 days of approval with the filing fee paid by the applicant.

(H) When the costs to the city involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the city for any additional costs. Such expenses may include, but are not limited to, payroll expenses for staff, mailing costs, consultant fees and other professional services that the city may need to retain in reviewing said permits.

(I) A violation of any condition set forth in a conditional use permit shall be a violation of this chapter and automatically terminates the permit.

(J) A conditional use permit shall become void one year after being granted by the City Council unless made use of and if discontinued for a period of 90 days or more.
(Ord. passed - -2007)

§ 150.144 AMENDMENTS.

The City Council may adopt amendments by four-fifths vote of the full Council to either the zoning ordinance or zoning map in relation to the land uses within a district or the boundaries of the district(s). Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals of the community or changes in the conditions of the city.

(A) *Amendments.* The regulations, restrictions and boundaries set forth in this chapter may be amended, supplemented or repealed in accordance with the provisions of this subchapter.

(B) *Initiation.* Amendments may be initiated by the City Council or by petition of any person owning property within the boundaries of the district subject to the proposed amendment.

(C) *Hearing.* No amendment shall be adopted until a public hearing has been held thereon by the City Council. The notice of the time, place and purpose of the hearing shall be published in the official newspaper at least ten days prior to the day of the hearing. When an amendment involves changes in the district boundaries, a notice shall be served by the City Clerk/Treasurer at least ten days before the day of the hearing to each owner of the affected property and property situated wholly or partly within 350 feet of the use to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of the owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings.

(D) *Hearing*. The City Council shall hold the hearing within 60 days of the date of the petition. Adoption of a new zoning map shall require published notice only.

(E) *Consideration of criteria*. The City Council shall consider the criteria for land use categories identified in § 150.028 of this chapter, prior to deciding on any rezoning of land.

(F) *Publish*. The City Clerk/Treasurer shall publish a summary of the text of the change or description of boundary change or a new zoning map, whichever is appropriate, in the official newspaper within one week after action by the Council.

(Ord. passed - -2007)

§ 150.145 APPEALS FROM CITY COUNCIL.

(A) Appeals to the City Council may be taken by any person aggrieved by a decision of the Zoning Administrator. Such appeal shall be taken within ten calendar days after such decision by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall immediately transmit to the City Council all documents and exhibits constituting the record from which the appeal is taken. The appeal shall stay all proceedings pending the decision of the City Council.

(B) The City Council shall fix a reasonable time for hearing such appeal and shall render a decision within 30 days of the date of the hearing. The City Council shall give public notice of the hearing and shall further mail notice to all those personally known to be interested parties by members of the City Council.

(Ord. passed - -2007)

§ 150.146 NOTICES.

Notices for all public hearings required, as part of this chapter, shall include the legal description for the subject property, the description of the proposed action under consideration and the location, time and date for the public hearing. All notices shall be given in accordance with the requirements set forth in state statutes. Failure to receive notice called for by this chapter shall not invalidate any action taken by the city so long as the city acted reasonably in its attempt to provide such notice.

(Ord. passed - -2007)

§ 150.999 PENALTY.

Violations of this chapter shall be a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to exceed \$500, and/or imprisonment for a period not to exceed 90 days for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

(Ord. passed - -2007)