

SECTION I
TITLE

1. This Ordinance shall be referred to and cited as the Pillager Zoning Ordinance, except herein where it shall be cited as the Ordinance.

SECTION II
INTENT AND PURPOSE

This Ordinance is established pursuant to the Authority granted by the Minnesota Statutes, in particular the Municipal Planning Act, Minnesota Statutes Sections 462.351 to 462.364, the Municipal Shoreland Act, Minnesota Statutes Section 379, and Policies in Minnesota Statutes , Section 105, 115 and 116 and any Amendments thereto. This Ordinance hereby repeals Pillager Ordinances No. 34, 43.1, 45.1 and 45.2, and amendments thereto.

2.1 This Ordinance is adopted for the purpose of:

1. Protecting the public health, safety, comfort, convenience and general welfare.
2. Promoting order in development by dividing the area of the City into zones
Regulating therein the location, construction, reconstruction, alteration and use of the structures and land.
3. Conserving the natural and scenic beauty and attractiveness of the City, for the health of the public
4. Providing for adequate light, air and access to property by regulating the use of the land and buildings and the bulk of structures in relation to surrounding properties.
5. Providing for the administration of the provisions of the ordinance and defining the authority and duties of the Administrator, Planning Commission, Board of Adjustment and City Council und this Ordinance.
6. Conserving the natural and scenic beauty and attractiveness of the City for the health and welfare of the public.
7. Inauguration and effectuating the goals of the comprehensive plan.

SECTION III
RULES AND DEFINITIONS

3.1 Rules:

For the purpose of this ordinance, the following rules shall apply to the interpretation of the language used herein:

- 1) The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- 2) The masculine gender includes the feminine gender and neuter gender.
- 3) The singular includes the plural and the plural the singular.
- 4) The present tense includes the past and future tenses and the future the present.
- 5) The word “may” is permissive; the word shall is mandatory. Mandatory compliance with the Ordinance shall allow for variances thereto.
- 6) All distances expressed in feet shall be to the nearest tenth of a foot.
horizontally or vertically
- 7) In the event of a conflict, the most restrictive provision shall apply.

3.2 Definitions:

The following words shall be defined as follows for the purposes of this Ordinance:

1. Abandoned Motor Vehicle: A motor vehicle as defined in Minnesota Statutes Chapter 169.01 that (a) has remained on public property in an inoperable condition for more than 48 hours; or (b) has remained on private property for more than 48 hours without the permission of the Owner; or (c) has remained on private property for more than 30 days and is inoperable and is unlicensed. Refer also to Minnesota Statutes Chapter 168B.
2. Accessory Use or Structure: a use or structure including TV Tower and dish antennas, swimming pools, wind generators, garages, sheds, and similar structures

on the same lot, garages sheds, and similar structures on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

3. Agricultural Use: The use of land for the growing and/or production of crops or livestock products for the production of crops or livestock products for the production of income.
4. Animal Husbandry: the boarding care and/or breeding of domestic animals such as cattle, hogs, sheep, horses, and poultry.
5. Animal Units: A unit of measure based on the approximate production of wastes.

1 Slaughter weight steer or heifer	1
1 mature dairy cow or horse	1.4
1 swine over 55 pounds	0.4
1 sheep	0.1
1 goose	0.1
1 duck	0.02
1 turkey	0.018
1 chicken	0.01

- 6). Attorney: the attorney duly appointed by the Council to represent the City of Pillager.
- 7) Auto Salvage Yard: A lot or yard where three or more unlicensed motor vehicles are stored while parts are removed, where crushing occurs or where storage pending part removal and crushing may occur.
- 8) Boarding House: A dwelling, single family, other than a resort where for compensation for definite periods of time, meals or lodgings are provided for three or more unrelated persons, but not to exceed six persons.
- 9) Board of Adjustment: The Board appointed by the City Council, to hear appeals from the actions of the Zoning Administrator and variance requests. Until such time as a separate Board of Adjustment is established, the City Council shall act as the Board of Adjustments.
- 10) Building: Any structure having a roof.
- 11) Building Height: The vertical distance from low elevation of the ground at the foundation to the highest point of a flat roofed building or midpoint of the roof on a

sloped roof building, considering only that portion of the roof eight feet above the upper most floor.

- 12) Building Line:** a line approximately perpendicular to the side lot lines and located at the lakeside or front of a building places on the required setback line from a lake or a road.
- 13) Building Permit:** A permit issued by the Zoning Administrator to allow the construction of a structure when the provisions of this Ordinance have been met and when approval of any conditional uses, special uses or variances have been granted and when the fees are paid.
 - 13a. Building Widths:** the smallest dimension of the major portion of the building.
- 14) Campground:** A land use consisting of designated campsites with appropriate facilities designed for temporary occupation by the tents or recreational vehicles with single ownership. Management services and with site rentals.
- 15) Campsite:** a parcel within a resort or campground designated for the occupancy of one family on a periodic basis in a tent or recreational vehicle.
- 16) City Clerk:** the duly appointed person responsible for the administration of the City affairs.
- 17) City Sewer or Water System:** A system of municipally maintained utilities approved by the State and serving more than one building.
- 18) Commercial:** Any land uses consisting of occupation, employment or enterprises wherein merchandise is warehoused, exhibited or sold or where services offered are for compensation.
- 19) Comprehensive Plan:** A compilation of goals, policy statements, standards, programs, and maps for guiding the physical social and economic development of the City.
- 20) Conditional Use:** a land use or development as defined by Ordinance that would not be appropriate without restriction, but may specifically be allowed with appropriate restrictions or conditions as determined by the Planning Commission upon a finding that (a) the use or development is an appropriate conditional use in the land use zone; and (b) the use and development with conditions conforms to the comprehensive land use plan; and (c) the use with conditions is compatible with the existing neighborhood.

- 21) Condominium Ownership:** A form of ownership within a multi-owner complex wherein the boundaries are defined by a condominium plan in accordance with Minnesota Statutes, Chapter 515A or subsequent revisions.
- 22) Deck:** an uncovered unscreened structure not including on grade walks less than four feet wide.
- 23) Dwelling Units:** a unit of measure consisting of the quarters designed for occupancy by one family.
- 24) Dwelling, single family:** a dwelling unit totally separated from any other dwelling unit.
- 25) Dwelling Multi-family:** two or more dwelling units attached together by any point, including duplexes, triplexes, townhouses, and multi-level unit regardless of type of ownership.
- 26) Engineer:** the Engineer duly appointed by the Council to perform technical services for the City of Pillager.
- 27) Exterior Storage:** storage of goods, materials, equipment, manufactured products outside of a fully enclosed building.
- 28) Family:** an individual or two or more persons, related by blood, marriage or adoption, living together in a dwelling unit or a group of not more than four persons not so related maintaining a common household.
- 29) Fence:** a partition, wall or gate erected as a divider marker barrier or enclosure on a property boundary.
- 30) Final Floor Plan:** a drawing prepared by a Registered Architect, registered Engineer, or Registered Land Surveyor, depicting the condominium subdivision of real estate and related information conforming to the requirements of Minnesota Statutes, Section 515.2-110
- 31) Final Plat:** a drawing prepared by a Registered Land Surveyor depicting the subdivision of land and related information conforming to the requirements of Minnesota Statutes, Chapter 505.
- 32) Floodplain:** the areas adjoining a water course intermittent or permanently flowing, which have been or will be covered by the runoff waters of a storm with a one percent chance of occurrence any year (100 year storm)

- 32a.** Foundation: a concrete, concrete and concrete block or treated wood portion of a structure which totally encloses the perimeter of the structure, supports the bearing loads of the super structure and penetrates the ground to provide frost protection.
- 33)** Green Space: privately owned property permanently dedicated by covenant to vegetative ground coverage with allowance for recreational facilities, tree coverage or water courses.
- 34)** Hardship: a status whereby the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls the plight of the land owner is due to circumstances unique to his property not created by the landowner and the variance, if granted will not alter the essential character of the locality. Economic consideration alone shall not constitute a hardship if reasonable use of the property exists under the terms of the Ordinance.
- 35)** Home Occupation: a use of non-residential nature conducted entirely within the dwelling or accessory buildings which use is clearly incidental and secondary to the use of the dwelling for residential purposes.
- 36)** Impervious Surface: the horizontal projection of buildings, patios, walks, driveways, accessory structures and other surfaces generally impervious to the penetration of stormwater.
- 37)** Industry: land uses including manufacturing assembly and disassembly of goods, products or materials.
- 38)** Interval Ownership: a form of ownership of real property, condominium land or space further defined by time interval reoccurring each year, resulting in more than one owner of the same property.
- 39)** Landscaping: the placement of trees, shrubs, grass and walls and earth mounds or the utilization of existing natural vegetative cover equal thereto.
- 40)** Lake Classification: the formal classification by the DNR of each body of public waters within the City.
- 41)** Leaseback by owner: an arrangement between an owner of property and a leasing agent or resort to promote and operate the property for rental purposes.

- 42) Litter:** waste materials, including but not limited to cans, bottles, plastic and paper wrappings or containers.
- 43) Lots:** 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 or building.
- 44) Lot Area:** the horizontal area of a lot bound by the lot lines and the ordinary high water line if bounded by water.
- 45) Lot, Corner:** a lot situated at the junction of and abutting on two or more intersecting streets or a lot at the point of deflection in alignment of one street with the internal angle less than 135 degrees.
- 46) Lots, Front:** the boundary of a lot which abuts on a public right of way or if a corner lot, the shortest of the two boundaries. If the lot abuts public water, the lake side shall be considered the lot front.
- 47) 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.
- 48) 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 ordinance.
- 49) Lot Tier Depth:** the dimension measured perpendicularly to the lake equal to the minimum allowable square footage of a permitted single family lot divided by the minimum allowable width, i.e.
- General Development Lake –200 feet
 - Recreational Development Lake—267 Feet
 - Natural Environmental Lake—400 Feet
- 50) Lot tiers:** successive strips of land parallel with the ordinary highwater line, one tier depth wide, and extending across the parcel.
- 51) Lot Width:** the horizontal distance measured along the building line at the average right angle to the side lot lines.

- 52) Metes and Bounds:** descriptions of property and descriptions for lots other than lots in recorded subdivision plats. See 3.2(88)
- 53) Mining:** the removal of sand, gravel, minerals, peat, or topsoil and transportation off site of said materials, except the normal grading and offsite disposal associated with permitted building construction.
- 54) Mobile Home/Manufactured Home:** a factory built dwelling not less than 16 feet in width, containing more than 1120 square feet and designed intrinsically as a trailer requiring only minor modifications prior to occupancy and must meet the requirements of the uniform building code.
- 55) Mobile Home/Manufactured Housing Development:** a form of planned unit development designed for mobile homes/manufactured housing and including two possible types of ownership: Single ownership with site rentals or individual ownership with a homeowners association owning common property.
- 56) Motel/Hotel:** a commercial business with a central management to provide necessary service, located outside of Shoreland, and having dwelling units for rent with related facilities such as restaurants, bars and other recreational amenities.
- 57) Multi-level Dwelling:** a type of multi-family housing consisting of dwelling units stacked one above the other, creating a party floor or floors between units.
- 58) Non-Conforming:** the building structures or land lawfully existing prior to and not in conformance with the provisions of this ordinance.
- 59) Nuisance:** by authority and direction of Minnesota Statutes, section 412.221, subdivision 23 and 24; and section 429.031, subdivision 8; and Section 145.22 and 145.23, nuisance is anything that interferes with the use or enjoyment of property, endangers, personal health, or 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. Set also performance standards herein.
- 60) Open Space:** a zoning district defined by natural feature to be unsuitable for development, except in accordance with the conditional use permit process.
- 61) Ordinary High Water Mark:** a mark delineating the highest water level which has been maintained for sufficient period of time to leave evidence upon the landscape, typically where the vegetation changes from aquatic to terrestrial. On waters

controlled by the Corps of Engineers, the mark is defined as the normal summer pool elevation.

- 62) Parking Space:** a site off public right of way, maintained and sized to store one automobile.
- 63) Party Wall or Floor:** the structural divider between dwelling units vertically or horizontally respectively
- 64) Permitted Uses:** a land use conforming to the character of a zoning district which is permitted by building permit issuable by the Zoning Administrator.
- 65) Pet:** an animal, bird reptile or fish commonly associated with human habitation not considered under animal units and not raised for production of income.
- 66) Planned Unity Development:** a form of land use which deviates from single dwelling units, single buildings or single uses on single conforming parcels of property and rather is developed according to an approved plan. Planned Unit development include cluster developments of single family dwellings, multi-family dwellings, multi-level dwellings, mobile home developments where permitted, and may involve single, multiple and/or common ownership; and condominium or plat subdivision.
- 67) Planning Commission:** the body duly appointed by the City Council to determine the development of the City, to decide Conditional Use Permits and Special Use Permits, and to make recommendations to the City Council on Comprehensive plans, zoning, district boundaries, subdivision of land and capital improvements.
- 68) Preliminary Plan or Plat:** a plan prepared in accordance with the Subdivision Ordinance depicting the proposed subdivision of property by Final Plat or Final Floor Plan.
- 69) Principle Structure or Use:** the single primary structure or use on a lot, as distinguished from accessory uses.
- 70) Protective Covenants:** Restrictions placed on the property by the owner and duly filed with the County Recorder. These may also be used in planned unit developments to established to established homeowners associations, restrict shoreline development and provide for common facilities.
- 71) Public Waters:** the waters of the state which serve a public purpose as defined in Minnesota Statutes Section 105.37, Subdivision 14, same as “Protected Waters”.

- 72) Recreational Vehicles:** Vehicles including trailers 8 feet wide or less or containing less than 400 square feet, which are designed to be occupied as living quarters, and capable of being licensed by the State for highway purposes.
- 73) Resort:** a commercial business with a central Shoreland and having dwelling units and/or campsites for rent with related facilities such as restaurants, bars, golf courses, and/or other recreational amenities.
- 74) Right of way:** a parcel of property dedicated to the public, connecting to other public right of ways which afford primary access by pedestrians and vehicles to abutting properties.
- 75) Setback-Interior Lot:** in a planned unit development, the closest horizontal distance between the lot line and the foundation or wall of a structure when the lot line is not the exterior boundary of the development. Three feet of roof overhang may protrude into the setback.
- 76) Setback-Side, Exterior:** The closest horizontal distance between the exterior boundary side lot line and the foundation or wall of a structure. This setback takes precedence over setback, interior lot, where any conflict exists. Three feet of roof overhang may protrude into the setback.
- 77) 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 may protrude into the setback.
- 78) Setback-waterfront:** the closest horizontal distance between the ordinary high water mark and the foundation or wall of a structure. Three feet of roof overhang may protrude into the setback.
- 79) Shoreland:** the land located within the following distances from public waters: 1000 feet from the ordinary high water mark of a lake, pond or flowage; and 300 feet from a river or stream.
- 80) 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.
- 81) Signs- Offsite:** any sign not located on the contiguously owned property with the use which is advertised.

- 82) Signs-Onsite:** any sign located on the contiguously owned property with the use which is advertised.
- 83) Sign-Area:** The Area is square feet enclosed by the exterior perimeter of a sign not including the structural supports. Only the largest of a double faces sign or a v shaped sign with no greater than a 30 degree angle between faces shall be considered.
- 84) Special Use:** A land use or development as defined by this ordinance that would not be appropriate in a zoning district except under unusual and specific circumstances subject to appropriate conditions upon a finding that a. the use or development is an appropriate special use in the land use zone; and (b) the use or development with attached conditions is compatible with the existing neighborhood; and (c) the use has mitigating benefits outweighing any negative aspects when compared to the comprehensive plan. Special use permits are non transferable.
- 85) Street:** A public right of way which affords primary vehicular access to abutting property and shall include avenue, road, or highway.
- 86) Structure:** Anything constructed placed, or erected by man. Walks on grade not more than u feet wide, stoops not exceeding 24 square feet; or steps or temporary furniture or planters, shall not be considered structures. Fences and public utility facilities other than buildings shall be considered structures, but exempt from side lot or road setback requirements.
- 87) Subdivision:** The division of real estate into two or more parcels.
- A. Subdivision by Plat:** the subdivision into two or more parcels of any size by the authority of Minnesota Statutes, Chapter 505, with documents prepared by a Registered Land Surveyor and duly approved by the Planning Commission and Council.
 - B. Subdivision by Condominiums Plan:** The subdivision of a building or the subdivision of real estate into two or more spaces or parcels of any size by the authority of Minnesota Statutes, Chapter 515A , with documents prepared by a Registered Land Surveyor and duly approved by the Planning Commission and Council.
 - C. Subdivision by Metes and bounds:** any division of real estate resulting in two or more parcels which are not platted, but divided by description prepared and

signed by a Registered Land Surveyor or attorney. A description to split a previously platted and surveyed lot may be prepared by any person competent in land descriptions.

All subdivisions by metes and bounds resulting in residential parcels less than 20 acres or 500 feet in width; and commercial parcels less than 5 acres or 300 feet in width shall be reviewed by the Planning Commission. See Subdivision Ordinance 7.3.

- 88) Townhouse Dwelling:** A type of multifamily housing consisting of dwelling Units attached by common party walls. Ownership may be defined by Plat or Condominium Plan.
- 89) Variances:** A legally permitted deviation from the provisions of this Ordinance as deemed necessary by the Board of Adjustment when the strict interpretation of the Ordinances would create undue hardship and be impractical because of circumstances relating to lot size, shape topography, or other characteristics of property, and when the deviation from the Ordinance with any attached conditions will still be in keeping with the spirit and intent of the Ordinance. Variances cannot create a land use not permitted in a zone.
- 90) Vegetation Removal, Clear Cutting:** The removal of more than 75 percent of a stand of trees and brush over 10 feet in height.
- 91) Vegetation Removal, Open Cutting:** the removal of dead, diseased or damaged trees or shrubs, removal of trees for placement of structures and drives and further removal of only individual trees to uniformly thin a stand, leaving more than 75 percent of the healthy existing trees. Complete brush removal is allowable including trees under 10 feet in height.
- 92) Wetland:** Land which is subject to periodic or continued inundation by water such as floodplains, marshes, swamps, and peat lands.
- 93) Zoning Administrator:** The duly appointed person responsible for the enforcement and administration of this ordinance. This person shall also act as the Building inspector.
- 94) Zoning District:** An area of the City of Pillager defined on the zoning map, having uniform zoning provisions.

95) Zoning Map: The map of the City of Pillager, amended from time to time, which defines the boundaries of the zoning districts.

Section IV

General Provisions

4.1 Application of this Ordinance:

- 1) The provisions of this Ordinance shall be held to be the minimum requirements for the maintaining of the public health, safety, morals, and welfare.
- 2) Where the provisions of this Ordinance 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 shall prevail.
- 3) Except as this Ordinance specifically provides, with provision for variances granted thereto, 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 Ordinance.

4.2 Environmental Documents and Concurrent Permits:

- 1) It shall be the property owner's responsibility to secure necessary concurrent permits, such as State Waste Disposal Permits, Planned Unit Development Permits, Corp or Engineers Permits, and Public Water Permits.
- 2) The proposer of any project exceeding the limits defined in the Environmental Quality Council's rules and regulations for Environmental review program shall submit a draft Environmental Assessment Worksheet for the City to review with other pertinent data.

4.3 Existing Lots:

- 1) A lot, pre-existing for which a deed, recorded contract for deed or other legal conveyance or plat has been executed prior to the effective date of this ordinance shall be deemed a buildable lot with our requiring a variance,

provided it has 80 percent of the minimum conforming dimensions, all the setbacks can be maintained, and sanitary provisions for well and sewage disposal can be maintained.

- 2) If two or more contiguous lots, pre-existing, in total could not be divided into two or more lots meeting the requirements of 4.3(1) and are held by the same owner on the effective date of this Ordinance, they shall be considered on lot for building and zoning purposes. A covenant, duly filed and recorded, shall be required before a building permit is issued thereon.

4.4 Non Conforming Uses:

Any Structure or use existing upon the effective date of the adoption of this ordinance and which does not conform to the provisions of this ordinance may be continued, subject to the following:

- 1) No such use shall be expanded and enlarged except in conformity with the provisions of this ordinance.
- 2) If a non-conforming structure is discontinued for a period of one year, further use of the structure or property shall conform to this ordinance.
- 3) If a non-conforming structure is destroyed by any cause, to an extent exceeding eighty percent of its fair market value as indicated by the records of the County Assessor, a future structure on the site shall conform to this ordinance.
- 4) Normal maintenance of a building or other structure containing or relating to a lawful non-conforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.
- 5) Non Conforming sanitary facilities shall be upgraded in conformance with the following schedule:
 - A. Upon addition of an enclosed living space of 150 square feet or more or a bedroom or a bathroom.
 - B. Rebuilding a structure 25 percent or more destroyed by fire, wind, storm, or other cause.
 - C. Upon determination that leakage to the surface or public waters or into an adjacent well is occurring, or determination that the system is discharging into the ground at an elevation less than three feet above the highest known water table.

D. Upon determination by Planning Commission that system is inadequate for a change in occupation or use in the structure.

E. Upon availability of a community sewer system to the property.

Non conforming sewage systems, which in the opinion of the Planning Commission cannot be upgraded on site will not be required to be upgraded until a community system becomes available. However, if in the opinion of the Planning Commission, a health hazard exists, then a holding tank or some other type of system which, in the opinion of the Planning Commission would alleviate the health hazard, shall be required until a community system becomes available.

6) Non conforming offsite signs in existence on the effective date of this Ordinance shall be allowed except as provided in 6.1 (4), (F), (G), and (H).

4.5 Building Standards:

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

2) Sanitary facilities shall conform to Minnesota Pollution Control Agency Standards. "Individual Sewage Treatment Systems Standards- 6 MCAR and 4.8040". including Appendix A (Except E-3 Sewage Osmosis and E-4 Seepage Pits), B and E. Further, all sanitary systems shall be constructed by installers licensed by the State of Minnesota to install onsite disposal systems.

SECTION V

ZONING DISTRICTS AND DISTRICTS PROVISIONS

5.1

- 1) The City of Pillager is hereby divided into zoning districts as shown on the official zoning district map, which may be subsequently amended by procedures of Section 10.4.
- 2) The boundaries are generally on the center of streets, on lot lines, on shorelines, on the center of streams, or rives, and following the contour of the land.
- 3) The following Districts are hereby established:

Rural Residential District	RR
General Residential District	R-1
Commercial District	C
Industrial District	I
Shoreland Overlay District	SL

5.2 Rural Residential District (RR)

- 1) **Purpose:** To establish and maintain a district that is semi rural and rural in character and to prevent the occurrence of premature urban development.
- 2) **Permitted Uses:** Single family Dwellings- Dwellings, single family 18 feet or Wider on a foundation; minimum size 700 square feet.

Agricultural Use: Veg

Vegetation removal, open cutting

One unlighted identification sign not exceeding 3 square feet.

3) Conditional Uses:

Mining and Mineral extraction

Public recreation including trails

Public Buildings

Home Occupation

Churches

Duplex

Dwellings, single family including mobile home/manufactured housing;
minimum size 700 square feet.

4) Accessory Uses: Normal uses accessory to principle uses are allowed except the principle use must first be established.

Lot and Use Requirements:

Lot Width	150 feet
Lot area square feet	20,000
Setback, road	30 feet Crossing 40 feet
Setback side	20 feet
Setback corner side	40 feet
Setback Rear yard	20 feet
Setback sign	1 foot
Maximum impervious coverage	20 %
Building Height	35 feet maximum
Maximum Density	One Unit/ 20,000 square feet
One animal unit per acre	Maximum
Campsites per acre (5 acres minimum)	6

5.3 General Residential (R-1)

1) Purpose: to establish and maintain a district that is urban in character and which relates closely to the commercial districts for service, and which has the potential for a city sewer and water system.

2) Permitted uses: Single family dwellings-Dwellings, single family 18 feet or wider on a foundation; minimum size 700 square feet.

3) Conditional uses:

Churches

Public Buildings

Home Occupation

Planned Unit Developments

Mobile home/ manufactured housing development

Campgrounds

Duplex

Second dwellings on single lot

Medical facilities

Vegetation removal, clear cutting

Animal Husbandry

Mining and Mineral extraction

Dwelling single family, including mobile home/manufactured housing; minimum size 700 square feet.

4) **Accessory Uses permitted:** Normal uses accessory to the principle uses are allowed except that the principle use must first be established.

5) Lot, Use and Density requirements:

Lot Width	75 feet
Lot Area (with Sewer)	7500 square feet
Lot Area (without sewer)	15000 square feet
Setback, Road	30 feet
Setback Side	10 feet
Setback corner side	20 feet
Setback Rear yard	15 feet
Setback Sign	1 foot
Maximum impervious coverage	30 percent
Building Height, Maximum	35 feet
Maximum Density for a P.U.D. with City sewer or an equivalent onsite system as approved by the planning Commission, except as specifically allowed by variance for elderly housing or similar development.	8 units/acre
Maximum density for P.U.D. without City sewer.	4 units/acre
Maximum density for second units on one lot (with city sewer or an equivalent onsite sewer system as approved by the Planning Commission.	1 unit/10,000 square feet
Maximum Density for second units On one lot (without sewer)	1 unit/15,000 square feet
One –half animal unit per acre (one acre minimum)	Maximum
animal units shall be allowed only where water storage supply and sanitary facilities, as well as	

solid waste storage facilities, are determined to be adequate by the Zoning administrator. Municipal water or sewage disposal shall be used if available to the site.

5.4 Commercial District:

1) Purpose:

To establish and maintain a district for commercial purposes compatible with and maintaining the character of the existing central business district.

2) Permitted Uses:

Vegetation removal, select cutting.
Signs- onsite and offsite

3) Conditional Uses: (For structure only)

Dwellings- single family or multi family on second floors- Motels and Hotels.

Retail Stores and services

Gas stations, light repair shops

Warehousing

Outside storage

Professional buildings

Recreational centers

Theaters

Restaurants

Public buildings

Churches

Campgrounds

Non-conforming detachable vestibules

Vegetation removal, open cutting

4) Special Use Structures and Uses:

Light manufacturing plants

Assembly plants

Vehicle body repair, machine shops

Packaging plants

5) Accessory Uses, Conditional Use Permit required:

Accessory uses consistent with the principle uses of the property are permitted by conditional use permits.

6) Performance standards:

A. All structures shall be compatible with the neighboring structures.

B. Signing shall conform to sign setbacks in accordance with 6.1.

C. All sites shall provide adequate off street parking in accordance with 6.9 or demonstrate that the requirement will not exceed that available in the street on the lot frontage.

D. All sites shall be landscaped with trees and shrubs in a manner consistent with the character of the area as determined by the Planning Commission.

E. Water supply and sanitary facilities and solid waste storage facilities shall be adequate. Municipal water or sewage disposal shall be used if available to site.

F. Outside storage shall be screened.

G. Lighting shall be compatible with the surrounding development.

H. Business operation shall be compatible with surrounding development

I. Fire lanes shall be provided as determined by the Planning Commission and shall be kept unobstructed.

J. Detachable vestibules shall conform to the following standards:

1. Protrude no more than 6 feet from the front of a building
2. Leave a minimum of 4 feet of sidewalk open.
3. Compatible with surrounding structures.
4. Contain no roll plastic, untreated wood, exposed corrugated metal or fiberglass

K. Motor vehicles shall not remain parked in excess of 48 hours in the C District.

7) Lot Use and Density Requirements:

The maximum impervious surface coverage shall be 90 percent where storm sewer is available and 75 percent where storm sewer is unavailable.

A. Setback, side (where fireproof walls) as designated in a Conditional Use Permit.	0 ft- 10 ft
B: Setback side (where 1 hour fire walls) as designated by a Conditional Use Permit	11 ft- 20 ft
C. Setback side, (where fire resistant walls) as designated in Conditional Use Permit	21 feet or more
Setback front as designated in Conditional Use Permit.	0 ft – 10 ft
Setback Rear as designated in a Conditional Use Permit	0 ft- 30 ft
Maximum Building Height	35 ft
Minimum Lot size	
Without Municipal Sewer	20,000 square feet
With Municipal Sewer	15,000 square feet
Onsite sign setback, except as allowed on Building signs	1 ft from right of way
Offsite sign setback, road	1 ft from right of way
No animals units allowed	

- The terms above, consisting of “fireproof walls”, “1 hour fire walls”, “fire resistant walls” should be defined as set forth in the State Fire Code.

5.5 Industrial District (I):

1) Permitted Uses:

No structure or land shall be used except for one or more of the following uses:

Conducting a process, fabrication, storage, manufacturing or wholesaling operation or providing a service, including any of the following or similar uses meeting the performance standards applicable to the Industrial (I) District:

- a) Automobile painting, upholstering, tire recapping and major repair when conducted within a completely enclosed building.
- b) Bus terminals and maintenance garage
- c) Ice, cold storage plants, bottling works
- d) Laundries
- e) Machine Shops
- f) Paint Mixing
- g) Paper products from previously processed paper
- h) Radio and television studios
- i) Research laboratories
- j) Trade School
- k) Warehousing and wholesaling

2) Conditional Uses:

No structure or land shall be used for one or more of the following uses except by Conditional Use Permit:

- a) Airports, truck and freight terminals and open sales lots
- b) Radio or Television transmission towers
- c) Contractor's yards when conducted within a building or a completely fenced area.
- d) Restaurants
- e) Creamery
- f) Explosives, including all activities involving the storage, utilization or manufacture of materials or products such as TNT or dynamite which could decompose by detonation.
- g) Open storage when incidental to a principle use and conducted within a completely fenced area
- h) Motor Fuel stations as regulated by this Ordinance.
- i) Brewing, cement, concrete, stone cutting, brick, glass, batteries (wet cells), ceramic products, mill working, metal polishing and plating, paint (pigment manufacturing), vinegar works, rubber products, plastics, meat packing, flour, feed, grain milling, coal, or tar asphalt distillation, rendering works, distillation of bones, saw mill, lime, gypsum, plaster of paris, glue, size, cloth, paper mill, creosote plant, acid manufacture, refuse and garbage disposal and similar uses.
- j) Commercial stock yards and slaughtering of animals.
- k) Crude oil, gasoline, or other liquid storage tanks
- l) Storage, utilization or manufacture of materials or products which could decompose by detonation.
- m) Any activity which emits smoke darker than shades of No 3 on the Ringelmann Chart
- n) Auto wrecking, junk yard, used auto parts, open storage and similar uses.

- o) Incineration or reduction of waste material other than customarily incidental to the principle use.
- p) Poison, fertilizer, fuel briquettes manufacture or processing
- q) Kilns or other heat processes fired by means other than electricity
- r) Any use abutting or across the street from any lot not included in the Industrial (I) District.
- s) Open storage (primary or secondary)

3) Performance Standards

Applicants for building permits in the Industrial District shall submit such evidence as may be required by the Zoning Administrator to assure compliance with the performance standards. Should the Zoning Administrator have any doubt as to the ability of any proposed use to meet the required standards, the matter shall be referred to the Planning Commission, who shall make a recommendation to the Council, who shall then grant or deny the application.

4) Permitted Accessory Uses:

No accessory structure or use of land shall be permitted except for one or more of the following uses:

- a) Signs as regulated in this Ordinance
- b) Off street parking and loading as regulated in this Ordinance.
- c) Residential structures and related residential uses necessary for security and safety reasons in relation to a principal use.
- d) Guest houses owned and operated in conjunction with a permitted principle use.

5) Lot Area, Height, Lot Widths, and Yard Requirements:

No more than 50 percent of the lot area shall be occupied by buildings

No structure shall exceed 45 feet in height except as regulated by this Ordinance.

Whenever an "I" District abuts an "RR" or "R-1" District, a fence or compact evergreen screen not less than 50 percent opaque nor less than 8 feet in height, except adjacent to a street where it shall be not less than 3 nor more than 4 feet in height, shall be erected and maintained in the front portion of the lot, along the side or rear property line that abuts the "RR" or "R-1" District.

The following minimum requirements shall be observed and modifications subject to the additional requirements, exceptions, and modifications, as set forth in this section and this ordinance.

Lot Area	Lot Area	Front Yard	Int.	<u>Side Yard</u>		<u>Rear Yard</u>	
				St.	Adj. to RR or R-1 Dist.	Rear Yard	adj. to RR or R-1 Dist
1 Acre	100 Feet	40 Feet	30 Feet	40 Feet	100 Feet	30 Feet	100 Feet

5.6 Shoreland Overlay District (SL):

1) Statutory Authorization-Shoreland Management

The Shoreland of the City of Pillager, Minnesota are hereby designated as a Shoreland Overlay District pursuant to the authorization contained in the laws of the State of Minnesota Chapter 379, and in furtherance of the policies declared in Minnesota Statutes Chapters 105, 115, 116, and 462.

2) Intent and Purpose:

Provide for the wise development of Shoreland of public waters by establishing minimum lot size, width and water frontage for lots suitable as building sites; regulating the placement of structures in relation to shorelines and roads; regulating the type and placement of sanitary and waste disposal facilities; and the regulation of Shoreland grading and filling.

3) Public Waters Classification:

The public waters of the State of Minnesota located within the City of Pillager, County of Cass, State of Minnesota, have been classified and numbered by the Minnesota Department of Natural Resources and that classification shall apply for all purposes under this Ordinance.

4) Permitted Uses in Shoreland:

All permitted uses allowed and regulated by the applicable zoning district underlying this Shoreland overlay district as indicated on the official “Zoning District Map”

5) Conditional Uses in Shoreland:

All conditional uses and applicable attached conditions allowed and regulated by the applicable zoning district underlying this Shoreland overlay district as indicated on the official “Zoning District Map.”

6) Permitted Accessory Uses in Shoreland:

Any use permitted as accessory by the applicable zoning district underlying this Shoreland overlay district as indicated on the official “Zoning District Map”

7) Dimensional Requirements:

The following dimensional requirements shall apply to all shoreland of all public waters within the City of Pillager. Where the requirements of the underlying zoning district as shown on the official zoning map are more restrictive than those set forth herein, then the more restrictive standards shall apply.

For lots newly platted or created by metes and bounds description after the effective date of this Ordinance, the following shall apply:

Unsewered Areas:

Lot Area (FT)	20,000
Water frontage and lot width At building line (FT)	100
Building setback from Ordinary High water mark (FT)	75
Building setback from roads and highways (FT) (Federal, State or County)	50
Elevation of lowest floor above Highest known water level (FT)	3
Sewage system setback from ordinary High water mark (FT)	50
Sewage system elevation above highest Ground water level or bedrock (FT)	4

Sewered Areas: All provisions for unsewered areas shall apply to sewer areas except for the following which shall supersede the provisions applied to unsewered areas:

Lot Area (FT)	
Waterfront Lots	20,000
Interior Lots	20,000
Water frontage and lot Width at building line (FT)	100
Building setback from ordinary High water mark (FT)	50

Furthermore, lot size shall be increased so that the total area of all impervious surfaces proposed on a lot will not equal more than 30 percent of the lot area.

Substandard Lots: Lots of record as defined in this Ordinance which do not meet the requirements of Section 7, shall be allowed as building sites provided: such use is permitted in the underlying zoning district, the lot meets the sanitary requirements of this ordinance, and the lot meets the minimum size, setbacks and dimensional requirements of the underlying zoning district in which it is located, insofar as is practicable.

Smaller lot sizes may be granted for planned unit developments under the provisions set forth in this Ordinance.

8) General Provisions:

Placement of Roads and Parking Areas: The placement of roads and parking areas in shoreland areas shall be controlled in accordance with the following criteria:

No impervious surface shall be placed within 50 feet of the ordinary high water mark.

Where feasible and practical, all roads and parking areas shall meet the setback requirements established for structures.

Natural vegetation or other natural materials shall be used in order to screen parking areas when viewed from the water.

9) Shoreland Alterations:

The removal of natural vegetation shall be restricted to prevent erosion into public waters, to consume nutrients in the soil, and to preserve shoreland aesthetics. Removal of Natural vegetation in the shoreland overlay district shall be subject to the following provisions:

- a) Selective removal of natural vegetation shall be allowed provided that sufficient vegetative cover remains to screen cars, dwellings and other structures when viewed from water.
- b) Clear cutting of natural vegetation shall be prohibited.
- c) Natural vegetation shall be restored insofar as feasible after any construction project is completed in order to retard surface runoff and soil erosion.
- d) The provisions of this section shall not apply to permitted uses which normally require the removal of natural vegetation.
- e) Grading and filling in shoreland areas or any alterations of the natural topography where the slope of the land is toward public water or a watercourse leading to a public water must be authorized by a conditional use permit. The permit may be granted subject to the conditions that:
 1. The smallest amount of bare ground is exposed for as short a time as feasible;
 2. Temporary ground cover, such as sod, is planted
 3. Methods to prevent erosion and trap sediment are employed;
 4. Fill is stabilized to accepted engineering standards.
 5. Excavations on shoreland where the intended purpose is connection to public water shall require a permit form the Zoning Administrator before construction is begun. Such permit may be obtained only after the Commissioner of Natural Resources has issued a permit for work in the beds of public waters.

Exceptions: Exceptions to the placement of structures on lots shall be as follows:

1. Boathouses may be located landward of the ordinary high water mark as a conditional use provided they are not used for habitation and they do not contain sanitary facilities.
2. Location of piers and docks shall be controlled by applicable state and local regulations.
3. Where development exists on both sides of a proposed building site, structural setbacks may be altered to take setbacks of existing structures into account, as determined by the Zoning Administrator.
4. Commercial, industrial, or permitted open space uses requiring location on public waters may be allowed as conditional uses closer to such waters than the setbacks specified.

5.7 Zoning District and Shoreland Overlay District Maps:

The boundaries of the Districts as established by this Ordinance are as shown on the map designated as the “Zoning District Map”. A permanent and updated copy of the “Zoning District Map” shall be filed with the Clerk. The boundaries of the shoreland overlay district are described as lands located within 300 feet of a river or stream, as shown on the map designated “Shoreland Overlay District Map”. A permanent and updated copy of the “Shoreland Overlay District Map” shall be filed with the Clerk. Both of these maps are incorporated into this Ordinance by reference.

5.8 Zoning District Boundaries:

The district boundary lines are intended to follow street and highway right of way lines, street and highway centerlines, lot and property or section lines, unless a boundary line is otherwise indicated on the map. In the case of unsubdivided property or in any case where street or lot lines are not used as boundaries, the district boundary lines shall be determined by the dimensions appearing on the map or those scaled from the map.

5.9 Permitted Uses:

No structure, building or tract of land shall be devoted to any use other than a use permitted hereinafter in the Zoning District in which such structure or tract of land shall be located with the following exceptions:

Uses already established before the effective date of this Ordinance and rendered non-conforming by the provisions thereof, shall be subject to those regulations governing non-conforming uses.

SECTION VI
PERFORMANCE STANDARDS

1. Signs

1) Purpose: The purpose of this provision 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 character of the City; to provide adequate signs for property identification purposes and to provide adequate signs for commercial use.

2) Nature: All signs are considered structures.

3) Onsite signs:

A) Residential Zones:

- 1) Signs shall not be internally lighted but may be of a reflective materials
- 2) No sign area shall be larger than three (3) square feet for a residence or six (6) square feet for a home occupation.
- 3) Only one sign shall be allowed.

B) Commercial – C Zone:

- 1) Signs flush on a building and not protruding shall cover a maximum of 25 percent of the face of the building.
- 2) Each lot shall have the choice of one of the following onsite signs in addition to the 6.1 (3) B (1) sign.

A) A sign protruding from the front of the building not more than 6 feet , but not beyond the sidewalk and not interrupting the use of the sidewalk, with a maximum sign area of 24 square feet;

B) a roof mounted sign, not more than 6 feet above the roof line and 5 feet from the end of a building, with a maximum sign area of 24 square feet.

C) In areas fronting upon Minnesota Highway #210 or within 100 feet thereof, one free standing sign with a maximum sign area of 16 square feet and a maximum height of 20 feet to the top of the sign from the ground.

D) Up to two (2) free standing signs with a total sign area not larger than one square foot per linear foot of road frontage or 128 square feet, whichever is less, and 20 additional square feet per additional distinct separate business in same building or development complex under one ownership. The maximum height shall be 20 feet from the ground to the top of the sign. To obtain two signs, a conditional use permit will be required.

C. Onsite Signs- General

1. Present nonconforming onsite signs are considered permissible nonconforming uses except portable units or flashing lights which are unshielded or greater than 25 watts per bulb which shall be eliminated upon enactment of this Ordinance.
2. Temporary advertising such as banner streamers and pennants shall be allowed, provided they are maintained adequately in the opinion of the Zoning Administrator. Portable advertising such as trailered signs shall be limited to one sign not in excess of 30 days per year on site next to or on any building regardless of the number of businesses, owners or tenants. No flashing lights will be allowed on portable signs. Such advertising shall not utilize parking space and shall have a permit from the Zoning Administrator.
3. A sign for a large multi-business complex may be addressed separately in the Conditional Use Permit for the principle use to allow innovations and may be allowed to have a sign area exceeding the maximums if found compatible to the surrounding area by the Planning Commission.

4) Off site Signs:

- a) Offsite signs shall be located in commercial zones only.

- b) The maximum sign area allowed shall be 100 square feet.
- c) The maximum height shall be 20 feet from the ground.
- d) There shall be a minimum of 300 feet between offsite signs or between or between offsite signs and onsite signs, with the onsite signs having preference.
- e) Offsite removal advertising will not be permitted.
- f) Non-conforming offsite signs shall not be replaces.
- g) New onsite signs taking precedence over offsite signs would cause the removal of the offsite sign as provided in (F) above.
- h) All offsite commercial signs shall not have a permit renewable every three years and indicating the current consent of the property owner.

5) Signs- General

- a) No sign shall have blinking lights or unshielded lights, except time, temperature, and public information by conditional use permit
- b) Unmaintained signs or signs for discontinued business will be removed 60 days after notifications by the Zoning Administrator.
- c) Conditional Use Permits for, or including, signs shall consider protecting sight distances at intersections, driveways and curves.
- d) The sign area shall not exceed the limitations as provided by type of sign and the definition for sign area.
- e) Temporary real estate signs not exceeding the maximum size allowed in the zone(except as allowed by C.U.P.) advertising a property for sale may be placed as onsite or off-site signs in any zone without a permit. Off-site signs shall not exceed six square feet unless modified by C.U.P. as provided in Section 6.1 (4) offsite signs.

6.2 Nuisance Standards:

1) Performance Standards:

a) Compliance required. Every use permitted by this ordinance shall be so established and maintained as to comply with the provisions of this section. The Council may require the complaining part to provide such tests or investigations by an independent testing organizations by an independent testing organization satisfactory to the Council as are necessary to show non-compliance with these standards. The entire costs of such investigation 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 for making any investigations and tests it finds appropriate to determine compliance with these standards.

b) Noise: Noise shall be measured on any property line of the tract on which the source of the noise is located. At the property line, the sound pressure level of noise radiated shall not exceed the following limits measured for 10% (L10) and 50% (50L) of a one hour period, using a sound level meter having the characteristics as specified in the latest standards S1.4 of the American National Standards Institute, and using procedures approved by the Pollution Control Agency. In addition, no person shall make or cause to be made, any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety or welfare of any persons or precludes their enjoyment of property or affects their property values. Adjoining property zone-time.

	Day 7:00 a.m. – 10:00 p.m.)	Night 10:00 p.m. – 7:00a.m.	
	L10	L50		L10	L50
Residential	60	55		50	45
Commercial	60	60		65	60

Sound pressure levels are in decibels.

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 processes, and as differentiated from general illumination shall be directed away from adjacent properties.
- 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 hour period. Vibration of any 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. 422, “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 provisions.
- f) Smoke:** Smoke shall be measured at the point of emission by using the Ringelmann Smoke Chart published by the United States Bureau of Mines in Circular No. 7718. Smoke not darker or more opaque than No. 1 on that chart may be emitted except that smoke not darker or more opaque than No. 3 on the chart may be emitted for a period not longer than four minutes in any 30 minutes period. These provisions applicable to visible gray smoke shall also apply to visible smoke of a different color. But with an equivalent capacity. Burning shall be allowed only in compliance with the applicable restrictions of the Minnesota Department of Natural Resources.
- g) Dust:** Solid or liquid particles shall not be emitted at any point in concentrations exceeding three-tenths grains per cubic foot of the conveying gas or air. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air. This restriction does not apply to the use or maintenance of city streets.
- 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 Manuel" 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 building permit.

- i)** Fire Hazards: Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices as are normally used in the handling of such materials. Such hazards shall be kept and removed from adjacent activities to a distance which is compatible with the potential danger involved.
- j)** Wastes: All solid waste materials, debris or refuse shall be kept within a completely enclosed building or properly contained in a closed container designed for such purposes. All liquid wastes containing any organic or toxic matter shall be either discharged into a public sanitary sewer with permission of the City or treated in a manner prescribed by the health officer.
- k)** Air Pollution: Every Activity shall conform to state regulation relating to air quality standards and air pollution control.
- l)** Erosion: No activity shall be carried on in such a way that water, soil or any objectionable substance is carried on to any adjacent property.
- m)** Radioactivity or electrical disturbances: 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.

6.3 Fences:

- 1) Fences not exceeding 72 inches of height may be constructed on a property line.
- 2) Fences not meeting the requirements of 6.3 (1) shall require a Conditional Use Permit.
- 3) Fences shall not be erected where they create a visual safety hazard.

6.4 Storage:

1) Exterior Storage:

- a) 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 and recreational equipment, construction and landscaping materials and equipment currently being used for construction on the premises, woodpiles, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking except as otherwise regulated herein. Boats and recreational vehicles, less than 20 feet in length, are permissible if stored in the rear yard not less than 10 feet distant from any property line.
- b) Abandoned vehicles shall not be stored outside any district, except by conditional use permit in R-1 for an auto salvage yard. Existing abandoned vehicles shall be removed within thirty days after the adoption of this Ordinance.

2) Bulk Storage:

- a) All uses associated with the bulk storage in excess of 2000 gallons of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall comply with the requirements of the Minnesota State Fire Marshall's and Minnesota Department of Agriculture Office and have documents from those offices stating that the use is in compliance. All existing above ground liquid storage tanks having a capacity in excess of 2000 gallons shall comply with the requirements of Minnesota State Fire Marshall's office.

6.5 Visual Standards-Screening

- 1) No use shall create, maintain or continue any activity or structure which has a strong negative visual impact or offends the morals or violates the standards of the City.
- 2) Where any business or industry is adjacent to property zoned residential or any use cannot meet the visual standards of the City, screening shall be provided by the business or offending use.
- 3) Screening required shall be in addition to normal landscaping and planting, and consist of a visual obstruction completely containing the activity on the commercial or offending use property.
- 4) Screening may consist of dense evergreen plantings eight feet or more in height, wood walls with 100 percent obstruction, a building wall consisting of aesthetically pleasing materials (with no signing) or similar structures. All structural elements, except fences as provided for under 6.3 above, shall meet required setbacks.

6.6 Sanitation Standards:

- 1) Solid Waste: All solid waste shall be disposed of in accordance with the standards of the Minnesota Pollution Control Agency.
- 2) Domestic Sewer:
 - A) All structure which are required to have plumbing facilities shall discharge into a municipal sanitary system if available.
 - B) Such Structures shall have an individual or common sewage disposal system meeting the requirements of this ordinance.
 - C) All non-conforming systems shall be brought into conformance as provided in 4.4(5).
- 3) **Agriculture or Animal Waste:**

A) No waste products from agricultural or animal husbandry operations shall be allowed to accumulate, shall be deposited by man, or shall be allowed to move by gravity in an area 300 feet from any water course in the City.

4) Water Supply:

- A) All structures which are required to have plumbing facilities shall be connected to a municipal water supply if made available.
- B) All domestic and agricultural wells shall conform to the Minnesota Department of Health Standards for wells.
- C) All Water systems shall meet the requirements of Minnesota Department of Health Standards for water systems.

6.7 Pets and Livestock:

- 1) Pets shall be defined as household pets; normal domestic pets; and other animals, birds and reptiles normally kept caged. Animals normally considered wild shall require a conditional use permit and appropriate state permits.
- 2) Pets shall be properly cared for, shall not be allowed to create problems for neighbors, or the City or become a nuisance, and shall have sanitary standards maintained. See 6.6 (3).
- 3) Livestock shall be properly cared for, shall comply with the nuisance standards of 6.2 above, and shall have sanitary standards maintained. See 6.6 (3)
- 4) Livestock may be raised as provided in zoning districts with a Conditional Use Permit, provided that the standards of each district are not compromised.

6.8 Tree Removal/woodland Preservation/Soil Erosion Preservation

- 1) Diseased trees shall be removed immediately and disposed of as firewood or by other burning. Branches shall also be burned.
- 2) Vegetation removal, clear cutting, if allowed, must be complete, including removal of all debris. Soil erosion must be prevented and replanting of native species is encouraged.
- 3) Vegetation removal, select or open cutting, where allowed, must provide for removal of debris. Replanting of native species is encouraged.
- 4) Natural areas designated by conditions on Conditional Use Permits for screening or woodland preservation purposes shall be left natural, except for removal of diseased trees. Replanting or thickening with native species is encouraged.
- 5) Any area disturbed during any grading operation shall have the native topsoil replaced and be seeded.

6.9 Parking and Loading:

1) Onsite parking shall be provided in all zones, except as specifically exempted, with adequate drive access to prevent the need to back onto collector streets or highways.

2) Parking sites shall be a minimum of 18 feet long and 9.0 feet wide, except in commercial districts where 9.5 feet wide is required.

3) Parking shall be provided at the following ratios, except as modified by Conditional Use Permit:

a) 2 stalls per dwelling

b) 1.5 stalls per dwelling unit-multifamily over 20 units per complex, or Motel/Hotel units.

c) 1 stall per 200 square feet of office space

d) 1 stall per 200 square feet of retail space.

e) 1 stall per three seats for restaurants.

4) Medical and Dental Clinic: 3 spaces per doctor or dentist and one space per employee.

5) Motor Fuel: 4 off street spaces and 2 street spaces for each stall

6) Office Building: 2 spaces for each 200 square feet of floor area.

7. Open Sales Lot: 3 spaces for each 5000 square feet of lot area.

8. Public Auction house Golf driving range, Miniature Golf and similar uses: 15 spaces plus 1 for each square foot of floor area over 2000 square feet.

9. Residences: 2 spaces per unit

10. Restaurants, cafes, bars, taverns nightclubs: 1 space for each three seats based on capacity design

11. Retail sales and service Establishment and convenience stores: 2 spaces for each 200 square feet of sales floor area

12. Schools, High School and Colleges additional spaces for each classroom: 1 space for each 7 students based on design capacity plus 2.

13. Schools, Primary and junior high: 2 spaces for each classroom plus an additional space for each 200 student capacity.

14 Skating rinks and dance halls: 100 spaces plus 1 for every 200 square feet of floor area in the principal building.

15. Storage handling of bulk goods: 1 space for each 2000 square feet of floor area.

16 Warehouse over 15000 square feet each 1000 square feet floor area plus 1 for each employee at maximum shift plus 1 for each company owned truck: Office space shall conform to office use

17 Whole sale auto sales, repair shops: 3 spaces for each square foot of gross floor area

18 Uses not specifically noted: determined by the City Council following review by the planning and zoning commission

1.) Onsite parking shall not be closer than 10 feet from a lot line.

2. All parking shall be paved or provided with an all weather surface, such as compacted Class 5 gravel, and be adequately drained, all as determined by the Zoning Administrator.

3) Loading-General:

a) All required loading berths shall be off street and shall be located on the same lot as the principal use served. Loading shall not occupy front yard space. Berths shall not be used for storage.

4) Loading Berth size and surface:

A) Loading berth shall be 15 feet in width and 50 feet long with 14 feet of vertical clearance. Berths shall have an all weather surface and be adequately drained as determined by the Zoning Administrator.

6.10 Drainage:

1) All development shall contain provisions for adequate surface or subsurface runoff of storm water and snow melt directed to natural drainage ways. A storm frequency of a five year return period shall be provided for with no structural flooding or ponding.

2) All development shall provide for the continuance of natural drainage ways, and shall be so constructed as to be one foot above the water level in the drainage way created by a storm of a 100 year return period of a one percent chance of occurrence.

3) All drainage structures provided shall be sufficient in size to pass a five year storm along a natural drainage way and to pass a 100 year storm along a drainage way.

4) The use of natural or manmade stormwater storage areas is encouraged. These areas should be vegetated and designated to naturally lower after a storm.

6.11 Grading in Shoreland Areas

Grading and filling in Shoreland areas or any alterations of the natural topography when the slope of the land is toward public water or a watercourse must be authorized by Conditional Use Permit with following conditions:

- 1) The smallest amount of bare ground is exposed for as short a time as feasible.
- 2) Temporary ground cover such as mulch is used and permanent ground cover such as sod is planted.
- 3) Methods to prevent erosion and trap sediment are employed.
- 4) Fill is stabilized to accepted engineering standards.
- 5) Fill placed in public water below the ordinary high water line requires a DNR Water Permit.

SECTION VII SPECIAL PROVISIONS

7.1 Planned Unit Development

(1) General: Planned Unit Development requires the assistance of professional planning and usually involves the approval of the multiple agencies or other governmental bodies. Where circumstances are favorable, Planned Unit Developments (P.U.D.'s) provide more latitude in land use than normal development to allow for planning, clustering facilities, consolidating green space and internal recreational amenities.

2) Minimum Requirements: New Development

	<u>R-1</u>	<u>RR</u>
Minimum Land Acre Required	1 acre	5 acres
Minimum setback-waterfront required		150 ft
Minimum lot size for dwelling Single family per unit	3200 sq ft	3200 sq ft
Setback side exterior	30 ft	30 ft
Setback front, side interior Except in multi-family Structures, no setback on party walls	10 ft	10 ft
Setback road	30 ft	30 ft
Setback one side interior	20 ft	20 ft
Maximum impervious coverage	30 %	30 %
Greenspace area in common	50 %	50 %
Setback impervious surface, Recommended from ordinary High water	100 ft	100 ft
Maximum building height	35 ft	35 ft
Maximum floors	3	3
Building above highest known		

Water level

3 ft 3 ft

Allowable density: to be determined

By Planning Commission based upon above requirements

3) New multi-family buildings shall be designed by an architect, and shall be compatible in appearance with the surrounding land use.

4) New multifamily building shall have two hour fire rated party floors and party walls.

5) General Requirements All P.U.D.

- a) DNR approval before final City approval if within shoreland area.
- b) A conforming central sewage disposal system.
- c) A winterized central water system.
- d) Centralizes waterfront facilities using not more than 20 percent of the shoreline and limited to one slip per unit.
- e) P.U.D. parcels must directly abut on a public road, have equivalent access or easements of record.
- f) Covenants and incorporating documents providing for a homeowners association, where appropriate.
- g) Vegetation removal, select cutting
- h) Internal private access roads on common property.
- i) Maintenance of all facilities by the association
- j) Parking for two vehicles per unit.
- k) Screened or inside storage areas
- l) Subdivision by plat or condominium plan
- m) Recreation facilities as required by the Planning Commission.
- n) Screening and landscaping as required by the Planning Commission

8) Preliminary Submission All P.U. D.'s

- a) Boundary Survey
- b) 2 ft. contour interval topography
- c) Specimen tree location
- d) Locations of existing structures
- e) Locations of structures on adjoining property

- f) Onsite soils data
- g) Proposed facilities:
 - a. Buildings
 - b. Recreation facilities
 - c. Drives and parking
 - d. Grading limits
 - e. Planting
 - f. Lighting and signing
 - g. Sewage disposal system concept
 - h. Water supply system concept
 - i. Drainage
 - j. Additional plans as necessary to define project
- h) Phasing should also be indicated.
- i) Preliminary plat or preliminary condominium plan
- j) Floor plans and elevation views of new structures
- k) Operation concept

9) Final Submission All P.U.D.'s

- a) Multifamily building and other structure plans by architect.
- b) Clustered sewage disposal plans by engineer
- c) Clustered water supply system concept by engineer.
- d) Drive and parking plans with elevations
- e) Drainage and erosions control plan
- f) Planting plans
- g) Recreational facilities plan
- h) DNR approval where appropriate
- i) PCA Minnesota Health Department and Corp of Engineers approval where appropriate.
- j) Title opinion
- k) Surveyors plat check on plat or condominium plan
- l) Final covenants

- m) Final plat or final condominium plan by surveyor
- n) Financial assurance of 125 percent of the construction cost of common facilities
- o) Development contract

10) As Built Plans:

As built plans shall be filed with the City on sewer and water systems

7.2 Mobile Home/Manufactural Housing Development:

1) Development of this type creates a heavy demand and reliance on municipal facilities, including sewer, water and fire protection. In addition, these developments are often the most dense in a community requiring heavier streets, more recreations facilities and nearby shopping.

2) Minimum Standards:

This usage is compatible with the R-1 and RR zoning districts only:

- a) Minimum Parcel size 5 acres
- b) Minimum lot size for each dwelling unit 6000 sq feet
- c) Minimum land in common ownership or not used in lots 25 percent
- d) Minimum road width 40 ft Corridor
24 ft surface
- e) Minimum on lot parking 2 vehicles
- f) Individual winterized sewer, water and electrical connections for each site
- h) Maximum density: to be determined by Planning commission in accordance with Requirements of this section
- i) Other requirements: All requirements of 7.1 Planned Unit Developments, as applicable, shall apply except as noted herein.

7.3 Campground:

1) Development of this type is recreational in nature, but generally is not compatible with shoreland development of the City due to the density at peak

usage.

2) Minimum Standards:

The usage is compatible only with the RR zoning district.

Minimum parcel size in RR zone	2 acres
Minimum campsite or lot size in RR	2,000 sq. feet
Minimum width	30 feet
Maximum density	10 units/acre
Minimum road width	30 feet corridor
	20 feet surface/2 way
	24 feet corridor
	16 feet surface 1 way
Minimum on lot parking	1 vehicle with trailer
Additional off-road parking	1 space per 10 campsites
Setback, side exterior	50 feet
Setback, side interior	10 feet
Setback, road exterior	75 feet
Setback, rear exterior	50 feet
Maximum building height	25 feet
Maximum floors	2 feet
Campsites and buildings (height above highest known water table)	3 feet
All sites shall be well drained	

3) Performance Standards:

- a) Recreation facilities will be provided as determined by the Conditional Use Permit
- b) Water system capable of providing 100 gallons per site per day; at a rate of 1,000 gallons per day at 20 psi residual pressure at the most remote fixture
- c) Conforming onsite sewage collection and disposal system sized

for 100 gallons per campsite per day

- d) Solid waste facilities consisting of one gallon can for each four campsites or dumpster for each 20 sites, constructed to prevent overturning or covered removal by animals, and screened.
- e) Fire pit for each campsite
- f) Campsite for recreational vehicles shall have sewer connection, water connection and electric connection, or recreational vehicles shall be self contained and a wastewater disposal station for each 100 such vehicles at least 50 feet from the nearest campsite shall be provided.
- g) Drinking water and restroom facilities with showers shall be provided, all within 400 feet of every site not served with full facilities.
- h) The exterior setback area shall be screened to obstruct 50 percent vision from the boundary line.
- i) Grass or other complete ground cover shall be maintained except in parking areas and roads.
- j) Recreational vehicles shall be moved off site or into a designated storage area for at least four months of every year.

- k) Evidence shall be provided prior to final approval that the licenses and approval process of Minnesota Department of Public Health has been adhered to.
- l) The submission requirements for a campground shall be the same as 7.1(8) and (9)

7.4 Mining and Restoration:

1) Mining:

- a) In all districts, mining shall be permitted only by Conditional Use Permit. Such Permit shall include as a condition a site plan, a completion plan and a haul route plan with provisions for road

restoration.

2)Restoration:

- a) Upon completion of mining or other extraction, the site shall be shaped and natural overburden replaced, then natural topsoil placed thereon and seeded.

7.5 Auto Salvage Yards:

- 1) Auto salvage yards are to be allowed only as a service to the community.
 - a. Parts salvage is allowed.
 - b. Screening sufficient to block view from 100 feet away is required,
 - c. A defined perimeter must be approved and maintained.
 - d. Stacking is not allowed
 - e. This facility shall not be allowed in any drainage way or wetland.
 - f. Public road access is required
 - g. Fencing in addition to the screening may be required by the Planning Commission.

7.7 Land Fills:

No land fills are allowed in the City of Pillager due to the close proximity to the river and streams.

**SECTION VIII
ADMINISTRATION**

8.1 Zoning Administration

- 1) The Zoning Administrator shall be appointed by the City Council.
- 2) Duties of the Zoning Administrator:
 - a. Determine if applications are complete and comply with the terms of the Ordinance.
 - b. Conduct inspections of buildings, sewage systems, and other uses of the land to determine compliance with the terms of this Ordinance.

- c. Maintain permanent and current records of the Ordinance including, but not limited to maps, amendments, building or use permits, Conditional Use Permits, special use permits, variances, appeals and applications, and a separate file for future conditions or expirations of permits.
- d. Review, file and forward applications for appeals, variances, conditional use, special uses and zoning amendments.
- e. Enforce the provisions of this Ordinance by reviewing complaints and by pursuing contacts with any violator in accordance with standard procedures as adopted and modified from time to time; and instituting with the City Attorney in the name of the City any appropriate actions or proceedings against the violator.
- f. To attend meetings and provide research and findings as requested by the City Council/Planning Commission.
- g. To issue permitted building or use permits upon application for structures on lots conforming to this Ordinance when the conditions of this Ordinance are met; to issue conditional or special use permits when directed by the City Council; to issue notices of a zoning change when directed by the City Council.
- h. To mail a copy of the findings to the applicant
- i. To file copies of fully approved Conditional Use Permits, Special Use Permits and Variances with the County Recorder within fifteen days of approval.

3) The zoning Administrator and his duly authorized deputies shall have the right of trespass within the City of Pillager in the pursuit of their duties.

8.2 Board of Adjustment:

- 1) The Board of Adjustments shall consist of the members of the City Council and shall hold its meetings concurrently with the City Council Meetings on a monthly or more frequent basis at the discretion of the chairman.
- 2) Duties of the Board of Adjustment:
 - A) To hold hearings after proper public notices in the official newspaper and individual notice by regular mail to any adjoining/adjacent property owners

of any land use in question. Such notices shall be given at least ten days before the hearing date.

B) to decide within reasonable time the following:

1) Appeals from the action of the Zoning Administrator wherein the Board will take the authority of the Administrator.

2) Requests for Variances.

C) To keep a record of its proceedings, notifications, and justifications for its actions.

8.3 Planning Commission:

1) The Board of Adjustment shall consist of the members of the City Council and shall hold its meetings concurrently with the City Council Meetings on a monthly or more frequent basis at the discretion of the chairman.

2) Duties of the Planning Commission under this Ordinance:

a. To hold hearings after proper public notices in the official newspapers and such individual notice by regular mail as may be provided for in this Ordinance. Such notices shall be given at least ten days before the hearing date.

b. To decide within reasonable time (not exceeding sixty days) the following:

1) Recommendation to the City Council regarding requested zoning district boundary changes or amendments to the Ordinance.

2) To review and accept proposed plats or floor plans and to provide recommendations on final plats and final floor plans to the City Council.

3) To review and approve all metes and bounds property divisions within the City.

4) To periodically review the zoning map and ordinances and determine its role in shaping the growth of the community and to recommend changes to the City Council of these documents to guide growth and current land use toward the goals of the comprehensive plan.

5) To make recommendation concerning:

- i. Conditional Use Permits
 - ii. Special Use Permits
- C) To keep a record of its proceedings.
- D) It shall be the duty of each individual member to be present at all meetings of the Planning Commission and Board of Adjustment. more than three absences in any one year period shall be grounds for replacement by the City Council.

8.4 City Council

- 1) The City Council shall have the following duties under this Ordinance:
 - a. Appoint the Zoning Administrator
 - b. Appoint the Planning Commission members by majority vote or to remove members by three-fourths vote.
 - c. To decide within reasonable time the following:
 - 1) Recommendations from the Planning Commission for changes in zoning district boundaries.
 - 2) Recommendations from the Planning Commission for changes in the Zoning Ordinance.
 - 3) Recommendations for the Planning Commission for acceptance of final plats and condominium plans
 - 4) Recommendations from the Planning commission for acceptance of final plats and condominium plans.
 - d. To hear appeals form actions of the Zoning Administrator and the Planning Commission.
 - e. To instigate an appeal proceeding upon review of the Planning Commission or Zoning Administrator action.

8.5 Conditional Use Permits:

- 1) Conditional use Permits shall be issued to the property for structures or other specified uses as determined by the City Council after a public hearing and recommendation from the Planning Commission. All applications for a Conditional Use Permit shall contain an accurate legal description, be

signed by the Fee Owner or his representative authorized in writing, and shall be submitted to the Zoning administrator fourteen days ahead of the hearing date, accompanied by a complete drawing to scale showing the details of the proposal, along with the appropriate fees. The Zoning Administrator shall notify all property owners within 350 feet 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. He shall send the same notice to the DNR if the proposed use is in shoreland. At his option, the proposer may request a sketch plan review with no action by the Planning Commission, with no fee, by giving five days notice thereof to the Zoning Administrator, meeting time permitting.

- 2) In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose, in addition to the standards and requirements expressly specified by this ordinance, additional conditions which the City Council considers necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to the following:
 - a. Increasing the required lot size or yard dimension.
 - b. Limiting the height, size or location of buildings.
 - c. Controlling the locations and number of vehicle access points.
 - d. Increasing the street width
 - e. Increasing the number of required off street parking spaces.
 - f. Limiting the number, size, location or lighting of signs.
 - g. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
 - h. Designating sites for open space.
- 3) The findings and determinations shall be provided to the DNR within ten days if in shoreland.
- 4) Conditional Use Permits shall be transferable.
- 5) Violations of the conditions of a Conditional Use Permit shall automatically void the permit.

- 6) Failure to act 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 prior to expiration, 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 the Ordinance adoption.
- 7) The Zoning Administrator shall file a copy of all approved Conditional Use Permits with the County Recorder within fifteen days of approval.

8.6 Special Use Permit:

- 1) Special Use Permits shall be issued to the individual owner for structures and specific use as determined by the City Council after a public hearing. All applications for a Special Use Permit shall contain an accurate legal description, be signed by the fee owner or his representative authorized in writing and shall be submitted to the Zoning Administrator fourteen days ahead of the hearing date, accompanied by a complete drawing to scale showing details of the proposal and addressing the concerns of Section 8.6 (2) along with the appropriate fee. The Zoning administrator shall notify all property owners within 350 feet by regular mail and shall advertise the hearing in the legal section of the official newspaper at least ten days ahead of the public hearing. At his option, the proposer may request a sketch plan review with no action by the Planning Commission, and with no fee by giving the five days notice thereof to the Zoning Administrator, meeting time permitting.
- 2) In permitting a new special use or alteration of any existing special use, the City Council may impose, in addition to these provisions and standards expressly specified by this Ordinance, additional conditions which the Council considers necessary to protect the interests of the surrounding area and the City as a whole. These conditions may include, but are not limited to , the following:
 - a. All items of 8.5(2) conditional Uses.
 - b. Noise, air emission, water emission, or solid waste limitations.

- c. Hours of operation
 - d. Building design
 - e. Financial assurances
 - f. Ultimate use plans
 - g. Hazardous substance control
 - h. Emergency plans including fire, police or accident.
- 3) Special Use Permits are not transferable, but may be reissued to a newer for the same use except for due cause.
 - 4) Violations of the provisions of a Special Use Permit shall automatically void the permit.
 - 5) Failure to act on a Special Use Permit within six months or failure to complete the work under a Special Use Permit within one year, unless extended by the City Council prior to expiration, shall void the permit. A second extension shall require a new public hearing.
 - 6) The Zoning Administrator shall file a copy of all approved Special Use Permits with the County Recorder within fifteen days of approval.

8.7 Variances:

- 1) Variances shall not Create a use not provided for in a zoning district.
- 2) Variances shall be issued to the property and are transferable.
- 3) Variances shall be issued to the property for structures or other specified uses as determined by the Board of Adjustment after a public hearing and recommendation by the Planning Commission. All applications for a variance shall contain an accurate legal description, be signed by the Fee Owner or his representative authorized in writing and shall be submitted to the Zoning Administrator fourteen days ahead of the hearing date, accompanied by a complete drawing to scale showing the details of the proposal, along with the appropriate fee. The Administrator shall notify all property owners within 350 feet 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. He shall send the same notice to the DNR if the proposed use is in Shoreland. At his option, the proposer may request a sketch plan review with no action by the

Board of Adjustment, and with no fee, by giving five days, notice thereof to the Zoning Administrator, meeting time permitting. The Zoning Administrator shall provide the findings and determination to the DNR within ten days, if in Shoreland.

- 4) Failure to act within six months or failure to complete the work under a variance within one year unless extended by the Board of Adjustment prior to expiration, shall require a new public hearing. This provision shall apply to any variance outstanding at the time of the Ordinance adoption.
- 5) The Zoning Administrator shall file a copy of all approved Variances with the County Recorder within fifteen days of approval.

8.8 Building Permits or Use Permits:

- 1) Building Permits or Use Permits shall be issued by the Zoning Administrator for all uses where provided herein and all new or existing structures prior to construction commencing thereon, including any alteration, enlargement, demolition, removal or placement of any building or structure or any part thereof, including mobile or manufactured homes.
- 2) Where a proposed use requires action of the Board of Adjustment, Planning Commission or Council, said action shall occur and the Conditional Use Permit, Special Use Permit, Variance, Zoning District Change, Final Plant Plan approval, or approval of Metes and Bounds division shall be issued before the building permit.
- 3) Each application for a permit shall be accompanied by a plan drawn to scale, showing the dimensions of the lot to be used. The size and location of the building and accessory buildings or structures to be erected or moved on said lot shall be indicated from the site plan. The application shall also include such other information as deemed necessary by the Zoning Administrator for proper enforcement of the Ordinance.
- 4) Expiration of Permits:
 - a) All permits issued shall expire ninety days after date of issuance unless work set forth in the application is in actual progress. Any permit issued

where work has been commenced, but discontinued for 180 days, shall be deemed to have lapsed. All fees paid under a lapsed permit shall be forfeited to the City.

- b) The exterior of any building shall be completed prior to the occupancy of that building.
 - c) Single and two family dwellings and commercial buildings shall be completed as stated in the request for a building permit within 180 days after the issuance of a permit. A permit also is needed for any change in use or zoning classification of an existing structure.
 - d) Any person unable because of hardship to complete the work for which the permit was issued within the time allotted under Paragraph (C) above shall make an application for extension to the Zoning Administrator. The decision of the Zoning Administrator may be appealed to the City Council. Only one extension shall be allowed.
- 5) Whenever any building work is being done contrary to the provisions of the Building Code, the Zoning Administrator may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done until authorized by the Zoning Administrator to proceed with the work.
- 6) All debris and construction material shall be removed from the area upon completion of building or no later than 180 days after issuance of the building permit.
- 7) Granting of a building permit shall not be considered a statement of compliance with the regional, state or federal codes, statutes or laws, or approval of the design of the structure or accessories. Subsequent actions of the Zoning Administrator shall not be considered acceptance of structural components or workmanship, but rather shall be for the purpose of determining general compliance with the Ordinance.

8.9 Fees:

The Council shall adopt a schedule of fees from time to time for all permits.

No permit shall be issued or request brought before the Board of Adjustment or Planning Commission until the fees are paid.

SECTION IX

ENFORCEMENT

9.1 Violation and Penalties:

The violation of any provision of this Ordinance or the violation of the conditions or provisions of any permit issued pursuant to the Ordinance shall be a misdemeanor, and upon conviction thereof, the violation shall be subject to a fine of not more than \$700.00 or imprisonment for a term not to exceed ninety days or both. Each act of violation and every calendar day on which such violation occurs or continues shall be a separate offense.

9.2 Liability of City Officials:

The failure of any officer of the City or Board or employees of the City to act pursuant to this Ordinance, except as an individual acting on his own behalf, shall not be an offense and shall not subject to the officer, board or employee to any penalty.

9.3 Equitable Relief:

In the event of a violation or threatened violation of any provision of this Ordinance or the conditions of any permit issued pursuant to the Ordinance, the City, in addition to other remedies may act or institute action to prevent, restrain, correct or abate such violation or threatened violation or threatened violation.

SECTION X

SEPARABILITY, SUPREMACY, EFFECTUATION, AMENDMENTS

10.1 Separability

Every section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance is declared separable from every other section, provision, or part thereof

to the extent that if any section, provision, or part thereof to the extent that if any section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision or part thereof.

10.2 Supremacy

When any condition implied by this Ordinance on the use of land or buildings is either more restrictive or less restrictive than applicable conditions imposed by statute, rules and regulations other City Ordinances or regulation or other jurisdiction, the more restrictive shall apply. 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 Ordinance, the Ordinance shall prevail.

10.3 Effectuation:

This Ordinance shall be in full force and effect from and after its publication after passage by the City Council.

10.4 Amendment

The City Council may adopt amendments by three-fourths vote 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.

10.5 Procedure:

- 1)** An amendment may be initiated by the Council, the Planning Commission or by any property owner.
- 2)** The Zoning Administrator shall review the proposed changes and make a recommendation to the Planning Commission.
- 3)** The Planning Commission shall cause all property owners within 350 feet of the proposed Zoning District change to be notified by regular mail and shall publish a hearing notice for either a Zoning District change or Zoning Ordinance change in the legal section of the official newspaper

and shall provide notice to the DNR at least ten days ahead of the public hearing. The Planning Commission shall hold the hearing and make a timely recommendation to the City Council. Adoption of a new zoning map shall require published notice only.

- 4) The City Council shall review the recommendations and shall make a timely decision. An amendment requires a three-fourths vote to be enacted.