

**ORDINANCE NUMBER 103
BUILDING AND LAND USE REGULATION**

PART 1. Permits, Inspections And Fees.

901.01 Permits, Inspections, And Fees.

The issuance of permits, conduction of inspections and collection of fees shall be as hereafter provided. It should be kept in mind that fees are a legal method of financing the Land Use Planning and Zoning Committee of the City of New Auburn.

901.02 Fee Structure.

Subdivision 1. Fees for land use permits (building permits) shall be set by the city council yearly.

Subdivision 2. “Miscellaneous Structures”, generally defined as including detached accessory structures of 20 square feet or less, which structures are not permanently affixed; privacy or decorative yard fences; or landscaping improvements shall be assessed a fee set by the city council yearly.

Subdivision 3. Payment of the fees described above shall be made contemporaneous with the submission of the application for permit.

901.03 Permits.

Subdivision 1. The Zoning Administrator shall be empowered to issue permits for “miscellaneous structures” and all other structures and uses after timely and proper application therefore, but without the necessity of prior approval of the City Planning Commission or the City Council, except as provided in subdivision 2 of this section.

Subdivision 2. Permits for structures or uses that require a variance, a conditional use permit, that are contingent upon an amendment to the district boundaries or text of the city zoning regulations, or which in the opinion of the Zoning Administrator warrant further and additional consideration shall be requested by way of formal application made to the City Planning Committee and City Council.

901.04 Inspection.

The Zoning Administrator may inspect the site of the proposed structure to confirm that the structure or use conforms with other applicable regulatory ordinances and is consistent with the plans submitted with the application for the land use permit.

901.04 **Fire Zone District.**

The entire city shall be deemed one fire zone.

901.06 Violations And Penalties.

The penalty described in the Uniform Building Code, 1976 Edition, Chapter Two, Section 205, shall be in keeping with Minnesota Statutes 603.031, which provides for a fine or imprisonment for 90 days, or both.

PART 2. Zoning.

902.01 Intent And Purpose.

Pursuant to the authority conferred by the State of Minnesota in Section 462.357, Laws of 1965 amended, and for the purpose of:

1. Promoting and protecting the public health, safety, and general welfare of the inhabitants of the incorporated area of the City of New Auburn;
2. Protecting and conserving the character, morals, safety, comfort, convenience, social, and economic stability of agricultural, residential, commercial, industrial and other use areas;
3. Securing the most appropriate use of land;
4. Preventing the overcrowding of the land and undue congestion of population or structure by regulating land use, bulk of buildings in relation to surroundings;
5. Providing adequate sunlight, air and reasonable access;
6. Facilitating adequate and economical provision of transportation, water supply and sewage disposal;
7. Planning for orderly of residences, industries, location of schools, recreation facilities and other public requirements.

This ordinance which shall be known and cited as the New Auburn Zoning Ordinance, an ordinance setting minimum and maximum standards for the height and size of buildings, the size of yards, courts and other open spaces, the density of population, the location and use of buildings and land for trade, commerce, industry, residence and other purposes; creating districts for said purposes and establishing the boundaries thereof; providing for changes in regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement and administration, and imposing penalties for the violation of this ordinance.

902.02 Title.

This Ordinance shall be known as "The Zoning Ordinance of New Auburn, Minnesota" and will be referred to herein as "this ordinance."

902.03 Jurisdiction, Application And Interpretation.

Subdivision 1. Jurisdiction. The jurisdiction of the Ordinance shall apply to all of the area within the corporate limits of the City of New Auburn.

Jurisdiction, Application And Interpretation (cont.)

Subdivision 2. Application And Interpretation.

1. In their application and interpretation, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.
2. Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by any law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
3. No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, and no structure or land be used except for the purpose permitted in the district in which the building or land is located.
4. No zoning permit shall be granted unless proposed building or use conforms the this ordinance. No building, structure or premises shall hereafter be used or occupied that does not conform to the requirements of this Ordinance.

Subdivision 3 Separability.

1. If any court of competent jurisdiction shall judge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
2. If any court or competent jurisdiction shall judge invalid the application of any provision of this Ordinance to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property building or structure not specifically included in said judgment.

902.04 Rules And Definitions.

Subdivision 1. Rules.

For purposes of this Ordinance words used in the singular number includes the plural, and the plural the singular; the present tense includes the past and future tenses and the future the present; the word "shall" is mandatory, the word "may" is permissive; all measured distances shall be to the nearest integral foot; whenever a word or term defined hereinafter appears in the text of this Ordinance its meaning shall be construed as set forth in such definition thereof.

Subdivision 2. Definitions. For the purposes of this Ordinance, certain words and terms are herein defined:

1. **Accessory Building.** A subordinate building or structure on the same lot or part of the main building, occupied by or devoted exclusively to an accessory use.
2. **Accessory Use.** A use naturally and normally incidental to, subordinate to, and auxiliary to the principal allowed use of the premises.
3. **Alley.** Any dedicated public way providing a secondary means of ingress and/or egress to land or structures thereon.
4. **Salvage Yard.** A place maintained for keeping, storing or piling in commercial quantities, whether temporarily, irregularly, or continually; buying or selling at retail, or wholesale, any old, used or second-hand material of any kind, including used motor vehicles, machinery, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron or other metal, or articles which from its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk. This shall include a lot or yard for the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment. This shall not prohibit the keeping of unlicensed motor vehicle(s) within a garage or other structure in residential districts or unlicensed motor vehicles not including farm equipment within a farm in the agricultural district.
5. **Basement.** That portion of a floor of a building which is wholly or partially, up to fifty (50%) percent, underground or below grade.
6. **Boarding or Rooming House.** Any dwelling other than a hotel or motel where meals or lodgings and meals for compensation are provided for five (5) or more persons.
7. **Building.** Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of any person, animal, or chattel or property of any kind, when any portion thereof is completely separated from every other party thereof by division walls from the ground

902.04 Rules And Definitions (cont.)

- up and without openings, each portion of such building shall be deemed as a separate building.
8. **Buildable Area.** That part of the lot remaining after required yards have been provided.
 9. **Building Principal.** A building or structure in which is conducted the main or principal use of the lot on which said building or structure is situated.
 10. **Building Height.** The vertical distance measured from the average ground level adjoining the building to the highest point of the roof surface if a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.
 11. **Front Building Setback Line.** The front line of the building or the legally established line which determines the location of the building with respect to the street line.
 12. **Carport.** A structure permanently attached or not attached to a dwelling having a roof supported by columns but not otherwise enclosed.
 13. **Commissioner.** The Minnesota Commissioner of Natural Resources.
 14. **Conditional Use.** A use which, because of unique characteristics, cannot be classified as a permitted use in any particular district. After due consideration, in each case, of the impact of such use upon neighboring land and of the public desirability for the particular use at the particular location a "Conditional Use Permit" may be issued.
 15. **Council (City).** The duly elected and qualified governing body of the City of New Auburn, Minnesota.
 16. **District Zoning.** Any section of the incorporated area of the City of New Auburn within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this ordinance.
 17. **Duplex.** A dwelling so designed and arranged to provide separate cooking and kitchen accommodations and sanitary facilities for occupancy by two (2) families
 18. **Dwelling.** A building or portion thereof, designed, exclusively for residential occupancy, including one family, two family and multiple family dwellings but not including hotels, motels, boarding houses and garage space.
 19. **Dwelling Multiple.** A building used or intended to be used as a dwelling by, three (3) or more families, where each dwelling unit is divided by a parts wall extending the full height of the building. Each unit is capable of individual use and maintenance without trespassing upon adjoining properties, and utilities and service facilities are independent for each property.

902.04 Rules And Definitions (cont.)

20. **Dwelling Single Family.** A dwelling occupied by only one (1) family, and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one (1) family only.
21. **Dwelling Two Family.** A dwelling so designed and arranged to provide cooking and kitchen accommodations and sanitary facilities for occupancy by two (2) families.
22. **Earth Sheltered.** A building constructed so that more than 50 percent of the exterior surface area of the building, excluding garages or other accessory buildings, is covered with earth and the building code standards are satisfied. Partially completed buildings shall not be considered earth sheltered.
23. **Public Easement.** A grant negotiated by a property owner for the use of a strip of land for any purpose including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.
24. **Private Easement.** Any agreement between private land owners concerning a strip of land to be utilized by the non-property owner.
25. **Essential Services.** The phrase "essential services" means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, communication, steam or water transmissions or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare.
26. **Family.** A family is any number of persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage, adoption or any unrelated person who resides therein as though a member of the family including the domestic employees thereof. Any group of persons not so related but inhabiting a single house shall, for the purpose of this ordinance, be considered to constitute one family for each five (5) persons, exclusive of domestic employees, contained in such group.
27. **Farming.** The cultivating or pasturing, of a parcel of land or using it for the raising of livestock or fowl for commercial purposes.
28. **Farmstead.** Property on which structures and a farm dwelling are located for management, storage and general farm operation.

902.04 Rules And Definitions (cont.)

29. **Feedlot.** A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetable cover cannot be maintained within the enclosure. For purposes of these rules, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these rules.
30. **Fence.** An opaque or open structure used to delineate property boundaries or enclose a yard or provide privacy, for the purposes of this ordinance, fences may be placed on the property line between two adjacent lots if written consent is given by both property owner, or the fence must be set back at least 5 feet from the property line. In no case shall fences be placed so as to block visibility at intersections.
31. **Floor Area, Ground.** The area within the exterior walls of the main building or structure as measured from the outside walls at the ground level, not including garages or enclosed or unenclosed porches and not including attached utility or accessory rooms having three or more exterior sides.
32. **Garage, Community.** Any space or structure or series of structures for the storage of motor vehicles for the use of two or more occupants of property in the vicinity and having no public shop or service therein.
33. **Garage Private.** An accessory building designed or used for the storage of property owned and used by the occupants of the building to which it is accessory.
34. **Gasoline Service Station.** A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including special facilities for the painting, extensive repair or similar servicing thereof.
35. **Height of Building.** The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the center height between the highest and lowest points of other types of roofs.
36. **Home Occupation.** An occupation or profession normally and customarily carried on in a dwelling unit primarily by members of the family residing in the dwelling unit. The home occupation shall be clearly incidental to the use of the structure as a dwelling. A maximum 2 square foot sign stating the name and address of the home occupation shall be the only indication that the structure is used for other than residential use.
37. **Hotel.** Any building or portion thereof where lodging is offered to transient guests for compensation and in which there are more than five

902.04 Rules And Definitions (cont.)

- (5) sleeping rooms with no cooking facilities in an individual room or apartment.
38. **Kennel.** A place where 4 or more dogs, cats, or a combination of both over the age of 6 months are kept for resale or as family pets, or a place where 4 or more dogs, cats, or a combination of both over the age of 6 months are boarded for more than 30 days.
39. **Livestock.** Traditional farm animals raised for food including, but not limited to cattle, swine, sheep, poultry and rabbits.
40. **Lot.** A parcel or tract of land.
41. **Lot Area.** The total horizontal area within the lot lines of a lot exclusive of streets and easements of access to other property.
42. **Lot Corner.** A lot abutting on two or more streets other than an alley, at their intersection.
43. **Lot Coverage.** The part or percentage of the lot occupied by buildings or structures, including accessory buildings or structures.
44. **Lot Depth.** The shortest horizontal distance between the front lot line and the rear lot line measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.
45. **Lot Frontage.** The front of a lot shall be for purposes of complying with this Ordinance, that boundary abutting a public right-of-way having the least width.
46. **Lot Line.** A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.
47. **Lot line, front.** The lot line separating the lot from all streets other than the alley. In the case of a corner lot or a through lot, each street has a front lot line.
48. **Lot line, rear.** The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line 10 feet in length within the lot paralleled to and at a maximum distance from the front lot line.
49. **Lot line, side.** Any lot line not a front or rear lot line.
50. **Lot Width.** The average horizontal distance between the side lot lines measured at right angles to the lot depth.

902.04 Rules And Definitions (cont.)

51. **Lot Of Record.** A lot which is part of a subdivision, the map of which has been recorded in the office of the Sibley County Recorder or a lot described by metes and bounds, the deed to which has been recorded in the office of the Sibley County Recorder prior to the effective date of this Ordinance.
52. **Mobile Home.** A mobile home is living quarters designed for transportation after fabrication on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection utilities and the like, and which has not been manufactured in conformance with Minnesota Statutes, Section 327.31 through 327.35.
53. **Mobile Home Park.** A place where two or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.
54. **Modular/Manufactured Home.** A structure (constructed off-site and in a controlled environment), transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, except that the term includes any structure which meets all the requirements, and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under Minnesota Statutes, Section 327.31 through 327.35. A modular/manufactured home shall be congruous to a single family dwelling.
55. **Motel Or Motor Court.** A motel or motor court is a business comprising a series of attached semi detached or detached rental units with or without eating facilities for the overnight accommodation of transient guests.
56. **Non-Conforming Building, Structure Or Use.** A lawful existing building, structure or use at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.
57. **Parking Space.** An area sufficient in size to store one (1) standard automobile, which has adequate access to a public street or alley.

902.04 Rules And Definitions (cont.)

62. **Permitted Use.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and performance standards (if any) of such district.
63. **Person.** Any individual, corporation, firm, partnership, association organization or other group acting as a unit. It also includes any executor, administrator, trustee, receiver, or other representative appointed by law. Whenever the word "person" is used in any section prescribing a penalty or fine, it shall include the partners or members of any corporation, who are responsible for the violation.
64. **RV-Recreation Vehicle.** A vehicular or portable structure which is constructed for movement on the public highways; which is designed for use as a residence but which may or may not meet the length and width requirements of a "manufactured home".
61. **Set Back.** The minimum horizontal distance between any part of a building and the street or lot line.
62. **Story.** That portion of a building included between the surface of any floor and the surface of the floor next above it, or the space between such a floor and the ceiling next above it. A basement shall be considered a story if its ceiling is over five (5) feet above the average established grade.
63. **Street.** A public right-of-way for vehicular and pedestrian traffic.
64. **Structure.** Something constructed or build, or a piece of work artificially built up or composed of parts joined together in some definite manner.
65. **Structure Alteration.** A change to the supporting members of a structure including foundations, bearing walls or partitions, columns, girders, or any structural change in the roof or in the exterior walls.
66. **Temporary Lodging.** Occasional short term lodging in a camper or structure without permanent sewer or water hook-up. For the purposes of this ordinance, temporary lodging is an acceptable accessory use in residential districts. However, the use of campers or structures without permanent sewer or water on a rental or long term basis is not allowed.
67. **Townhouse.** Single family attached units in structure housing three (3) or more dwelling units contiguous to each other, only by the share of one (1) common wall and each dwelling unit shall have separate and individual front and rear entrances.
68. **Use.** The purpose for which land or a structure is designed, arranged or intended, or for which it is occupies or maintained.
69. **Variance.** The waiving of specific literal provisions of the zoning ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. Variances are to be granted only when it is demonstrated that a waiving of the provision will be in keeping with the spirit and intent

902.04 Rules And Definitions (cont.)

of the zoning ordinance. Furthermore, hardship must be demonstrated on a non-economic basis.

70. **Yard.** An open space on the lot which is unobstructed from the ground upward. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.
71. **Yard, Front.** A yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and the nearest line of the building.
72. **Yard, Rear.** A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.
73. **Yard, Side.** A yard between the side line of the lot and the nearest line of the building and extending from the front-line of the lot to the rear yard.

902.05 General Requirements.

Subdivision 1. Intent. The intent of this SECTION of the zoning ordinance is to establish general development performance standards. The regulations provided herein shall apply equally to all districts except where special provisions provide otherwise.

Subdivision 2. Parking And Loading Requirements. In all zoning districts, with the exception of

- (a) allowed uses in "R-1" district, and
- (b) "C-1" district, except for dwellings, meeting halls, churches, auditoriums or governmental uses in said "C-1" district

Off-street parking facilities for the storage of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings or structures hereafter erected, altered or extended after the effective date of this ordinance, shall be provided as herein prescribed.

1. Loading space shall not be construed as supplying off-street parking space.
2. Whenever a use requiring off-street parking is increased in floor area, and such use is located in a building existing on or before the effective date of this ordinance, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.
3. For the purpose of this section, "Floor Area", in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients or patients as tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise, less than ten (10) percent.
4. Off-street parking facilities for new dwellings shall be provided and located on the same lot or parcel of land as the building they are intended to serve.
5. Nothing in this section shall be construed to prevent collective provisions of off street parking facilities for two (2) or more buildings or uses provided, collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table.
6. Nothing in this section shall prevent the extension of, or an addition to a building or structure into an existing parking area which is required for the original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area.
10. The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing buildings as specified above,

902.05 General Requirements (cont.)

shall be determined in accordance with the following table, and the space so required and shall be irrevocably reserved for such use.

- a. Single family, two family and townhouse units. Two (2) spaces per unit.
- b. Boarding House. At least two (2) parking spaces for each three (3) persons for whom accommodations are provided for sleeping.
- c. Multiple family dwellings. One and one half (1 1/2) spaces per unit.
- d. Motels, motor hotels, hotels. One (1) space per each rental unit plus one (1) additional space for each ten (10) units and one (1) space for each employee on any shift.
- e. Church, theater, auditoriums. At least one (1) parking space for each four (4) seats based on the design capacity of the main assembly hall.
- f. Hospital. Two (2) spaces per each bed.
- g. Medical, dental or hospital out-patient clinics. One (1) space for each one hundred ten (110) square feet of net floor area or seven and one-half (7 1/2) spaces per doctor, whichever number of parking spaces is greater.
- h. Sanitariums, convalescent home, rest home, nursing home or day nurseries. Four (4) spaces plus one (1) for each six (6) beds for which accommodations are offered.
- i. Elderly (senior citizen) housing. One (1) space per unit plus an additional two (2) spaces
- j. Drive-in establishment and convenience food. At least one (1) parking space for each thirty-five (35) square feet of gross floor area but not less than ten (10) spaces.
- k. Office buildings, and Professional offices. One (1) space for each two hundred fifty (250) square feet of floor area.
- l. Bowling alley. At least five (5) parking spaces for each alley, plus additional spaces as may be required herein for related uses contained within the principle structure.
- m. Motor fuel station. At least four (4) off-street parking spaces plus two(2) off-street parking spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts, and/or service shall be required to provide additional parking in compliance with other applicable sections of this Ordinance.

902.05 General Requirements (cont)

- n. Retail store and service establishment. At least one (1) off-street parking space for each one hundred forty (140) square feet of floor area.
 - o. Retail sales and service business with fifty (50%) percent of gross floor area devoted to storage, warehouses and/or industry. One (1) space for each one hundred forty (140) square feet devoted to public sales and/or service plus one (1) space for each five hundred (500) square feet of storage area or one (1) space for each employee on the maximum shift, whichever is appropriate.
 - p. Restaurants, cafes, private clubs serving food and/or drinks, bars, taverns, nightclubs. At least one (1) space for each sixty (60) square feet of gross floor area.
 - q. Undertaking establishments. At least twenty (20) parking spaces for each chapel or parlor, plus one (1) parking space for each funeral vehicle maintained on the premises. Aisle space shall also be provided off the street for making up a funeral procession.
 - r. Auto repair, bus terminal, boats and marine sales and repair, bottling company, shop for a trade employing six (6) or less people, garden supply store, building material sales in structure. Eight (8) off-street parking spaces, plus one (1) additional space for each eight hundred (800) square feet of floor area over one thousand (1000) square feet.
 - s. Manufacturing, fabricating or Processing of a product or material; warehouse, storage, handling of bulk goods, post offices. At least eight (8) spaces, plus one (1) space for each two (2) employees on each shift, based on maximum planned employment or at a minimum one (1) space for each five hundred (500) square feet of floor area.
 - t. Car wash. (In addition to required magazine or stacking space.)
 - a. Automatic drive-through, serviced. A minimum of three (3) spaces, or one (1) space for each employee on the maximum shift, whichever is greater.
 - b. Self-service. A minimum of one (1) space.
 - c. Motor fuel station car wash. Zero (0) in addition to that required for the station.
11. In all districts where off-street parking lots are permitted or required such off-street parking lots shall be constructed and maintained subject to the following regulations:
- a. Adequate ingress and egress shall be provided.

902.05 General Requirements (cont)

- b. Such parking lots shall be maintained in a usable dustproof condition, such as concrete, blacktop, or properly treated crushed rock, or some other permanently surfaced area and shall be kept graded and drained to dispose of surface water.
 - c. Whenever such parking lot boundary adjoins property' zoned for residential use, a setback of eight (8) feet from said lot line shall be required.
 - d. Necessary curbs or other protections against damage to adjoining properties, streets and sidewalks shall be provided and maintained.
 - e. Plans for the construction of any off-street parking lot that will be larger than 120 feet X 60 feet, that will be used as storage for business vehicles, or that will be used for vehicles that have a gross vehicle weight of eight thousand (8,000) pounds or more will require a conditional use permit and may have more restrictions than are listed in Section5, subsection 2.
12. Required loading berths in connection with any structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, with a gross floor area of ten thousand (10,000) square feet or more, there shall be off-street loading provided on the basis of the following:

<u>Gross Floor Area</u> <u>square feet</u>	<u>Minimum required</u> <u>loading berths</u>
10,000 to 16,000	1
16,000 to 40,000	2
40,000 to 70,000	3
70,000 to 100,000	4
each additional 40,000	1 additional

Subdivision 3. Accessory Buildings.

- 1. In all residential districts detached accessory buildings shall be located in the side or rear yards. When located within ten (10) feet of the side or rear wall of the principle building in the district, they shall comply with all yard requirements applicable to the principal building in said district. Where accessory buildings are to be located more than ten (10) feet from a side or rear wall of the principal building they shall not be located closer than tem (10) feet from an adjoining side lot line or closer than five (5) feet from a rear lot line. All accessory buildings shall set back a minimum of twenty-five (25) feet from all street right-of-way lines. Accessory buildings are further limited not to exceed over one (1) story or thirty-five (35) feet in height. (pretty high)
- 2. All garages shall, if the vehicle entrance backs upon a public alley, be set back at least five (5) feet from the public alley right-of-way.

902.05 General Requirements (cont.)

3. In no case shall the door of any structure, building or improvement, except a fence, be erected or constructed so as to extend beyond any lot line.
4. In business and manufacturing districts, accessory buildings and uses may occupy any of the ground area which the principle building is permitted to occupy. Accessory buildings such as buildings for parking attendants, guard shelters, gate houses and transformer buildings, may be located in the front or side yard in the Commercial District.

Subdivision 4. General Fencing, Screening, Landscaping And Storage.

1. All materials and equipment, except as provided in the district provisions of this Ordinance shall be stored within a building or structure or screened so as not to be visible from adjoining properties, except the following:
 - (a) Clothes lines
 - (b) Recreational equipment and vehicles
 - (c) Construction and landscaping material currently being used on the premises
 - (d) Stacked firewood
2. No fence, wall, structure, coniferous trees or obstruction, other than chain link fences with openings of 1 5/8" to 2" not exceeding 48" in height, shall be erected, established or maintained on a corner lot within a triangular area bounded by the lot lines and a line connecting points on each lot line twenty (20) feet from the intersection of such lot lines. An object within this area not exceeding thirty inches (30") in height as measured from the centerline elevation of the street shall not be considered as an obstruction to vision. This section does not apply to the "C-1" District.
3. No fence shall exceed eight (8) feet in height and in the case of grade separation, the height shall be determined on the basis of measurement from the average point between the highest and lowest grade.
4. In all commercial and industrial districts adjacent to residential districts and not divided by streets there shall be provided along the property line a twenty (20) foot wide planting strip composed of grass, trees and shrubs. A screening fence may be utilized when approved by the Planning Commission. Such fence shall not exceed eight (8) feet in height nor be less than six (6) feet in height.
5. In all zoning districts the lot area remaining after providing for parking, driveways, loading, sidewalks, or other requirements shall be planted and maintained in grass, sodding, shrubs or other acceptable vegetation or landscaping techniques.

Subdivision 5. Unplatted Property.

1. Any person desiring to improve unplatted property shall submit to the Zoning Administration a survey of said premises and information on the location and dimensions of proposed buildings, location of easements

902.05 General Requirements (cont.)

crossing the property and other information which may be necessary to insure conformance to city ordinances.

2. All buildings shall be so placed so that they will not obstruct further streets which may be constructed by the city in conformity with existing streets and according to the system and standards employed by the city.
3. The Zoning Administrator shall review the lot survey to determine if the division and creation of the property was in compliance with the statutes and regulations applicable at the time of said division. If the Zoning Administrator finds that the division of the property was in compliance with legal requirements applicable at the time of the division, the lot shall be recognized and development of the property shall be allowed in conformance to the building and zoning regulations of the city. If the Zoning Administrator finds that the division of the property was not in compliance with legal requirements applicable at the time of the division, the lot shall not be recognized and current standards and procedures for platting shall be imposed.

Subdivision 6. Dwelling Unit Restrictions.

1. At no time shall a basement (except when used as a portion of the living space by the family), cellar, garage, tent, or accessory building be used as a permanent residence or dwelling unit. It may be permitted on a temporary basis. Temporary being no longer than 90 days.
2. Except in the case of planned unit developments provided in Section 16 of this Ordinance, not more than one (1) principal building shall be located on a lot.
3. On a through lot (a lot fronting on two (2) parallel streets) or a corner lot, both street lot lines shall be front lot lines for applying yard and parking requirements.
4. Mobile homes as defined in Section 4, Subdivision 2; 47 shall be limited to locations as provided in Section 10.

Subdivision 7. Non-Conforming Uses.

1. The lawful use of a building or structure existing at the time of the adoption of this ordinance may be continued although such use does not conform with the district provisions herein.
2. A non-conforming use may be extended throughout the building or structure, provided no structural alterations or changes are made therein, except those required by law or ordinance or such as may be required for safety, or such as may be necessary to secure or insure the continued advantageous use of the building during its natural life.
3. Any non-conforming building or structure damaged more than sixty (60%) percent of its then appraised value, exclusive of foundations at the time of

902.05 General Requirements (cont.)

damage by fire, collapse, explosion or acts of God or public enemy, shall not be restored or reconstructed and used as before such happening; but, if less than sixty (60%) percent damaged above the foundation, it may be restored, reconstructed or used as before provided that it is done within twelve (12) months of such happening and that it be built of like or similar materials, or the architectural design and building materials are approved by the Planning Commission.

4. A non-conforming use cannot be changed to a comparable non-conforming use. Whenever a non-conforming use has been changed to a conforming use, or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a non-conforming use of a less restricted district.
5. In the event that a non conforming use of any building or building and land is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.
6. Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.
7. Any building or structure for which a building permit has been issued and the construction of the whole or a part of which has been started, prior to the effective date of this ordinance may be completed, and used in accordance with the plans and applications on which said building permit was granted.

Subdivision 8. General Performance Standards.

1. All sewage facilities shall be connected to community sewer facilities when available. Where sewers are not constructed or in operation, all sewage facilities shall be connected to disposal systems which meet or exceed the requirements as established in the Sibley County Zoning Ordinance. This provision shall not apply to temporary construction sites, or portable units.
2. Any lighting used to illuminate an off-street parking area, sign or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, from floodlights shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the center line of said street. Any lighter combination of lights which cast light on

902.05 General Requirements (cont.)

residential property shall not exceed 0.4 foot candles (meter reading) as measured from said property.

3. The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC-1-15 and as subsequently expanded, modified or amended.
4. Dust and Other Particulate Matter. The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15 and as subsequently expanded, modified or amended.
5. Odors. The emission of odorous matter in such quantity as to be offensive, shall not be permitted. The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15 and as subsequently expanded.
6. Noise. All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness and as measured at any property line, shall not exceed the minimum standards established by the State of Minnesota.

Subdivision 9. Height And Yard Exceptions.

1. Chimneys, cooling towers, elevator bulk head, fire towers, drive-in movie theater screens, grain elevators, silos, penthouses, stacks, tanks, water towers, pumping towers, radio or television towers, monuments, cupolas, steeples and mechanical appurtenances pertaining to and necessary to the permitted use of the district in which they are located, shall not be included in calculating the height of the principle structure.
2. Outside stairways, fire escapes, fire towers, porches, platforms, decks, balconies, boiler flues and other similar projections shall be considered as part of the building and not allowed as part of the required space for yards, courts or unoccupied space, PROVIDED, HOWEVER, that this provision shall not apply to one (1) fireplace of one (1) chimney, not more than eight (8) feet in length and projecting not more than thirty (30) inches into the allowable side yard space nor to platforms, terraces or steps below the first floor level, nor to unenclosed porches or other ground level unenclosed projections not over one (1) story in height which may extend into a front or rear yard not more than five (5) feet or into a side yard not more than four (4) feet, such platform shall be restricted from the six (6) feet required side yard in the residence district.

Subdivision 10. Relocated Buildings.

1. For every zoning district, the relocation of any building into the City or the relocation of any building from one location to another within the City shall be a conditional use and shall require a conditional use permit based

902.05 General Requirements (cont.)

on the procedures set forth and regulated herein and in Section 17 of this Ordinance.

2. In addition to the requirements of the Application for Conditional Use Permits set forth in Section 17 of the Ordinance, the applicant shall provide the following information.
 - a. Photographs showing all sides of the building to be relocated, the relocation area, and the building adjacent to the relocation area.
 - b. The route of travel of the building to be relocated.
 - c. A statement describing arrangements made with regard to obstructions along the route of travel.
 - d. Such other information requested by the City Council or the Planning Committee or Clerk.
3. If the City Council grants a conditional use permit, in addition to the conditional use permit, the City shall issue a moving permit which shall state the date or dates of moving, hours, routing, movement and parking. Permits shall be issued only for moving buildings by building movers licensed by the State of Minnesota, except that a permit may be issued to a person moving his own building, or a person moving a building which does not exceed 12 feet in width, 25 feet in length, or 16 feet in loaded height. Fees to be charged shall be separate for each of the following:

A fee equal to the anticipated amount required to compensate the City for any municipal utility and public property (including streets) repairs or alterations occasioned by such movement.

902.06 General District Provisions.

Subdivision 1. Establishment Of Districts.

The following district classifications are hereby established within the City of New Auburn:

1. "A-1" Agricultural District
2. "R-1" Single and Two Family Residential District
3. "R-2" Mobile Home Residential District & more than 8 Unit Apartments
4. "C-1" Central Business District
5. "I-1" General Industrial District
6. "R-3" New Developments

Subdivision 2. Zoning District Application.

1. The boundaries of the districts enumerated in this section are hereby established and adopted as shown upon the map on file in the office of the City Clerk designated "The Official Zoning Map of the City of New Auburn, Minnesota," dated and as subsequently amended and bearing the signatures of the Mayor, and City Clerk, which map with all notations, references, data and other information shown thereon is hereby made part of this ordinance as if the same were fully set forth herein.
2. Annexed Land - All land which may hereafter become a part of the City of New Auburn through annexation shall be automatically classified by city council approval into the proper zone.

Subdivision 3. Zoning District Boundaries. The boundaries of districts are the center lines of streets; the center lines of alleys; the rear lot lines where there are no alleys; the side lines of recorded lots or designated distances where land is unplatted.

Subdivision 4. Uses Not Provided For Within Zoning Districts. Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case, the City Council, the Planning Commission, or a property owner may request a study by the city to determine if the use is acceptable and if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The City Council or Planning Commission upon receipt of the staff study may, if appropriate, initiate an amendment to the zoning ordinance to provide for the particular use under consideration or may find that the use is not compatible for development within the city.

902.07 "A-1" Agricultural District.

Subdivision 1. Intent. To establish and preserve areas for low density residential and outdoor recreation without permitting an intensity of development which would require the provision of municipal facilities and services, and further to allow agricultural uses in this district.

Subdivision 2. Permitted Uses.

1. Agriculture, including farm dwellings and agricultural related buildings and structures subject to Minnesota Pollution Control Standards, but not including commercial feed lots or similar commercial operations.
2. Public parks, recreational areas, wildlife areas and game refuges.
3. Nurseries and tree farms.
4. Essential Services.
5. Slaughtering, limited to livestock raised on the farmstead.

Subdivision 3. Permitted Accessory Uses.

1. Operation and storage of vehicles, machinery and equipment which is incidental to permitted or conditional uses allowed in this district
2. Boarding or renting of rooms to not more than two (2) persons
3. Living quarters for persons employed on the premises
4. Home Occupations
5. Rain gardens are encouraged and part of the street project.

Subdivision 4. Conditional Uses. The following uses require a conditional use permit based on the procedures set forth and regulated in Section 17 of this Ordinance:

1. Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community.
2. Commercial outdoor recreational areas including golf courses, club houses, swimming pools and similar facilities.
3. Processing and packaging of agricultural products, including livestock cold storage plants, fertilizer plants, livestock farming, livestock feed lots and sales yards, subject to all applicable Pollution Control Standards.
4. Kennels and animal hospitals, stables and riding academies provided that the property containing such use is adequate and is adequately separated from residential, commercial and industrial districts.

902.07 “A-1” Agricultural District (cont.)

5. Churches, schools and similar uses.
6. Uses which in the judgment of the Planning Commission and City Council are similar to those listed in this zoning district.
7. Residences with city sewer and water.

Subdivision 5. Lot, Yard, Area And Height Requirements.

Combination of Lots	Minimum Lot Area	<u>Width</u>	<u>Side-Yards</u>	<u>Front Yard</u>	<u>Rear Yard</u>
	<u>Sq. Feet</u> 20,000 or greater	100'	15' each	30'	50'

Standard size lot is 8,118 sq ft.

2. **Building Height.**
Residential structures hereafter erected shall not exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height. Agricultural buildings shall be exempt from these requirements.

902.08 "R-1" Single And Two Family Residential District.

Subdivision 1. Intent. It is the intent of this district to permit the development of single family and two family dwellings in the community: to provide reasonable standards for such development: to avoid overcrowding: and to prohibit the use of land which would be incompatible with or detrimental to the essential residential character of such district.

Subdivision 2. Permitted Uses.

1. Single and two family dwellings, the living quarters of which, shall be constructed upon perimeter foundations, full basements or at least frost footings a minimum depth below grade of forty-eight (48) inches, that form complete enclosures under exterior walls (i.e., perimeter), a minimum width of twenty-four (24) feet over at least on hundred percent (100%) of its length, a minimum length of twenty-four (24) feet.
2. Public parks and playgrounds
3. Essential Services
4. Agriculture other than the raising and keeping of livestock

Subdivision 3. Permitted Accessory Uses.

1. Private garages, parking spaces and car ports for passenger cars, trucks, recreational vehicles and equipment
2. Home occupations
3. Swimming pools and tennis courts
4. Tool houses and similar buildings for storage of domestic equipment and non commercial recreation equipment
5. Boarding or renting of rooms to not more than two (2) persons
3. Rain gardens are encouraged and part of a street project.

Subdivision 4. Conditional Uses. The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 17 of this Ordinance:

1. Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community
2. Public or semi public recreational buildings, community centers, educational buildings, schools, churches and day care centers
3. Nurseries but not including greenhouses
4. Nursing homes, rest homes and homes for the aged provided that adequate parking is provided and the site is accessible to commercial service areas

902.08 “R-1” Single And Two Family Residential District (cont.)

- 5. Multiple family dwellings provided that:
 - (a) Off-street parking is provided and screened from adjoining residential properties
 - (b) The site is a minimum of 12,000 square feet and for each unit over four (4) an additional two thousand (2000) square feet is provided, and has a minimum width of seventy-five (75) feet
 - (c) The site may be served by other than an arterial or collector street.
 - (d) All setback requirements of this district are satisfactorily met.

Subdivision 5. Lot, Yard, Area And Height Requirements.

1.

<u>Lot Area</u> <u>Sq. Feet</u>	<u>Lot</u> <u>Width</u>	<u>Side Yards</u>		
		<u>least</u> <u>width</u>	<u>total</u> <u>both sides</u>	<u>Front Yard</u>
<u>Single Family</u>				
8,118	66' existing 100' newly platted	10'	20'	25'
<u>Two Family</u>				
10,118	66' existing 100' newly platted	10'	20'	25'

- 2. Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one (1) adjacent structure, the setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the front yard setback requirement exceed twenty-five (25) feet.
- 3. Maximum Coverage. New Construction coverage shall not exceed thirty-five percent (35%).

902.09 Reserved for future use.

902.10 "R-2" Mobile Home District.

Subdivision 1. Intent. It is the intent of this district to permit the development of mobile homes parks and mobile home subdivisions in the community; to supplement applicable state laws pertaining to mobile homes; to provide reasonable standards for site development of such parks; to avoid overcrowding; to provide set-backs and other development standards which will make such developments more attractive, safe and pleasant to live in, and compatible with other land uses and developments in the community.

All statutes of the State of Minnesota pertaining to the regulation of Mobile Homes and Mobile Homes Parks are hereby adopted by reference and are declared to be an integral part of this ordinance as if they were reproduced in their entirety herein; provided, that where standards of this ordinance are higher or more restrictive than said statutes, this ordinance shall govern.

Subdivision 2. Definitions. For purposes of this section of this ordinance, certain words are herein defined; in addition to the definitions of Section 4 Subdivision 2 of this Ordinance.

1. **Driveway.** A minor private way used by vehicles and pedestrians of a mobile home lot.
2. **Mobile Home Lot.** A parcel of land for the placement of a single mobile home, perimeters set up by owner of mobile home park.
3. **Mobile Home Park.** A contiguous parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association or corporation.
4. **Park Management.** The person who owns or has charge, care or control of the mobile home park.
5. **Park Street.** A private way which affords principal means of access to individual mobile home lots, or auxiliary buildings.
6. **Permit.** A written permit or certification issued by the zoning administrator permitting the construction, alteration and extension of any permanent structure within the mobile home park under provisions of this Ordinance and regulations issued hereunder.
7. **Service Building.** A structure that may house toilet, lavatory and such other facilities as may be required by this Ordinance.
8. **Sewer Connection.** The connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home park.
9. **Sewer Riser Pipe.** That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home unit.
10. **Storm Shelter.** Any facility designated as a storm shelter as defined by State Statutes.

902.10 "R-2" Mobile Home District (cont.)

11. **Water Connection.** The connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.
12. **Water Riser Pipe.** That portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

Subdivision 3. Permitted Uses. In an "R-2" district, no building or land shall be used, and no building shall thereafter be erected or structurally altered except for one or more of the following uses:

1. Single family developments and accessory structures.
2. Mobile home subdivision.
3. All mobile homes moved into a mobile home park must have a minimum appraised or assessed value of ten thousand dollars (\$10,000).
4. Any accessory building and use customarily incident thereto. No part of any park shall be used for non-residential purposes, except such uses as are required for the direct servicing and well-being of park residents and for the management and maintenance of the park. Nothing in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home lot and connected to the pertinent utilities.
5. Transportation rights-of-way, public utility lines and mains.
6. Municipal buildings and structures necessary for the general health, protection and welfare of the public.

Subdivision 4. Conditional Uses.

Home occupations subject to the following:

- (a) the use can be reasonably and safely conducted in a mobile home structure; and
- (b) all requirements of Section 17 are met

Subdivision 5. Lot Yard And Area Requirements - Mobile Home Subdivision

1. Lot Area must be a minimum of 4,000 square feet.
2. The maximum building height shall not exceed twenty (20) feet.
3. Maximum site coverage: Lot coverage shall not exceed fifty (50) percent.

902.10 “R-2” Mobile Home District (cont.)

Subdivision 6. Other Requirements.

1. General Requirements: Condition of soil, ground water level, drainage, and topography shall not create hazards to the property or the health and safety of the occupants. The site should not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable or sudden flooding.
2. Soil and Ground Cover Requirements: Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone, screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
3. Site Drainage Requirements: The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner.
4. The sale of an existing mobile home on a mobile home lot and connected to utilities must meet the requirement of Subdivision 3 #3.
5. Required Separation Between Mobile Homes - Mobile Home Parks: (a) Mobile homes shall be separated from each other and from other buildings and structures by at least twelve (12) feet or the sum of the heights of both trailer units, whichever is greater. Mobile homes placed end-to-end must have minimum clearance of fifteen (15) feet; (b) An Accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, and porch which has an opaque top or roof, shall, for purposes of all separation requirements, be considered to be part of the mobile home; and (c) minimum lot sizes shall not be less than 2,000 square feet.
6. Open Space: Any mobile home park established after the adoption of this ordinance or any existing mobile home park that expands shall provide a minimum of three hundred (300) square feet per mobile home for definable play areas and open space within the mobile home park. Such areas of open space and play area shall not be areas included within any setback nor shall they include any areas of less than twenty (20) feet in length or width. In addition to the play area the mobile home park shall provide a building for the purpose of storm shelter with minimum standards established by state law.
7. Required Setbacks, Buffer Strips and Screening: (a) All mobile homes shall be located at least twenty-five (25) feet from any property boundary line abutting upon a public street or highway and at least twenty (20) feet from other property boundary lines; (b) There shall be a minimum distance of fifteen (15) feet between the mobile home lot and abutting park street; and (c) All mobile home parks located adjacent to residential, recreational, commercial or industrial land uses shall provide screening such as fences, shrubs, trees, along the property boundary line separating the park and such uses; and shall be maintained in a neat and orderly fashion.

902.10“R-2” Mobile Home District (cont

8. Average Density: Notwithstanding the type of development concept used, the maximum density shall be seven mobile homes per acre.
9. Accessory Buildings: (a) An accessory building for outside storage of equipment and refuse is required. A three sided screened or fenced area shall be provided to house a multi family dumpster or a refuse container with a minimum of a three (3) foot walk way all around the refuse unit. Individual garbage cans (one for each home) would not be required to be enclosed. If curbside pickup is established the screening would not be required. (b) A second accessory building is required for a storm shelter with standard set by Minnesota statute #1370.0150.
10. Every mobile home in the city shall be secured against wind damage by a "tie down" or other acceptable means.

Subdivision 7. Mobile Home Park Street System And Car Parking.

1. General Requirements: All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways or other means.
2. Park Entrance: Entrances to mobile home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of 30 feet from its point of beginning.
3. Internal Streets: Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet with the following requirements:
 - (a) All streets except minor streets shall be a minimum of twenty (20) feet in width from face of curb to face of curb. Streets without curb shall be considered minor streets.
 - (b) Dead end streets shall be limited in length to 330 feet and shall be provided at the closed end with a cul-de-sac having an outside roadway diameter of at least one hundred (100) feet. All dead end streets shall be marked with approved signs and they shall be placed at the entrance to the dead end streets.
 - (c) Minor streets twenty (20) feet in width shall be acceptable only if less than 330 feet long and serving less than eight (8) mobile homes or of any length if mobile home lots abut on one side only.
4. Car Parking: Off-street parking areas for the use of park occupants and guests. Such areas shall be furnished at a rate of at least two (2) car spaces for each mobile home lot, of which at least one-half of the spaces may be in compounds. All off-street parking areas shall be paved concrete or bituminous surface or crushed rock.

902.10“R-2” Mobile Home District (cont.)

5. Required Illumination of Park Street Systems: All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night: (1) All parts of the park street systems: 0.6 foot candle and (2) Potentially hazardous locations, such as major street intersections and steps or stepped ramps: individually illuminated, with a minimum of 0.6 foot candle.
6. Street Construction and Design Standards:
 - (a) Pavements: All streets shall be provided with a paved concrete or bituminous surface. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Street surfaces shall be maintained, free of cracks, holes and other hazards.
 - (b) Grades: Longitudinal grades of all streets shall range between .4% and 8.00%. Transverse grades (crown) of all streets shall be sufficient to insure adequate transverse drainage.

If conditions warrant, an adequate storm sewer system shall be provided to dispose of all runoff water. The storm sewer system may be connected to existing City storm sewer system upon City approval. Rain gardens or ponds may be required and/or part of street project.

- (c) Intersections: Within fifty (50) feet of an intersection, streets shall be at right angles. Intersections of more than two streets at one point shall be avoided.

Subdivision 8. Park Walks.

1. General Requirements: All parks may be provided with safe, convenient, all season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.
2. Common Walk System: A common walk system may be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three feet.
3. Individual Walks: All mobile homes may be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two feet.

Subdivision 9. Mobile Home Park – General Requirements.

1. Patio: Each mobile home lot may have a patio with minimum dimensions of 8' by 8'.
2. Trees: A minimum of one tree per lot is required. In open area and park area, a minimum of 20 trees per acre is required.

902.10 “R-2” Mobile Home District (cont.)

3. Skirt: All mobile homes shall have skirts around the entire trailer made of metal, plastic, fiberglass or comparable, non-combustible material and shall be painted to match the appropriate trailer so that it will enhance the general appearance thereof.
4. All mobile homes shall be serviced by City water system.
5. All mobile homes shall be serviced by City sanitary sewer system.
6. Service Building and Other Community Service Facilities:
 - a. General: The requirements of this section shall apply to service buildings, recreation buildings and other community service facilities such as management offices, repair shops, storage areas, sanitary facilities, laundry facilities, indoor recreation areas, and commercial uses supplying essential goods or services for the exclusive use of park occupants. A storm shelter with a location that must be approved by the city council and the Minnesota Department of Health.
 - b. Structural Requirements for Buildings: All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
 - c. Barbecue Pits, Fireplaces, Stoves and Incinerators: Cooking shelters, barbecue pits, fireplaces, wood-burning stoves and incinerators shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisances both on the property on which used and on neighboring property, and shall comply with all appropriate ordinances, laws or other regulations.
7. The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards or air pollution.
8. Insect and Rodent Control
 - a. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation.
 - b. Parks: Parks shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
 - c. Storage Areas: Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one foot above ground.

902.10 “R-2” Mobile Home District (cont.)

- d. Screens: Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
 - e. Brush, Weeds and Grass: The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.
9. Fire Protection:
- a. Litter, Rubbish, etc.: Mobile home parks shall be kept free of litter, rubbish and other flammable material.
 - b. Fire Extinguishers: Portable fire extinguishers rated for classes A, B, and C fires shall be kept visible in service buildings and at other locations conveniently and readily accessible for use by all of the occupants and shall be maintained in good operating condition. Their capacity shall not be less than 10 pounds.
 - c. Fires: Fires shall be made only in stoves, indoor incinerators, three foot fire ring, barbeque, or equipment intended for barbeque use.
 - d. Fire hydrants: Fire hydrants shall be installed if the park water supply system is capable to serve them in accordance with the following requirement: The water supply system shall permit the operation of standard City fire hydrants.
10. Responsibilities of the Park Management:
- (a) The person to whom a license for a mobile home park is issued shall operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
 - (b) The park management shall notify park occupants of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Ordinance.
 - (c) It shall be the duty of the operator of the mobile home park to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information: The name and address of each mobile home occupant; the name and address of the owner of each mobile home, the make, model, year, the date of arrival and departure of each mobile home.

902.10 “R-2” Mobile Home District (cont.)

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

902.11 “C-1” Commercial.

Subdivision 1. Intent. It is the intent of this district to provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or region.

Subdivision 2. Permitted Uses.

1. Business services including banks, offices, and postal stations,
2. Clothing services, including dry cleaning and laundry establishments, laundromats, dressmaking, millinery and tailor shops, shoe repair shops.
3. Equipment services, including radio and television shops, electrical appliance shops, show room of a plumber, decorator or similar trade.
4. Food services, including grocery stores, fruit, vegetable and meat markets, supermarkets, restaurants, delicatessens, candy shops and bakeries whose products are sold primarily at retail on the premises.
5. Personal Services, including drug stores, hardware stores, stationary and book stores, news shops, apparel shops, show room for articles to be sold at retail, flower shops and commercial greenhouses.
6. Personal services, including barber and beauty shops, reducing salons, photographic shops and funeral homes.
7. Public transportation terminals, public utility buildings.
8. Buildings used for research and testing laboratories, storage buildings or distributing stations.
9. Residential units are allowed in “C-1”.
10. Governmental and public utility buildings and structures.
11. Recreational services, including theaters, bowling lanes.
12. Hotels, motels, taverns, private clubs and lodges.

Subdivision 3. Permitted Accessory Uses.

1. Off-street parking and loading areas may be restricted by the type, weight, and number of vehicles in addition to those as provided in SECTION 5, Subdivision 2, of this Ordinance
2. Commercial or business buildings for a use accessory to the principle use.
3. Signs as regulated by the City Council.
4. Rain gardens or ponds may be required.

902.11 “C-1” Commercial (cont.)

Subdivision 4. Conditional Uses. The following uses shall require a Conditional Use Permit, and may require a public hearing.

1. Open outdoor sales, service or rental as an accessory use provided:
 - (a) That when the area abuts upon a dwelling, it is fenced or screened from the abutting property if so requested by the city council
 - (b) Sales areas are surfaced to control dust
2. Commercial Planned Unit Developments.
3. Automobile service stations, including sales, gasoline service stations and auto repair garages.
5. Drive-in restaurants, drive-in banks and other drive-in services.
6. Multi-family dwellings.
7. Open air display areas for the sale of manufactured products such as garden furniture, nursery stock, rental or manufactured products, equipment, etc.
8. Privately or commercially owned recreational camping area provided;
 - A Land area is adequate for the proposed use
 - B The site is serviced by an adequately paved arterial street
 - C Electrical utilities are provided by each site
 - D Require one bathroom facility with city sewer and water
 - E Storm shelter “approved by the city council” required “can use bathroom facility”

Subdivision 5. Lot, Yard, Area And Height Requirements.

Combination of Lots	Minimum Lot				
Area	Width	Side-Yards	Front Yard	Rear Yard	
Sq. Feet	66'			10' If alley is	
As Necessary				Property	

902.13 “I” Industrial Park.

Subdivision 1. Intent. It is the intent of this district to provide for and allow a wide range of industrial, warehousing and bulk commercial activities.

Subdivision 2. Permitted Uses.

1. Any branch of trade or industry employing labor and capital.
2. Building materials, storage yards, lumber yards.
3. Contractors equipment and storage yards.
4. Wholesale business and warehousing
5. Public utility and service buildings and gas regulator stations.

Subdivision 3. Permitted Accessory Uses.

1. Off-street parking and loading
2. Open and outdoor storage
3. Offices accessory to a principle use.

Subdivision 4. Conditional Uses. The following uses shall require a Conditional Use Permit and may require a public hearing.

1. Machine shops, public and private garages.
2. Manufacturing of cement, concrete, lime, gypsum or plaster.
3. Distillation of bone, coal, tar, petroleum, refuse, grain or wood.
4. Explosive manufacture or storage.
9. Fertilizer manufacturing, compost or storage
6. Garbage, offal, dead animals, refuse, rancid fats, incineration, glue manufacturing, size or gelative manufacturing where the processes include the refining or recovery of products from animal refuse or offal.
8. Petroleum or asphalt refining, manufacturing or storage.
9. Smelting or refining of metals from ores.
10. Foundry and forging presses.
11. Storing, curing and tanning of raw, green or salted hides or skins.
12. Corrosive materials manufacturing or bulk storage thereof.

902.13 “I” Industrial Park (cont.)

- 13. Junk yards.
- 14. Grain elevators and grain storage.

Subdivision 5. Lot, Yard, and Area Requirements.

- 1.

Lot Area	Yard Setbacks		
<u>Sq. Feet</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
As necessary	25'	10'	20'
- 2. Where a property abuts a railroad siding no side or rear yard shall be required when a railroad loading facility is to be installed.

Subdivision 6. Special Requirements

Any building or industry using corrosive material, heights over sixty (60) feet or any other possible hazard will be required to have specific to use fire and safety equipment and safety manuals.

902.14 Reserved for future use.

902.15 Reserved for future use.

902.16 “R-3” Planned Unit Development.

Subdivision 1. Intent. The purpose of this Section of the zoning ordinance is to provide for the grouping of land parcels for development as an integrated, coordinated unit as opposed to traditional parcel by parcel, piecemeal, sporadic and unplanned approach to development. This subdivision is intended to introduce flexibility of site design and architecture for the conservation of land.

Subdivision 2. Procedures And Requirements For Establishment Of A Planned Unit Development

1. An application for a conditional use permit shall be filed and processed.
2. Development Plan - The conditional use permit application shall be accompanied by a development plan, drawn to scale.
 - (a) The entire outline, overall dimensions and area of the tract described in the application.
 - (b) The existing and proposed topography of the tract.
 - (c) The location, general exterior dimensions and approximate gross floor areas of all proposed buildings.
 - (d) The type of each use proposed to occupy each building and the approximate amount of building floor area devoted to each separate use.
 - (e) The proposed location, arrangement and number of automobile parking stalls.
 - (f) The location and dimensions of all vehicular entrances, exits and driveways and their relationship to all existing or proposed public streets.
 - (g) The location and dimensions of pedestrian entrances, exits and walks.
 - (h) The general drainage system which shall include rain garden placement.
 - (i) The location and dimensions of all walls, fences and plantings designed to screen the proposed district from adjacent uses.
 - (j) The types of all ground covers.
 - (k) Development Schedule - The applicant shall submit a proposed schedule of construction. The construction of the proposed Planned Unit Development may be in stages.

Subdivision 3. Property Control.

1. In order that the purposes of this subdivision may be achieved, the property shall be in single ownership or under the management and

902.16 “R-3” Planned Unit Development (cont.)

supervision of a central authority or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions of this Ordinance.

2. The declaration of covenants, conditions and restrictions shall be subject to the review and approval of the City Attorney.
3. The declaration (if used) of covenants , conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses, or apartments shall subject said properties to the terms of said declaration.
4. The declaration of a covenant shall additionally provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City of New Auburn or fails to pay taxes or assessments on properties as they become due and in the event the said City of New Auburn incurs any expenses in enforcing its rules and regulations, which said expenses are not immediately reimbursed by the association or corporation, then the City of New Auburn shall have the right to assess each property its pro rata share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made and, in addition, each such assessment, together with, such interest thereon and such costs of collection thereof shall also be a personal obligation of the person who was the owner of such property at the time when the assessment became payable.

Subdivision 4. General Development Provisions.

1. Yards
 - (a) The front and side yard restrictions at the periphery of the “R-3” New Development site at a minimum shall be the same as imposed in the respective districts.
 - (b) No building shall be located less than Twenty-five (25) feet from the back of the curb line along those roadways which are part of the internal street platform.
2. Roadways
 - (a) Development of private roadways within the project are the developers responsibility and shall have an improved surface to twenty (20) feet or more in width and shall be so designed as to permit the City fire trucks to provide protection to each building.
 - (b) No portion of the required twenty (20) feet road system may be used in calculating required off-street parking space.
 - (c) Rain gardens and or ponds may be required and/or be part of a roads project. Ponds and rain gardens will be to the city’s specifications.

902.16 "R-3" Planned Unit Development (cont.)

3. Utility Connection.
 - (a) Water Connection. Where more than one property is served from the same service line, a shut off valve must be located in such a way that each unit's service may be shut off by the City, in addition to the normally supplied shut off at the street.
 - (b) Sewer Connections. Where more than one unit is served by a sanitary sewer lateral which exceeds 300 feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners association, or owner.
4. Building Types - In addition to the conventional type of construction and arrangements of building, structures uses and property as allowed by this Ordinance, it shall be permissible to cluster, adjoin, and attach structures in a row house, townhouse, patio home or similar style of development within the "R-3" Planned Unit Development.
5. Subdivision and Ownership - It shall be permissible within a Planned Unit Development to subdivide properties into lesser size parcels for individual ownership and create common open space areas in undivided proportions under joint ownership. Such ownership arrangements are commonly defined as condominium and/or cooperative developments. The joint area of the project must however, conform to the minimum area requirements established for the respective district classification which jointly applies to said property.
6. Minimum Project Size

Within residential districts a Planned Unit Development shall not be applied to a parcel of land containing less than one acre.
7. Public Services - The proposed project shall be served by the City Water and Sewer System and fire hydrants shall be installed at such locations as necessary to provide fire protection.

Subdivision 5. Review And Evaluation. The review and evaluation of a proposed Planned Unit Development and supportive materials and plans shall include but not be limited to the following criteria:

1. Adequate property control is established and provided to protect the individual owners' rights and property values and to define legal responsibilities for maintenance and upkeep.
2. The interior circulation plan plus access from and onto public right of ways does not create congestion or dangers and is adequate for the safety of the project residents and general public.
3. A sufficient amount of useable open space is provided.

902.16 “R-3” Planned Unit Development (cont.)

4. The arrangement of buildings, structures, and accessory uses does not unreasonably disturb the privacy or property values of the surrounding uses.
5. The architectural design of the project is compatible with the surrounding area.
6. The drainage and utility system plans are submitted to the City Engineer and are subject to city approval.
7. The development schedule insures a logical development of the site which will protect the public interest and conserve land.

902.17 Conditional Use Permits.

Subdivision 1. Purpose. The purpose of this SECTION of the zoning ordinance is to provide the City of New Auburn with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare and public safety.

Subdivision 2. Application. Applications for Conditional Use Permits shall be made to the City Clerk together with required fees. The application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Ordinance, including but not limited to:

1. Description of site (legal description)
2. Site plan drawn at scale showing parcel and building dimensions
3. Location of all buildings and their square footage
4. Curb cuts, driveways, access roads, parking spaces and sidewalks
5. Landscaping and screening plans
6. Drainage Plan
7. Sanitary sewer and water plan
8. Any additional written or graphic data reasonably required by the City Clerk or the Planning Commission

Subdivision 3. Procedure.

1. The City Clerk or Deputy Clerk shall forward said application to the City Council for consideration at their next regular meeting.
2. The City Council shall set a date for the official public hearing. Notice of such hearing shall be published in accordance with State Law and notice shall be published at least once in the official paper of the City and mailed to individual properties adjoining the property owners property at the developers expense. Request not less than ten (10) days or more than thirty (30) days prior to the date of said hearing. Failure of a property owner to receive said notice shall not invalidate any such proceedings.
3. The Planning Committee shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce any adverse effects, and shall make a recommendation to the City Council within sixty (60) days after the first regular meeting at which the request was initially considered.
3. Upon receiving the report and recommendation from the Planning Committee and after a public hearing has been held the City Council may impose any conditions deemed necessary. Approval of a conditional use shall require passage by a four-fifths (4/5) vote of the full City Council.

902.17 Conditional Use Permits (cont.)

Subdivision 4. Standards. No Conditional Use shall be recommended by the Planning Committee unless said Committee shall find:

1. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
2. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
6. That proper facilities are provided which would eliminate any traffic congestion or traffic hazard which may result from the proposed use.
7. The demonstrated need for the proposed use.
8. The proposed use is in compliance with any Land Use Plan adopted by the City.

Subdivision 5. Recording. A certified copy of any Conditional Use Permit shall be filed with the County Recorder or Registrar of Titles for record. The Conditional Use Permit shall include the legal description of the property involved.

Subdivision 6. Fees. To defray administrative costs of processing requests for Conditional Use Permits, a fee set by the City Council shall be paid by the applicant at the time the application is requested. The City shall also be reimbursed for any additional costs associated with review of a proposal as set by the City Council.

Subdivision 7. Compliance. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permits and of any conditions designated in connection therewith.

Subdivision 8. Lapse Of Conditional Use Permit By Non-Use. Whenever within one (1) year after granting the Conditional Use the work permitted has not been completed, then such permit shall become null and void unless a petition for an extension has been approved by the City Council.

902.18 Amendments/Rezoning.

Subdivision 1. Initiation. The City Council or Planning Committee may, upon their own motion, initiate a request to amend the text or the district boundaries of this Ordinance. Any person, persons, firm or corporation or his expressed agent owning real estate within the City may initiate a request to amend the district boundaries and/or text of this Ordinance so as to affect the said real estate.

Subdivision 2. Procedure.

1. A request plus copies of detailed written and graphic materials fully explaining the proposal for an amendment to this Ordinance shall be filed with the City Council and shall be accompanied by a fee set annually by resolution by the City Council. Said fee shall be non-refundable.
2. The City Clerk shall refer said amendment request along with all related information to the City Planning Committee for consideration and a report and recommendation to the City Council.
3. The Planning Committee shall consider the amendment request at its next regular meeting. The City Clerk shall refer said amendment proposal along with all related information to the Planning Committee.
4. The City Council shall have the option to set and hold a public hearing if deemed necessary for reaching a decision. The City Council shall set a date for the official public hearing. Notice of such hearing shall be published in conformance with the state law and individual notices, if it is a district change request, shall be mailed not less than ten (10) days nor more than thirty (30) days prior to the hearing to all owners of property, according to the assessment records, within three hundred fifty (350) feet of the parcel included in the request, such notice shall also be published in the official paper within the above time periods.

Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance.

5. Upon receiving the reports and recommendations of the Planning Committee and following a public hearing, the City Council shall place the amendment request on the agenda of the next regular meeting and decide the issue within thirty (30) days. Said reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
6. Amendment of this zoning ordinance shall be by a four-fifths (4/5) vote of the full City Council.
7. The City Clerk shall notify the originator of the amendment request of the Council's decision in writing.

902.19 Variance/Appeals.

Subdivision 1. Board Of Adjustment. The Board of Adjustment shall be the City Council and shall act upon all questions as they may arise in the administration of this ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcing this ordinance. Such appeal may be taken by any person aggrieved or by any officer, department board or committee of the City of New Auburn. The Board of Adjustment shall have power to vary or adapt the strict application of any of the requirements of this ordinance in the case of exceptionally irregular, narrow or shallow lots, or other exceptional physical conditions, whereby such strict application would result in the practical difficulty of unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other uses except as specifically described. Any appeals on a Board of Adjustment decision shall be made to the District Court. Board of Adjustment decisions shall be final except said appeal to District Court.

Subdivision 2. Variances. No variance in the provisions or requirements of this ordinance shall be authorized by the Board of Adjustment unless it finds evidence that all the facts and conditions exist:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district.
2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the same vicinity. The possibility of increased financial return shall not in itself be deemed sufficient to warrant a variance.
3. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this ordinance or the public interest.
4. That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

In granting a variance, the Board of Adjustment may impose conditions to insure compliance and to protect adjacent properties.

Subdivision 3. Procedure.

1. Requests for a variance or appeal shall be filed with the City Clerk and shall be accompanied by a fee set annually by resolution by the City Council, along with material explaining the request.
2. The Planning Committee shall consider the request at its next regular meeting and shall make a recommendation to the Board of Adjustment within sixty (60) days of receiving the request.

902.19 Variance/Appeals (cont.)

3. Upon receiving the recommendation of the Planning Committee the Board of Adjustment shall set and hold a public hearing on said request. Notice of such hearing shall be mailed not less than ten (10) days nor more than thirty (30) days to property owners within three hundred fifty (350) feet of the affected parcel as determined by the City Clerk. Such notice shall also be published in the official newspaper within the above time period. Failure of a property owner to receive said notice shall not invalidate any such proceedings.
4. A variance of this zoning ordinance shall be by four-fifths (4/5) vote of the full Board of Adjustment.
5. Within a reasonable time after the hearing, the Board of Adjustment shall make its order deciding the matter and serve a copy of such order upon the appellant or the petitioner by mail.

Subdivision 4. Lapse Of Variance. If within one (1) year after granting a variance the work permitted is not completed such variance shall become null and void unless a petition for an extension has been approved by the City Council.

902.21 Enforcement/Violations/Penalties.

Subdivision 1. Enforcement. This Ordinance shall be administered and enforced by the City Clerk of New Auburn, Minnesota. The City Clerk may institute appropriate action for any violations of this ordinance at the direction of the City Council and through the City Attorney as deemed necessary.

Subdivision 2. Violations And Penalties. Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor, and each day that a violation is permitted to exist shall constitute a separate offense.

This ordinance is in effect upon adoption and publication as required by law.

Adopted this 8th day of November, 2006

Roger H. Becker, Mayor

Attest:

Wendy L Becker, Deputy City Clerk

SEAL