

**City of Newfolden
ZONING ORDINANCE
112009**



UPDATED: July 2013

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Please note: Color Versions of Zoning Map Available From City Clerk

CITY OF Newfolden ORDINANCE
AN ORDINANCE PROVIDING FOR THE ZONING OF THE INCORPORATED
AREAS OF THE CITY OF Newfolden, Marshall COUNTY, MINNESOTA

The City Council of the City of Newfolden ordains as follows:

ARTICLE I. PURPOSE

The primary purpose of this Ordinance is to insure, promote and protect the public health, safety and general welfare of the inhabitants of the City of Newfolden. This will be accomplished by:

- 1) protecting and conserving the character, social, environmental and economic stability of the land use districts;
- 2) Promoting growth by providing appropriate space for all types of new housing;
- 3) facilitating adequate and economical provision of transportation, water supply and sewage disposal, schools, recreation and other public services.

ARTICLE II. DISTRICTS

A. The unincorporated area of the City of Newfolden is hereby divided into the following use districts:

- GR - General Residential
- DR - High Density Residential
- AR - Agriculture Residential
- RL - Rural Landscape Residential
- CM - Commercial and Industrial
- PR - Parks and Recreation
- GW - Greenway
- AG - General Agriculture

B. The districts above named are hereby established and shown on the map which shall be referred to as the "Official Zoning Map", and which map is hereby made a part of this Ordinance and copies thereof shall be kept by the City Clerk and shall be available for public inspection.

C. Notice of the adoption of this Ordinance may be recorded in the Office of the County Recorder of Marshall County, Minnesota.

D. Changes in the official zoning map shall be made by the Clerk at such times as this Ordinance is properly amended as provided herein.

ARTICLE III. DEFINITIONS

- A. Accessory Structure - A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. Structures shall include, but not be limited to, garages, storage sheds, and propane tank assemblies.
- B. Accessory Use - A use naturally and normally incidental to, subordinate to, and auxiliary to the permitted use of the premises.
- C. 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.
- D. District - Any section of the City of Newfolden from which the regulations governing the use of buildings and land are uniform.
- E. Dwelling - A dwelling is any house or building or portion thereof which is occupied wholly as a home, residence or sleeping place of one or more human beings, either permanently or transiently. In case of mixed occupancy, where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.
- F. Dwelling, One Family - A dwelling occupied only by one family, and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one family, together with such domestic help as may be necessary to service and maintain the premises and their occupants.
- G. Dwelling, Two-Family - A dwelling so designed and arranged to provide cooking and kitchen accommodations and sanitary facilities for occupancy by two families.
- H. Dwelling, Multiple - A building used or intended to be used as a dwelling, by three or more families or as an apartment house or terrace building.
- I. Essential Services - Services, including but not limited to sewer, water, roads and other public or private infrastructures, which are required to maintain public safety and well being.
- J. Farm - A farm shall be a parcel of land that is worked for commercial agricultural production as a single, continuous unit of not less than five acres in extent.
- K. Farm Yard - The area of a farm immediately around the farm residence where accessory buildings are located and are used in conjunction with general agricultural operations of the farm.
- K.1 Feedlot - Any set of buildings or structures that allows for the care and feeding of more then 10 animals.
- O. Home Occupation - Any occupation or profession carried on by a member of a family residing on the premises.
- P. Junk Yard - A place maintained for keeping, storing or piling motor vehicles, machinery and/or parts thereof, 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 classified as junk. This shall include a lot or a yard for the keeping of un-licensed motor vehicles or the remains thereof, for the purpose of dismantling, sale of parts, sale of scraps, storage or abandonment. One or more automobiles, recreational vehicles, or tractors in an inoperable condition shall be considered a junk yard. This shall not prohibit the keeping of one or more un-licensed motor vehicles within a garage or other structure in all districts. Farm trucks and implements within the Agricultural Districts are exempt from this section.

- Q. Kennel - Any building or structure for the care and housing of four or more animals of any size.
- R. Lot - A lot is any piece or parcel of land occupied, or to be occupied, by a building structure, or by other activity permitted thereon and including the open space as required under this Ordinance. A lot need not be a lot recorded with the County.
- S. Platted - Any site surveyed by a registered surveyor and presented in a form which meets the requirements to be registered with Marshall County as a legal description.
- T. Structure - Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
- U. Structure Alteration - Any changes in the supporting members of a building, such as bearing walls, columns, beams or girders or any substantial change in the roof or exterior walls.
- V. Waterfront - Land adjoining water, either a river or a lake and within 300 feet thereof.
- W. Zoned Areas - Any area designated as falling within a zoning district according to the Zoning Map.
- X. Zoning Map - The areas comprising the zoning districts and boundaries of said districts, as shown upon the maps attached hereto and made a part of this Ordinance, being designated as City of Newfolden, Official Zoning Map, with all proper notations, references and other information shown thereon.
- Y. Set-back requirements are measurement from the overhang or the furthest extended point of the structure, to the edge of ROW or property line, unless authorized in writing by the council upon permit approval.

ARTICLE IV. GENERAL REGULATIONS

The following regulations in this section shall apply to all districts:

SECTION 1. Compliance required

No land, building, structure or a part thereof may be erected, altered, constructed, reconstructed, maintained, used or occupied except in conformity with the provisions of this Ordinance.

SECTION 2. Standards

- A. District Performance Standards - No new construction shall hereafter be approved, unless it meets or exceeds the performance standards for the district in which the property is located.
- B. Subdivisions - No new construction that involves the subdivision of existing parcels shall be approved unless it meets the following conditions:
1. The subdivision is platted or surveyed and can be filed with the Marshall County Recorder's Office.
 2. Construction within the 100 year Floodplain, as outlined in the Federal Emergency Management Agency Flood Insurance Rate Map for the City, meets all flood plain construction requirements.
 3. Provisions are made for hook up to City water, sewer, and electrical unless located in a Rural Landscape District or outside City boundaries.
 4. Provisions are made for adequate roads, curb and gutter, and sidewalks.
 5. Provisions are made for access to electricity and phone.

SECTION 3. Buildings under Construction

Any buildings or structure, the construction of the whole or a part of which has been started prior to the effective date of this Ordinance may be completed.

SECTION 4. Essential Services

Essential services shall be permitted as authorized and regulated by law and other Ordinances, it being the intention hereof to exempt such essential services from the application of this Ordinance.

SECTION 5. Excavating of Mineral Material

No excavation of minerals shall be allowed within the City limits.

SECTION 6. Fences

- A. General Provisions - No fence, wall structure, planting or obstruction shall

be permitted which obstructs visibility on any road, highway or street cross corner right-of-way in order to insure traffic visibility. This is not to include wire fence that does not obstruct visibility or any fence that does not exceed 3 feet in height. Fences must meet the performance standards for setbacks in each district and at a minimum must be completely contained on the property of the person(s) or organization(s) constructing the fence. No fence, planting, or other structures shall be placed on the public right-of-way with out approval of the City. **Compliant fencing does not require a zoning permit.**

- B. Side Yard Setbacks - The side yard setback for fences shall be 2 feet in all residential zones. **Compliant fencing does not require a zoning permit.**
- C. **Property Lines - Fences are permitted on property lines or with a modified side yard setback, if written documentation is provided during the Zoning Permit process indicating all directly affected property owners are in agreement.**

SECTION 7. Dumping and Disposal of Rubbish

The use of land for the dumping or disposal of solid waste, hazardous waste or nuclear waste is not permitted within the City.

SECTION 8. Junk Yards

The use of property as a junk yard as defined within this Ordinance is not permitted within the City.

SECTION 9. Sanitary Provisions

All residential, commercial, industrial, recreational, or agricultural facilities which are located in the City boundaries and use or drain water must be connected to City water and sewer with the exception of primitive camping areas or approved homes in Rural Landscape Districts. If the City is unable to provide water or sewer services, the use of individual septic or water systems may be approved by action of the City Council.

SECTION 10. Lagoons

Lagoons for the treating of animal wastes are not permitted within Zoned Areas.

SECTION 11. Animals

- A. Animal kennels shall be located at least 200 feet from any residence or business, except that of the owner, and must meet all provisions of City Ordinances regulating animal ownership and care.
- B. No feedlot shall be allowed within the City, or within 1,320 feet of any residence within the city if the feedlot is located outside the City.

SECTION 12. Home Occupations

Home occupations shall meet the following conditions:

- A. There is no sign used other than one non-illuminated name plate measuring not more than 10 square feet in area.
- B. No person is employed for commercial purposes other than a member of the immediate family residing on the premises without a conditional use permit.
- C. The business shall be conducted within the home and no more than 50% of the total floor area of the home or 50% of the garage area is to be used for said home occupation.
- D. The presence of the Home Occupation will not cause significant, harmful and measurable increases in traffic, parking, noise levels, or other disturbances.
- E. The owner and City agree in writing to one of the following conditions:
 - 1. The business use will never expand beyond four employees at the present location; or
 - 2. The existing location of the commercial or industrial use is suitable for additional business uses in the event over four employees are needed;
- F. A permit is obtained from the City Clerk.

SECTION 13. Signs

- A. The purpose of this section is to protect, insure, maintain and regain the natural and scenic beauty and attractiveness of the City and to insure public safety. Signs are recognized as accessory uses and are permitted in all districts subject to the regulations of this Ordinance.
- B. No sign is allowed that is a hazard to the public health, safety, convenience, welfare, or that prevents ingress or egress from any door, window or fire escape; that tends to accumulate debris as a fire hazard, or that is attached to a standpipe or fire escape.
- C. Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. No sign shall be placed so as to obstruct or interfere with traffic visibility or traffic control.
- D. Private signs are prohibited within the public right-of-way of any street or easement.
- E. All signs on state and federal highways right-of-way shall conform to state and federal sign regulations.
- F. The following signs will be permitted in all districts subject to the specific standards indicated.
 - 1) Signs over show windows or doors of a conforming business establishment, announcing without display or elaboration, only the

name and occupation of the proprietor, and not to exceed four feet in height and ten feet in length.

- 2) Real estate signs not to exceed sixteen square feet in area which advertise the sale, rental, or lease of the premise upon which the sign is temporarily located.
- 3) Name, occupation and warning signs not to exceed sixteen square feet in area located on the premises.
- 4) Memorial signs, tablets and names of buildings and date of erection, when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- 5) Official signs such as traffic control, parking regulations, information and notices.
- 6) Construction signs not exceeding thirty-two square feet in area shall be allowed in all zoning districts during construction. Such signs shall be removed when the project is completed.
- 7) Temporary signs or banners when authorized by the City Council.
- 8) All other signs shall require a Conditional Use Permit.

G. Signs lawfully existing at the time of the adoption of this Ordinance may be continued, although the use, size, or location does not conform to the provisions of the Ordinance. However, it shall be deemed a non-conforming use.

H. Sign Maintenance

- 1) Painting. The owner of any sign shall be required to have such sign properly painted as needed, including all parts and supports of the sign, unless such parts or supports are galvanized or otherwise treated to prevent rust.
- 2) Area Around Sign. The owner, or lessee of any sign, or the owner of the land on which the sign is located shall keep the grass, weeds or other growth cut and the area free from refuse between the sign and the street and also for a distance of six feet behind and at the ends of said sign.

I. Any sign that no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building, or land upon which the sign may be found within ten days after written notice from the City Clerk.

J. Any sign which becomes structurally unsafe, or endangers the safety of a building or premises, or endangers the public safety, shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure, or land upon which the sign is located within ten days after written notification from the Zoning Administrator.

Section 14. - Racing or Racetracks

No racing or racetracks shall be permitted within the City, or within 500 feet of any residence within the City if the racing or racetrack is located outside the City.

ARTICLE V. GR - GENERAL RESIDENTIAL DISTRICT

SECTION 1. Purpose

General Residential Districts are established for the purpose of encouraging medium density single within a mix of other housing options. A major purpose of this district is to provide areas within the City boundaries where urban development can take place at such time that city infrastructure can be readily extended and provided.

SECTION 2. The following uses shall be permitted:

- 1) One family dwellings.
- 2) Two family dwellings.
- 3) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of such construction work.
- 4) Up to three (3) accessory buildings or structures or uses customarily incidental to any of the uses listed in this section when located on the same property.
- 5) Public utility buildings, such as substations, transformer stations and regulator stations without service or storage yards, subject to approval of the City Council in consideration of public health, safety and morals.
- 6) Home Occupation which employ family members.

SECTION 3. Uses Requiring Conditional Use Permits

- 1) Public, parochial, private and nursery schools, churches, hospitals, clinics, community buildings, and kennels.
- 2) Multi-family dwellings provided a site plan is submitted. A preliminary sketch of the proposed sites shall be submitted to the City Council for approval prior to surveying of the property. The final site plan shall be submitted to the City Council following approval of the preliminary sketch.
- 3) Bed and Breakfasts.
- 4) Home Occupations which employ non-family members.
- 5) Over 3 accessory buildings, structures or uses customarily incidental to any of the uses listed in this section when located on the same property;
- 6) Accessory buildings which exceed size and height limitations.
- 7) One family dwellings with 750 square feet of gross floor area per dwelling unit and 12 feet wide at the narrowest point, if on a lot which would not allow construction of a larger dwelling.

- 8) One family dwellings placed on a non-permanent foundation.

SECTION 4. Performance Standards

A. Structure Height Structures shall be limited to 30 feet in height. Any structure exceeding 30 feet in height shall require a conditional use permit. Structures may be granted conditional use permits provided that:

1. The Fire Chief and Building inspector have approved;
2. The height of the structure will not destroy a scenic view, will not shut off light or air from surrounding properties, or otherwise be detrimental to the public; and
3. Structures over 30 feet in height shall provide an additional five feet of side yard for each five feet in height over 35 or 30 feet in height, respectively.

B. Minimum Dwelling Size

1. Single family and two family dwellings located in all Residential Districts shall provide 1,100 square feet of gross floor area per dwelling unit, shall be 20 feet wide at the narrowest point, and shall be affixed to a permanent foundation as defined in the State Building Code.
2. Single family dwellings may provide 750 square feet of gross floor area per dwelling unit, may be 12 feet wide per dwelling unit at the narrowest point, or may be on a non-permanent foundation with a conditional use permit.
3. Multiple family dwellings having three or more units shall provide a minimum of 600 square feet of gross floor area per living unit.
4. In no case shall the combined square feet of dwellings and accessory buildings exceed 70 per cent of the lot size except in an affordable housing or multi-family developments.

C. Accessory Buildings

1. Maximum Side Wall Height - Side wall height shall be a maximum of 12 feet.
2. Large Lots - The maximum floor area and side wall height may be increased by City Council approval during the Zoning Permit process if the lot area and lot frontage provide adequate space and such construction is in keeping with existing construction in the area. Permitted increases shall be in proportion to the relationship between existing lot size and accessory building limitations established for this Zone.

D. Multiple Family Standards (Apartments, Condominiums, Cooperatives, and Townhouses)

1. The preferred location is on arterial or collector streets or in areas specifically designed for high density development.
2. May be placed as buffers in appropriate zoning districts between less dense residential uses and nonresidential uses.
3. Each multiple family development containing three or more dwelling units shall have a recreation area. The size and equipment provided shall be determined with the assistance of the City Council.
4. Sidewalks shall be provided from parking areas, trash collection areas, and recreation areas to a principal building.
5. A multiple family development shall have a front yard setback on any abutting street.

E. Lighting

Lighting used to illuminate a nonresidential use or sign shall be arranged so as to deflect light away from adjoining residential property.

F. Yard Requirements

1. The following requirements apply to all residential dwellings unless otherwise outlined in uses requiring a conditional use permit.

	One Family	Two Family	Multi Family	Accessory Buildings	All Other Uses
Lot Area (Min. Sq. Footage)	7,500	10,000	18,000		14,000
Lot Frontage	75	75	100		75
Front Yard Setback	25	25	25	25	75
Rear Yard Setback	25	25	25	25	75
Side Yard Setback	10	10	10	10	5
Dwelling - Min. Sq. Footage per Unit	1,100	950	600		
Maximum Sq. Ft. of Accessory Buildings	1,500	1,500			
Minimum Width	20	20			
Maximum Height	30	30	30	20	30

ARTICLE VI. DR - HIGH DENSITY RESIDENTIAL DISTRICT

SECTION 1. Purpose

High Density Residential Districts are established for the purpose of providing locations for single family, higher density, moderate size housing.

SECTION 2. The following uses shall be permitted:

- 1) One family dwellings entirely enclosed and on a permanent foundation.
- 2) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of such construction work.
- 3) One (1) accessory buildings or structures or uses customarily incidental to any of the uses listed in this section when located on the same property.
- 4) Two (2) accessory uses contingent on council review and approval, with consideration of necessary conditions.
- 5) Accessory uses which may exceed the maximum square feet requirement contingent on council review and approval, with consideration of necessary conditions, lot size and/or number of parcels.

SECTION 3. Uses Requiring Conditional Use Permits

- 1) Home Occupations of any type
- 2) Over (2) accessory buildings, structures or uses customarily incidental to any of the uses listed in this section when located on the same property.
- 3) One family dwellings with 750 square feet of gross floor area per dwelling unit and 12 feet wide at the narrowest point.
- 4) One family dwellings on a non-permanent foundation.

SECTION 4. Performance Standards for All Residential Districts

- A. Structure Height - Structures shall be limited to 30 feet in height. Any structure exceeding 30 feet in height shall require a conditional use permit. Structures may be granted conditional use permits provided that:
1. The Fire Chief and Building inspector have approved;
 2. The height of the structure will not destroy a scenic view, will not shut off light or air from surrounding properties, or otherwise be detrimental to the public; and
 3. Structures over 30 feet in height shall provide an additional five feet of side yard for each five feet in height over 35 or 30 feet in height, respectively.

B. Minimum Dwelling Size

1. Single family located in all Residential Districts shall provide 900 square feet of gross floor area per dwelling unit, and shall be 16 feet wide at the narrowest point.
2. Single family dwellings may provide 750 square feet of gross floor area per dwelling unit and may be 12 feet wide per dwelling unit at the narrowest point with a conditional use permit.

C. Accessory Buildings

1. Maximum Floor Area - The combined maximum floor area of all accessory buildings shall not exceed 600 square feet.
2. Maximum Side Wall Height - Side wall height shall be limited to 9 feet.

D. Lighting

Lighting used to illuminate a nonresidential use or sign shall be arranged so as to deflect light away from adjoining residential property.

E. Yard Requirements

1. The following requirements apply to all residential dwellings unless otherwise outlined in uses requiring a conditional use permit in each Zoning District.

	One Family	Accessory Buildings
Lot Area (Min. Sq. Footage)	5,000	
Lot Frontage	50	
Front Yard Setback	20	20
Rear Yard Setback	10	5
Side Yard Setback	5	5
Dwelling - Min. Sq. Footage per Unit	900	
Maximum Sq. Ft. of Accessory Buildings	600	
Minimum Width	16	
Maximum Hight	30	20

2. The City Council may require all landowners of dwellings or lots to establish land covenants that reflect additional performance standards for the District prior to any new construction in the District.

ARTICLE VII. AR - AGRICULTURE RESIDENTIAL DISTRICT

SECTION 1. Purpose. Agriculture Residential Districts are established for the purpose of allowing limited development in areas of the City where general residential development can take place at such time city services can be readily extended and provided.

SECTION 2. Permitted Uses. The following uses shall be permitted:

- A. One and two family dwellings provided they are located on lots platted for future development with City services;
- B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of such construction work;
- C. Accessory buildings or structures and uses customarily incidental to any of the uses listed in this Section when located on the same property;
- D. Public, parochial, private, and nursery schools, churches, and community buildings;
- E. Public utility buildings, such as substations, transformer stations, and regulator stations without service or storage yards, subject to approval of the Town Board in consideration of public health, safety, and morals;
- F. Publicly owned outdoor recreation areas;
- G. Public hospitals;
- H. Home occupations employing family members.

SECTION 3. Conditional Uses. Uses requiring conditional use permits:

- A. Agricultural uses.
- B. Multi-family dwellings provided a plat is submitted and City sewage and water services are provided.
- C. Bed and Breakfasts which: 1) are located on at least a four acre site with a minimum width and length of 300 feet; 2) provide lodging for no more than eight persons at one time; and 3) meet all applicable state regulations.
- D. Trails and other recreational facilities for the use of the general public, commercial purposes, or regularly scheduled events.
- E. Home occupations employing non-family members.
- F. Neighborhood business including barber shops, beauty shops, and convenience stores provided they are an arranged and harmonious part of a residential neighborhood and are located on identified arterial or collector streets.

SECTION 4. Performance Standards

- A) All construction on new building sites must be completed in an area platted for conversion to a city environment including the extension of city water, sewer, and streets. A preliminary sketch of the proposed plats shall be submitted to the Town Board for approval prior to surveying of the property. The final plat shall be submitted to the Town Board following approval of the preliminary sketch. The final plat shall be in such form that it meets requirements to be recorded with the Marshall County Recorder.
- B) Yard Requirements:

	One Family	Two Family	Multi Family	Accessory Buildings	All Other Uses
Lot Area (Min. Sq. Footage)	7,000	12,000	18,000		14,000
Lot Frontage	75	75	100		75
Front Yard Setback	25	25	25	25	75
Rear Yard Setback	25	25	25	5	35
Side Yard Setback	10	10	10	10	10
Shoreland Setback	DNR	DNR	DNR	DNR	DNR
Dwelling - Min. Sq. Footage per Unit	1,100	950	600		
Maximum Sq. Ft. of Accessory Buildings	1,500	1,500			
Minimum Width	20	20			
Maximum Height	30	30	30	20	30

ARTICLE VIII. RL - RURAL LANDSCAPE RESIDENTIAL DISTRICT

SECTION 1. Purpose

The Rural Landscape Residential District is intended to provide an option for placing homes in areas where it is impractical or undesirable to provide full City services to residents and a high quality living environment can be established by using innovative lot designs, street layouts, landscaping, and zoning district placement.

SECTION 2. The following uses shall be permitted:

- 1) One family dwellings.
- 2) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of such construction work.
- 3) Up to 3 accessory buildings, structures or uses customarily incidental to any of the uses listed in this section when located on the same property.
- 4) Public utility buildings, such as substations, transformer stations and regulator stations without service or storage yards, subject to approval of the City Council in consideration of public health, safety and morals.
- 5) Home Occupations.

SECTION 3. Uses Requiring Conditional Use Permits

- 1) Two family dwellings.
- 2) Over 3 accessory buildings, structures or uses customarily incidental to any of the uses listed in this section when located on the same property.
- 3) Dwellings which are served by City sewer and/or water.
- 4) Home occupations which employ non-family members.

SECTION 4. Performance Standards

- 1) Lot size and design must show evidence of adequate space to accommodate individual or group septic systems, well/water supplies, and minimum home design.
- 2) All requirements of Marshall County Septic System Ordinances as applicable to rural county areas, if City Sewer services are not provided.
- 3) Any Rural Landscape Residential District must establish an additional set of performance standards for the entire District which outlines how the District will meet the purpose as outlined in this section, especially maintaining a high quality living environment. Standards may address items including, but not limited to, larger lot sizes, larger living space requirements, unique landscaping, and public facilities design.

These performance standards must address the requirements for a Site Plan as outlined in Article XIII, Section 2, Site Plan if under 10 housing units and the requirements of Article XIV, Subdivisions if over 10 housing units.

- 4) The City Council may require all landowners of dwellings or lots to establish land covenants which reflect additional performance standards for the District prior to any new construction in the District.

5) Minimum Yard Requirements

	One Family	Two Family	Accessory Buildings
Lot Area (Min. Sq. Footage)	10,000	12,000	
Lot Frontage	150	150	
Front Yard Setback	25	25	25
Rear Yard Setback	25	25	25
Side Yard Setback	15	15	10
Dwelling - Min. Sq. Footage per Unit	1,100	950	
Maximum Sq. Ft. of Accessory Buildings	1,800	1,500	
Minimum Width	20	0	
Maximum Height	30	30	20

ARTICLE IX. CI - COMMERCIAL AND INDUSTRIAL DISTRICT

SECTION 1. Purpose

The purpose of the Commercial District is to allow for areas of concentrated retail, commercial, and industrial operation in the City limits which will serve the existing population with a minimum impact on surrounding districts.

SECTION 2. The following uses shall be permitted:

- 1) Restaurants, including drive-ins.
- 2) Gasoline service stations and commercial garages.
- 3) Automobile, truck, boat and trailer sales and service establishments.
- 4) Motels and motor courts.
- 5) Bowling alleys and miniature golf courses.
- 6) Personal service shops, such as barber and beauty shops, shoe repair shops, laundry and dry cleaning pickup establishments and other similar uses.
- 7) Medical and animal clinics.
- 8) Residence when included as an integral part of the principal building to be occupied by the owner or his employee.
- 9) Accessory buildings or structures and uses customarily incidental to any of the above listed uses when located on the same property.
- 10) Food services, including grocery stores, meat markets, supermarkets, restaurants, delicatessens, fruit markets and other similar uses.
- 11) Equipment services, including radio and television shops, electrical appliance shops, show room of a plumber, decorator or similar trade, or farm equipment.
- 12) Hotels, motels, private clubs, private lodges, wholesale establishments, taverns and night clubs, trade schools, commercial parking garages, sales rooms, public transportation terminals, public utility buildings and transformer stations without storage yards.
- 13) Recreation services, including theaters, bowling alleys, pool and billiard rooms, dancing academies and roller and ice skating rinks.
- 14) Any commercial establishments or professional services or commercial services not specifically stated or implied elsewhere in this Ordinance.
- 15) Buildings and uses customarily necessary to any of the above permitted areas, or uses, but which will not be detrimental either by reason of odor, smoke, noise or vibration to the surrounding neighborhood.

SECTION 3. Use Requiring Conditional Use Permits

- 1) Housing occupied by the business owner.
- 2) Rental housing as part of a business.
- 3) Kennels.
- 4) Single family housing.
- 5) Commercial Auto Salvage.
- 6) Building materials storage yards.
- 7) Contractors equipment rental or storage yards.
- 8) Fuel yards provided they meet all State and Federal standards.
- 9) Public utility service buildings and yards and electric transformer stations and substations.
- 10) Any wholesale business, including warehousing and storage buildings, commercial laundries and dry cleaning plants.
- 11) Manufacture, compounding or treatment of such products as bakery goods, candy, cosmetics, dairy products, food products, drugs, perfumes, pharmaceutical and toiletries.
- 12) Manufacturing, compounding or treatment of such articles or merchandise from the following previously prepared materials which have been manufactured elsewhere: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals, or stones, shells, textiles, tobacco, wood (excluding planing mills) yards, and paint, not employing a boiling process.
- 13) Any kind of manufacturing process or treatment of products using light machinery such as tool and die shops and metal fabricating plants.
- 14) Commercial Auto Salvage.
- 15) Manufacturing of cement, lime, gypsum or plaster.
- 16) Distillation of bone, coal, tar, petroleum, refuse, grain or wood.
- 17) Explosive manufacture or storage.
- 18) Commercial fertilizer manufacturing, compost or storage.

- 19) Glue manufacturing, size, or gelatine manufacturing where the processes include the refining or recovery of products from animal refuse or offal.
- 20) Livestock feeding yards, kennels, slaughtering of animals or stockyards.
- 21) Petroleum or asphalt refining or manufacturing.
- 22) Smelting or refining of metals from ores.
- 23) Steam and board hammers and forging presses.
- 24) Storing, curing and tanning of raw, green or salted hides or skins.
- 25) Sulphurous, sulfuric, nitric, picric, carbolic or hydrochloric or other corrosive acid manufacturing and/or bulk storage thereof.
- 26) Quarrying and crushing of rock and other minerals.
- 27) Motorized racing facilities or tracks.
- 28) Any lawful use of land or building not herein expressly prohibited or provided for and which by its nature does not through noise, dirt, soot, offensive odors or unsanitary conditions constitute either a public or private nuisance.
- 29) Adult Entertainment.

SECTION 4. Performance Standards

- 1) All zoning permits shall include a complete site plan.
- 2) Lot size for construction of commercial or industrial buildings shall be a minimum of 7,000 square feet with 50 feet of front footage and a 10 foot setback.
- 3) Proposed housing must provide a site plan detailing the location, type, and occupancy category of the housing, along with a description of the factors which indicate the housing would not conflict with existing commercial uses. A preliminary sketch of the proposed sites shall be submitted to the City Council for approval prior to surveying of the property. The final site plan shall be submitted to the City Council following approval of the preliminary sketch.

ARTICLE X. PR - PARKS AND RECREATION DISTRICT

SECTION 1. Purpose

The purpose of the Parks and Recreation District is to identify and promote areas of the City for a wide range of recreational uses which require the construction of buildings and the alteration of the natural terrain.

SECTION 2. The following uses shall be permitted:

- 1) Game and sports areas, pavilions, bandstands, picnic shelters, recreational equipment, and swimming areas.
- 2) Primitive camping areas, including outhouse facilities provided such facilities meet Marshall County septic system regulations.
- 3) Agricultural uses which existed at the implementation of this Ordinance.

SECTION 3. Uses Requiring Conditional Use Permits:

- 1) Campground facilities that offer water, sewer, electrical, or modern restroom/shower facilities.
- 2) The construction of trails for hiking, biking, horseback riding, ATV, snowmobile, or other uses which require alterations or which will cause damage to the natural terrain.
- 3) Raising crops and cutting hay, for the purpose of providing food and habitat for wildlife or for domestic livestock under lease with the authority managing the wildlife area.
- 4) Public river access, marinas, or docks.
- 5) Commercial activities including food stands, rental operations, or public performing areas.
- 6) Dikes, dams, drainage systems, spillways, or other alternations which affect water movement.

SECTION 4. Performance Standards

- 1) All Zoning permits shall include a complete site plan.

ARTICLE XI. - GW GREENWAY DISTRICT

SECTION 1. Purpose

The purpose of the Greenway District is to prevent development in parts of the flood plain which are incompatible with building construction.

SECTION 2. The following uses shall be permitted:

- 1) Primitive camping areas that are served by restroom facilities outside the flood plain.
- 2) Agricultural uses limited to general agriculture, forestry, pasture, and commercial gardening.
- 3) Recreational uses limited to nature study, walking, hiking, picnic grounds, and undeveloped recreational areas.

SECTION 3. Uses Requiring Conditional Use Permits:

- 1) The construction of trails for hiking, biking, horseback riding, ATV, snowmobile, or other uses.
- 2) Camping facilities or parks that require any improvements.
- 3) Dikes, dams, drainage systems, spillways, or other alterations which affect water movement.

SECTION 4. Performance Standards

- 1) All Zoning permits shall include a complete site plan.

SECTION 5. Federal and State Approval:

Any building or construction within the District must be approved by the appropriate Federal and State agencies.

SECTION 6. City Flood Plain Ordinance

All property zoned as Flood Plain under this Article are governed by the City Flood Plain Ordinance. In the event any provisions of this Article conflict with the provisions of the City Flood Plain Ordinance the provisions of the City Flood Plain Ordinance shall prevail.

ARTICLE XII. AG - AGRICULTURAL DISTRICT

SECTION 1. Purpose

General Agricultural areas are established for the purpose of allowing agricultural use within the City if compatible with residential use.

SECTION 2. Permitted Uses. The following uses shall be permitted:

- A. Agriculture and general farming, excluding the raising of livestock and poultry, dairying, horticulture, farm forestry, and similar enterprises;
- B. Truck gardens and nurseries;
- C. Public utility buildings, such as substations, transformer stations, and regulator stations without service or storage yards;
- D. Public, parochial, private, and nursery schools, churches, and community buildings;
- E. One temporary building for the sale of the produce of any of the above uses, located not less than 20 feet from the street or highway right-of-way line, and provided that space for patron parking 20 feet from said street or highway right-of-way line is provided;

SECTION 3. Conditional Uses. Uses requiring conditional use permits:

- A. One or Two family dwellings provided such dwellings are located on at least a four acre site with a minimum width and length of 300 feet and located in such a manner as to not impede future general residential development with city infrastructure;
- B. Lagoons or other public sewage disposal system;
- C. Private or public recreation facilities and trails;
- D. Commercial or industrial permitted uses which employ no more than four persons, are located on at least a ten acre site with a minimum width and length of 300 feet, which show no evidence of conflicting land use, and where the owner and Township agree in writing to one of the following conditions:
 - 1. The commercial or industrial use will never expand beyond four employees at the present location; or
 - 2. The existing location of the commercial or industrial use is suitable for re-zoning to commercial or industrial in the event over four employees are needed;
 - 3. The business is located in such a manner as to not impede future general residential development with city infrastructure

- E. Commercial radio, telephone, television, or other communication towers and transmitters;
- F. Kennels.
- G. Any tower or facility for the purpose of generating electricity through the use of wind energy.
- H. Cemeteries, including animal cemeteries;

SECTION 4. Performance Standards

- A) Unless located in a high density subdivision, each dwelling must be: located on at least a four acre lot with a minimum width and length of 300 feet, be at least 20 feet wide, have 200 feet frontage on an existing road, and be located entirely within a quarter-quarter section on a separately owned parcel.
- B) Yard Requirements:

	One Family	Two Family	Accessory Buildings	All Other Uses
Lot Area (Min. Sq. Footage)	4 Acres	4 Acres		4 Acres
Lot Frontage	300	300		300
Lot Length	300	300		300
Front Yard Setback	25	25	25	25
Rear Yard Setback	25	25	25	25
Side Yard Setback	10	10	10	10
Shoreland Setback	150	150	150	150
Dwelling - Min. Sq. Footage per Unit	900	900		
Maximum Sq. Ft. of Accessory Buildings				
Minimum Width	20	20		
Maximum Height	30	30	20	30

- C) Road Setbacks

Required setback distance from Road centerline:

State Highway	150
County Road	100
Local Street	100
Frontage Road	70

ARTICLE XIII. NON-CONFORMING USE

- A. The following provisions shall be applicable to any non-conforming use in any of the districts:
- 1) Non-Conforming use, buildings: The lawful use of a building or structure on land existing at the time of the adoption of this Ordinance may be continued although such does not conform with the district provisions hereof.
 - 2) Non-Conforming use, extension: A non-conforming use may be extended throughout the building or structure, provided no structural alternations or changes are made therein, except those required by law or ordinance or such as may be necessary to secure or insure the continued advantageous use of the building during its natural life. A non-conforming use may not be extended to any addition to a building built after the adoption of this Ordinance.
 - 3) Non-Conforming use, damaged: Any non-conforming building or structure damaged more than sixty percent of its then appraised market value according to the Marshall County Assessors Office, exclusive of foundations at the time of 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 percent damaged above the foundation, it may be restored, reconstructed or used as before, provided that it is done within twelve months of happening and that it be built of like or similar materials.
 - 4) Non-Conforming use, land: The non-conforming use of land where a structure thereon is not so employed, existing at the time that this Ordinance becomes effective, may be continued provided: (a) the non-conforming use of land shall not in any way be expanded or extended either on the same or adjoining property; (b) that if the non-conforming use of land, existing at the time this Ordinance became effective, is hereafter discontinued or changed, then the future use of such land shall be in conformity with the provisions of this Ordinance.
 - 5) Non-Conforming use, change: 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 area.
 - 6) Non-Conforming use, discontinuance: In the event that a non-conforming use of any building, building and land, or land only, is discontinued for a period of one year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.
 - 7) Non-Conforming use, zone change: The foregoing provisions relative to non-conforming uses shall apply to buildings, land and uses which hereafter become non-conforming due to reclassification of districts under this Ordinance.
 - 8) Non-Conforming use, existing residents: Any tracts now occupied as a residence at the time this Ordinance is adopted, shall be considered as

having been zoned as residential, regardless of whether or not this property is zoned as such on the official zoning map. This shall apply to such property, whether said property has been platted or is described by metes and bounds. Corrections on the map may be made at a future date without a public hearing or upon request by the owner of such property.

ARTICLE XIV. ADMINISTRATION

SECTION 1. Zoning Permits

- A. Zoning Permits Required - On and after the effective date of this Ordinance no person shall:
1. Erect a new structure, add an addition to a structure, or move an existing structure to a new site;
 2. Complete any construction on a site currently without buildings;
 3. Complete any construction that will change the use of a site or add a new use to a site;
 4. Change the use of a site or add a new use to a site;
 5. Complete any construction that violates the Lot Requirements for a District or other provisions of this Ordinance;

without first completing and submitting a Zoning Permit Application

- B. Applications for a zoning permit shall be signed by the applicant or his agent and filed with the City Clerk. The application shall be accompanied by a site plan. Written applications for a Zoning Permit, Conditional Use Permit, Variance, Zoning Amendment, or any other action related to this Ordinance must be approved or denied within 60 days of the date all required information is submitted to the City Clerk. The time line may be extended by up to 60 additional days upon written notification to the applicant stating the reason for the extension.
- C. The application shall state the nature of the proposed construction or addition, the estimated cost, the present and proposed use of the land or any structure on the premises.
- D. Documentation that all applicable floodplain, shoreland, septic system, and wetland, regulations have been cleared.
- E. Non-family Home Occupations - On and after the effective date of this Ordinance no person shall start a home occupation that will employ non-family members without completing a Zoning Permit.
- F. Agricultural Districts are exempt from zoning permit requirements for any uses not covered under Conditional Uses.
- G. Zoning permit Fees shall be set by the City Council

SECTION 2. Site Plan

Applications for a zoning permit, conditional use permit, variance, or zoning amendment shall provide a site plan with the specific information as required by the City Clerk or as required in Performance Standards for the District. This may include any of the following:

1. Legal description and lot size of the proposed development.
2. The location of, distance to and size of adjoining boundary lines, drainage systems, roadways, public utilities, residential properties, lagoons, kennels, recreational areas, sensitive natural areas, racing facilities, parking lots, principal buildings, accessory uses, storage areas, required buffers, existing improvements, and easements.
3. Soil information.
4. Plans for sanitary sewage disposal and surface drainage.
5. Location and size of access to streets.
8. Landscaping and elevation plans.
9. Stages and timing of development program.
10. Such other information as may be requested by the governing body.

SECTION 3. Conflict With Other Laws

Whenever any provision of this Ordinance imposes requirements more stringent than required existing provisions of the State of Minnesota or any other Ordinance or regulation of Marshall County, or any township, provisions of this Ordinance shall govern.

SECTION 4. Conditional Use Permits

- A. Conditions - Conditions may be imposed to protect the health, safety, moral, and general welfare of the City to any new or amended conditional use permit. The condition shall be in addition to the requirement specified in this Section. Conditions may include, but are not limited to the following:
1. Increasing the required lot size or yard dimensions;
 2. Limiting the height, size or location of the buildings;
 3. Controlling the location and number of motor vehicle access points;
 4. Setting the street width;
 5. Setting a required number of off-street parking spaces;
 6. Limiting the number, size, location, or lighting of signs;
 7. Requiring buffers, diking, drainage, fencing, landscaping, or other facilities to protect adjacent or nearby property;
 8. Designating sites for open space;

9. Time limits and review dates;
10. Increased setbacks;
11. Such other conditions as the City may require.
12. Payment of a fee as set by the City Council.

B. Procedure

1. The applicant applying for a conditional use permit shall fill out and submit to the City Clerk a Zoning Permit Application form together with the established fee. The applicant shall also submit exhibits deemed necessary by the City Clerk to evaluate the application.
2. The City Clerk shall transmit the application for a conditional use permit and exhibits to the City Council for public hearing.
3. A notice of the time, place, and purpose of the hearing shall be published in the official newspaper of the City at least ten (10) days prior to the day of the hearing.
4. A notice of the time, place, and purpose of the hearing shall be mailed at least ten (10) days before the day of the hearing to property owners within 350 feet in a residential or commercial area or 1500 feet in any other area of the property to which the variance relates. Notice shall be in writing, mailed by first class mail, to be effective on date of mailing. Failure to give mailed notice to individual property owners or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this provision has been made.
5. The City Council shall hold a public hearing of the proposed conditional use permit after receipt of the proposed permit.
6. Persons requesting a conditional use permit shall appear before the City Council in order to answer any questions.
7. The City Council shall take action on the application for conditional use within 60 days. The City Council may approve, disapprove, or conditionally approve a proposed conditional use permit.
8. Once denied by the City Council, an application for a conditional use permit shall not be reconsidered by the City Council for twelve (12) months.

- C. Review - When a time limit or periodic review is included as condition by which a conditional use permit is granted, the conditional use permit may be reviewed at a public hearing with notice of the time, place, and purpose of said hearing published at least ten (10) days prior to the review. The holder of the conditional use permit shall receive ten (10) days mailed notice of the time, place and purpose of the hearing to be effective on date

of mailing. It shall be the responsibility of the City Clerk to schedule such public hearings and the owner of land having a conditional use permit shall not be required to pay a fee for such review. A public hearing for annual review of a conditional use permit may be granted at the discretion of the City Council.

- D. Time Limits - Once issued, a conditional use permit shall be null and void if construction of the proposed project has not been 20 percent completed within one year of the date that the conditional use permit was granted. The conditional use permit shall expire if that use shall cease for more than 12 consecutive months.
- E. Modification - Any modification involving structural alterations, enlargement, intensification of use, or similar modifications not specifically permitted by the conditional use permit shall require an amended conditional use permit.
- F. Conditional Use Review Criteria - No conditional use shall be approved by the City Council unless the Council 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 not substantially diminished and impair the property values within the immediate vicinity.
 - 2. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 - 3. That adequate utilities, roads, water, sewer, waste water treatment, solid waste disposal, access roads, drainage and other necessary facilities have been or are being provided.
 - 4. 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 manner that no disturbance to neighboring properties will result.
 - 5. That adequate protection has been provided for any unique or sensitive environmental conditions in the area.
 - 6. Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection therewith.

SECTION 5. Appeals

The City Council shall have the power to hear and decide appeals from any order, requirement, decisions, grant, or refusal made by the City Clerk in the administration of this Ordinance. An appeal shall be in writing and filed in duplicate with the City Clerk. Within ten days after filing of the appeal, the City Clerk shall transmit to the City Council all papers involved in the proceedings. Upon receipt of this material, the City Council shall set a hearing

and give notice in writing, mailed by first class mail, to be effective on date of mailing, of the time, place, and purpose thereof to the Appellant and to the City Clerk. The City Council may reverse or affirm, wholly or in part, any ruling, decision, or determination and may issue or direct the issuance of a permit. The decision of the City Council is the final administrative decision and may be appealed pursuant to statute.

SECTION 6. Administration

It shall be the duty of the City Council to administer and enforce the provisions of this Ordinance. The City Council at its option may appoint a City Inspector to administer and enforce under the direction of the City Council, the provisions of this Ordinance.

SECTION 7. Zoning Amendments

A. Criteria for Granting Zoning Amendments. In granting a request for a re-zoning, the City Council shall consider the effect of the proposed zoning amendment upon the health, safety, morals, and general welfare of the occupants of surrounding lands. Among other things, the City Council shall make the following findings where applicable.

1. That the re-zoning conforms to the Comprehensive Plan for the City, as well as present land uses.
2. That the re-zoning will not impede the normal and orderly development and improvement of surrounding property for uses predominant in the area.
3. That the re-zoning will not adversely affect property values of the adjacent landowners.
4. That the re-zoning will not impose other undue hardship on adjacent landowners such as noise, electrical display signs, odors, or other nuisances.
5. That necessary utilities be available to serve the use intended.
6. That additional public service needed by the re-zoning be considered.
7. That alternate areas previously zoned for the intended use be considered.
8. That there is a public need for the proposed land use.

B. Procedure

1. Application for zoning amendment may be initiated by the City Council, or the property owner or agent of the property owner.
2. Persons wishing to initiate an application for zoning amendment shall fill out and submit to the City Clerk a Zoning Permit Application together with a fee established by the City Council. The applicant

shall also submit exhibits deemed necessary for the City Clerk to evaluate the applications.

3. A notice of the time, place, and purpose of the hearing shall be published in the official newspaper of the City at least ten (10) days prior to the day of the hearing.
4. A notice of the time, place, and purpose of the hearing shall be mailed at least ten (10) days before the day of the hearing to property owners within 350 feet in any residential or commercial area or 1500 feet in any other area of the property to which the zoning amendment relates. Notice shall be in writing, mailed by first class mail, to be effective on date of mailing. Failure to give mailed notice to individual property owners or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this provision has been made.
5. The City Council shall hold a public hearing of the proposed zoning amendment after receipt of the proposed zoning amendment.
6. Persons requesting a zoning amendment shall appear before the City Council in order to answer any questions.
7. The City Council shall take final action on the application for variance within 60 days after the initial recommendations. The City Council may approve, disapprove, or conditionally approve a proposed amendment. A two-thirds vote of all its members is necessary for an approval or conditional approval that changes the zoning district from residential to commercial or industrial.
8. Fees for a zoning amendment application shall be as set by the City Council.

SECTION 8. Petitions Previously Denied

A period of not less than one year is required between presentation of petitions for a change of amendment applying to a specific piece of property where prior petition was denied.

SECTION 9. Variances

The City Council, upon request, shall have the power to authorize variances for the requirement of this Ordinance, and to attach such conditions to the variance as it deems necessary to assure compliance with the purpose of this Ordinance.

- A. Criteria for Granting Variances. A variance may be granted only in the event that all of the following circumstances exist:
1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zoning district or vicinity and result-from lot size or shape, topography, or other circumstances over which the owners of the property had no control.
 2. That literal interpretation of the provisions of this Section would

deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under this Section.

3. That the special condition or circumstances do not result from the action of the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Section to owners of other lands, structures, or buildings in the same zoning district.
5. The variance requested is the minimum variance that would alleviate the undue hardship.
6. The variance would not be detrimental to the purposes of this Section, to the Comprehensive Plan, or to property in the same zoning district.

B. Conditions - Conditions may be imposed to protect the health, safety, moral, and general welfare of the City to any new or amended variance. The conditions shall be in addition to the requirements specified in this Section. The conditions may include, but are not limited to, the following:

1. Increasing the required lot size or yard dimensions;
2. Limiting the height and size of motor vehicle access points;
3. Controlling the location and number of motor vehicle access points;
4. Setting the street width;
5. Setting a required number of off-street parking spaces;
6. Limiting the number, size, location, or lighting of signs;
7. Requiring buffers, diking, drainage, fencing, landscaping, or other facilities to protect adjacent or nearby property;
8. Designating sites for open space;
9. Time limits and review dates;
10. Such other conditions as the City may require.

C. Procedure

1. The applicant applying for a variance shall fill out and submit to the City Clerk a Zoning Permit Application together with a fee established by the City Council. The applicant shall also submit exhibits deemed necessary by the City Clerk to evaluate the application.
2. The City Clerk shall transmit the application for variance and exhibits to the City Council for public hearing.
3. A notice of the time, place, and purpose of the hearing shall be published in the official newspaper of the City at least ten (10) days

prior to the day of the hearing.

4. A notice of the time, place, and purpose of the hearing shall be mailed at least ten (10) days before the day of the hearing to property owners within 350 feet in a residential or commercial area or 1500 feet in any other area of the property to which the variance relates. Notice shall be in writing, mailed by first class mail, to be effective on the date of mailing. Failure to give mailed notice to individual property owners or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this provision has been made.
5. The City Council shall hold a public hearing of the proposed variance after receipt of the proposed variance.
6. Persons requesting a variance shall appear before the City Council in order to answer any questions.
7. The City Council shall take action on the application for variance within 60 days. The City Council may approve, disapprove, or conditionally approve a proposed variance.
8. Once denied by the City Council, an application for variance shall not be reconsidered by the City Council for twelve (12) months.

SECTION 10. Violations and Penalties

Any person or corporation who shall violate or refuse to comply with any of the provisions of this Ordinance shall be subject upon the conviction thereof, to a fine of not less than \$10.00 nor more than \$1,000.00, or imprisonment of not more than 90 days for each offense; each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 11. Effective Date

This Ordinance shall be effective upon its passage and publication.

SECTION 12. Validity

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the parts declared to be invalid.

City of Newfolden Zoning Ordinance

Newfolden Zoning Permit Application

Check Type of Application: Zoning Permit Conditional Use Permit
 Variance Zoning Amendment Home Occupation Subdivision

When do I need to make a Building and Zoning application?

Zoning permit - When you are constructing a new structure, altering an existing structure, adding an addition to an existing structure, or moving a structure where zoning permit fees apply.

Conditional Use Permit - When your intended use falls under a Conditional Use for the Zoning District of the property as outlined in the Newfolden City Zoning Ordinance.

Variance - When your property use requires an exception to the requirements outlined in the Newfolden City Zoning Ordinance. This includes any use not specifically listed as a permitted use or a conditional use.

Zoning Amendment - When you would like to have your property and/or other property re-zoned from one zoning district to another.

Home Occupation - When you are running a business in your home which employs only family members. Employing non-family members requires a conditional use permit.

Subdivision - When you are dividing existing parcels of property.

Applicant Information (Please Print)

Name _____ Phone _____

Address _____

What type of Site Plan do I have to provide for my application?

The City Clerk will check all the required items listed on the back of this form.

Project Information

- What is the nature of the proposed construction or addition, the estimated cost, the present and proposed use of the land or any structure on the premises?

(Please Describe on Back)

- Have all applicable floodplain, shoreland, septic system, and wetland regulations been cleared?

(Please Describe on Back)

Signature of Applicant

_____ Date _____

Approvals Needed (City Clerk Will Check): City Clerk City
Council

Approved by:

_____ Date _____
City Clerk

_____ Date _____
City Council

Site Plan

The City Clerk will check the box in front of all items that apply to your request. Information may be provided on this page or attached pages.

Site Plan

- Legal description and lot size of the proposed development.

- The location of, distance to and size of adjoining boundary lines, drainage systems, roadways, public utilities, residential properties, lagoons, kennels, recreational areas, sensitive natural areas, racing facilities, feedlots, parking lots, principal buildings, accessory uses, storage areas, required buffers, existing improvements, and easements.

- Soil information.

- Plans for sanitary sewage disposal and surface drainage.

- Location and size of access to streets.

- Landscaping and elevation plans.

- Stages and timing of development program.

- Subdivision Information

- Such other information as may be requested by the governing body. (Items may include drawings, engineering reports, land surveys, etc.) City Clerk should list below:
