

City of Greenbush Ordinance No 80 ZONING ORDINANCE



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Index

Article I. Purpose 4

Article II. Districts 4

Article III. Definitions 5

Article IV. General Regulations

 Compliance Required 6

 Standards 6

 Buildings Under Construction 7

 Essential Services 7

 Excavation of Mineral Materials 7

 Fences 7

 Dumping and Disposal of Rubbish 7

 Junkyards 7

 Sanitary Provisions 7

 Lagoons 7

 Animals 7

 Home Occupations 8

 Signs 8

Article V. R1 - Original Townsite District

 Purpose 9

 Permitted Uses 9

 Conditional Uses 9

 Performance Standards 10

Article VI. R2 - General Residential District

 Purpose 11

 Permitted Uses 11

 Conditional Uses 11

 Performance Standards 12

Article VII. R3 - Restricted Residential District

 Purpose 13

 Permitted Uses 13

 Conditional Uses 14

 Performance Standards 14

Article VIII. R4 - Multiple Unit Residential District

 Purpose 15

 Permitted Uses 15

 Conditional Uses 15

 Performance Standards 15

Article IX. R5 - High Density Residential District

 Purpose 16

 Permitted Uses 17

 Conditional Uses 17

 Performance Standards 17

Article X. R6 - Rural Landscape Residential District

 Purpose 18

 Permitted Uses 18

 Conditional Uses 18

 Performance Standards 18

Article XI. CM - Commercial District

 Purpose 19

 Permitted Uses 19

 Conditional Uses 20

 Performance Standards 20

Article XII. ID - Industrial District

 Purpose 20

 Permitted Uses 20

 Conditional Uses 21

Performance Standards	22
Article XIII. PR -Parks and Recreational District	
Purpose	22
Permitted Uses	22
Conditional Uses	22
Performance Standards	22
Article XIV. GW - Greenway District	
Purpose	23
Permitted Uses	23
Conditional Uses	23
Performance Standards	23
Federal and State Approval	23
City Floodplain Ordinance	23
Article XV. AG - General Agricultural District	
Purpose	23
Permitted Uses	23
Conditional Uses	24
Performance Standards	24
Article XVI. Non-Conforming Use	
Provisions	34
Article XVII. Administration	
Permits	25
Site Plan	25
Conflict with other Laws	26
Conditional Use Permits	26
Appeals	28
Administration	28
Zoning Amendments	28
Petitions previously denied	29
Variances	30
Violations and Penalties	31
Effective Date	31
Validity	32
Building and Zoning Permit Application	33
Article XVIII. Subdivisions	
Purpose	35
Definitions	35
Plat Presentation Procedures	36
Plat Presentation Requirements	37
Design Standards	39
Required Improvements	41
Public Land Dedication	43
Administration and Enforcement	43
Developers Agreement	44
Violation a Misdemeanor	45
Article XIX. Building Requirements	
Requirements Chart.....	45

Please note: Color Versions of Zoning Map Available from the City Clerk

CITY OF GREENBUSH ORDINANCE

AN ORDINANCE PROVIDING FOR THE ZONING OF THE INCORPORATED AREAS OF THE CITY OF Greenbush, Roseau COUNTY, MINNESOTA

The City Council of the City of Greenbush 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 Greenbush. 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 Greenbush is hereby divided into the following use districts:
 - R1 - Original Townsite
 - R2 - General Residential
 - R3 - Restricted Residential
 - R4 - Multi-Unit Residential
 - R5 - High Density Residential
 - R6 - Rural Landscape
 - CM - Commercial
 - ID - Industrial
 - PR - Parks and Recreation
 - GW - Greenway
 - AG - 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 Roseau County, Minnesota.
- D. Changes in 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.
- B. Accessory Use - A use naturally and normally incidental to, subordinate to, and auxiliary to the permitted use of the premises.
 - B1. Board of Zoning Appeals - A Board of five city residents as appointed by the City Council.
- 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 Greenbush 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 which is worked for commercial agricultural production as a single, continuous unit of not less than five acres in extent.
- K. Farm Yard - That 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.
- L. Home Occupation - Any occupation or profession carried on by a member of a family residing on the premises.
- M. 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, and 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.

- N. Kennel - Any building or structure for the care and housing of four or more animals of any size.
- O. 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.
- P. Platted - Any site surveyed by a registered surveyor and presented in a form which meets the requirements to be registered with Roseau County as a legal description.
- Q. Structure - Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
- R. 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.
- S. Waterfront - Land adjoining water, either a river or a lake and within 300 feet thereof.
- T. Zoned Areas - Any area designated as falling within a zoning district according to the Zoning Map.
- U. 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 Greenbush, Official Zoning Map, with all proper notations, references and other information shown thereon.

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 which involves the subdivision of existing parcels shall be approved unless it meets the following conditions:
 1. The subdivision is platted according to the provisions of Article XVI. Subdivisions.
 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 and sewer, 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

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 which does not obstruct visibility or any fence which 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 without approval of the City.

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. No farm or exotic animals shall be kept within a Zoned Area without a conditional use permit.

B. 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.

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 25% 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. 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 non-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 this 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 which 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.

ARTICLE V. R1 - ORIGINAL TOWNSITE DISTRICT

SECTION 1. Purpose

The Original Townsite District is established for the purpose of preserving the current character of the District, including the prevalence of smaller lots and two story homes.

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 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.
- 4) Home Occupation.

SECTION 3. Uses Requiring Conditional Use Permits

- 1) One family dwellings with 750 square feet of gross floor area per dwelling unit and 12 feet wide at the narrowest point.

- 2) One family dwelling with a non-permanent foundation.
- 3) Two family dwellings.
- 4) Public, parochial, private and nursery schools, churches, hospitals, community buildings, hair salons and kennels.
- 5) Bed and Breakfasts.
- 6) Home Occupations which employ non-family members.
- 7) Over 2 accessory buildings, structures or uses customarily incidental to any of the uses listed in this section when located on the same property.
- 8) 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.

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 dwellings shall provide 950 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. In no Case shall the combined square feet of dwellings and accessory buildings exceed 70 per cent of the lot size except.

C. Accessory Buildings

1. Maximum Floor Area - The combined maximum floor area of all accessory buildings shall not exceed 1,000 square feet.
2. Maximum Side Wall Height - Side wall height shall be limited to 9 feet. One accessory building of up to a maximum of 775 square feet in floor area may have side walls of up to 12 feet in height.

D. Supplemental Lot Regulations

1. A single family dwelling may be erected on a lot having less than the minimum required area and width provided the lot existed by virtue of a recorded plat or deed on the effective date of this Chapter. In no event shall a single family dwelling be erected on a lot less than 5,000 square feet in area or less than 40 feet in width measured at front building line.

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 one adjacent structure, the minimum front yard setback shall be the average of the adjacent structure and the required setback. In no case shall the front yard setback be less than 15 feet or exceed 35 feet;

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

See Article XIX for requirements that apply to all residential dwellings unless otherwise outlined in uses requiring a conditional use permit.

ARTICLE VI. R2 - GENERAL RESIDENTIAL DISTRICT

SECTION 1. Purpose

General Residential Districts are established for the purpose of encouraging medium density single or two family residential developments. A major purpose of this district is to provide areas within the City boundaries where urban development can take place at such time that urban services 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.

SECTION 3. Uses Requiring Conditional Use Permits

- 1) Public, parochial, private and nursery schools, churches, hospitals, community buildings, hair salons 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) 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.

7) 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 Floor Area - The combined maximum floor area of all accessory buildings shall not exceed 1,500 square feet.

2. Maximum Side Wall Height - Side wall height shall be limited to 9 feet. One accessory building of up to a maximum of 775 square feet in floor area may have side walls of up to 12 feet in height.

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

See Article XIX for requirements that apply to all residential dwellings unless otherwise outlined in uses requiring a conditional use permit.

ARTICLE VII. R3 - RESTRICTED RESIDENTIAL DISTRICT

SECTION 1. Purpose

Restricted Residential Districts are established for the purpose of encouraging lower density single family residential development with larger dwelling size and limited road access.

SECTION 2. The following uses shall be permitted:

- 1) One family owner occupied dwellings with enclosed parking.
- 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 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.
- 4) Home Occupation.

SECTION 3. Uses Requiring Conditional Use Permits

- 1) Single family rental dwellings.
- 2) Multiple-unit dwellings without a common entry and with enclosed parking attached to individual units, 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) Over 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.

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 dwellings shall provide 1,400 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. Access to city streets should be by a common entrance.
2. Multiple unit dwellings shall provide a minimum of 1,100 square feet of gross floor area per living unit and must provide for enclosed parking.
3. In no case shall the combined square feet of dwellings and accessory buildings exceed 70 per cent of the lot size except in multi unit developments.

C. Accessory Buildings

1. Maximum Floor Area - The combined maximum floor area of all accessory buildings shall not exceed 1,500 square feet for single family dwellings or 500 square feet per unit for multiple unit dwellings.
2. Maximum Side Wall Height - Side wall height shall be limited to 9 feet. One accessory building of up to a maximum of 775 square feet in floor area may have side walls of up to 12 feet in height.

D. Multiple Unit Standards

1. Each multiple unit development containing three or more dwelling units shall adequate area for recreation. The size and equipment provided shall be determined with the assistance of the City Council.

2. A multiple unit 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

See Article XIX for requirements that apply to all residential dwellings unless otherwise outlined in uses requiring a conditional use permit.

ARTICLE VIII. R4 - MULTIPLE UNIT RESIDENTIAL DISTRICT

SECTION 1. Purpose

Multiple Unit Residential Districts are established for the purpose of promoting areas which are designed for high density, larger living space, multi-unit housing.

SECTION 2. The following uses shall be permitted:

- 1) Multiple unit, single story, individual entry dwellings with enclosed parking. Single story designs may include split levels provided individual units are not connected with common corridors.
- 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 1 accessory buildings, structures or uses customarily incidental to any of the uses listed in this section when located on the same property.
- 4) Home Occupations.

SECTION 3. Uses Requiring Conditional Use Permits

- 1) One family dwellings.
- 2) Multiple unit, common entry, multiple story dwellings with enclosed parking 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) Over 1 accessory buildings, structures or uses customarily incidental to any of the uses listed in this section when located on the same property.

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 dwellings located in all Residential Districts shall provide 1,400 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. Multiple family dwellings having three or more units shall provide a minimum of 1000 square feet of gross floor area per living unit.

C. Accessory Buildings

1. Maximum Floor Area - The combined maximum floor area of all accessory buildings shall not exceed 750 square feet.
2. Maximum Side Wall Height - Side wall height shall be limited to 9 feet. One accessory building of up to a maximum of 775 square feet in floor area may have side walls of up to 12 feet in height.

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. A multiple family development shall have a front yard setback on any abutting street.

E. Yard Requirements

See Article XIX for requirements that apply to all residential dwellings unless otherwise outlined in uses requiring a conditional use permit.

ARTICLE IX. R5 - 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.
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.

SECTION 3. Uses Requiring Conditional Use Permits

1. Home Occupations of any type
2. Over 1 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.

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. See Article XIX for requirements that apply to all residential dwellings unless otherwise outlined in uses requiring a conditional use permit.
2. 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.

ARTICLE X. R6 - RURAL LANDSCAPE 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 Roseau 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

See Article XIX for requirements that apply to all residential dwellings unless otherwise outlined in uses requiring a conditional use permit.

ARTICLE XI. CM - COMMERCIAL DISTRICT

SECTION 1. Purpose

The purpose of the Commercial District is to allow for areas of concentrated retail and commercial 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) Motorized racing facilities or tracks.

5) Single family housing.

6) Commercial Auto Salvage.

SECTION 4. Performance Standards

1) All building permits shall include a complete site plan.

2) Lot size for construction of commercial 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 XII. ID - INDUSTRIAL DISTRICT

SECTION 1. Purpose

The purpose of the Industrial District is to provide areas for industrial uses that may be located relatively close to non-industrial districts with a minimum impact on those districts and to restrict industries which pose problems of air pollution, noise and vibration.

SECTION 2. The following uses shall be permitted:

1) Building materials storage yards.

- 2) Contractors equipment rental or storage yards.
- 3) Fuel yards provided they meet all State and Federal standards.
- 4) Public utility service buildings and yards and electric transformer stations and substations.
- 5) Any wholesale business, including warehousing and storage buildings, commercial laundries and dry cleaning plants.
- 6) Manufacture, compounding or treatment of such products as bakery goods, candy, cosmetics, dairy products, food products, drugs, perfumes, pharmaceutical and toiletries.
- 7) 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.
- 8) Any kind of manufacturing process or treatment of products using light machinery such as tool and die shops and metal fabricating plants.
- 9) Commercial Auto Salvage.
- 10) Used Car Sales

SECTION 3. Uses Requiring Conditional Use Permits:

- 1) Manufacturing of cement, lime, gypsum or plaster.
- 2) Distillation of bone, coal, tar, petroleum, refuse, grain or wood.
- 3) Explosive manufacture or storage.
- 4) Commercial fertilizer manufacturing, compost or storage.
- 5) Glue manufacturing, size, or gelatin manufacturing where the processes include the refining or recovery of products from animal refuse or offal.
- 6) Livestock feeding yards, kennels, slaughtering of animals or stockyards.
- 7) Petroleum or asphalt refining or manufacturing.
- 8) Smelting or refining of metals from ores.
- 9) Steam and board hammers and forging presses.
- 10) Storing, curing and tanning of raw, green or salted hides or skins.
- 11) Sulphurous, sulfuric, nitric, picric, carbolic or hydrochloric or other corrosive acid manufacturing and/or bulk storage thereof.
- 12) Quarrying and crushing of rock and other minerals.

13) Motorized racing facilities or tracks.

14) 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.

15) Adult Entertainment.

SECTION 4. Performance Standards

1) All building permits shall include a complete site plan.

2) Lot size for construction of industrial buildings shall be a minimum of 20,000 square feet with 150 front footage and 50 foot setbacks from property lines.

ARTICLE XIII. 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 Roseau 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 which 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 Building Permits shall include a complete site plan.

ARTICLE XIV. - 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 which 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 which require any improvements.
- 3) Dikes, dams, drainage systems, spillways, or other alterations which affect water movement.

SECTION 4. Performance Standards

- 1) All Building 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 XV. AG - GENERAL AGRICULTURAL DISTRICT

SECTION 1. Purpose

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

SECTION 2. The following uses shall be permitted:

- 1) All activities currently allowed by the Zoning Ordinances and designations of Roseau County.

SECTION 3. Uses requiring conditional use permits:

- 1) Lagoons for the disposal of human or animal waste.
- 2) Large Feedlots.
- 3) Small Feedlots.
- 4) Landfills for waste disposal.

SECTION 4. Performance Standards

- 1) All Building Permits shall include a complete site plan.

ARTICLE XVI. 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 to 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 Roseau County Assessor's 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 nonconforming 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 XVII. ADMINISTRATION

SECTION 1. Building Permits

A. Building 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 which 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 which violates the Lot Requirements for a District or other provisions of this Ordinance; without first completing and submitting a Building and Zoning Permit Application

B. Application for a building and 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.

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 which will employ nonfamily members without completing a Building and Zoning Permit.

F. Agricultural Districts are exempt from building permit requirements for any uses not covered under Conditional Uses.

G. Building Permit Fees shall be set by the City Council

SECTION 2. Site Plan

Applications for a building 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.
6. Landscaping and elevation plans.
7. Stages and timing of development program.
8. 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 Roseau 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 Building and 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 within 60 days after receipt of the proposed variance.
6. Persons requesting a conditional use permit shall appear before the City Council in order to answer any questions.
7. The City Council shall report its initial recommendation of approval, disapproval, or conditional approval of the proposed conditional use permit within 60 days after receipt of the application.
8. The City Council shall take action on the application for conditional use within 60 days after the initial recommendations. The City Council may approve, disapprove, or conditionally approve a proposed conditional use permit.
9. 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 Board of Zoning Appeals shall have the power to hear and decide appeals from any order, requirement, decisions, grant or refusal made by the City Clerk or City Council in the administration of this Ordinance. An appeal shall be in writing and filed in duplicate with the City Clerk. Within ten (10) days after filing of the appeal, the City Clerk shall transmit to the Board of Zoning Appeals all papers involved in the proceedings. Upon receipt of this material the Board of Zoning Appeals shall set a hearing and give notice by mail of the time, place and purpose thereof to the Appellant and to the City Clerk. The Board of Zoning Appeals 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 Board of Zoning Appeals is the only final administrative decision and may be appealed to the County District Court.

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 rezoning, 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 Building and 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 within 60 days 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 report its initial recommendation of approval, disapproval, or conditional approval of the proposed zoning amendment within 60 days after receipt of the application.
8. 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.
9. 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 presentations 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 does 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 which 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, size or location and number 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 Building and 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 with 60 days 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 report its initial recommendation of approval, disapproval, or conditional approval of the proposed variance within 60 days after receipt of the application.
8. The City Council shall take action on the application for variance within 60 days after the initial recommendations. The City Council may approve, disapprove, or conditionally approve a proposed variance.
9. 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 notified in writing indicating the nature of the violation, ordering action for correcting the violation and that they have up to 30 days to remedy the violation. Orders for violations can include order for discontinuance of illegal use of land, buildings, or structures; order for removal of illegal buildings, structures, additions or alterations; order for discontinuance of illegal work being done; or take any other action authorized by this title to ensure compliance with or to prevent violation of its provisions, including cooperation with the city attorney in the prosecution of complaints

Any person who violates any of the provisions of this title shall, upon conviction thereof, be fined not more than the maximum penalty for a misdemeanor prescribed under state law. 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.

Greenbush 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 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 building 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 Greenbush City Zoning Ordinance.

Variance - When your property use requires an exception to the requirements outlined in the Greenbush 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 _____

Page Two must be filled out and returned with this application.

Signature of Applicant

_____ Date _____

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

Approved by:

_____ Date _____

City Clerk

_____ Date _____

City Council

**A drawing that details the following information on the lots must be included with this application:
dimensions, buildings, proposed buildings, distance of building from lot lines**

Present use of Land:

Proposed use of Land:

Proposed Construction:

Contractor:

Contractor Contact Information:

Cost of Project:

Building Size:

Height of Building:

City Utilities:

Fence Height:

Space for Site Drawing (If needed you may provide the drawing on another paper.)

If you are requesting a permit for a subdivision further information is required.

Article XVIII. SUBDIVISIONS (PLATTING)

SECTION 1. Purpose

To regulate the subdividing of land within the City and surrounding areas so that new additions will be integrated with the Comprehensive Plan for Greenbush and will contribute to an attractive, stable and wholesome community environment.

Geographic Jurisdiction: Any area falling within a Zoned Area.

SECTION 2. Definitions

The following terms, as used in this Chapter, shall have the meanings stated:

- A. Alley - A public right-of-way usually 20 feet or less in width which normally affords a secondary means of vehicular access to abutting property.
- B. Arterial Street - The term "arterial street" means a street which provides for the movement of relatively heavy traffic to, from and through an urban area or between major parts of an urban area.
- C. Collector Street - The term "collector street" means a street which collects and distributes internal traffic within an urban area, such as a residential neighborhood, between arterial and local streets. It provides access to abutting land.
- D. Cul-de-sac - A short street having but one end open to traffic and the other end being permanently terminated to a vehicular turn around.
- E. Comprehensive Plan - The policy document which serves as a guide for the future physical development of the City and entitled City of Greenbush Comprehensive Development Plan.
- F. Half Street - A street having only one-half of its intended roadway width developed to accommodate traffic.
- G. Local Street - A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- H. Lot - A piece, parcel or plot of land intended for building development or as a unit for transfer of ownership.
- I. Plat - a map, drawing or chart in which the sub-divider's plan of subdivision is presented to the City Council and Council for approval.
- J. Subdivision - The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land; provided that:
 - 1. A division of land for agricultural purposes into lots or parcels of five acres or more and not involving a new street shall not be deemed a subdivision.
 - 2. Such parcel is co-extensive with a separate parcel of record at the effective date of this Chapter.
 - 3. An agreement to convey a parcel has been entered into prior to such time and the instrument showing the agreement to convey is recorded in the office of the Roseau County Register of Deeds within one year thereafter.

4. Such parcel is co-extensive with a lot unit or units described with reference to a plat or auditor's subdivision duly filed and of record in the office of the Roseau County Register of Deeds prior to the effective date of this Chapter.

K. Subdivision - Includes "re-subdivision" and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

SECTION 3. Plat Presentation Procedures

The following procedures shall be followed in the administration of this Chapter and no real property within the jurisdiction of this Chapter shall be subdivided and offered for sale or a plat recorded until a pre-application meeting has been held and a Preliminary Plat and a Final Plat of the proposed subdivision have been reviewed by the City Council and its technical assistants and until the Final Plat has been approved by the Council as set forth in the procedures provided herein. Plans of group developments for housing, commercial, industrial, or other uses or for any combination of uses designed for sale or rental purposes shall be presented in the same manner as other plats for the review of the City Council and the approval of the Council.

A. Pre-Application Meeting - Prior to the submission of any plat for consideration to the City Council, the sub-divider shall meet with such Commission, or any individual to whom the Commission may delegate this responsibility, to introduce himself as a potential sub-divider and learn what shall be expected of him in such capacity and to determine the relationship of his proposed subdivision with the Comprehensive Plan for the affected area.

B. Preliminary Plat Approval

1. The sub-divider shall engage a registered land surveyor or engineer to prepare a Preliminary Plat of the area to be subdivided.
2. The sub-divider shall submit twelve (12) copies of the Preliminary Plat to the Zoning Administrator with a filing fee as set by the City Council at least fourteen (14) days prior to the City Council meeting at which such Plat is to be considered.
3. The City Clerk shall submit one copy of the Preliminary Plat to each City Council member and one copy to the City Engineer no later than three days after its receipt.
4. The City Engineer shall review the Preliminary Plat and shall transmit a report of his reaction together with any supporting material to the City Council prior to the meeting at which such Plat is to be considered.
5. The City Council may require qualified technical services, such as land planning and legal to review the Preliminary Plat and advise on its suitability regarding general planning; conformity with plans of other private and public organizations and agencies; adequacy of proposed water supply, sewage disposal, drainage and flood control, and other features. The sub-divider may be required to pay the cost of such services.
6. The City Council shall review the Preliminary Plat, considering the reports of the City Engineer and other technicians, if applicable, and shall either reject, approve subject to revision, or approve the proposal within 45 days of submittal to the Clerk. If disapproved, the Commission shall set forth the grounds for such refusal in its proceedings and shall transmit them to the sub-divider. If approved, the design is hereby accepted as a basis for the preparation of the Final Plat.

C. Final Plat Approval

1. The sub-divider shall engage a registered land surveyor to prepare a Final Plat which shall constitute that portion of the Preliminary Plat which the sub-divider proposes to record and develop at the time.
2. The sub-divider shall submit four copies of the Final Plat to the City Clerk at least 14 days before the City Council meeting at which such Plat is to be considered. Such Final Plat shall be submitted within one year of Preliminary Plat approval; otherwise, such approval shall become null and void. In the event the Preliminary Plat is not entirely platted in final form within five years of approval, such Preliminary Plat shall be re-submitted to the City Council for its review and action, otherwise the initial approval shall be considered null and void.
3. The City Clerk shall transmit one copy of the Final Plat to the City Council and one copy to the City Engineer no later than three days after its receipt.
4. The City Engineer shall review the Final Plat and shall transmit a report of his reaction to the City Council prior to the meeting at which such Plat is to be considered.
5. The City Council shall study the Final Plat, considering the reports of the City Engineer and other City Departments and/or employees, and then shall transmit its action to the Council within 45 days of submittal to the City Clerk.
6. The Council shall act upon the Final Plat within 30 days of City Council approval, whereupon the Clerk-Treasurer shall notify the sub-divider of the Council's action.
7. The sub-divider shall file the approved Final Plat with the City Clerk, and shall record the Final Plat with the Roseau County Register of Deeds within 30 days of Final Plat approval; otherwise, such approval shall be considered null and void.
8. The sub-divider shall furnish a duplicate and one paper print of the Final Plat as recorded to the City Clerk.

SECTION 4. Plat Presentation Requirements

Information required to be shown in Preliminary and Final Plats shall be as follows:

A. Preliminary Plat Data

1. Identification and Description:
 - a. Proposed name of subdivision, which name shall not duplicate or be similar in pronunciation to the name of any plat heretofore recorded.
 - b. Location by section, town, range or by other legal description.
 - c. Names and addresses of the owner, subdivider, surveyor and designer of the plan.
2. Existing conditions in tract and in surrounding area to a distance of 300 feet:
 - a. Boundary line of proposed subdivision, clearly indicated.
 - b. Total approximate acreage.
 - c. Platted streets, railroad right-of-way and utility easements.

- d. Boundary lines and ownership of adjoining unsubdivided land.
- e. Sewers, water mains, culverts or other underground facilities.
- f. Permanent buildings and structures.
- g. Other information, such as soil tests and contours, if requested by the City Council or Council to aid in review.

3. Subdivision Design Features:

- a. Layout and width of proposed streets and utility easements showing street names, lot dimensions, parks and other public areas. The street layout shall include all contiguous land owned or controlled by the subdivider.
- b. Proposed use of all parcels, and if zoning change is contemplated, proposed re-zoning.

4. Plan of the Entire Area

Where a tract of land is proposed for subdivision that is a part of larger logical subdivision unit, the City Council may cause to be prepared a "Plan of the Entire Area", such plan to be used by the Commission to aid in judging the proposed plat.

B. Final Plat Data

1. Identification and description data as required for the Preliminary Plat.
2. Boundaries of the property; lines of all proposed streets and alleys, with their width, and any other areas intended for public use.
3. Lines of adjoining streets and alleys, with their width and names.
4. All lot lines, building lines and easements, showing their dimensions.
5. An identification system for all lots and blocks.
6. Data required under regulation by the Roseau County Surveyor, i.e., accurate angular and linear dimensions for all lines, angles and curvatures used to describe boundaries, streets, easements and other important features.
7. Soil borings, if requested by the City Engineer.
8. Certification by a registered land surveyor to the effect the Plat represents a survey made by him and monuments and markers thereon exist as located and that all dimensional and geodetic details are correct.
9. Notarized certification by owner, and by any mortgage holder of record, of the adoption of the Plat and the dedication of streets and other public areas.
10. Certification showing that all taxes currently due on the property to be subdivided have been paid in full.

SECTION 5. Design Standards

Generally, design standards shall assure that the layout of the subdivision harmonizes with existing plans affecting the development and its surroundings and shall be in conformity with the City's development objectives for the entire area. No Plat shall be approved for any subdivision which covers an area subject to periodic flooding or which is otherwise poorly drained unless the subdivider agrees to make improvements which will, in the opinion of the City Engineer, make the area completely safe for occupancy, and adequate street and lot drainage.

A. Circulation

1. General Street Design:

- a. The design of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water and to the proposed uses of the area to be served.
- b. Where new streets extend existing adjoining streets their projections shall be at the same or greater width, but in no case less than the minimum required width.
- c. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets. When a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of such unsubdivided land.

2. Street Width and Grades: The following standards of street design shall be observed by the subdivider:

Minimum Street Category	Minimum Width Right-of-way	Width Pavement	Minimum Grade
Arterial	70 feet	44 feet	0.2%
Collector	60 feet	40 feet	0.2%
Local	50 feet	36 feet	0.2%

3. Cul-de-sacs: Each cul-de-sac shall be provided at the closed end with a turnaround having a minimum outside roadway diameter of 100 feet, and a minimum street property line diameter of 120 feet.

4. Local Streets: Local streets shall be so aligned that their use by through traffic will be discouraged.

5. Street Jogs: Street jogs with center line off-sets of less than 125 feet shall be avoided.

6. Street Intersections: Insofar as practical, streets shall intersect at right angles and no intersection shall be at an angle of less than 60 degrees. It must be evidenced that safe and efficient traffic flow is encouraged. No intersection shall contain more than four corners.

7. Half Streets: Half streets shall be prohibited. Except where the Council finds it to be practicable to require the dedication of the other half when the adjoining property is subdivided.

8. Street Names: Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets. In no case shall the name of the proposed street duplicate existing street names, including phonetical similarities.

9. Private Streets: Public improvements shall not be approved for any private street.

10. Local Service Drives: Where a proposed plat is adjacent to a major thoroughfare, the Council may require the developer to provide local service drives along the right-of-way of such facilities or they may require that lots should back on thoroughfares, in which case, vehicular and pedestrian access between the lots and thoroughfares shall be prohibited.

11. Access to Arterial and Collector Roadways: Where a proposed plat is adjacent to an arterial or collector roadway as designated by the Comprehensive Plan, spacing between access point to such thoroughfares of less than 660 feet for collectors and 1,320 feet for arterial shall be avoided except where impractical or impossible due to existing property divisions or topography.

12. Corners: Curb lines at street intersections shall be rounded at a radius of not less than 12 feet.

13. Residential Alleys: Alleys shall be prohibited unless special permission is granted by the Council for their provision.

14. Hardship to Owners of Adjoining Property: The street arrangement shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

B. Easements

1. Utilities: Easements of at least 10 feet wide centered on rear lot lines shall be provided for utilities where necessary. Easements for storm or sanitary sewers shall be at least 20 feet wide. They shall have continuity of alignment from block to block. Temporary construction easements may be required where installation depths are greater than 10 feet. Utility easements shall be kept free of any vegetation which would interfere with the free movement of utility service vehicles.

2. Water Courses: When a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water courses, and with such further width or construction as may be determined to be necessary by the City Engineer.

C. Blocks

1. Length: Block lengths shall not exceed 1,200 feet.

2. Pedestrian Walkways: In blocks longer than 600 feet, a pedestrian crossway with a minimum right-of-way of 20 feet shall be required near the center of the block. Additional access ways to schools, parks and other destinations shall be provided if requested by the City Council at the time of Preliminary Plat review.

D. Lots

1. Layout: Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots with frontage on two parallel local streets shall be prohibited.

2. Size and Dimension: Minimum lot area and lateral dimensions shall be as set forth in the Zoning Chapter of the City Code.

3. Corner Lots: Corner lots shall be platted at least 10 per cent wider than the minimum lot width required.

4. Natural Features: In the subdivision of land, due regard shall be shown for all natural features which, if preserved, will add attractiveness and stability to the proposed development and which may alter normal lot platting.

5. Lots Along Thoroughfares: There shall be no direct vehicular access from residential lots to arterial streets, and such access to collector streets shall be avoided where possible. Residential lots shall be separated from highways, arterial streets and railroad rights-of-way by a 25-foot buffer strip, which may be in the form of added depth or width of lots backing on or siding on the thoroughfares or railroad right-of-way.

6. Lot Remnants: Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans for the future use of such remnant.

SECTION 6. Required Improvements

Improvements shall be made in all subdivisions according to the following:

A. Monuments: Steel monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as shown on the Final Plat. Such installation shall be the sub-divider's expense and responsibility. All U.S., State, County or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.

B. Streets

1. Grading - Streets shall be graded to the full width of the right-of-way in accordance with street grades submitted to and approved by the City Engineer or as established by him. All street grading and gravel base construction will be in accordance with specifications on file in the City Engineer's office. Grading will be complete prior to installation of applicable underground utilities, either private or public in nature. Gravel base construction shall be undertaken after completion of the installation of underground utilities.

2. Surfacing - Following City Engineer approval of street grading and after utility installation, streets shall be surfaced and provided with concrete curbs and gutters in accordance with the latest recommended plans and specifications prepared by the City Engineer, approved by the Council, and on file in the City Clerk's office.

C. Utilities

All utilities, whether private or public, shall be installed underground so as to enhance the visual appearance of the area, unless special permission is granted by the Council for other installations. Where utilities are to be installed in street or alley rights-of-way, such installations shall take place prior to street surfacing. Water and sewer laterals shall be laid to the property line ending at the corporation cock.

1. Sanitary Sewer. Sanitary sewer facilities adequate to serve the subdivision shall be installed in accordance with the latest plans and specifications of the City Engineer and shall meet the requirements of the master plan for water main extensions of the City.
2. Water Supply. Water distribution facilities adequate to serve the subdivision shall be installed in accordance with the latest plans and specifications of the City Engineer and shall meet the requirements of the master plan for water main extensions of the City.

D. Drainage Facilities

Storm sewer and/or other surface drainage facilities shall be installed as determined to be necessary by the City Engineer for the proper drainage of surface waters.

E. Sidewalks

Sidewalks, when provided, shall be of monolithic concrete, four inches in thickness with pitch and surface as approved by the City Engineer, with a required width for sidewalks of 5 feet on collector streets, and 4 feet on local or frontage streets, and a required minimum width for crosswalks of 5 feet subject to approval of the City Engineer.

F. Tree Planting or Street Trees

Street trees shall be planted not less than 40 feet apart with a minimum of one per lot. They shall be placed within the "side strip" or "boulevard". No trees shall be planted within 30 feet of the intersection of curb lines on corner lots. Only those varieties approved by the City Engineer shall be used.

G. Specification/Inspections

Unless otherwise stated, all of the required improvements shall conform to engineering standards and specifications as required by the Council. Such improvements shall be subject to inspection and approval by, and shall be made in sequence as determined by the City Engineer.

H. Financing

The developer shall be required to pay for all or a portion of the above required improvements according to the following schedule.

1. Sanitary Sewers: Benefit rates will be based on the total cost of constructing the sanitary sewer necessary to serve the development site together with any area or district wide benefits for prior construction for which the City may have paid. Any over-sizing of sewers or depths greater than that required to serve the site will be paid for by the City or will be assessed on an area basis.
2. Water Mains: Benefit rates will be based on the total cost of constructing water mains to serve the development site. In the case of residential developments the benefit rate will be based on the total cost of constructing a six-inch water main including hydrant installation at normal spacing, with the City paying the cost of gate valves and any pipe over sizing necessary to serve additional areas beyond the proposed site.
3. Storm Drainage: Benefit rates will be based on the cost of constructing storm sewer necessary to provide adequate drainage of the development site. City participation, if any, will be considered on an individual basis.
4. Streets: City to pay the cost of excavating and placing granular backfill. The balance of the cost to complete the street improvement will be assessed against benefitted property.
5. Electrical Service: Sub-divider shall pay 50 per cent of the construction of underground electric power service. Prior to sale of lots, all special assessments against such lots shall be paid in full by the sub-divider.

I. Review and Inspection

The subdivider shall pay for all costs incurred by the City for subdivision review and inspection. This would include preparation and review of plans and specifications by technical assistants and cost incurred by the City Attorney, as well as other costs of similar nature.

SECTION 7. Public Land Dedication

All new subdivisions shall dedicate at least five percent (5%) of the gross area of all property in the subdivision which is zoned Residential for public use as playgrounds. Such five percent (5%) is in addition to the property dedicated for streets or other public ways. In the event the location or size of the land to be dedicated does not conform to comprehensive plan proposals or to other development objectives for the subject area, the Council may require a cash payment to be used for other park or playground purposes.

SECTION 8. Administration and Enforcement

A. Responsible Official - It shall be the duty of the Council to see that the provisions of this Chapter are properly enforced.

B. Building Permit - No building permit shall be issued by any governing official for the construction of any buildings, structures or improvement on any land henceforth subdivided until all requirements of this Chapter have been fully complied with.

C. Variances - The Council shall have the Power to vary from the requirements of this Chapter when supporting evidence indicates that:

1. Because of the particular physical surroundings, shape or topographic conditions of the land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which the petition for a variance is based are unique to the tract of land for which the variance is sought and one not applicable, generally to other property with the same zoning classification.
3. The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land.
4. The alleged difficulty or hardship is caused by the provisions of this Chapter and has not been created by any persons presently or formerly having an interest in the parcel of land.
5. The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity in which the tract of land is located.
6. The proposed variance will not substantially increase congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the vicinity.

D. Variances to Subdivision Regulations for Property Outside City Limits

The Council may recommend that variances be granted from the requirements of this Chapter for properties located outside the City Limits but within two (2) miles thereof upon completion of the following procedure:

1. Land Suitability

- a. If the City Council finds that the land to be subdivided is unsuitable for the proposed development due to high agricultural productivity, flooding, poor drainage, steep slopes, rock formations or other conditions that may adversely affect the public and if from adequate investigation it has been determined that in the best interest of the public the land should not be subdivided, the City Council shall not approve the application for a variance unless adequate methods are found by the subdivider to alleviate the problem.
 - b. The City Council may refuse to approve what it considers scattered or premature subdivision of land by reason of a lack of adequate water supply, sewerage treatment, schools, roads, proper drainage, or other public services which would necessitate an excessive expenditure of public funds for the supply of such services. The decisions of the City Council under this Subdivision are appealable to the Board of Zoning Appeals which shall have the authority of final decision as to requests for variances.
2. The sub-divider shall prepare a plan and plat in conformance with all the requirements of this Chapter.
 3. In substitution for Section 12.06, the Council, shall enter into an agreement known as a Developers Contract which will detail what capital improvements are required, when they are to be installed, and whose responsibility the improvements shall become.
 4. A notice to surrounding landowners and the township and City officers shall be sent upon receipt of an application for a variance under this Subdivision, in addition to public hearing, required by State law, will be held before the Council prior to the issuance of the permit.
 5. If the proposed subdivision is outside the corporate boundaries of the City and the County, township or developer has not certified in writing that they will assume all responsibility for repair and maintenance of dedicated roadways until annexed to the City; or the County, or township has not certified in writing that it has the capacity for and will provide police and fire protection and on-site sewer system inspections to insure proper installation, the City Council may refuse to approve the subdivision.
 6. A fee as set by the City Council shall be required for each variance application under this Subdivision.

SECTION 9. Developers Agreement

A Developers Agreement shall be completed prior to the recording of a new subdivision with Roseau County or the start of any construction. The Developers Agreement shall be signed by the appropriate representatives of the City and the Developer and any other parties as required by the City Council. The Developers Agreement shall outline the manner in which all the requirements of Article XVI. Subdivisions will be met. Failure to complete a Developers Agreement prior to recording of the subdivision or start of construction shall make any previous approvals for the subdivision issued by the City null and void.

SECTION 10. Violation A Misdemeanor

Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Article XIX. BUILDING REQUIREMENTS

Zoning District/ Housing Type	Lot Area (Min Sq Ft)	Lot Frontage	Front Yard	Rear Yard	Side Yard	Dwelling (Min Sq Ft per unit)	Accessory (Max Sq Ft)	Min Width	Max Height
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Original Townsite

One Family	5,000	50	25	20	5	950		20	2 1/2 Stories or 35'
Two Family	7,000	75	25	20	5	700		20	2 1/2 Stories or 35'
Accessory			25	5	5		1,000		25
All Other Uses	7,000	75	25	20	5				2 1/2 Stories or 35'

General Residential

One Family	7,500	75	25	20	5	1,100	1,500	20	2 1/2 Stories or 35'
Two Family	10,000	75	25	20	5	950	1,500	20	2 1/2 Stories or 35'
Multi Family	18,000	100	25	20	5	600			2 1/2 Stories or 35'
Accessory			25	5	5		see above		25
All Other Uses	14,000	75	75	20	5				25

Restricted Residential

One Family	15,000	100	25	35	25	1,400	1,500	20	2 1/2 Stories or 35'
Multi Family	5,000 per unit	100	25	35	25	1,100	500 per unit		2 1/2 Stories or 35'
Accessory			25	35	25		see above		25

Multiple Unit Residential

Multiple Unit	5,000 per unit	100	25	35	25	1,100	500 per unit		2 1/2 Stories or 35'
One Family	15,000	100	25	35	25	1,400	1,500	20	2 1/2 Stories or 35'
Accessory			25	35	25		see above		25

High Density

One Family	5,000	50	20	10	5	900	600	16	2 1/2 Stories or 35'
Accessory			20	5	5		see above		25

Rural Landscape

One Family	10,000	150	25	35	15	1,100	1,800	20	2 1/2 Stories or 35'
Two Family	12,000	150	25	35	15	950	1,500		2 1/2 Stories or 35'
Accessory			25	5	10		see above		25

Guidelines for Setbacks

Front: Measured from Right of Way to building wall.

Side: Measured from property line to building wall.

Rear: Measured from property line to building wall.

Properties adjacent to an alley must measure from the alley right of way to the building wall.