

**ORDINANCE NO. 134  
ZONING**

**AN ORDINANCE SETTING THE ZONING POLICIES FOR THE CITY OF LYLE, REPEALING INCONSISTENT ORDINANCES AND PROVIDING A PENALTY FOR VIOLATION.**

**General Provisions**

- 134.01 Purpose and authority
- 134.02 Jurisdiction and applicability
- 134.03 Review fees
- 134.04 Rules of construction
- 134.05 Definitions
- 134.06 Interpretation and conflicts
- 134.07 Severability

**Development Regulations**

- 134.08 Zoning districts established
- 134.09 Zoning district map
- 134.10 R-1 Low Density Residential District
- 134.11 R-2 High Density Residential District
- 134.12 C-1 General Commercial District
- 134.13 I-1 General Industry District
- 134.14 A-1 General Agricultural District

**Regulations of General Applicability**

- 134.15 Bulk Regulations
- 134.16 Home occupations
- 134.17 Temporary Uses
- 134.18 Fences
- 134.19 Signs
- 134.20 Landscaping and buffer yards
- 134.21 Parking and loading requirements
- 134.22 Manufactured homes and manufactured home parks
- 134.23 Subdivision/platting provisions
- 134.24 Planned unit developments

**Nonformities**

- 134.25 Purpose and applicability
- 134.26 Nonconforming uses, structures, and lots
- 134.27 Termination of status as nonconforming
- 134.28 Issuance of conditional use permits

**Decision Making and Administrative Bodies**

- 134.29 City Council
- 134.30 Zoning Administrator

## **Development Review Procedures; Enforcement**

- 134.31 Zoning Permit
- 134.32 Development permitted as of right
- 134.33 Conditional use permits
- 134.34 Text and map amendments
- 134.35 Variances
- 134.36 Appeals of administrative decision
- 134.37 Enforcement procedures

- 134.38 Penalty

Appendix A: Land Use Matrix

Appendix B: Table of Bulk Regulations

Appendix C: Zoning District Map

## **GENERAL PROVISIONS**

### **134.01 PURPOSE AND AUTHORITY.**

(A) It is the purpose of this chapter to establish standards and regulations for the review and approval of all proposed development of property within the corporate limits of the city and to provide a development review process that will be comprehensive, consistent, and efficient in the implementation of the comprehensive plan and other goals, policies, and standards of the city.

(B) In order to foster and preserve the public health, safety, comfort, and welfare and to aid in the harmonious, orderly, and progressive development of the city, it is the intent of the City Council that the development process in the city be efficient, in terms of time and expense, effective, in terms of addressing the natural resource and public facility implications of proposed development, and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners and consideration of the interest of the citizens of the city.

### **134.02 JURISDICTION AND APPLICABILITY.**

(A) General. Except as otherwise provided in this section, the regulations in this chapter shall govern the development and use of land and structures, including but not limited to all lots of record, subdivision and re-subdivisions of land and planned developments within the city. Except as otherwise provided by these regulations, no building, structure, or land shall be used or occupied, and no building, structure, or land shall be developed unless in conformity with all of the provisions of these regulations for the zoning district in which it is located and all other applicable regulations.

(B) Existing uses and structures. A structure or use lawfully existing at the time of the adoption of these regulations is hereby deemed lawful as of the effective date of this chapter, provided that it conforms with all the requirements of these regulations. However, if such structure or use does not conform with all of the requirements of these regulations, then such structure or use shall be considered a nonconforming structure or use.

### **134.03 REVIEW FEES.**

All applications for development approval submitted to the city under these regulations shall be accompanied by payment of a fee as adopted by the City Council from time to time to defray costs incurred by the city in reviewing the application. No application shall be considered to be complete and subject to review by the city until such fee has been paid. In addition to the fees adopted by the City Council, all applicants for development approval shall reimburse the city for reasonable costs incurred as a result of the application's review by a legal, engineering, or other

special consultant, provided that the applicant is notified of the need to retain such special consultant and agrees to such retention. Payment of these fees shall be made prior to a final vote by the City Council or the Zoning Administrator on a given development application. The Zoning Administrator shall maintain a current list of review fees that shall be available upon request.

#### **134.04 RULES OF CONSTRUCTION.**

For the purpose of these regulations, the following rules of construction shall apply:

- (A) These regulations shall be construed to achieve the purpose and intent for which they are adopted;
- (B) In the event of a conflict between the text of these regulations and any caption, figure, illustration, table or map, the text of these regulations shall control;
- (C) In the event of any conflict in limitation, restrictions, or standards applying to an individual use or structure, the more restrictive provisions shall apply;
- (D) The words "shall", "must", and "will" are mandatory in nature, implying an obligation or duty to comply with the particular provision;
- (E) The word "may" is permissive in nature;
- (F) Words used in the present tense include the future tense;
- (G) Words used in the singular number include the plural number and plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise;
- (H) Words used in the masculine gender include the feminine gender;
- (I) Any act authorized by these regulations to be carried out by a specific official or agency of the city is implied authorized to be carried out by a designee of such official or agency;
- (J) The time within which an act is to be done shall be computed by extending the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded; and
- (K) Any words and terms not defined herein shall have the meaning indicated by common dictionary definition.

#### **134.05 DEFINITIONS.**

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

**ABUTTING.** Having property boundaries or lot lines in common width, but not being separated by a street, alley, or other public right-of-way.

**ACCESS.** A way or means of approach to provide vehicle or pedestrian physical entrance to a property.

**ACCESSORY.** A use, building, structure, or part of a building or structure which:

- (1) Is subordinate to and serves the principal building or structure or principal use;
- (2) Is subordinate in area, extent, or purpose to the principal building or structure or principal use served;
- (3) Contributes to the comfort, convenience, or necessity of occupants of the principal use; and/or;
- (4) Is located on the same lot as the principal building or structure use served, with the exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot as the building or use served.

**ACRE.** 43,560 square feet.

**ADJACENT/ADJOINING.** Abutting or being directly across a street, alley, or other public right-of-way.

**ADULT BUSINESS.** Any place or establishment which offers, advertises, or is engaged in any activity, service, sale, or display of any commodity which is prohibited by statute or ordinance to minors, or which otherwise forbids sales to, or excludes minors by virtue of age. The term **ADULT BUSINESS** shall include, but is not limited to massage parlors, tattoo parlors, adult arcades, adult bookstores, adult motion picture theater, and adult cabarets.

**ALLEY.** A permanent service right-of-way which affords only a secondary means of access from such right-of-way to abutting property and is not intended for general traffic circulation.

**ALTERATION.** Any change, replacement, or rearrangement in the supporting members of any existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress and egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

**ANTENNA.** An arrangement of wires or metal rods used in transmitting or receiving electromagnetic waves.

**APPURTENANCES.** The visible, function or ornamental objects accessory to and part of a building(s).

**AUTOMATED TELLER MACHINES (ATM).** A machine that dispenses money and/or receives deposits.

**AUTOMOBILE.** A two-axle motor vehicle designed and used primarily for the conveyance of not more than nine persons that weigh less than 8,000 pounds.

**AUTOMOBILE BODY REPAIR.** The business of autobody repair for automobiles. The terms may include automobile repair, mechanical, as well as structural repair or appearance alterations (such as, painting or detailing).

**AUTOMOBILE MECHANICAL REPAIR.** The business of mechanical repair work and servicing of automobiles, including fast service, tune-up, and lubricating facilities, but specifically excluding body work or painting.

**AUTOMOBILE SERVICE STATION.**

(1) Any building, structure or lot used for one or more of the following:

(a) Dispensing, selling or offering for retail sale, gasoline, kerosene, lubricating oil, or grease for the operation and maintenance of automobiles, including the sale and installation of tires, batteries, and other motor accessories and service for automobiles; or

(b) Automobile mechanical repair.

(2) This may include buildings or structures that are used for the retail sale and direct delivery to motor vehicles of cigarettes, candy, soft drinks, and other related items for the convenience of the motoring public, and many include facilities for the washing of automobiles. Such establishments shall not include facilities for automobile body repair, mechanical vehicle repair, vehicle body repair, car washing, or the sale or storage of new or used automobiles or trailers.

**BASEMENT.** A story entirely or partly underground and having at least one-half of its height below ground.

**BILLBOARD.** An off-premises free standing identification sign.

**BLOCK.** A tract of land bounded by streets, combination of streets and public parks, cemeteries, railroad rights-of-way, or other lines of demarcation.

**BUFFER.** A combination of vegetation, fencing, berms, and open spaces which is used to physically separate or screen land uses.

**BUILDING.** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.

**BUILDING LINE.** A line parallel to the street line touching that part of a building closest to the street.

**BULK.** The size and setback of buildings or structures, and the location of buildings or structures with respect to one another, and included, but is not limited to the following;

- (1) Size and height of buildings;
- (2) Location of exterior walls at all levels in relation to lot lines, streets, or to other buildings;
- (3) All open space allocated to buildings; and
- (4) Amount of lot area and lot width provided per dwelling unit.

**BUSINESS.** An occupation, employment, or enterprise which occupies time, attention, labor, and materials, or wherein merchandise is sold or where services are offered.

**CAMP.** A tract of land on which may be located temporary or permanent buildings, structures, or tents which land, together is used for seasonal, recreational, or other similar purposes.

**CANOPY OR AWNING.** A permanent roof-like shelter which may be freestanding or extending from part or all of a building face and is constructed of some durable material such as metal, glass, or plastic.

**CARETAKER.** A person who is responsible for the protection of property, equipment, and/or merchandise and resides on such premises.

**CAR WASH.** A completely or partially enclosed building or structure for the washing of automobiles or other motor vehicles, either or by semi-automatic means, whether or not in conjunction with other goods or services provided to customers.

**CELLAR.** A story having more than one-half of its height below grade, and distinguished from a basement by not having well lighted and fitted for living purposes. A CELLAR is not included in computing the number of stories for the purpose of height or floor area measurement.

**CERTIFICATE OF COMPLIANCE.** A document issued by the city certifying that the plans for the proposed use meet all applicable city regulations.

**CHILD CARE CENTER.** An individual, agency, or organization which regularly provides preschool instruction or supervision and care on a regular basis for less than 24 hours per day for one or more children in a facility other than a detached dwelling, who are not related by blood or marriage to, and who are not the legal ward or foster children of, the supervising adult.

**CHILD CARE HOME.** Any detached dwelling which receives more than four but no more than eight children for less than 24 hours per day. The maximum of eight children received shall be reduced in number by the family's natural or adopted children and all other persons under the age of 14 residing in the home. This does not include an operation which receives only children from a single family.

**CLINIC.** Any building or portion thereof, the principal use of which is for offices or one or more licensed physicians, ophthalmologists, dentists, psychologists, or the like for the examination and treatment of persons on an out-patient basis only.

**CLINIC, ANIMAL.** Any building or portion thereof, the principal use of which is for offices of one or more licensed veterinarians for the examination and treatment of animals on an out-patient basis only.

**COMMERCIAL RETAIL ESTABLISHMENT.** A building, property, or activity the principal use or purpose of which is the sale of goods, products or materials directly to the consumer. This includes, but is not limited to clothing stores, appliance stores, bakeries, food stores, grocers, caterers, pharmacies, book stores, florists, furniture stores, hardware stores, pet stores, toy stores, and variety stores but does not include restaurants or personal service establishments.

**COMMERCIAL VEHICLE OR TRUCK.** A motor vehicle which has a gross weight in pounds, including vehicle and maximum load, in excess of 8,000 pounds and which is not primarily designed for carrying passengers.

**COMMON AREA.** A lot, parcel, or area within a development conveniently accessible to all residents or occupants of the development, designed as a significant focus, centrally located, not

including required setbacks, private open space or impervious surface, designed to accommodate some group social functions.

**CONDITIONAL USE.** A use that has operational, physical, and other characteristics that may be different from those of the predominant permitted uses in a zoning district, but which is a use that complements or is otherwise compatible with the intended over-all development within a district, provided that specified standards are met.

**CONTIGUOUS.** Abutting or adjoining.

**CONVENIENCE STORE.** A retail store with floor area of less than 5,000 square feet, which sell groceries and/or beer and wine.

**DAY CARE CENTER.** A licensed day care facility serving at least seven but no more than 20 persons.

**DAY CARE FACILITY.** Any state licensed facility, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's home.

**DAY CARE HOME.** A licensed day care facility serving six or fewer persons.

**DENSITY.** The permitted number of dwelling units per gross acre of land to be developed.

**DENSITY, GROSS.** All the area within the boundaries of the particular area, excluding nothing.

**DEVELOPMENT.** The following activities:

- (1) The division of a parcel of land into two or more parcels;
- (2) The construction, reconstruction, structural alterations, relocation, enlargement, or demolition of a structure;
- (3) The mining, excavation, landfill, drilling, grading, deposition of refuse, solid or liquid waste, or fill on a parcel of land;
- (4) The alteration of the shore or bank of a pond, lake, river, or other waterway; or
- (5) Any use or change in the use or intensity of use of any structure or any change in the intensity of use of land.

**DISTRICT.** A part, zone, or geographic area within the city within which certain zoning or development regulations apply.

**DRIVE-THROUGH SERVICE WINDOW.** A facility which is accessory to a commercial retail establishment, office, financial institution, or fast-food restaurant and is designed or intended to enable a customer, without exiting a motor vehicle parked on or moving through the premises, to transact business with a person outside the motor vehicle.

**DRIVEWAY.** Any surface providing direct ingress to and egress from a parking space or structure.

**DWELLING.** A building or portion of a building designed or used exclusively for residential purposes, including single-family and multi-family dwellings, but not including overnight accommodations.

**DWELLING, ATTACHED.** A dwelling unit that shares common walls with at least one other dwelling and includes duplexes on one lot or two townhouses on individual lots.

**DWELLING, DETACHED.** A dwelling unit that is developed with open yards on all sides, but not including recreational or motor vehicles.

**DWELLING, MULTI-FAMILY.** Three or more dwelling units on one lot, including modular homes, attached along and sharing one or more common walls between any two units and/or are stacked one above another.

**DWELLING, TOWNHOUSE.** An attached group of up to eight dwelling units, including modular homes, which share one or more common walls between any two units and in which each unit has living space on the ground floor and a separate entrance on the ground floor.

**DWELLING, TWO-FAMILY (DUPLEX).** A dwelling designed and intended to house two families.

**DWELLING UNIT.** One or more rooms in a building which are arranged, designed, or used as living quarters for one family only, including individual bathrooms and complete kitchen facilities that are permanently installed to serve the entire family within each dwelling unit, not available for rental on a daily or weekly basis.

**EVALUATION REPORT.** A written report prepared by a licensed building inspector.

**FAMILY.** One or more persons related by blood, marriage, or adoption, or not more than four persons not so related, occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, private club, or hotel as herein defined.

**FENCE.** A free-standing structure made of metal, masonry, composition, or wood, or a combination thereof, including gates, resting on or partially buried in the ground, rising above ground level and used to delineate a boundary or as a barrier or means of protection, confinement, or screening. FENCE does not include arbors or trellises.

**FENCE, OPEN.** A fence of which open spaces afford direct views through the fence that comprise at least 50% of each one foot wide segment extending over the entire length and height of the fence and includes gates.

**FENCE, PERIMETER.** A fence that follows the outward boundaries of the property on which it is located.

**FENCE, SOLID.** A fence that conceals from view of adjacent property, streets, alleys and any and all activities conducted behind it, and includes gates.

**FILL.** Any act by which earth, sand, gravel, rock, or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved by man to a new location and any conditions resulting therefrom, including but not limited to the increase in the natural ground surface elevation.

**FINANCIAL INSTITUTION.** A bank, credit union, savings and loan association, or other similar entity or organization which makes or purchases loans or provides other financial assistance.

**FLOOR AREA.** The sum of the gross horizontal areas of each floor measured from the exterior walls or from the center line of party walls.

**FOSTER FAMILY HOME.** A licensed residential facility serving six or fewer persons.

**FRONTAGE.** The length of the property line on any one parcel parallel to and along each public right-of-way it borders.

**FRONTING.** The front or primary entrance to a building facing a public right-of-way line.

**FUEL STATION.** Any equipment to dispense fuels or liquids for use, transfer, or storage.

**GARAGE, PRIVATE.** A building designed for the storage of motor-driven vehicles, including not more than one commercial vehicle the load capacity of which shall not exceed a gross weight of 8,000 pounds, under the control of the owner or tenant of the premises and which is not operated or leased for commercial gain.

**GARAGE, PUBLIC.** A building designed, used, or intended to be used for the housing, care, or storage of more than three motor vehicles or more than one commercial vehicle, that is available to the public for compensation, whether by prior rental or lease agreement or on an hourly or daily basis.

**GOVERNMENTAL USE.** A building, use, or structure owned or occupied and regulated by a local government agency, but not including a vehicle storage yard, food irradiation facility, educational or health institution, residential care home, or public facility.

**GOVERNMENTAL USE, ESSENTIAL.** A governmental use that is indispensable to the community's health, safety, and welfare, including but not limited to:

- (1) Police stations;
- (2) Fire stations;

(3) Emergency medical services; and

(4) Governmental buildings without equipment storage.

**GOVERNMENTAL USE, NON-ESSENTIAL.** A governmental use that is not critical to the health, safety, and welfare of the community, such as libraries, museums, post offices, and governmental buildings with equipment storage.

**GRADE.** The average level of the ground at its natural level (net bermed or filled) adjacent to the exterior walls of a building or structure.

**GRADING.** Any activity which removes or covers the vegetative surface, including but not limited to excavation, stripping, fill or any combination thereof (and the conditions resulting from any excavation, stripping, fill or combination thereof (and the conditions resulting from any excavation, stripping or fill), tree removal, clearing, filling, the removal of topsoil or fill.

**GREENHOUSE.** The nursery located in a building with a foundation whose roof and sides are made largely of glass or other transparent or translucent materials and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season flowers, shrubs, and plants.

**GREENHOUSE, COMMERCIAL.** A greenhouse where flowers, shrubs, plants that are grown off-site are sold.

**GREENHOUSE, NON-COMMERCIAL.** A greenhouse where flowers, shrubs, and plants are grown on-site for personal enjoyment, wholesale distribution, or sale. **NON-COMMERCIAL GREENHOUSES** are a form of agriculture.

**GROUP CARE HOME.** A licensed residential facility serving at least seven but no more than 20 persons.

**HOME OCCUPATION.** A business, profession, occupation, or trade which is conducted within a residential portion of a building or an accessory structure for the economic gain or support of residents of the dwelling, and which is incidental and secondary to the residential use within the dwelling.

**HOSPITAL.** A public or private institution, whether organized for profit or not, which is devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of two or more unrelated persons, whose principal residence is located elsewhere, and who are admitted for overnight stay or longer in order to obtain medical and/or psychiatric treatment of illness, diseases, injuries, and deformities.

**HOSPITAL, ANIMAL.** A public or private institution, whether organized for profit or not, which is devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of animals which are admitted for overnight stay or longer in order veterinary treatment for illnesses, disease, injuries, and deformities.

**IMPERVIOUS SURFACE.** An all-weather surface or ground cover that resists the absorption of surface water into the soil. Such surfaces include those constructed of stone, brick, asphalt, concrete, tile, terrazzo, gravel composite, or any other paving materials, used for parking, driveways, patios, terraces, walkways and the like, as well as areas covered by buildings, decks, porches, swimming pools, and tennis courts.

**IMPROVEMENT.** Any structure, object, fence, gate, wall, work of art, or other object that permanently becomes part of, is placed upon, or is affixed to real estate.

**INDUSTRY, HEAVY.** The assembly, fabrication, manufacturing, storage, or processing of goods and materials that ordinarily have significant impacts on the environment or on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards, or that otherwise do not constitute "light industry", such as food processing plants, resource extraction, recycling centers, sawmills, composting services, scrap or salvage operations, petroleum storage facilities, or facilities handling or processing hazardous and/or toxic material.

**INDUSTRY, LIGHT.** The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety



hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area is occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing does not exceed 25% of the floor area of all buildings on the lot. This includes, but is not limited to printing, publishing, or photography plants, dry-cleaning processing stations, carpet cleaning establishments, facilities for auto body work, welding, painting, or major repair work, research laboratories which are designed or equipped for basic or applied research or experimental study, testing, or analysis in the natural sciences or engineering, including any educational activities associated with and accessory to such research. This shall not include uses that constitute "heavy industry".

**INGRESS/EGRESS.** Entrance or access and exit, respectively.

**JUNKYARD.** An area of land, and any accessory whereon, which is primarily for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials, including motor vehicles, machinery, and equipment not in operable condition, or parts thereof, and other metals, paper, rags, rubber tires, and glass, except within completely enclosed buildings.

**KENNEL, COMMERCIAL.** The use or structure intended and used for the breeding or overnight boarding of animals for sale or for training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for and accessory to the testing and medical treatment of the physical disorders of animals.

**KENNEL, PERSONAL.** Any lot or premises on which not more than four dogs are kept inside or outside, and are accessory to, a residential, commercial, or manufacturing use, but not sold, boarded, or trained for persons other than the owner of the lot.

**LANDSCAPING.** Trees, shrubs, flowers, vines, potted plants, ground cover, walkways, ponds, fountains, sculptures, earth berms, fences, stone, bark, and other materials used to create an outdoor environment.

**LOADING SPACE.** A space with access to a street or alley for the standing, loading, or unloading of motor vehicles delivering or picking up goods and materials.

**LOT.** A parcel of land legally described or subdivided as a distinct portion or piece of land or lot of record to be separately owned, used, or developed.

**LOT AREA.** The area of a horizontal plane bounded by the front, side, rear lot lines, but not including area occupied by streets or bodies of water fed by natural means.

**LOT, CORNER.** A lot which occupies the interior angle at the intersection of two street lines which make an angle less than 135 degrees with each other.

**LOT LINE.** A line defining the ownership boundary of a lot.

**LOT LINE, FRONT.** The boundary of a lot which abuts a street. On a corner lot, the front lot line is the lot line which is opposite the front wall of the principal structure.

**LOT LINE, REAR.** The lot line which is most distant from and most nearly parallel to the front lot line, or in the case of an irregular or triangle lot, a lot line ten feet long within the lot, parallel to and a maximum distance from the front lot line.

**LOT LINE, SIDE.** A lot line which is not a front lot line or a rear lot line.

**LOT OF RECORD.** A single lot which is part of a subdivision plat which has been officially recorded or a single parcel of land, the deed of which has been officially recorded.

**MANUFACTURED HOME.** A dwelling as defined by M.S. 327.31, Subd. 6, as it may be amended from time to time, and which is constructed in compliance with the Manufactured Home Building Code established by M.S. 327.31 and 327.32, as they may be amended from time to time.

**MANUFACTURED HOME PARK.** A contiguous parcel of land which has been developed for the placement of manufactured homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation.

**MANUFACTURING.** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

**MEDICAL REHABILITATION CENTER.** Any building or any portion thereof, the principal use of which is for offices and treatment facilities for physical, occupation, and recreational therapists or the like for the examination and treatment of persons on an outpatient basis only, but does not include clinics or medical offices.

**MODULAR HOMES.** See **Manufactured Home**.

**MOTOR VEHICLE.** A motorized device intended for the transportation of people or property over land surfaces. The term specifically includes automobiles, trucks, motorcycles, motor bikes, go-carts, all-terrain vehicles, and any other recreation vehicle.

**NONCONFORMING BUILDING or STRUCTURE.** Any building or structure lawfully existing on the effective date of these regulations or any amendment thereto rendering such use nonconforming, which does not comply with all these regulations or any amendment thereto.

**NONCONFORMING VACANT LOT.** Any lot of record which does not contain a use or building and which does not meet the minimum area or width requirements established in these regulations or any amendment thereto.

**NURSERY, COMMERCIAL.** Land or greenhouse where flowers, shrubs, and plants that are grown off-site are sold.

**NURSING HOME.** A home for the elderly, chronically ill, infirm, or incurable persons, or a place of rest for those suffering bodily disorders, in which three or more persons, not members of a family residing on the premises, are provided with food, lodging, and medical care, but not including hospitals, clinic, or life care communities (even though a life care community may include a nursing home as one of its components).

**OFFICE.** A use or building where business is conducted which does not primarily involve retail activities at that location. This includes, but is not limited to general business offices, government offices, insurance offices, law offices, and real estate sales and management offices.

**OPEN SPACE.** Any portion of a parcel or area of land or water which is open and unobstructed from the ground to the sky, including areas maintained in a natural and undisturbed character. OPEN SPACE shall not include water below the mean line high water line or areas covered by buildings, structures, sidewalks, patios, or parking areas.

**OPEN SPACE, COMMON.** A parcel(s) of land located within a development site and designed and intended for the use and enjoyment of residents of the development or for the general public.

**OVERNIGHT ACCOMMODATIONS.** A facility offering transient lodging accommodations at a daily rate to the general public and which may also provide additional services, such as restaurants, meeting rooms, and recreational facilities, such as hotels, motels, and bed and breakfast establishments.

**OWNER.** A person or persons recorded as such on official records and includes a duly authorized agency or notary, a trustee, a purchaser or a devisee; any person having a vested or contingent interest in the property in question.

**PARCEL.** A continuous lot or tract of land owned and recorded or controlled by the same person(s) or entity.

**PARK.** A lot, or portion thereof, or aggregation of contiguous lots, used by the public for outdoor recreational activities, including any accessory office, picnic tables, maintenance building, restroom facility, storage facility, or similar accessory use or structure.

**PARKING AREA.** An area containing one or more designated parking spaces.

**PARKING LOT.** A parking area that is open to the sky, but not including the uppermost level of a parking deck.

**PARKING SPACE.** An area, enclosed or unenclosed, reserved for the parking of one motor vehicle.

**PERSON.** An individual, corporation, governmental agency, business, trust estate, partnership, two or more persons having joint or common interest, or any other legal entity.

**PERSONAL SERVICE ESTABLISHMENT.** A business which provides personal services directly to customers at the site of the business, or which receives goods from or returns goods to the customer which have been treated or processed at another location. This includes, but is not limited to travel agencies, dry-cleaning and laundry drop-off and pick-up, laundry coin-op, stations, tailors, hair stylists, cosmeticians, toning or tanning salons, and domestic pet services.

**PLACE OF WORSHIP.** A church, synagogue, temple, mosque, or other institution for religious worship, including any accessory use or structure, such as a school, day care center, or dwelling that is located on the same lot.

**PLAT.** A map, plan, or layout representing a tract of land showing the boundaries, location, and existing conditions, such as easements and utilities, of individual properties and streets or showing a map of a subdivision or site plan.

**PLOT.** A single unit parcel of land or a parcel of land that can be identified and referenced.

**PORCH.** A platform which projects from the exterior wall of a building, has direct access to the street level of the building, is covered by a roof or eave which may be supported by posts, and has no roof-supporting walls on three sides.

**PRINCIPAL BUILDING or STRUCTURE.** A building or structure containing the principal use of the lot.

**PROPERTY.** A lot, parcel or tract of land, together with any improvements and/or structures erected, constructed or contained thereon.

**PUBLIC FACILITIES.** A building, use or structure owned and occupied by a local government agency, such as a jail, housing for persons participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility or hazardous waste treatment or storage facility, but not including a government use, military facility, residential-care home, rehabilitation center or education or health institution.

**PUBLIC UTILITY STRUCTURE.** An electricity or gas substation, water or wastewater storage tank, tower, reservoir, filtration plant or pumping station, telephone repeater station or similar structure used as an intermediary switching, boosting, distribution or transfer station for electricity between the point of generation and the end user, including communication support structures and antennas, radio, television, microwave transmission or relay towers and other similar distributing equipment.

**RECREATION AREA or FACILITY.** A building, auditorium, stadium, outdoor amphitheater, open or enclosed structure, outdoor field or playground containing recreational space, such as a tennis court, golf course, swimming pool, bowling alley, and/or gymnasium, and operated by a government agency or as a business.

**RECREATIONAL VEHICLE.** A vehicular-type portable structure (marine or terrain) without a permanent foundation that can be towed, hauled, or driven, and that is primarily designed as a temporary living accommodation for recreational, camping, and travel use, including but not limited to: motor homes, trailers, truck campers, boats, snowmobiles, or other such items primarily for recreational purposes.

**RECREATIONAL VEHICLE PARK.** Any lot or parcel of land designed to be occupied by two or more recreational vehicles as temporary living quarters for recreation or vacation purposes. The term includes any structures or vehicles intended for use as a parcel of such RECREATIONAL VEHICLE PARK.

**RECYCLING CENTER.** A site or facility that accepts only segregated, non-hazardous, non-special, homogenous, non-putrescible materials such as dry paper, glass, cans, or plastics,

for subsequent use in the secondary materials market. This shall not include a facility which handles, collects, or otherwise stores or processes automobile bodies or parts, toxic or hazardous materials, or recyclable materials mixed with other refuse.

**RESIDENTIAL FACILITY.** Any state licensed facility, public or private, which for gain or otherwise regularly provides one or more persons with a 23 hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation, or treatment they need, but which for any reason cannot be furnished in the person's own home, in contradiction to boarding houses, hotels, motels, and similar types of housing.

**RESIDENTIAL USE.** Any dwelling designed and intended to house one or more families.

**RESTAURANT.** An establishment, including banquet halls, that is open to the public where food and/or beverages are regularly prepared and consumed and sold:

- (1) At a table or counter within the premises;
- (2) For consumption at a table or counter outdoors, but located on the premises;
- (3) For consumption in automobiles or other motor vehicles located in parking areas on the premises; and
- (4) For consumption off the premises.

**RIGHT-OF-WAY.** A general term denoting a public way, usually in a strip, acquired for or devoted to access, utility, or transportation purposes.

**RIGHT-OF-WAY LINE.** The outer boundary of a right-of-way.

**ROAD FRONTAGE.** All of the property fronting on one side of a street between two intersecting streets, or in the case of a dead-end street, all of the property along one side of the street between an intersecting street and the end of such dead-end street.

**ROADWAY.** The portion of the highway or street, including shoulders, for vehicle use and bicycle use.

**RUNOFF.** That portion of precipitation that has not been absorbed by the soil or plant material and which reaches the drainage system or the edge of a parcel of land.

**SCHOOL.** A publicly or privately owned elementary school, middle school, junior high school or high school which does not provide lodging for students.

**SCHOOL, BOARDING.** A publicly or privately owned school which provides lodging or dwelling units for students on the same property.

**SCREENING.** Structures, solid fences, or evergreen vegetation maintained for the purpose of concealing from view the area or objects behind such structures, solid fences or vegetation.

**SETBACK.** The horizontal distance between any portion of a structure or any development activity and a right-of-way, the bank of a perennial stream, the centerline of an intermittent stream, the ordinary high water mark of a lake or pond, and the edge of a wetland, measured at the structure's or development's closest point to the bank, centerline, ordinary high water mark, easement, property line, or other point on or near the site.

**SETBACK, REAR.** An open space between a building or structure and the street line of the lot on which the building or structure is located, unoccupied and unobstructed from the ground upward, except by fences or as otherwise provided in these regulations. In measuring a road setback, the horizontal distance between the street-line and the closest projection of the building shall be used. Every required road setback shall be measured at right angles (90°) from the street line.

**SETBACK, SIDE.** An open space between the side of a building or structure and a lot line running to the street abutting the lot, projected to the front setback and rear setback of the lot on which the building or structure is located.

**SIDEWALKS.** A paved, surfaced, or leveled portion of the right-of-way, paralleling and usually separated from the street, used as a pedestrian walkway.

**SIGHT TRIANGLE.** The area of the corner lot closest to the intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic.

**SIGN.** Any object, device, display, or structure, or part thereof, which is used primarily to advertise, identify, display, or direct or attract attention to an object, person, establishment, product, service, event, or location by any mean including, without limitation, words, letters, figures, designs, symbols, fixtures, colors, or projected images, visible beyond the boundaries of the lot or parcel on which they are situated or visible from any public thoroughfare and right-of-way.

**SITE PLAN.** A scaled plan from proposed development that contains any information that reasonably may be required in order that an informed decision can be made by the approving authority.

**SOLID SCREEN.** Either an earth berm, hill, solid wood fence, wall, or a densely planted row of shrubs that cannot be seen through in any season.

**STADIUM.** A structure or facility designed, intended or used primarily for athletic events and containing seating and parking for spectators of those events, but not including a raceway or dragstrip.

**STORY.** That portion of a building, other than a cellar, including between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

**STORY, HALF.** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than 2/3 of the floor area is improved for use. A HALF STORY containing an independent apartment or living quarters shall be counted as a full story.

**STREAM.** An open body of running water flowing continuously or intermittently.

**STREET.** That portion of the public right-of-way or easement which is improved to provide for the movement of motor vehicles.

**STRUCTURE.** Anything constructed, installed or portable, the use of which required a location on a parcel of land. This includes a fixed or moveable building which can be used for housing, business, commercial, or office purposes, either temporarily or permanently.

**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.

**TATTOO PARLOR.** An establishment where pigment is inserted under the surface of the skin of a human being, by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin. TATTOO PARLORS shall also include body piercing parlors.

**TAVERN.** An establishment used primarily for the sale or dispensing of malt, vinous, or other alcoholic beverages for on-site consumption and where food may be served or sold only as an accessory to the principal use.

**TEMPORARY USE.** A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time, and does not involve the construction or alteration of any permanent structure.

**TOXIC MATTER.** Any combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, can cause death or disease, mutations, deformities or malfunctions in such organisms or their offspring and that adversely affect the environment.

**USE.** The purpose or activity for which the land, or any structure therein, is designed, arranged or intended or for which it is occupied or maintained.

**USE, PERMITTED.** Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements of these regulations for the district in which such use is located.

**USE, PRINCIPAL.** The primary purpose or function that a lot serves or is proposed to serve, as distinguished from an accessory use. A principal use may either be permitted or conditional.

**VARIANCE.** Permission to depart from the literal requirements of these regulations.

**VARIANCE, HARDSHIP.** A rationale for the departure from the literal requirements of these regulations when their strict enforcement would present practical difficulties in the use of a property. For example, a variance might be granted on the basis of hardship when, without the variance, the physical characteristics of the property or the only uses allowed on the property render it unusable or unprofitable.

**VEHICLE.** A self-propelled device with two or more axles used for the transportation of people or goods over land surfaces.

**VEHICLE BODY REPAIR.** The business of auto-body repair for vehicles and automobiles.

**VEHICLE MECHANICAL REPAIR.** The business of mechanical repair work and servicing of automobiles and vehicles, including fast service, tune-up and lubricating facilities, but specially excluding body work and painting.

**VEHICLE SALES AND RENTAL.** The sale, rental, or display of motor vehicles, boat, trailers, recreational vehicles, manufactured homes, or farm equipment, not including salvage operations or scrap operations.

**WAREHOUSING or DISTRIBUTION ESTABLISHMENTS.** A business or government agency operation whose primary purpose is:

(1) The storage of goods or materials; or

(2) The distribution of goods and materials to another location for the purposes of resale or use at the places distributed to.

**WAREHOUSING, MINI-STORAGE.** An establishment whose primary purpose is to provide space to the general public that may be used for the storage of goods and/or materials and made up of groups of individual units contained within one or more structures.

**WETLAND.** An area that is permanently or periodically inundated or saturated by surface water or groundwater or otherwise has hydric soil conditions at a frequency and duration sufficient to support, or that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. **WETLAND** includes all wetlands that are defined as such by federal and/or state statutes and regulations for the purpose of regulating development or other activities within **WETLANDS**,

**WHOLESALE ESTABLISHMENTS.** The sale of goods and materials in large quantity primarily for resale to other sellers or contractors, but not to include heavy industry.

**ZONING DISTRICTS.** The districts into which the city has been divided as set forth on the Zoning District Map.

**ZONING DISTRICT MAP.** The Official Zoning Map, showing zoning districts boundaries for the city.

#### **134.06 INTERPRETATION AND CONFLICTS.**

Interpreting and applying the provisions of these regulations, they shall be held the minimum requirements for the promotion of the public health, safety, morals, comfort, and general welfare. It is not intended by these regulations to interfere with, abrogate or annul any easement, covenants, or other agreements between parties. However, wherever, these regulations impose greater restrictions upon the use of building, structures or land or require more restrictive building lines, then the provisions of these regulations shall control.

#### **134.07 SEVERABILITY.**

In any section, specific provision, or standard of these regulations or any zoning district boundary that now exists or may exist in the future is found by a court to be invalid or inappropriately applied for any reason, the decision of the court shall not affect the validity or application of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

## DEVELOPMENT REGULATIONS

### 134.08 ZONING DISTRICTS ESTABLISHED.

In order to carry out the purpose and intent of these regulations, the city is hereby divided into the following districts.

- R-1 Low Density Residential District
- R-2 High Density Residential District
- C-1 General Commercial District
- I -1 General Industry District
- A-1 General Agricultural District

### 134.09 ZONING DISTRICT MAP.

(A) Purpose. The purpose of the zoning district map is to set forth the boundaries of the zoning districts. The purpose of the land use matrix is to provide a list of all the land uses identified in the district regulations along with the corresponding districts where these uses are permitted to locate.

(B) Official zoning Map. The official zoning map shall be identified by the signature of the Mayor, attested to by the City Clerk-Treasurer and bearing the seal of the city under the following words: "This is to certify that this is the Official Zoning Map referred to in Chapter 134.09 of the Zoning Ordinance of the City of Lyle" together with the date of adoption of this ordinance. The Zoning Ordinance Official Zoning Map shall be kept on file in the office of the City Clerk.

(C) Changes. If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes will be made on the official zoning map promptly after the amendment has been approved by the City Council together with an entry on the official zoning map as follows: "By Ordinance No. adopted (date) by the City of Lyle, the following change or changes were made in the official zoning map: (Description of change)," which entry shall be signed by the Mayor and attested to by the Clerk-Treasurer. In any event, the official map shall be redrawn to incorporate all changes each year, and shall be completed on the anniversary of the effective date of this chapter.

(D) Annexations. All territories which may hereafter be annexed to the city shall be considered as being the A-1 General Agricultural District until an amendment to this chapter shall place annexed land in a different zoning district.

(E) Vacation. Whenever any street, alley, or other public way is vacated by official action of the City Council, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and hence forth be subject to all appropriate regulations of the extended districts.

(F) Interpretation of boundaries. Where uncertainty exists as to the boundaries of districts, as shown on the official zoning map, the City Clerk shall determine the boundaries in accordance with the rules:

(1) District boundary lines are the center lines of highways, streets, alleys, easements, railroad right-of-way, river and other bodies of water, or section, division of sections, tract and lot lines, or such lines extended, unless otherwise indicated;

(2) Distances not specifically indicated on the official zoning map shall be determined by the scale of the map; and

(3) Where street or property layout existing on the ground is at variance with that shown on the official zoning map, or in circumstances not covered by (1) or (2) above, the City Council shall interpret the district boundaries.

(G) Land Use Matrix. The matrix set forth in Appendix A following this chapter identifies those land uses authorized as either permitted (P) or conditional (C) uses in Chapter 134.10 through 134.14.

#### 134.10 R-1 LOW DENSITY RESIDENTIAL DISTRICT.

(A) Purpose. The R-1 Low Density Residential District is intended to identify areas to provide a limited selection of residential opportunities primarily single and two-family residential uses on larger parcels of land. District regulations are designed to maintain low density residential uses and restrict incompatible development.

(B) Permitted uses. The following uses may be established as permitted uses in the R-1 District.

(1) Residential Uses.

- (a) Single-family detached dwellings;
- (b) Two-family (duplex) dwellings;
- (c) Day care homes and foster homes defined in 134.05 of this chapter;

(2) Recreational Uses. Public parks and recreational areas owned and operated by government agencies.

(3) Miscellaneous Uses.

- (a) Accessory structures and uses; and
- (b) Essential government uses as defined in 152.05.

(C) Conditional Uses. The following uses are permitted only subject to the issuance of a conditional use permit in accordance with the procedures and standards set forth in 134.36 ("Conditional Use Permits").

(1) Residential Uses.

- (a) Licensed day care centers;
- (b) Licensed nursing homes;
- (c) Licenses assisted care homes;
- (d) Planned unit development; and
- (e) Manufactured homes in individually owned parcels of land which comply with the provisions of chapter 134.22.
- (f) Manufactured home park developments, subject to issuance of a license from the State Department of Health (MS 327.15, as it may be amended from time to time).

(2) Commercial Uses.

- (a) Clinics, and medical and dental offices;
- (b) Funeral parlors; and
- (c) Overnight accommodations provided that no more than five rooms or suites of rooms are rented and rooms are not rented for a period of more than 14 days.

(3) Recreational Uses. Community/neighborhood centers.

(4) Miscellaneous Use.

- (a) Cemeteries;
- (b) Non-essential governmental uses as defined in 134.05;
- (c) Water supply buildings, reservoirs, wells, elevated tanks, regional pipelines, public sewage treatment facilities, and similar essential public utilities and service structures;
- (d) Religious institutions;
- (e) Public schools, or private schools having a curriculum equivalent to a public elementary or public high school; and



(D) Accessory Structures and Uses. The following uses are permitted only when auxiliary to a principal use permitted above; they may not exist as principal uses in their own stead.

(1) Accessory Dwellings. An accessory dwelling shall be permitted in the R-1 District in accordance with the following requirements:

- (a) Except as provided below, all accessory dwellings shall be located within the primary dwelling.
- (b) The principal use of the lot shall be a detached dwelling;
- (c) No more than one accessory shall be located on a lot;
- (d) The accessory dwelling shall be owned by the same person as the principal dwelling;
- (e) The accessory dwelling shall not be served by a driveway that is separate from the driveway that serves the principal dwelling;
- (f) The accessory dwelling shall have a floor area no greater than 1000 square feet, 10 feet sidewalls and 20 feet at the peak.
- (g) If the dwelling will be in a detached accessory structure, then, except for manufactured homes that are regulated in 134.22, that structure shall also serve as a garage for residents of the principal dwelling.

(2) Accessory Structures. An accessory structure shall be permitted in accordance with the following:

- (a) The following are permitted: private garage, storage shed, wood shed, and other similar structures;
- (b) The lot coverage for accessory structures shall be included as part of the calculation of "lot coverage" for the district;
- (c) Detached accessory structures shall be located at least ten feet from the nearest wall of the principal structure and, if applicable, the nearest wall of any other accessory structure; and
- (d) Detached accessory structures shall have a floor area no greater than 1000 square feet, 10 feet sidewall, and 20 feet at the peak.

(3) Pet Shelters. Pens, runs, cages, houses, or other facilities for the keeping of dogs, cats and other small animals shall be permitted as an accessory use in R-1 District, in accordance to Ordinance No. 135.

(4) Outdoor Lighting. The following restrictions shall apply to any outdoor lighting located in the R-1 District and should serve to protect against excessive glare and light spilling over to neighboring properties:

- (a) All outdoor lighting for nonresidential uses shall be located, screened, or shielded so that adjacent lots located in residential districts are not directly illuminated;
- (b) No outdoor lighting shall be of such an intensity or brilliance so as to cause glare or to impair the vision of drivers;
- (c) Conditions relating to the location and hours of operation for outdoor lighting may be imposed on outdoor recreational uses; and
- (d) No flickering or flashing lights shall be permitted, other than holiday decorations.

(5) Satellite Dishes. Satellite dishes of two meters or less in diameter shall be permitted within any yard, except within any sight triangle.

(E) Minimum Lot Sizes. Except as provided by conditional use permit, all uses and structures in the R-1 District shall have the minimum lot size set forth below:

- (1) Minimum total lot area: 10,200;
- (2) Minimum lot width: 60 feet; and
- (3) Minimum lot depth: 170 feet.

(F) Minimum Setbacks. The following minimum setback standards shall apply in the R-1 District. For square corner lots, the "front" setback shall be applied to both the front yard where the main door is located and the side yard facing the right-of-way; the other yards shall be considered to be the "side" and "rear" setbacks.

- (1) Front (building line to R.O.W.): 25 feet;
- (2) Side (building line to lot line) primary structures: 8 feet;
- (3) Side (building line to lot line) detached accessory structure: 3 feet;
- (4) Rear (building line to alley R.O.W. or lot line): 25 feet; and
- (5) Rear (building line to alley R.O.W. or lot line) accessory structure; 3 feet.

(G) Maximum Lot Coverage. Allowable percentage of lot coverage (all structure) is 40%.

(H) Maximum Height. All principal structures shall be a maximum of three stories or 36 feet, whichever is higher. An accessory structure shall be a maximum of 20 feet at peak.

(I) Maximum Density/Intensity.

- (1) Required lot area for single-family dwelling unit: 10,200 square feet; and
- (2) Two-family dwellings: add 3,000 square feet per additional unit.

#### 134.11 R-2 HIGH DENSITY RESIDENTIAL DISTRICT.

(A) Purpose. The R-2 High Density Residential District is established to identify areas to provide a variety of residential opportunities at a high density, including single-family detached, single-family attached, two family, and multi-family housing. R-2 residential zones will permit the intensive residential development. The character of the R-2 District should remain essentially residential; however, provision is made for conditionally permitting transitional office and service uses which relate reasonably to multiple-family structures and are pedestrian rather than automobile oriented in function.

(B) Permitted Uses. The following uses may be established as permitted uses in the R-2 District.

- (1) Residential Uses.
  - (a) Single-family detached and attached dwellings, two-family (duplex) dwellings, and multi-family dwellings;
  - (b) Day care homes and foster homes as defined in Chapter 134.05; and
- (2) Recreational Uses.
  - (a) Public parks; and
  - (b) Recreational areas owned or operated by government agencies.
- (3) Miscellaneous Uses.
  - (a) Accessory structures and uses;
  - (b) Essential government uses as defined in 134.05;
  - (c) Private clubs, provided that no permanent liquor, food, or entertainment license shall be issued in conjunction with such operation;
  - (d) Offices and quasi-public facilities of philanthropic or charitable institutions not exceeding a floor area of 5,000 square feet; and
  - (e) Mortuary or funeral parlors.

(C) Conditional Uses. The following uses are permitted only subject to the issuance of a conditional use permit in accordance with the procedures and standards set forth in 134.36 ("Conditional Use Permits").

- (1) Residential Uses.
  - (a) Licensed day care centers; licensed nursing homes;
  - (b) Planned unit development;
  - (c) Manufactured homes on individually owned parcels of land which comply with the provisions of chapter 134.22.

(d) Manufactured home park development, subject to issuance of a license from the State Department of Health (M.S. 327.15, as it may be amended from time to time).

(2) Commercial Uses.

(a) Clinics and medical and dental offices, not exceeding a floor area of 5,000 square feet; and

(b) Business and professional offices, not exceeding a floor area of 5,000 square feet.

1. Each application for a business or professional office operation shall be individually evaluated in regard to customer or client traffic; It is desirable to have minimal traffic generated by the operation in deference to the residential character of the R-2 District. Any application which would appear to generate unreasonable client patronage on the premises may be disapproved. "Unreasonable" may be determined in relation to usual pedestrian and vehicle traffic volume without such use.

2. All equipment, including vehicles, associated with such operation shall be placed in acceptable enclosed storage areas.

3. All office functions shall be subject to approved hours of operation, such hours to be determined and agreed upon at time of conditional permit issuance.

(c) Overnight accommodations provided that no more than five rooms or suites of rooms are rented and rooms are not rented for a period of more than 14 days.

(d) Automated teller machines;

(e) Financial institutions; and

(f) Personal service establishments, not exceeding a floor area of 5,000 square feet.

(3) Recreational Uses. Community/neighborhood center.

(4) Miscellaneous Uses.

(a) Cemeteries, human or pet;

(b) Non-essential governmental uses as defined in 134.05;

(c) Museums, civic and cultural center;

(d) Water supply buildings, reservoirs, wells, elevated tanks, regional pipelines, public sewage treatment facilities, and similar essential public utilities and service structures;

(e) Religious institutions; and

(f) Public schools, or private schools having a curriculum equivalent to a public elementary or public high school.

(D) Accessory Structures and Uses. The following uses are permitted only when auxiliary to a principal use permitted above; they may not exist as principal uses in their own stead.

(1) Accessory Dwellings. An accessory dwelling shall be permitted in the R-2 District accordance with the following requirements:

(a) Except as provided below, all accessory dwellings shall be located within the primary dwelling.

(b) The principal use of the lot shall be a detached dwelling.

(c) No more than one accessory dwelling shall be located on a lot.

(d) The accessory dwelling shall be owned by the same person as the principal dwelling.

(e) The accessory dwelling shall not be served by a driveway that is separate from the driveway that serves the principal dwelling.

(f) The accessory dwelling shall have a floor area no greater than 50% of the floor area of the principal dwelling, within a minimum of 350 square feet and a maximum of 800 square feet.

(g) If the entrance to the accessory dwelling is separate from the entrance to the principal dwelling, then that entrance shall not face any street on which the lot fronts.

(h) If the dwelling will be in a detached accessory structure, then, except for manufactured homes that are regulated in 134.22, that structure shall also serve as a garage for residents of the principal dwelling.

(2) Accessory Structures. an accessory structure shall be permitted in accordance with the following:

(a) One of each of the following is permitted: private garage, storage shed, wood shed, and other similar structures.

(b) The lot coverage for accessory structures shall be included as part of the calculation of "lot coverage" for the district.

(c) Detached accessory structures shall be located at least ten feet from the nearest wall of the principal structure and, if applicable, the nearest wall of any other accessory structure.

(d) Garage structures sufficient to house two vehicles per dwelling unit.

(e) Maximum accessory building size not to exceed 1000 square feet, 10 foot sidewalls and 20 feet at peak.

(3) Pet Shelters. Pens, runs, cages, houses of other facilities for the keeping of dogs, cats and other small animals shall be permitted as an accessory use in the R-2 District.

(4) Outdoor Lighting. The following restrictions shall apply to any outdoor lighting located in the R-2 District and should serve to protect against excessive glare and light spilling over to neighboring properties.

(a) All outdoor lighting for nonresidential uses shall be located, screened or shielded so that adjacent lots located in residential districts are not directly illuminated.

(b) No outdoor lighting shall be of such an intensity or brilliance so as to cause glare or impair the vision of drivers.

(c) Conditions relating to the location and hours of operation for outdoor lighting may be imposed on outdoor recreational uses.

(d) No flickering or flashing lights shall be permitted, other than holiday decorations.

(5) Satellite Dishes. Satellite dishes to two meters or less in diameter shall be permitted within any yard, except within any sight triangle.

(E) Minimum Lot Sizes. Except as provided by conditional use permit, all uses and structures in the R-2 District shall have the minimum lot size set forth below:

(1) Minimum Total Lot Area: 5100 square feet for one-family, 5000 square feet for two-family and 3500 for multi-family,

(2) Lot Width: 60 feet; and

(3) Minimum Lot Depth: 85 feet.

(F) Minimum Setbacks. The following minimum setback standards shall apply in the R-2 District. For square corner lots, the "front" setback shall be applied to both the front yard where the main door is located and the side yard facing the right-of-way; the other yards shall be considered to be the "side" and "rear" setbacks.

(1) Front (building line to ROW): 25 feet;

(2) Side (building line to lot line) primary structure: 8 feet;

(3) Side (building line to lot line) detached accessory structures: 3 feet;

(4) Rear (building line to alley ROW or lot line) primary structure: 25 feet; and

(5) Rear (building line to alley ROW or lot line) accessory structure: 3 feet.

(G) Maximum Lot Coverage.

(1) Allowable percentage of lot coverage (all structures) for residential: 50%; and

(2) Allowable percentage of lot coverage (all structures) for nonresidential: 60%.

(H) Maximum Height: All structures shall be a maximum of three stories or 36 feet, whichever is higher.

#### 134.12 C-1 GENERAL COMMERCIAL DISTRICT.

(A) Purpose. The C-1 General Commercial District is intended to provide one or more areas for the grouping of general retail sales establishments, offices and services which offer convenient shopping facilities for city residents and the surrounding area. C-1 District provisions and boundaries are established to promote compatible land use relationships among diverse types of uses and encourage well planned development or expansion in accord with the approved comprehensive plan. Only those uses which substantially interfere with the overall function of the general commercial area will be excluded.

(B) Permitted Uses. The following uses may be established as permitted in the C-1 District.

(1) Recreational Uses:

(a) Public Parks and recreation areas owned or operated by government agencies; and

(b) Health clubs and fitness centers.

(2) Commercial Uses. Trade and Services. Any retail store, personal service, or business service establishment subject to all applicable regulations and such permits and licenses as may be required by law, and further provided that the use is not objectionable due to noise, fumes, smoke, odor, or vibration. Such uses shall include the following and other similar uses not listed when the fact of similarity is determined by the City Council:

(a) Automated teller machines;

(b) Automobile mechanical repair;

(c) Automobile service stations;

(d) Automotive or trailer sales and service establishments;

(e) Building materials and hardware, retail sales/repair;

(f) Car washes;

(g) Catering establishments;

(h) Clinics and medical and dental offices;

(i) Commercial studios;

(j) Community/neighborhood centers;

(k) Contractors or construction offices;

(l) Convenience stores;

(m) Cultural, entertainment, and recreational establishments;

(n) Eating and drinking places, including taverns, club, and off sale liquor establishments;

(o) Employment agencies;

(p) Financial institutions;

(q) Furniture, home furnishing and equipment, sales and display;

(r) Funeral parlors;

(s) General business offices;

(t) General merchandising, apparel, and accessories establishments;

(u) Hospitals;

(v) Interior decorating service and sales;

(w) Museums, civic and cultural centers;

- (x) Overnight accommodations;
- (y) Post offices and other public service operations;
- (z) Publishing, job printing and blue printing;
- (aa) Trade and business schools; and
- (bb) Wholesale trade, sales offices.
- (3) Miscellaneous Uses.
  - (a) Accessory structures and uses;
  - (b) Essential and non-essential governmental uses as defined in 134.05
  - (c) Museums, civic and cultural centers; and
  - (d) Commercial parking garages, ramps, and lots.

(C) Conditional Uses. The following uses are permitted only subject to the issuance of a conditional use permit in accordance with the procedures and standards set forth in 134.36 ("Conditional Uses Permits").

- (1) Residential Uses.
  - (a) Single-family, two-family or multi-family dwellings; and
  - (b) Accessory dwellings.
- (2) Miscellaneous Uses.
  - (a) Cemeteries, human or pet;
  - (b) Non-essential governmental uses as defined in 134.05;
  - (c) Water supply buildings, reservoirs, wells, elevated tanks, regional pipelines, public sewage treatment facilities, and similar essential public utilities and service structures.
  - (d) Religious institutions; and
  - (e) Public schools, or private schools having a curriculum equivalent to a public elementary or public high school.

(D) Accessory Structures and Uses. The following uses are permitted only when auxiliary to a principal use permitted above; they may not exist as principal uses in their own stead.

(1) Detached ATM. May be located in any side or rear yard, but no closer than ten feet from a property line.

(2) Free Standing Canopy. No drip line shall be closer than five feet from any property line.

(3) Fuel Stations.

(4) Outdoor Lighting. The following restrictions shall apply to any outdoor lighting located in the R-2 District and should serve to protect against excessive glare and light spilling over to neighboring properties:

- (a) All outdoor lighting for nonresidential uses shall be located, screened or shielded so that adjacent lots located in residential districts are not directly illuminated;
- (b) No outdoor lighting shall be of such an intensity or brilliance so as to cause glare or to impair the vision of drivers;
- (c) Conditions relating to the location and hours of operation for outdoor lighting may be imposed on outdoor recreational uses; and
- (d) No flickering or flashing lights shall be permitted, other than holiday lighting.

(5) Satellite Dishes. Satellite dishes of two meters or less in diameter shall be permitted within any yard, except within any sight triangle.

(E) Minimum Lot Sizes. Except as provided by conditional use permit, all uses and structures in the C-1 District shall have the minimum lot size set forth below:

- (1) Minimum total lot area: 2000 square feet;
- (2) Minimum lot width: 25 feet; and

(F) Minimum Setbacks. The following minimum setback standards shall apply in the C-1 District. For square corner lots, the "front" setback shall be applied to both the front yard where the main door is located and the side yard facing the right-of-way; the other yards shall be considered to be the "side" and "rear" setbacks.

- (1) Front (building line to ROW): 0 feet;
- (2) Side (building line to lot line) primary structures: 0 feet;
- (3) Side (building line to lot line) detached accessory structures: 0 feet;
- (4) Rear (building line to alley ROW or lot line) primary structures: 0 feet;
- (5) Rear (building line to alley ROW or lot line) accessory structures: 0 feet;
- (6) Setback from "R" District boundary: 10 feet.

(G) Maximum Lot Coverage.

- (1) Allowable percentage of lot coverage (all structures) for residential: N/A; and
- (2) Allowable percentage of lot coverage (all structures) for nonresidential: 100%.

(H) Maximum Height: All other structures shall be three stories or 45 feet, whichever is higher.

(I) Maximum Density/Intensity:

- (1) Required lot area for single-family dwelling unit: N/A;
- (2) Two-family dwellings: N/A.

#### 134.13 I-1 General Industry District.

(A) The I-1 General Industry District is intended to allow industrial and office uses that have minimal adverse impacts. Development in this District includes those manufacturing, wholesaling, and office activities which can be operated in a clean and quiet manner, as well as certain commercial and recreational activities which are needed to serve the occupants of the district and the residents of adjoining residential districts. Whenever possible, this District should be separated from residential districts by natural or structural boundaries such as drainage channels, strips of vegetation, roads and similar features.

(B) Permitted Uses. The following uses may be established as permitted uses in the I-1 District, in accordance with the procedures established in 134.035 ("Development Permitted as of Right"):

- (1) Uses listed as permitted in 134.012 (B).
- (2) Manufacturing. Any light manufacturing use or process including repairs, assembling, fabricating, altering, converting, finishing, processing, treating, testing, packaging, or bottling, except any use or process hereinafter specifically excluded or which would not be in keeping with the purpose of the district as stated above;
- (3) Warehousing, storage and wholesaling. The storage, handling, assembly, and distribution of goods and materials for retail, wholesale, or on-site use, except for the handling, in quantity, of packaged or bulk hazardous combustible materials and/or flammable liquids or gases. The determination of "hazardous" materials shall be made by the Zoning Administrator.

(C) Conditional Uses. The following uses are permitted only subject to the issuance of a conditional use permit in accordance with the procedures and standards set forth in 134.036 ("Conditional Use Permits").

- (1) Recreational Uses. Community/neighborhood centers.
- (2) Miscellaneous Uses.
  - (a) Cemeteries, human or pet;
  - (b) Crematory, if located not less than 200 feet from any residence district;
  - (c) Non-essential governmental uses as defined in 134.005;
  - (d) Dwellings for families of watchmen, caretakers, and operators, and such sleeping and boarding accommodations as are customarily incidental and necessary to a permitted use;

- (e) Water supply buildings, reservoirs, wells, elevated tanks, regional pipelines, public sewage treatment facilities, and similar essential public utilities and service structures;
- (f) Wrecking and salvage yards, if located not less than 200 feet from any residence district;
- (g) Other Uses. The following uses may only be authorized as a conditional use by the City Council if located at least 400 feet from any residence district, and if the location of such use has been recommended by the Planning and Zoning Commission after receiving reports from the State Pollution Control Agency, and the Chief of the Fire Dept.:
  - 1. Acid manufacture, cement, lime or gypsum manufacture;
  - 2. Distillation of bones, coal, or wood;
  - 3. Explosive manufacture or storage;
  - 4. Fat rendering or fertilizer manufacture;
  - 5. Garbage, offal, or dead animals, reduction or dumping;
  - 6. Gas manufacture, glue or gelatin manufacture;
  - 7. Petroleum refining (including bulk storage);
  - 8. Smelting of tin, copper, zinc, or iron ores;
  - 9. Manufacture of paint products, paper pulp, inks, soap, tars, vinegar, salts; and
  - 10. Any other use which, in the operation of the City Council, is of similar character to those described.

(D) Prohibited Uses.

- (1) Residential. Dwellings, dwelling units, and residences of any kind, including hotels, motels, rooming houses, and tourist homes.
- (2) Institutional. Schools, orphanages, child care centers, homes for the aged, and similar institutions for human care.

(E) Accessory Structures and Uses. The following uses are permitted only when auxiliary to a principal use permitted above; they may not exist as principal uses in their own stead.

(1) Detached ATM. may be located in any side or rear yard, but no closer than ten feet from a property line.

(2) Free Standing Canopy. No drip line shall be closer than five feet from any property line.

(3) Fuel Stations.

(4) Outdoor Lighting. The following restrictions shall apply to any outdoor lighting located in the A-1 District and should serve to protect against excessive glare and light spilling over to neighboring properties:

- (a) All outdoor lighting for nonresidential uses shall be located, screened, or shielded so that adjacent lots located in residential districts are not directly illuminated;
- (b) No outdoor lighting shall be of such intensity or brilliance so as to cause are or to impair the vision of drivers;
- (c) Conditions relating to the location and hours of operation for outdoor lighting may be imposed on outdoor recreational uses; and
- (d) No flickering or flashing lights shall be permitted, other than holiday decorations.

(5) Satellite Dishes. Satellite dishes of two meters or less in diameter shall be permitted within any yard, except within any sight triangle.

(6) Day Care. Day care shall be permitted within the I-1 District only if accessory to and necessary for a principal industrial use.



(F) Minimum Lot Sizes. Except as provided by conditional use permit, all uses and structures in the I-1 District shall have the minimum lot size set forth below:

- (1) Minimum total lot area: 20,000 square feet;
- (2) Lot width at building line (minimum frontage): 100 feet; and
- (3) Minimum lot depth: 120 feet.

(G) Minimum Setbacks. The following minimum setback standards shall apply in the A-1 District. For square corner lots, the "front" setback shall be applied to both the front yard where the main door is located and the side yard facing the right-of-way; the other yards shall be considered to be the "side" and "rear" setbacks.

- (1) Front (building line to ROW): 25 feet;
- (2) Side (building line to lot line) primary structures: 15 feet;
- (3) Side (building line to lot line) detached accessory structures: five feet;
- (4) Rear (building line to alley ROW or lot line) primary structures: 25 feet;
- (5) Rear (building line to alley ROW or lot line) accessory structures: 15 feet; and
- (6) Setback from "R" District Boundary: 75 feet.

(H) Maximum Lot Coverage.

- (1) Allowable percentage of lot coverage (all structures) for residential: N/A; and
- (2) Allowable percentage of lot coverage (all structures) for nonresidential: 60%.

(I) Maximum Height.

- (1) Primary structures shall be three stories or 45 feet, whichever is higher.
- (2) Accessory structures shall be 25 feet, except storage bins shall be 65 feet.

(J) Maximum Density/Intensity.

- (1) Required lot area for single-family dwelling unit: N/A;
- (2) Two-family dwellings: N/A.

#### 134.14 A-1 Agricultural District.

(A) Purpose. The purpose of the A-1 Agricultural District shall be intended to help conserve good farming areas.

(B) Permitted Uses. The following uses may be established as permitted uses in the A-1 District:

- (1) Churches, schools, parks, municipal buildings and hospitals;
- (2) Farming, provided that building in which farm animals are kept shall be at least 100 feet from the nearest residential district.
- (3) Airports, including terminal facilities and necessary concessions;
- (4) In-season roadside stands for the sale of farm products produced on the premises.
- (5) Cemeteries.
- (6) Public utility plants, including power substations, sewage disposal lagoons and plants.
- (7) Residential Uses. Single-family and two-family dwellings along with accessory structures. Residential uses and its accessory structures in accordance with Chapter 134.010 "R-1 Residential District".

### REGULATIONS OF GENERAL APPLICABILITY

#### 134.15 BULK REGULATIONS.

(A) General.

(1) All development, except as provided by conditional use, must conform to the minimum bulk regulations as set out in this section.

(2) No building, structure, or land located within the city's zoning jurisdiction shall be used or occupied, and no building or structure shall be erected, moved, reconstructed, extended, enlarged, or altered unless in accordance with the minimum lot area, lot width, set back, and open space requirements set forth in Appendix B following this chapter, or otherwise required by these regulations or as permitted by 134.25 through 134.28 Nonconformity's.

(3) No lot shall hereafter be divided into two or more lots unless all lots resulting from such division conform with all applicable minimum lot size requirements of the zoning district in which such lots are located or as otherwise provided by these regulations.

(4) When two or more contiguous developed and/or vacant lots, each of which lacks adequate area and dimension to comply with minimum lot sizes requirements of the district in which it is located, are held in common ownership, the lots shall be used as one lot, except when doing so results in a violation of these regulations.

(5) Any lot that is not held in common ownership with a contiguous lot which was of record at the time of the adoption of these regulations, and which does not meet the requirements for minimum lot width and area set forth in Appendix B, may still be utilized for a use permitted under the zoning district in which the lot is located, provided that the applicable setbacks and other provisions of these regulations are met.

(B) Lot Coverage.

(1) Location of required open space.

(a) All setbacks, and other open spaces allocated to a building(s), shall be located on the same lot as such building(s).

(b) No required setbacks, other open spaces or minimum lot area allocated to a building shall be used to satisfy the setbacks or other open space or minimum lot area requirements for any other building.

(2) Uses and structures prohibited in required setbacks.

(a) No principal building or structure shall be located within any setback required by these regulations

(b) No outdoor storage of goods and materials or refuse container shall be located within any required road setback, except for the temporary placement of refuse containers for curbside pick-up in residential districts.

(3) Maintenance of setbacks and other open spaces. The maintenance of setbacks and other open spaces and minimum lot areas set forth in Appendix B shall be a continuing obligation of the owners of the property.

(C) Number Of Building Per Lot. Except as otherwise provided in these regulations, no more than one principal building shall be located on a lot, except as approved as a conditional use or temporary use in accordance with these regulations.

(D) Height Limitations.

(1) The height limitations established for each district shall not apply to public utility poles and lines, communication support structures, skylights, fire towers, spires, cooling towers, parapet walls and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment or similar equipment for the operation and maintenance of a building.

(2) Unless located in or adjacent to a residential district, the height limitation shall not apply to steeples, chimneys, and water tanks.

(3) Structures exempted from the maximum height provisions by subsection (1) and (2) above may not exceed a height of 15 feet above the average roof line of the building to which they are affixed unless permitted by a conditional use permit.

(E) Clear Sight Triangle at Street Intersections.

(1) The restrictions set out in this division shall apply to the following triangles of land abutting street intersections:

- (a) For streets intersections: The triangle bounded on two sides by the intersecting right-of-way lines, measured 15 feet in each direction from their point of intersection and on the third side by the diagonal line connecting the ends of the 15 foot sides.
- (2) Within the triangles no structures, sign, plant, shrub, tree, berm, fence, wall, or other object of any kind shall be installed, constructed, set out, or maintained so as to obstruct cross-visibility at a level between 30 and 72 inches above the height of the curb.
- (3) The restrictions of this division shall not apply to the following:
  - (a) Existing natural grades which, by reason of natural topography, rise 30 or more inches above the level of the center of the adjacent intersection;
  - (b) Trees having limbs or foliage trimmed in such a manner that no limbs or foliage extend into the area between 30 and 72 inches above the level of the center of the adjacent intersection; and
  - (c) Fire hydrants, public utility poles, street markers and traffic-control devices.

#### 134.16 HOME OCCUPATION.

(A) Purpose. The purpose of these regulations is to control the impact that home occupations may have on neighborhood character and on the use and enjoyment of adjacent properties.

(B) General. Home occupation as defined in 134.005, such as personal and professional services, handicrafts, dressmaking or tailoring, artistic or food crafts, provided that not more than 25% of the livable floor area of said residence or accessory structure shall be used for such purposes may be permitted in all zoning districts, accessory to any single-family or multi-family dwelling unit, provided that the following requirements are met:

- (1) The use may be located in either a dwelling or accessory structure.
- (2) The home occupation must be incidental to and secondary to the use of the dwelling for dwelling purposes.
- (3) The use must be conducted entirely within the dwelling or the accessory structure by members of the family residing on the premises.
- (4) The use shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling unit or accessory structure.
- (5) Operation of the use shall not be noticeable from any existing dwelling on an adjacent lot (including but not limited to lights or other displays visible from the exterior of the structure) and shall not change the essential residential character of the principal use.
- (6) Not more than one non-illuminated, non-projecting sign measuring two square feet per face may be displayed on the dwelling in which home occupation is being conducted.
- (7) The home occupation shall not be open to the public between the hours of 7:00 p.m. and 6:00 a.m.
- (8) No home occupation may generate more vehicle daily trips by either customers, delivery persons, or employees in greater volume than would be expected for the zoning district in which it is located.
- (9) There shall be no use of utilities or community facilities beyond that reasonable to the use of the property for residential purposes.

(C) Particular Home Occupations Prohibited. permitted home occupations shall not in any event be deemed to include:

- (1) Automobile repair operations;
- (2) Funeral homes;

- (3) Restaurants;
- (4) Stables, commercial kennels, animal or veterinary hospitals; or
- (5) Antique dealers.

(D) Home Occupations Require Permit Prior To Operation. Whenever a home occupation will be carried on as an accessory use either a permitted or conditional use under the provisions of this chapter, such home occupation shall be required to have a valid permit issued by the City Council prior to actual operation. Procedures for permit application are as follows:

- (1) The applicant shall submit a request, in writing, to the City Council for home occupation permit issuance. Such request shall describe the nature of the operation, necessary equipment involved, estimated client or customer volume, and proposed hours of operation.
  - (2) The City Council shall review the application for conformance to the operational standards stipulated above. Where the home occupation is clearly in conformance, the City Council shall issue the permit without further action required. The City Council shall make the final determination on permit issuance.
  - (3) A home occupation permit shall be valid for a period of one year from the date of issue, at which time a renewal application must be submitted. Any changes in operation must be noted in a renewal permit application.
  - (4) A fee to defray administrative expenses related to permit review and issuance may be set by Council, and changed from time to time, as necessary. Such fee for administrative costs is non-refundable, and shall be assessed at the time of application submission.
- (E) Expiration Of Permit. The home occupation permit shall expire either:
- (1) When the resident changes the home occupation;
  - (2) When the home occupation ceases operation for one year or longer; or
  - (3) When the resident (permittee) moves away from the property.

#### 134.17 TEMPORARY USES

(A) Temporary Use Permit Required. Unless expressly provided to the contrary, no temporary use shall be established or maintained unless a temporary use permit has first been issued by the City Council.

(B) Use Limitations. Whenever a temporary use permit is required, the temporary use shall be subject to the specific regulations and time limits that follow, and to other applicable regulations of the district in which the use is located:

- (1) Any temporary use, together with any principal use, shall not jointly exceed the land use density or intensity that is applicable to the district in which it is located;
- (2) No signs in connection with the temporary use shall be permitted unless otherwise provided;
- (3) The temporary use shall operate only during the hours and dates specified in the permit;
- (4) Off-street parking that will reasonably be required for such temporary use shall be provided; and
- (5) The site of the temporary use shall be cleared of all debris at the termination of the event.

(C) Permitted Temporary Uses.

- (1) Contractor's offices and construction equipment sheds;
- (2) Christmas tree sales;
- (3) Roadside stands for the seasonal sale of farm produce;
- (4) Temporary sale of items, including flowers, food, and novelties shall be permitted in commercial or industrial districts, provided that all activities meet district regulations and do not interfere with traffic;
- (5) Indoor and outdoor arts and crafts shows;

- (6) Carnivals and circuses; and
- (7) Temporary shelters shall be permitted in any zoning district provided district regulations are met.

#### 134.18 FENCES

See ordinance No. 115.

#### 134.19 SIGNS

(A) Purpose. The following regulations are provided to maintain the attractiveness and orderliness of the city, and to protect public safety.

(B) Types of Signs Defined.

(1) Business sign. A sign including any supporting or framing structure which directs attention to a business or profession conducted upon the premises, or to a commodity, service or entertainment sold or offered upon the premises on which the sign is located.

(2) Free Standing Sign. Any sign erected on a freestanding framework supported and affixed by one or more uprights or braces in or upon the ground.

(3) Roof Sign. Any sign attached to the roof of a building.

(4) Wall Sign. Any sign attached to the wall of a building.

(C) Permit Required. No sign, outdoor advertising structure, or display of any character shall be permitted except in conformity with the following regulations. A zoning permit is required for erection, construction, placement, or replacement of any sign to be permanently attached to a building or to be permanently erected as a free-standing sign.

(D) General Regulation For Signs.

(1) Flashing, moving, glaring signs prohibited. No illuminated sign shall be of excessive brightness or shall flash, scintillate, or move. Time and temperature or message signs not otherwise prohibited under this regulation will be allowed, provided they do not create hazardous or annoying glare.

(2) No sign shall be so located as to hide from view or so illuminated as to interfere with the effectiveness of any traffic-control device or signal.

(3) No business sign or sign structure shall be located in such a manner as to materially impede the motorist's view at any street or highway intersection.

(4) No sign shall be permitted to be placed on any wall, fence, or standard facing the side of any adjoining lot which shares a lot line and is located in a residential district, except for those signs permitted in residential districts as provided herein.

(5) Signs indicating the time and place of meetings of civic organizations are permitted on the main entry roads into town provided only one sign structure is utilized to accommodate all such notices on each major entry road.

(6) Portable signs mounted on wheels or a chassis so as to be readily moved from place to place are prohibited.

(7) No free-standing sign shall extend over the right-of-way line of any street or highway, except for one foot of flush business signs where existing buildings have no front or side yards or setbacks from the street or road right-of-way.

(8) All signs shall be maintained in good and safe structural condition.

(9) No sign or part thereof shall be located on any private property without the consent of the owner, holder, leasee, agent, or trustee.

(10) Signs exempt from regulation.

(a) Signs used exclusively for the posting or display of official notices by a public agency or official, or by a person giving legal notice and signs erected or maintained by a public agency or official, or required by law to be displayed

by a public utility for directional warning or informational purposes, are not subject to the regulations of this chapter.

(b) Informational and directional signs (which may include a corporate identity symbol) are exempt from this regulation.

(c) Residential nameplate signs of not more than one square foot, one per dwelling except for corner lots which may have one nameplate facing each street.

(d) Temporary special event signs, portable signs and banners for commercial, community and non-profit sponsored events, providing they are in use for no more than 14 days.

(e) Temporary garage sale, house sale, or real estate sale and construction project signs providing they are removed after the sale or completion of the construction project.

(f) Temporary child operated refreshment stand signs.

(g) All non-commercial signs of any size may be posted from August 1 in a state general election year until ten days following the state general election.

(E) Sign Regulations Within Residential Districts. The following sign regulations shall pertain to all residential districts:

(1) For each multiple-family dwelling, identification signs indicating only the name and address of the building and the name of the management, not exceeding a total of 16 square feet in area. Such signs may not be closer than eight feet to any other zoning lot. On corner lots, identification signs shall be permitted per street.

(2) A residential project having a number of buildings shall be permitted one additional sign at the major entry with the name of the project only. Such sign shall not be greater than 32 square feet in area and located not closer than 16 feet to any other zoning lot.

(3) Church bulletins, cemetery signs, educational institutions, social facilities and other similar uses: A single identification sign not exceeding 20 square feet except that on corner lots, two 20 square foot signs will be permitted, one facing each street.

(4) Signs designating parking area entrances or exits are limited to one sign for each entrance or exit of no more than three square feet sign area for each sign face. One additional sign shall be permitted designating the conditions of use and name of business served by the parking provided the sign does not exceed nine square feet. No advertising is permitted on parking area signs.

(5) No attached sign shall project higher than one story or ten feet, whichever is lower. No free-standing sign shall project higher than seven feet. No attached sign shall project more than 12 inches from the wall to which it is located.

(F) Sign Regulations Within the C-1 General Commercial District and I-1 General Industry District. Signs in the C-1 and I-1 District are permitted subject to the following conditions:

(1) Signs permitted in residential districts are permitted in the C-1 District.

(2) The gross area in square feet of attached signs shall not exceed twenty percent (20%) of the wall area per fascia to which it is attached or of which it is a part.

(3) The gross area in square feet of all free-standing business signs shall not exceed one square foot per each lineal foot of frontage of the zoning lot.

(4) No free standing business sign shall exceed 25 feet in height.

(5) No attached business sign shall project more than 12 inches from the wall to which it is attached nor extend above the roof line.

## 134.20 LANDSCAPING AND BUFFER YARDS

Newly established industrial uses adjacent or backing on residential or commercial districts, or newly established commercial uses adjacent or backing on residential districts, or

newly established multi-family uses adjacent or backing on single-family uses, shall provide and continuously maintain parallel to and the following distance within that property line a dense hedge, tree row, or other similar landscape device suitable to visually screen the differing types of adjacent uses from one another. Failure to maintain landscaped buffers or screening shall be considered a violation of this chapter.

#### 134.21 PARKING AND LOADING REQUIREMENTS.

(A) Parking. Off-street automobile parking or storage space shall be provided on every lot on which any new structures are established. Such space shall be provided with vehicular access to a street or alley so as to allow vehicles safe entry onto the roadway, and the space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. When a structure is enlarged, the required off-street parking space shall be provided for the enlarged portion. If a use is changed to a different use requiring more space, the additional amount of parking area shall be provided. In addition, the required minimum spaces as provided in division (B) shall apply.

(B) Required Spaces. the following uses shall, at a minimum, provide the number of off-street parking spaces as designated:

Single- or two-family dwelling	One parking space for each unit
Multi-family dwellings	Two parking spaces per unit
Business and professional offices	One space for each 400 square feet of floor space
Medical and dental offices	Three spaces per doctor or dentist
Retail establishment	One space for each 200 square feet of total floor area, and one space for each employee
Overnight accommodations	One space for each unit and for each employee
Restaurants	One space for each three seats
Service Stations	Three spaces for each enclosed service stall and one space for each employee on a single shift
Bowling alleys	Five spaces per lane
Other business	One space for every two employees or one space for each 800 square feet of floor area, whichever is greater
Industrial uses	One space for each two employees based upon peak employment on a single shift

(C) Size Of Required Parking Spaces and Aisles.

(1) Each required parking space shall cover a rectangle at least nine feet wide and 19 feet long. For parallel parking, the length of the parking space shall be increased to 22 feet.

(2) Each required parking space shall have direct and unrestricted access to an aisle. Aisles shall have a minimum width of 15 feet, unless the parking is designated at 90 degree angles in which case aisles shall have a minimum width of 20 feet.

(D) Off-street Loading. Space for off-street loading and unloading of vehicles shall be provided for every building used or designated for commercial, industrial, manufacturing or warehousing purposes. One such space shall be provided for every 10,000 square feet of floor area or fraction thereof, and such spaces shall be a minimum of 14 feet in width, 40 feet in length and 14 feet in height.

(E) Shared Parking. In order to reduce the total number of parking spaces which would otherwise be required according to Division (B) above, joint use of up to 50% of required parking spaces may be permitted for two or more uses located on the same or adjacent parcels. In order to qualify for a joint use reduction, the owner of the parking lot and the owner(s) of adjacent uses

must apply for a variance and demonstrate that the shared parking will not create parking shortage during peak hours.

(F) Spaces For The Handicapped. Except for single-family dwellings, the number of spaces required under the provisions of division (B) above shall include the parking spaces for handicapped persons in compliance with standards established by the state.

#### **134.22 MANUFACTURED HOMES AND MANUFACTURED HOME PARKS.**

(A) General. All manufactured homes on individually-owned parcels of land shall be issued as a Conditional Use Permit and shall meet the following requirements:

(1) The home shall have all wheels, axles, transporting lights, and towing apparatuses removed, but in such a manner that they be reattached at some later time;

(2) The home shall be properly anchored and skirting must be placed around the base of the home.

(3) The home and the lot on which it sits shall conform to all requirements of the zoning district in which it is located;

(4) All manufactured homes shall have access to a public road.

(5) Only one mobile home per parcel or lot with permanent foundation connected to water and sewer.

(6) The City adopts the following Chapters of the MN State Statutes, as they may be amended from time to time, pertaining to Manufactured Homes and Mobile (Manufactured) Home Parks; MN State Statutes Chapters 327.14-327.16, 327.20, 327.23-327.28, 327.31-327.36 and 327.61-327.67.

(B) Time of Sale and Rent Inspection Required.

(1) No manufactured home may be voluntarily offered for sale, rent or conveyed, whether by delivery of title or by contract for delivery of title, or moved into such a district until the owner or owner's agent has first applied for and secured an evaluation report prepared by an evaluator under this ordinance.

(2) No manufactured home park owner shall enter into a lot lease with a tenant for a manufactured home for which an evaluation is required under this ordinance until a copy of the evaluation required by this ordinance is presented to the owner or manager.

(3) If the structure is in compliance with requirements of this ordinance, the evaluation report shall state that it has been inspected and is in compliance with this ordinance. An evaluation report is valid for six (6) months from the date of its issuance.

(C) Correction of Hazards. The following items are hazards which must be corrected as required by this ordinance:

(1) Heating systems that are unsafe due to burned out or rusted heat exchangers; burned out, rusted or plugged flues; no vent; connection with unsafe gas supplies; or incapacity to adequately heat the living space.

(2) Water heaters that are unsafe due to burned out or rusted heat exchangers; burned out, rusted or plugged flues; no vent; connection with unsafe gas supplies; or lack of temperature and pressure relief valves.

(3) Electrical systems that are unsafe due to dangerous overloading; damage or deteriorated equipment; improperly tapped or spliced wiring; exposed uninstalled wires; temporary distribution systems; or unground systems.

(4) Plumbing systems that are unsanitary due to leaking waste systems, fixtures or traps; lack of an operating toilet; lack of a dish washing and bathing facilities; cross connection of municipal water supply with fixtures or sewage lines; or lack of water.

(5) Structural systems, including walls, chimneys, ceilings, roofs, foundations, floor systems or decks which are not capable of carrying imposed loads.



(6) Exterior roofs, walls, chimneys and foundations that are not weather tight and water tight to the extent that it created an immediate hazard.

(7) Abandoned fuel tanks.

(8) Refuse, garbage, human waste, decaying vermin or other dead animals, animal waste, vermin infestation or other materials rendering residential building and structures unsanitary for human occupancy.

(9) Lack of properly located operational smoke detectors.

(10) No re-occupancy of any vacant manufactured home shall be permitted if a hazard exists.

(11) When correcting hazards, the owner shall obtain all necessary permits from the city and the premises shall be subject to City inspection prior to occupancy of the manufactured home.

(12) An owner who disputes the report of an evaluator may present evidence supporting the owner's position to the City for review. The burden is on the homeowner to show clear evidence that the report is incorrect.

(D) Mobile (manufactured) Home Parks. Regulated by the MN Dept. of Health, and MN State Statutes as defined in 134.22 (5).

### 134.23 SUBDIVISION/PLATTING PROVISIONS.

(A) Land Suitability. Each lot created through subdivision, including planned unit developments authorized under this chapter must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soils and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the community.

(B) Consistency With Other Controls. Subdivision must conform to all official controls of the city. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless public water supply and sewage treatment system are made available and can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of this chapter.

(C) Information Requirements. Sufficient information must be submitted by the applicant for the community to make a determination of land suitability. The information shall include at least the following:

(1) Topographic contours at two-foot intervals or less from United States Geological Survey maps or more accurate maps, showing limiting site characteristics;

(2) The surface water features required in MN505.02, Subd. 1, as it may be amended from time to time, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;

(3) Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil boring, percolation tests, or other methods;

(4) Information regarding adequacy of domestic water supply, extent of anticipated vegetation and topographic alterations and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities; and

(5) Location of 100-year floodplain areas and/or shoreland areas from existing maps or data.

(D) Dedications. When land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage pond areas for management of stormwater and significant wetlands.

(E) Platting. All subdivisions that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with MS Ch. 505, as it may be amended from time to time. No permit for construction of buildings shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

#### **134.24 PLANNED UNIT DEVELOPMENTS.**

For any housing project consisting of five or more structures to be erected on a single tract or parcel of land not subdivided into the customary streets and lots, including but not limited to manufactured home park, resorts, townhouses, condominiums, motels, hotels, and related commercial activities consisting of five or more units or where existing or proposed street and lot layout of a condominium or cluster subdivision make it impracticable to apply the requirements of this section to individual structures or lots in such a development, an application for planned unit development permit shall be made to the Planning and Zoning Commission, which shall apply the following criteria in making its decision:

(A) The tract shall contain at least three acres;

(B) The Planning and Zoning Commission shall insure that the use of the structures shall be only for the uses states in the application;

(C) The Planning and Zoning Commission shall insure provisions of off-street parking as specified in this chapter;

(D) The Planning and Zoning Commission may allow the density of up to twice the normal density (up to one-half the total lot area and road frontage per dwelling unit) allowable within the zone district. In order for housing P.U.D. to qualify for consideration for higher density, the following design standards shall be meet:

(1) The development shall consist of a cluster or several clusters of closely grouped dwelling units;

(2) The minimum size development which may be considered for higher density shall be five units;

(3) Cluster single family detached housing, when keyed to topographic considerations or unique design proposals, subject to a minimum tract area of three acres under single or unified ownership. Overall density shall not exceed six dwelling units per acre (based on gross acreage) and shall be permitted only subject to approval of an overall development plan;

(4) Fifty percent of all land area in a cluster subdivision shall be in the common ownership of a property owners' association consisting of all owners of the lots or dwelling units within the subdivision;

(5) Fifty percent of the land area in any housing P.U.D., which is not a subdivision shall be dedicated as undeveloped open space or as a recreational area, for use by the residents within the development;

(6) A complete development plan for use of the common property in any cluster subdivision, or of the dedicated open or recreational area in any other type of housing P.U.D., shall be provided with the application; and

(7) No commercial use shall be made of the common or dedicated property.

### **NONCONFORMITIES**

#### **134.25 PURPOSE AND APPLICABILITY**

The purpose of this subchapter is to regulate and limit the continued existence of uses and structure established prior to the effective date of these regulations that do not conform to these

regulations. Any nonconformity created by a change in the classification of property or the text of these regulations shall be regulated by the provisions of this subchapter. Many nonconformities may continue, but the provisions of this subchapter are designed to curtail substantial investment in nonconformities and to bring about their eventual improvement or elimination in order to preserve the integrity and intent of these regulations.

#### **134.26 NONCONFORMING USES, STRUCTURES, AND LOTS.**

(A) Nonforming uses and structures may continue only in accordance with the provisions of this subchapter.

(B) Normal repair and maintenance may be performed to allow the continuation of a nonforming use or structure. However, the continuation, maintenance or normal repair shall not extend or expand the nonconforming use or structure and may only include:

(1) Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or interior appearance of a building or structure without expanding or altering the building or structure;

(2) Maintenance of land areas to protect against health hazards and to promote the safety of surrounding land uses;

(3) Repairs which are required to remedy unsafe conditions which cause a threat to public safety; and

(4) Maintenance or repair of a sign in a way that does not change the exterior message.

(C) A nonconforming use shall not be expanded, nor shall a nonconforming use be enlarged by additions to the structure in which the nonconforming use is located or the occupation of additional lands, unless its nonconforming status removed.

(D) Except as provided below, a nonconforming structure shall not expanded. A nonconforming structure may be expanded:

(1) If it is nonconforming solely because of its failure to comply with the off-street parking requirements and the enlargement will not increase the required amount of off-street parking by more than three additional spaces;

(2) If the expansion will not increase the nonconforming element of the structure and the expansion is otherwise in conformance with these regulations; or

(3) If the expansion is required by law or for safety.

(E) A nonconforming structure shall not be moved unless it thereafter conforms to the standards of the zoning district in which it is located and other pertinent regulations.

(F) A nonconforming use shall not be changed to any other use unless the new use conforms to the standards of the zoning district in which it is located. Once a nonconforming use is changed to a conforming use, the nonconforming use shall not be reestablished.

(G) Where a nonconforming use or structure is discontinued or abandoned for six consecutive months, then the use shall not be reestablished or the structure shall be removed or modified to conform to the requirements of these regulations.

(H) Any part of a nonconforming structure which is destroyed or damaged to 50% or more of its assessed value may be repaired or restored only if the structure conforms to the standards of these regulations for the zoning district in which it is located. Assessed value shall be determined by reference to the official property tax assessment rolls for the year the structure is destroyed or damaged. The extent of damage or destruction shall be determined by the Zoning Administrator by comparing the estimated cost of repairs or restoration with the assessed value. Any part of a nonconforming structure which is destroyed or damaged to less than 50% of the assessed value of such structure may be repaired or restored if a permit is issued.

(I) Nonconforming vacant lots may be used for any of the uses permitted by these regulations in the zoning district in which it is located, provided that the use meets all limitations

and minimum requirements for setbacks, height, and open space established in these regulations for the zoning district in which the lot is located.

#### **134.27 TERMINATION OF STATUS AS NONCONFORMING.**

(A) A nonconforming use or structure may be deemed to be in conformity with these regulations, and may be allowed to continue and to expand as a lawfully existing use or structure, through the issuance of a conditional use permit.

(B) No nonconforming structure shall be expanded so as to increase the nonconforming element, such as by further encroachment into a required setback. Any expansion to the nonconforming use or structure shall meet all the requirements established by these regulations for that use or structure in the zoning district in which it is located.

#### **134.28 ISSUANCE OF CONDITIONAL USE PERMIT.**

(A) The conditional use permit shall specifically state how the nonconforming use or structure differed from the regulations and standards set forth in these regulations.

(B) Upon receipt of the conditional use permit, the use or structure shall no longer be treated as a nonconformity and shall be allowed to continue as a lawfully existing use or structure unless it is abandoned or discontinued for six months or is destroyed or damaged to 100% of its assessed value. This status as a lawfully existing use shall apply only to the specific use or structure that may be located on the lot.

(C) In no event shall the use or structure be allowed to expand to greater than 50% of the floor area or lot area that it occupied on the effective date of these regulations or on the effective date of any amendment to these regulations which rendered the use or structure nonconforming.

(D) The Zoning Administrator shall make and keep a record of all nonconforming structures and uses.

### **DECISION MAKING AND ADMINISTRATIVE BODIES**

#### **134.29 CITY COUNCIL.**

(A) The City Council shall make final decision in matters related to this chapter, including conditional uses; appeals; zoning text amendments; map amendments; and variances.

(1) Findings and Conclusions. Decisions of the City Council pertaining to this chapter shall be accompanied by findings of fact and shall refer to any exhibits containing plans and specifications for any proposed variance, which plans and specifications shall remain a part of the permanent records of the City Council. The findings of fact shall specify the reason or reasons for the City Council decision, which shall be final subject to judicial review in cases where the decision of the Council is contested by the applicant or other party having standing in the case. The terms of any relief granted shall be specifically set forth in a conclusion or statement separate from the findings of fact. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Council shall be filed immediately and shall be a public record.

(2) Jurisdiction and Authority. The City Council shall have the following jurisdiction and authority on matters pertaining to this chapter:

(a) To hear and decide appeals from, and review any order, requirement, decision or determination made by an administrative officer in the enforcement of this chapter where it is alleged that there is an error;

(b) To hear and decide zoning text and map amendments to this chapter;

(c) To hear and decide requests for variances from the literal provisions of this chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances

only when it is demonstrated that such actions will be keeping with the spirit and intent of this chapter. The Council May not permit as a variance any use that is not permitted under this chapter for property in the zoning where the affected person's land is located. The Council may impose conditions in the granting of variances to ensure compliance and to protect adjacent properties;

(d) The City Council shall take into consideration any recommendations from the Planning and Zoning Commission when making final decision on matters before the Council; and

(e) To initiate procedures for changes and amendments to this chapter or to the Comprehensive Plan, and to appear at any hearing of the Planning and Zoning commission as a party in support of, or opposition to any proposed change or amendment to this chapter.

#### **134.30 ZONING ADMINISTRATOR.**

The City Clerk shall be the Enforcement Officer and shall be responsible for the enforcement of this chapter. The duties of the Zoning Administrator shall be as follows:

(A) Examine all applications pertaining to the use of land, buildings, or structures and grant approval of, and issue permits or take appropriate action on, such applications when in conformance with the provisions of this chapter;

(B) Keep a record of all nonconforming uses within the several zoning districts of the city;

(C) Periodically inspect buildings, structures, and uses of land to determine compliance with the terms of this chapter;

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

(E) Order discontinuance of illegal use of land, buildings, or structures, order removal of illegal buildings, structures, additions or alterations, order discontinuance of illegal work being done or take any other action authorized by this chapter to insure compliance with or to prevent violation of its provisions;

(F) Maintain permanent and current records of this chapter, including maps, amendments, conditional uses, and variances;

(G) Maintain a current file of all permits, zoning certificates, certificates of zoning compliance, and notice of violation, discontinuance or removal, for such time as necessary to insure a continuance compliance with the provisions of this chapter and, on request, provide information to any person having a proprietary or tenancy interest in any specific property or to any individual seeking an understanding or clarification of the regulations and procedures stipulated in this chapter; and

### **DEVELOPMENT REVIEW PROCEDURES; ENFORCEMENT**

#### **134.31 ZONING PERMIT.**

(A) Permit Required. Unless and until a zoning permit shall first have been obtained from the Zoning Administrator:

(1) The construction, reconstruction, major remodeling affecting use of the structure. or moving of any structure shall not be commenced;

(2) The improvement of land preliminary to any use of such land shall not be commenced;

(3) Zoning or other permits pertaining to the construction, reconstruction, remodeling, or moving of any structure into or within the city, or the use of land or structure, shall not be issued by any official, employee, department, board, or bureau of the city.

(B) Application For Zoning Permit. Application for zoning permits shall be made to the Zoning Administrator or forms provided by the city. Every application for a zoning permit shall contain at least the following information and shall be accompanied by at least the following documents, unless any specially required information or document is waived in writing by the Zoning Administrator as not relevant or necessary to determine that all provisions of this chapter have been met in a particular case:

(1) A plat of the piece or parcel, lot or lots, block or blocks or parts or portions thereof, according to the recorded plat of such land;

(2) A site plan of the property drawn to scale and in such form as may, from time to time, be prescribed by the Zoning Administrator, illustrating the proposed development of the property and including the following:

(a) Property boundary lines, dimensions of the property, and north arrow;

(b) Location and dimensions of buildings, including height in stories and feet and including total square feet of ground coverage and floor area of all existing and proposed buildings;

(c) Location and dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces, access aisles, and total lot coverage of all parking, loading, driveway, and aisle areas;

(d) Any information necessary to determine that conditions imposed upon the grant of a conditional use permit have been complied with; and

(e) Any other information that may be required by the Zoning Administrator to determine that the application is in compliance with this chapter.

(C) Issuance Of Zoning Permit. A zoning permit shall be either issued or refused by the Zoning Administrator within ten days after the receipt of an application thereof, or within such further period as may be agreed to by the applicant. One copy of all plans shall be returned to the applicant by the Zoning Administrator after he or she shall have marked such copy either as approved or disapproved and attest to the same by his or her signature on such copy. A second copy of the plans, similarly marked, shall be retained by the Zoning Administrator.

(D) Period Of Validity. A zoning permit shall become null and void six months after the date on which it was issued unless within such period construction, reconstruction, remodeling, or moving of a structure is commenced or a use is commenced.

#### 134.32 DEVELOPMENT PERMITTED AS OF RIGHT.

(A) Purpose. Development permitted as of right is that development which permits uses which are compatible with other land uses in a zoning district provided they are developed in conformity with these regulations.

(B) Application. An application for approval of development permitted as of right shall submit an application for a zoning permit to the Zoning Administrator.

(C) Action On The Application. If the Zoning Administrator determines that the proposed development is in compliance with all requirements of these regulations and all other applicable regulations, then a permit shall be issued with or without conditions.

#### 134.33 CONDITIONAL USE PERMITS.

(A) Permitted. Conditional uses may be permitted within several zoning districts of the city.

(B) Authority. The City Council may, after review, grant a conditional use permit authorizing the development of uses listed as conditional uses in each of the zoning districts in this chapter.

(C) Standards and Conditions For Conditional Uses.

(1) A conditional use permit shall be granted only if evidence is presented to establish:

- a) That the proposed building or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public convenience and will contribute to the general welfare of the neighborhood or community;
- (b) That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, utility facilities, and other matters affecting the public health, safety, and general welfare; and
- (e) That the proposed building or use will be designed, arranged, and operated so as to permit the development and sue of neighboring property in accordance with the applicable district regulations.

(2) The City Council may impose such conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize injurious effects therefrom upon other property in the neighborhood. Violations of such conditions and safeguards shall be a violation of this chapter.

(3) No conditional use permit shall be valid for a period longer than one year unless a zoning permit is issued and construction actually begun within that period and is thereafter diligently pursued to completion; provided, however, that in the case of conditional uses granted for planned development, the provisions of any approved development schedule shall control over the provisions of this subparagraph.

(D) Procedure.

(1) An application for a conditional use permit shall be filed with the Zoning Administrator on a proper form provided for that purpose, and shall be submitted in a timely manner.

(2) The application shall be complete and shall be accompanied by the required fee, detailed plans drawn to scale and showing all details of the land area and proposed use, as well as any other information hereinafter prescribed or as is necessary to make clear the nature of the request and proposed use.

(3) The Zoning Administrator shall reject any application not complying with the foregoing. Notification of rejection, along with a reason for such action, shall be given the applicant within ten days of the decision.

(4) Except as specifically excused by a written order of the City Council, the application shall contain the following information:

- (a) Legal description of the tract of land;
- (b) Evidence that the applicant has sufficient control over the tract to effectuate the proposed plan, including a statement of ownership and beneficial interests in the tract of land and proposed development;
- (c) Evidence of the financial capacity of the applicant to complete the proposed development;
- (d) Plans drawn to convenient scale, showing the current zoning classification and existing land use of the tract and those tracts directly adjacent to it, and any significant topographical or physical features of the tract;
- (e) Two copies of preliminary plans, drawn to a convenient scale, showing the following information:
  - 1. The location, size, use, and arrangement of off-street parking and existing buildings which will remain, if any;
  - 2. The proposed quantity and arrangement of off-street parking and loading spaces;
  - 3. The location of proposed entrance, exit, and circulation drives;

4. The location, use, and size of structure and other land uses on adjacent properties;
5. Proposed lots and blocks, if any;
6. Areas proposed to be conveyed, dedicated, or reserved for public or common open space, if any, including parks, playgrounds, school sites, and recreational facilities;
7. Preliminary sketched of proposed structures and landscaping;
8. The general drainage plan for the developed tract; and
9. A tabulation of use areas, site coverage, parking spaces, residential density, floor area devoted to commercial or industrial uses, and other development data.

(f) When it deems it to be necessary, the City Council may require a traffic survey setting out and analyzing the effect that the development will have upon traffic in the streets adjacent to the proposed development; and

(g) A statement as to why the proposed development is to be designed, arranged, and operated in order to permit the development and use of neighboring property in accordance with the applicable district regulations.

(5) A public hearing shall be held in connection with each conditional use permit application.

(E) Decisions.

(1) Decisions of the Zoning Administrator on all conditional use permit applications shall be made according to the general requirements and criteria for such permits as listed in this chapter, and to any special requirements and criteria for such permits as listed in this chapter, and to any special requirements and criteria applicable to the particular application as listed in this chapter.

(2) The Zoning Administrator shall report its findings and recommendations in writing to the City Council within 30 days of the close of the public hearing.

(3) Upon receipt of the report of the Zoning Administrator, the City Council shall make a decision upon the proposal to grant or deny a conditional use permit.

(4) After a conditional use permit is granted, a certified copy of the permit and decision shall be filed in the office of the City Clerk-Treasurer. The permit shall include a legal description of the property involved.

(5) Any decision of the City Council shall be final subject to appeal recourse to district court in accordance with state law.

(6) No reapplication of any case denied by the City Council may be made within one year of any date of such denial.

(F) Conditions.

(1) In issuing any conditional use permit, the City Council may impose such conditions or restrictions as deemed necessary to protect the public interest, including but not limited to matters relating to appearance, lighting, hours of operation, and performance characteristics.

(2) A conditional use permit shall remain in effect for so long as the conditions agreed upon are observed. However, whenever it is deemed advisable, a time limitation or review requirement may be placed as a condition on any permit.

(G) General Criteria and Requirements.

(1) All classes of conditional use permits may be approved only upon a showing by the applicant that the standards and criteria in this section will be satisfied. Since by definition a conditional use is a special use not generally appropriate within the zone district, the applicant bears the burden of demonstrating a right to the permit by making such a showing. Absent such showing, the Zoning Administration shall not recommend approval of the application.



- (2) A conditional use permit may be granted only upon finding all of the following:
  - (a) The use is compatible with the existing neighborhood.
  - (b) The use will not impede the normal and orderly development and improvement in the surrounding area of uses permitted by right in the zone district.
  - (c) The location and character of the proposed use is considered to be consistent with a desirable pattern of development for the area.

(3) When in the opinion of the Zoning Administrator a conditional use permit may result in a material adverse effect on the environment the applicant to be requested by the Zoning Administrator to demonstrate the nature and extent of the effect.

#### **134.34 TEXT AND MAP AMENDMENTS.**

(A) Authority. This chapter and the zoning map may be amended from time to time by ordinance duly enacted by the City Council; provided, however, that no such amendment shall be enacted except in accordance with the procedures of this section.

(B) Initiation. Proposed changes or amendments may be initiated by the City Council, the Zoning Administrator or by any affected property owner.

(C) Procedure.

(1) When any proposed change or amendment is initiated by the Zoning Administrator, such body shall transmit its proposal to the City Council for a public hearing.

(2) When any proposed change or amendment is initiated by an affected property owner in the city, an application for such amendment shall be filed with the Zoning Administrator. A non-refundable application fee, established from time to time by the City Council to cover administrative cost, shall accompany the application. Such application shall be filed at least three weeks prior to the requested date of the public hearing on the proposed amendment. The application shall be in such form and contain such information as shall be prescribed from time to time by the Zoning Administrative, but shall in all instances contain the following information:

- (a) The applicant's name and address;
- (b) The precise wording of any proposed amendment to the text of this chapter; and
- (c) In the event that the proposed amendment would change the zoning classification of any property:
  1. A legal description and street address of the property proposed to be re-classified;
  2. The name and address of the owner(s) of the said property;
  3. The present zoning classification and existing uses of the property proposed to be reclassified;
  4. The area of the property proposed to be reclassified, stated in square feet or acres, or fraction thereof; and
  5. A map drawn to scale, clearly showing the property proposed to be reclassified and its present zoning classification and existing uses.

(3) A public hearing shall be set, advertised, and conducted by the Zoning Administrator.

(4) Within 30 days following the conclusion of the public hearing, the Zoning Administrator shall transmit to the City Council its recommendation in the form of a written report. Such report shall be accompanied by findings of fact specifying the reasons for the recommendation.

(5) Within 30 days of the receipt of the report of the Zoning Administrator the City Council shall refuse, or, by ordinance duly enacted, adopt the proposed amendment.

(6) In any case where the Zoning Administrator has recommended against the adoption of the proposed amendment or where a written protest against the proposed amendment signed by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately adjacent or across the alley therefrom, or by owners of 20% of the frontage directly opposite the frontage proposed to be altered, is filed with the City Clerk-Treasurer before the adoption of any such amendment, the proposed amendment shall not be passed except by a favorable vote to two-thirds of the City Council.

(7) In any situation where a written report specifying recommendation and pertinent findings of fact regarding the proposed amendment has not been transmitted to the City Council within 60 days from the date of public hearing, the City Council may act on such proposal without report from the Zoning Administrator.

(8) Any decision of the City Council shall be final subject to appeal recourse to district court in accordance with state law.

(9) No reapplication of any case denied by the City Council may be made within one year of the date of denial.

### 134.35 VARIANCES.

(A) Authority. The Zoning Administrator may provide recommendation on variance to the City Council, which may authorize such variances from the provisions of this chapter as will not be contrary to the public interest. Variances may be authorized only in specific instances enumerated in division (C), and then only when the City Council has made findings of fact as hereinafter required.

#### (B) Procedure.

(1) An application for a variance shall be submitted to the Zoning Administrator at least three weeks prior to the requested date of public hearing. a non-refundable fee, established from time to time by the City Council to cover administrative costs and costs of hearing, shall accompany each application. This application shall contain the following information, as well as such additional information as may be prescribed by rule of the City Council:

- (a) The particular requirements of this chapter which prevent the proposed use or construction;
- (b) The characteristics of the subject property which prevent compliance with the requirements of this chapter;
- (c) The minimum reduction of the requirement of this chapter which would be necessary to permit the proposed use or construction; and
- (d) The particular hardship which would result if said particular requirements of this chapter were applied to the subject property.

(2) A public hearing shall be set, advertised and conducted by the Zoning Administrator and/or City Council.

(3) Within 30 days following the conclusion of the public hearing, the Zoning Administrator shall transmit to the City Council its recommendation in the form of a written report. Such recommendation shall be accompanied by findings of fact and shall refer to any exhibits containing plans and specifications for the proposed variance, which shall remain a part of the permanent records of the Zoning Administrator/City Clerk-Treasurer. The findings of fact shall specify the reason or reasons for granting or denying the variance. The terms of relief granted shall be specifically set forth in a conclusion or statement separate from the findings of fact.

#### (C) Conditions For Variances.

(1) A variance shall be permitted only if it is established that it is in harmony with the general purpose and intent of this chapter and that there are particular difficulties or particular hardships in the way of carrying out the strict letter of the provisions of this Ordinance. In its

consideration of the standards of practical difficulties or particular hardship, the Zoning Administrator shall require that:

- (a) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;
- (b) The plight of the owner is due to unique circumstances not applicable to adjacent landholding with the same district; and
- (c) The variance, if granted, will not alter the essential character of the locality.

(2) Variances from the provisions of this chapter shall be granted by the City Council only in accordance with the provisions of divisions (1) and (2), and may be granted only in the following instances:

- (a) To vary the applicable lot area, lot width, and lot depth requirements;
- (b) To vary the applicable bulk regulations, including maximum height, lot coverage, and minimum yard requirements;
- (c) To vary the applicable bulk off-street parking and off-street loading requirements; and
- (d) To vary the regulations relating to restoration of damaged or destroyed nonconforming structures.

(3) Specific conditions and safeguards may be imposed upon the premises benefited by a variance as considered necessary to prevent injurious effects upon other property in the neighborhood or upon public facilities and services. Violation of such conditions and safeguards shall be a violation of this chapter.

(4) No variance permitting the erection or alteration of a building shall be valid for a period longer than one year unless a permit for such erection or alteration is issued and construction is actually begun within that period and is thereafter diligently pursued to completion.

### 134.36 APPEALS OF ADMINISTRATIVE DECISION.

(A) Authority. The City Council shall hear and decide appeals from and review any order, requirement, decision, or determination, where it is alleged that there is an error.

(B) Procedure.

(1) An appeal may be taken to the City Council by any person of the city affected by a decision of the Zoning Administrator. Such appeal shall be taken within 14 days of the action complained of by filing with the Zoning Administrator/City Clerk-Treasurer a notice of appeal specifying the grounds thereof. A non-refundable filing fee, established from time to time by the City Council to cover administrative costs and costs of the hearing, shall accompany the notice of appeal filed with the City Clerk-Treasurer. The Zoning Administrator shall forthwith transmit to the City Council all of the papers constituting the record upon which the action appealed from was taken.

(2) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the City Council after the notice of appeal has been filed with him or her that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property.

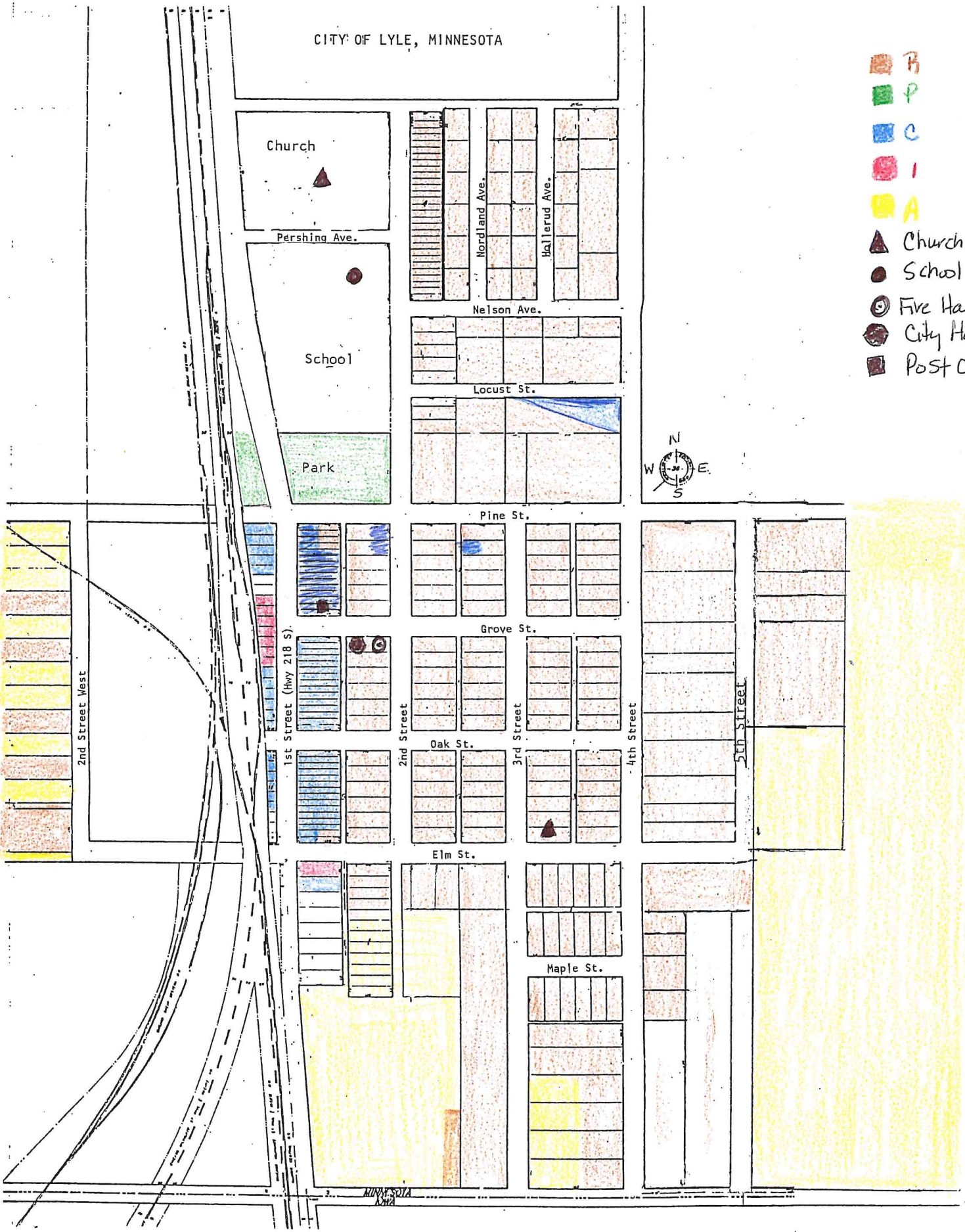
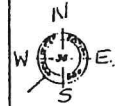
(3) A public hearing shall be set, advertised and conducted by the City Council.

(4) Within ten days following the close of the public hearing, the City Council shall render a recommendation on the appeal.

(5) Any decision of the City Council shall be final subject to appeal recourse to district court in accordance with state law.

# CITY OF LYLE, MINNESOTA

- R
- P
- C
- I
- A
- ▲ Church
- School
- ⊙ Fire Hall
- ⊙ City Hall
- Post Office



"This is to certify that this is the Official Zoning Map referred to in Chapter 134.09 of the Zoning Ordinance of the City of Lyle."

Harold Rohn, Mayor

Melba L Stone, City Clerk

Date this 10<sup>th</sup> day of October, 2006



(6) No reapplication of any case denied by the City Council may be made within one year of the date of such denial.

#### 134.37 ENFORCEMENT PROCEDURES.

(A) The provisions of these regulations shall be enforced by the Zoning Administrator. In addition to other remedies provided by these regulations and other applicable laws, the Zoning Administrator shall, when a violation has been determined to exist:

(1) Refrain from issuing any subsequent development approvals for the developer until the violation has been corrected; and

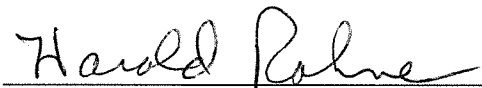
(2) Inform the violator that no further work under an existing approval may proceed until the violation has been corrected.

(B) Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and bases thereof, shall be filed with the Zoning Administrator. He/she shall record properly any such complaint, investigate and take action as provided by this chapter.

#### 134.38 PENALTY.

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, thereof, shall be punished by a fine not to exceed \$500 and/or imprisonment not to exceed 90 days. Each day that a violation is continued or permitted to exist shall constitute a separate offense.

Passed and adopted by the City Council of the City of Lyle this 10th day of October, 2007.



Harold Rohne, Mayor



Diana L. Stone, City Clerk

Accessory structures and uses	P	P	P	P	P
Acid Manufacturing				C	
Adult Business					C
Animal hospitals, animal clinics, & commercial kennels			C		
Apartments		P	C		P
Automated teller machines		C	P	P	
Automobile mechanical repair			P	P	
Automobile repair operations	C	C	P	P	
Automobile service stations			P	P	
Automotive/trailer sales & service establishments			P	P	
Baseball & softball fields	P	P	C	C	P
Building materials & hardware, retail sales/repairs			P	P	
Business & professional offices		P	P	P	
Car washes			P	P	
Catering establishments			P	P	
Cement, lime or gypsum manufacture				C	
Cemeteries, human or pet	C	C	C	C	P
Clinics, medical and dental offices	C	C	P	P	
Commercial greenhouses and nurseries					C
Commercial outdoor recreation areas					C
Commercial parking garages, ramps and lots				P	
Commercial studios			P	P	
Community/neighborhood centers	C	C	P	P	
Contractors or construction offices			P	P	
Convenience stores			P	P	
Crematory				C	
Cultural, entertainment, recreational establishments			P	P	
Day care homes	C	P			P
Distillation of bones, coal or wood				C	
Domestic animals or fowl	P	P			P
Eating and drinking places			P	P	
Employment Agencies			P	P	
Essential government uses	P	P	P	P	P
Essential public utilities/service structures	P	P	P	P	P

LAND USE (P) Permitted (C) Conditional	R-1	R-2	C-1	I-1	A-1
Explosive manufacture or storage				C	
Extraction of stone, gravel, or minerals					C
Fat rendering				C	
Fertilizer manufacturing				C	
Financial institution		C	P	P	
Foster family homes	P	P			P
Funeral parlors	C	P	P	P	
Furniture, home furnishing/equipment, sales			P	P	
Garbage, offal, dead animals, dumping				C	
Gas manufacturing				C	
General business offices		C	P	P	
General merchandising/apparel & accessories			P	P	
Glue or gelatin manufacturing				C	
Group care homes		C			P
Health clubs and fitness centers			P	P	
Hospitals			P	P	
Ice skating and hockey rinks					P
Interior decorating service and sales			P	P	
Licensed day care center	P	C			P
Licensed nursing homes	C	C			C
Manufacture of paint products, paper pulp, inks, soap, tars, vinegar, salts				C	
Manufactured home park developments	C	C			
Manufactured homes	C	C			C
Manufactured homes occupied by retired or disabled persons	C				
Manufacturing				P	
Mortuary or funeral parlors	C		P	P	
Museums, civic and cultural centers		C	P	P	
Non-essential government uses	C	C	C	C	C
Nurseries					P
Offices		C	P	P	
Overnight accommodations	C	C	P	P	
Personal kennels	C	C			C
Personal service establishments		C	P	P	
Petroleum refining (including bulk storage)				C	



[illegible]

## APPENDIX B: TABLE OF BULK REGULATIONS

	R-1	R-2	C-1	I-1	A-1
<b>Maximum Area</b>	10200 sq. ft	5100 sq. ft	2,000 sq. ft	20,000 sq.ft.	N/A
<b>Minimum Width</b>	60 ft	60 ft	25 ft	100 ft	N/A
<b>Minimum Depth</b>	170 ft	85 ft	80 ft	120 ft	N/A
<b>Maximum Coverage</b>	40%	Res: 50% Nonres: 60%	Nonres: 100%	Nonres: 60%	N/A
<b>Maximum Density</b>	1f: 10,200 sq. ft 2f: add 3000 sq. ft. per unit	1f: 51000 sq. ft 2f: add 3000 sq. ft per unit Nonres: 6000 sq ft	N/A	N/A	N/A
<b>Maximum Height</b>	3 stories or 36 ft	3 stories or 36 ft	3 stories or 45 ft	3 stories or 45 ft	N/A
<b>Front setback</b>	25 ft	25 ft	N/A	25 ft	N/A
<b>Side Rear</b>	p: 8' a: 3' p: 25' a: 3'	p: 8' a: 3' p: 25' a: 3'	N/A	p: 15' a: 5' p: 25' a: 15'	N/A

**Res: Residential**  
**Nonres: Nonresidential**  
**1f - Single-family**  
**2f - Two-family**  
**p - Primary structure**  
**a - Accessory structure**

**Official Summary of Ordinance No. 134, An Ordinance Setting the Zoning  
Policies for the City of Lyle, Repealing Inconsistent Ordinances and  
Providing a Penalty for Violation.**

The following is the official summary of Ordinance No. 134, which was passed by the City Council on October 10, 2007.

A printed copy of this ordinance is available for inspection by any person at the office of the city clerk during normal business hours.

This ordinance sets the zoning policies for the City of Lyle, repealing inconsistent ordinances and providing a penalty for violation.

Section 1 establishes standards and regulations for the review and approval of all proposed development of property within the corporate limits of the city.

Section 2 states that the regulations in this ordinance shall govern the development and use of land and structures.

Section 3 provides that all applications for development shall be submitted to the city for review and approval and shall be accompanied by payment of a fee adopted by the City Council, as it may be amended from time to time.

Section 4 establishes the rules of construction.

Section 5 defines terms used in this ordinance.

Section 6 regulates minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare of the city.

Section 7 provides the decision of the courts shall not affect the validity or application of any section of these regulations except the provision in question.

Section 8 establishes the different zoning districts.

Section 9 sets forth the boundaries of the zoning district.

Section 10 regulates the R-1 district.

Section 11 regulates the R-2 district.

Section 12 regulates the C-1 district.

Section 13 regulates the I-1 district.

Section 14 regulates the A-1 district.

Section 15 sets the minimum bulk regulations.

Section 16 regulates the control for home occupations.

Section 17 provides that no temporary use shall be established or maintained unless a temporary use permit has been issued.

Section 18 notes that fences are regulated under Ord. No. 115.

Section 19 regulates the use of signs.

Section 20 establishes rules and regulations for landscaping and buffer yards.

Section 21 establishes parking and loading requirements.

Section 22 establishes that all manufactured homes and manufactured home parks shall be issued conditional use permits and adopts certain sections of MN State Statutes.

Section 23 provides for standards for subdivision/plat provisions.

Section 24 establishes requirements for planned unit developments.

Sections 25 thru Section 28 regulates and limits the continued existence of uses and structures established prior to the effective date of this ordinance.

Sections 29 & 30 establishes that the City Council shall make the final decision in matters relating to this ordinance.

Section 31 requires that a zoning permit shall be obtained from the Zoning Administrator/City Clerk.

Section 32 provides for development permitted as of right.

Section 33 establishes the standards and conditions of conditional use permits.

Section 34 provides that text and zoning maps may be amended from time to time by ordinance enacted by the city council.

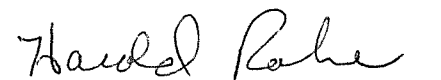
Section 35 establishes procedures for variances.

Section 36 authorizes the city council to hear and decide appeals from review any decision or requirement which is alleged that there is an error.

Section 37 provides that this ordinance shall be enforced by the Zoning Administrator/City Clerk.

Section 38 provides for penalties for violation of this ordinance.

This summary was approved by the City Council of Lyle, Minnesota on October 10, 2007.



Mayor

\_\_\_\_\_  
City Clerk

CITY OF LYLE, MINNESOTA

RESOLUTION 2008-02

STATE OF MINNESOTA)  
COUNTY OF MOWER)  
CITY OF LYLE)


RESOLUTION ADOPTING COVENANT AND DESIGN REVIEW CRITERIA FOR THE  
J.O. JOHNSON ADDITION

WHEREAS, the City of Lyle proposes to construct a residential development approximately 8 acres of land platted as JO Johnson Addition land:

WHEREAS, the City of Lyle desires to adopt covenants and a design review process which would govern the development of homes in the subdivision.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LYLE, MOWER COUNTY, MINNESOTA that: the covenants and design review criteria identified as Exhibit "A" shall be adopted and recorded against the properties within the JO Johnson Addition.

Adopted by the City Council of the City of Lyle, Mower County, Minnesota this 14h day of May, 2008.

  
\_\_\_\_\_  
Harold Rohne, Mayor


  
\_\_\_\_\_  
Diana L. Stone, City Clerk

Exhibit "A"

**JO JOHNSON ADDITION  
COVENANT AND DESIGN REVIEW**

**Section 1: Intent:** The intent and purpose of the JO Johnson Covenant and Design Review process is to ensure minimum standards that guide the development of single family residential properties within the subdivision. The City of Lyle, as owner of the property, hereby establishes the following restrictive covenants. The restrictions and limitations of the covenants are binding on all parties claiming under them and for the benefit of and the limitation on all future owners in said addition. The covenants are intended to ensure the aesthetic development of the property, the prevention of nuisances and the compatibility of uses. The covenants are intended to provide the minimum restrictions on the properties while protecting the free and undisturbed use of the lots by all owners equally.

7. The entry of the home shall be articulated as a focal point of the front elevation through the appropriate use of roof elements, columns, porches, pilasters, urns, windows or other architectural features.
8. Homes must be oriented on the lot such that the front of the home faces the adjacent street. On corner lots, the front of the home must bear the same orientation to the street as the lot with which shares its longer property line.
9. Homes must provide direct access to the front and rear yard from the public areas of the home such as the kitchen, dining room, living room or family room.
10. No building larger than 120 square feet that has been completely constructed at any location other than on the lot or building site which it shall occupy shall be moved on to any lot or building site within the addition.
11. All dwellings shall have a minimum of two levels, including the basement.
12. Dwellings, excluding porches, shall not be set back further than 30 feet from the front property line.
13. No dwelling shall be constructed which, exclusive of basements, porches, patios, decks and other storage areas, has a gross livable floor area of less than 930 square feet.
14. No dwelling shall have a roof pitch of less than a 5:12 pitch.
15. Electrical, cable, natural gas and other utility services may not be provided to the residential dwelling or accessory buildings within the required front yard to the extent that they are above ground and visible.
16. No motor home/RV/5th wheel motor homes or pop-up campers may be visible from a public street or surrounding properties.

#### **DRIVEWAYS/GARAGES:**

17. All completed properties with a front yard driveway must contain a paved or cement drive surface running from the garage door to the street. Driveways running from a rear yard garage must be constructed with a minimum of a class-5 gravel surface.
18. Side yard driveway curb cuts are not permitted on corner lots.
19. Driveway curb cuts will not be greater than 24 feet in width.

#### **ACCESSORY STRUCTURES:**

20. No more than 1 accessory building shall be permitted on a lot. Accessory buildings, with the exception of detached garages, shall be no larger than 120 square feet.
21. The exterior finish of accessory buildings, including detached garages, must match the exterior finish of the dwelling.