

Ord #66 adopted 7-08-1996  
This copy has all current  
amendments

CITY OF VERNON CENTER

ZONING ORDINANCE #66

## TABLE OF CONTENTS

## **Article 1. INTRODUCTORY PROVISIONS**

### **Section 100. Intent & Purpose**

All former zoning ordinances and subsequent amendments adopted by the City of Vernon Center are hereby repealed in their entirety. This ordinance is adopted for the purpose of:

1. Protecting the public health, safety, comfort, convenience, and general welfare of the inhabitants of the City.
2. Promoting orderly development of the residential, commercial, industrial, recreational, and public areas.
3. Providing adequate light, air, and convenience of access of property.
4. Providing for the compatibility of different land uses and the most appropriate use of land throughout the City.
5. Preventing overcrowding of land and undue concentration of structures by regulating the use of land and buildings and the bulk of buildings in relation to the land and buildings surrounding them.
6. Providing for the administration and enforcement of such regulations.

### **Section 101. Title**

This ordinance shall be known and referred to as the Vernon Center Zoning Ordinance.

### **Section 102. Definitions**

For the purpose of these regulations, the following terms and words shall have the meaning given:

1. Accessory Structure or Use: A secondary building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.
2. Adult Uses-Accessory: A use, business or establishment having 10% or less of its stock in trade or floor area allocated to, or more than 20% or less of its gross receipts derived from movie rentals or magazine sales.
3. Adult Uses-Principal: A use, business or establishment having more than 10% of its stock in trade or floor area allocated to, or more than 20% of its gross receipts derived from any adult use.
4. Apartment: A room or rooms or suite designed for, intended for, or used as a residence for one family or individual and equipped with cooking facilities and a bathroom.
5. Apartment Building: Three or more apartments grouped in one building.
6. Buildable Portion of a Lot: The portion of a lot other than required yards, excluding easements, upon which the main building may be located under the terms of this ordinance.
7. Building: Any structure, including a roof supported by walls, designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

8. **Building Height:** The vertical distance measured from the adjoining curb grade to the highest point of the roof surface if a flat roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridges for a gable, hip, or gambrel roof provided that where the buildings are set back from the street line, the building may be measured from the average elevation of the finished surface of the group adjacent to the exterior walls of the building.
9. **Building, Main:** A building in which is conducted the principal or primary use of the zoning lot on which it is situated.
10. **Business:** The purchase, sale, or exchange of goods, merchandise, or services, and the maintenance or operation of offices and recreational & amusement enterprises.
11. **Conditional Use:** A land use or development as defined by this ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon finding that (1) certain conditions as detailed in this ordinance exist, and (2) the use or development conforms to the comprehensive land use plan of the City, and (3) is compatible with the existing neighborhood.
12. **Curb Grade:** The elevation of the established curb in front of a building measured at the center of such front. Where a building faces on more than one street, the curb level shall be the average of the levels of the curbs at the center of the front of each street.
13. **Dwelling:** A building or portion thereof, designed exclusively for residential occupancy. The term does not include motels, tents, tent trailers, or recreational vehicles.
14. **Dwelling, Multiple:** A dwelling designed exclusively for occupancy by two or more families living independently of each other. The term included double bungalows and duplexes.
15. **Dwelling, Single Family:** A detached dwelling designed exclusively for occupancy by one family.
16. **Dwelling Unit:** A room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating purposes.
17. **Family:** Any number of individuals related by blood, marriage, adoption, or foster care, or not more than 5 persons not so related, maintaining a common household and using common cooking and kitchen facilities.
18. **Feedlot:** A lot or building, or combination of contiguous lots and buildings, intended for confined feeding, breeding, raising, or holding of more than 5 animal units and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy farms, swine facilities, beef lots & barns, house stalls, mink ranches, and domesticated animal zoos shall be considered to be animal feedlots. Pastures shall not be considered to be animal feedlots.

19. Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, than all of the property abutting on one side between an intersecting street and the dead end of the street.
20. Home Occupation: An occupation carried on by an occupant of a dwelling as an accessory activity to the main residential use of the building, and meeting the following restrictions:
  - a. Not more than one person shall be employed at any given time other than residents of said dwelling.
  - b. The occupation shall be conducted wholly within the dwelling or an accessory building.
  - c. Floor area devoted to the occupation shall not exceed 25% of the total ground area occupied by buildings on the lot.
  - d. The occupation shall not be objectionable to adjacent residences due to noise, hours of operation, traffic, or electrical interference.
  - e. There shall be no signs other than those allowed by this ordinance in residential districts.
  - f. There shall be no display or evidence apparent from the exterior of the lot that the premises are being used for any purpose other than that of a dwelling.
21. Junkyard: Any place where two or more motor vehicles not in running condition or currently licensed, or parts thereof are stored in the open, in a fenced area, or in a partially enclosed building, and are not being restored to operation; or any land used for wrecking or storing of such motor vehicles or farm machinery, or appliances or parts thereof, stored in the open area where waste, scrap metal, used building materials, paper, rags, or similar materials are bought, sold, exchanged, stored, baled, packed disassembled, or handled, but excluding such uses taking place entirely within a completely enclosed building.
22. Kennel: Any lot or premises on which four or more dogs, more than 4 months of age are kept.
23. Lot: A parcel of land of at least sufficient size to meet zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or an officially approved private street permanently reserved as the principal means of access to abutting property, and may consist of the following provided that in no case of division or combination shall any lot or parcel be created which does not meet the requirements of this ordinance:
  - a. A single lot or record.
  - b. A portion of a lot of record.
  - c. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of records.
  - d. A parcel of land described by metes and bounds.
24. Lot Coverage: The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

25. Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Blue Earth County or a parcel of land described by metes and bounds, the description of which has been recorded in the office of the County Recorder of Blue Earth County.
26. Lot Types:
  - a. Corner Lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
  - b. Interior Lot: A lot other than a corner lot with only one frontage on a street other than an alley.
  - c. Through Lot: A lot other than a corner lot with frontage on more than one street other than an alley.
  - d. Double Frontage Lots: Through lots with frontage on two streets.
27. Lot Width: The width of the lot at the building line.
28. Manufactured Home: A structure transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or when erected on site is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the State and complies with all standards established.
29. Manufacturing: The making of anything by any agency or process.
30. Non-conforming Building: A building or portion thereof lawfully existing at the time of adoption of this ordinance, which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the district in which it is now located.
31. Non-conforming Lot: A lot which does not comply with the minimum lot area or frontage requirements of the district in which it is located.
32. Non-conforming Structures: A structure which does not comply with the bulk, yard, setback, or height regulations of the district in which it is located.
33. Non-conforming Use: Any pre-existing structure or use of land which is inconsistent with the provisions of this ordinance or an amendment thereto.
34. Nursing Home: A home designed and licensed to provide care for aged or infirm persons requiring or receiving personal care or custodial care complying with the standards established by the MN State Board of Health.
35. Off Street Parking Space: An area of 200 square feet or more, exclusive of driveways, permanently reserved and available for the storage of one motor vehicle, which is enclosed in a building or unenclosed, and is not in a public right of way, and which has satisfactory ingress and egress to a public street or alley.

36. Permanent Foundation: All structures used for residential occupancy shall be placed on a permanent foundation constructed of concrete block, poured concrete or wood extending below the frostline and anchored to resist overturning, uplift, and sliding.
37. Rated Capacity: Gross weight, no regards to per axle.
38. Screening: The use of plants and or fences of such height to essentially conceal the separate land use from the surrounding land uses.
39. Sign: Any name, identification, description, display, illustration, structure, emblem, or device which is affixed to, painted, or represented upon a building, bench, or other outdoor structure, or piece of land that is intended to direct attention to an object, product, place, activity, person, organization, or business. The structure supporting or intended to support a sign shall be considered part of that sign. The following are exempt from the regulations:
  - a. Flags & insignias of any government except when displayed in connection with commercial promotion.
  - b. Legal notices, identification, information, or directional signs erected or required by government bodies.
  - c. Integral decorative or architectural features of buildings except letters, trademarks, moving parts, or moving lights.
  - d. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
40. Signs, Surface Area: The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.
41. Story: That portion of the building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, the space between the floor and the ceiling next above it.
42. Story, Half: A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 2 feet above the floor of such story.
43. Street Line: The right of way of a street.
44. Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. When a structure is divided into separate parts by an unpierced wall, each part shall be deemed a separate structure.
45. Structural Alterations: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.
46. Temporary Structure: A garage structure sometimes referred to as a “garage in a box”. Such structure must be anchored down. The designated time period for erecting & using such structure will begin October 15 and end on May 1<sup>st</sup> when such structure be removed. A zoning permit for a temporary structure must be applied for annually.

47. Use: The purpose for which land or premises or a building thereon is designated, arranged, or intended, or for which it is or may be occupied or maintained.
48. Use, Accessory: A use clearly incidental or accessory to the principal use of a lot or a building located on the same lot as the principal use.
49. Use, Permitted: A public or private use which of itself conforms with the purposes, objectives, requirements, and performance standards of a particular district.
50. Variance: The waiving by the Board of Adjustment of the literal provisions of this ordinance in cases where the strict enforcement would cause undue hardship because of physical circumstances unique to the individual property involved. Variances shall be limited to height, bulk, density, and yard requirements.
51. Yard: A required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provide however that fences and walls may be permitted in any yard subject to height limitations as indicated herein.
52. Yard, Front: A yard extending between side lot lines across the front of a lot. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. In the case of rounded property corners at street intersections, the foremost point of the side lot line shall be assumed to be the point at which the side and front lines would have met without such rounding.
53. Yard, Rear: A yard extending across the rear of the lot between the side lot lines. In the case of through lots there will be no rear yard. On all other lots the rear yard shall be at opposite ends of the lot from the front yard. Depth of required rear yards shall be measured at right angles to a straight line joining the rear most points of the side lot lines. The forward rear yard line of a required rear yard shall be parallel to the straight line so established. When a lot is adjacent to an alley, the required rear yard may be measured from the center of the alley, and  $\frac{1}{2}$  of the alley width may be considered a portion of the required rear yard.
54. Yard, Side: A yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard. In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of corner lots there will be only one side yard, adjacent to an interior lot. Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line established.
55. Zoning Administrator: The City Clerk

## **Article 2. GENERAL PROVISIONS**

### **Section 200. Interpretation of Zoning Ordinance**

The provisions of this ordinance shall be held to be the minimum requirements. Where the conditions of this ordinance are comparable with conditions imposed by any other federal, state, or county law, ordinance, statute, or regulation, the regulations which are more restrictive shall prevail.

### **Section 201. Application of District Regulations**

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, converted, enlarged, constructed, reconstructed, moved, or structurally altered unless in conformity with (1) all the regulations specified for the district in which it is located, (2) all the off-street parking and loading regulations of the district in which such building is located, and (3) in no case shall there be more than one main building on one lot except as provided for in the Board of Appeals section.

## **Article 3. ZONES AND MAPS**

### **Section 300. Classification of Zones**

The land areas of the City have been divided into the following zoning districts:

- R-1 Single Family Residential District
- B-1 Central Business District
- B-2 General Business District
- M-1 Industrial District

### **Section 301. Official Zoning Maps**

#### **Subdiv. 1. Original Zoning Map**

The original zoning map adopted October 3, 1977, shall be entitled and marked the "Original Official Zoning Map". It shall be filed in the City Clerk's office, shall remain without change, and shall be used only for reference purposes.

#### **Subdiv. 2. Current Official Zoning Map**

One map entitled and dated "Current Official Zoning Map" shall be filed at the City Clerk's office and shall be used for enforcement. In the event the zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the governing body may, by resolution, adopt a new zoning map which shall supersede the prior zoning map. The new zoning map may correct drafting and other errors of omission in the prior zoning map, but no such corrections shall have the effect of amending the original zoning ordinance, or any subsequent amendment thereof. The new official zoning map shall be dated and marked appropriately.

#### **Subdiv. 3. Amendments to Zoning Maps**

If changes are made in district boundaries on the official current zoning map, such changes shall be made promptly after the amendment has been approved by the City Council. Any unauthorized change shall be considered a violation of this ordinance and punishable as provided under the section regarding violations and penalties.

#### **Subdiv. 4. Rules for Interpretation of District Boundaries**

Where uncertainty exists as to the boundaries of districts as shown on the official zoning maps, the following rules shall apply: Unless otherwise specified, zone boundaries are centerlines of streets, highways, alleys, or railroad rights of way, subdivision lines, lot lines, city limit lines, existing shorelines and centerlines of streams, rivers, or other bodies of water. Where physical or cultural features existing on the ground are at variance with those shown on the official current zoning map, the Board of Appeals shall interpret the district boundaries.

**Section 302. Annexed Territory**

All territory which may hereafter be annexed to the City, shall be zoned in accordance with the land use plan.

**Subdiv. 1. Procedure**

**Interim Zoning:** Upon annexation, and until permanent zoning is adopted as provided below, each parcel of annexed land shall be automatically zoned to the district in this ordinance which most closely conforms to the previous township zoning district. Any land not subject to zoning at the time of annexation shall be automatically zoned R-1 Single Family Residential until the permanent zoning is adopted.

**Permanent Zoning:** Within a reasonable time after annexation, permanent zoning shall be established for all annexed areas, according to the procedures set forth above in the section concerning Planning Commission review and recommendation, hearing, and final action by Council.

## **Article 4 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

### **Section 400. Purpose**

This district is intended to be comprised basically of present and future low and medium density housing, apartments, and appropriate miscellaneous uses.

### **Section 401. Permitted Uses**

- a. Single family dwellings of permanent design
- b. Public & private elementary and high schools
- c. Parks, playgrounds, & community buildings owned or operated by public agencies
- d. Truck gardening & raising of field crops, excluding the raising of livestock within city limits.
- e. Utility facilities necessary for local service to the adjacent residential area
- f. Accessory buildings & uses (included but not limited to the following & meeting the specified restrictions):
  1. Private automobile garages, provide that garages accessory to single family dwellings shall be limited in width to three (3) parking stalls.
  2. Swimming pools, provided they are located only in the buildable portion of a lot or in a required rear yard, and are no closer to any lot line than 10 feet.
  3. Licensed trailers, recreational motor vehicles, boats, or motorized vehicles properly licensed for operation in the State of Minnesota and not to exceed a combined total of three (3) in number may be stored in the rear yard, side yard, or driveway. They must meet the requirements of Sect. 403.b regarding side yard, rear yard, and main building, and no living quarters shall be maintained and no business or other activity be carried on in such trailer, boat, or vehicle.
- g. Manufactured homes
- h. Home occupation

### **Section 402. Conditional Uses**

- a. Churches
- b. Nursing homes
- c. Privately operated community buildings or recreation fields, swimming pools, and community facilities owned and operated by neighborhood organizations
- d. Multiple dwellings
- e. Apartment buildings
- f. Craft stores
- g. Woodworking shops
- h. Flower shops
- i. Day care center or home day care
- j. Temporary structure

**Section 403. Standards (min requirements)**

**a. Standards for Main Buildings**

- Front Yard 50 feet (from center of road)
- Side Yard 8 feet
- Rear Yard 25 feet
- Lot coverage 25%
- Lot area 8000 square feet (see Exception Sect. 404)
- Lot Width 75 feet (see Exception Sect. 404)
- Maximum height may not exceed 2 ½ stories or 35 feet
- Off street parking (see Article 9)
- Front yards, building projections, height exceptions (see Article 10)
- Minimum dwelling width shall be 20 feet with permanent foundation

**b. Setbacks for Accessory Buildings**

- Front yard 60 feet to the front lot line
- Side yard 5 feet
- Rear yard 5 feet
- Main building 10 feet
- Lot coverage not to exceed 30% of rear yard
- Height not to exceed 20 feet

**Section 404. Exception for Lot of Record**

An existing dwelling on a lot of record at the time of adoption of this ordinance which does not meet the minimum lot area and width requirements, may be occupied by a permitted use, provided that yard and other requirements of the ordinance are met, and provided the owner does not own any adjoining land at the time of passage or amendment of this ordinance.

**Section 405. Fences and Hedges**

- a. All boundary line fences shall be entirely located upon the private property of the persons, firm, or corporation constructing or causing the construction of such fence. All fences shall be set back at least (1) foot from all property division lines and those fences exceeding (3) feet in height shall maintain a (3) foot setback from a lot line unless:
  - 1. mutual agreement can be demonstrated with abutting property owners, and
  - 2. a maintenance easement agreement can be drafted and agreed to by both affected parties, or
  - 3. mutual ownership and responsibility agreements can be drafted and responsibility agreements can be drafted and demonstrated to the City Council.
- b. Fences in the Residential District shall not exceed 6 ½ feet in height in the side and rear yards and shall not exceed 3 ½ feet in height in the front yard.
- c. Fences in the Business and Industrial Districts shall not exceed 6 ½ feet in height except security fences, which shall not exceed 8 feet in height including barbed wire toppings.
- d. No fences shall be constructed within utility easements.

**Section 406. Signs**

- a. Only one sign not more than six (6) square feet in area pertaining to the sale or rental of land or a building on which located.
- b. Only one outdoor bulletin board not more than eight (8) square feet in area for a church or school on the property on which located.
- c. Only one name plate not more than six (6) square feet in area pertaining to a home occupation provided that such sign is free standing or attached to the dwelling and does not emit any flashing, flickering, or glaring light, direct, or reflected. The following placement requirement shall be: 15 ft. from the backside of the curb & 10 ft. from the side properties.

## **Article 5 B-1 CENTRAL BUSINESS DISTRICT**

### **Section 500. Purpose**

This district comprises the downtown section of the City. The use of land is intensive and it is the purpose of these regulations to encourage such intensity of use and to exclude activities which have a negative effect upon the proper functioning of this district.

### **Section 501. Permitted Uses**

- a. All uses permitted in the R-1 District, except that dwelling units may not occupy first floor street frontages
- b. Retail stores
- c. Personal service businesses, including barber shops, beauty parlors, shoe repair shops, laundry & dry cleaning pick-up stations, photography studios, & similar businesses
- d. Offices, including banks, doctor & dentist offices and clinics, and other professional & business offices
- e. Bowling alleys and other indoor recreation businesses
- f. Bars, cocktail lounges, or any business serving alcoholic beverages
- g. Motels and hotels
- h. Printing shops
- i. Repair services and businesses
- j. Accessory buildings and uses
- k. Lumber yards
- l. Automobile sales and service businesses, including used car lots and repair garages which engage primarily in car painting, body repair, or truck repair
- m. Light industrial/manufacturing and/or assembly businesses
- n. Adult Use-Accessory

### **Section 502. Conditional Uses**

- a. earthen berms

### **Section 503. Standards**

- a. Maximum height not to exceed 70 feet
- b. Side yard—no side yard is required, except that a 7 foot side yard is required adjacent to a residential zoning district
- c. Rear yard—No rear yard is required, except that a 20 foot rear yard is required adjacent to a residential zoning district

### **Section 504. Off Street Parking**

- a. Not required

### **Section 505. Signs**

- a. Notwithstanding directional or parking signs, no sign shall be located on the zoning lot or on the exterior portion of any structure, except those signs which identify the name or type of business, the principal product, or service of any business conducted within such structure, or to identify the building (except outdoor advertising signs as provided elsewhere in this code). All flashing, revolving, and intermittently lighted signs are expressly prohibited.
- b. The gross area in square feet of all signs on a zoning lot shall not exceed the lineal feet of frontage of such zoning lot. The total allowable sign area shall be reduced by 10% for each sign in excess of four (4) signs per street frontage.
- c. Maximum projection of twelve (12) inches from the face of the wall to which it is attached, is allowed. Projecting signs may be allowed to include: adequate anchorage, underside clearance of at least fourteen (14) feet, location, size, and display of such design as not to conceal neighboring displays.
- d. Maintenance of Sign—All signs shall be maintained by the owner in a safe condition. A sign shall be repainted whenever its paint begins to fade, chip, or discolor.
- e. Removal of Sign—On-premise signs shall be removed from a building and property by the owner of such property within thirty (30) days after termination of the use for which it was intended.
- f. Unsafe Sign—If the Zoning Administrator shall find that any sign is unsafe, a detriment to the public, not maintained, or constructed, erected, or maintained in violation of the provisions of this section, the Zoning Administrator shall give written notice to the property owner thereof.

### **Section 506. Non Conforming Uses**

Legal non conforming uses may continue at the same performance level at which they operated before they became non conforming and with these rules:

- a. All uses and activities shall be inside buildings, with no outside storage or activity allowed.
- b. There shall be no noise carrying beyond a lot upon which a business is located, except for normal car and pedestrian activity.

## **Article 6 B-2 GENERAL BUSINESS DISTRICT**

### **Section 600. Purpose**

All commercial activities shall be permitted in this district, including drive-in businesses, outdoor activities, and businesses with late hours. Activities which are essentially manufacturing or have performance characteristics beyond those of normal business activities, will not be permitted in this district.

### **Section 601. Permitted Uses**

- a. All uses permitted in the B-1 District except that dwelling units must meet the standards of Article 4, Section 403
- b. Retail stores
- c. Personal service businesses, including barber shops, beauty parlors, shoe repair shops, laundry and dry cleaning pick-up stations, photography studios, and similar businesses meeting the purpose and performance characteristics of this district.
- d. Offices and activities of an office nature, including banks, doctor's and dentist's offices and clinics
- e. Automobile sales and service businesses, including used car lots and repair garages which engage primarily in car painting, body repair, or truck repair
- f. Animal hospitals and veterinary offices where there are no outside runs or kennels
- g. Bars, cocktail lounges, or any business serving alcoholic beverages
- h. Building material sales and contractor's offices if conducted wholly within an enclosed building
- i. Carpenter or cabinet shop, if conducted wholly within an enclosed building
- j. Commercial recreation businesses, including bowling alleys, dance halls, miniature golf course, etc.
- k. Commercial parking lots and garages
- l. Distributor's warehouse and wholesale outlets, with no outdoor storage, and no processing or fabrication
- m. Drive-in restaurants
- n. Mobile home and travel trailer sales and services
- o. Monument works having retail outlet on premises
- p. Motels and hotels
- q. Printing shops
- r. Repair services and businesses
- s. Retail bakery's
- t. Accessory buildings and uses, provided that no accessory building shall be located in any required yard
- u. On premise sign
- v. Light industrial/manufacturing and/or assembly businesses
- w. Adult Use-Accessory

### **Section 602. Conditional Uses**

- a. off premise sign
- b. any uses which may, in the opinion of the Zoning Administrator, be noxious and offensive to adjacent properties because of the emission of noise, odor, dust, etc., may be permitted if their location and development are first approved by the Planning Commission
- c. earthen berms

### **Section 603. Standards**

- a. Standards for Non-residential buildings/Maximum height—no building shall be erected or enlarged to exceed 35 feet in height
- b. Height Exceptions—The following may exceed the maximum height regulations when erected in accordance with all other laws of the City: chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, lighthouses, solariums, steeples, penthouses, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, wireless, television or radio towers and necessary mechanical appurtenances. Public, semi-public or public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding 60 feet and churches and temples may be erected to a height not exceeding 75 feet when the required side and rear yards are each increased by one foot for each foot of additional building height above the height regulations for the district in which the building is located.
- c. Minimum yard requirements for non-residential buildings:
  1. front yard—20 feet
  2. side yard—no side yard is required, except that a 7 foot side yard is required adjacent to a residential zoning district
  3. rear yard—no rear yard is required, except that a 20 foot rear yard is required adjacent to a residential zoning district

### **Section 604. Off Street Parking**

See Article 9

### **Section 605. Signs**

- a. Notwithstanding directional or parking signs, no sign shall be located on the zoning lot or on the exterior portion of any structure, except those signs which identify the name or type of business, the principal product, or service of any business conducted within each structure, or to identify the building (except outdoor advertising signs as provided elsewhere in this code). All flashing, revolving, and intermittently lighted signs are expressly prohibited.
- b. The gross area in square feet of all signs on a zoning lot shall not exceed the lineal feet of frontage of such zoning lot. The total allowable sign area shall be reduced by 10% for each sign in excess of four (4) signs per street frontage.
- c. Maximum projection of twelve (12) inches from the face of the wall to which it is attached is allowed. Projecting signs may be allowed by conditional use, with

conditions for approval to include: adequate anchorage, underside clearance of at least fourteen (14) feet, location, size, and display of such design as not to conceal neighboring displays.

## **Article 7 M-I INDUSTRIAL DISTRICT**

### **Section 700. Purpose**

This zone is intended to encourage industrial development in the City.

### **Section 701. Permitted Uses**

- a. After passage of this ordinance, no dwelling may be built, located, enlarged, or structurally altered in this district
- b. Plant nurseries and greenhouses
- c. Contractor's establishments and construction equipment dealers, provided that material or equipment is not stored in required front yards.
- d. Carting, express, or hauling establishments
- e. Coal and building material storage and wholesaling, provided that materials are not stored in required front yards
- f. Bulk storage of petroleum products
- g. Printing plants
- h. Bottling works
- i. Research laboratories
- j. Warehouses
- k. Repair services or businesses, including automobile repair garages, provided that outdoor storage of materials or items being repaired are not within required front yards.
- l. Utilities
- m. Laundries and dry cleaning plants
- n. Kennels, animal hospitals, and veterinary offices, provided that outside runs and kennels are not within 400 feet of any residential zoning district
- o. Industrial plants manufacturing or assembling the following: boats, small metal products (such as bolts, nuts, screws, washers, rivets, nails, etc.,) clothing, drugs and medicines, electrical equipment, glass products from previously manufactured glass, furniture and wood products, and plastic products for production of finished equipment
- p. Other activities and manufacturing plants having performance characteristics similar to those listed in this section. (Board of Appeals shall determine if the proposed use meets the performance characteristics if there is a question)
- q. Accessory buildings and uses, except that accessory buildings may not be located in a required front or side yard, but may occupy not to exceed 30% of a required rear yard, and may not be closer than 3 feet to any lot line
- r. Convenience store and or gas station
- s. On premise sign

**Section 702. Conditional Uses**

- a. Off premise sign
- b. Any uses which may, in the opinion of the Zoning Administrator, be noxious and offensive to adjacent properties because of the emission of noise, odor, dust, etc., may be permitted if their location and development are first approved by the Planning Commission
- c. Earthen berms
- d. Adult Use-Principal

**Section 703. Standards**

- a. Maximum height: There shall be no limitation of height, except that a building shall be set back from a required yard line one foot for each foot of building height above 35 feet where such required yard is contiguous to or across the street from a residential zoning district. (see Article 10 for height exceptions)
- b. Front yard: 25 feet
- c. Side yard: 6 feet
- d. Rear yard: 25 feet
- e. Yard adjacent to R-1: 50 feet or 100 feet from any existing building

**Section 704. Off Street Parking**

See Article 9

**Section 705. Signs**

- a. Signs allowed on the zoning lot or on the exterior portion of any structure are those sign messages that are generic in nature and only identify the name of the business. All flashing, revolving, and intermittently lighted signs are prohibited.
- b. The gross area in square feet of all signs on a zoning lot shall not exceed the lineal feet of frontage of such zoning lot. The total allowable sign area shall be reduced by 10% for each sign in excess of four (4) signs per street frontage.
- c. Maximum projection of twelve (12) inches from the face of the wall to which it is attached, is allowed. Projecting signs may be allowed by conditional use, with conditions for approval to include: adequate anchorage, underside clearance of at least fourteen (14) feet, location, size, and display of such design as not to conceal neighboring displays.

## **Article 8. AGRICULTURAL DISTRICT**

### **Section 800. Purpose**

This zone is established to preserve the present agricultural lands and maintain other lands in a natural state and permit development that is in accordance with the Land Use Plan and where municipal utilities are not available.

### **Section 801. Permitted Uses**

- a. Truck gardening, the raising of field crops, and the raising of livestock but excluding feed lots.
- b. Accessory uses, including agricultural buildings and equipment and temporary and identification signs.
- c. Seed sales and agricultural equipment repair businesses and structures

### **Section 802. Conditional Uses**

- a. Earthen berms

## **Article 9 OFF-STREET PARKING**

### **Section 900. Purpose**

The purpose of this section is to alleviate or prevent congestion of the public streets and promote the safety and convenience of the public.

### **Section 901. Off Street Parking Space**

An off-street parking space is an area of 200 square feet or more, exclusive of driveways, permanently reserved and available for the storage of one motor vehicle which is enclosed in a building or unenclosed, and is not in a public right-of-way, and which has satisfactory ingress and egress to a public street or alley.

### **Section 902. Parking Areas to be Shown on Applications**

For the proposed new buildings, enlarged buildings, structures or uses, the location and size of required off-street parking spaces and their access to a public street or alley, shall be shown in detail with dimensions on the application for a zoning permit.

### **Section 903. Central Business District Exempted**

Off-street parking spaces shall not be required for any uses in the Central Business District because it is impractical for individual stores in this area to provide individual parking spaces. Parking facilities for the Central Business District can best be provided by public parking areas and garages located according to a comprehensive plan.

### **Section 904. Schedule of Parking Requirements**

In all districts, except the Central Business District, off-street parking spaces shall be provided at the time any building is erected, relocated or rebuilt, according to the following schedule:

- a. One and two-family dwellings: One parking space for each dwelling unit
- b. Multiple dwellings: One and one-half parking spaces for each dwelling unit
- c. All retail sales uses, including repair, rental, and servicing of manufactured articles: 5 spaces per 1000 square feet of gross floor area
- d. All offices, service to office uses and/or service to business uses: 3.5 spaces per 1000 square feet of gross floor area
- e. All public and business uses which require seating capacity:
  - 10 seats—5 spaces
  - 20 seats—10 spaces
  - over 20 seats—1 space per 4 seats

### **Section 905. Rules for Computing the Number of Required Spaces**

- a. In the case of mixed uses, the parking spaces shall equal the sum of the requirements of the various uses computed separately

- b. Where fractional spaces result, the parking spaces shall be construed to be the nearest whole number
- c. The parking space requirement for a use not specifically mentioned herein shall be the same required for a use of similar nature.

**Section 906. Application to Existing Buildings and Change of Use**

Buildings existing at the time of adoption of this ordinance which do not meet the off-street parking requirements may be structurally altered to the extent of 50% of the cost of equivalent new construction, and the use of such buildings may be changed to an equally intensive or less intensive use, without providing the required off-street parking spaces. However, if such buildings are structurally altered to an extent greater than 50% of the cost of equivalent new construction, or if the use is changed to a more intensive use, such as conversion of a single-family dwelling to an apartment or a change from B-1 to M-1, all required off-street parking spaces shall be provided.

**Section 907. Enlargement of Existing Buildings**

Buildings existing at the time of adoption of this ordinance which do not meet the off-street parking requirements of this section may be enlarged to the extent of a 50% addition of floor area and need provide off-street parking for the enlargement only and not for the original building. When an existing building is enlarged to an extent greater than a 50% addition in floor area, off-street parking spaces shall be provided for both the original building and the enlargement.

**Section 908. Existing Parking Spaces**

Accessory off-street parking spaces in existence at the time of adoption of this ordinance may not be reduced in number below the number required herein for equivalent new construction, or where below the required number, may not be further reduced below the number required for equivalent new construction.

**Section 909. Location of Required Off-Street Parking Spaces**

All required parking spaces shall be located on the same lot or parcel with the building or use served. The Board of Appeals has authority to allow location of required parking spaces on lots separated from the lot on which the use served is located.

**Section 910. Truck Parking in Residential Districts**

All regulations for commercial trucks, tractors, semi-trailers, or any combination of the same are in the most current City ordinance entitled General & Winter Parking, Parking & Storage of Junk Vehicles, Abandoned Vehicles/Junk Vehicles, Commercial Trucks/Tractors/Semi-Trailers.

**Section 911. Improvements Required for Parking Spaces in all Zoning Districts**

- a. All off-street parking spaces shall be hard surfaced, or shall be surfaced with gravel, crushed stone, or similar material, with adequate dust treatment
- b. For all parking areas which have five or more parking spaces, bumper guards shall be provided where necessary around the boundary of the parking area to protect fences, screen plantings, and neighboring property.

**Section 912. Requirements for Parking Areas Adjacent to Residential Zoned Land**

The following requirements apply to all parking areas which have five or more spaces and which are adjacent to land which is zoned residential. Included in this category are parking areas which are within residential areas themselves, such as for schools, churches, other Special Uses, and also parking areas within Commercial and Industrial Districts adjacent to residential districts.

- a. Parking areas shall be set back 7 feet or more from a side yard of a residentially zoned parcel, and screened there from.
- b. Parking areas shall be set back 5 feet or more from a rear yard of a residentially zoned parcel, and screened there from. The Board of Appeals has authority to waive the requirements for parking areas adjacent to side and rear yards, with substitution of a wall for the setback.
- c. Parking shall be prohibited in a required front yard adjacent to a residentially zoned parcel on the same side of the street for a distance of not less than 50 feet from the residentially zoned parcel.
- d. Parking shall be prohibited in a required front yard immediately across a street from a residentially zoned parcel, and screening shall be provided in front of such parking area.
- e. Lighting facilities, where provided, shall be so arranged as to reflect light away from adjacent residential districts.

**Section 913. Additional Requirements for Special Use Commercial and Industrial Parking Areas in Residential Districts**

Sometimes it is necessary and desirable to serve the off-street parking needs of businesses and industries with parking spaces located in adjacent residential districts. Application of this is a Conditional Use, and in addition to the regular procedures for Conditional Uses, the following requirements apply to parking areas:

- a. The parking area must be adjacent to a commercial or industrial district and shall not extend more than 150 feet away from such district. The parking area shall not be across a street from the “B” or “M” District, but may be across an alley, in which case the 150 feet shall be measured from the centerline of the alley.
- b. Ingress and egress to the parking area shall be from a major street, or from a street located in a commercial or industrial district.
- c. All the requirements for yards, screening, and lighting facilities listed in Section 912 shall apply to parking areas covered by this section.
- d. No business involving the repair, service, sale, or display of vehicles shall be conducted from or upon such parking areas.
- e. No signs shall be erected on the parking area except directional signs, as permitted in residential districts.
- f. No structures shall be erected or remain on any portion of the parking area.
- g. Parking areas shall be used only for the parking of patrons and employees private passenger vehicles, and no charge shall be made for said parking.

## **Article 10. SPECIAL RULES FOR FRONT YARDS, BUILDING PROJECTIONS, AND HEIGHT EXCEPTIONS**

### **Section 1000. Exception for Established Front Yards**

Where 40% or more of the frontage on the same side of a street between two intersecting streets is developed with buildings that have a front yard greater or lesser in depth than otherwise required, new buildings shall be erected no closer to the street than the average front yard established by the existing buildings, but may be erected using the average front yard established. In the B-1 and M-1 Districts, the front yard need not exceed the specified front yard for the District.

### **Section 1001. Front Yards on Corner Lots**

Where front yards have been established or may be required on each of two intersecting streets, there shall be a front yard on each street side of a corner lot.

### **Section 1002. Front Yards on Through Lots**

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages.

### **Section 1003. Dimensional Regulations**

The following regulations qualify or supplement, as the case may be, the district regulations appearing elsewhere in this ordinance:

- a. Chimneys, church steeples, towers, aeriels, flagpoles, and similar objects not used for human occupancy are not subject to the building height limitations of this ordinance.
- b. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues can project up to 24 inches into a required yard.
- c. If there are buildings on abutting lots and the buildings have front yards of less than the required minimum setback for the zone, the minimum setback of the front yard for the intervening lot need not exceed the average setback of the front yards of the abutting lots.
- d. An open unenclosed porch or paved terrace no higher than 12 inches above ground level may project into a required front yard for a distance not exceeding 10 feet.

## **Article 11. NON-CONFORMING USES AND STRUCTURES**

### **Section 1100. Intent**

Where at the time of adoption of this ordinance, lawful uses of land or structures exist which would not be permitted by the regulations imposed by this ordinance, the uses may be continued so long as they conform to the following requirements:

- a. A non-conforming use or structure may be continued but may not be altered or extended.  
The extension of a non-conforming use to a portion of a structure which was arranged or designed for the non-conforming use at the time of passage of this ordinance is not an enlargement or expansion of a non-conforming use. A non-conforming structure which conforms with respect to use may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this ordinance.
- b. If a non-conforming use is discontinued for a period of one year, further use of the property shall conform to the requirements of this ordinance.
- c. If a non-conforming use is replaced by another use, the new use shall conform to this ordinance.
- d. If a non-conforming structure or a structure containing a non-conforming use is destroyed by any cause to an extent exceeding 50% of its fair market value as indicated by the records of the County Assessor, a future structure or use on the site shall conform to this ordinance.
- e. Any structure which will, under this ordinance, become non-conforming but for which a zoning permit has been lawfully granted prior to the effective date of this ordinance or amendment and continues to completion within one year shall thereafter be a legally existing non-conforming structure.
- f. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use and incidental alterations which do not extend or intensify the non-conforming use.
- g. Lots of record that are non-conforming in area can be built on with proper variances but all such lots that are contiguous and with a common owner at the time of the adoption of this ordinance shall be combined to create lots of proper size in order to receive a zoning permit.

## **ARTICLE 12. ZONING ADMINISTRATION**

### **Section 1200. Zoning Administrator**

#### **Subdiv. 1. Responsibilities**

The City Council shall appoint the City Clerk to be the Zoning Administrator to:

- a. Issue zoning permits
- b. Conduct inspections of buildings and land use to determine compliance with the ordinance and order violations abated
- c. Maintain permanent and current records of the zoning ordinance, all maps, amendments, conditional uses, appeals, and permit applications

#### **Subdiv. 2. Procedure to Apply for Zoning Permit**

No person, firm, or corporation shall construct any building or structure within the corporate City limits without securing a zoning permit by this procedure:

- a. Submit to the Zoning Administrator plans showing the dimensions of the lot to be built upon, the size and location on the lot of existing structures, the location and size of the proposed building, alteration, or use of land, and any required off street parking
- b. The Zoning Administrator and the applicant will review the application. If the property is properly zoned, the application will be reviewed within 10 days of application by the Zoning Administrator and a member of the Planning Commission. If the application is not a permitted use, but a conditional use request, variance request, or a need for an amendment to the zoning ordinance, the Zoning Administrator will follow the procedure outlined for conditional use permits (Sect. 1201, Subdiv. 6 & 7), variance requests (Sect. 1202, Subdiv. 3 & 4), and amendments (Sect. 1201, Subdiv. 3, 4, 5).
- c. The Zoning Administrator will bill the applicant for the zoning permit after its approval. No construction or activity is to take place until this approval and the appropriate fee is paid for the zoning permit.
- d. Permits expire (1) year after date of approval.

#### **Subdiv. 3. Improvements Requiring a Zoning Permit**

- a. Any new construction, commercial, and/or industrial construction as well as any improvement which will enlarge the physical exterior of the existing structure
- b. To build, enlarge, replace a porch, patio, deck, or steps
- c. Utility shed—for assembly or moving onto the lot of record
- d. Moving of houses, garages, sheds into the City or from one location to another
- e. Fences—includes fences used for dog kennels
- f. Driveways—new asphalt blacktop or new concrete
- g. Sidewalk—replace or build new

#### **Subdiv. 4. Fees for Permits**

The City Council shall establish a schedule of fees for zoning permits and conditional use permits with the fee based on the value of construction of the improvement.

## **Section 1201. Planning Commission**

### **Subdiv. 1. Establishment**

The Planning Commission shall consist of five (5) people (one member of the City Council and four citizens) all appointed by the City Council. Each member shall serve until his successor is appointed. Members shall serve without compensation. Each member shall be entitled to one vote. Staff services for the Commission shall be furnished by the Zoning Administrator. All meetings and hearings shall be held the last Monday of each month on a “as need” basis. At the January meeting, election of officers will be held with nominations made from the floor for offices of chairperson, vice chairperson, and secretary. A candidate receiving a majority of the vote of the Planning Commission shall be declared elected and shall serve for one year or until his successor shall take office. Vacancies in office shall be filled immediately by regular election procedure.

### **Subdiv. 2. Responsibilities**

- a. The Planning Commission and the Zoning Administrator can approve regular zoning permits
- b. Act as advisory to the City Council
- c. Hold required public hearings
- d. Initiate a zoning amendment and recommend its adoption to the City Council. If it is not initiated here, an amendment must be referred to the Commission.
- e. Approve conditional use permits if conditions are specified in the ordinance and if the application meets all the conditions.
- f. Keep the public informed and educated on planning matters.

### **Subdiv. 3. Amendment Authority**

An amendment to the text of this ordinance or zone boundary may be initiated by the City Council, Planning Commission, or by petition of affected property owners filed with the Zoning Administrator. If not initiated by the Planning Commission, any proposal for amendment shall be referred to the Planning Commission.

### **Subdiv. 4. Limitation on Application**

A party shall not initiate action for a zoning amendment affecting the same land more often than once every twelve months.

### **Subdiv. 5. Procedure for Amendment**

- a. Petition for rezoning or change in ordinance text is requested by the applicant and referred to the Planning Commission
- b. Public hearing is set and notice shall be published in the official newspaper 10 days prior to the date of the hearing
- c. When the amendment involves changes in district boundaries affecting an area of 5 acres or less, a notice shall be mailed 10 days before the public hearing to each

owner of affected property within 350 feet of the property to which the amendment relates, the City Council, and the Planning Commission members. The failure to give notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this has been made. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator and shall be made a part of the records of the proceedings.

- d. The Planning Commission shall hold the public hearing and make a recommendation to the City Council based on facts, not opinions.
- e. City Council considers the recommendation of the Planning Commission (a public hearing is not necessary), or if no recommendation is submitted by the Planning Commission within 60 days after the hearing, the City Council may take action without awaiting such recommendation. The City Council may adopt the amendment or part thereof, but may not approve a change to a zoning district not listed in the notice for the public hearing. The amendment is effective by approval of two thirds of the City Council.
- f. Upon adoption of ordinance or amendment, a certified copy shall be filed with the Clerk of Courts Office

#### **Subdiv. 6. Conditional Uses**

Conditional uses are uses that may be permitted within certain zoning districts if they meet specified standards and are not detrimental to the district. They must be permitted only when the public convenience and welfare will be served and the appropriate use of neighboring property will not be substantially or permanently injured.

#### **Subdiv. 7. Conditional Use Procedure**

- a. Application for a conditional use permit shall be filed with the Zoning Administrator on a form prescribed by the City Council and shall be accompanied by plans showing the proposed development, including locations of buildings and off street parking areas.
- b. The conditional use permit application shall be referred to the Planning Commission for consideration and public hearing.
- c. The Planning Commission shall publish a notice of public hearing in the official newspaper 10 days prior to the date of the hearing.
- d. The adjoining property owners within 350 feet of the site of the proposal, the applicant, City Council, and Planning Commission shall be notified by letter 10 days prior to the date of the hearing.
- e. Public hearing held
- f. The Planning Commission may approve granting the conditional use without being referred to the City Council when the conditions exactly stated in the ordinance are found to exist.
- g. The Planning Commission may suggest additional conditions to those imposed in the zoning ordinance and recommend them to the City Council. Conditions dealing with the following may be attached:

1. Paving, shrubbery, screening, fences, or walls
  2. Control or elimination of smoke, dust, vibration, gas, noise, or odor
  3. Hours of operation
  4. Location of exits
  5. Cleaning and painting
  6. Elimination of non-conforming uses of land or non-conforming signs
  7. Direction and intensity of outdoor illumination
  8. Off-street parking and loading
- h. The findings and recommendations forwarded to the City Council do not require a public hearing, but if the Council does not accept the recommendations of the Planning Commission, a public hearing would be desirable.
  - i. City Council approves or denies the application for the conditional use permit. The City Council may add conditions to those recommended by the Planning Commission or may delete or modify the recommended conditions.
  - j. Applicant is informed of the City Council's action and details of any conditions imposed.
  - k. Conditional use permit issued upon payment of fee. (same fee schedule as zoning permits)
  - l. The conditional use permit and its conditions will be reviewed on a periodic basis and shall remain in effect as long as the conditions agreed upon are observed, but nothing shall prevent the City from enacting or amending this ordinance to change the status of conditional uses. A violation of any condition is a violation of the ordinance and automatically terminates the permit.
  - m. A conditional use permit shall become void one (1) year after it is granted unless used.
  - n. A certified copy of any conditional use permit with a description of the property shall be filed with the County Recorder by the person requesting the permit.

## **Section 1202. Board of Appeals**

### **Subdiv. 1. Establishment of Board of Appeals**

The Vernon Center Planning Commission shall be the Board of Appeals.

### **Subdiv. 2. Responsibilities**

- a. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determinations made by an administrative officer in the enforcement of the zoning ordinance.
- b. To hear request for and grant variance from the provisions of the zoning ordinance.

### **Subdiv. 3. Grounds for a Variance**

A variance is a legally permitted deviation from the strict terms of the zoning ordinance regarding dimensional regulations (height, bulk, density, setbacks, size of structure, or yards). A variance does not apply to the use of the land. A variance is only approved in

the event that strict enforcement of the ordinance would result in undue hardship for the applicant and ALL of the following finds are met:

- a. The property cannot be put to reasonable use if used under conditions allowed by the zoning ordinance.
- b. The plight of the landowner is due to circumstances unique to his property not created by the landowner
- c. Granting the variance will not alter the essential character of the locality.
- d. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.
- e. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

**Subdiv. 4. Procedure for an Appeal or Variance**

- a. The request for a variance or an appeal of the requirement, decision, or determination of an administrative officer shall be made to the City Clerk stating the peculiar difficulties claimed. A map or drawing may be required to be part of the findings and records.
- b. The request shall be referred to the Board of Appeals for consideration and public hearing.
- c. The Board of Appeals shall publish a notice of public hearing in the official newspaper 10 days prior to the date of the hearing.
- d. The adjoining property owners within 350 feet of the site of the proposal, the applicant, City Council, and Board of Appeals shall be notified by letter 10 days prior to the date of the hearing.
- e. One of the following options will be selected by the Board of Appeals at the public hearing:
  - recommend approval of the request
  - recommend approval of the request with conditions
  - recommend denial of the request
  - table the request
  - continue the public hearing another date to provide additional time to obtain further information
- f. The Board may hear and approve exceptions as specifically authorized below, which are in harmony with the purposes and intent of this ordinance and which will not adversely affect the public interest. The following exceptions may be granted by the Board, after application and the required public hearing is held:
  1. The location of a temporary building for commerce or industry in a residential district which is incidental to the residential development. Such permit to be issued for a period of not more than one year.
  2. The location of a temporary sign pertaining to the development of land upon which the sign is located, provided it is not located in a required front yard. Such permit to be issued for a period of not more than one year.
  3. The enlargement, erection, and use of a building or the use of premises in any location for public utility purposes, not otherwise allowed by this ordinance,

which the Board deems reasonably necessary for the public convenience or welfare.

4. A reduction of the parking requirements of this ordinance whenever it has been clearly demonstrated that the provision of the full parking facilities is unnecessary, or where such a requirement would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
5. The placement of required parking spaces on a parcel separated from the parcel upon which the building or use served by such parking spaces is located, provided that the parking spaces are sufficiently close that they will serve the intended purpose, and provided that a written agreement assuring the retention of the parking spaces is properly executed and filed with the application for the zoning permit.
6. The waiver of yard or setbacks and screening required for a parking area adjacent to a residential district, whenever a wall of approved height, design, and material is erected.
7. Within any district, the placing of more than one main building on a lot, when all of the buildings are intended to be operated as a single enterprise and the lot and all portions of it are owned, leased, or under option by a single party. In such cases, the yard requirements shall apply along all edges of the lot, but shall not be required for the internal arrangement of the buildings on the lot, provided that adequate light and air will reach all habitable rooms. Height, bulk and lot area per family shall apply as in the case of one main building located on a lot. An application for the placing of more than one main building on a lot shall be accompanied by a site plan. Proposals for placing more than one residential main building on a lot shall be referred to the Planning Commission for review of the site plan, and Planning Commission approval of the site plan shall be prerequisite to final approval by the Board.
- g. The Board shall hear and approve or disapprove proposals for location of industrial uses in the M-1 District when there is a question concerning the expected performance of the use and proposals for location of certain conditional uses in the M-1 District. Application shall be made to the Board, or referral shall be made to the Zoning Administrator, the public hearing shall be held, and the applicant, or his agent, shall appear before the Board with drawings of the proposed use and with other evidence, such as expert engineering testimony, to indicate the expected performance of the proposed use. In addition, the Board may accept written or oral testimony from other experts and from the staff of other government or private agencies. In considering the proposed use, the Board shall evaluate the effect on adjacent neighborhoods, other businesses, and industries from the possible emission of vibrations, noise, light, smoke, fumes, odor, or dust.
- h. Violations of conditions are a violation of this ordinance.

- i. A certified copy of any approved variance shall be filed for record by the person or firm granted the variance with the County Recorder and shall include the legal description of the property.
- j. The decisions of the Board of Appeals are final, subject to judicial review in district court.
- k. The Board of Appeals shall keep a record of its proceedings which shall include the minutes of the meeting, its findings, and the action taken on each matter heard.

## **Article 13. VIOLATIONS, PENALTIES, VALIDITY, REPEAL**

### **Section 1300. Violations & Penalties**

Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a petty misdemeanor. A violator will be sent a notice of violation by certified /return receipt mail and will have three (3) working days (Monday through Friday) to correct the violation. Each day that a violation continues beyond the original notification period, shall constitute a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

### **Section 1301. Validity**

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

### **Section 1302. Repeal**

The existing zoning regulations (texts and maps) of the City adopted as amended, are hereby repealed. The adoption of this ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said ordinance adopted as amended, if the violation is also a violation of the provisions of this ordinance.

This zoning ordinance shall become effective upon its adoption and publication according to law.

**The original Ord #66 was adopted July 8, 1996. This copy of the ordinance is with all amendments added since that time.**



