

ORDINANCE NUMBER 82
CITY OF TOWER, MINNESOTA

Zoning Regulations

ORDINANCE NUMBER 82

CITY OF TOWER, MINNESOTA

An ordinance establishing comprehensive zoning regulations fore the City of Tower (additional regulations apply to shorelands within the City - See Ordinance #80 Shorelands and Ordinance #76 Tower Municipal Airport)

The City of Tower ordains:

To protect and preserve the present business and residential areas in the City and to promote and prepare for new districts in other acquired areas within the corporate limits of the City, this ordinance is hereby adopted as authorized under Minnesota Statutes 462.351 to 462.362 as amended that empowers the City to enact a zoning ordinance.

TABLE OF CONTENTS

| | | |
|---------------|---|----|
| ARTICLE I | ZONING DISTRICTS/OFFICIAL ZONING MAP | 4 |
| ARTICLE II | GENERAL PROVISIONS | 5 |
| ARTICLE III | DEFINITIONS | 6 |
| ARTICLE IV | R-1 SINGLE FAMILY RESIDENCE DISTRICT | 11 |
| ARTICLE V | R-2 ONE/TWO FAMILY RESIDENCE DISTRICT | 12 |
| ARTICLE VI | R-3 ONE/TWO MULTIPLE FAMILY RESIDENCE DISTRICT | 13 |
| ARTICLE VII | R-4 MOBILE HOME PARK DISTRICT | 15 |
| ARTICLE VIII | C-1 CENTRAL COMMERCIAL/BUSINESS DISTRICT | 15 |
| ARTICLE IX | C-2 HIGHWAY COMMERCIAL/BUSINESS DISTRICT | 17 |
| ARTICLE X | 1-1 INDUSTRIAL PARK | 18 |
| ARTICLE XI | RF-1 RECREATION/FORESTRY DISTRICT | 19 |
| ARTICLE XII | 0-1 OPEN SPACE DISTRICTS | 20 |
| ARTICLE XIII | SIGNS | 20 |
| ARTICLE XIV | TOWER HARVOR RENAISSANCE ZONING DISTRICT | 22 |
| ARTICLE XV | NON-CONFORMING USES | 25 |
| ARTICLE XVI | CONDITIONAL USE PERMITS | 26 |
| ARTICLE XVII | AMENDMENTS | 26 |
| ARTICLE XVIII | CITY COUNCIL | 27 |
| ARTICLE XIX | PLANNING/ZONING COMMISSION | 28 |
| ARTICLE XX | BOARD OF ADJUSTMENTS | 29 |
| ARTICLE XXI | VIOLATION, PENALTIES AND ENFORCEMENT | 32 |
| ARTICLE XXII | SEVERABILITY | 33 |
| ARTICLE XXIII | SCHEDULE OF FEES, CHARGES AND EXPENSES | 33 |
| ARTICLE XXIV | REPEAL OF OTHER ZONING ORDINANCES | 34 |

Article I. ZONING DISTRICTS AND OFFICIAL ZONING MAP.

Section 1.01 Zoning Districts. For the purposes of this ordinance the City of Tower is divided into zoning districts as shown on the official zoning map which is hereby incorporated by reference and declared a part of this ordinance.

Districts.

1. R-1 District Residential - One Family
2. R-2 District Residential - One/Two Family
3. R-3 District Residential - Multi-Family
4. R-4 Mobile Home Park
5. C-1 Central Commercial/Business
6. C-2 Highway Commercial/Business
7. 1-1 Industrial
8. FR-1 District Forestry-Recreation
9. O-1 District Open Space

Section 1.02 Map. A certified copy of the official zoning map shall be filed with the Register of Deeds. In case of conflict between said map and the provisions of this ordinance, the latter shall govern.

Section 1.03 Annexations. All territories which may hereafter be annexed to the City of Tower shall be subject to the zoning classification O-1 provided that the annexed area may be subject to the zoning requirements as the Planning & Zoning may approve at the request of the Council. The Planning and Zoning Commission shall prepare a report and submit recommendations to the City as to the proper classification.

Section 1.04 Vacation of Streets & Alleys. Whenever any street or alley or other public way is vacated by official action of the City Council, the zoning districts adjoining each side of such a thoroughfare shall be automatically extended to the center of such vacation, and all areas included in the vacation shall then be subject to all appropriate regulations of this ordinance.

Section 1.05 Interpretation of District Boundaries.

- A. Except as otherwise set forth under the provisions of the ordinance, when a district is bounded by a street, alley, highway, river or stream, the center line of the such feature shall be the boundary.
- B. Distances not specifically indicated on the official map shall be determined by the scale of the map.
- C. Where the actual street or property layout is in variance with that shown on the official zoning map, or in other circumstances not covered by the provisions of this ordinance, the zoning administrator shall interpret the district boundaries.

Article II. GENERAL PROVISIONS.

Section 2.01 Compliance. Except as herein after provided no building, structure or land use shall hereafter be occupied, erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all the regulations specified for the district it is located.

Section 2.02 Area Requirements. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

Section 2.03 Minimum/Maximum Standards. The provisions of this ordinance shall be construed to be the minimum requirement or the maximum requirement for boundaries, lot sizes, yard requirements, set backs, size and height of buildings, height and area of sign coverage. Whenever there exists a conflict between this ordinance and other prior lawfully adopted rules and regulations deed restrictions or covenants, the latter requirement shall govern.

Section 2.04 Yard Space. The required yard space for each building, structure, or use shall fall entirely upon land within a district in which the use is permitted.

Section 2.05 Building Area Limitations. No projection or encroachment shall be made beyond the front, rear or side yard encroachment setbacks of the ordinance including open decks or porches. Enclosed porches are considered part of a structure and shall meet the requirements of the structure and shall not occupy the space required for yards or unoccupied areas.

Section 2.06 Temporary Buildings. Temporary buildings that are used in conjunction with construction work are permitted during the period the building is being constructed and shall be removed upon completion of the construction work, that period being limited to one (1) year from date of permit approval.

Section 2.07 Vision Clearance in Residential Districts. On a corner lot no fence, other structure or shrubbery of more than three and one half (3 1/2) feet in height above the plan of the established street shall be erected or placed on any part of the front yard or side yard within twenty (20) feet of the twenty (20) feet of either the front or side yard that will materially obstruct the view of a vehicle approaching the street intersection. No fence or shrubbery that is more than six (6) feet in height shall be erected along the division line of abutting lots or the street line unless the fence is more than five (5) feet from such lot lines or twenty (20) feet from the street line.

Section 2.08 Travel Trailers / Motor Homes. No person shall maintain, install, erect, or permit, in any residential area, the parking of travel trailers or motor homes for the use of transient or permanent guests for lodging or sleeping. The storage of unoccupied travel trailers and motor homes designed for recreation use and not exceeding twenty four (24) feet in length may be stored in a building or open space in a rear yard of the property owner.

Section 2.09 Public Sanitary / Water Utilities. In any district where sanitary and water utilities are available, these facilities shall be used. If not available, the Zoning Administrator shall require that private wells and septic systems shall conform to the requirements of the St. Louis County code for septic and well construction.

Section 2.10 Land Use Permits Required. No building structure shall be erected, reconstructed, moved, or structurally altered to increase the exterior dimensions, height or floor area of a structure without a land use permit that is requested of and obtained from the Zoning Administrator or other authorized official. No land use permit shall be issued by the Zoning Administrator except in conformity with this ordinance unless the person making the request for a permit receives a written order from the Board of Adjustment, Planning & Zoning Commission or City Council dependent on the form of administrative review, variance or conditional use as provided in this ordinance. This land use permit includes construction or removal of driveways (see Driveway Ordinance).

Section 2.11 Permit Application. Land use permits shall contain the following information where applicable:

- A. Name, address of applicant/land owner, architectural information or contactors name and address.
- B. Description of site by block, lot, or district with the address of the proposed site.
- C. Type of driveway or structure, proposed use of structure and the zoning district where site is located.
- D. Where applicable, the number of units, families, rental units or employees the proposed building is designed to accommodate.
- E. Additional information i.e. loading, unloading and parking spaces as may be required by the Zoning Administrator, Planning & Zoning Commission or City Council.

Section 2.12 Expiration of Permits. A land use permit shall become void if work described has not been started within six (6) months of issuance. If the work described is not completed within one (1) year, the permit shall expire. Further work shall not proceed until a new permit is obtained.

Section 2.13 Repairs / Remodeling. No permit shall be required for maintenance repair or remodeling where the structure area coverage is not increased.

Section 2.14 Approval / Denial of Permit. Upon approval or denial of a permit, the Zoning Administrator shall attest to the same by his/her signature on the permit which notifies the applicant of approval or denial. If the land use permit is denied, the Zoning Administrator shall return the permit as denied with a memorandum stating the reason for the denial.

Article III. DEFINITIONS.

Section 3.01 Interpretation of Definitions. If any of the following definitions are in conflict with other provisions in the ordinance or are clearly inapplicable, definitions established by state statute or case law shall apply.

Section 3.02 Definitions. The following terms as used in this ordinance, shall have meanings stated:

1. ABUTTING LOTS OR PARCELS - any lots or parcels that have a common boundary line.
2. ACCESSORY STRUCTURE USAGE - a use of a structure subordinate to the use of the main structure on the same lot and serving a purpose customarily incidental to the principal use or structure.
3. ALLEY - a private or public way affording secondary means of access to abutting property.
4. APARTMENT BUILDING - a building with 3 or more dwelling units attached both horizontally and vertically.
5. AREA, FLOOR - floor area shall constitute the total floor area occupied by a use and measured to include all space use primarily or incidentally for such use.
6. BASEMENT - a story having part but no more than one half (1/2) its height above ground level. A basement is counted as a story for the purpose of height regulations if subdivided and used for business or dwelling purposes by others than a janitor employed on the premises.
7. BLOCK - a tract of land bordered by streets on all sides or by one or more streets, a river, stream or unsubdivided acreage.
8. BOARDING HOUSE/BED & BREAKFAST - a building where rooms are rented and meals are provided for one or more persons not members of the owner's or lessee's families.
9. BUILDING/STRUCTURE - any building for shelter, support or enclosure of person, animals, chattels or property of any kind and when separated by dividing walls without openings, each portion of such building, so separated, shall be deemed a separate building.
10. BUILDING LINE/SET BACK - the front line of the building or the legally established line which determines the location of the building with respect to the street line.
11. BUILDING, HEIGHT OF - the vertical distance from the grade at the building line to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.
12. BUSINESS - any establishment, occupation, employment or enterprise where in merchandise is manufactured, exhibited or sold, or where services are offered for compensation.
13. CHURCH - this term includes all houses of worship, rectory, parish house or similar buildings incidental to the particular use which is maintained and operated by an organized group of people for religious purposes.
14. CLINIC - offices for the diagnosis and treatment of person for health or dental care that are not provided with board, room or kept on the premises overnight.
15. CONDITIONAL USE - a use that would not be appropriate generally, or without restriction throughout the district but which, if controlled as to area, location, size and number would not be injurious to the public health, safety, moral, appearance, general welfare or detrimental to other properties and their values.
16. DIRVE-IN ESTABLISHMENT - a commercial enterprise that offers goods or services to clientele within a vehicle.
17. DISTRICT, ZONING OF - any section of the incorporated area of the City within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the ordinance.
18. DWELLING - any building or portion thereof designed or used exclusively as a residence for one or more persons but not including a hotel, motel, boarding house, tent, trailer or motor home.

19. DWELLING GROUP – a group of two or more detached buildings located on a parcel of land in one ownership and having one yard or court in common.
20. EASEMENT – the right of any governmental agency or public utility to use public or private land owned by another for a specific reason.
21. FAMILY – any person or group of person, whither related by blood or marriage, occupying a single swelling unit.
22. FLOOR/ AREA RATIO – the numerical value obtained by dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which the building(s) is located.
23. GARAGE PRIVATE – an accessory building designed and used for the storage of motorized vehicles in which no business or service is offered. – see 82G
24. GARAGE PUBLIC – a building or portion of a building used primarily for servicing, repairing, equipping, selling or storing motor driven vehicles and where petroleum products may be sold as well accessory and convenience articles for the public.
25. GLARE – a brightness within the visual field that causes annoyance, discomfort or loss of visual performance.
26. GRADE – the lowest point of elevation of the finished surface of the ground, paving or sidewalk within an area between a building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
27. GREENBELT/SPACE – a planting strip of grass, trees or shrubs established and maintained for the purposes of screening or limiting the view of certain property uses from the general public.
28. HOME OCCUPATION – an occupation which is customarily and traditionally conducted within a dwelling by its occupants and is clearly incidental and secondary to the principal use of the dwelling, and which does not alter the exterior of the property or effect the residential character of the neighborhood. The space of a dwelling used for home occupation shall not exceed over twenty five (25%) of the total space of the dwelling except bed/breakfast which may occupy forty (40%) of the total space.
29. HOTEL/MOTEL – a facility offering transient lodging accommodations on a daily rate to the general public and may provide additional services, such as restaurants, meeting rooms and recreational facilities.
30. LOADING SPACE – a space accessible from a street, alley or way in a building or lot for the use of motor vehicle while loading or unloading merchandise or materials.
31. LOT – a parcel or portion of land in a sub-division or plat of land separated from other parcels or portions by description as on a subdivision or record of survey maps, metes or by or bounds for the purpose of sale or lease or separate use thereof.
 - A. Lot Corner - a lot abutting on and at the intersection of two or more streets.
 - B. Lot Coverage – the part of percentage of the lot occupied by building or structures, including accessory buildings.
 - C. Lot Depth – the average horizontal distance between the rear and front line.
 - D. Lot Interior – an interior lot is a lot other than a corner lot.
 - E. Lot Line, Front – any lot line abutting a street shall be considered a front lot line.
 - F. Lot Line, Rear – the rear lot line is that boundary which is opposite and most distant from the front line lot. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front line, not less than 10' long lying most distantly from the front lot line and wholly within the lot. Every lot shall have a rear lot line.
 - G. Lot Line, Side – boundary of a lot which is not the front or rear lot line.

- H. 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 or a lot described by metes and bounds, the deed recorded in the office of the County Recorder.
 - I. Lot Width – the shortest distance between lot lines measured at the midpoint of the building line.
32. MANUFACTURED HOUSING – See also mobile home. Single family detached housing that is built to the National Manufactured Construction and Safety Standards Act of 1974 and shall include structures known as manufactured homes, mobile homes and house trailers.
 33. MOBILE HOME – a transportable, factory build home, designed to be used a s year round residential dwelling. Also known as house trailers.
 34. MOBILE HOME PARK – a lot, parcel or tract of land upon which 12 or more occupied mobile homes are situated on rental space and including any building, structure or enclosure used or intended for use as part of the equipment of such mobile home parks.
 35. MOTOR HOME/TRAVEL TRAILER – a motor vehicle designed for highway travel and designed with temporary living quarters.
 36. NONCONFROMITY – any legal use, structure or parcel of land already in existence, recorded or authorized (grand fathered) before the adoption of official controls or amendments thereto that would not have been permitted to become established under this ordinance, if the official controls had been in effect prior to the date of the non conformity was established, recorded and authorized.
 37. OFFICE – a building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical services.
 38. OFF STREET LOADING SPACE – a space accessible from a street, alley or driveway for the use of vehicles while loading or unloading merchandise, such space shall be of such size as to accommodate one truck of the size typically used in the particular business.
 39. PARKING SPACE – a surfaced area, enclosed or unenclosed sufficient in size to store on (1) motor vehicle together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of a motorized vehicle.
 40. PLANNED UNIT DEVELOPMENT (PUD) – a PUD means a type of development characterized by a unified site design for a number of dwelling units or sites on a parcel whether for sale, rent or lease, and usually involves clustering to provide areas of common open space. These developments may be organized and operated as condominiums, cooperatives, time share units, full fee ownership, commercial enterprises or any combination of these or cluster subdivisions of dwelling units, residential condominiums, town houses, garden apartments, recreational vehicle parks, hotels, and motels.
 41. PLANNED UNIT DEVELOPMENT / RESIDENTIAL – Residential Planned Unit Development means a use where the nature of the residency is nontransient and the major or primary focus of the development is not service oriented. Residential homes, manufactured home parks, time share condominiums, town houses, and cooperatives that are ownership residences would be considered as residential planned unit developments.
 42. PORCH / DECK, UNENCLOSED - an extension to a building which may include steps, a landing, railing and a roof but not enclosed either partially or completely above the landing or railing by windows, screens or siding.
 43. PUBLIC UTILITY – any person, firm, corporation, municipal department or board duly authorized to furnish or furnishing under governmental regulation to the public for services such as electricity, water, sewage, telephone, communication or transportation facilities.

44. PUBLIC USES – use of land or a building by a municipal county, state, federal or school district.
45. RECREATIONAL CAMPING AREA – any area used on a daily, weekly or longer basis for the accommodation of three or more units consisting of tents, travel trailers, motor homes with space either free or for a charge.
46. REST HOME (NURSING HOME) – a private home for the care of the aged, children or infirmed. Such a home does not contain equipment for surgical care or the treatment of injuries nor does it include maternity care.
47. RIGHT OF WAY – a strip of land occupied by a street, crosswalk, water main, sanitary or storm sewer mains or other special municipal use.
48. SETBACK – the minimum distance from a building, hedge, fence, wall or other structure to the street – right of way or the side lot line.
49. SHOPPING CENTER – a group or groups of three (3) or more commercial establishments developed in accordance to an overall plan and designed and built as an interrelated project.
50. SIGNS – a name identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building or piece of land which draws attention to an object, product, place, name, activity, institution, organization, idea or business.
51. STREET – the entire width between the property lines of a way or place indicated, acquired or intended for the purpose of public use for vehicular traffic or access other than an alley.
52. STREET LINE – a dividing line between a lot, tract or parcel of land and a contiguous street.
53. STRUCTURE – anything constructed or erected, the use of which requires permanent location on the ground or attached to something have a permanent location on the ground including but not limited to walls, fences, signboards and billboards.
54. STRUCTURAL ALTERATIONS – any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, or any substantial change in a roof or exterior walls.
55. TRAILER – any vehicle without motive power designed to carry person or property and being driven by a motor vehicle.
56. VARIANCE – a relaxation of the requirements of this ordinance regarding height, area, size of structure or size of yards. Establishment or expansion of a use not otherwise prohibited shall not be allowed by variance. Variances are granted only through the Board of Adjustments. Variance means the same as the term as defined in Minnesota Statues, Chapter 462.
57. YARD – a space not occupied by a building or buildings and on the same lot as the principal building.
58. YARD CORNER SIDE – cornerside yard is a side yard which faces a public street.
59. YARD FRONT – a yard extending across the full width of the lot and lying between the front lot line and a line at a distance specified by the regulations of this ordinance.
60. YARD REAR – a yard extending across the full width of a lot and lying between the rear lot line and at a distance specified by this ordinance.
61. YARD SIDE – a yard between the side lot line and a line at a distance as specified by these regulations. Least width is the minimum allowed on one side and the sum is the minimum total of both sides.
62. ZONING OFFICIALS:
 1. CITY COUNCIL – the City Council consists of the Mayor and four councilors duly elected by the voters of the City of Tower.

2. PLANNING/ZONING COMMISSION - The Planning and Zoning Commission are representative members of the community appointed by the Mayor with approval of the Council.
3. BOARD OF ADJUSTMENT - the Board of Adjustment consists of three (3) residents of the City appointed by the Mayor with Council consent.
4. ZONING ADMINISTRATOR - The Zoning Administrator shall be appointed by the City Council at the annual re-organizational meeting.
5. Duties of these officers regarding zoning matters are detailed in the ordinance under Article XVII through XX.

Article IV. R-1 RESIDENTIAL DISTRICT.

Section 4.01 Principal Permitted Uses

- A. One (1) family home.
- B. Home occupations
- C. Auxiliary buildings incidental to above when located on the same property.
- D. Medical/dental clinics.

Section 4.02 Conditional Uses.

- A. Two (2) family dwellings.
- B. Schools, churches, community buildings, adult and child care centers, rest homes.
- C. Public utility buildings, such as substations without service or storage yards.
- D. Parks and playgrounds.
- E. Planned unit development (PUD) including townhouses, condominiums.

Section 4.03 Building Heights. No residential building erected shall exceed thirty six (36) feet or two and one half (2 ½) stories in height.

Section 4.04 Maximum Lot Coverage. Lot coverage shall not exceed thirty five (35) per cent. Such coverage includes the main structure and auxiliary buildings.

Section 4.05 Residential Building Requirements.

- A. All residential structures shall have a permanent foundation meeting the requirements of the State Building Code that shall be solid for the complete dimension.
- B. No residential structure shall be less than twenty (20) feet on any side dimension.
- C. Structures shall have pitched roofs, shingled or tiled, with minimum six (6) inch eaves.
- D. Free standing garages unattached to the main structure shall have a maximum floor space of 1500 square feet, one story and limited to one such structure for each residence.
- E. Public utilities, if available, shall be used for water and sewer. If private systems are necessary, such must meet the requirements of the St. Louis County Zoning Regulations.

Section 4.06 Building Height. No residential building erected or altered shall exceed thirty six (36) feet or two and one half (2 ½) stories excepting churches, schools, or PUDS which may be erected to a maximum height of forty eight (48) feet.

Section 4.07 Maximum Lot Coverage. Lot coverage shall not exceed thirty five percent (35%).

| Use | Lot Square Feet | | Front Yard | Rear Yard | Side Yard | Sum |
|------------|-----------------|----------|------------|-----------|-----------|-----|
| | Area | Per Unit | Setback | Setback | Set back | |
| One Family | 20,000 | 20,000 | 30' | 30' | 10' | 20' |
| Two Family | 20,000 | 10,000 | 30' | 30' | 10' | 20' |
| Other | 20,000 | * | 30' | 40' | 10' | 40' |

Planned unit development, .i.e., condos and townhouses shall require an additional 2500' for each unit over four (4). Off street parking shall be planned to accommodate each unit and shall be included in the land use plan before a permit will be granted.

Article V. R-2 ONE-TWO FAMILY RESIDENCE DISTRICT.

Section 5.01 Principal Permitted Uses.

- A. All principal uses permitted in R-1 District.
- B. Residential one (1) and two (2) family dwelling units.
- C. Auxiliary buildings, incidental to resident.

Section 5.02 Conditional Use Permits.

- A. All conditional uses permitted in R-1 district.
- B. Community garages for multi-dwelling units.
- C. Mineral exploration and evaluation.
- D. Condos, townhouse and apartments for multiple family dwellings providing that such dwelling units meet the following requirements.
 - 1. An additional two thousand five hundred feet or lot area for each dwelling unit over two (2).
 - 2. Off street parking for number of dwellings available.
 - 3. Street system adequate to carry traffic.
 - 4. Adequate fire protection available to the proposed building and neighboring property.

Section 5.03 Lot Coverage. Lot coverage shall not exceed 40%.

Section 5.04 Lot Area and Yard Regulations - Minimums.

| Use | Lot Sq Ft. | | Set Back | | Side Yard | Sum |
|---------------|------------|----------|----------------|-----------|-------------|-----|
| | Area | Per Unit | Front Yard | Back Yard | Least Width | |
| Single Family | 10,000 | 10,000 | 30' | 20' | 10' | 20' |
| Two Family | 10,000 | 5,000 | 30' | 20' | 10' | 20' |
| Three Family | 10,000 | 3,300 | 30' | 20' | 10' | 20' |
| Four or More | Varies* | | 30' | 20' | 15' | 30' |
| Other Uses | ** | | Not Applicable | | | |

* Multi-family structures, townhouse, and condominiums shall have at least 2500 square feet per unit.

** Special requirements for mobile home parks - see Article VII.

Section 5.05 Maximum Lot Coverage. Lot coverage shall not exceed forty (40) percent.

Section 5.06 Residential Building Requirements.

- A. All residential structures shall have a permanent foundation or basement meeting the requirements of the State Building Code and shall be solid for the complete area of the structure.
 - 1. In the case of mobile homes, “skirting” must be attached for the entire circumference of the structure.
 - 2. The side dimensions for each structure shall not be less than twenty (20) feet.
 - 3. The structure shall have a pitched roof, covered with shingles with a minimum of six (6) inch eaves.
- B. Free standing garages shall be limited in size to one story, one thousand two hundred fifty (1250) square feet. One such garage is permitted for each resident.
- C. Attached decks and porches open or enclosed shall conform to the setbacks of this article.

Article VI. R-3 ONE-TWO MULTIPLE DWELLING RESIDENTIAL DISTRICT.

Section 6.01 Purpose. It is the purpose of the R-3 Residential District to preserve the established residences, neighborhoods and home occupations in existence at the time of adoption of this ordinance that are characterized by one, two and multiple dwelling units meant to be occupied by owners or renters.

Section 6.02 Principal Permitted Uses. All principal uses as regulated in R-2. Any swelling in existence when this ordinance is adopted may be continued although each such dwelling may not meet the general requirements of this ordinance or this district.

Section 6.03 Conditional Permitted Uses.

- A. All permitted uses permitted in R-2.
- B. Public, municipal, state, and federal offices, libraries, and community centers.
- C. Apartment dwellings.
- D. Schools, churches, private or semiprivate lodge and club buildings.
- E. Recreational facilities such as parks, ball fields and skating rinks.

Section 6.04 Maximum Lot Coverage. Lot coverage shall not exceed fifty (50) percent.

Section 6.05 Lot Area and Yard Regulations – Minimums.

| Use | Lot Sq Ft | | Set Backs | | Side Yard | |
|-------------------------------------|----------------|----------|-----------|--------|-----------|-----|
| | Area | Per Unit | Front | Rear** | Least | Sum |
| Single Family | 7,000 | 7,000 | 30' | 30' | 5' | 10' |
| Two Family | 7,000 | 3,500 | 30' | 30' | 5' | 10' |
| Three Family | 7,000 | 2,300 | 30' | 30' | 5' | 10' |
| Apartments | Varies* | | 30' | 30' | 5' | 10' |
| Other Uses | Not applicable | | | | | |
| * See ordinance #82D – Side Streets | | | | | | 15' |

* Multifamily structure of 4 or more require an additional 2,300 square feet per unit.

** Where alleys exist the rear yard requirement may include ½ the width of the alley.

Section 6.06 Residential Building Requirements.

- A. All residential structures shall have a solid concrete foundation or basement for the entire floor area of the structure. This requirement includes mobile homes. Side dimensions of any dwelling structure shall not be less than twenty (20) feet.
- B. In case of manufactured homes skirting must be attached to the home for the entire circumference of this structure.
 - 1. Such structure shall have a pitched roof, covered with shingles or roofing.
 - 2. Any wheels or other means of transporting must be completely removed.
- C. Building height shall be limited to three stories or thirty six (36) feet.
- D. Free standing residential garages - maximum height shall be one story, maximum floor space 1000 square feet. One garage per resident. Ingress and egress shall be from the alley, if an alley is available. That one garage may be built on an abutting lot if that lot is owned by person erecting the garage. (See ordinance #82B)
- E. Any residential or auxiliary structure on an R-3 residential non-conforming lot existing at the time of adoption of this ordinance shall not be altered in any manner that extends that dimensions of that structure.
- F. Other restrictions, i.e., mobile homes - wheels, tongue and other attachments used to transport a mobile home shall be removed from the structure when set.

Article VI-A. R-T RESIDENTIAL TRANSITION DISTRICT.

Section 6.10 Purpose. This district is intended to provide an area of transition between residential and commercial or industrial uses. This district is intended to allow for orderly and efficient use of property and to encourage the upkeep and maintenance of such property.

Section 6.11 Special Requirements. The zoning district may be applied to a single property, or group of properties within the larger zoning district.

Section 6.12 Permitted Uses. The following uses are permitted ones:

- A. One family dwelling,
- B. Two family dwellings, and
- C. Home Occupation.

Section 6.13 Conditional Uses. The following uses may be permitted:

- A. Apartments within existing one family dwellings
- B. Other uses deemed by the Planning and Zoning Commission to be of the same general character as those listed as permitted and conditional uses.
- C. RT applications for conditional uses shall be limited to low impact service enterprises, and shall include provision for off-street parking and hours of operation restrictions.
- D. List of permissible and conditional uses (Table)

Section 6.14 Accessory Uses. The following uses may be permitted:

- A. Accessory uses incidental to and located on the same zoning lot as the principle use.
- B. Accessory buildings permitted in any rear yard. Accessory buildings in existence shall remain as they are. Any new construction must met R-3 requirements for accessory buildings.

Section 6.15 Minimum Lot Size. Buildings already in existence which are primarily residential in character will qualify for this zoning. Any new construction of buildings zoned R-T must meet the R-3 requirements.

Section 6.16 Yard Requirements Any buildings now in existence will be exempt from yard requirements. Any new construction of buildings zones R-T meet R-3 requirements.

Section 6.17 Once the request has been made and approved, the property may return to the prior zoning status upon request of the property owner at any time. However, further requests for zoning changes under this provision shall be granted only after a hearing before the Planning and Zoning Commission and subject to the approval of the Planning and Zoning Board.

Article VII. R-4 MOBILE HOME PARK.

Section 7.01 Permit Issuance and Approval Procedure. It shall be unlawful for any person to establish, maintain or operate a mobile home park or the facilities therein within the corporate limits of the City until first producing a complete plan for the park. An application for a permit shall be filed with the Zoning Administrator. Application information can be obtained from the City business office.

Section 7.02 Plan Requirements. Areas to be addressed but not limited to are:

1. Scale map showing size and number of unit.
2. Roads, driveways.
3. Water-sanitary sewage disposal.
4. Topography information.
5. Parking facilities.
6. Power/lighting system.

Section 7.03 General Design Requirements

1. Minimum site location must be at least 22,500 square feet.
2. Each park shall be served by sanitary sewage disposal.
3. Each mobile park shall comply with code and laws of the State of Minnesota f or Mobile Home Parks.
4. Street and interior road plan.
5. Off street parking.
6. Lot sizes planned for each unit.
7. Method of anchoring each unit.

Section 7.04 Additional Regulations. In addition to the foregoing, the Planning Commission may impose such other conditions, requirements or limitation concerning the design, development and operation of each mobile home park as it may deem necessary for the protection of adjacent properties and the public interest.

Article VIII. C-1 CENTRAL COMMERCIAL BUSINESS DISTRICT.

Section 8.01 Purpose. It is the purpose of defining the C-1 District to permit and encourage the continuation of the commercial shopping and business establishments in existence at the time of adoption of this ordinance that are located in the center of the City and into those other areas of center city that have been approved of prior to this adoption.

Section 8.02 Permitted Use But Not Limited To:

- A. Business services including banks, post offices, professional offices such as realty and law.
- B. Municipal buildings and garages.
- C. Equipment services, i.e., hardware stores and electric shops.
- D. Food services, i.e., marts, restaurants, cafes, bakeries and fast food service.
- E. On/off safe liquor establishments including bars with or without restaurant services.
- F. Pharmacies, medical and dental clinic.
- G. Convenience stores, garages with petroleum service and/or car repairs, auto parts stores.
- H. Clothing, sundry and printing establishments.
- I. Personal service business, i.e., barber, beauty salons, funeral homes, jewelry. Laundromats, bookstores and service clubs.
- J. Hotels, motels, private clubs, lodges, night clubs, theaters, wholesale establishments, and drive in services.
- K. Apartments of three (3) or more units. – See ordinance 82H.
- L. Any similar commercial or professional service not specifically mentioned or implied in the article.

Section 8.03 Commercial Restriction. All public entrances shall be from the principal street to such businesses upon which the property abuts except that an additional rear entrance may be provided for loading/unloading or from a parking area for employees and/or owners.

Section 8.04 Conditional Use Permits.

- A. Open display area for sales of products such as hardware items, furniture, automobiles or areas used to display rental equipment such as tools, trailers, and lumber yards provided only a limited amount of public space is used for display by obtaining permission of Zoning Administrator.
- B. Other business may use a limited amount of public space to display items during special events, i.e., by obtaining permission from the Zoning Administrator.
- C. Upper story residences for owner occupancy or rental if the main floor area I an unavailable commercial space area.

Section 8.05 Building Height. No building or structure hereafter erected or altered shall exceed thirty six (36) feet in height except lighted antenna apparatus for telephone and like services erected for wave reception. Any such antenna or like structure must be lighted if over thirty two (32) feet in height.

Section 8.06 Prohibited Uses. No additional private residence, either of occupancy by owner or rental, shall be erected or constructed in C-1 District. Those in existence at the time of adoption may continue as such or may be moved to another residential site in R-1, 2, 3, but cannot be moved to any other area in C-1. If demolished or moved the site shall be considered for commercial development only.

Section 8.07 Lot Area, Lot Frontage, Yard Size and Lot Coverage and Loading Space. For allowed uses in C-1 Districts, there will be no requirements for lot area, lot frontage, yard

space, lot coverage, yard sizes or loading space unless the business borders a R-1, 2, 3 district where a fifteen (15) foot setback shall be required with a green space of six (6) feet of trees or shrubs.

Section 8.08 Special Requirements. The following special requirements are required for any business.

- A. SIGNS – signs for commercial C-1 are address in Article XIII of this ordinance.
- B. DECKS – decks or porches (closed or open) attached to a business structure shall conform to the setback required in this article.
- C. LAND USE PLAN – a land use plan must be approved for any new construction to the Zoning Administrator before a permit will be granted.

Article IX. C-2 Highway Commercial Business District.

Section 9.01 Permitted Uses.

- A. All permitted uses in C-1 except home occupations.
- B. Animal clinic – veterinary services.
- C. Residence when included as an integral part of the principal building to be occupied by the owner or his/her employee.
- D. Drive in restaurants, drive in services or businesses not herein prohibited.
- E. Open display area for sale of manufactured products such as lawn garden furniture, hardware items, nursery stock or rental of manufactured products or equipment such as household equipment or small tools if area is part of principal building.
- F. Research and testing buildings.
- G. Buildings and uses customarily necessary to any of the above uses which will not be detrimental either by reason of odor, smoke, noise or vibration to surrounding neighborhood.
- H. Cluster/condominium type commercial buildings.

Section 9.02 Conditional Use Permits.

- A. Lumber yards and building material storage areas.
- B. Recreational areas such as ice rinks, roller blade rinks, miniature golf courses and camping areas.
- C. Residential rental units when above the ground floor. In such buildings the ground floor must be commercial space.

Section 9.03 Prohibited Uses.

- A. Fuel yards, junkyards, used automobile parts or wrecking establishment.
- B. Any business handling junk or waste materials.

Section 9.04 Building Heights. No structure or building erected shall exceed thirty six (36) feet.

Section 9.05 Lot Coverage. No applicable.

Section 9.06 Lot Area, Lot Frontage and Yard, Minimum

Setbacks

| Lot Area Sq Ft. | Frontage | Front Yard | Side Yard** Least Width | Sum | Rear Yard*** |
|-----------------|----------|------------|----------------------------|-----|--------------|
| 5000*** | 50 | 30 | 0-10' | 20' | 30" |

* A minimum side yard of thirty (30) feet shall be required of the property abutting any F/R, R2, R-3.

** Where alleys exist, the measurements of the rear yard may include 1/2 the width of the alley.

*** Commercial cluster or condominium shall have a minimum of two thousand (2000) square feet of lot area per unit.

Section 9.07 Special Requirements. The following special requirements shall be required for C-2 district.

- A. Attached decks shall conform to the required setback of this article.
- B. Signs - see Article XIII - SIGNS of this ordinance.
- C. Site plan - all planned buildings land or uses of land whether they be new, substantially changes, or reconstructed must secure approval of a site plan by the Zoning Administrator. No building permits shall be issued prior to approval of this site plan.
- D. Off street parking, loading and unloading shall be included in any land use plan.

Article X. 1-1 INDUSTRIAL DISTRICT.

Section 10.1 Permitted Uses, But Not Limited To:

- A. Building materials, storage yards and lumber yards.
- B. Contractor equipment rental and storage yards.
- C. Any kind of manufacturing process or treatment of products using light machinery such as tool and die shops, metal manufacturing plants or welding shops.
- D. Public utility service building and yards, transformer stations or utility substations.
- E. Buildings and uses customarily necessary to any of the permitted uses which will not be detrimental either by reasons of smoke, fumes, noise or vibration to the surrounding neighborhood.

Section 10.2 Prohibited Uses.

- A. Any type of dwelling units.
- B. Schools, hospitals, clinics and other institutes except when incidental to a permitted principal use.

Section 10.3 Conditional Use Permits. The following uses may be permitted by the Planning and Zoning Commission and approval of the City Council but not limited to:

- A. Textile mill products.
- B. Wood and paper products industries.
- C. Fabricated metal production.
- D. Mineral, mining and exploration.
- E. Truck terminals.
- F. Any land use the Planning and Zoning suggest and the City Council may approve.

Section 10.4 Storage of Materials for Conditional Uses.

- A. Open storage of lumber or other combustible material shall not be less than twenty (20) feet from an interior lot line.
- B. Open storage of waste products shall be enclosed in dumpsters, enclosed by a solid eight (8) foot wall in addition to a twenty (20) feet green space from an interior lot line. Storage of any waste materials must be in accordance with all state and federal regulations and laws.

Section 10.5 Building Height. No building or structure erected or constructed shall exceed thirty six (36) feet in height.

Section 10.6 Lot Coverage. No structure shall occupy more than seventy five (75) percent of the total land area.

Section 10.7 Screening. Screening shall be provided at lot boundaries abutting a residential district and may consist of solid fencing or dense hedge or shrubs to a height of a minimum of eight (8) feet.

Section 10.8 Lot Area, Frontage and Yard Requirements, Minimum.

| Lot Area Sq | Lot Width | Setbacks | | | |
|-------------|-----------|----------|----------------|-------------|-------|
| | | Front | Side Interior* | Side Street | Rear* |
| 10,000 | 75' | 45' | 10" | 25" | 30" |

* A minimum rear and or side yard of thirty (30) feet shall be required for any RF or residential area R-1, 2.

Section 10.09 Special Requirements.

- A. Parking space for employees and loading/unloading must be adequate for the number of employees and particular business.
- B. Each manufacturing firm must present a complete land use to the Zoning Administrator prior to requesting a permit whether the industry was previously established or is being newly planned.
- C. Signs are addressed in article XIII of this ordinance for 1-1 District.
- D. All planned buildings or uses of land whether they are new substantially converted or reconstructed must secure approval of a site plan from the Zoning Administrator. No building permit shall be issued prior to approval of the site plan.

Article XI. RF-RECREATION / FORESTRY DISTRICT

Section 11.01 Permitted Uses.

- A. Production/management of forest crops including tree planting and selective timbering as directed by the Forestry Board.
- B. Hiking, wildlife refuges, snowmobile and biking trails.
- C. Public parks and buildings.

Section 11.02 Conditional Uses.

- A. Forest related industries, i.e., paper and pulp production.

- B. Game management habitat areas.
- C. Playgrounds and similar sporting activities.
- D. Power transmission towers provided the area adequately protected and fenced for safety, and properly illuminated if height exceeds forty (40) feet.

Section 11.03 Special Considerations.

- A. Additional uses may be determined by the Planning and Zoning Commission or approval by the City Council.

Article XII. O-1 Open Space District.

Section 12.01 Permitted Uses.

- A. Soil and conservation programs.
- B. Forest management.
- C. Wildlife preserves.
- D. Recreational trails.
- E. Recreational hunting.

Section 12.03 Conditional Uses.

- A. Public parks.
- B. Public/private recreational uses.
- C. Mineral exploration.
- D. Television, cellular, radio reception antenna equipment providing such instruments are illuminated if they exceed forty (40) feet in height.
- E. Auxiliary buildings for D provided such buildings are enclosed with gates or fencing.

Section 12.04 Prohibited Uses. No use shall involve dumping removal or filling of mineral soil or peat removal that would disturb the natural fauna, flora, water course or topography of an area.

Section 12.05 Special Uses.

- A. The planning and Zoning Commission may consider and recommend special uses and submit such to the City Council for approval, i.e., gravel and/or borrow pits.
- B. All annexed lands will be classified as O-1 Open Space until such time that the Planning and Zoning Commission recommend another suitable use for development.

Article XIII. SIGNS.

Section 13.01 Purposes. It is the intent of this ordinance to permit business signs wherever they are moderate in size and design and consisted with the public safety and the welfare of the surrounding areas.

Section 13.02 Permit Required. Except as otherwise specifically authorized, no sign shall be located, erected, moved, reconstructed, extended, enlarged, or structurally altered within the City unit a permit has been issued by the City Zoning Administrator. No permit shall be issued

for a sign not in conformity with the size, type, number, location and use regulations affecting each zoning district.

Section 13.03 Exceptions. A permit shall not be required for the following classes of signs:

- A. Class A signs - official traffic control signs, and information notices erected by federal, state or local units of government.
- B. Class B signs - on premise real estate signs, residential identification, warning and similar signs not greater than six (6) square feet in area.

Section 13.04 Prohibited Characteristics of Signs.

- A. No sign shall resemble imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices.
- B. No sign shall be located as to interfere with the visibility of effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
- C. No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.
- D. No sign shall contain any rotating or moving parts, or be illuminated by flashing light, except on towers specifically constructed for telephone, T.V. and/or radio reception requiring such a construction.
- E. No sign shall exceed the maximum height limitation of the district in which it is located except for those mentioned in above Section D.
- F. No sign shall be located on a lot so as to reduce the required dimensional setback and side yard requirements of the district in which it is located.

Section 13.05 Classification of Signs Requiring Permits.

- A. Class C signs - on premises signs which advertise a business activity or service performed on the property.
 - 1. Type 1: Signs advertising a permitted home occupation or professional office. Such signs shall not exceed six (6) square feet in area, and if illuminated shall be indirectly lighted. No more than one such sign for each used located on the premises shall be permitted.
 - 2. Type 2: Signs or bulletin boards for public, charitable, or religious institutions. Such signs shall not exceed twelve (12) square feet in area, and no more than one such sign for each highway upon which the property faces shall be permitted. Such signs may be placed at the right-of-way of the highway.
 - 3. Type 3: Signs advertising a business activity or a service available in a commercial or industrial area attached facade signs shall not exceed eighty (80) square feet in an area when non-lighted, and if illuminated shall not exceed forty (40) square feet. No more than one such sign for each story shall be attached to a building facade and no sign may project more than six (6) feet or be higher than four (4) feet above the top roof line. Free standing signs shall not exceed thirty two (32) feet in height from the ground and shall not exceed one hundred fifty (150) square feet per side. Such free standing signs may or may not be illuminated.
 - 4. Type 4: Signs advertising a resort or recreational business activity or product available. Such signs shall not exceed twenty (20) square feet

in area and no more than one such sign for each highway upon which the property faces shall be permitted.

- B. Class D signs – signs of billboards which advertise a general brand of product, an area of interest, a business activity or service available which is not direct relation to the use of the premises on which it is located. Such signs shall not exceed two hundred (200) square feet in area. Free standing signs shall be erected outside a lien parallel to seventy five (75) feet from highway right-of -way, shall not exceed twenty (20) feet in height above the ground or be located within two hundred (200) feet of an existing resident.
- C. Class E signs – off premise directory signs in the specific interest of the traveling public which advertise a business activity, an area of interest or a service available at a specific location within twelve (12) are miles of the premises on which it is located.
 - 1. Type 1: Recreational directory signs indicating the direction to a cottage, resort, resident or similar use. Such signs shall not exceed for (4) square feet in area. When a common posting is provided all such signs shall be attached thereto. Recreational directory signs may be placed at the right-of-way line of the highway provided they are not with two hundred (200) feet of an existing resident. Information on such signs may be reflective materials.
 - 2. Type 2: Signs advertising a business or activity conducted area of interest, or service available. Such signs shall not exceed twelve (12) square feet in area, and no more than two (2) such signs relating to any one use shall be permitted in the approaching direction along any one highway. A larger number of sings and greater distance from the premises may be permitted by the Planning Commission by a Conditional Use Permit finding it necessary for directing the traveling public.

Section 13.06 Class and Type of Signs Permitted in Various Zoning Districts.

| <u>Class and Type of Sign</u> | <u>Zoning District</u> |
|-------------------------------|-------------------------|
| Class A Signs | All |
| Class B Signs | All |
| Class C Signs | |
| Type 1 | R-1, R-2, R-3, C-1, C-2 |
| Type 2 | All |
| Type 3 | 1-1, C-1, C-2 |
| Type 4 | All |
| Class D Signs | 1-1, C-1, C-2 |
| Class E Signs | |
| Type 1 | All |
| Type 2 | All |

Article XIV. CITY OF TOWER, TOWER HARBOR RENAISSANCE (THR) ZONING DISTRICT REQUIREMENTS.

Section 14. Tower Harbor Renaissance (THR) Zoning District.

Section 14.01 Purposes. The purpose of the Tower Harbor Renaissance (THR) Zoning District is to promote the redevelopment of properties in a manner that integrates commercial, residential, and mixed use land uses, promotes pedestrian accessibility among uses, provides a livable environment for project residents and visitors, and enhances the value and aesthetics of the surround community. The THR Zoning District will utilize connective streetscapes to promote an environment conducive to human activity through the provision of landscaping, street furniture and sidewalks that will unify and interconnect the Harbor to varying uses in the district.

Section 14.02 Applicability. The Tower Harbor Renaissance Zoning District may only be implemented within specific geographic area, which can be found by referring to the City of Tower Zoning Map.

Section 14.03 Definitions. Please see Article III of the City of Tower Zoning Ordinance for definitions.

Section 14.4 Permitted Uses. For the purposes of the THR Overlay Zoning District the Permitted Uses will be broken down into two zones, the North Zone and the South Zone.

South Zone Permitted Uses:

- Residential multi-family side-by-side attached – owner occupied, fractional ownership and rental
- Residential multi-family stacked – owner occupied, fractional ownership and rental
- Retail sales
- Sit-down restaurant
- Café w/take-out
- Restaurant w/bar
- Nightclub w/bar
- Recreational small equipment rentals: kayaks, paddle boats, bicycles, etc.
- Hotel
- Water park
- Bed and breakfast
- Personal services
- In-home office

South Zone Prohibited Uses:

- Motor vehicle sales, rental or repair
- Motor vehicle fuel sales
- Mortuaries, funeral homes
- Manufacturing assembly
- Warehousing or distribution facilities
- Animal processing, rendering
- Adult only entertainment or sales
- Maintenance facilities
- Bulk or min-storage facilities

South Zone Conditional Uses:

- Professional, public or institutional offices
- Schools

- Churches

North Zone Permitted Uses:

- Residential multi-family side-by-side attached – owner occupied, fractional ownership and rental
- Residential multi-family stacked – owner occupied, fractional ownership and rental
- Retail sales
- Sit-down restaurant
- Café w/take-out
- Restaurant w/bar
- Nightclub w/bar
- Recreational small equipment rentals: canoes, kayaks, paddle boats, bicycles, etc.
- Hotel
- Water park
- Bed and breakfast
- Personal services
- In-home office
- Marina gasoline sales
- Marinas
- Marine and recreational sports vehicle sales, rentals, repairs and associated gasoline sales

North Zone Prohibited Uses:

- Motor vehicle sales (new and used), rentals, service and repair
- Mortuaries, funeral homes
- Professional, public or institutional offices
- Manufacturing, assembly
- Warehousing or distribution facilities
- Animal processing, rendering
- Adult only entertainment or sales
- Maintenance facilities

Conditional Uses:

- Seasonal, Recreational Vehicle Park
- Schools
- Churches

Section 14.05 Setbacks.

For all zones:

Area Between Buildings – Minimum 20 feet and maximum 40 feet.

Waterfront – Minimum 30 feet and maximum 50 feet, as measured from the ordinary high water level.

Public Street Pavement Width – Minimum 20 feet and maximum 40 feet, as measured from the right-of-way.

Surface Parking Facilities – Minimum 10 feet, as measured from the right-of-way, side or rear property line and/or building.

Section 14.06 Building Requirements. All buildings must meet or exceed the B3 Minnesota Sustainable Building Guidelines Version 2.0 or the LEED-ND certification. Information on B3 Minnesota Sustainable Building Guidelines can be found at www.msbg.umn.edu and the LEED-NC Certification Guidelines can be found at www.usgbc.org.

Section 14.07 Design Standards. The Design Standards found in the Tower Harbor Master Plan and Design Guide, Final Report, dated July 4, 2007 are hereby referenced and adopted as part of the Tower Harbor Renaissance Overlay District.

Article XV. NON-CONFORMING USES.

Section 15.01 Non-Conforming Structures. Where a lawful structure exists at the date of adoption or amendment of this ordinance that could not have been built or erected under terms of this ordinance by reasons of restrictions on area, lot coverage, yards, heights or other characteristics of the structure, or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject the following provisions.

- A. No structure may be enlarged or altered in a way which increases its non conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
- B. Should such structure be destroyed by any means to an extent of more than seventy five (75) percent of its current appraised value, exclusive of its foundation, it shall not be reconstructed, except in conformity with the provisions of this ordinance. If less than seventy five (75) percent damaged, exclusive of the foundation, it can be restored provided it is done within six (6) months of such happening and that it is built of like of similar materials. No structure shall be moved to a nonconforming lot should the original structure be destroyed by any means.
- C. If a non-conforming structure is moved to another lot, it shall thereafter conform to the regulations of the district to which it is moved.

Section 15.02 Non-Conforming Use Land. The nonconforming lawful use of land where a structure there on is not so employed or existing at the time that this Ordinance becomes effective, may be continued provided:

- A. The nonconforming use of land shall not in anyway be expanded or extended either on the same or adjoining property.
- B. That if a nonconforming use of land, existing at the time of this ordinance became effective, is there after discontinued or changed, then the future use of such land shall be in conformity with the provisions of this ordinance.

Section 15.03 Non-Conforming Use, Change. A nonconforming use cannot be changed to a comparable nonconforming use except by prior approval of the Planning/Zoning Commission. The Commission be general rule or by making findings in a specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In a residential district is shall be unlawful to use the land for storage of unlicensed motor vehicles, motor homes, travel trailers, watercraft, or other recreational equipment.

Section 15.04 Non-Conforming Discontinuance. In the event that a nonconforming use of any building or building and land is discontinued for a six (6) month period, any future shall conform to the provisions of this ordinance.

Article XVI. CONDITIONAL USE PERMITS.

Section 16.01 Procedure.

- A. Application for a conditional use permit shall be made to the Zoning Administrator who shall promptly refer it to the Planning/Zoning Commission. The application shall contain the information required under Article II Sections 2.10, 2.11, and 2.12 along with such other data and information as the Planning/Zoning Commission may deem necessary to properly evaluate the application.
- B. The Planning/Zoning Commission shall hold a public hearing on the application within thirty (30) days after it is filed. Notice of the hearing shall be published in the official newspaper at least ten (10) days prior to the hearing. A Similar nature shall be mailed to each property owner within three hundred fifty (350) feet of the affected property.
- C. The Planning Commission shall report its recommendations to the City Council within ninety (90) days after filing of the application. Recommendations shall include an accurate description of the property upon which the conditional use is sought to be located along with other recommendations or proposed conditions of the Planning/Zoning Commission.

Section 16.02 Granting. A conditional use permit may be granted by a majority vote of the City Council upon written findings of fact that the following conditions have been complied with. Approval may be subject to such further conditions as the council may deem necessary.

- A. That the proposed development is likely to be compatible with development permitted under the general provisions of this ordinance on substantially all land in the vicinity of the proposed development.
- B. That the conditional use will not be injurious to the use of the environment or detrimental to the rightful use and enjoyment of the other property in immediate vicinity, nor substantially diminish or impair property values in the vicinity.
- C. That the proposed use is consistent with the overall comprehensive municipal plan and with the spirit and intent of the provisions of this ordinance.

Section 16.03 Denial. In the event that the City Council denies an application for a conditional use permit, the factual basis and reasons for the denial shall be set forth in written findings of fact. Such findings, shall be adopted contemporaneously with the action of denial.

Section 16.04 Termination. Where a conditional use does not continue in conformity with the conditions of the original approval, the permit shall be terminated by the City Council provided that the permittee has first been granted a public hearing.

Article XVII. AMENDMENTS.

Section 17.01 AMENDMENT PROCESS. The regulations restrictions and boundaries set forth in this ordinance may be amended, supplemented, or repealed by the provisions in this article.

- A. Initiation – amendments may be initiated by the Planning/Zoning Commission, the City Council, or by a petition of any person owning property within the boundaries of the district subject to the proposed amendment.
- B. Referral – an amendment not initiated by the Planning/Zoning Commission must be referred to that commission for study and recommendation. The City Council shall not act on an amendment until it has received the recommendation and report from the commission or until sixty (60) days have elapsed from the date of reference of the amendment without a report being received from the commission.

Section 17.02 Hearing. No amendment shall be adopted until a public hearing has been held by the City Council. Notice shall be published in the official newspaper ten (10) days prior to the hearing. When an amendment involving a district boundary affecting an area of five (5) acres or less, a similar notice shall be sent by the Clerk/Treasurer to each owner of affected property situated wholly or partially within three hundred fifty (350) feet of the use to which the amendment relates. A copy of the notice and a list of owners with addresses to which the notice was sent shall be attested to by the Clerk/Treasurer and shall be made a part of the record of the proceedings. The failure to give mailed notice to individual property owners defects in the notice shall not invalidate the proceedings provided that a bona fide attempt to comply with this subdivision has been made.

Section 17.03 Fees. No action shall be taken on any application by an applicant other than the Planning Commission or the City Council until the applicant shall have paid to the City Clerk/Treasurer the appropriate filing fee as established by the provisions of Article XXIII.

Article XVIII. CITY COUNCIL.

Section 18.01 Council Duties. The duties of the City Council pertaining to this ordinance shall be the following:

- A. Review formulation and adoption of this ordinance and applicable maps as empowered by Minnesota Statutes.
- B. Appoint members and delegate powers and duties to the Planning/Zoning Commission, Board of Adjustments, and a Zoning Administrator for purposes of implementing and enforcing the requirements of this ordinance in a fair and conscientious manner.
- C. Suggest amendments to this ordinance to the Planning/Zoning and act on such recommendation as Planning may so advise.
- D. Review all applications for conditional use permits and make disposition of applications as provided by this ordinance.

Section 18.02 Council Action. Action by the City Council pertaining to this ordinance shall require the vote of a majority of the entire council except that a concurring vote of four-fifths (4/5) is necessary to over ride a Planning/Zoning Commission recommendation of the passage of an amendment to this ordinance.

Section 18.03 Zoning Administrator appointment and duties. At the annual reorganization, the Mayor with council approval shall appoint/reappoint a Zoning Administrator. Should the position be vacated before expiration of a term, it shall be filled at the time of vacancy. It shall be the duty of the Zoning Administrator to:

- A. Administer the requirements of this ordinance for zoning permits and issue, deny or refer each application in accordance with the ordinance.
- B. Determine compliance of the terms of this ordinance by inspection of buildings and land use.
- C. Publish and attend to the service of all notices required under the provision of this ordinance.
- D. Receive, file, and forward applications for appeals, variances, conditional use permits, amendments, or other action to the appropriate official bodies.
- E. Maintain permanent and correct records pertaining to this ordinance including maps, amendments, conditional use permits, non conforming permits, variances, appeals, and applications thereof.
- F. Provide clerical and technical assistance to the Planning Commission, Board of Adjustment, and City Council in reference to this ordinance.
- G. Refer to the City Attorney all violations of this ordinance that cannot be handled administratively.

Section 18.04 Violations / Actions. The Zoning Administrator, if he/she finds any provisions of this ordinance are being violated shall take the following action:

- A. Document the violation in writing, with photographs, historical records, and dates of information.
- B. Notify in writing the person responsible for such violation indicating the nature of the violation and outlining action necessary to correct it.
- C. Order the discontinuance of illegal use of land, buildings, or structure.
- D. Order the removal of illegal buildings or structures or of illegal additions, alterations, or structural changes.
- E. Order the discontinuance of any illegal work being done. Take any other action authorized by this ordinance to ensure compliance with it or to prevent it.
- F. Shall examine all applications for building sites and necessary site plan to determine whether the proposed construction, alteration, extension, repair, or proposed use shall comply with the provisions of the Ordinance. Upon examination, a zoning permit shall be issued.

Article XIX. PLANNING / ZONING COMMISSION.

Section 19.01 Establishment. The City of Tower hereby create a Planning / Zoning Commission pursuant to Minnesota Statutes 394.30 and all acts amendatory thereof.

Section 19.02 Membership. The Planning/Zoning Commission shall consists of five (5) voting members who shall be appointed by the Mayor, with approval of the City Council. Three (3) members shall be residents in the City, one of which shall be a City Councilor. Two (2) may be business owners who may or may not be residents of the City, but shall be actively engaged in ownership of a business in the City.

Section 19.03 Appointments. At the yearly re-organizational meeting of the City Council, the Mayor with the Council approval, shall appoint members to fill expired terms. Other unfilled positions will be filled when the vacancy occurs.

Section 19.04 Terms of Office. Each member shall be appointed for a four year term. Present members of the commission shall be reappointed as follows – Two (2) shall be reappointed for a four (4) year term. All subsequent appointments shall be for four (4) years.

Section 19.05 Responsibility and Duties.

- A. Review the zoning classification of all zone and/or newly annexed land and submit recommendations to the City Council as to the proper classification.
- B. Review all applications for conditional uses, appeals, and variances as requested by the City Council or Board of Adjustment. Prepare such reports and recommendations to that Board or Council as provided in this ordinance.
- C. Call and chair public hearings as required by this ordinance regarding planning and zoning actions.
- D. Initiate and/or review any recommendations for amendments to this ordinance and report on the same to the City Council for final action on such recommendations. A majority vote the entire commission is necessary for action on any recommendations or amendments.
- E. Shall consider and make final decisions on granting a nonconforming use to another nonconforming use as provided in this ordinance.

Section 19.06 Decisions. All actions and recommendations of the Planning/ Zoning Commission shall require a majority of the entire commission.

Section 19.07 Organizational Policies.

- A. A chairperson and a secretary shall be elected by members of the commission.
- B. The commission shall meet at the call of the chairperson at such times as the chairperson deems necessary according to the rules of procedure that the ordinance requires.
- C. All meetings of the commission shall be open to the public.
- D. Minutes of each meeting shall be on file at the City Business Office and shall be public record.

Section 19.08 VOTING.

- A. Each member, including the chairperson, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest.
- B. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the attending members except the member who is being challenged. Any person, in person or in writing, may challenge whether any member has a conflict of interest. The above procedure in this subdivision shall decide the question.

Article XX. BOARD OF ADJUSTMENTS.

Section 20.01 Establishment. A Board of Adjustment is authorized for the purpose of hearing appeals and granting variances under the provisions of this ordinance.

Section 20.02 Membership Terms. The Mayor with Council approval shall appoint three (3) members to the Board. One (1) member shall be from Planning/Zoning Commission and two (2) shall be members at large. All shall be residents of the City. Terms of the initial board shall be one (1) two (2) year term. Thereafter, terms shall be for four (4) years. Vacancies that occur before a term is completed will be filled at the time of the vacancy. Members shall be appointed/reappointed at the annual reorganization meeting.

Section 20.03 Organization. The City Council shall adopt the following procedure of business for the Board Of Adjustment in accordance with provisions of this ordinance.

- A. Meetings shall be held at the call of the chairperson named by its members.
- B. A secretary shall also be named by the members.
- C. All meetings shall be open to the public. Public hearings, with a ten (10) day notice to the public, shall be held for all appeal hearings and requests for variances. Minutes shall be written for all meetings and shall include all important facts, exhibits, names, and addresses of all persons appearing before the Board, and a copy of each resolution acted upon by the Board. Such information shall be filed at the office of the City Clerk and shall be public record.

Section 20.04 Duties of the Board of Adjustment. The Board of Adjustment shall have the following responsibilities with regard to the ordinance.

- A. Appeals - to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement and interpretation of this ordinance.
- B. Variances - to authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest, where owing to special circumstances, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.
- C. Under no circumstances shall a variance be granted to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. The presence of nonconformities or uses in an adjoining or another district shall not be considered grounds for a variance.

Section 20.05 Procedures. The following procedures shall be followed regarding appeals and variances.

- A. Appeal - An appeal may be taken by an aggrieved person or by any city officer, department, board, or commission. Such an appeal shall be filed thirty (30) calendar days after the decision of the Zoning Administrator. The appeal shall be made in the following manner.
 - 1. Fill the application and appropriate fee with the Zoning Administrator.
 - 2. Name the section of the zoning ordinance in question.
 - 3. State nature of difficulty encountered.
 - 4. State nature of action of Zoning Administrator.
 - 5. Appeal application referred to Board of Adjustment by Zoning Administrator for action.
- B. Variance - Steps to be taken in applying for a variance.

1. The applicant requests proper form for a variance from the Zoning Administrator and pays fee set by City Council.
 2. Name, address, and legal description of property.
 3. A map showing location, dimension, and use of applicants property and all property within three hundred fifty (350) feet including streets, alleys, and other physical and cultural features.
 4. Statement on what is intended to be done on or with the property which does not conform with this ordinance.
- C. Additional requirements for a variance shall be addressed by applicant.
1. That there are extraordinary and exceptional circumstances which are peculiar to land, structure, or building involved which are not applicable to other structures, lands, or buildings in the same district.
 2. That the authorizing of such variance will not be of substantial detriment to the adjacent property.
 3. That the literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district.
 4. That the special conditions and circumstances do not result from the actions of the applicant.

Section 20.06 Application Processing.

- A. Upon receipt of the application by the Zoning Administrator, a copy of the completed application (appeal or variance) shall be forwarded immediately to the Board of Adjustment.
- B. Process for variance.
 1. Upon receipt of application from the Zoning Administrator, the Board shall set a date for a public hearing within thirty (30) days.
 2. The Zoning Administrator shall give notice by mail to all property owners within three hundred fifty (350) feet of the property at least ten (10) days prior to the date of public hearing.
 3. Give public notice in the official newspaper of time and date of hearing at least (10) days before the hearing.
 4. Notify the Planning/Zoning Commission and City Council of the meeting.
- C. Process for appeal.
 1. In the case of an appeal , all proceedings in furtherance of the action are referred to the Board of Adjustment who then may request a recommendation from the Planning/Zoning Commission before calling a public hearing. The chairperson shall then conduct a public hearing by giving at least (10) day notice of such a hearing.
 2. The applicant and/or his representative shall appear before the board at the public hearing and answer all questions relative to the request for a variance or an appeal.
 3. An accurate record of all testimony shall be kept by the Board.

Section 20.07 Decisions.

- A. In case of an appeal, the Board shall make a decision within sixty (60) days of the application unless the Zoning Administrator certifies that by reasons stated in the application a stay would cause immediate peril to life and property.
- B. In case of an application for a variance, the Board shall make a finding that the reasons set forth in the application that will justify or deny the request. The Board may justify the granting of a variance by setting the minimum variance that will be acceptable and still be within the purpose and intent of this ordinance.
- C. The Board shall make a decision on an application of an appeal or variance within sixty (60) days of the date of an appeal or variance. A concurring vote of a majority of the members of the Board shall be necessary for approval or denial of an application for an appeal or a variance.

Section 20.08 Voting.

- A. Each member, including the chairperson, shall be entitled to vote on all questions unless a particular issue involves a conflict of interest.
- B. Any questions of whether an issue involves a conflict of interest sufficient to disqualify a member from voting shall be decided by a majority of the attending members except the member who is being challenged.

Section 20.09 Finality. The decisions of the Board of Adjustment shall be Final. Any Person having any interest affected by the article shall have the right to appeal to the district court on questions of law or fact.

Article XXI. VIOLATION, PENALTY, AND ENFORCEMENT.

Section 21.01 Investigations. The Zoning Administrator shall investigate all provisions of this ordinance, notify the owners of violations, and direct the property owner to correct violations within a reasonable period of time, and if compliance is not obtained with a specified time, shall report such violation to the City Attorney who shall take immediate and appropriate action on the matter.

- A. Any tax payer within the City may initiate proceeding for a writ by the District Court to compel specific performance by the City Council or zoning officials in reference to administration or enforcement of this ordinance.
- B. The City of Tower may enforce all provisions of this ordinance as are proper under Minnesota laws.

Section 21.02 Misdemeanor / Penalty. Any person or his/her representatives, contractors, or employees who violate or refuse to comply with the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor. Each day that a violation continues to exist shall constitute separate offense. All fines for violations shall be paid to the City of Tower.

Section 21.03 Refuse to Comply. Should an applicant or above mentioned representatives refuse to comply with the conditions and requirements imposed upon the proposed or established use or structure or land use in granting of the permit, he/she shall be notified by the Zoning Administrator in writing or person of these requirements that have not been complied with in which.

- A. The applicant shall have no more than thirty (30) days from the date of the notification to satisfy said requirements or be subject to renovation of said permit; or
- B. The applicant shall have no more than thirty (30) days to appeal to the appropriate body.

Section 21.04 Citations. The Zoning Administrator or the City Police Department may issue citations for the violation of this ordinance.

- A. Citation shall contain the following information.
 - 1. Name and address of person charged with a violation or the owner or person in charge of premises at which the violation occurs.
 - 2. Date and place of the violation.
 - 3. A short description of the violation followed by section of the ordinance violated.
 - 4. The Date and place at which the person receiving this citation shall appear and a notice that if such person does not respond, a warrant may be issued for the person's arrest.
- B. The citation shall be issued to the person charged with the violation, or in the case of a corporation or unit of government, to any officer or agent authorized to accept such issuance pursuant to the Minnesota Rules of criminal procedure.
- C. After the issuance of the citation and within such time as shall be fixed by court rule, the person charged shall report to the District Court, Virginia, Minnesota.
- D. If the person charged with the violation does not appear at the time specified by court rule the court shall send a notice directing that person to respond to the citation within seven (7) days of the date of the notice and, if such person fails to respond, there shall be just cause for a complaint to be signed and a warrant to be issued for the arrest of such person to complete an appearance in court.

Section 21.05 Inspections. All persons involved in land development activities shall allow free access to authorized representatives of the City at any reasonable time for the purpose of making such inspections as may be necessary to determine compliance considered a violation of this ordinance. The Zoning Administrator or City Council shall have the authority to take appropriate legal action, review the permit, or to revoke the permit.

Article XXII. SEVERABILITY.

Section 22.01 Severability. In any case in which a provision of this ordinance is declared by the courts to be unconstitutional or invalid, said ruling shall not affect the validity of the remaining provisions of this ordinance and to this end, the provisions of this ordinance are declared to be severable.

Article XXIII. SCHEDULE OF FEES, CHARGES, AND EXPENSES.

Section 23.01 Fees and Charges. The City Council shall establish a schedule of fees, charges, and expenses for permits, appeals, hearings, and other documents and/or actions required by the provisions of this ordinance. This schedule shall be available at the office of the Zoning Administrator. No permit, certificate, or variance shall be issued unless such fees, charges, or

expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Adjustment unless or until fees, charges, and expenses have been paid in full.

Article XXIV. REPEAL OF OTHER ZONING ORDINANCES.

Section 24.01 Zoning Ordinances Repealed. Any zoning ordinance with the exception of Shore land Ordinance # 80 and Tower Municipal Airport Zoning # 76 but including zoning ordinances #75 and 75A in effect at the time of adoption of this ordinance are hereby repealed. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deeds. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

Introduced and given first reading on the 9th day of December 1996 by Councilor Mollers.

Given second reading on the 10th day of February, 1997 by Councilor Mollers.

Motion by Hiltunen supported by Leppala to adopt and publish said ordinance. All yes. Motion carried.

Published in the Tower News on February 20, 1997.

Attest:

Herbert R. Lamma, Mayor

Timothy L. Kotzian, City Clerk - Treasurer