

# CITY OF ROSE CREEK

## ORDINANCE # 90-1996

AN ORDINANCE AMENDING THE CITY OF ROSE CREEK'S  
ORDINANCE #82-1989  
SEPTEMBER 9, 1996

AN ORDINANCE REGULATING THE USE OF LAND, THE LOCATION, BULK,  
HEIGHT, AND USE OF BUILDINGS AND THE ARRANGEMENT OF BUILDINGS  
ON LOTS, AND THE DENSITY OF POPULATION IN THE CITY OF ROSE CREEK,  
MINNESOTA AND PROVIDING FOR THE ADMINISTRATION AND  
ENFORCEMENT OF SUCH REGULATIONS.

ARTICLE <sup>LE</sup> 4., 4.01, #7- B., AMENDED NOVEMBER 6, 1997  
ORDINANCE #92-1997

THE CITY COUNCIL OF ROSE CREEK ORDAINS;

### ARTICLE 1. DEFINITIONS

10.1 DEFINITIONS. FOR THE PURPOSE OF THIS ORDINANCE THE TERMS DEFINED IN THIS ARTICLE HAVE THE MEANINGS GIVEN THEM:

10.2 ACCESSORY USE OR STRUCTURE: A USE OR STRUCTURE ON THE SAME LOT WITH, AND INCIDENTAL AND SUBORDINATE TO, THE PRINCIPAL USE OR STRUCTURE.

10.3 DWELLING, ONE FAMILY: A BUILDING USED EXCLUSIVELY FOR OCCUPANCY BY ONE FAMILY.

10.4 DWELLING, TWO FAMILY: A BUILDING USED EXCLUSIVELY FOR OCCUPANCY BY TWO FAMILIES LIVING INDEPENDENTLY OF EACH OTHER.

10.5 DWELLING, MULTIPLE: A BUILDING OR PORTION THEREOF USED FOR OCCUPANCY BY THREE OR MORE FAMILIES LIVING INDEPENDENTLY OF EACH OTHER. DAILY.

PAGE TWO

10.6 DWELLING UNIT: A DWELLING OR PORTION OF A DWELLING OR AN APARTMENT OR HOTEL USED BY ONE FAMILY FOR COOKING, LIVING, AND SLEEPING.

10.7 FAMILY: ONE OR MORE PERSONS OCCUPYING A PREMISES AND LIVING AS A SINGLE, NONPROFIT HOUSEKEEPING UNIT, AS DISTINGUISHED FROM A GROUP OCCUPYING A HOTEL, CLUB, FRATERNITY OR SORORITY HOUSE. A FAMILY INCLUDES NECESSARY SERVANTS.

10.8: HEIGHT OF BUILDING: THE VERTICAL DISTANCE FROM THE AVERAGE ELEVATION OF THE FINISHED GRADE AT THE FRONT OF THE BUILDING TO THE HIGHEST POINT OF THE ROOF FOR FLAT ROOFS; TO THE DECK LINE OF MANSARD ROOFS; AND TO THE MEAN HEIGHT BETWEEN EAVES AND RIDGE FOR GABLE, HIP AND GAMBREL ROOFS.

10.9: HOME OCCUPATION: A LAWFUL OCCUPATION CUSTOMARILY CARRIED ON BY A RESIDENT OF A DWELLING AS AN ACCESSORY USE WITHIN THE SAME DWELLING.

10.10: JUNK YARD: LAND OR STRUCTURES USED FOR THE STORAGE OR KEEPING OF JUNK, INCLUDING SCRAP METALS, OR FOR THE DISMANTLING OR "WRECKING" OF AUTOMOBILES OR OTHER VEHICLES OR MACHINERY, OTHER THAN THE STORAGE OF MATERIALS WHICH IS INCIDENTAL OR ACCESSORY TO ANY BUSINESS OR INDUSTRIAL USE ON THE SAME LOT.

10.11: LOT: A SINGLE PARCEL OF LAND (LOCATED WITHIN A BLOCK, IF IN A PLATTED AREA) WHICH, AT THE TIME OF APPLICATION FOR A PERMIT FOR A BUILDING ON THE LAND DESIGNATED BY ITS OWNER OR DEVELOPER AS A PARCEL, OR BE USED, DEVELOPED, OR BUILT UPON AS A UNIT UNDER SINGLE OWNERSHIP OR CONTROL. A LOT MAY OR MAY NOT COINCIDE WITH A LOT OF RECORD.

10.12: LOT CORNER: A LOT SITUATED AT THE INTERSECTION OF TWO OR MORE STREETS, OR BOUNDED ON TWO OR MORE ADJACENT SIDES BY STREET LINES.

10.13: LOT INTERIOR: A LOT OTHER THAN A CORNER LOT.

10.14: NONCONFORMING STRUCTURE OR USE: A STRUCTURE OR USE LAWFULLY IN EXISTENCE ON THE EFFECTIVE DATE OF THIS ORDINANCE OR ANY AMENDMENT THERETO AND NOT CONFORMING TO THE REGULATIONS FOR THE DISTRICT IN WHICH IT IS SITUATED.

10.15: STORY: THAT PORTION OF A 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, THAN THE SPACE BETWEEN THE FLOOR AND THE CEILING NEXT ABOVE IT.

PAGE THREE

10.16: STORY-HALF: THAT PORTION OF A BUILDING UNDER A GABLE, HIP OR GAMBREL ROOF, THE WALL PLATES OF WHICH, ON AT LEAST TWO OPPOSITE EXTERIOR WALLS, ARE NOT MORE THAN TWO FEET ABOVE THE FLOOR OF SUCH STORY.

10.17: STRUCTURE: ANYTHING CONSTRUCTED OR ERECTED, THE USE OF WHICH REQUIRES LOCATION ON THE GROUND OR ATTACHMENT TO SOMETHING HAVING LOCATION ON THE GROUND.

10.18 STRUCTURAL ALTERATION: ANY CHANGE IN THE SUPPORTING MEMBERS OF A BUILDING SUCH AS BEARING WALLS, COLUMNS, BEAMS, OR GIRDERS.

10.19: YARD: AN OPEN SPACE OTHER THAN A COURT WHICH OPEN SPACE IS UNOCCUPIED AND UNOBSTRUCTED FROM THE GROUND UPWARD, EXCEPT AS OTHERWISE PROVIDED IN THIS ORDINANCE.

10.20: YARD, FRONT: A YARD EXTENDING ACROSS THE FRONT OF THE LOT BETWEEN SIDE LOT LINES AND LYING BETWEEN THE FRONT STREET LINE AND THE NEAREST LINE OF THE PRINCIPAL BUILDING.

10.21: YARD, REAR: A YARD EXTENDING ACROSS THE FULL WIDTH OF THE LOT AND LYING BETWEEN THE REAR LINE OF THE LOT AND THE NEAREST LINE OF THE PRINCIPAL BUILDING.

10.22: YARD, SIDE: A YARD BETWEEN THE SIDE LINE OF THE LOT AND THE NEAREST LINE OF THE BUILDING AND EXTENDING FROM THE FRONT YARD TO THE REAR YARD.

## **ACTICLE 2. ZONING DISTRICTS AND DISTRICT REGULATIONS**

ESTABLISHING OF DISTRICTS: FOR THE PURPOSE OF THIS ORDINANCE, THE CITY OF ROSE CREEK IS DIVIDED INTO THE FOLLOWING USE DISTRICTS:

A. COMMERCIAL DISTRICT: ALL OF THE PLATTED OR UNPLATTED LAND IN THE CITY OF ROSE CREEK NOT DESIGNATED AS INDUSTRIAL OR RESIDENTIAL. A MAP SHALL BE ON PERMANENT FILE AND AVAILABLE FOR PUBLIC INSPECTION IN THE CITY HALL.

B. RESIDENTIAL DISTRICT: ALL OF THE PLATTED OR UNPLATTED LAND IN THE CITY NOT DESIGNATED AS INDUSTRIAL OR COMMERCIAL. ANY LAND ANNEXED TO THE CITY IN THE FUTURE SHALL BE PLACE IN THE RESIDENTIAL DISTRICT UNTIL SPECIAL ACTION OF THE CITY COUNCIL, HEREINAFTER PROVIDED, SHALL DEFINITELY ASSIGN SUCH LAND TO ANOTHER USE.

PAGE FIVE

NEW FACTORY PACKAGED OR PREFABRICATED BUILDINGS OR BUILDINGS BUILT UPON THE SITE AND MADE OF ALL NEW MATERIALS ARE NOT SUBJECT TO THIS SECTION BUT SHALL REQUIRE THE ISSUANCE OF A BUILDING PERMIT.

NO UTILITY SHED, OUTBUILDING, AND OR GARAGE SHALL BE MOVED ON TO A SITE OR BUILT ON-SITE, UNLESS THERE IS A RESIDENCE ON THE SITE IN THE RESIDENTIAL ZONING DISTRICT.

#### **ARTICLE 4. REGULATIONS FOR RESIDENTIAL DISTRICT**

**4.01 USE REGULATIONS.** IN THE RESIDENTIAL DISTRICT, UNLESS OTHERWISE PROVIDED IN THIS ORDINANCE, NO BUILDING OR LAND SHALL BE USED AND NO BUILDING SHALL HEREAFTER BE ERECTED OR STRUCTURALLY ALTERED EXCEPT FOR ONE OR MORE OF THE FOLLOWING USED:

1. ONE OR TWO FAMILY DWELLINGS EXCEPTING MOBILE HOMES UNLESS THEIR LOCATION IS APPROVED UNDER 4.01, (7), HEREUNDER; ACCESSORY BUILDINGS TO FAMILY DWELLINGS; BUSINESS SHALL BE CONDUCTED THEREIN EXCEPT THOSE CONDUCTED INCIDENTLY AND SOLELY FOR GUESTS AND TO WHICH ENTRANCE CAN BE MADE ONLY FROM THE OUTSIDE OF THE BUILDING.

2. FARMING OR TRUCK GARDENING; PLANT NURSERIES OR GREEN HOUSES.

3. PARKS AND PLAYGROUNDS.

4. CHURCHES, LIBRARIES, SCHOOLS, CLUBS AND LODGES.

5. BOARDING AND LODGING HOUSES. A BOARDING OR LODGING HOUSE SHALL BE DESIGNATED AS A STRUCTURE IN WHICH ONE OR MORE ROOMS ARE RENTED OUT TO PERSONS WHO ARE NOT MEMBERS OF THE IMMEDIATE FAMILY OF THE NORMAL OCCUPANT, WHETHER OR NOT MEALS ARE PROVIDED TO SUCH TENANTS, IN A DWELLING AS AN INCIDENTAL USE TO THAT OF ITS OCCUPANCY AS A DWELLING. A FACILITY COMMONLY KNOWN AS A "BED AND BREAKFAST INN" SHALL BE CONSIDERED A LODGING OR BOARDING HOUSE AND IS ALLOWED IN THE RESIDENTIAL DISTRICT.

6. THE FOLLOWING USES, BUT ONLY UPON SECURING A SPECIAL USE PERMIT IF THE CITY COUNCIL DETERMINES IT WILL NOT MATERIALLY AFFECT ADVERSELY THE HEALTH, SAFETY OR PROPERTY OF PERSONS RESIDING IN THE AREA:

A. HOSPITALS, CLINICS, DENTAL OFFICES OR OTHER BUILDINGS USED FOR THE TREATMENT OF HUMAN AILMENTS.

PAGE SIX

B. OTHER PROFESSIONAL OFFICES IN HOMES USED INCIDENTLY IN THE CARRYING OUT OF A BUSINESS CONDUCTED AWAY FROM THE HOME.

C. HOME OCCUPATIONS AS DEFINED AND FURTHER REGULATED IN THE NEXT SUCCEEDING PARAGRAPH.

7. THE PRINCIPAL RESIDENTIAL BUILDING OF ANY LOT LOCATED IN THE RESIDENTIAL DISTRICT SHALL CONFORM TO THE FOLLOWING REGULATIONS:

A. THE MAXIMUM WIDTH AND/OR LENGTH OF SUCH BUILDING, EXCLUDING ITS GARAGE, SCREENED PORCHES, PATIOS, DECKS, BREEZEWAYS, OR OTHER SEASONAL USE PORTIONS THEREOF, SHALL BE NOT LESS THAN 30 FEET, AND THE OTHER DIMENSION THEREOF, BE IT WIDTH OR LENGTH, SHALL BE NOT LESS THAN 20 FEET.

B. SUCH BUILDING SHALL BE PERMANENTLY ATTACHED TO A PERMANENT FOUNDATION CONSTRUCTED OF CONCRETE, CEMENT BLOCK OR TREATED WOOD, **FOR THE FULL PERIMETER OF THE STRUCTURE**, AND SET BELOW THE FROST LINE.

8. ONE OR MORE MOBILE HOMES SUBJECT TO APPROVAL OF THE LOCATION AND A LICENSE GRANTED BY THE CITY COUNCIL AS A PART OF A PLANNED MANUFACTURED/MOBILE HOME PARK. A PLANNED MANUFACTURED/MOBILE HOME PARK IS INTENDED TO BE EXCLUSIVELY FOR RESIDENTIAL USE OF MOBILE HOMES. THE COUNCIL MAY IMPOSE SUCH OTHER CONDITIONS, REQUIREMENTS OR LIMITATIONS CONCERNING THE DESIGN, DEVELOPMENT, AND OPERATION OF SUCH PLANNED MANUFACTURED/MOBILE HOME PARK AS IT MAY DEEM NECESSARY FOR THE PROTECTION OF ADJACENT PROPERTIES AND THE PUBLIC INTEREST. ADDITIONALLY, ON-SITE CONSTRUCTION MAY BE ALLOWED IN ANY PLANNED PARK PROVIDED IT IS DONE IN ACCORDANCE WITH THIS ORDINANCE.

4.02 HEIGHT REGULATIONS. IN THE RESIDENTIAL DISTRICT, NO BUILDING SHALL HEREAFTER BE ERECTED OR STRUCTURALLY ALTERED TO EXCEED THIRTY-FIVE (35) FEET OR TWO AND ONE-HALF (2 1/2) STORIES IN HEIGHT.

4.03 AREA REGULATIONS.

1. IN THE RESIDENTIAL DISTRICT, EVERY BUILDING DESIGNED FOR THE HOUSING OF ONE OR TWO FAMILIES, TOGETHER WITH ITS ACCESSORY BUILDINGS, SHALL BE LOCATED ON A LOT IN ONE OWNERSHIP HAVING AN AREA OF NOT LESS THAN 5000 SQ. FEET.

2. FRONT YARD REQUIREMENTS. EACH LOT IN THE RESIDENTIAL AREA SHALL HAVE A FRONT YARD OF NOT LESS THAN TWENTY FIVE (25) FEET, EXCEPT THAT WHERE ON ONE SIDE OF THE STREET BETWEEN TWO INTERSECTING STREETS THERE ARE ALREADY BUILDINGS, NO BUILDING SHALL HEREAFTER BE ERECTED OR

PAGE SEVEN

EXTENDED SO AS TO PROJECT BEYOND A LINE DRAWN BETWEEN THE NEAREST FRONT OF THE FIRST ADJACENT BUILDING ON EACH SIDE. WHERE THIS RULE WORKS A HARDSHIP BECAUSE OF THE UNUSUAL PLACING OF THE OLDER BUILDINGS OR THE CURVED LINE OF THE STREET, THE CITY COUNCIL SHALL DECIDE THE DEPTH OF THE FRONT YARD.

3. SIDE YARD REQUIREMENTS. EACH LOT IN THE RESIDENTIAL DISTRICT SHALL HAVE TWO SIDE YARDS, ONE ON EACH SIDE OF THE BUILDING. FOR EACH DWELLING HEREAFTER ERECTED OR STRUCTURALLY ALTERED WHICH DOES NOT EXCEED ONE AND ONE-HALF STORIES, EACH SIDE YARD SHALL HAVE A WIDTH NOT LESS THAN FIVE (5) FEET. FOR EVERY SUCH DWELLING WHICH HAS MORE THAN ONE AND A HALF STORIES, EACH SIDE YARD SHALL HAVE A WIDTH OF NOT LESS THAN TEN (10) FEET.

4. REAR YARD REQUIREMENTS. EACH LOT IN THE RESIDENTIAL DISTRICT SHALL HAVE A REAR YARD OF NOT LESS THAN TWENTY-FIVE (25) FEET FOR THE PRINCIPAL STRUCTURE, AND NOT LESS THAN FIVE (5) FEET FOR GARAGES, SHEDS OR OTHER ALLOWED STRUCTURES.

5. OVERHANG INCLUDED. THE DISTANCE LIMITATIONS PROVIDED FOR IN THIS SECTION 4.03 SHALL BE MEASURED FROM THE OUTSIDE EDGE OF ANY OVERHANG OR OTHER BUILDING PROTRUSIONS EXTENDING FROM THE MAIN PORTIONS OR SUCH STRUCTURES. WHERE THIS RULE WORKS A HARDSHIP BECAUSE OF SIZE, THE CITY COUNCIL SHALL DECIDE DISTANCE.

6. ON A CORNER LOT IN THE RESIDENTIAL DISTRICT, NOTHING SHALL BE ERECTED, PLACED, PLANTED, OR ALLOWED TO GROW IN SUCH A MANNER AS MATERIALLY TO IMPEDE VISION BETWEEN A HEIGHT OF 3 AND 10 FEET ABOVE THE CENTERLINE GRADES OF THE INTERSECTING STREETS IN THE AREA BOUNDED BY THE STREET LINES OF THE LOT AND A LINE JOINING POINTS ALONG THE STREET LINES 50 FEET FROM THE POINT OF THE INTERSECTION.

7. OFF STREET PARKING - FOR ANY DWELLING, TWO PARKING SPACES SHALL BE PROVIDED FOR EACH DWELLING UNIT AND SHALL BE ADEQUATE IN SIZE TO ACCOMMODATE THE VEHICLES EXPECTED TO USE THEM.

## **ARTICLE 5. REGULATIONS FOR COMMERCIAL DISTRICT.**

1.. IN THE COMMERCIAL DISTRICT, UNLESS OTHERWISE PROVIDED IN THE ORDINANCE, NO BUILDING OR LAND SHALL BE ERECTED, MOVED IN, OR STRUCTURALLY ALTERED EXCEPT FOR ONE OR MORE OF THE FOLLOWING USES:

A. ALL USES PERMITTED IN THE RESIDENTIAL DISTRICTS.

PAGE EIGHT

B. RETAIL SHOPS AND STORES.

C. AUTOMOBILE AND FARM IMPLEMENT STATIONS FOR THE SALE OF GAS, OIL AND ACCESSORIES.

D. THEATERS, FINANCIAL INSTITUTIONS, TELEPHONE AND TELEGRAPH OFFICES, PROFESSIONAL OFFICES.

E. CARPENTER, FURNITURE, REPAIRING OR UPHOLSTERING SHOPS, DRESS MAKING SHOPS, SHOE REPAIRING AND DYING SHOPS, NEWSPAPER OR JOB PRINTING ESTABLISHMENTS, ELECTRICAL OR METAL WORKING, TINSMITHING, PLUMBING, WATER, GAS, OR STEAM FITTING SHOPS, PAINT OR PAPER HANGING SHOPS.

F. OTHER BUSINESS USES WHICH IN THE OPINION OF THE CITY COUNCIL, FOLLOWING REVIEW, ARE OF THE SAME GENERAL CHARACTER AS THE USES ENUMERATED IN THIS SUBSECTION AND WILL NOT BE OBNOXIOUS OR DETRIMENTAL TO THE DISTRICT IN WHICH LOCATED.

2. HEIGHT REGULATIONS. IN THE COMMERCIAL DISTRICT, NO BUILDING SHALL HEREAFTER BE ERECTED OR STRUCTURALLY ALTERED TO EXCEED SIXTY (60) FEET IN HEIGHT.

3. FENCING REQUIREMENTS. FROM AND AFTER ENACTMENT OF THIS ORDINANCE, AS A CONDITION OF ISSUING A BUILDING PERMIT FOR CONSTRUCTION ON ANY LOT OR LOTS IN THE COMMERCIAL DISTRICT WHICH ABUT OR ARE ADJACENT TO THE RESIDENTIAL DISTRICT, THE CITY COUNCIL SHALL HAVE THE AUTHORITY, AS CONDITION OF ISSUING THE BUILDING PERMIT, TO REQUIRE THE APPLICANT TO ERECT A FENCE OR OTHER APPROPRIATE SCREENING STRUCTURE UPON THE LOT IN THE COMMERCIAL DISTRICT, FOR THE PURPOSE OF SCREENING FROM VIEW THE ACTIVITIES OF THE BUSINESS BEING CONDUCTED IN THE COMMERCIAL DISTRICT AND FURTHER FOR SCREENING FROM VIEW ANY MATERIALS, GOODS, OR ITEMS STORED, KEPT FOR MOVED UPON AND FROM THE PROPERTY IN THE COMMERCIAL DISTRICT.

## **ARTICLE 6. REGULATIONS FOR INDUSTRIAL DISTRICT.**

1. USE REGULATIONS. IN THE INDUSTRIAL DISTRICT, BUILDINGS, AND LAND MAY BE USED FOR ANY USE NOT PROHIBITED BY LAW; PROVIDED, HOWEVER, THAT NONE OF THE FOLLOWING USES SHALL BE ESTABLISHED IN THE INDUSTRIAL DISTRICT UNTIL A SPECIAL USE PERMIT IN EACH CASE, SHALL FIRST HAVE BEEN SECURED FOR SUCH USE:

PAGE NINE

- A. DISTILLATION OF BONES.
- B. GARBAGE, OFFAL OR DEAD ANIMAL REDUCTION OR DUMPING
- C. FAT RENDERING.
- D. LIVESTOCK FEEDING.
- E. STOCK YARDS OR SLAUGHTER OF ANIMALS.
- F. JUNK YARDS/SALVAGE YARDS.
- G. TOXIC OR HAZARDOUS WASTE DUMPS OR RECEIVING STATIONS, GARBAGE OR REFUSE STORAGE OF COLLECTION.

2. HEIGHT REGULATIONS. IN THE INDUSTRIAL DISTRICT, HEIGHT REGULATIONS SHALL BE THE SAME AS THOSE PRESCRIBED BY THIS ORDINANCE FOR COMMERCIAL DISTRICTS.

## **ARTICLE 7: SIGNS, BILLBOARDS, AND EXTERIOR GRAPHIC DISPLAYS.**

1. THE PURPOSE AND INTENT OF THIS ARTICLE IS TO PROTECT AND PROMOTE THE WELFARE, SAFETY, ORDER AND BEAUTY OF ROSE CREEK BY SETTING REASONABLE STANDARDS AND REGULATIONS FOR OURDOOR ADVERTISING SIGNS, SYMBOLS, MARKINGS, AND DEVICES INTENDED FOR VISUAL COMMUNICATIONS.

2. NO SIGN SHALL HEREAFTER BE LOCATED, ERECTED, MOVED, RECONSTRUCTED, EXTENDED, ENLARGED, CONVERTED OR STRUCTURALLY ALTERED WITHOUT A LAND USE PERMIT - EXCEPT THOSE SIGNS EXCEPTED BELOW AND WITHOUT BEING IN CONFORMITY WITH THE PROVISIONS OF THIS ORDINANCE.

A. SIGNS OVER SHOW WINDOWS OR DOORS OF A NON-CONFORMING BUSINESS ESTABLISHMENT ANNOUNCING WITHOUT DISPLAY OR ELABORATION ONLY THE NAMES AND OCCUPATION OF THE PROPRIETOR AND NOT TO EXCEED TWO FEET IN HEIGHT AND TEN FEET IN LENGTH.

B. REAL ESTATE SIGNS NOT TO EXCEED EIGHT (8) SQUARE FEET IN AREA WHICH ADVERTISE THE SALE, RENTAL OR LEASE OF THE PREMISES UPON WHICH SAID SIGNS ARE TEMPORARILY LOCATED.

C. NAME, OCCUPATION AND WARNING SIGNS NOT TO EXCEED TWO SQUARE FEET LOCATED ON THE PREMISES.

D. BULLETIN BOARDS FOR PUBLIC, CHARITABLE OR RELIGIOUS INSTITUTIONS NOT TO EXCEED TWENTY SQUARE FEET IN AREA LOCATED ON THE PREMISES.

E. MEMORIAL SIGNS, TABLETS, NAMES OF BUILDINGS AND DATE OF ERECTION WHEN CUT INTO ANY MASONRY SURFACE OR WHEN CONSTRUCTED OR METAL AND AFFIXED FLAT AGAINST A STRUCTURE.



PAGE TEN

F. OFFICIAL SIGNS, SUCH AS TRAFFIC CONTROL, PARKING, RESTRICTIONS, INFORMATION AND NOTICES.

G. TEMPORARY SIGNS OR BANNERS WHEN AUTHORIZED BY THE CITY COUNCIL.

3. SIGNS ARE PERMITTED IN ALL DISTRICTS SUBJECT TO THE FOLLOWING RESTRICTIONS:

A. WALL SIGNS PLACED AGAINST THE EXTERIOR WALLS OF BUILDINGS SHALL NOT EXTEND MORE THAN SIX INCHES OUTSIDE OF A BUILDING'S WALL SURFACE, SHALL NOT EXCEED 500 SQUARE FEET IN AREA FOR ANY ONE PREMISES AND SHALL NOT EXCEED 20 FEET IN HEIGHT ABOVE THE MEAN CENTERLINE STREET GRADE.

B. PROJECTING SIGNS FASTENED TO, SUSPENDED FROM, OR SUPPORTED BY STRUCTURES SHALL NOT EXCEED 100 SQUARE FEET IN AREA FOR ANY ONE PREMISES, SHALL NOT EXTEND MORE THAN SIX FEET INTO ANY REQUIRED YARD, SHALL NOT EXTEND INTO ANY PUBLIC RIGHT-OF-WAY, SHALL NOT BE LESS THAN TEN FEET FROM ALL SIDE LOT CENTERLINE STREET GRADE, AND SHALL NOT BE LESS THAN TEN FEET ABOVE THE SIDEWALK NOR 15 FEET ABOVE A DRIVEWAY OR AN ALLEY.

C. GROUND SIGNS SHALL NOT EXCEED 20 FEET IN HEIGHT ABOVE THE MEAN CENTERLINE STREET GRADE, SHALL MEET ALL YARD REQUIREMENTS FOR THE DISTRICT IN WHICH IT IS LOCATED, SHALL NOT EXCEED 100 SQUARE FEET ON ONE SIDE NOR 200 SQUARE FEET ON ALL SIDES FOR ANY ONE PREMISES.

D. ROOF SIGNS SHALL NOT EXCEED TEN FEET IN HEIGHT ABOVE THE ROOF, SHALL MEET ALL THE YARD AND HEIGHT REQUIREMENTS FOR THE DISTRICT IN WHICH IT IS LOCATED, AND SHALL NOT EXCEED 300 SQUARE FEET ON ALL SIDES FOR ANY ONE PREMISES.

E. WINDOW SIGNS SHALL BE PLACED ONLY ON THE INSIDE OF COMMERCIAL BUILDINGS AND SHALL NOT EXCEED 25 PERCENT OF THE GLASS AREA OF THE PANE UPON WHICH THE SIGN IS DISPLAYED.

F. COMBINATION OF ANY OF THE ABOVE SIGNS SHALL MEET ALL THE REQUIREMENTS FOR THE INDIVIDUAL SIGN.

4. SIGNS SHALL NOT RESEMBLE, IMITATE OR APPROXIMATE THE SHAPE, SIZE, FORM OR COLOR OF RAILROAD OR TRAFFIC SIGNS, SIGNALS, OR DEVICES. SIGNS SHALL NOT OBSTRUCT OR INTERFERE WITH THE EFFECTIVENESS OF RAILROAD OR TRAFFIC SIGNS, SIGNALS, OR DEVICES. NO SIGN SHALL BE ERECTED, RELOCATED OR MAINTAINED SO AS TO PREVENT FREE INGRESS TO OR EGRESS FROM AN DOOR, WINDOW OR FIRE ESCAPE, AND NO SIGN SHALL BE ATTACHED TO A STANDPIPE OR

PAGE ELEVN

FIRE ESCAPE. NO SIGNS SHALL BE PLACED SO AS TO OBSTRUCT OR INTERFERE WITH TRAFFIC VISIBILITY.

5. SIGNS LAWFULLY EXISTING AT THE TIME OF THE ADOPTION OR AMENDMENT OF THIS ORDINANCE MAY BE CONTINUED ALTHOUGH THE USE, SIZE OR LOCATION DOES NOT CONFORM WITH THE PROVISIONS OF THIS ORDINANCE.

## **ARTICLE 8: NON-CONFORMING USES**

1. PRESENT USES OF BUILDING AND PREMISES MAY BE CONTINUED EVEN THOUGH THEY DO NOT CONFORM TO THE RESTRICTIONS OF THIS ORDINANCE. HOWEVER, STRUCTURAL REPAIRS OR ALTERATIONS OF SUCH BUILDINGS OR PREMISES SHALL NOT EXCEED 50 PERCENT OF THEIR ASSESSED VALUE AT THE TIME THEY BECOME NON-CONFORMING UNLESS A BUILDING OR PREMISES CONFORMING TO THIS ORDINANCE RESULTS. ANY NON-CONFORMING USE THAT IS ABANDONED SHALL BE DISCONTINUED PERMANENTLY.

2. MAINTENANCE: ALL SIGNS SHALL BE CONSTRUCTED TO BE SAFE AND SUBSTANTIAL AND MUST BE MAINTAINED IN GOOD REPAIR. SIGNS DEEMED TO BE UNSAFE, IN POOR REPAIR, OR A HAZARD, TO PEDESTRIAN OR VEHICULAR TRAFFIC, OR A NUISANCE AS DETERMINED BY THE CITY COUNCIL SHALL BE IMPROVED SO AS TO COMPLY WITH THESE PROVISIONS WITHIN THIRTY (30) DAYS OF NOTIFICATION FROM THE COUNCIL OR THEY WILL BE REMOVED AT THE OWNER'S EXPENSE.

3. PERMIT REQUIRED: PRIOR TO THE ERECTION, CONSTRUCTION, MOVING UPON THE PREMISES, OR REPLACEMENT OF ANY SIGN, THE PERSON DOING SUCH ERECTION, CONSTRUCTION, MOVING OR REPLACEMENT SHALL OBTAIN A SIGNED PERMIT APPROVED BY THE CITY COUNCIL AUTHORIZING SUCH PLACEMENT. A FEE FOR EACH PERMIT ISSUED SHALL BE PAID TO THE CITY OF ROSE CREEK, AT THE TIME OF MAKING APPLICATION FOR THE PERMIT, IN AN AMOUNT OF TEN DOLLORS (\$10.00). ALL APPLICATIONS FOR PERMITS SHALL BE ACCOMPANIED BY PLANS AND SPECIFICATIONS FOR THE REQUESTED SIGN.

## **ARTICLE 9: PENALTY**

1. ANY PERSON WHO VIOLATES ANY PROVISION OF THIS ORDINANCE SHALL BE SUBJECT TO A FINE OF NOT LESS THAN \$10.00 OR MORE THAN \$200.00, PLUS THE COST OF PROSECUTION, OR BY IMPRISONMENT IN THE COUNTY JAIL FOR A TERM OF NOT MORE THAN 30 DAYS, OR UNTIL SUCH JUDGMENT IS PAID. EVERY DAY OF VIOLATION SHALL BE A SEPARATE OFFENSE.

## **ARTICLE 10: AMENDMENTS**

PAGE TWELVE

THE CITY COUNCIL MAY AMEND THIS ORDINANCE FOLLOWING THE PROCEDURES  
PRESCRIBED BY MINNESOTA STATUTES, CHAPTER 559, LAWS OF 1959, SECTION  
462.01.

**ARTICLE 11: SEPARABILITY**

INVALIDATION OF ANY PART OF THIS ORDINANCE BY A COURT SHALL NOT  
INVALIDATE THE REST OF THE ORDINANCE.

**ARTICLE 12: ANNEXATION**

ALL TERRITORY ANNEXED BY THE CITY SHALL BECOME PART OF THE RESIDENTIAL  
DISTRICT UNTIL DEFINITE BOUNDARIES AND REGULATIONS ARE RECOMMENDED BY  
THE CITY COUNCIL, AND ADOPTED BY THE CITY COUNCIL.

**ARTICLE 13: EFFECTIVE DATE**

THIS ORDINANCE SHALL BE IN FORCE FROM AND AFTER ITS PASSAGE, APPROVAL,  
PUBLICATION AND RECORDING ACCORDING TO LAW.

**ADOPTED BY THE CITY COUNCIL OF ROSE CREEK THIS 9TH  
DAY OF SEPTEMBER, 1996**

**ATTEST:**

\_\_\_\_\_  
JANET NELSEN, CITY CLERK

\_\_\_\_\_  
KENT ULWELLING, MAYOR

CITY OF ROSE CREEK, MINNESOTA  
MOWER COUNTY

**ADOPTED BY THE CITY COUNCIL OF ROSE CREEK THIS 6TH DAY OF NOVEMBER,  
1997.**

**ATTEST:**

  
\_\_\_\_\_  
JANET NELSEN, CITY CLERK

  
\_\_\_\_\_  
KEITH PRICE, MAYOR

*Jan.*