

Amended
9/9/90 #90-1990

ORDINANCE NO. #78-1987

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.

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.

10.6 Dwelling unit: A dwelling or portion of a dwelling or of an apartment 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 are) 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, then the space between the floor and the ceiling next above it.

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.

Article 2. Zoning Districts and District Regulations

Establishment 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 placed in the residential district until special action of the City Council, hereinafter provided, shall definitely assign such land to another use.

Article 3. Permits Required: Any person or persons desiring to construct, re-construct, or move a building or structure upon premises it was not previously located upon, shall, before any work is begun, make application to the city council of the City of Rose Creek on forms obtainable from the city clerk for a permit and shall deposit with the city clerk the sum of (\$10.00) when application is made. Any person or persons desiring to alter, remodel, make addition to, or structural change of, a building or structure, before any work is begun, make application to the city council of the city of Rose Creek on forms obtainable from the city clerk for a permit, and shall deposit with the city clerk the sum of \$10.00 when application is made. All application shall be accompanied by plans and specifications showing the construction, re-construction, alteration, or movement of the building or structure, or addition thereto, intended to take place. Permit applicants shall appear at the city council meeting at which their permit application is considered in order to answer questions of the city council and to explain the work to be done. The work permitted to be done upon the building or structure or addition shall be limited to activities required to complete the project as shown in the plans and specifications accompanying the application, and as stated to the city council at its meeting considering the application. Any change from the plans and specifications attached to the permit shall require a new permit application. The work needed to complete the project, shown in the plans and specifications, and stated to the city council at the time of its consideration of the application, must be completed within the time allotted by the city council, but not to exceed 12 months following the issuance of the building permit and, so completed, the building permit shall thereupon expire.

NO building shall be moved onto a site whether in sections or one piece without first receiving a building permit. The application for permit must be accompanied by no less than four photographs of four different sides of the building to be moved. The building must be sided with new unused materials or be in a state of good repair such as to match surrounding structures. Roofing materials must be in a good state of repair and must match roofing material of the surrounding buildings. A good state of repair is to mean, materials showing no physical evidence of damage or structural defect or deterioration or lack of paint, stain or exterior finish.

Requests for moving in a building that is repairable to the point of good repair may be done only if repairs be made within seven days of placement of building anywhere on the site. Failure to complete repairs in seven days will constitute a violation and revocation of the building permit and the building must then be removed from the site on the eighth day after placement anywhere on the building site.

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 sheds, outbuildings and or garages 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.

A. Unless otherwise provided in this ordinance, no building or land shall be used and no building shall hereafter be erected, moved in, or structurally altered except for the following uses:

1. One or two family dwellings, excepting mobile homes unless their location is approved under the provision of part A (7) hereunder; accessory buildings to family dwellings; apartment; flats; hotels and motels; provided that no business shall be conducted therein except those conducted incidentally and subordinate to its residential use and to which entrance can be made from the outside of the building.

2. Farming or truck gardening; plant nurseries or greenhouses.

3. Parks and playgrounds.

4. Churches, libraries, schools, clubs and lodges.

5. Boarding and lodging houses, home occupations.

6. The following uses, but only upon securing a special use permit if the city council feels it will not materially effect 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.

b. Other professional offices in homes used incidentally in the carrying out of a business conducted away from the home.

7. 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 mobile home development. A planned mobile home development 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 mobile home developments as it may deem necessary for the protection of adjacent properties and the public interest.

On-site construction may be allowed in any planned mobile home development provided it is done in accordance with the ordinances of the City of Rose Creek including the provisions of subdivision (8) hereof.

8. The principal residential building of any lot located in the residential district shall be constructed pursuant to the following regulations.

a. The minimum width and / or length of such building, excluding its garage, screened porches, patios, decks, breezeways, or other seasonal use portions thereof, shall be 20 feet.

b. Such building shall be permanently attached to a permanent foundation, or set on concrete pillars, cement blocks, or treated wood posts. Concrete pillars, cement blocks, or treated wood posts should be every 10 feet and set in the ground below the frost line. The mobile home should be secured to the foundation and covered with skirting.

B. Height Regulations -No building shall hereafter be erected or structually altered to exceed forty feet or three stories in height.

C. 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 building site in one ownership having an area of not less than 5,000 square feet.

2. Front yard requirements - Each lot in the residential area shall have a front yard of not less than 20% of the lot depth, except that where one side of the street between two intersecting streets there are already buildings, no building shall hereafter be erected or 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 feet. For every such dwelling which has more than one and a half stories each the yard shall have a width of not less than ten feet.

4. Rear yard requirements - Each lot in the residential district shall have a rear yard of not less than 25% of the lot depth.

5. 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 ten 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.

6. Off street Parking - For any dwelling, two parking spaces shall be provided for each dwelling unit and shall be adequate in size to accomodate the vehicles expected to use them.

Article 5. Regulations for commercial district.

A. 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:

1. All uses permitted in the residential districts.
2. Retail shops and stores.
3. Automobile and Farm Implement stations for the sale of gasoline, oil and accessories.
4. Theaters, financial institutions, telephone and telegraph offices, professional offices.
5. 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.
6. 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.

B. Height Regulations. In the Commercial District, no building shall hereafter be erected or structurally altered to exceed sixty (60) feet in height.

C. 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 a 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.

A. 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:

1. Distillation of bones.
2. Garbage, offal or dead animal reduction or dumping.
3. Fat rendering.
4. Livestock feeding.
5. Stock yards or slaughter of animals.
6. Junk yards/salvage yards.
7. Toxic or hazardous waste dumps or receiving stations, garbage or refuse storage or collection.

B. 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.

A. 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 outdoor advertising signs, symbols, markings, and devices intended for visual communications.

B. Size of Signs permitted.

No signs, billboard, or exterior graphic display shall be permitted in any district except as herein provided.

1. In any district a sign not exceeding two (2) square feet in surface size is permitted which announces the name, address, or professional or business activity of the occupant of the premises on which said sign is located. In the residential district, all signs must be attached to a wall of the principal structure located upon the premises.

2. A bulletin board not exceeding twenty-four (24) square feet is permitted in connection with any church, school, or similar public structure.

3. A temporary real estate or construction sign, not exceeding eight (8) square feet is permitted on the property being sold, leased or developed. Such signs shall be removed within ten (10) days after it has fulfilled its function. Any temporary political campaign or special promotional signs, not exceeding twenty-four (24) square feet per lot, is permitted and must be removed within ten (10) days after the event or election.

C. Premises Business Signs.

Business signs shall be permitted in connection with any legal business or industry when located on the same premises, and if they meet the requirements hereinafter provided.

1. Signs shall not contain information or advertising for any product or service not sold on the premises.

2. Signs shall not have a combined aggregate surface size greater than five (5) square feet for each foot of width of the principal structure on the premises. If building mounted, these signs shall not project more than five above the roof line.

3. No sign shall project beyond the property line. No sign shall be permitted that obstructs the vision of a driver or pedestrian to see any crossroad, crosswalk, road sign, or road signal. No sign shall distract the driver or pedestrian in an unsafe manner nor cause any confusion with any road signs or signals.

4. Signs and structures shall not be illuminated in any manner which causes unsafe distraction, confusion, or hazard to vehicular or pedestrian traffic.

5. Any sign in excess of fifty (50) square feet shall require the City Council's approval before installation is permitted.

6. No sign shall contain any immoral or indecent language, advertising or illustration.

D. Existing Non-Conforming Signs.

Any non-conforming sign lawfully existing upon the effective date of this ordinance may be continued at the size and in the manner existing upon such date except as hereinafter provided.

1. A non-conforming sign may not be changed to another non-conforming sign or structurally altered or painted, repainted, refaced or expanded except to bring it into compliance with the provisions of this ordinance.

2. A non-conforming sign may not be re-established after removal or after damage.

3. Any sign destroyed or damaged as a result of vandalism may not be re-established except in compliance with this ordinance.

E. 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.

F. 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 erection, construction, moving or replacement. 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 dollars (\$10.00). All applications for permits shall be accompanied by plans and specifications for the requested sign.

Article 8: Penalty

A. Any person who violates any provision of this ordinance is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed \$300.00 or by imprisonment for not to exceed 90 days for each offense, or both, plus the costs of prosecution in either case. Each day that the violation is permitted to exist constitutes a separate offense. The prosecution of any offense, and the imposition of any fine or sentence shall not exempt the offender from compliance with requirements of this ordinance, and the city may pursue by appropriate actions or proceedings, any or all additional other remedies, including injunctive relief.

Adopted by the City Council of Rose Creek, Minnesota this 8th day of September

1981.

ATTEST:

City Clerk

Mayor

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