

# Ordinance 62A

## Table of Contents

11/15/07  
Revised in  
Ordinance 64

Article No.		Page No.
1	Definitions	2
2	Zoning Districts and District Regulations	6
3	Permits Required	6
4	Regulations for Residential District	8
5	Regulations for Commercial District	11
6	Regulations for Industrial Use	15
7	General Provisions and Exceptions	15
8	Non-Conforming Uses	16
9	Platting Requirements	16
10	Planning Commission Established	19
11	Board of Adjustments and Variance Procedure	20
12	Conditional Use Permits	20
13	Signs, Billboards and Exterior Graphic Displays	23
14	Parking of Vehicles	24
15	Amendments	25
16	Enforcement	25
17	Separability, Supremacy and Effective Date	26

ORDINANCE NO. 62.A

AN ORDINANCE REGULATING THE USE OF LAND; PLANNING; ZONING; THE LOCATION, BULK, HEIGHT, AND USE OF BUILDINGS; THE ARRANGEMENT OF BUILDINGS ON LOTS; THE DENSITY OF POPULATION IN THE CITY OF FORADA, MINNESOTA, AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH REGULATIONS AND REPEALING INTERIM ORDINANCE NO. 62

The City Council of Forada ordains:

ARTICLE 1. DEFINITIONS.

1.01 Definitions. For the purpose of this Ordinance, the terms defined in this article have the meanings given them:

1.02 Accessory use or structure: A use or structure on the same lot with, and incidental and subordinate to, the principal use or structure.

1.03 Conditional Use: A land use or development as defined by Ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning Ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

1.04 Conditional Use Permit: Written document issued by the City allowing a conditional use.

1.05 Corner lot: A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

1.06 Dwelling, one-family: A building used exclusively for occupancy by one family.

1.07 Dwelling, two-family: A building used exclusively for occupancy by two families living independently of each other.

1.08 Dwelling, multiple: A building or portion thereof used for occupancy by three or more families living independently of each other.

1.09 Dwelling unit: A dwelling or a portion of a dwelling or of an apartment hotel used by one family for cooking, living and sleeping.



1.10 Family: One or more persons occupying a premises and living as a single, non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family includes necessary servants.

1.11 Front Yard: A yard extending across the front of the lot between side yard lines and lying between the front line of the lot and the nearest line of the building.

1.12 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.

1.13 Home Business: A lawful business customarily carried on by a resident of a dwelling as an accessory use within the same dwelling.

1.14 Impervious Surface: Any surface not able to absorb liquid, including, but not limited to, concrete, bituminous, tar, roof top, wood decking and modular stone.

1.15 Intersection: The area embraced within the prolongation of the lateral curb lines, or if none, then the lateral bounding lines of two or more streets or highways which join one another at an angle, whether or not such highway crosses the other.

1.16 Junk Yard/Salvage 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.

1.17 Lot: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings together with such open spaces as are required under the provisions of this ordinance, having not less than the minimum area required by this ordinance for a building site in the district in which such lot is situated, and having its principal frontage on a street.

1.18 Lot Area: The area contained within the lot lines of a lot, excluding any right of way or private street.

1.19 Lot Depth: The mean horizontal distance between the front lot line and the rear lot line of a lot.

1.20 Lot Line: The property line bordering a lot except that where any portion of a lot extends into the public right of way, the right of way line shall be the lot line for purposes of this Ordinance.

1.21 Lot Line, Front: That boundary of a lot which abuts an existing or dedicated public street and in the case of a corner lot it shall be the shortest dimension on a public street.

1.22 Lot Line, Rear: That boundary of a lot which is opposite the front lot line.

1.23 Lot Line, Side: Any lot line other than a front or rear lot line.

1.24 Lot, Substandard: A lot or parcel of land for which a plat or deed has been recorded in the office of the Douglas County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.

1.25 Lot Width: The horizontal distance measured between the side lot lines.

1.26 Manufactured/Mobile Home Park: A development on a site under a single ownership which consists of two (2) or more spaces for placement of manufactured/mobile homes for dwelling purposes regardless of whether or not a fee is charged for the utilization of such space.

1.27 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.

1.28 Parking: Parking shall mean the leaving of vehicles standing motionless for more than sixty seconds upon a public street or highway.

1.29 Person: A person is defined as being an individual, a set of owners as joint tenants or otherwise owning property in common interests, a corporation, partnership, trust, or other legal entity.

1.30 Planning Commission: The planning agency established in Article 10.

1.31 Principal Structure or Use: One which determines the predominant use as contrasted to accessory use or structure.

1.32 Rear Yard: 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 building.

1.33 Right of Way: An area of land dedicated or reserved to the public for public uses such as streets, boulevards, utilities and drainage.



1.34 Side Yard: A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear lot.

1.35 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.

1.36 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.

1.37 Structural alteration: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

1.38 Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

1.39 Subdivider: Any person, firm, corporation, trust, partnership or other legal entity causing land to be divided, subdivided, or platted into a subdivision.

1.40 Subdivision of Land: A subdivision of land is (a) the division of land into two or more tracts, sites, or parcels, either by lot description, or by metes and bounds; (b) dedication of a road, highway, or street through a tract of land regardless of area; and (c) re-subdivision of land heretofore divided or platted into lots, sites, or parcels.

1.41 Use: The purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained.

1.42 Variance: A modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.

1.43 Vehicle: Every device in or by which any person or thing may be transported or drawn upon a public highway except devices moved by human power; provided, however, that a bicycle or a ridden animal shall be deemed a vehicle.

1.44 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.

1.45 Zoning District: An area or areas within the limits of the City for which the regulations and requirements uniformly govern the use, placement, spacing and size of the structure.

## ARTICLE 2. ZONING DISTRICTS AND DISTRICT REGULATIONS.

2.01 Establishment of districts: For the purpose of this ordinance, the City of Forada is divided into the following use districts:

1. Commercial District.
2. Residential District.
3. Industrial District.

2.02 The boundaries of these districts are as follows:

(1) Commercial District. All of the following in the presently platted or unplatted City of Forada set forth in red on the attached map:

(2) Residential District. All of that part of the presently platted or unplatted City not designated as commercial. Districts are shown on the map entitled "Zoning Map of Forada", which map is on file at the office of the City Clerk.

Any land which may be added 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 land use.

(3) Industrial District. There shall be no Industrial District.

## ARTICLE 3. PERMITS REQUIRED.

3.01 Any person or persons desiring to construct, re-construct, or move a building or structure upon premises it was not previously located upon, or move a building upon a lot, or increase the impervious surface by more than 36 sq. ft. shall, before any work is begun, make application to the City Council of the City of Forada on forms obtainable from the City Building Inspector for a building permit. Any person or persons desiring to remodel, make addition to, or make substantial structural alteration to a building or structure the cost of which will exceed \$500.00, or increase the impervious surface by more than 36 sq. ft., shall, before any work is begun, make application to the City Council of the City of Forada on forms obtainable from the City Building Inspector for a permit, when the application is made. All applications shall be accompanied by plans and specifications showing the new impervious surface, construction, re-construction, alteration, or movement of the building or structure, or addition thereto, intended to take place, and the location thereof on the lot. 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, unless so completed, the building permit shall thereupon expire, and such failure to complete the work authorized under such building permit within the time specified shall constitute a violation of this Ordinance, punishable in accordance with the provisions hereof.

3.02 The fees for the issuance of a building permit shall be in accordance with a schedule established by resolution of the City Council. No building shall be moved onto a lot whether in sections or one piece, nor moved within a lot, nor expanded or diminished in size or height, 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 either new, unused materials or else materials in good condition, neat and clean and free of disheveled or frayed condition, and must be in a state of good repair. Roofing materials must be in a good state of repair. Both siding and roofing materials must be generally in conformity with the style, type and appearance of the surrounding buildings. A good state of repair shall mean materials showing no physical evidence of damage or structural defect or deterioration, fraying, or dishevelment, or lack of paint, stain or exterior finish.

3.03 Requests for moving onto a lot a building that is repairable to the point of good repair may be done only if repairs are to be made within thirty days of placement of the building anywhere on the site. Failure to complete repairs in thirty days will constitute a violation and revocation of the building permit and the building must then be removed from the lot on the thirty-first day after placement anywhere on the building lot. New factory packaged or prefabricated buildings or buildings built upon the lot and made of all new materials are not subject to this section but shall require the issuance of a building permit, and shall be subject to the requirements of section 4.01(8) hereof, if applicable.

3.04 The utility shed, outbuilding and or detached garage shall not exceed 1,000 square feet in size and shall be a one-story structure with side walls no taller than 10 feet.

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 uses and meets the following requirements:

(1) One or two-family dwellings including manufactured homes provided their location is approved and meets the requirements of Section 4.01(8) hereunder; accessory buildings; and apartments; provided, that no business shall be conducted therein except those for which a conditional use permit has been issued.

(2) Agricultural; limited, however, to plant husbandry and sale of plants and produce; 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 conditional 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.

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

(c) Home Business as defined and further regulated in Section 4.01 (7).

(d) Resort or campground.

(7) Home Business. A home business may be conducted only in accordance with the following requirements:



(a) Subordinate use. The use of the dwelling unit for the home business shall be clearly incidental and subordinate to its residential use.

(b) Outside appearance. The conduct of the home business shall result in no change in the outside appearance of the building or land, or other visible evidence of the conduct of the home business other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the dwelling.

(c) No sale of any goods or materials shall be made in connection with the home business, except for the occasional sale from a minimal inventory kept on the premises by a person, most of whose sales are made from efforts of the sales person conducted outside of the dwelling and further except that sales of goods that are incidental to the conduct of a service business (such as the sale of shampoo by a person conducting a beauty shop).

(d) Traffic. No traffic shall be generated by such home business in greater volume than would normally be expected in a residential district.

(8) The principal residential building of any lot located in the residential district shall conform to the following regulations:

(a) For lots platted or created after the effective date of this Ordinance, 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 not less than 40 feet, and the other dimension thereof, be it width or length, shall be not less than 24 feet.

(b) For lots existing on or prior to the effective date of this Ordinance, 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 not less than 24 feet, and the other dimension thereof, be it width or length, shall be not less than 24 feet.

(c) Such building shall be permanently attached to a permanent foundation constructed of concrete, cement block or treated wood, and set below the frost line.

(d) For lots platted or created after the effective date of this Ordinance, the total area of all buildings and other impervious surfaces shall not cover more than 25% of the lot area.

(e) For lots existing on or prior to the effective date of this Ordinance, the total area of all buildings and other impervious surfaces shall not cover more than 50% of the lot area.

(9) No manufactured mobile home park shall be permitted in the City of Forada.

4.02 Height Regulations. In the residential district, no building shall hereafter be erected or structurally altered to exceed thirty (30) feet in height.

4.03 Area Regulations and set back requirements.

(1.A.) For lots platted or created in the residential district after the effective date of this Ordinance, 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 10,000 sq. feet and at least 100 feet in width at the building line.

(1.B.) For lots existing in the residential district on or prior to the effective date of this Ordinance, 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 6,000 sq. feet and at least 60 feet in width at the building line.

(2) Front yard setback requirements. Each lot in the residential area shall have a front yard of not less than Twenty (20) feet from the road right of way, except that where on 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. 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 (20) feet for the principal structure and not less than six (6) 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 overhangs or other building protrusions extending from the main portions of such



structures. Where this rule works a hardship because of the unusual nature of such overhang, building protrusion or the type, character, and topography of the land and other landscape characteristics, the City Council shall decide the distance that shall be allowed.

4.04 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 three (3) and ten (10) feet above the centerline grades of the intersection streets in the area bounded by the street lines of the lot and a line joining points along the street lines twenty-five (25) feet from the point of the intersection.

4.05 Offstreet Parking - For any dwelling, two (2) offstreet 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.

5.01 Use of Regulations. In the Commercial District, unless otherwise provided in this Ordinance, no building or land shall be erected or structurally altered except for one or more of the following uses:

1. Agricultural; limited, however, to plant husbandry and sale of plants and produce; plant nurseries or green houses.
2. Retail and/or service, with no outdoor storage.
3. Automobile accessory store with no outdoor storage.
4. Bowling alley.
5. Restaurant, on/off sale liquor sales; supper club and fast food establishments.
6. Laundromat/Dry cleaning.
7. Motel/Hotel.
8. Health/fitness center, racquetball club and roller rinks.
9. The offices of members of recognized professions, such as doctors of medicine, optometry, dentistry, and chiropractors, engineers, lawyers and architects.
10. Billboard sign.

11. Church.
12. Hospitals, nursing homes.
13. Financial institutions.
14. Mini-storage.
15. Nurseries/garden store.
16. Gas and convenience store.
17. Contractor offices, shops and yards without outdoor storage.

5.02 Permitted Accessory Uses.

1. Accessory buildings.

5.03 Conditional Uses.

1. Retail sales and/or service with outdoor storage.
2. Auto repair.
3. Machinery, equipment sales, storage and service.
4. Cabinet shop.
5. Veterinarian.
6. Residential housing.
7. Adult Uses.
8. Contractor offices, shops and yards with outdoor storage.
9. Multiple family dwelling.
10. Wireless telecommunication towers.
11. Other uses of the same general character as those listed above, provided they are deemed fitting or compatible to the district by the Planning Advisory Committee.



## 5.04 Building Setback Requirements and Regulations

### 1. Height Regulations.

1. Subject to other limitations, no building shall exceed sixty (60) feet in height.

### 2. Road Setback (the most restrictive shall apply)

	from Right of Way Easement	from Centerline
<b>State Road</b>	50'	
<b>County Road</b>		
a) Urban		75'
b) Rural		100'
<b>Township Road</b>	32'	65'*
<b>Cartway, alley, avenue, private access serving more than two parcels and other roads</b>	32'	48'*

\*Center line setback shall not apply in cases where the adjacent road is in a platted right-of-way of at least sixty-six (66) feet in width and the right-of-way has not been identified in official government documents for future expansion beyond a sixty-six (66) foot right-of-way. If any portion of an existing road is located outside of a right-of-way, regardless of the width of the right-of-way, the right-of-way setback shall apply as measured from the edge of the traveled road surface or the actual right-of-way, whichever is more restrictive.

### 3. Side Yard Setbacks.

a. Ten (10) feet, 5 feet to eaves.

### 4. Rear Yard Setbacks.

a. Twenty-five (25) feet for commercial buildings.

b. Ten (10) feet for accessory buildings.

### 5. Other Regulations.

a. Wetlands.

Wetlands are regulated by local, state and federal governments. In this Ordinance wetlands are subject to building and sewer setback regulations. For the purposes of this Ordinance wetlands are divided into two categories:

1. Protected Wetlands - consist of wetlands identified on the Protected Waters Inventory map that have not been assigned a shoreland management classification.
2. All Other Wetlands - consist of all wetlands not identified on the protected Waters Inventory map.

Applicable setbacks are as follows:

<b>Protected Wetland</b>	50'
<b>All Other Wetlands</b>	25'

5.05 Lot Area Requirements and Regulations.

1. Commercial Lot Area.
  - (a) Served by central sewer system 15,000 square feet.
  - (b) All Lots located in the Shoreland District must meet the minimum lot size requirements of the particular shoreland district.
2. Minimum Lot width.
  - (a) One hundred (100) feet.
3. Minimum Lot Depth.
  - (a) One hundred fifty (150) feet.
4. Lot coverage.
  - (a) The total area of all buildings and other impervious surfaces shall not cover more than seventy five (75) percent of the lot area unless the property is part of a development plan that accounts for runoff.
5. Integrated Development.
  - (a) The above lot requirements need not necessarily apply to integrated developments under single ownership, which developments shall be submitted to the Planning Advisory Commission for their consideration. Plans for such development



shall include plans and other architectural drawings indication function, floor plans elevations and typical vehicle circulation system, ingress and egress points and control, special landscape and fencing treatment along abutting land uses of a different type and the layout of adequate off-street parking and loading and unloading facilities.

6. Buffer.

(a) A buffer may be required to be established between a commercial district and all other districts. The type of buffer required shall be determined by the Planning Advisory Commission.

7. Screening and Fencing.

(a) The City may require the screening or fencing of commercial uses, to prevent visual blight, especially on side yards which fact all other zoning districts. All storage within five hundred (500) feet of a residential zone or public right-of-way shall completely enclosed by a building or effectively screened by landscaping and a solid wall or fence.

8. General Regulations.

(a) Additional requirements include but are not limited to the Erosion Control and Storm Water Management.

9. Minimum Buildable Area.

(a) All newly created lots must have a minimum buildable area of nineteen thousand four hundred (19,400) square feet.

ARTICLE 6. REGULATIONS FOR INDUSTRIAL USE.

6.01 There shall be no industrial use, which is defined as the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

ARTICLE 7. GENERAL PROVISIONS AND EXCEPTIONS.

The regulations specified in the ordinance shall be subject to the following interpretations and exceptions regarding use:

7.01 Nothing in this Ordinance shall be deemed to prohibit the construction or maintenance of any stand or shelter for the sale of agricultural products produced on the premises.

#### ARTICLE 8. NON-CONFORMING USES.

8.01 Except as otherwise provided in this section, the lawful use of any land or building existing at the time of the adoption of this Ordinance may be continued although such use does not conform to the regulations specified by this Ordinance for the district in which such land or building is located; provided, however, that no such non-conforming use of land shall be enlarged or increased nor shall such non-conforming use be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of this Ordinance; nor shall any such non-conforming use be moved to any other part of the parcel of land upon which the same was conducted at the time of the adoption of this Ordinance.

8.02 No non-conforming use and no such structure on which a non-conforming use is existing shall be enlarged or altered in any way which increases its non-conformity, but it may be altered to decrease its non-conformity. If such non-conforming use consists of a substantial building and ceases for a continuous period of two years, any subsequent use of said building shall be in conformity to the regulations specified by this Ordinance for the district in which such building is located; however, if any non-conforming use of lands on which there are no substantial buildings ceases for any length of time, any subsequent use of such land shall be in conformity to regulations specified by this Ordinance for the district in which such land is located. When a non-conforming use is superseded by a conforming use, the non-conforming use shall not thereafter be resumed.

#### ARTICLE 9. PLATTING REQUIREMENTS.

9.01 All plats and subdivisions of land in the City of Forada shall be made in accordance with the provisions of this Ordinance and state law.

9.02 Any subdivider contemplating the platting of a subdivision shall submit a preliminary plat for examination, which plat shall receive consideration at the next subsequent meeting of the City Council. No plat shall be recorded in the office of the County Recorder and no lots shall be sold from such plats unless and until approved. Approval of the preliminary plat does not constitute an acceptance of the subdivision by the City Council. One copy of the approved preliminary plat signed by the Mayor and City Clerk shall be retained in the City Clerk's office. Another signed copy shall be given to the subdivider. Receipt of such signed copy by the subdivider is authorization for him or her to proceed with the preparation of the final plat, subject to the procedures for the obtaining of utilities and street grading.



9.03 The final or recorded subdivision plat shall be prepared and submitted to the City Council in triplicate by the owner of the property within one year after the approval of the preliminary plat; otherwise, the approval of the preliminary plat becomes null and void unless an extension of time has been granted.

9.04 The preliminary plat shall, in all respects, be sufficiently complete and contain sufficient information as to property lines, streets, buildings, utilities, etc. and shall show all proposed dedications and all lot sizes, street location/street widths, street grades, and easements for utilities, etc. so that in all respects the preliminary plat will fully resemble the final plat. Unless specifically allowed by the City Council in its plat approval, there shall be no platting of half-width streets.

9.05 The final plat shall in all respects comply fully with all requirements of state law and all requirements set forth by the City Council in the preliminary plat so that the final plat will meet all the requirements of state law, of this Ordinance, and of such further requirements as may be made and established in connection with each plat by the City Council.

9.06 All dwellings and structures that may be occupied by persons shall be connected to public sanitary sewer. Street grading, sanitary sewer and storm sewer shall be required to be made by the subdivider according to standard City specifications to be acquired from the Planning Commission, and any such improvements done shall be inspected by the Planning Commission before final written approval of the work is given by the Planning Commission. Street surfacing (which may consist of concrete paving, or asphalt) shall be required to be made by the subdivider according to standard City specifications to be acquired from the Planning Commission (which must meet the Douglas County minimum 5-ton road requirements) and any such improvements done shall be inspected by the Planning Commission before final written approval of the work is given by the Planning Commission. The subdivider shall maintain the roadway for a period of two years, and guarantee all construction items for a period of two years from the date the roadway is completed. Security for the two-year period shall be 25% of the total estimated construction cost. At the end of the two-year road maintenance and guarantee period and upon certification by the subdivider's engineer to the City that the road is complete, the City shall verify the status of compliance and completion to ensure all requirements have been met as required by this Ordinance. Upon determination by the City that all requirements have been met, the City shall accept the road. The installation of curb and gutter shall not be required, except where the City Council requires it based upon advice from the Planning Commission in cases where it is necessary for purposes of drainage or public safety.

9.07 Drainage facilities and drainage easements shall be installed as will adequately provide for the drainage of surface waters; a storm sewer system may



be required. Drainage way easements or land dedication may be required when such easements or land is needed in the public interest for purposes of flood plain management, proper drainage, prevention of erosion, pedestrian access to water bodies, or other public purpose. If there is a water shed district, that board must approve all surface water drainage. The subdivider may be required by the City Council to pay an appropriate share of any off-site drainage system or structure necessary to handle the additional run-off from the subdivider's property.

9.08 The subdivider shall cause all gradings, excavations, open cuts, side slopes and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems. The erosion control plan shall be reviewed by the City to determine the adequacy of the proposed measures.

9.09 The City Council may accept or reject any plat and may accept or reject any offer or dedication of lands to the City. If the final plat conforms in all respects to the preliminary plat, state law, and City ordinances, regulations, plans and requirements duly adopted by the City Council in connection with said plat, the same shall be approved.

9.10 Every plat when duly certified, signed and acknowledged as provided by law, shall be recorded in the office of the County Recorder and a duplicate thereof filed with the County Auditor. Any owner of land located in the City of Forada where platting is subject to the approval of the City Council, who transfers, sells, or agrees to sell land by reference to or exhibition of a plat before such plat has been approved and recorded in the office of the County Recorder, shall be in violation of this Article. The description of such lot or parcel by metes and bounds in the instrument of transfer shall not exempt the transaction.

9.11 No building shall be permitted unless it appears that the site and the location of the proposed construction and the premises on which it is to be located, conform in every respect to state law and City ordinances, regulations, plans or official map. Anyone erecting, altering, moving, or placing any structure without Council permission shall be in violation of this Article. In case any of the provisions herein cause unnecessary hardship, the Council may permit such variations therefrom as are not contrary to the intent and purpose of this Ordinance.

9.12 Referral of plats to Planning Commission. Any plat of land submitted to the Council for approval shall, prior to final approval, be referred to the Planning Commission for review and recommendation. Any plat so referred shall be returned to the Council by the commission within sixty (60) days, and failure of the commission to report within such period is deemed to have satisfied the requirements of this subdivision.



9.13 Waiver of platting. In unusual cases or in cases where strict compliance with the platting requirements stated in this Article would cause unreasonable or undue difficulty or hardship, the City Council may allow a waiver of platting after the matter has been referred to the Planning Commission and heard by the Planning Commission with comments and/or recommendations being given by the Planning Commission to the City Council. Waiver of platting may be granted in cases where a lot is split into two lots, with each lot otherwise complying with the size, setback, location and area requirements of this Ordinance; or upon an adjustment of lot lines between adjoining lot owners where each lot thereafter would continue to conform to the requirements of this Ordinance and meet all other statutory requirements.

#### ARTICLE 10. PLANNING COMMISSION ESTABLISHED.

10.01 Establishment of Commission. A City Planning Commission for the City of Forada is hereby established.

10.02 Composition. Such Planning Commission shall consist of five (5) members. The members of the Planning Commission shall be appointed by the City Council and may be removed by a three-fourths vote of the City Council. The Council may appoint not more than one (1) member of the Commission from the persons who are serving on the City Council. The City Attorney may attend Planning Commission meetings as advisory members but shall not be members of the Planning Commission, shall not be entitled to vote, and shall not be counted for purposes of determining a quorum.

Four (4) additional members shall be appointed, two (2) to be appointed to serve for a term of one (1) year, and two (2) to be appointed to serve for a term of two (2) years. Each term shall thereafter be considered to be for two (2) years. Their successors shall be appointed for terms of two (2) years. Both original and successive appointees shall hold their offices until their successors are duly appointed and qualified. The terms of the advisory members shall correspond to their respective official tenures. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Every appointed member shall, before entering upon the discharge of his or her duties, take an oath that he or she will faithfully discharge the duties of his or her office. All members shall serve without compensation.

10.03 Organization, Meetings, Etc. The commission shall elect a chairperson from among its members for a term of one (1) year; the commission may create and fill such other offices as it may determine. The City Clerk shall act as secretary of the Planning Commission, but shall not be a member. The commission shall hold at least one regular meeting each year. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transaction, and findings, which record shall be a public record. On or before



January first of each year, the commission shall submit to the City Council a report of its work during the preceding year.

Expenditures of the commission shall be within amounts appropriated for the purpose by the City Council.

10.04 Powers and Duties of the Commission. The Planning Commission shall be the planning agency and shall have the powers and duties given such agencies generally by Laws of Minnesota. It shall also exercise the duties conferred upon it by this Ordinance. The Planning Commission shall review all applications for zoning amendments, conditional use permits, plans for subdivision of land and all categories of planned unit development and make its recommendations to the City Council. The city Council shall be the final authority for the approval or disapproval of all applications of zoning amendments, conditional use permits, plans for subdivision of land and all categories of planned unit development. The Commission may review all comprehensive plan and official controls and any plans for public land acquisition and development sent to the City for that purpose by any State or Federal agency and shall make its recommendations to the City Council. The Planning Commission shall hold public hearings pursuant to law to assist it in making any decision or recommendation. The Commission may view the property before or after the public hearing.

#### ARTICLE 11. BOARD OF ADJUSTMENTS AND VARIANCE PROCEDURE.

11.01 The Board of Adjustments and Appeals established by Ordinance 47 is hereby ratified and confirmed.

#### ARTICLE 12. CONDITIONAL USE PERMITS.

12.01 Procedure. A conditional use permit may be issued in accordance with this section for any use or purpose for which such permits are required or permitted by this Ordinance. Application for a conditional use permit shall be made by the owner to the Planning Commission on a form prescribed by the City and accompanied by such other information as required by rules of the Commission. The Planning Commission may hold such hearings on the proposal to issue a conditional use permit as it considers necessary and it shall thereafter make such recommendations on the proposal to the Council as it deems advisable.

Upon receipt of such recommendations, the Council shall hold whatever hearings it deems advisable and shall make its decision upon the proposal to grant a conditional use permit.



12.02 Standards. The Planning Commission shall recommend a conditional use permit and the Council shall order the issuance of such permit only if it finds that such use at the proposed location:

- (1) Will not be detrimental to or endanger the public health, safety, morals, comfort, convenience or general welfare of the neighborhood or the City.
- (2) Will be harmonious with the general and applicable specific objectives of the comprehensive plan of the City and this Ordinance.
- (3) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
- (4) Will not be hazardous or disturbing to existing or future neighboring uses.
- (5) Will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems, and schools; or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (7) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- (8) Will have vehicular approaches to the property which are so designed as not to create traffic congestion or an interference with traffic on surrounding public thoroughfares.
- (9) Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.
- (10) Will conform to specific standards of this Ordinance applicable to the particular use.

12.03 Denial for noncompliance. If the Planning Commission recommends denial of a conditional use permit or the Council orders such denial,

it shall include in its recommendations or determination findings as to the ways in which the proposed use does not comply with the standards required by this Ordinance.

**12.04 Conditions.** In recommending or approving any conditional use permit, the Planning Commission and the Council may impose conditions which it considers necessary to meet the standards of this Ordinance and to protect the best interests of the surrounding area or the City as a whole. Violation of any such condition is a violation of this Ordinance. These conditions may include but are not limited to the following:

- (1) Ingress and egress to property and proposed structures thereon with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
- (2) Off-street parking and loading areas where required, with particular attention to the items in 12.04(1) and the economic, noise, glare, or odor effects of the conditional use on nearby property.
- (3) Refuse and service areas, with particular reference to the items in 12.04(1) and 12.04(2) above.
- (4) Utilities, with reference to location, availability, and compatibility.
- (5) Diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
- (7) Required yards and other open space.
- (8) General compatibility with adjacent and other property in the district.

**12.05. Expiration.** If substantial construction has not taken place within one (1) year after the date of a conditional use permit, the permit is void except that, on application, the Council, after receiving the recommendation of the Planning Commission, may extend the permit for an additional period not to exceed one (1) year. A conditional use permit authorizes only the conditional use specified in the permit and expires if, for any reason, the authorized use ceases for more than one (1) year.



ARTICLE 13. SIGNS, BILLBOARDS AND EXTERIOR GRAPHIC DISPLAYS.

13.01 Purpose and Intent. The purpose and intent of this Article is to protect and promote the welfare, safety, order and beauty of the City of Forada by setting reasonable standards and regulations for outdoor advertising signs, symbols, markings, and devices intended for visual communications.

13.02 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 and not exceed one (1) square foot.

(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. One 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.

13.03 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 or 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 (5) feet 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 Planning Commission approval before installation is permitted.

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

13.04 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 Article.

(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 Article.

13.05 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.

13.06 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 Ten dollar (\$10.00) fee for each permit issued shall be paid to the City of Forada at the time of making application for the permit. All applications for permits shall be accompanied by plans and specifications for the requested sign.

#### ARTICLE 14. PARKING OF VEHICLES.

14.01 All vehicles parked upon any City Street shall be parked parallel with the curb or curbing on the right hand side of the street or highway and out of the line of traffic, except on Fourth Street, vehicles shall park within the painted lines.



14.02 No truck larger than a one-ton truck with pick-up body shall be parked on Toby's Avenue, Main Street or on Fourth Street except for the purpose of loading or unloading.

14.03 There shall be no parking of any semi-tractors and/or trailers, motorhomes in excess of 25 feet in length, or any vehicles used for hauling any hazardous materials, such as gasoline, fuel, chemicals or explosives on any street, alley or boulevard located in residential areas in the City of Forada, or upon any properties that are residential, except for the purpose of loading or unloading, and then only for a period no longer than is necessary for the purpose.

14.04 The parking of semi trucks and trailers (other than while being loaded and unloaded) is prohibited on residential property within the City of Forada, except that such semi trucks and trailers may be temporarily parked by persons who are owners or operators of such vehicles and reside within Forada, but not directly in front of residences.

14.05 No vehicle shall be parked in one spot upon any street or alley for more than 24 hours during the winter months of December, January, February and March of any year, and for no longer than seven days during the remainder of the year.

#### ARTICLE 15. AMENDMENTS.

15.01 This Ordinance may be amended only by a three-fourths vote of the City Council. Proceedings for such amendment may be initiated by (1) the City Council, (2) the Planning Commission, or (3) the verified petition of not less than 50 percent of those property owners within 300 feet of the proposed change.

#### ARTICLE 16. ENFORCEMENT.

16.01 It shall be the duty of the City Council to enforce this Ordinance through the proper legal methods and authorities.

16.02 Any person who shall violate or fail to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with Minnesota Law. Each day that the violation is permitted to exist constitutes a separate offense.

16.03 Nothing contained in this Ordinance shall be deemed to repeal or amend any ordinance requiring a permit or license to engage in any business or occupation.

16.04 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.

ARTICLE 17. SEPARABILITY, SUPREMACY AND EFFECTIVE DATE.

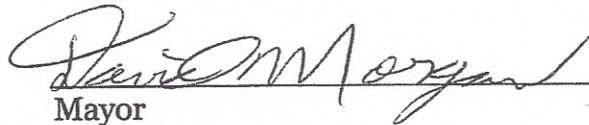
17.01 Every section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance is declared separable from every other section, provision or part thereof to the extent that if any section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision or part thereof.

17.02 When any condition imposed by any provision of this Ordinance on the use of land or buildings/structures or on the bulk of buildings/structures is either more restrictive or less restrictive than similar conditions imposed by any provision of any other community ordinance or regulation, the more restrictive conditions shall prevail.

17.03 Interim Ordinance No. 62 is hereby repealed.

17.04 This Ordinance shall be in force and effect upon the due passage and publication in the manner provided by law.

Adopted by the City Council of Forada, Minnesota, this 10<sup>th</sup> day  
of March, 2007.

  
\_\_\_\_\_  
Mayor

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