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CHAPTER 4

LAND AND BUILDING USE REGULATIONS

SECTION 4.01. DEFINITIONS. For the purpose of this ordinance certain terms used herein are defined as follows:

1. "Apartment" - a room or suite of two or more rooms which is designed for, intended for or occupied by one family doing its cooking therein.

2. "Automobile Camp" - a land or premises used or intended to be used, let or rented for occupancy by campers traveling by automobile or otherwise, or for occupancy by or of trailers or movable dwellings, rooms or sleeping quarters of any kind.

3. "Automobile Court" - a group of two or more detached or semi-detached buildings containing guest rooms or apartments with automobile storage space serving such rooms or apartments provided in connection therewith, which group is designed, intended or used primarily for the accommodation of automobile travelers; including groups designated as auto cabins, motor lodges, and by similar designations.

4. "Automobile Wrecking" - see "Junk Yards".

5. "Block" - that property abutting on one side of a street and lying between the two nearest intersecting or intercepting trees and railroad right-of-way or unsubdivided acreage.

MAY 13 2010 6.a. "Building, Accessory" - a subordinate building, the use of which is incidental to that of a main building on the same lot.

6.b. Building, "Independent Accessory" - An accessory building which is neither principally commercial nor residential including but not limited to a private garage, which is located on a lot which does not have a residential main building on the same lot.

7. "Building, Main" - a building in which is conducted the principal use of the lot upon which it is situated.

8. "Court" - an open, unoccupied space, other than a yard, on the same lot with a building or buildings and which is bounded on two or more sides by such building or buildings, including the open space in a house court or court apartment providing access to the units thereof.

9. "Family" - one or more persons occupying the 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 shall be deemed to include necessary servants.

10. "Garage, Private" - an accessory building for only the storage of self-propelled vehicles.

11. "Garage, Public" - any premises, except those herein defined as a private or storage garage, used for the storage or care of self-propelled vehicles or where any such vehicles are equipped for the operation or repair, or kept for remuneration, hire or sale.

12. "Garage, Storage" - any premises, except those herein defined as a private garage, used exclusively for the storage of self-propelled vehicles.

13. "Grade"

A. For buildings adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street.

B. For buildings adjoining more than one street, the average of the elevations of the sidewalks at the centers of all walls adjoining streets.

C. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

D. All walls approximately parallel to and not more than five feet from the street line shall be considered as adjoining the street.

14. "Height of Building" - the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the ceiling of the topmost story.

15. "Home Occupation" - Any gainful occupation engaged in by the occupants of a dwelling at or from the dwelling. Such activity shall be clearly incidental and secondary to the residential use of the premises. No mechanical equipment shall be employed that is not customarily found in the home and no more than one (1) room may be devoted to home occupational use. Such home occupation shall not require external alterations or involve construction features not customarily found in dwellings. There shall be no exterior signs at the dwelling site and no exterior storage of equipment or materials used in the home occupation. No home occupation shall be permitted which results in or generates more traffic than two (2) cars for off-street parking at any one given point in time. Permissible home occupations include, but are not limited to, the following: art studio, dressmaking,

special offices for clergyman, lawyer, architect, engineer, accountant, real estate agent, appraiser, day care provider and beauty salon.

16. "Hotel" - any building or portion thereof containing six or more guest rooms used, designed or intended to be used, let or hired out to be occupied, or which are occupied by six or more individuals for compensation, whether the compensation be paid directly or indirectly.

17. "Junk Yard" - the use of any land for the storage or keeping of junk, including scrap metals, or for the dismantling or "wrecking" of automobiles or other vehicles or machinery; provided, however, that this definition shall not be deemed to include any case of the storage of materials which is incidental or accessory to any business or industrial use on the same lot.

18. "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 the street.

19. "Lot, Corner" - a lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

20. "Lot, Interior" - a lot other than a corner lot.

21. "Lot, Key" - the first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street on which the corner lot fronts.

22. "Lot, Area" - the total horizontal area included within lot lines, including one-half the width, but not to exceed ten feet, of any alley or portion thereof abutting any such lot line.

23. "Lot, Depth" - the average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

24. "Lot Line, Rear" - ordinarily, that line of a lot which is generally opposite the lot line along the frontage of said lot. In cases in which this definition is not applicable, the City Council shall designate the rear lot line.

24.1. "Manufactured Home" - a "manufactured home" means a structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in

width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under Minnesota Statute §327.

25. "Non-Conforming Use" - a use that does not conform to the regulations for the district in which it is situated.

26. "Outdoor Advertising Sign" - any card, cloth, paper, metal, painted, glass, wooden, plaster, stone or other sign of any kind or character whatsoever placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term "placed" as used in the definitions of "outdoor advertising sign" and "outdoor advertising structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

27. "Outdoor Advertising Structure" - any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including all outdoor advertising statuary.

28. "Recreational Vehicle" - A vehicular type unit primarily designed as recreational living quarters for camping, or travel use, which either has its own mode of power, or is mounted on or drawn by another vehicle. The basis entities are: travel camper, camping trailer, truck camper and motor home.

29. "Recreational Vehicle Park" - Gilbert Olson Park, Horseshoe Park and all licensed mobile home parks.

30. "Story, Half" - a story with at least two opposite exterior sides meeting a sloping roof not more than two feet above the floor of such story.

31. "Structure" - anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

32. "Structural Alterations" - any change in the supporting members of a building such as bearing walls, columns, beams or girders.

33. "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.

34. "Use, Accessory" - a use incidental and accessory to the principal use of a lot or a building located on the same lot as the accessory use.

35. "Yard" - an open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward, except as otherwise provided in Section 6 of this ordinance. In measuring a yard, as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line drawn through the point of a building or the point of a dwelling group nearest to such lot line, exclusive of the respective architectural features, enumerated in Section 4.40 of this ordinance as not to be considered in measuring yard dimensions or as being permitted to extend into any front, side or rear yard, respectively; and the measurement shall be taken from the line of the building to the nearest lot line.

36. "Yard, Front" - a yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest line of the building.

37. "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 building.

38. "Yard, Side" - a yard between the side line of the lot and the nearest line of the building extending from the front line of the lot to the rear yard.

(Sections 4.02 through 4.09, inclusive, reserved for future expansion.)

SECTION 4.20. REGULATIONS FOR RESIDENTIAL DISTRICT.

Subd. 1. 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:

A. One- or two-family dwellings and their accessory buildings; apartments; flats; and hotels; provided, that no business shall be constructed therein except those conducted incidentally and solely for guests and to which entrance can be made only from the inside of the building.

B. Farming or truck gardening; plan nurseries or greenhouses.

C. Parks and playgrounds; golf courses or clubs; and swimming pools.

D. Churches, libraries, museums, schools, memorial buildings, including name plates and bulletin boards placed in the back of the prescribed set back lines.

E. Home occupations.

F. Clubs, lodges, fraternities and sorority houses.

G. Boarding and lodging houses; manufactured home parks.

H. Recreational vehicle parks as defined in Section 10.63 of this Code.

I. The following uses - but only upon securing a special use permit as provided in Section 4.60.

1. Hospitals, clinics and other buildings used for the treatment of human ailments.

2. Philanthropic and charitable institutions.

3. Automobile courts, office buildings, health clubs and gymnasiums.

Subd. 2. Height Regulations. In the residential district, no building shall hereafter be erected or structurally altered to exceed forty feet or three stories in height.

Subd. 2a. Width Regulations. The minimum of the width of a main portion of a residential structure shall not be less than 24 feet as measured across the narrowest dimension.

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Subd. 2 b. Accessory Buildings. All accessory buildings and independent accessory buildings shall be constructed with siding, shingles, and other exterior materials that are compatible with the general character of the main building on the lot as well as the general character of the surrounding residential neighborhood. Accessory buildings shall not have a side-wall height that exceeds 10 feet nor an area greater than 1,200 square feet. The total number of accessory buildings on a lot shall not exceed two (2), with a maximum combined total area of 1,500 square feet.

Subd. 3. Area Regulations.

A. Building Site Regulations. 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 6,000 square feet. Every building designed for more than two families shall be located on a building site in one ownership having not less than 2,000 square feet per family; provided, however, that the following parcels may be used as building sites for dwellings if all other regulations for the district required by this ordinance are complied with:

1. Any parcel under one ownership at the time of the adoption of this ordinance when the owner thereof owns no adjoining land.

2. Any parcel which includes not less than one entire lot as shown on any subdivision plat which was recorded in the office of the Register of Deeds prior to the adoption of this ordinance and which parcel has an area of not less than 3,500 square feet.

3. Any parcel which is shown as a lot on any subdivision plat which is hereafter recorded in the office of the Register of Deeds after approval by the City Council in accordance with the law.

Subd. 4. Front Yard Requirements. Each lot in the residential district shall have a front yard of not less than 30 feet.

Subd. 5. Side Yard Requirements. Each lot in the residential district shall have two side yards, one on each side of the building. For every dwelling hereafter erected or structurally altered which does not exceed one and half stories, each side yard shall have a width of not less than five feet. For every such dwelling which has two or two and one-half stories, each side yard shall have a width of not less than fifteen feet. The foregoing requirements for side yards shall be subject to the following modifications:

A. The width of each side yard may be reduced to ten percent of the width of any of the following parcels, but in no case shall be the width of any such side yard be less than four feet.

1. Any parcel of an average width of less than 40 feet which parcel was under one ownership at the time of the adoption of this ordinance when the owner owns no adjoining land.

2. Any parcel which includes not less than one entire lot as shown on any subdivision plat recorded in the office of the Register of Deeds prior to the adoption of this ordinance.

3. Any parcel shown as a lot on any subdivision plat recorded in the office of the Register of Deeds after approval by the City Council in accordance with law.

Typically this means 30' or 15' *5070 08*

B. On a corner lot adjacent to a key lot the side yard on the street side of such corner lot shall have a width in addition to that hereinbefore specified so that the total width of such side yard shall be equal to not less than 50 percent of the front yard depth required for the lots to the rear of such corner lot, to a maximum width required of 12 feet for such side yard; provided, however, that this regulations shall not be so applied as to reduce the buildable width after providing the required interior side yard of any such corner lot to less than 20 feet.

C. In case a dwelling is so located on a lot that the front or rear thereof faces any side lot line, such dwelling shall be not less than 25 feet from such lot line.

Subd. 6. Rear Yard Requirements. Each lot in the residential district shall have a rear yard of a depth equal to 20 percent of the depth of the lot to a maximum required depth of 25 feet for such yard.

Minimum 5' on alley - see 4.20 Subd 3 C

Subd. 7. Exception for Hallock Elementary School. Any buildings allowed a special use permit as defined in Section 4.20, Subd. 1(I) shall have setback of not less than twenty (20) feet for its side yard and no less than forty (40) feet for its front yard, except in the case of what is known as the Hallock Elementary School described as all of Block Three (3) of Eklund's First Addition to the City of Hallock which shall be allowed a lesser side yard setback as determined by the City Council.

(Sections 4.21 through 4.29, inclusive, reserved for future expansion.)

SECTION 4.30. REGULATIONS FOR COMMERCIAL-INDUSTRIAL DISTRICT.

Subd. 1. Use Regulations. In the commercial-industrial district, unless otherwise provided in this ordinance, no building shall hereafter be erected or structurally altered except for one or more of the following uses:

A. All uses permitted in the residential district, but no special use permit need be secured for any use which is permitted in the residential district upon the securing of such a permit.

B. Retail stores and shops.

C. Automobile stations for the sale of gasoline, oil and accessories
public garages.

D. Theaters, financial institutions, telephone and telegraph offices,
messenger offices, professional offices.

E. Carpenter, furniture repairing or upholstery shops, book binding
shops, dress making shop, shoe repairing or dyeing shops, newspaper or job printing
establishments, electrical, 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, 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.

G. Undertaking establishments, but only upon the securing of a special
use permit as provided in Section 4.60 of this subsection and will not be obnoxious or
detrimental to the district in which located.

H. Buildings and land may be used for any industrial purpose not
prohibited by law; provided, however, that none of the following uses shall be established
in the commercial-industrial district until special use permit in each case, as provided in
Section 4.60 of this ordinance, 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. Hog feeding.
5. Manufacturing of acid, cement, explosives or fireworks (or the storage of explosives or fireworks), fertilizers, gas, glue, gypsum, lime or plaster of Paris.
6. Petroleum refining.
7. Smelting of iron, copper, tin, zinc or other ores.
8. Stock yards of slaughter of animals.
9. Junk yards.

(Sections 4.31 through 4.39, inclusive, reserved for future expansion.)

SECTION 4.40. GENERAL PROVISIONS. Provisions specified in this ordinance shall be subject to the provisions.

Subd. 1. Use:

A. The following accessory uses, in addition to those hereinbefore specified shall be permitted in any residential district, provided that such accessory uses do not alter the character of the premises in respect to their use for the purposes of permitted in such respective districts:

1. The renting of rooms and/or the providing of table board in a dwelling as an incidental use to that of its occupancy as a dwelling of the character permitted in the respective district, but not to the extent of constituting a hotel as defined in this ordinance, unless permitted in the district.

2. The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals and other institutions permitted in the respective district.

3. News and refreshment stands and restaurants in connection with passenger stations.

4. Recreations, refreshment and service buildings in public parks and playgrounds.

B. Signs in addition to those otherwise permitted in this ordinance shall be permitted in the following cases and under the following conditions:

1. Signs displaying the name only of the property or premises upon which displayed or of the owner or lessee thereof.

2. Signs not exceeding eight square feet in area pertaining only to the sale, rental or lease of the premises upon which displayed.

3. The following signs upon the securing of a special use permit, as provided in Section 4.60 of this ordinance for each such sign:

a. Signs advertising the sale of a subdivision and located thereon.

b. Directional and informational signs of a public or quasi-public nature, including signs serving as directional signs to properties not situated

adjacent to the street adjacent to which such signs are located.

C. Nothing in this ordinance shall be deemed to prohibit the excavating of natural materials for the construction of a building permitted in the district in which the same is to be located, which building is to be constructed on the same lot from which such material is excavated, and no use permit shall be required for such excavating.

D. 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.

E. No filling station, public garage, or gasoline distributing station shall be located within three hundred feet of a school, church, hospital or other public meeting place having a seating capacity of more than fifty persons.

Subd. 2. Height:

A. In any district with a height limit of less than seventy-five feet, public and semi-public buildings, schools and churches, hospitals and other institutions permitted in such district may be erected to a height not exceeding seventy-five feet, provided that the front, rear and side yards shall be increased one foot by which such building exceeds the height limit hereinbefore established for such district.

B. ~~One-family dwellings~~ in one-family residential districts may be increased in height not to exceed ~~ten~~ feet and to a total of not exceeding three stories when two side yards of widths not less than ~~fifteen~~ feet each are provided.

C. Upon the securing of a special use permit as provided in Section 4.60 of this ordinance, any building may be erected to a height exceeding that hereinbefore specified for the respective district; provided, that the total floor area of such building shall not exceed that possible for a building in such respective district erected within the height limit hereinbefore specified for such district.

D. Subject to any other provisions of law, towers, gables, spires, penthouses, scenery lofts, cupolas, water tanks, similar structures and necessary mechanical appurtenances may be built and used to a greater height than the limit established for the district in which the building is located; provided that no such exception shall cover at any level more than fifteen percent in area of the lot nor have an area at the base greater than 1,600 square feet; provided, further, that no tower, gable, spire or similar structure shall be used for sleeping or eating quarters or for any commercial purpose other than such as may be incidental to the permitted uses of the main building; and provided further that no building or structure in any district except a heavy industrial district shall ever exceed a maximum

Hospital Height

This is the case

height of one hundred fifty feet, except that the height limitations of this ordinance shall not apply to chimneys, church spires, flag poles, monuments and radio towers.

E. Where the average slope of a lot is greater than one foot rise or fall in seven feet of the distance from the established street elevation at the property line, one story in addition to the number permitted in the district in which said lot is situated shall be permitted on the downhill side of any building, provided, that the height of the building shall not be increased above the limit specified for said district.

Subd. 3. Yards:

A. For the purpose of computing front yard dimensions, measurements shall be taken from the nearest point of the front wall of the building to the street line, except that the certain architectural features hereinafter enumerated shall not be considered in making such measurements, to-wit:

1. Cornices, canopies, caves, or any other architectural features may extend beyond said front wall a distance not exceeding two feet, six inches.

2. Fire escapes may extend beyond said front wall a distance not exceeding four feet, six inches.

3. A *landing place* or uncovered porch may extend beyond said front wall to a distance not exceeding six feet, provided that such landing place or porch shall have its floor no higher than the entrance floor of the building. A railing no higher than three feet may be placed around such place.

4. The above enumerated architectural features may also extend into any side or rear yard the same distance that they are permitted to extend beyond any front wall, except that no porch, terrace or outside stairway shall project more than three feet into any side yard and then, in the case of an outside stairway, only if the same is unroofed and unenclosed above and below the steps thereof.

Less than 30' B. In any one or two-family residential district where 25 percent or more of the lots in any block located in the same district, exclusive of the frontage along the side of a corner lot, has been improved with buildings at the time of the passage of this ordinance, which buildings are of a character permitted in said districts and the front yards on such lots vary in depth to an extent not greater than six feet, then the required front yard depth for such district shall be disregarded in such block and in lieu thereof the front yard required on each lot in said block shall be of a depth of not less than the average depth of the front yards on the lots on which are located such existing buildings, to a maximum of fifty feet. The same rule shall apply in any other residential district but only in case such average

Can be less than

Continued

depth of front yards on the lots on which are located such existing buildings is less than the depth of front yards otherwise required by this ordinance.

C. In determining the depth of rear yard for any building where such rear yard opens into an alley, one-half the width of such alley, but not exceeding ten feet, may be considered as a portion of such rear yard; provided, however, that this provision shall not be so applied as to reduce the depth of any rear yard to less than ten feet; and provided further that in no case shall the door of any building or improvement, except a fence, which door opens into any alley be erected, constructed or established closer to the center of such alley than the distance of fifteen feet.

See minutes

D. In case an accessory building is attached to the main building, it shall be made structurally a part thereof and shall comply in all respects with the requirements of this ordinance applicable to the main building. An accessory building, unless attached to and made a part of the main building as above provided for, shall not be closer than five feet to the main building, except as otherwise provided in this section.

E. A detached accessory building not over one story and not exceeding twelve feet in height may occupy not to exceed thirty percent of the area of any rear yard.

F. Detached accessory buildings in residential districts shall conform to the following additional regulations as to their locations upon the lot; provided, however, that where the slope of the front half of the lot is greater than one foot rise or fill in a distance of seven feet from the established street elevation at the property line, or where the elevation of the lot at the street line is five feet or more above or below the established street elevation, a private garage may be built to the front and side lines of the lot:

1. In the case of an interior lot abutting upon one street, no detached accessory building shall be erected or altered so as to encroach upon the front half of the lot.

2. In the case of an interior lot abutting upon two or more streets, no detached accessory building shall be erected or altered so as to encroach upon the one-fourth of the lot nearest either street.

3. In the case of a corner lot abutting upon two streets, no accessory building shall be erected or altered so as to encroach upon the front half of the lot nor so that the same will be nearer to the lot line along the street side of such lot than a distance equal to the width of a side yard on the street side of such lot; provided, that on a corner lot adjacent to a key lot no detached accessory building shall be located nearer to the street line of the street upon which the key lot faces than a distance equal to the depth of front yard required on the key lot.

4. In the case of a corner lot abutting on more than two streets, no detached accessory building shall be erected or altered so as to be nearer to the lot line along the street side of such lot than a distance equal to the width of the side yard on the street side of such lot or nearer to any other street line of the lot than a distance equal to one-fourth the depth of the lot.

↑ $1/4 \text{ of } 50' = 12'6''$ $1/4 \text{ of } 40' = 10'$ but minimum up 12'

Section 4.15 Residential

5. No detached accessory building shall be within five feet of the side line of the front half of any adjacent lot except as hereinbefore specifically permitted.

6. Notwithstanding any requirements in this Section, the foregoing rules shall not require any detached accessory building to be more than 75 feet from any street line bounding the lot and shall not require that the street side of any accessory building shall be nearer to the lot line opposite the street line than twenty feet.

SECTION 4.41. NON-CONFORMING USES.

Subd. 1. Except as hereinafter 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 uses do 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 the land shall be enlarged or increased nor shall any 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. A non-conforming use of a building existing at the time of the adoption of this ordinance may be extended throughout the building, provided no structural alteration, except those required by ordinance or law, are made therein. 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.

Subd. 2. If at any time any building in existence or maintained at the time of the adoption of this ordinance which does not conform to the regulations for the district in which it is located shall be destroyed by fire, earthquake, wind, water or explosion to the extent of more than fifty percent of its value, then without further action by the Council the said building and the land on which such building was located or maintained shall from and after the date of said destruction be subject to all the regulations specified by this ordinance for the district in which such land and buildings are located. Any building which is damaged

to an extent of less than fifty percent of its value may be stored to its former extent. Estimate of the extent of damage or destruction shall be made by the City Council or its appointed agent.

Subd. 3. Any use for which a use permit is required or for which a use permit may be granted under the terms of this ordinance, which use is existing at the time of the adoption of this ordinance in any district in which such use is specifically permitted subject to the securing of a use permit shall without further action be deemed to be conforming use in such district.

Subd. 4. Regardless of any other provisions of this ordinance, no junk yard existing as a non-conforming use in a residential district at the time of the adoption of this ordinance shall continue as herein provided for the non-conforming uses for more than one year after the adoption of this ordinance. No junk yard which after the adoption of this ordinance exists as a non-conforming use in any commercial or industrial district shall continue as herein provided for non-conforming uses unless such junk yard shall within one year after it has become a non-conforming use be completely enclosed within a building or within a continuous solid fence no less than eight feet in height and in any case of such height as to screen completely all the operations of such junk yard. The plans of such building or fence shall have been approved by the City Council. All other provisions of this section shall apply to any non-conforming junk yard.

Subd. 5. Regardless of any other provision of this ordinance, no outdoor advertising structure existing as a non-conforming use at the time of the adoption of this ordinance shall continue as herein provided for non-conforming uses for more than six months after the adoption of this ordinance.

(Sections 4.43 through 4.49, inclusive, reserved for future expansion.)

5/22/18

Verified Fences with Hank Noel:

1 foot from property line and 10 feet from the ^{center of the} alley.

And Requires a building permit

SECTION 4.42. WIND ENERGY CONVERSION SYSTEMS.

Subd. 1. Wind Energy Conversion System (WECS) - Means any device such as a wind charger, wind turbine, wind generator, or windmill that converts wind power to another form of energy such as electricity or heat.

Subd. 2. Permit Required. It is unlawful for any person to install or erect and WECS without a permit therefore from the City. Applications shall provide sufficient information to determine whether or not there is compliance with the provisions of this section. Upon granting any application, construction shall be instruct compliance with the application and shall be inspected to insure such compliance. The applications shall also contain an agreement to indemnify and save the City harmless from any claim or expense incurred by reason of a negligent construction or maintenance of such WECS.

Subd. 3. Location. WECS shall be allowed only in the commercial-industrial district of the City of Hallock and shall be placed no closer than 150 ft. from the residential property and shall otherwise comply with the regulations and requirements under the land and building use regulations contained in Chapter 4 of the Hallock City Code.

Subd. 4. Technical Requirement. All WECS standard component parts shall meet or exceed the following requirements:

A. All supporting towers shall be of non-combustible and corrosive-resistant material and the applicant shall file the safety results from appropriate testing facilities to verify safety.

B. Every WECS must be adequately grounded for protection against a direct stroke of lightning with an adequate ground wire No. 6 or larger.

C. No wires, cables or guide wires shall cross or extend over any part of any public street, alley or other public property. No WECS shall be installed closer to high voltage transmissions lines than 10 feet plus the height of the WECS.

D. The WECS shall be surrounded by a 6-foot fence with a locking portal and the climbing apparatus shall stop 12 feet short of the ground.

E. The WECS shall comply with the Minnesota Pollution Control Agency regulations governing noise pollution contained in Chapter 7010 which is hereby incorporated by reference.

F. WECS operations shall not cause interference to television or radio reception on adjoining properties, and the City reserves the right to suspend a permit if interference becomes evident.

G. WECS connections to a utility system shall meet the "tie-in" developments developed by the electric utility.

Subd. 5. Insurance. The applicant shall insure the WECS for personal injury or damage claims arising from the operation of a WECS and furnish evidence of such coverage with the application for a permit and the insurer shall give notice of cancellation or termination of such coverage to the City not less than 15 days prior thereto.

Source: Ordinance No. 166

Effective Date: January 3, 1990

SECTION 4.50. ADJUSTMENTS AND APPEALS.

Subd. 1. The City Council in such case as hereinafter provided shall have power to grant adjustments and exceptions in and to any of the provisions of this ordinance to the extent of the following and no further:

A. To vary or modify the strict application of any of the regulations or provisions contained in this ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application.

B. To permit the extension of a district where the boundary line thereof divides a lot in one ownership at the time of the passage of this ordinance.

C. Application for any adjustment permissible under the provisions of this section shall be made to the Clerk-Administrator in the form of a written application for a building permit or a permit to use the property or premises set forth in said application. Upon receipt of any such application, such officer shall set a time and place for a public hearing before the City Council on such application. Such officer shall cause public notice of such public hearing to be given by causing one notice thereto be published in a newspaper of general circulation in the City at least ten days before the date of said hearing. At said hearing the applicant shall present a statement and adequate evidence, in such form as the City Council may require, showing:

1. That there are special circumstances or conditions affecting the land, building or use referred to in the application.

2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights.

3. That the granting of such application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

C. The City Council shall thereupon make its decision upon such application. If the application be denied, no further action shall be taken upon it; if the application should be granted, the City Council shall report its recommendation to the applicant within 30 days after the filing of the application.

D. In recommending any adjustment or variance under the provisions of this Section, the City Council shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulation or provision in which such adjustment or variance is granted, as to light, air, and the public health, safety, comfort,

convenience and general welfare. No permit shall be issued under the provisions of this Section unless and until a decision of the City Council as aforesaid, approving the same, is filed. In all cases in which adjustments or variances are granted under the provisions of this Section, the City Council shall require such evidence and guarantees as it may deem to be necessary that the conditions designated in connection therewith are being and will be complied with.

(Sections 4.51 through 4.59, inclusive, reserved for future expansion)

SECTION 4.60. SPECIAL USE PERMITS.

Subd. 1. Special use permits may be issued for any of the following:

A. Any of the uses or purposes for which such permits are required or permitted by the provisions of this ordinance.

B. Public utility or public service uses or public building in any district when found to be necessary for the public health, safety, convenience or welfare.

C. Commercial excavating of natural materials used for building or construction purposes, in any district.

D. To classify as a conforming use any institutional use existing in any district at the time of the establishment of such district.

E. To permit the location of the following uses in a district from which they are excluded by the provisions of this ordinance: airport, library, community center, church, hospital, manufactured homes, any institutions of an educational, philanthropic or charitable nature, cemetery, crematory, mausoleum, or any other place for the disposal of the human dead.

Subd. 2. Application or the issuance of a special use permit shall be made to the City Council; provided that any proceedings to classify certain uses as confirming uses as provided in this section may be initiated either by such application or by the City Council. The Council may hold such hearings on the proposal to issue a special use permit as it may consider necessary; but at least one public hearing shall be held on any application for a use permit for the establishment of any use listed in Subd. 1E of this Section. The Council shall not recommend the granting of a permit unless it finds that the establishment, maintenance, or conducting of the use for which a use permit is sought will not under the circumstances of the particular case be detrimental to the health, safety, morals, comfort, convenience, or welfare of the persons residing or working in the neighborhood of such use and will not under the circumstances of the particular case be detrimental to the public welfare or injurious to property or improvements in the neighborhood. It may designate conditions and require guarantees in the granting of use adjustments. If it finds that the conditions exist which are necessary under this SECTION, the Council may grant the use permit and it may attach to the permit such conditions and guarantees as are provided for in Section 4.41 for the granting of adjustments.

Subd. 3. Any use permitted under the terms of any special use permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith.

SECTION 4.61. CERTIFICATE OF OCCUPANCY.

Subd. 1. No vacant land in any district established by this ordinance shall hereafter be occupied or used, except for agricultural uses and no building hereafter erected or structurally altered in any such district shall be occupied or used and the use of any such building shall not be altered until a certificate of occupancy shall have been issued by the City Council.

Subd. 2. Application for a certificate of occupancy for a new building or for an existing building which has been altered shall be made at the same time as the application for a permit for such building as required in Section 4.80 of this ordinance. Such certificate shall be issued within three days after a written request of the same has been made to the said City Council after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this ordinance. Pending the issue of such a certificate a temporary certificate of occupancy may be issued by the City Council for a period of not exceeding six months during the completion of the erection or alteration of such building. Such temporary rights, duties or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter except under such restrictions and provisions as will adequately insure the safety of the occupants.

Subd. 3. Written application for a certificate of occupancy for the use of vacated land or for a change in the character of the use of land, as herein provided, shall be made before any such land shall be so occupied or used, except for agricultural purposes other than livestock farming or dairy. Such a certificate of occupancy shall be issued within three days after the application therefor has been made provided such use is in conformity with the provisions of this ordinance.

Subd. 4. Every certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of law and of this ordinance. A record of all certificates of occupancy shall be kept on file in the office of the City Clerk and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land affected. No fee shall be charged for a certificate of occupancy.

Subd. 5. No building permit for the erection or alteration of a building shall be issued before application has been made for a certificate of occupancy.

(Sections 4.62 through 4.69, inclusive, reserved for future expansion.)

SECTION 4.70. AMENDMENT. This ordinance may be amended whenever the public necessity and convenience and the general welfare require such amendment by following the procedure specified in this Section.

Subd. 1. An amendment may be initiated by the City Council or by the verified petition of not less than fifty percent of the property owners affected by the proposed amendment and fifty percent of those property owners within three hundred feet of the proposed change.

Subd. 2. Before any amendment is adopted the Council shall hold at least one public hearing thereon after ten days' published notice of the time and place of such hearing, and shall make a report of its findings and recommendations with respect to the proposed amendment and shall file a copy with the City Clerk within 30 days of the meeting at which the date of the hearing was set.

Subd. 3. Upon the filing of such report or upon the expiration of such 30 days as aforesaid, the City Council shall hold such public hearings upon the amendment as it deems advisable. After the conclusion of such hearings, if any, the Council may adopt the amendment or any part thereof in such form as it deems advisable. Such amendments shall be effective only if two-thirds of all the members of the Council concur in its passage.

(Sections 4.71 through 4.79, inclusive, reserved for future expansion)

SECTION 4.80. ENFORCEMENT.

Subd. 1. It shall be unlawful for any contractors, persons, co-partnership or corporation to build, repair, enlarge, erect, move upon or construct any building of any nature upon or with the existing corporate limits of the City of Hallock, unless such person, contractor, co-partnership or corporation shall have first obtained a building permit from the Council of the City of Hallock said permit application to be reviewed by the Planning Commission and recommendations made to the Council prior to the granting by the Council of permit.

A. The above listed conditions shall be in force and govern all types of construction in any and all future annexations of property which thereby expand the corporate limits of the City of Hallock.

Subd. 2. Any person, contractor, co-partnership or corporation desiring to build, repair, enlarge or move any buildings upon any premises within foregoing described limits, before so doing, shall file a copy of the plans and specifications of the proposed structure, repair or enlargement together with a building permit application properly and completely filled out with the City Clerk-Administrator, who may issue the building permit or determine that said application and plans should be reviewed by the Planning Commission. Upon such review, the recommendations or objections of the Planning Commission will be made known to the City Council. Said application and plans will be reviewed by the Planning Commission and their recommendations or objections will be made known to the City Council. If it appears to the majority of the Council, and the said Council shall act upon such application within thirty (30) days of the filing thereof, that the proposed buildings, repairs or enlargement is suitable and safe, is in compliance with all aspects of the zoning ordinance, and shall not endanger the safety or depreciate the value of adjoining property, then and in that event the said Council shall grant to the applicant a permit to erect, repair, move Upon, or enlarge a building as prayed for in this application. The Council in determining the merits of the applications shall take into consideration the reasonableness of the proposed improvement and shall not reject applications arbitrarily.

(Sections 4.81 through 4.98, inclusive, reserved for future expansion)

SECTION 4.99. VIOLATION A MISDEMEANOR. Every person who violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when such failure is prohibited or declared unlawful by a Code adopted by reference by this Chapter, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Source: Ordinance No. 78

Effective Date: 9/6/1949

Revised: 6/5/89, Ordinance No. 162

Revised: 1/2/01, Ordinance No. 182