

CITY OF ASKOV

ZONING ORDINANCE

CHAPTER 1 ZONING ORDINANCE

TABLE OF CONTENTS

| | |
|----------|---|
| 1.01 | ADMINISTRATION |
| 1.01(1) | TITLE, AUTHORITY, PURPOSE, AND DEFINITIONS |
| 1.01(2) | ZONING ADMINISTRATOR |
| 1.01(3) | PLANNING COMMISSION |
| 1.01(4) | BOARD OF APPEALS |
| 1.01(5) | CONDITIONAL USE PERMITS |
| 1.01(6) | CERTIFICATES OF COMPLIANCE |
| 1.01(7) | ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENTS |
| 1.01(8) | NONCONFORMING USES, STRUCTURES, AND LOTS |
| 1.01(9) | VARIANCES |
| 1.01(10) | CHANGES AND AMENDMENTS |
| 1.01(11) | ENFORCEMENT |
| 1.01(12) | SEPARABILITY |
| 1.01(13) | FEES AND PENALTIES |
| 1.01(14) | EFFECTIVE DATE |

1.01. ADMINISTRATION

1.01(1) TITLE, AUTHORITY, PURPOSE AND DEFINITIONS

(A) TITLE. This Chapter shall be known as and referred to as the City of Askov Zoning Ordinance

(B) AUTHORITY. These regulations are adopted under the authority granted by Minnesota Statute §462.354.

(C) PURPOSE. The purpose of this Chapter is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of this community.

(D) INTENT. It is the intent of this Chapter to preserve and protect the character, natural landscape, and natural and scenic beauty of the City; to provide for the compatibility of different land uses and the most appropriate use of land; to regulate and restrict the use of all structures, land and waters; to regulate lot coverage, size, and location of structures so as to: promote safety and efficiency of streets and highways; foster public safety and convenience in travel and transportation; secure safety from fire, flooding, and other dangers; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; regulate alterations of natural vegetation and topography; prevent environmental pollution and protect surface and groundwater from contamination; reduce construction site erosion; avoid construction problems resulting from high groundwater; facilitate the use of solar energy devices and other innovative development techniques; provide for orderly, economic, and safe removal and processing of sand, gravel, rock, soil, and other material; and implement the community's Comprehensive Plan or Plan components. To

CITY OF ASKOV

ZONING ORDINANCE

this end it is further intended to provide for the administration and enforcement of this Chapter and provide penalties for its violation.

(E) ABROGATION AND GREATER RESTRICTION. This Chapter is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued. However, wherever this Chapter is more restrictive, the provisions of this Chapter shall apply.

(F) INTERPRETATION AND CONSTRUCTION. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Minnesota Statutes. Unless the context requires otherwise, the use of either past, present, or future tense shall include all other tenses. The rules of statutory construction established for the State of Minnesota by statute or case law shall apply in the construction of this Zoning Ordinance.

(G) SEVERABILITY. If any chapter, section, subsection, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and holding such shall not affect the validity of the remaining portions thereof.

(H) REPEAL. All ordinances or parts of ordinances inconsistent with or contrary hereto are hereby repealed, except nothing in the Ordinance shall be interpreted so as to conflict with state laws or orders, or any other ordinance of the City of Askov.

(I) DEFINITIONS.

GENERAL DEFINITIONS. For purposes of this Chapter, certain words or phrases shall have their customary meanings that either vary somewhat from their customary dictionary meaning or are intended to be interpreted to have a specific meaning. Words used in the present tense include the future. The word “person” includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word “he” includes the word “she”. The word “shall” is mandatory, “should” is advisory, and “may” is permissive. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

SPECIFIC WORDS AND PHRASES.

ACCESSORY APARTMENT. A secondary dwelling unit within an existing owner occupied single family dwelling unit for use as a complete independent living facility. A density unit is not attributed to this dwelling unit when calculating density.

ACCESSORY BUILDING. A detached single-story building greater than 120 square feet in size used, or intended to be used, for the storage of personal property, or for agricultural purposes. Gazebos or playhouses greater than 120 square feet qualify as accessory buildings.

ACCESSORY STRUCTURE OR USE. Any facility, structure, building, or use which is accessory or incidental to the principal use of a property, structure, or building.

ADMINISTRATOR. See Zoning Administrator.

CITY OF ASKOV

ZONING ORDINANCE

AGRICULTURAL BUILDING. A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee or sublessee of the building and members of their immediate families, their employees and persons engaged in the pickup or delivery of agricultural produce or products.

AGRICULTURAL BUSINESS, SEASONAL. A seasonal business not exceeding six months in any calendar year operated on a rural farm as defined, offering for sale to the general public, produce or any derivative thereof, grown or raised on the property.

AGRICULTURAL USE. Land whose use is devoted to the production of horticulture and nursery stock, fruit of all kinds, vegetables, forage, grains, bees and apiary products, and raising domestic farm animals. This activity does not need to be the principal source of income.

ANIMAL UNIT. A unit of measure used to compare differences in the production of animal wastes which has a standard as the amount of waste produced on a regular basis by a slaughter steer or heifer.

ANIMALS, DOMESTIC FARM. Cattle, hogs, horses, bees, sheep, goats, chickens, and other animals commonly kept for commercial food producing purposes.

ANIMALS, DOMESTIC PETS. Dogs, cats, birds, and similar animals commonly kept in a residence. Animals considered wild, exotic, or non-domestic, such as bears, lions, wolves, ocelots, and similar animals shall not be considered domestic pets.

ANTENNA. That portion of any equipment used to radiate or receive radio frequency energy for transmitting or receiving radio or television waves. Antennas may consist of metal, carbon fiber, or other electromagnetically conductive rods or elements. Antennas are regulated to the extent the regulations are not preempted by the Federal Communication Commission.

AREA, NET DEVELOPABLE. Those lands within a development parcel remaining after the deletion of flood plains, wetlands, slopes greater than twenty-five (25%), unbuildable easements or rights-of-ways, and required building setbacks.

BASEMENT. That portion of a building that has the floor surface more than four feet below grade for more than 50% of the perimeter.

BED AND BREAKFAST INN. An owner-occupied, private home where accommodations are offered for one or more nights to transients; in addition, a breakfast meal is served on the premises to no more than ten (10) persons.

BOARD OF APPEALS. A judicial type body appointed by the City Council consisting of five (5) members to hear appeals by any person aggrieved by any officer, department, or board of the City of Askov.

BUILDABLE LAND. Land outside any required setbacks or easements above any wetland, suitable for principle and accessory structures, a well site and two on-site sewer sites. Buildable land means buildable acres and/or buildable area.

CITY OF ASKOV

ZONING ORDINANCE

BUILDING. Any structure having a roof supported by columns or walls used, or intended to be used, for the shelter or enclosure of persons, animals, equipment, machinery or materials. When any portion thereof is completely separated from every other part thereof by area separation, each portion of such building shall be deemed as a separate building.

BUILDING CODE. The Minnesota State Building Code.

BUILDING HEIGHT. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, parapet or to the peak of the mansard, pitched or hipped roof. The reference datum shall be defined as the elevation of more than 50% of the grade as measured at the wall line of the structure

BUILDING SETBACK. The minimum horizontal distance between the building and the lot line.

BUILDING SETBACK LINE. A line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluffline or a high water mark or line, behind which buildings or structures must be placed.

BUSINESS. Any occupation, employment, or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

CAR WASH. A building or area that provides hand or machine operated facilities for washing and cleaning motor vehicles.

CEMETERY. Land used, or intended to be used, for the burial of the dead and dedicated for cemetery purposes and including, but not limited to columbariums, mausoleums and chapels when operated in conjunction with and within the boundaries of such cemetery.

CERTIFICATE OF COMPLIANCE. A Certificate granted for particular use on a property with the City and not for a particular person or firm, issued according to Section 1.01(6) of this Ordinance by the Zoning Administrator. Certificates of compliance typically indicate that the proposed use is not contrary to the provisions of this Ordinance and a periodic review of the certificate and proposed use may be required. Certificate of Compliance shall include information of the use location and conditions imposed as part of the permit such as time limits, review dates and such other information as may be appropriate. No public hearing is required for certificates of compliance. See also Section 1.01(5).

COMMISSION. The City of Askov Planning Commission.

COMMON OPEN SPACE. Land held in common ownership used for agriculture, natural habitat, pedestrian corridors, and/or recreational purposes which is protected from future development.

COMPREHENSIVE PLAN. The policies, statements, goals, and interrelated plans for private and public land and water use, transportation and community facilities, including recommendations for planned execution, documented in texts, ordinances, and maps which constitute the guide for the future development of the City.

CITY OF ASKOV

ZONING ORDINANCE

CONDITIONAL USES. Uses of a special nature which allow the Planning Commission to apply special conditions for approval of the use.

CONDOMINIUM. A form of individual ownership within a multi-family building, which entails joint ownership and responsibility for maintenance and repairs of the land and other common property of the building. In a condominium, each unit is owned by its occupant, along with an undistributed share of common buildings and land.

CONSERVATION USE. Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character. Conservation uses include lands containing wetlands, hydric soils, woodlands, floodplain, native prairie, wildlife corridors, shorelands, steep slopes, and their accessory uses, such as interpretive centers and management facilities.

CONTIGUOUS. Parcels of land which share a common lot line or boundary. Parcels which are separated by an easement, or railroad right-of-way are considered contiguous for purposes of this Zoning Ordinance.

COST OF RENOVATION, REPAIR, OR REPLACEMENT. The fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement.

CULTURAL RESOURCE. The historic and archaeological characteristics of the land including buildings and landscapes, which provide information regarding the history of City of Askov and its people.

CUTOFF. The point at which all light rays emitted by the lamp, light source or luminaire are completely eliminated at the specific angle above the ground.

CUTOFF ANGLE. The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

CUTOFF TYPE LUMINAIRE. A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.

DAY CARE CENTER. An establishment providing care and supervision for persons, licensed by the State of Minnesota.

DECIBEL. The unit of sound measured on the "A" weighing scale of a sound level meter, set on slow response, the weighing characteristics of which are specified in the "Standards on Sound Level Meters of the USA Standards Institute."

DENSITY. The number of dwelling units permitted per acre of land or other measures.

DEPTH OF LOT. The horizontal distance between the frontage right-of-way line and rear lot line. On a corner lot, the side with the largest frontage is its depth and the side with the lesser frontage is its width.

DEPTH OF REAR YARD. The horizontal distance between the rear building line and the rear lot line.

CITY OF ASKOV

ZONING ORDINANCE

DEVELOPMENT. Any manmade change to improved or unimproved real estate, including but not limited to, construction of or addition to, or substantial improvements to buildings, other structures or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.

DEVELOPMENT AGREEMENT. An agreement with the owner of the whole parcel as charged on the tax lists of the County, specifying the number of density units allocated amongst the parcels being created, the Zoning District the particular parcels are located in, the fact that the use and development and further conveyance of the parcels is subject to the regulations contained in the Zoning Ordinance. Development Agreement may include utility improvements, street improvements, demolition or removal of old structures and all other matters deemed appropriate by the City.

DISTRICT, OVERLAY. Overlay Districts provide for the possibility of superimposing certain additional requirements upon a basic Zoning District without disturbing the requirements of the basic District. In the instance of conflicting requirements, the more restrictive requirements shall apply.

DISTRICT, ZONE. A part or parts of the City for which the regulations of this Chapter governing the use and location of land and buildings are uniform (such as Agricultural, Residential, or Commercial classifications)

DREDGING. The process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.

DRIVE-THROUGH RESTAURANT. A freestanding establishment used for the sale, dispensing, or serving of food, refreshments, or beverages in or on disposable plates and cups, including those establishments where customers may service themselves and may eat and drink on or off the premises. Contemporary drive-in or fast food restaurants often offer drive-through service. For the purpose of this Chapter, an eating establishment located in a shopping center with three (3) or more attached business/retail establishments, which does not provide drive-through service and which may serve food, refreshments, or beverages in or on disposable plates and cups is not considered to be a drive-through restaurant.

DRIVEWAY ACCESS PERMIT. A permit required from the responsible governmental agency which allows access onto a public road.

DWELLING. A building of one (1) or more portions thereof occupied exclusively for human habitation, but not including rooms in hotels, motels, nursing homes, tents, cabins, or boarding houses.

DWELLING, DUPLEX OR TWO-FAMILY. A residential building containing two (2) complete dwelling units and designed for occupancy by not more than two (2) families.

DWELLING, SINGLE-FAMILY. A detached building designed for or occupied exclusively by one family.

CITY OF ASKOV

ZONING ORDINANCE

DWELLING UNIT. A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding houses, or tourist homes.

ENVIRONMENTAL IMPACT WORKSHEET OR STATEMENT. That document that may be required under Minnesota Statute § Chapters 116C and D.

EQUESTRIAN USES. Those uses commonly associated with the raising, maintaining, and training of horses for riding, racing, or breeding.

ESSENTIAL SERVICES – GOVERNMENTAL USES, BUILDINGS, AND STORAGE. An area of land or structures used for public purposes, storage or maintenance and which is owned or leased by a governmental unit.

ESSENTIAL SERVICES – UTILITY SUBSTATION. A utility use which may include electric substations, telephone switching and relay facilities, water and sewage pumps, and lift stations. Business offices associated with these uses are not included as part of this definition.

EXTERIOR STORAGE. The storage of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

FAMILY. An individual, or two (2) or more persons each related by blood, marriage, adoption, or foster care arrangement, living together as a single housekeeping unit, or a group of not more than six (6) persons not related, maintaining a common household, exclusive of servants.

FAMILY DAY CARE HOME. A dwelling licensed as day care center by the State of Minnesota where care is provided.

FARM. Land whose use is devoted to agricultural uses or the raising and/or breeding of livestock.

FARMSTEAD. A group of buildings and adjacent service areas which support the functions of a farm. Structures may include, but are not limited to, homes, barns, machinery sheds, granaries, pump houses, chicken coops and garages.

FEEDLOT. A lot or building, or combination of lots and buildings, intended for the confined breeding, raising, holding of animals and specifically designed as a confinement area in which manure may accumulate or where concentration of animals is such that a vegetative cover cannot be maintained. The enclosure of open lots used for feeding and rearing of poultry shall be considered feedlots. Pastures are not considered feedlots.

FENCE. Adequate fencing shall be determined by its use for:

- i) Screening. Shall be solid six (6) feet or more in height.
- ii) Swimming Pool. Shall be five (5) feet or greater in height, with no opening greater than four (4) inches.

FENCE, OPEN. A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 30% of their surface area open for free passage of light and air. Examples of such fences include barbed, wire, chain link, picket, and rail fence.

CITY OF ASKOV

ZONING ORDINANCE

FENCE, ORNAMENTAL. A fence intended to decorate, accent or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line or frame a driveway, walkway or planting bed. Ornamental fences are those with more than 80% of their surface area open for free passage of light and air. Ornamental fences are often of the rail or wrought iron type.

FENCE, SOLID. A structure of rails, planks, stakes, strung wire, or similar materials erected as an enclosure, barrier, or boundary. Solid fences are those with 30% or less of their surface area open for free passage of light and air and designed to conceal the activities conducted behind them. Examples of such fences are stockade, board-on-board, board and batten, basket weave, louvered, and chain link with screening inserts

FILL. Any act by which soil, earth, sand, gravel, rock, or any similar material is deposited, placed, pushed, or transported and shall include the conditions resulting therefrom.

FINAL PLAT. A drawing or map of an approved subdivision, meeting all requirements of Subdivision Regulations and in such form as required by the City and County for purposes of recording.

FINISHED ROOM. A room created by covering the walls and ceiling with plaster, dry wall, paneling or other similar building material, so as to block from view the structural members of the wall and ceiling; trimming the doors, windows, and built-in cabinets with molding; and preserving the walls and trim with paint, varnish, or other similar material.

FLASHING LIGHT. A light source which is not constant in intensity or color at all times while in use.

FLEA MARKET. A street market which sells space to vendors to sell previously-owned merchandise.

FLOODPLAIN. The river or lake beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by a regional flood.

FLOOR AREA. The gross area of the main floor of a residential building measured in square feet and not an attached garage, attic, breezeway, unclosed porches, or similar attachment.

FLOOR AREA, GROSS. The sum or the gross area of the various floors of a building measured in square feet. The basement floor area shall not be included unless such area constitutes a occupied/habitual area.

FLOOR AREA RATIO. The numerical value obtained through dividing the gross floor area of a building or buildings by the net area of the lot or parcel of land on which such building or buildings are located.

FLOOR PLAN, GENERAL. A graphic representation of the anticipated use of the of the floor area within a building or structure.

FOOTPRINT. The length and width of the building's foundation.

CITY OF ASKOV

ZONING ORDINANCE

FOOTCANDLE. A unit of illumination produced on surface, all points of which are one foot from a uniform point source of one candle.

FRONTAGE. The smallest dimension of a lot abutting a public street measured along the street right-of-way line. For lots abutting a lake or stream, the smallest dimension measure along the shoreline. Lots on water may have more than one frontage.

GARAGE, PRIVATE. A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises. Carports are considered garages.

GARAGE SALE. See Rummage Sale.

GARAGE, STORAGE. Any garage, except those described as a private garage.

GOVERNING BODY. The City of Askov City Council.

GROUP ASSEMBLY. A company of persons gathered together for any purpose.

HARDWARE STORES. Retail stores where items such as plumbing, heating and electrical supplies, sporting goods, and paints are sold.

HAZARDOUS BUILDINGS OR HAZARDOUS PROPERTY. Any building or property which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health.

HAZARDOUS MATERIAL. A chemical or substance, or a mixture of chemicals or substances, which:

- i) Is regulated by the Federal Occupational Safety and Health Administration under Code of Federal Regulations, Title 29, Part 1910, Subpart Z; or
- ii) Is either toxic or highly toxic, an irritant, corrosive, a strong oxidizer, a strong sensitizer, combustible, either flammable, or extremely flammable, dangerously reactive, pyrophoric, pressure-generating, a compressed gas, a carcinogen, a teratogen, a mutagen, a reproductive toxic agent or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance.

HIGH POWER TRANSMISSION LINE. A 69 kV or greater electric transmission line with towers a minimum of 75 feet in height.

HOME INDUSTRY. Any occupation for gain or support which may be of a more intense nature or exceeds the limitations as defined under Home Occupations in terms of storage of stock or inventory, use of equipment not customarily household in nature, display of product, etc. A Home Industry may include occupations or uses such as assembly, mass mailing, multi-tiered marketing, gunsmithing or licensed firearm sales, furniture and cabinetry woodworking, furniture, upholstery and refinishing, route sales, schools or classes (not exceeding four students in one interval), studios, animal

CITY OF ASKOV

ZONING ORDINANCE

grooming (with no overnight boarding) and salons. Home industries are to be considered Conditional Uses.

HOME OCCUPATION. Use of a property zoned residential or agricultural for gainful employment which is: a) clearly incidental and subordinate to the use of the property as residential; b) carried on solely within the main dwelling or an accessory building; c) does not alter or change the exterior character or appearance of the property; and d) created and operated by the occupant of the dwelling.

HOMEOWNERS ASSOCIATION. A formally constituted non-profit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating, and maintaining the common open space and facilities.

HOMESTEADED DWELLING. A dwelling that is occupied and used for the purposes of a homestead by its owner pursuant to Minnesota Statute §273.124.

HORSE, TRAINING FACILITY – COMMERCIAL. An accessory building in which horses not owned by the property owner are kept for commercial use including boarding, breeding, hire, sale, show, and training.

HORSE TRAINING FACILITY, PRIVATE. An accessory building incidental to the existing residential, principal use in which horses owned by the property owner are kept for private use and training.

IMPERVIOUS SURFACE. See Lot Coverage.

INDIVIDUAL PARCEL. A parcel as a whole as charged on the tax lists, or town or more contiguous parcels under common ownership of the effective date of this Zoning Ordinance.

LAND ALTERATION. The reclaiming of land by depositing or moving material so as to alter the grade or topography.

LAND CLEARING. The removal of a contiguous group of trees and other woody plants in an area of 10,000 square feet or more.

LAND USE PERMIT. A permit required from the responsible governmental agency before any site work, construction, or alteration to structures can be started. For the purposes of this Ordinance, the terms land use permit and building permit shall have the same meaning.

LIGHT FIXTURE OUTDOOR. Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including, but not limited to, the hardware casing. Such devices shall include, but are not limited to, search, spot, and flood lights for a) buildings and structures, b) recreational areas, c) parking lot lighting, d) landscape lighting, e) billboards and other

CITY OF ASKOV

ZONING ORDINANCE

signs, f) street lighting, g) product display area lighting, and h) building overhangs and open canopies.

LIGHT SOURCE. A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.

LIGHTING, OUTDOOR. Any light source or collection of light sources, located outside a building, including but not limited to, light sources attached to any part of a structure, located on the surface of the ground or located on free standing poles.

LIVESTOCK. Domestic farm animals including but not limited to cattle, hogs, horses, bees, sheep, goats, chickens, and other animals commonly kept for commercial food production.

LIVING AREA. The total area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

LOADING AREA. A completely off street space or berth on the same lot as the principal use it serves for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

LOT. A parcel of land designed by metes and bounds, registered land survey, plat or other means, and which description is either recorded in the Office of the County Recorder or Registrar of Titles or used by the County Treasurer or County Assessor to separate such parcel from other lands for tax purposes.

LOT AREA. The area of a horizontal plane within the lot lines.

LOT AREA, MINIMUM PER DWELLING UNIT. The minimum number of square feet or acres of lot area required per dwelling unit.

LOT, BUILDABLE. A lot which meets or exceeds all requirements of the City of Askov Zoning Ordinance without the necessity of variances.

LOT, CORNER. A lot situated at the junction of and abutting two (2) or more intersecting streets; or a lot at the point of a deflection in alignment of a single street, the interior angle of which does not exceed one hundred thirty-five degrees (135°)

LOT COVERAGE. That portion of a lot containing an artificial or natural surface through which water, air, or roots cannot penetrate. This definition includes, but is not limited to structures.

LOT DEPTH. The mean horizontal distance between the front and rear lines of a lot.

LOT, INTERIOR. A lot other than a corner lot, including through lots.

LOT LINE. A lot line is the property line bounding a lot, except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line.

LOT LINE, FRONT. That boundary of a lot which abuts a public street or a private road. In the case of a corner lot, the lot shall be deemed to have frontage on both streets.

CITY OF ASKOV

ZONING ORDINANCE

LOT LINE, REAR. That boundary of a lot which is opposite to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any boundary of a lot which is not a front line or a rear lot line.

LOT WIDTH. The horizontal distance between the side lot lines of a lot measured at the setback line.

LUMINAIRE. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

MAJOR HIGHWAY. Those highways and/or roadways which are classified as principal in the City of Askov.

MANUFACTURED HOME. A structure of one or more sections, which in the traveling mode, is eight feet or more in width and 30 feet or more in length, which is built on a permanent chassis and is designed to be used as a dwelling. The section(s) when assembled shall be set and anchored to a structural slab or foundation designed for that purpose. Enclosure around a manufactured home shall be of wood suitable for exterior exposure, masonry, or concrete or have that appearance. A manufactured home must have a HUD label attached to its exterior.

MINING. The excavation, removal, storage, or processing of sand, gravel, rock, soil, clay, or other deposits. For the purposes of the Zoning Ordinance, mining shall not include excavation, removal, or storage of rock, sand, dirt, gravel, clay, or other material for the following purposes:

i) Excavation for the foundation, cellar, or basement of some pending structure for which a permit has been issued and which is to be erected immediately following the excavation, removal or storage.

ii) On-site construction of approved roads, sewer lines, storm sewers, water mains, surface water drainage approved by the City of Askov, agriculture or conservation purposes, sod removal, or other public utilities.

iii) Landscaping purposes on a lot used or to be used as a building site.

iv) Grading/excavation of less than one acre of land in conjunction with improvement of a site for lot development, providing activities will be completed in one year.

v) The removal of excess materials in accordance with approved plats or highway construction.

MINOR STRUCTURES. Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors, and fences.

MODULAR HOME. A dwelling of one or more sections that is transported from the assembly location and set on a permanent foundation. Sections are transported on removable carriers that can be reused to haul another structure.

CITY OF ASKOV

ZONING ORDINANCE

MOTOR VEHICLE REPAIR, MAJOR. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body, frame or fender straightening or repair; overall painting and upholstering; vehicle steam cleaning.

MOTOR VEHICLE REPAIR, MINOR. Repairs, incidental body and fender work, replacement of parts and motor services to passenger automobiles and trucks not exceeding 12,000 pounds gross weight, but not to include any operation specified under “Motor Vehicle Repair, Major”.

MOTOR VEHICLE SERVICE STATION. A place for the dispensing, sale or offering for sale of motor fuel directly to users of motor vehicles, together with the sale of minor accessories and the servicing of, and minor repair of, motor vehicles.

MOVING PERMIT. A permit required from the responsible governmental agency prior to the moving of any partially or wholly erected structure from one location to another.

MULTIPLE USE COMMERCIAL CENTER (MUCC). Any grouping of two (2) or more principal retail uses whether on a single lot or on abutting lots under multiple or single ownership.

NATURAL DRAINAGEWAY. A depression in the earth’s surface, such as ravines, draws and hollows, that has definable beds and banks capable of conducting surface water runoff from adjacent lands.

NEIGHBORHOOD. An area containing a contiguous group of residential lots distinguishable by some identifiable feature or point of reference, where people live in proximity to one another.

NOISE, AMBIENT. The all-encompassing noise associated with a given environment, being either a composite of sounds transmitted by any means from many sources near and far or a single predominant source.

NONCONFORMING LOT. A separate parcel or lot of record on the effective date of this Zoning Ordinance, or any amendments thereto, which lot or parcel does not conform to the regulations, including dimensional standards, contained in the Zoning Ordinance or amendments thereto.

NONCONFORMING USE. Any legal or lawful use of land, or any legal or lawful use of a structure existing on the effective date of this Zoning Ordinance or amendments thereto, which does not conform with the regulations for the District in which it is located after the effective date of this Zoning Ordinance or such amendment.

NOXIOUS MATTER. Material which is capable of causing injury, or is in any way harmful to living organisms, or is capable of causing detrimental effect upon the physical or mental health of human beings.

OFFICE. Those commercial activities that take place in office buildings, where goods are not produced, sold, or repaired. Such activities include, but are not limited to banks, professional offices, real estate offices, telephone exchanges, utility offices, radio broadcasting and similar uses.

CITY OF ASKOV

ZONING ORDINANCE

OFFICIAL CONTROL. Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of a municipality or a county, or any part thereof, or any detail thereof, and the means of translating into ordinances all or part of the general objectives of the Comprehensive Plan. Such official controls may include, but are not limited to ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes, and official maps and have been adopted by the City of Askov.

OPEN SPACE. Land used for agriculture, natural habitat, pedestrian corridors, and/or recreational purposes, that is undivided and permanently protected from future development.

OPEN SPACE DESIGN DEVELOPMENT. A pattern of subdivision development which places residential dwelling units into compact groupings while providing a network of dedicated open space.

OPEN STORAGE. Storage of any material outside a building.

OVERLAY DISTRICT. A Zoning District shown as an overlay on the zoning map.

OWNER. Includes all persons with interests in a property as fee simple owner, life estate holder, encumbrancer.

PANELIZED HOME. A dwelling made up of panels fabricated in an assembly plant and assembled on site on a permanent foundation.

PARKING SPACE. A suitable surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one (1) standard automobile.

PEDESTRIAN WAY. A public or private right-of-way across or within a block or tract, to be used by pedestrians.

PERFORMANCE STANDARDS. The minimum development standards, as adopted by the governing body, and on file in the office of the Zoning Administrator.

PLANT NURSERY. A building or premises used primarily for the growing, wholesale and retail sale of trees, shrubs, flowers, other plants, and accessory products excluding power tools, tractors, decorative rock, tree bark, gravel, and compost. Accessory products are those products which are used in the culture, display and decoration of lawns, gardens, and indoor plants.

PLATTED LAND. Lands with legal descriptions described as lot, block, plat name.

PRINCIPAL STRUCTURE OR USE. One which determines the predominant use as contrasted to accessory use or structure.

PROTECTIVE OR RESTRICTIVE COVENANT. A contract entered into between private parties, which constitutes a restriction of the use of a particular parcel of property.

PUBLIC LAND. Land owned and/or operated by a governmental unit, including school districts.

CITY OF ASKOV

ZONING ORDINANCE

PUBLIC RECREATION FACILITY. An outdoor recreation facility owned and operated by a nonprofit organization in which athletic activities are permitted to be played by the general public. Examples of such a facility would be a softball complex, soccer fields, etc.

PUBLIC WATERS. All lakes, ponds, swamps, streams, drainageways, floodplains, floodways, natural water courses, underground water resources, and similar features involving directly or indirectly, the use of water within the community.

REAR YARD. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard is opposite the street yard. On corner lots, sides opposite front yards shall be considered side yards.

RECREATIONAL VEHICLE. Any vehicle or structure designed and used for temporary, seasonal, human living quarters which meets all of the following qualifications: a) is not used as the permanent residence of the owner or occupant; b) is used for temporary living quarters by the owner or occupant while engaged in recreation or vacation activities; c) is towed or self-propelled on public streets or highways incidental to such recreation or vacation activities; d) examples of such vehicles include van campers, tent camping trailers, self-contained travel trailers, pick-up campers, camping buses and self-contained, self-propelled truck chassis mounted vehicles providing living accommodations.

REFUSE. Putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes, including municipal treatment wastes which do not contain free moisture.

REGIONAL FLOOD. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on the average frequency in the magnitude of a 100 year recurrence interval. Regional flood is synonymous with the term "Base Flood" used in the Flood Insurance Study.

RESOURCE INVENTORY. A survey of the land's features including its natural resources, cultural resources, scenic views and viewsheds, and physical characteristics.

RESTAURANT. A business establishment whose principal business is the preparing and selling of unpackaged food to the customer in a ready-to-consume state.

RETAIL BUSINESS. Stores and shops selling personal services or goods over a counter.

ROAD, APPROVED PRIVATE. A private road which has been approved by resolution of the City Council. Such resolution must specify the road, indicate the road is capable of supporting emergency vehicles and specify that provisions exist for the ongoing maintenance of the road.

ROAD, PUBLIC. A road owned and maintained by a government jurisdiction.

CITY OF ASKOV

ZONING ORDINANCE

ROADSIDE SALES STAND. A structure used only for the display and sale of products with no space for customers within the structure, on a seasonal basis.

RUMMAGE SALE. The occasional sale of personal property at a residence conducted by one or more families in a neighborhood. Rummage sales do not exceed four (4) consecutive days in length and are not conducted more often than three (3) times per year. Rummage sales do not involve the resale of merchandise acquired for that purpose. Rummage sales are also known as “garage sales”. Flea markets are not rummage sales.

SCREENING. Screening includes earth mounds, berms or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures (such as timbers); used in combination or singular, so as to block direct visual access to an object throughout the year.

SECURITY LIGHTING. Outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.

SELF-SERVICE STORAGE. A structure or structures containing separate storage spaces of varying sizes which are leased or rented individually.

SETBACK. The minimum horizontal distance between a structure and street right-of-way, lot line or other reference point as provided by Ordinance. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure, such as siding, siding corners, or batten strips.

SHIELDING. A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing through the light fixture.

SHORELANDS. Land located within the following distances from public water: 1,000 feet from the ordinary high level of a lake, pond or flowage; and 300 feet from a river or a stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Zoning Administrator.

SIDE YARD. A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

SIGN. A display, illustration, structure, or device which directs attention to an object, product, place, activity, person, institution, organization, or business.

SIGN, ADVERTISING. A sign that directs attention to a business or profession or to a commodity, service, or entertainment not sold or offered upon the premises where such sign is located or to which it is attached.

CITY OF ASKOV

ZONING ORDINANCE

SIGN AREA. The entire area within a continuous perimeter enclosing the extreme limits of such sign. Such perimeter shall not include any structural elements lying outside of such sign and not forming an integral part or border of the sign.

SIGN, BUSINESS. A sign that directs attention to a business or profession or to the commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is attached.

SIGN, DEVELOPMENT IDENTIFICATION. A sign that identifies the name of a residential, commercial, or industrial development at a street entrance to the development.

SIGN, FLASHING. An illuminated sign which has a light source not constant in intensity or color at all times while such sign is in use.

SIGN, IDENTIFICATION. A sign which identifies the inhabitant of the dwelling.

SIGN, MOTION. A sign that has revolving parts or signs which produce moving effects through the use of illumination, or a sign containing an electric reading board.

SIGN, NAMEPLATE. A sign which states the name and/or address of the business, industry, or occupant of the site and is attached to said building or site.

SIGN, PEDESTAL. A ground sign usually erected on one (1) central shaft or post which is solidly affixed to the ground.

SIGN, REAL ESTATE. A sign offering property (land and/or buildings) for sale, lease, or rent.

SIGN, ROOF. A sign erected upon or above a roof or parapet of a structure.

SIGN, SHOPPING CENTER OR INDUSTRIAL PARK. A business sign designating a group of shops or offices.

SIGN, WALL. A sign attached to or erected against the wall of a structure with the exposed face of the sign and parallel to the plane of said wall.

SPILLAGE. Any reflection, glare, or other artificial light emission onto any adjoining property or right-of-way above a defined maximum illumination.

STREET. A public right-of-way which affords a primary means of access to abutting property.

STREET, COLLECTOR. A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major road.

STREET, INTERMEDIATE, OR MINOR ARTERIAL. A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

STREET, LOCAL. A street intended to serve primarily as an access to abutting properties.

STREET PAVEMENT. The wearing or exposed surface of the roadway used by vehicular traffic.

STREET WIDTH. The width of the road measured from curb to curb. In non-curbed areas, the distance which includes the road surface and shoulders.

CITY OF ASKOV

ZONING ORDINANCE

STRUCTURAL ALTERATION. Any change, other than incidental repairs, which would affect the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.

STRUCTURE. Any erection or construction, such as buildings, pre-fabricated or pre-built buildings, towers, generators, and air conditioning units.

STRUCTURE, NONCONFORMING. Any structure lawfully or legally existing on the effective date of this Zoning Ordinance, or any amendment thereto, which does not conform to the regulations, including the dimensional standards, for the District in which it is located after the effective date of the Zoning Ordinance or amendments thereto.

SUBDIVISION. The process of dividing land into two (2) or more parcels for the purpose of transfer of ownership, building development, or tax assessment purposes by platting, replatting, registered land survey, conveyance sale, contract for sale, or other means by which a beneficial interest in land is transferred.

SUBDIVISION, MAJOR. All subdivisions not classified as minor subdivisions including, but not limited to , subdivisions of five (5) or more lots, or any size subdivision requiring any new street or extension of an existing street.

SUBDIVISION, MINOR. Any subdivision containing four (4) or less lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Comprehensive Plan or Zoning Ordinance.

SURETY. Whenever the terms “surety”, “surety bond”, or “bond” are used in this Ordinance, such term shall describe only an irrevocable letter of credit or a cash bond as approved by the City Attorney.

TEMPORARY DWELLING, CARE FACILITY. A manufactured home which temporarily serves as a residence for an infirm relative of the occupants residing in the primary single family residence on the property where such relative requires care by the family

TEMPORARY DWELLING, DURING CONSTRUCTION. A manufactured home which temporarily serves as a residence for the present potential occupant which the primary single family residence is being constructed, reconstructed or altered.

TEMPORARY DWELLING, FARM. A manufactured home located in an agricultural district which is an accessory dwelling unit occupied by members of the family engaged in farming on the premises and meeting other criteria specified in the Development Code.

TOWER. Any pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces and masts, intended primarily for the purpose of mounting an antenna, or to serve as an antenna.

CITY OF ASKOV

ZONING ORDINANCE

TOWER ACCESSORY STRUCTURE. A structure located at the base of the tower housing base receiving/transmitting equipment.

TOWNHOUSE. A single-family building attached by party walls with other single family buildings, and oriented so that all exits open to the outside with private entries maintained to each individual unit.

TRUCK STOP. A motor fuel station devoted principally to the needs of tractor trailer units and trucks, and which may include eating and/or sleeping facilities.

TWIN HOME. Two single-family dwelling units connected by a common wall and located on adjacent, contiguous, and individually owned lots or parcels.

USE, ACCESSORY. A use subordinate to and serving the principal use or structure on the same lot and customarily incidental to such principal use.

USE, OPEN SPACE. The use of land without a structure or including a structure incidental to the open space use.

USE, PRIMARY. That use which is the normal use for property within a District.

UTILITIES. Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

VARIANCE. The modification or variation of the Zoning Regulations where it is determined that, by reason of exceptional circumstances, the strict enforcement of the Zoning Ordinance would cause unnecessary hardship. See also Section 1.01(9).

WAREHOUSING. The storage, packing and crating of materials or equipment within an enclosed building or structure.

WAREHOUSING AND DISTRIBUTION. A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

WETLAND. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface of the land or where the land is covered by shallow water. For purposes of the Zoning Ordinance, wetlands must a) have a predominance of hydric soils; b) be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs and similar areas.

WIND ENERGY CONVERSION SYSTEM. One (1) tower with rotors and motors with one conversion generator.

YARD. The open space on an occupied lot which is not covered by any structure.

YARD, FRONT. A yard extending across the front of the lot between the front line of the lot and the nearest building line.

CITY OF ASKOV

ZONING ORDINANCE

YARD, REAR. A yard extending across the rear of the lot lying between the rear line of the lot and the nearest building line.

YARD, REQUIRED. A yard area which may not be built on or covered by structures because of the dimensional setbacks for said structures within the Zoning District.

YARD, SIDE. A yard extending from the front yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and the nearest building.

ZONING ADMINISTRATOR. A person(s) appointed or authorized by the City Council to enforce the Zoning and Subdivision Ordinances.

ZONING DISTRICT. An area or areas within the City in which the regulations and requirements of this Zoning Ordinance are applied.

1.01(2) ZONING ADMINISTRATOR.

(A) The City Zoning Administrator is designated as the administrative and enforcement officer for the provisions of this Ordinance. The duties of the Zoning Administrator shall be assigned by the City Council to one person or shared between more than one person. The duties of the Zoning Administrator shall be to interpret all permits required by this Ordinance and to issue, after on-site inspections, all permits required by the Ordinance. The Zoning Administrator shall further:

- a. Review all matters pertaining to applications and enforcement of this Zoning Ordinance.
- b. Conduct inspections of structures and use of land to determine compliance with the terms of the Zoning Ordinance.
- c. Review all subdivisions created in this City.
- d. Maintain permanent and current records as required by this Ordinance, including but not limited to all maps, amendments, conditional uses, variances, appeals, and applications.
- e. Receive, file and forward all applications for appeals, variances, conditional uses, or other matters to the designated official bodies.
- f. Notify in writing, persons responsible for violations, indicating the nature of the violation and the action necessary to correct it.
- g. Initiate, with the advice and consent of the City Attorney and the City Council, any appropriate legal actions or proceedings against a violator as provided for in the Zoning Ordinance.
- h. Recommend to the City Council appropriate fees for applications, permits, or other matters processed under this Zoning Ordinance.
- i. Collect fees, as set by the City Council, for all applications, permits, or other matters covered under the provisions of this Zoning Ordinance.
- j. Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him or her to ensure compliance with this ordinance.
- k. Attend all meetings of the City Planning Commission, Board of Appeals, and City Council, when requested.

1.01(3) PLANNING COMMISSION.

CITY OF ASKOV

ZONING ORDINANCE

(A) The City Planning Commission shall have the duties of making reports and recommendations related to the planning and development of the City to public officials, agencies, public utility companies, civic, educational, professional, and other organizations, and citizens. The Commission and its members, in the performance of its functions, in relation to CUP's, PID's, variances, rezoning and other amendment requests, may enter upon any land and make examinations and surveys. In general, the Planning Commission shall have such powers as may be necessary to enable it to perform its function and promote municipal planning. The Planning Commission shall conduct public hearings for all conditional use permits, variances, planned unit developments, rezoning, and other amendment requests. The Commission shall present their recommendation to the City Council for final action. The Planning Commission shall have seven (7) members. One member shall be from the City Council and shall serve a one-year term. The remaining six (6) members shall either reside within the City limits or own/operate a business within the City limits. The City Council shall appoint these members for three-year terms. If a member is unable to complete their three-year term, the Council shall appoint another person to complete the term.

(B) MEETINGS AND QUORUM. The meeting of the Planning Commission shall be held on a regular monthly basis or special meetings at the call of the Zoning Administrator. A majority of the Board shall constitute a quorum and a majority vote of that quorum is sufficient to conduct business and take action.

1.01(4) BOARD OF APPEALS. There is hereby created the City of Askov Board of Appeals, which shall have the following powers with respect to the City of Askov Zoning Ordinance.

(A) BOARD MEMBERSHIP AND MEETINGS

a. The Board of Appeals shall consist of two Council Members, two Planning Commission members, and the individual serving on both. The Board of Appeals shall have all the powers and duties in 1.01(4).

b. Meetings and Quorum. The meeting of the Board of Appeals shall be held at the call of the Zoning Administrator. A majority of the Board shall constitute a quorum and a simple majority vote of that quorum is sufficient to conduct business and take action.

(B) ADMINISTRATIVE APPEALS. The Board shall have the exclusive authority to hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator with respect to the administration of the duties of the Zoning Administrator.

a. An appeal from an decision by the Zoning Administrator may be taken by any aggrieved party within ten (10) days from the date of such decision by filing with the Zoning Administrator a written notice of appeal. The notice shall state:

1. The particular order, requirement, decision or determination from which the appeal is taken;
2. The name and address of the appellant;
3. The grounds for appeal; and
4. The relief requested by the appellant.

b. The Zoning Administrator shall set a date for the Board of Appeals to review the appeal of the aggrieved party. The Board of Appeals shall make a decision within 45 days of the date the appeal was filed.

CITY OF ASKOV

ZONING ORDINANCE

- c. In all cases, written notice shall also be given to the members of the City Council prior to the hearing.
- d. The Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and to that extent, shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.
- e. Defects in the notice shall not invalidate any proceeding provided a bonafide attempt to comply with this section has been made.

(C) BOARD FINDINGS. The Board of Appeals shall make written findings in any case of an appeal and shall state therein the reasons for its decision; the order issued by the Board of Appeals shall include the legal description of the land involved. Any such order shall be filed with the Zoning Administrator who shall immediately mail a copy thereof, bearing the notation of the filing date, to the appellant or applicant.

(D) JUDICIAL APPEALS. All decisions by the Board of Appeals shall be final, except that anyone aggrieved by a decision shall have the right to appeal within thirty (30) days after receipt of notice of the decision to the Pine County District Court on questions of law and fact. In order to preserve their right to appeal, the aggrieved party must notify the Zoning Administrator within seven (7) days of the date of the hearing at which the decision was made of their desire to obtain a copy of the decision in order to preserve their right to appeal or it is deemed waived.

1.01(5) CONDITIONAL USE PERMITS

(A) APPLICATION

- a. Whenever this Zoning Ordinance requires a Conditional Use Permit, an application therefore in writing shall be filed with the Zoning Administrator
- b. The application shall be accompanied by development plans of the proposed use showing such information as may be deemed necessary by the Zoning Administrator.
 - 1. The scale of maps submitted shall be at least 1" to 200'. Maps for sites less than fifty (50) acres shall be at least 1" to 100'. The number of maps and reports to be submitted shall be specified by the Planning Commission, but shall not exceed twelve (12). All maps shall be reduced and included in the applicable reports.
 - 2. Certificate of Survey.
 - 3. Site plan drawn to scale showing the following information:
 - i) Existing Conditions. Property lines and dimensions, building location and setbacks, dimensions of building, curb cuts, driveways, access roads, parking, off-street loading areas, septic system and well.
 - ii) Proposed Conditions. Property lines and dimensions, building location and setbacks, building dimensions, curb cuts, driveways, access roads, parking, off-street loading areas, and any other proposed improvements.
 - 4. Landscape Plan with the following information: Existing vegetation, proposed plantings and ground cover.
 - 5. Grading and Drainage Plan
 - 6. Soil Conditions.

CITY OF ASKOV

ZONING ORDINANCE

7. Building Floor Plan
 8. Building Elevations
 9. General Location Map
 10. Principal land uses within 200 feet of the property.
 11. Proof of ownership in the form of Abstract of Title, Certificate of Title, Attorney's Title Opinion, unrecorded documents where petitioner will acquire legal or equitable ownership or signed Purchase Agreement.
 12. Type of business or activity and proposed number of employees.
 13. Sanitary sewer, septic, and water plan (areas without public sewer or water).
- c. The Zoning Administrator shall have the authority to collect fees in addition to the application fee to cover the estimated costs of the involvement of the City Attorney, City Engineer, Pine County Soil and Water Conservation Officer or other bona fide costs incurred in reviewing the CUP Application.

(B) NOTICE OF HEARING PROCEDURE.

- a. Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the City Planning Commission and establish a time for hearing on the application. From the date the Zoning Administrator receives the application containing all required information, the Planning Commission and City Council has sixty (60) days to take action on the request or the request shall be deemed approved, provided, however that the Planning Commission or City Council may extend this time by providing written notice of the extension to the applicant before the end of the initial sixty (60) day period. This notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days. The deadline may also be extended as indicated in Minnesota Statute §15.99, Subd. 3.
- b. Notice of the time, place and purpose of all public hearings shall be given by publication in a newspaper of general circulation in the City at least 10 days before the hearing.
- c. Notice shall also be mailed to each of the owners of all property located within 350 feet.
- d. Defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with the provisions of this Section has been made. A copy of the notice and a list of property owners and addresses to which the notice was sent shall be made a part of the record.

(C) CRITERIA FOR GRANTING CONDITIONAL USE PERMIT.

- a. The City Council may grant a Conditional Use Permit in any District, provided the proposed use is listed as a conditional use for the District and upon a showing that the standards and criteria stated in this Zoning Ordinance will be satisfied and that the use is in harmony with the general purposes and intent of this Zoning Ordinance and the Comprehensive Plan. In determining whether the proposed use is in harmony with the general purpose and intent of this Zoning Ordinance and the Comprehensive Plan, the Planning Commission and City Council shall consider:

CITY OF ASKOV

ZONING ORDINANCE

1. The impact of the proposed use on the health, safety and general welfare of the occupants of the surrounding lands.
2. Existing and anticipated traffic conditions, including parking facilities on adjacent streets and lands.
3. The effect of the proposed use on utility and school capacities.
4. The effect of the proposed use on property values and scenic views in the surrounding area.
5. Consistency of the proposed use with the Comprehensive Plan.
6. The ability of the proposed use to meet the standards of the Zoning Ordinance.
7. The results of a market feasibility study, if requested by the Zoning Administrator, when the purpose for which the conditional use is being requested relies on a business market for its success.
8. The effects of the proposed use on groundwater, surface water and air quality.
9. That the proposed use is allowed with a Conditional Use Permit in the designated Zoning District in which it is proposed.

b. In connection with the issuance of Conditional Use Permits to nonconforming situations, the City Council may require nonconformities to conform to the regulations contained in the Zoning Ordinance and may impose such additional restrictions or conditions as it deems necessary to protect the public interest. When appropriate, restrictive covenants may be entered into regarding such matters.

c. The City Council may impose and the applicant shall pay costs incurred by the Zoning Administrator for monitoring compliance with the conditions of the Conditional Use Permit.

d. Performance Bond. The Planning Commission and City Council shall have the authority to require a performance bond or other security when it is deemed necessary and appropriate.

1. Except in the case of non-income producing residential property, upon approval of conditional use permit the City may be provided with a surety bond, cash escrow, certificate of deposit, securities, or cash deposit prior to the initiation of work on the proposed improvement, or development. Said security shall guarantee conformance and compliance with the conditions of the conditional use permit and the ordinances of the City.

(D) COMPLIANCE. The use shall conform with the applicable sections of this Zoning Ordinance.

(E) LENGTH OF CONDITIONAL USE. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith. Conditional Use Permits shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this Section shall prevent the City Council from acting or amending the Zoning Ordinance to change the status of conditional uses.

(F) EXPIRATION OF CONDITIONAL USE PERMIT. A Conditional Use Permit shall expire and be considered null and void one (1) year after it has been issued if no construction has begun or if use has not

CITY OF ASKOV

ZONING ORDINANCE

been established. If a conditional use is discontinued for a period of one year, the Conditional Use Permit will be considered null and void.

(G) REVOCATION.

- a. A violation of any condition set forth in a Conditional Use Permit shall be a violation of this Zoning Ordinance. Failure to correct said violation within thirty (30) days of written notice from the Zoning Administrator shall terminate the permit.
- b. Notice to the permittee shall be served personally or by registered or certified mail at the address designated in the permit application. Such written notice of revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis of the revocation, the facts which support the conclusions that a violation or violations have occurred and a statement that if the permittee desires to appeal, he must, within ten (10) working days, exclusive of the day of service, file a request for a hearing.
- c. The hearing request shall be in writing, stating the grounds for appeal, and served personally or by registered or certified mail, to the City Zoning Administrator or the City Clerk by midnight of the tenth working day following service.
- d. Following the receipt of a request for hearing, the City Zoning Administrator shall set a time and place for the hearing, which hearing shall be conducted in accordance with the procedures set forth in this Zoning Ordinance.

(H) RECORDS OF CONDITIONAL USES.

- a. A certified copy of any conditional use shall be filed with the County Recorder or Registrar of Titles.
- b. The Zoning Administrator shall maintain a record of all Conditional Use Permits issued including information on the use, location, conditions imposed by the City, time limits, review dates, and such other information as may be appropriate.
- c. A copy of the filed permit, bearing a notation of the filing date shall be mailed to the applicant.

(I) AMENDED CONDITIONAL USE PERMITS. Amended Conditional Use Permits shall be requests for changes in conditions of the existing permit. An amended Conditional Use Permit Application shall be administered in the same manner as that required for a new Conditional Use Permit.

(J) PHASED DEVELOPMENTS. In order to preserve an appropriate flexibility in the development plans for a large project which is to be developed over a number of years, a preliminary plan may be approved after a public hearing. The developer would then seek approval of the final plan in stages as he progresses with development. No additional public hearings need be held unless the developer proposes to make a substantial change from the plans or conditions included in the Conditional Use Permit when it was granted approving the preliminary plan. Enlargement, intensification of use, or similar changes not specifically permitted by the Conditional Use Permit issued, shall be considered substantial changes.

(K) EXISTING USES. All uses existing at the time of adoption of this Zoning Ordinance that now require a Conditional Use Permit may continue in the same manner of operation as the use did upon the effective date of this Zoning Ordinance. The Zoning Administrator may require a Certificate of Compliance for the use.

CITY OF ASKOV

ZONING ORDINANCE

Any enlargement, structural alteration, or intensification of use shall require a Conditional Use Permit as provided for above. The City Council may impose additional, reasonable conditions for the continuation of such use in accordance with the hearing provisions as set forth in Section 1.01(5)(B).

1.01(6) CERTIFICATES OF COMPLIANCE. The Zoning Administrator shall issue a Certificate of Compliance in any District for the proposed use listed in Chapter Two, if the proposed use will not be contrary to the provisions of this Zoning Ordinance. The certificate shall be granted for a particular use and not for a particular person or firm.

(A) APPLICATION. Whenever this Zoning Ordinance requires a Certificate of Compliance, a written application shall be filed with the Zoning Administrator. The application shall be accompanied by development plans of the proposed use showing such information as may be reasonable required by the Zoning Administrator. These plans shall contain adequate information upon which the Zoning Administrator can determine the proposed development will meet all development standards if the project proceeds in accordance with such plans.

(B) COMPLIANCE. The use shall conform with the regulations specified in this Zoning Ordinance.

(C) ISSUANCE AND CONDITIONS. If the Zoning Administrator determines that the use is in compliance with the conditions contained in this Zoning Ordinance, then the Zoning Administrator shall issue the certificate. Conditions required by this Zoning Ordinance shall be applied to the issuance of the Certificate of Compliance and a periodic review of the certificate and proposed use may be required.

(D) RECORD OF CERTIFICATES OF COMPLIANCE.

- a. A certified copy of any Certificate of Compliance shall be filed with the County Recorder or Registrar of Titles.
- b. The Zoning Administrator shall maintain a record of all certificates of compliance issued including information on the use, location, and conditions imposed as part of the permit such as time limits, review dates, and such other information as may be appropriate.

(E) APPEALS TO DENIAL OF CERTIFICATES OF COMPLIANCE. If the request for a Certificate of Compliance is denied, if conditions are imposed, or if revoked, the applicant may appeal the decision to the Board of Appeals. The procedures to be followed in this case shall be the same as those followed for an appeal of any administrative decision made by the Zoning Administrator.

(F) EXPIRATION OF CERTIFICATES OF COMPLIANCE. A Certificate of Compliance shall expire and be considered null and void one (1) year after it has been issued if the use has not been established.

(G) REVOCATION. A violation of any condition set forth in a Certificate of Compliance shall be a violation of this Zoning Ordinance and failure to correct said violation within thirty (30) days of written notice from the Zoning Administrator shall terminate the Certificate of Compliance. The hearing procedure for said revocation shall be the same procedure as that set forth under Section 1.01(4)(D) of this Chapter.

(H) EXISTING USES. All uses existing at the time of adoption of this Zoning Ordinance that now require a Certificate of Compliance may continue in the same manner of operation as the use did upon the effective date of this Zoning Ordinance. The Zoning Administrator may require a Certificate of Compliance for the use. Any enlargement, structural alteration, or intensification of use shall require a Certificate of Compliance as

CITY OF ASKOV

ZONING ORDINANCE

provided for above. The Zoning Administrator may impose additional, reasonable conditions for the continuation of such use in accordance with the regulations as set forth in the Zoning Ordinance.

1.01(7) ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENTS.

(A) No use shall be approved prior to review by the Zoning Administrator to determine compliance with Minnesota Statute §Chapter 116C and D and the regulation promulgated thereunder. The following are common projects which would require a mandatory Environmental Assessment Worksheet (EAW). This list is intended as informational only and is not all inclusive:

- a. Development of facility for the extraction or mining of sand, gravel, stone, or other non-metallic minerals which will excavate more than 40 acres of land to a mean depth of 10 feet or more during its excavation;
- b. Residential development consisting of 50 or more unattached units in an unsewered area of 100 unattached units in a sewer area; and
- c. Construction of a new or expansion of an existing industrial, commercial, or institutional facility of 100,000 square feet in an area.

1.01(8) NONCONFORMING USES, STRUCTURES, AND LOTS.

(A) NONCONFORMING SITUATIONS. Within the Districts established by this Zoning Ordinance or amendments that may later be adopted, situations may occur where as a result of the regulations contained in this Zoning Ordinance, an existing lot or structure, or use of an existing lot or structure, does not conform to one or more of the regulations contained in this Zoning Ordinance. It is the intent of this Zoning Ordinance to regulate such nonconforming situations in such a way that they can continue, but will ultimately be phased out by prohibiting their enlargement, expansion, or alteration, re-establishment after discontinuance or abandonment, or restoration after damage or destruction.

(B) NONCONFORMING USE.

- a. Any use legally existing on the effective date of this Zoning Ordinance which is not in conformity with the regulations contained in the Zoning Ordinance shall be allowed to continue, subject to the following conditions:
 1. No such use shall be expanded, enlarged, or altered, including any increase in the volume, intensity, frequency, or use of property where a nonconforming use exists. A change from one nonconforming use to another nonconforming use is not permitted.
 2. A nonconforming use of a parcel of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that use involving the removal of natural materials, such as sand or gravel. This use may be expanded within the boundaries of the parcel where the use was established at the time it became nonconforming, subject to any other standards contained in any ordinances of Pine County.
 3. A nonconforming use which has been discontinued for a period of twelve (12) consecutive months shall not be re-established and any further use shall be in conformity with the regulations of this Zoning Ordinance.

CITY OF ASKOV

ZONING ORDINANCE

4. If a structure used for a nonconforming use is damaged to the extent that the cost of repair or replacement would exceed fifty percent (50%) of the appraised valuation of the damaged structure, then the damaged structure shall not be restored, repaired or replaced, except in conformity with this Zoning Ordinance. "Appraised Value" shall mean the market value of the property as determined by the current records of the County Assessor for the year in which damage was done.
- b. All nonconforming projects on which a building permit has been issued may be completed in accordance with the terms of their permit as long as the permit is valid.
- c. The City Council may require that a Conditional Use Permit be issued for the nonconforming use.

(C) NONCONFORMING STRUCTURE.

- a. Any structure existing on the effective date of this Zoning Ordinance which is not in conformity with the regulations contained in this Zoning Ordinance shall be allowed to continue, subject to the following conditions:
 1. No such structure shall be expanded, enlarged, or altered, without first obtaining a variance, provided however, that a nonconforming structure maybe enlarged, altered or expanded without the necessity of obtaining a variance as long as each of the following conditions can be met for the District in which the structure is located:
 - i) This enlargement, alteration, or expansion itself does not violate any other provisions of this Zoning Ordinance, other than the provision that made the structure nonconforming in the first place.
 - ii) Long-term sewage disposal needs can be met.
 2. A nonconforming structure except a nonconforming dwelling unit used as the primary residence which is destroyed or damaged by any means to the extent that the cost of repair or replacement would exceed fifty percent (50%) of the appraised value of the original structure shall not be restored, repaired, or replaced, except in conformity with this Zoning Ordinance. If a structure cannot be placed on the lot meeting all current standards, the variance procedure must be followed. For the purposes of this Zoning Ordinance the term "Appraised Value" shall mean the market value of the property as determined by the current records of the County Assessor for the year in which damage was done.
 3. Nothing in this zoning Ordinance shall prevent repair of a structure when said structure is declared unsafe by a certified Building Inspector, providing the cost of the repairs shall not constitute more than fifty percent (50%) of the appraised value of the original structure.
 4. All construction projects for which a valid building permit was granted before the effective date of this Zoning Ordinance may be completed although the structure would not meet newly established standards of this Zoning Ordinance.

(D) NONCONFORMING LOTS.

CITY OF ASKOV

ZONING ORDINANCE

a. Any separate lot or parcel created in accordance of the City of Askov Subdivision Regulations and of record in the Pine County Recorder's Office on or before the effective date of this Zoning Ordinance may be used for the legal use for which it is zoned, provided:

1. It has a minimum of eighty (80) percent of the required frontage on an improved public road or on a private road approved by the City; to be considered an approved private road, the City Council must, by resolution, specify the road, indicate the road is capable of supporting emergency vehicles, and specify that provisions exist for on-going maintenance of the road; and
2. An on-site waste disposal system can be installed in accordance with Pine County Individual Sewage Treatment System Regulations; and
3. All other requirements of this Zoning Ordinance can be met.

b. If in the case of two (2) or more contiguous lots or parcels of land under a single ownership, any individual lot or parcel does not meet the minimum requirements of the Zoning Ordinance, such individual lot or parcel cannot be considered as a separate parcel of land for purposes of sale or development but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land meeting the full requirements of this Zoning Ordinance.

c. A conforming lot shall not be reduced in size so that it would become nonconforming in any aspect of this Zoning Ordinance. A nonconforming parcel shall not be reduced in size.

d. Where a nonconforming lot of record contains a conforming principal structure, said principal structure may be enlarged, altered, or expanded without a variance provided:

1. The enlargement, alteration, or expansion meets all other standards of the Zoning Ordinance.
2. Long term sewage disposal needs can be met.

1.01(9) VARIANCES. A variance is the modification or variation of the Zoning Regulations where it is determined that by reason of exceptional circumstances, the strict enforcement of the Zoning Ordinance would cause unnecessary hardship.

a. No variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located.

b. An application for a variance shall be filed with the Zoning Administrator; the application shall be accompanied by development plans showing such information as the Zoning Administrator may require for purposes of this Zoning Ordinance. If the application does not contain all required information, the Zoning Administrator shall send notice within ten (10) days of receipt of the request, telling the applicant what information is missing.

c. Variances shall only be permitted when they are in harmony with the general purpose and intent of the Zoning Ordinance in cases when there are practical difficulties or particular hardships in the way of carrying out the strict letter of any official control and when the terms of the variance are consistent with the Comprehensive Plan.

d. Hardship as used in connection with the granting of a variance means:

CITY OF ASKOV

ZONING ORDINANCE

1. The property in question cannot be put to a reasonable use if used under conditions allowed by the Zoning Ordinance; and
 2. The plight of the landowner is due to circumstances unique to the property, not created by the landowner; and
 3. The variance, if granted, will not alter the essential character of the locality.
 4. Economic conditions alone shall not constitute a hardship if a reasonable use for the property exists under the terms of this Zoning Ordinance.
 5. The Planning Commission may consider the inability to use solar energy systems a “hardship” in the granting of a variance.
- e. Variances shall be granted for earth-sheltered construction as defined in Minnesota Statute §216C.06, Subd. 14, when in harmony with this Zoning Ordinance.
- f. Where, in the opinion of the Planning Commission, a variance may result in a material adverse effect on the environment, the applicant may be requested by the Planning Commission to demonstrate the nature and extent of that effect.
- g. The Planning Commission may impose conditions in the granting of variances to ensure compliance and to protect adjacent properties and the public interest.
- h. No application for the same variance as ruled upon by the Planning Commission shall be resubmitted for a period of twelve (12) months from the date of denial of the previous application unless there has been a substantial change in circumstances as it relates to the request.

1.01(10) CHANGES AND AMENDMENTS

(A) An amendment to this Zoning Ordinance may be initiated by the City Council, the City Planning Commission, or by petition of the affected property owners. An amendment not initiated by the City Planning Commission shall be referred to the City Planning Commission for their study, report, and recommendation, and may not be acted upon by the City Council until it has received the recommendation of the City Planning Commission or sixty (60) days have elapsed from the date of the first meeting of the City Planning Commission following reference of the amendment without a report by the City Planning Commission.

(B) In connection with the adoption by ordinance of any amendment of the Zoning Ordinance, or any other Official Control, in addition to any notice required by this Zoning Ordinance notice of the time, place and purpose of the hearing shall be given in the manner provided by Minnesota Statutes §394.26 and §375.51.

(C) No application for an amendment to the City Zoning Ordinance or amendment of any other Official Controls shall be resubmitted for a period of twelve (12) months from the date of denial of a previous application, unless conditions have substantially changed.

1.01(11) ENFORCEMENT.

(A) VIOLATIONS. The violation of any provision of this Zoning Ordinance or the violation of the conditions or provisions of any permit issued pursuant to the Zoning Ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to fine, imprisonment, or both; plus in either case, the cost of prosecution.

CITY OF ASKOV

ZONING ORDINANCE

(B) PENALTIES. Unless otherwise provided, each act of violation and every day on which such violation occurs or continues constitutes a separate offense.

(C) APPLICATION TO CITY'S PERSONNEL. The failures of any officer or employee of the City to perform any official duty imposed by this Zoning Ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically granted for such failure.

(D) EQUITABLE RELIEF. In the event of a violation or the threatened violation of any provision of the Zoning Ordinance or any provision or condition of a permit issued pursuant to the Zoning Ordinance, the City, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or threatened violation.

1.01(12) SEPARABILITY.

(A) It is hereby declared to be the intent that the several provisions of this regulation are separable in accordance with the following:

- a. If any court of competent jurisdiction shall adjudge any provision of this regulation to be invalid, such judgment shall not affect any other provisions of this regulation not specifically included in said judgment.
- b. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this regulation to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

1.01(13) FEES AND PENALTIES.

(A) PERMIT FEES. All persons, firms, or corporations performing work which is, by this Ordinance, required the issuance of a permit shall pay a fee for such permit to the City Clerk to help defray the cost of administration, investigation, advertising and processing of permits and variances. The permits, for which a fee is required, are available from the City Clerk or Zoning Administrator. A fee shall also be required for a zoning text or map amendment, and a zoning appeal or variance. Any action requiring a public hearing shall require a fee to cover the cost of the public hearing and attendant publication costs. All fees shall be established by resolution by the City Council from time to time as deemed appropriate.

(B) DOUBLE FEE. A double fee shall be charged by the Zoning Administrator if work is started before a permit is applied for the issued. Such double fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance.

(C) VIOLATIONS. It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. Failure to secure the necessary permits prior to commencing construction shall also constitute a violation. In case of any violation, the City Council, Zoning Administrator, the City Planning Commission, or property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Ordinance.

(D) CIVIL REMEDIES. In addition to or as an alternative remedy to the penalties set forth in 1.01(13)(E), the City may elect to pursue civil action against landowners, persons in possession of property, and/or occupants who are in violation of this Ordinance upon the following provisions:

CITY OF ASKOV

ZONING ORDINANCE

- a. If the Zoning Administrator finds that any landowner, person in possession of property, and/or occupant subject to the provisions of this Ordinance is in violation of the provisions of this Ordinance, the landowner, person in possession including any occupant shall be notified of the violation in writing.
- b. If the landowner person in possession of property, and/or occupant fails to comply with this ordinance within twenty (20) days after notification, the Zoning Administrator shall advise the City Council. If the Council determines that the landowner person in possession and/or occupant is in violation, it shall order compliance with the Ordinance. If the landowner fails to take action to fully and finally bring the property into compliance with the Ordinance within the time allowed by the City, the matter shall be referred to legal counsel who shall initiate a District Court proceeding setting forth the violation, a demand for remediation, corrections, abatement or such other and further relief as will end the violation and for legal fees administrative fees, costs and expenses and such actual costs as will be incurred by the City in undertaking the corrective work, remediation, abatement, or other required work.

1. Recovery of Costs. The owner of the land shall be personally liable for the costs incurred by the City for remediation, correction, abatement, or other action necessitated by the violation including legal and administrative fees and costs. Upon completion of work performed or directed by the City, the City shall prepare an invoice for the fees, costs, and expenses and mail it to the owner of the land. The amount invoiced shall be immediately due and payable at the City Hall.
2. Assessment. If the City is not fully reimbursed for all its reasonable costs incurred in the remediation, correction, abatement or other relief required to terminate a violation hereunder, said cost may be assessed in the manner of a special assessment under Minnesota Statutes Chapter 429 against the lot or property to which the costs, charges, and fees are attributed. The City Council shall certify the assessment to the County Auditor for collection along with the real estate taxes for the following year or in annual installments, not exceeding three (3) years, as the City Council may determine in each case.

(E) PENALTIES. Any person, firm, or corporation that fails to comply with the provision of this Ordinance shall be subject to penalties as provided by state statute. Each day a violation exists or continues shall constitute a separate offense, except that in order for the defendant to be charged with a second offense it shall be a separate and distinct violation as opposed to a continuing daily violation on the same provision.

1.01(14) EFFECTIVE DATE.

(A) The regulations contained in the Chapter shall become effective from and after passage and publication according to law.

