

ZONING ORDINANCE
TRUMAN, MINNESOTA

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SEPTEMBER 1975

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ZONING ORDINANCE FOR THE CITY OF TRUMAN

ORDINANCE NO. 76

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF TRUMAN, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 462 OF THE MINNESOTA STATUTES.

WHEREAS, Section 462 of the Minnesota Statutes empowers the City to adopt a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the City Council deems it necessary, for the purpose of promoting the health, safety, or general welfare of the City to adopt such an ordinance, and

WHEREAS, the City Council, pursuant to the provisions of Section 462 of the Minnesota Statutes, has appointed a Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS, the Planning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and

WHEREAS, the Planning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City, and

WHEREAS, the City Council has given due public notice of a hearing relating to zoning districts, regulations, and restrictions, and has held such public hearing, and

WHEREAS, all requirements of Section 462 of the Minnesota Statutes, with regard to the preparation of the report of the Planning Commission and the subsequent action of the City Council have been met;

NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF TRUMAN, MINNESOTA:

SECTION I - ZONING MAP

- 1.1 Official Zoning Maps: The City is hereby divided into zones, or districts, as shown on the Official Zoning Maps, which, together with all explanatory matter thereof, are hereby adopted by reference and declared to be a part of this ordinance.
- 1.2 Original Official Zoning Maps: The initial zoning map adopted with this Ordinance shall be entitled the Original Official Zoning Map, and each map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is a part of the Original Official Zoning Map referred to in Section 1 of Ordinance Number 76 of the City of Truman, Minnesota", together with the date of the adoption of this ordinance. The Original Official Zoning Map shall be filed in the City Clerk's office, shall remain without change as originally adopted by City Council, and shall be used only for reference purposes when there is a need to determine the original zoning.
- 1.3 Current Official Zoning Maps: One zoning map entitled, Current Official Zoning Map, shall be available for public reference in the City Clerk's office or other location convenient to the public. This map shall be identified by the signature of the Mayor attested by the City Clerk, and shall bear the seal of the City under the following words: "This is to certify that this is the Current Official Zoning Map referred to in Section 1 of Ordinance Number 76 of the City of Truman, Minnesota."
- 1.4 Amendments to Zoning Maps: If, in accordance with the provisions of this Ordinance and Section 462 of the Minnesota Statutes, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Current Official Zoning Map promptly after the amendment has been approved by the City Council.

No changes of any nature shall be made on the Current Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 17.4 of this Ordinance. The Original Official Zoning Map plus City Council amendments to the Map after adoption of this Ordinance as entered on the Current Official Zoning Map, shall be the final authority on the current zoning status of land and water areas, buildings, and other structures in the City.

- 1.5 Replacement of Official Zoning Map: In the event that either the Original or Current Official Zoning Maps become damaged, destroyed, lost or difficult to interpret because of the number of changes or age, the City Council may by resolution or ordinance adopt new Original or Current Official Zoning Maps, which shall supersede the prior Official Zoning Maps. The new Official Zoning Maps may correct drafting or other errors or omissions in the prior Maps, but no such correction shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof. The new Official Zoning Maps shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this (Original or Current) Official Zoning Map supersedes and replaces the Official Zoning Map adopted June 16, 1975 as part of Ordinance Number 76 of the City of Truman."

- 1.6 Rules for Interpretation of District Boundaries: Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Maps, the following rules shall apply:
- a. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
 - b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - c. Boundaries indicated as approximately following City limits shall be construed as following City limits.
 - d. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
 - e. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
 - f. Boundaries indicated as parallel to or extensions of features indicated in subsections a. through e. above shall be so construed. Distances not specifically indicated on the Official Zoning Maps shall be determined by the scale of the map.
 - g. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Maps, or in other circumstances not covered by subsections a. through f. above, the Board of Appeals shall interpret the district boundaries.

SECTION 2 - APPLICATION OF DISTRICT REGULATIONS

- 2.1 The regulations provided by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.
- 2.2 No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, converted, enlarged, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
- 2.3 No building or other structure shall hereafter be erected or altered:
- a) in excess of the height;
 - b) with lot area, ground floor area, or total floor area less than the minimum;
 - c) to accommodate or house a number of families in excess of that;
 - d) to occupy a percentage of lot area in excess of the minimum;
 - e) to provide for rear, side or front yards, or other open spaces with less than the minimum dimensions;
- herein required, or in any other manner contrary to the provisions of this Ordinance.
- 2.4 No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- 2.5 No yard or lot existing at this time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- 2.6 No building shall be erected, or structurally altered except as specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the district in which such building is located.
- 2.7 Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as specifically provided hereinafter in Sections 9 and 14.
- 2.8 The City of Truman opts out of the requirements of M.S. Section 462.3593 relating to Temporary Family Health Care Dwellings.

SECTION 3 - A-1 AGRICULTURAL DISTRICT

3.1 Minimum Requirements: No building shall be erected or enlarged unless the following minimum requirements are met:

- a. Lot Area - 2 Acres (See Section 3.2 below)
- b. Lot Width - 200 feet (See Section 3.2 below)
- c. Front Yard* - 125 feet setback from centerline of public road
- d. Side Yards* - 80 feet or 125 feet from centerline of a public road if a corner lot
- e. Rear Yard* - 100 feet

*See Section 12 for special requirements for required front yards and building projections.

3.2 Exception for Lot of Record: A lot or record at the time of adoption of this Ordinance which does not meet the minimum lot area and width requirements, may be occupied by a permitted use, provided that yard and other requirements of this Ordinance are met, and provided that the owner does not own any adjoining land at the time of passage or amendment of this Ordinance.

3.3 Maximum Height: No building shall be erected or enlarged to exceed 2 1/2 stories or 35 feet in height. (See Section 12 for height exceptions.)

3.4 Off-street Parking & Loading: Off-street parking and loading facilities shall be provided as required in Sections 10 and 11.

3.5 Permitted Uses:

- a. Single-family dwellings.
- b. Public elementary and high schools, and private elementary and high schools with similar curriculum.
- c. Parks, playgrounds, and community buildings owned or operated by public agencies.
- d. Farming and truck gardening, including farm buildings, nurseries, greenhouses, horticulture, livestock raising, livestock feedlots as permitted by the state, apiaries, roadside stands, and all other related agricultural activities.
- e. Utility facilities necessary for local service to the adjacent residential area.
- f. Special Uses, as indicated in Section 8.
- g. Home occupations, as defined in Section 18.

3.6 Conditional Uses: The following uses may be permitted if their location and development are first approved by the Board of Appeals according to the procedure outlined in Section 14.

- a. Livestock sales yards
- b. Kennels
- c. Animal hospitals
- d. Intensive poultry farming
- e. Stockyards
- f. Bulk liquid storage
- g. Open storage yards
- h. Billboards

3.7 Signs: (Same as R-1)

SECTION 4 - R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

- 4.1 Minimum Requirements: No building shall be erected or enlarged unless the following minimum requirements are met:
- a. Lot Area - 9,000 square feet (See Section 4.2 below)
 - b. Lot Width - 75 feet (See Section 4.2 below)
 - c. Front Yard* - 25 feet
 - d. Side Yards* - 5 feet
 - e. Rear Yard* - 25 feet
- *See Section 12 for special requirements for required front yards and building projections.
- 4.2 Exception for Lot of Record: A lot of record at the time of adoption of this Ordinance which does not meet the minimum lot area and width requirements, may be occupied by a permitted use, provided that yard and other requirements of this Ordinance are met, and provided that the owner does not own any adjoining land at the time of passage or amendment of this Ordinance.
- 4.3 Maximum Height: No building shall be erected or enlarged to exceed 2 1/2 stories or 35 feet in height. (See Section 12 for height exceptions.)
- 4.4 Off-street Parking & Loading: Off-street parking and loading facilities shall be provided as required in Sections 10 and 11.
- 4.5 Permitted Uses:
- a. Single-family dwellings.
 - b. Public elementary and high schools, and private elementary and high schools with similar curriculum.
 - c. Parks, playgrounds, and community buildings owned or operated by public agencies.
 - d. Farming and truck gardening, provided that livestock shall not be maintained within 200 feet of a non-farm dwelling.
 - e. Utility facilities necessary for local service to the adjacent residential area.
 - f. Special Uses, as indicated in Section 8.
 - g. Manufactured single family dwellings as regulated in Section 19.
- 4.6 Accessory Buildings and Uses: Accessory buildings and uses, as defined in Section 18 are permitted, including but not limited to the following and meeting the specified restrictions:
- a. Home Occupations as defined in Section 18.
 - b. Roadside stands, for sale of agricultural products raised on the premises only.
 - c. Swimming Pools, provided they are located only in the buildable portion of a lot or in a required rear yard, and are no closer to any lot line than 10 feet.
 - d. Location of Accessory & Utility Buildings. No accessory or utility buildings shall be erected or located within any required set back not within any utility easement. Accessory buildings in all districts shall be located to the rear of the dwelling.
 - e. Size of Utility Building. Utility buildings in a residential district shall not exceed 12 X 16 feet. There shall not be more than one utility building on any residential lot.

- f. Size of Accessory Building. No accessory building or garage for a single family home shall occupy more than 30 percent of the rear yard, not exceed the lesser of 1,000 square feet of floor area, or the square footage of the main floor of living area of the home, exclusive of a garage area. Garages which exceed the aforesaid maximum may be allowed with a conditional use permit.
- g. Limit of Construction Permit. No permit shall be issued for the construction of more than one accessory, detached, private garage structure or building for each dwelling.
- h. ~~Accessory Building Prior to Construction of Principal Building. No accessory building shall be constructed or developed on a lot prior to the time of construction of the principal building to which it is an accessory building except by conditional use permit.~~ Ordinance 2019-03
- i. Height. No accessory building in a commercial or industrial district shall exceed the height of the principal building, except by conditional use permit. No accessory building in a residential district shall have a sidewall exceeding ten feet in height, as measured from a slab floor, except by conditional use permit.
- j. Utility Building, Floors. Utility buildings in residential districts which have floor areas greater than 10 feet by 12 feet shall have a floating concrete slab floor. Such buildings may also be constructed with framed wood floors provided that anchoring of such buildings is provided. Ord. 2022-03.
- k. Pole Buildings. Pole buildings shall be permitted only if side and roofing building materials are similar to that used in the principal structure. Drawings, specifications and other documents for construction of any pole building shall be prepared by or under the direct supervision of licensed professionals unless it is specifically exempted by statute or rule. Such documents shall be certified by the responsible licensed professional, including required "I hereby certify" language, printed name, license number, signature and date. Pole buildings are allowed only by a conditional use permit. (Metal okay - similar color to principal building)
- l. Required Setback. A ten foot rear yard setback shall be required for all accessory buildings and utility buildings and which setback shall be 18 feet if the rear yard abuts on an alley.
- m. Accessory Building Materials. An accessory building shall have the same siding, roofing and building materials as the principal structure.
- n. Carport - Lean-to's. Carports and lean-to's are not authorized as an accessory building or a utility building unless there are four sides which enclose the structure and which structure has a floor.

ORDINANCE NO. 2019- 3

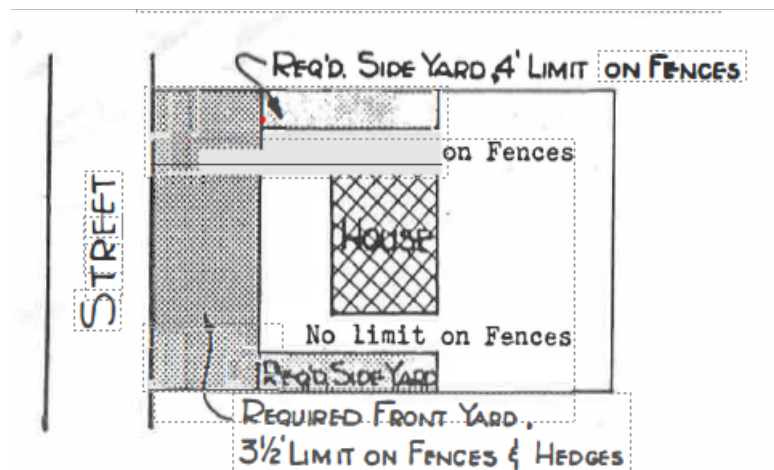
AN ORDINANCE AMENDING SECTION 4.6, h. BY DELETING THE REQUIREMENT OF A CONDITIONAL USE PERMIT FOR AN ACCESSORY BUILDING.

- h. Accessory building prior to construction of principal building. An accessory building may be constructed or developed on a lot prior to the time of construction of a principal building to which it may be an accessory building, provided it meets all other setback requirements that will not prevent or limit the construction of a principal building, that may be constructed on said lot.

4.7 Fences and Hedges: The following shall apply in all residential districts:

- a. Fences or hedges may not exceed 3 1/2 feet in height in the required front yard.
- b. Fences or hedges may not exceed 4 feet in height in the required side yard adjacent to the main building and projected to the required front yard.
(See Diagram A for illustration.)
- c. In any residential district, no fence, structure or planting, shall be built or maintained in such a manner that visibility is obstructed from intersecting streets within 80 feet in each direction from the intersection of the street centerlines.

Diagram A - Height Limits on Fences & Hedges



4.8 Signs: The following signs are permitted in all residential districts:

- a. One temporary sign, not exceeding 8 square feet in area, pertaining to the sale, rent, or development of the property on which the sign is located.
- b. One sign, not exceeding 1 1/2 square feet in area, indicating the name and address of the occupant, or the name of a permitted home occupation, but not to be located in a required front yard.
- c. For multiple-family dwellings and non-residential buildings, including legal non-conforming business and industrial uses, one identification sign not exceeding 12 square feet in area, indicating only the name and address of the building. Such sign shall not be located in a required front yard.
- d. Directional signs for parking areas and driveways.

SECTION 5 - B-1 GENERAL BUSINESS DISTRICT

- 5.1 Performance Standards: All commercial activities shall be permitted in this district, including drive-in businesses, outdoor activities, and businesses with late hours. Activities which are essentially manufacturing, or have performance characteristics beyond those of normal business activities, will not be permitted in this district.
- 5.2 Minimum Yard Requirements for Non-Residential Buildings:
(See Section 5.6 below for residential building requirements.)
- a. Front Yard - 20 feet (See Section 12 for special requirements for required front yards and building projections.)
 - b. Side Yards - No side yard is required, except that a 7 foot side yard is required adjacent to a residential zoning district.
 - c. Rear Yard - No rear yard is required, except that a 20 foot rear yard is required adjacent to a residential zoning district.
- 5.3 Maximum Height: No building shall be erected or enlarged to exceed 35 feet in height. (See Section 12 for general height exceptions.)
- 5.4 Off-street Parking & Loading: Off-street parking and loading facilities shall be provided as required in Sections 10 and 11.
- 5.5 Permitted Uses:
- a. All uses permitted in the R-1 District in Section 4.5. All buildings with dwelling units within them shall meet the requirements of Section 5.6 below.
 - b. Retail stores.
 - c. Personal service businesses, including barber shops, beauty parlors, shoe repair shops, laundry and dry cleaning pick-up stations, photography studios, and similar businesses meeting the purpose and performance characteristics of this district.
 - d. Offices and activities of an office nature, including banks, doctors' and dentists' offices and clinics.
 - e. Automobile and farm equipment sales and service businesses including used car lots and repair garages, but excluding repair garages which engage primarily in car painting, body repair, or truck repair.
 - f. Animal hospitals and veterinary offices where there are no outside runs or kennels.
 - g. Bars, cocktail lounges, or any business serving alcoholic beverages.
 - h. Billboards.
 - i. Building material sales and contractors' offices if conducted wholly within an enclosed building.
 - j. Carpenter or cabinet shop, if conducted wholly within an enclosed building.
 - k. Commercial recreation businesses, including bowling

- alleys, dance halls, miniature golf course, etc.
- l. Commercial parking lots and garages.
 - m. Distributors' warehouses and wholesale outlets, with no outdoor storage, and no processing or fabrication.
 - n. Drive-in restaurants.
 - o. Mobile home and travel trailer sales and service.
 - p. Monument works having retail outlet on premises.
 - q. Motels and hotels.
 - r. Printing shops.
 - s. Repair services and businesses.
 - t. Retail bakeries.
 - u. Other uses similar to the above businesses which meet the purposes and performance standards set forth in Section 5.1.
 - v. Special Uses, as indicated in Section 8.
 - w. Accessory buildings and uses, provided that no accessory building shall be located in any required yard.

5.6 Requirements for Residential Uses:

- a. Every single-family house hereafter built or located in this District shall meet the side yard, rear yard, and lot area requirement of the R-1 District.
- b. Every duplex and multi-family dwelling, or store building containing dwellings hereafter built or located in this District, shall meet the side and rear yard, and lot area per family requirement of Section 4.

5.7 Signs: In the buildable portions of a lot in areas other than required yards, there shall be no limitation on the size or number of signs. In addition, the following signs with the following restrictions shall be permitted in or over required yards and street rights-of-way:

- a. Signs attached to buildings may extend not more than 6 feet into a required yard or a street right-of-way, except that flat signs may be attached to the surfaces of marquees, canopies and awnings which extend into a street right-of-way.
- b. One single pole, identification sign per street frontage may be located in a required front yard, provided it does not exceed 60 square feet in surface area on each side, the bottom is at least 10 feet above grade, it does not overhang a street right-of-way, and it is not within 50 feet of a residentially zoned district.
- c. Advertising material on signs in or over required yards and street rights-of-way shall be limited to the name and type of the business located on the premises.

SECTION 6 - B-2 CENTRAL BUSINESS DISTRICT

6.1 Purpose: This district comprises the downtown section of the city, which is called the Central Business District. The use of land is intensive, and this is one of the main determinants of the vitality of the Central Business District. It is the purpose of these regulations to encourage such intensity of use and to exclude activities which have a negative effect upon the proper functioning of the Central Business District.

6.2 Location: The B-2 Central Business District shall apply only to the specific district described below in this section, and shall not be used at any other location in the city. The defined Central Business District may be expanded by the amendment procedures listed in Section 16, but only into contiguous land. The Central Business District shall be defined as follows:

All the lots fronting on Ciro Street between 2nd Avenue West and 1st Avenue East, more specifically described as follows:

Lots 1 through 12 of Block 1,
Lots 7 through 18 of Block 3,
Lots 7 through 18 of Block 4,
Lots 1 through 12 of Block 5,
Lots 1 through 12 of Block 8,
Lots 7 through 18 of Block 9, all of the Original
Town of Truman.

6.3 Performance Standards: The following rules shall apply to all uses in this district, except that legal non-conforming uses may continue at the same performance level at which they operated before they became non-conforming in relation to this ordinance:

- a. All uses and activities shall be inside buildings, with no outside storage or activity allowed.
- b. There shall be no noise carrying beyond a lot upon which a business is located, except for normal car and pedestrian activity.

6.4 Maximum Height: No building shall be erected or enlarged to exceed 70 feet in height. (See Section 12 for height exceptions.)

6.5 Off-street Loading: Off-street loading facilities shall be provided as required in Sections 10 and 11.

6.6 Permitted Uses:

- a. All uses permitted in the R-1 District in Section 4.5, except that dwelling units may not occupy first floor street frontages.
- b. Retail stores.
- c. Personal service businesses, including barber shops, beauty parlors, shoe repair shops, laundry and dry cleaning pick-up stations, photography studios, and similar businesses meeting the purpose and performance characteristics of this district.

- d. Offices and activities of an office nature, including banks, doctors' and dentists' offices and clinics and other professional and business offices.
- e. Bowling alleys and other indoor recreation businesses.
- f. Bars, cocktail lounges, or any business serving alcoholic beverages.
- g. Motels and hotels.
- h. Printing shops.
- i. Repair services and businesses.
- j. Special Uses, as indicated in Section 8.
- k. Accessory buildings and uses.

6.7 Requirements for Residential Uses: Same as B-1 District, Section 5.6.

6.8 Signs: Same as B-1 District, Section 5.7.

SECTION 7 - M-1 INDUSTRIAL DISTRICT

7.1 Minimum Yard Requirements:

- a. Front Yard* - 25 feet
- b. Side Yards* - 6 feet
- c. Rear Yard - 25 feet

*See Section 12 for special requirements for required front yards and building projections.

7.2 Maximum Height: There shall be no limitation of height, except that a building shall be set back from a required yard line one foot for each foot of building height above 35 feet where such required yard is contiguous to or across the street from a residential zoning district. (See Section 12 for height exceptions.)

7.3 Off-street Parking & Loading: Off-street parking and loading facilities shall be provided as required in Sections 10 and 11.

7.4 Permitted Uses:

- a. After passage of this Ordinance no dwelling may be built, located, enlarged, or structurally altered in this District.
- b. Plant nurseries and greenhouses.
- c. Contractors' establishments and construction equipment dealers, provided that material or equipment is not stored in required front yards.
- d. Carting, express or hauling establishments.
- e. Coal and building material storage and wholesaling, provided that materials are not stored in required front yards.
- f. Bulk storage of petroleum products.
- g. Printing plants.
- h. Bottling works.
- i. Radio and television broadcasting stations and towers.
- j. Research laboratories.
- k. Warehouses.
- l. Repair services or businesses, including automobile repair garages, provided that outdoor storage of materials or items being repaired are not within required front yards.
- m. Utilities, including railroad terminal facilities.
- n. Laundries and dry-cleaning plants.
- o. Automobile and farm equipment sales and service businesses, including used car lots.
- p. Kennels, animal hospitals, and veterinary offices, provided that outside runs and kennels are not within 400 feet of any residential zoning district.
- q. Industrial plants manufacturing or assembling the following: boats, small metal products such as bolts, nuts, screws, washers, rivets, nails, etc.; clothing; drugs and medicines; electrical equipment; glass products from previously manufactured glass; furniture and wood products; and plastic products for production

- of finished equipment.
- r. Billboards.
 - s. Other activities and manufacturing plants having performance characteristics similar to those listed in this Section. (When the Zoning Administrator has difficulty determining whether or not a proposed use meets the performance characteristics required for this district, he shall have the applicant for the proposed use apply to the Board of Appeals to make the determination.)
 - t. Accessory buildings and uses, except that accessory buildings may not be located in a required front or side yard, but may occupy not to exceed 30 per cent of a required rear yard, and may not be closer than 3 feet to any lot line.

7.5 Signs: Same as B-1 District, Section 5.7.

7.6 Conditional Uses: The following uses, and any other uses which may, in the opinion of the Zoning Administrator, be noxious and offensive to adjacent properties because of the emission of noise, odor, dust, etc., may be permitted if their location and development are first approved by the Board of Appeals according to the procedure outlined in Section 14.

- a. Ammonia, bleaching powder or chlorine manufacture.
- b. Asphalt manufacture or refining.
- c. Asphalt mixing plant.
- d. Automobile wrecking yard or junk yard.
- e. Cement or cinder block manufacture.
- f. Creosote treatment or manufacture.
- g. Fat rendering or lard refining.
- h. Fertilizer manufacture from organic materials or bone distillation
- i. Gelatin or glue processing involving recovery from fish or animal products.
- j. Glucose, dextrin or starch manufacture.
- k. Incineration, reduction or dumping of offal, dead animals, garbage or refuse on a commercial basis, and including loading and transfer platforms.
- l. Iron, steel, brass or copper foundry.
- m. Metal stamping.
- n. Paint, oil, shellac, varnish or turpentine manufacture.
- o. Sauerkraut or pickle, etc., manufacture.
- p. Stockyards.
- q. Adult oriented businesses as regulated by Sections 508.01-508.16 of the Truman City Code.

SECTION 8 - SPECIAL USES

8.1 Purpose: Most types of land use covered by this Ordinance are grouped according to compatibility and function, and each group is permitted outright in one or more of the various districts established in the Ordinance. In addition to these permitted uses, there are other uses which it may be necessary or desirable to allow in certain districts, but because of their potential impact on adjacent land or public facilities, need particular and individual consideration prior to location in the community. Such uses are classified in this Ordinance as "Special Uses" and fall into two general categories:

- a. Uses municipally operated or operated by publicly regulated utilities, and uses traditionally effected by public interest.
- b. Uses entirely private in character which, because of their peculiar locational needs or the nature of the service they offer to the public, may have to be established in a district in which they cannot reasonably be allowed as a permitted use under the zoning regulation.

8.2 List of Special Uses: The City Council shall have authority to permit, by Ordinance, the following uses of land or structures in any district, except as herein qualified and subject to the conditions and procedures set forth herein:

- a. Airport or landing field.
- b. Amusement park.
- c. Cemetery or mausoleum.
- d. Churches.
- e. Commercial, recreational or amusement development for temporary or seasonal periods only.
- f. Development of natural resources, including the extraction of sand, gravel, fill dirt, topsoil, and stone.
- g. Drive-in theaters.
- h. Fraternities or sororities.
- i. Gun clubs, country clubs, or private or semi-private golf courses, and similar recreational clubs and organizations.
- j. Hospital or institution, provided that any hospital or institution, authorized in any "R" District shall not occupy more than 20 per cent of the total lot area, and shall be set back from all yard lines at least 2 feet for each foot of building height.
- k. Nursing home in any "R" District.
- l. Privately operated community building or recreation field and swimming pools, and community facilities owned and operated by neighborhood organizations.
- m. Public and government buildings.
- n. Radio or television broadcasting tower or station in "R" District.
- o. Sanitary land fill operations.
- p. Plant nurseries and greenhouses in any "R" District.
- q. Day nurseries for pre-school children in any "R" District.
- r. Commercial or industrial parking areas in "R" Districts adjacent to a business or industrial zoning district,

according to the additional procedures and conditions of Section 10.

- s. Planned Developments, residential in "R" Districts, business in "B" Districts, and industrial in "M" Districts, according to the definition and additional procedures and conditions of Section 9.
- t. Mobile home parks in any district, according to the additional procedures and conditions of Section 8.10 below.
- u. Two-family dwellings and multiple dwellings, provided that the following additional requirements are met:
 - aa. In the Central Business District, as defined in Section 6.2, there shall be a minimum of 1000 square feet of lot area per dwelling unit.
 - bb. In portions of the City outside of the Central Business District, there shall be a minimum of 2000 square feet of lot area per dwelling unit.
 - cc. All other requirements of the district in which the two-family or multiple dwelling structure is located shall be met, including yard, height, and parking restrictions.

8.3 Application for Special Use Approval: Application to build or occupy any of the Special Uses listed in this Section shall be filed with the City Clerk, and shall be accompanied by plans showing the proposed development, including locations of buildings and off-street parking areas.

8.4 Procedure: The procedure for processing Special Use applications shall be the same as for an amendment to the Zoning Ordinance, as set forth in Section 16, including referral of the proposed Special use to the Planning Commission, consideration and action by the Commission, and hearing, notice, and action by City Council.

8.5 Criteria for Consideration of Special Uses: The following criteria shall be used in considering a Special Use application by the Commission and Council:

- a. The Special Use is necessary or desirable for the public convenience at that location.
- b. The Special Use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
- c. The Special Use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
- d. The Special Use conforms, with the exception of Planned Developments, to the applicable regulations of the district in which it is to be located, including yard and height restrictions, and also conforms to the requirements for off-street parking and loading facilities as set forth in Sections 10 and 11.

8.6 Authority to Impose Conditions: The Planning Commission may recommend and the Council may provide conditions or restrictions upon the construction,

location and operation of a Special Use, including, but not limited to, provision for off-street parking, as shall be deemed necessary to secure the specific purposes and requirements of this Section, and the general objectives of this Ordinance.

- 8.7 Existing Special Uses and Enlargements: Special Uses existing at the time of adoption of this Ordinance or amendments thereto shall be considered as conforming to this Ordinance, and may be rebuilt to the original specifications if destroyed. Any additions or enlargements of existing Special Uses or new Special Uses approval after adoption of this Ordinance shall be subject to the entire application and hearing procedures required for new Special Uses.
- 8.8 Development Shall Follow Approved Plans: An approved Special Use shall be constructed and maintained in accordance with the plans and conditions approved by City Council, and a Zoning Certificate shall be issued accordingly.
- 8.9 Delay in Construction: In the event that construction of an approved Special Use is not started within two years after approval by Council, the Zoning Certificate shall expire and reapplication for approval of the Special Use shall be necessary.
- 8.10 Mobile Home Parks: A mobile home park may be allowed as a Special Use in any District. Application for such Special Use shall be made in accordance with the procedures and conditions set forth above in this Section, and if the following additional conditions are met:
- a. The applicant presents plans and specifications for the proposed park in a form suitable for making the determinations required herein.
 - b. The proposed site contains not less than two acres, and has no more than 10 mobile home spaces per gross acre.
 - c. Access to the mobile home park is from a major street shown on the city's major thoroughfare plan, or from a street located in a Commercial or Industrial Zoning District.
 - d. The land occupied by the park is maintained in single ownership or control, and no individual lot is transferred to other ownership.
 - e. The park and all mobile homes within comply with appropriate general ordinances and health and sanitary regulations.
 - f. The park is suitably located for community facilities, including water supply, sewage disposal, schools, shopping facilities and services, and police and fire protection.
 - g. The site is suitable for the purpose intended so far as soil, ground water level, drainage, and topography are concerned.
 - h. The location of the park will not be detrimental to the adjacent properties and fencing and screening are provided where required by the Planning Commission and Council.

8.11 Solar Energy Systems:

Purpose: This ordinance permits, as an accessory use, solar energy systems, while protecting the health, safety and welfare of city residents and the property interests of adjacent and surrounding land uses through appropriate zoning and land use controls.

- a. **Definitions:** Building-integrated solar energy system. A solar energy system that is directly incorporated into the building by replacing typical building materials.

Ground-mounted solar energy system. A solar energy system that is installed onto the ground directly or by means of brackets or poles. Roof-mounted solar energy system. A solar energy system mounted to a house or other building.

Solar energy system. A set of devices whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation or water heating.

Solar thermal system. A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs of the building.

- b. **Permitted accessory uses.** Solar energy systems are allowable as an accessory use in all zoning districts, subject to the following requirements:

c. **Standards:**

1. Height. Roof-mounted solar energy systems shall not project beyond the peak of the roof and shall not be more than 4 feet above the roof surfaces to which they are attached. Ground mounted solar energy systems shall not exceed 15 feet in height.
2. Location. Ground-mounted solar energy systems must be located in the rear yard only.
3. Setbacks. Ground mounted solar energy systems shall be located a minimum of 20 feet from all buildings located on adjacent lots, a minimum of 20 feet from all public right-of-way, and a minimum of 20 feet from all utility easements. Roof-mounted solar energy systems shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the exterior perimeter of the building on which the system is mounted.
4. Coverage. Roof-mounted solar energy systems shall not cover more than 25 percent of the total area of the roof on residential structures or 30 percent on commercial structures. Solar energy systems shall be installed in compliance with conditions set forth in Minnesota Administrative Rules 1305.3113 SECTION 3113, Solar Photovoltaic Systems.

5. Feeder Lines. All power exterior electrical or other service lines must be buried below the surface of the ground.
 6. Exemption. Building integrated solar energy systems are exempt from the requirements of this section and shall be regulated as any other building element.
 7. Weight. Roof top solar projects must not overload the designed weight limit of the roof.
- d. **Safety.**
1. Compliance with Building Codes. All solar energy systems shall comply with the Minnesota Building Code and any local building Code requirements.
 2. Compliance with Electric Code. All solar energy systems shall comply with the National Electrical Code.
 3. Compliance with Plumbing Code. All solar thermal systems shall comply with the Minnesota State Plumbing Code.
 4. Certifications. Solar energy system components shall be certified by Underwriters Laboratories, Inc. and the Solar Rating and Certification Corporation. The City reserves the right to deny a building permit for proposed solar energy systems deemed to have inadequate certification.
- e. **Approval.**
1. City Building Permit. The erection, alteration, improvement, and movement of a solar energy system requires a building permit from the City.
 2. **TRUMAN PUBLIC UTILITIES interconnect agreement.** The owner of a solar energy system that will physically connect to a house or other building's electrical system and/or the electric utility grid must enter into a signed interconnection agreement with Truman Public Utilities prior to the issuance of a building permit.
- f. **Abandonment.**
1. If the solar energy remains nonfunctional or inoperative for more than twelve consecutive months, the system shall constitute a public nuisance. The owner shall obtain a demolition permit and remove the abandoned system at their expense. Removal includes the entire structure, including collector, mount and transmission equipment.
- g. **Aesthetics.**

1. All solar energy systems shall use colors that blend with the color of the roof or other structure. Reflection angles from collector surfaces shall be oriented so as not to interfere with the use and enjoyment of other properties. Where necessary, screening may be required to address glare.

h. **Easements.**

1. It shall be the responsibility of the property owner to secure/provide any desired solar easement by City of Truman to protect solar access for the system (per Minnesota Statutes Section 500.30).

i. **Installation.**

1. Solar energy systems installation shall be inspected by the City Building Official.

SECTION 9 - PLANNED DEVELOPMENTS

- 9.1 Purpose: The purpose of this Section is to make this Ordinance flexible in relation to new development ideas and changing conditions by providing a means for considering and approving new and unusual developments which do not meet the exact requirements of this Ordinance, but which do meet the general purposes of the Ordinance and are not detrimental to the community.
- 9.2 Definition: A Planned Development is a tract of land which is developed as a unit under single ownership or control and which is at least two acres or more in area.
- 9.3 Procedure: Applications for Planned Developments and the procedures for consideration and approval shall be the same as for other Special Uses as in Section 8.
- 9.4 Exceptions to Use Regulations: The Planning Commission may recommend and Council may authorize that there be in part of the area of a Planned Development and for the duration of the Development, specified uses not permitted in the zoning district in which the development is located, provided that the following requirements are met:
- a. That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of the development.
 - b. That the uses permitted by such exception are not of such a nature, or so located, as to exercise a detrimental influence on the surrounding land uses.
 - c. That not more than twenty per cent of the ground area, or of the gross floor area, of such development shall be devoted to the uses permitted by said exception.
- 9.5 Exceptions to Bulk Regulations: The Planning Commission may recommend and Council may authorize exceptions to the applicable bulk regulations concerning building height, and required yards within the boundaries of such Planned Development, provided that the Planning Commission and Council shall find:
- a. That such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development, as well as of neighboring properties, than would obtain under the bulk regulations of this Ordinance for buildings developed on separate zoning lots.
 - b. The average lot area per family contained in the site, exclusive of street rights-of-way, shall not be less than the lot area per family required in the district in which the development is located.
 - c. In residential Planned Developments, all habitable rooms shall receive adequate light and air.
 - d. That along the periphery of such Planned Development, yards shall be provided as required by the regulations of the district in which the Development is located.

SECTION 10 - OFF-STREET PARKING

- 10.1 Purpose: The purpose of requiring off-street parking and of this Section is to alleviate or prevent congestion of the public streets and so promote the safety and convenience of the public, by establishing minimum requirements for off-street parking in accordance with the use to which property is put.
- 10.2 Definition of Off-street Parking Space: An off-street parking space shall be defined for the purpose of this Ordinance as an area of 200 square feet or more, exclusive of driveways, permanently reserved and available for the storage of one automobile, which is enclosed in a building or unenclosed, and is not in a public right-of-way, and which has satisfactory ingress and egress to a public street or alley.
- 10.3 Parking Area to be Shown on Applications: For proposed new buildings, enlarged buildings, structures or uses, the location and size of required off-street parking spaces and their access to a public street or alley, shall be shown in detail with dimensions on either the application for a Zoning Certificate or for a building permit.
- 10.4 Central Business District Exempted: Off-street parking spaces shall not be required for any uses in the central business district as defined in Section 6.2 which is exempted from the off-street parking regulations because it is impractical for individual stores in this area to provide individual parking spaces. An objective for the central business district is to encourage and maintain a compact grouping of retail stores and public and semi-public service buildings for the convenience of pedestrians using these facilities. For this purpose it is necessary to have businesses close together and not separated and scattered by individual parking areas serving only one building. Parking facilities for the central business district can best be provided by public parking areas and garages located according to a comprehensive plan.
- 10.5 Schedule of Parking Requirements: In all districts except the central business district as defined in Section 6.2, off-street parking spaces shall be provided at the time any building is erected, re-located or rebuilt, according to the schedule below:
- a. One and two-family dwellings: One parking space for each dwelling unit.
 - b. Multiple dwellings: One and one-half parking spaces for each dwelling unit.
 - c. Retail store or personal service establishment: Except as otherwise specified herein, one parking space for each 200 square feet of floor area.
 - d. Furniture or appliance store, hardware store, wholesale establishment, machinery or equipment sales and service business, clothing store, show repair or service shop: Two parking spaces plus one additional parking space for each 300 square feet of floor area in excess of 1,000 square feet.
 - e. Business or professional office, studio, bank, medical or dental clinic: One parking space for each 300square feet of floor area.
 - f. Restaurant, night club, bar, cafe or similar recreation or amusement establishment: One parking space for each_100 square feet of floor area.

- g. Printing or plumbing shop or similar service establishment: One parking space for each person employed therein.
- h. Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment: One parking space for each two employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.
- i. Hotel, motel, tourist home, or lodging house: One parking space for each sleeping room, guest room, or suite.
- j. Church or temple: One parking space for each 6 seats in main auditorium.
- k. School: (Except high school or college): One parking space for each 10 seats in the auditorium or main assembly room or one space for each classroom, whichever is greater.
- l. College or high school: One parking space for each eight seats in the main auditorium or 3 spaces for each classroom, whichever is greater.
- m. Community center, library, museum or art gallery: Ten parking spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet.
- n. Private club, lodge, or fraternity: One parking space for every five members.
- o. Bowling alley: Four parking spaces for each alley.
- p. Mortuary or funeral home: Three parking spaces for each room used as a chapel, slumber room or parlor, or one parking space for each 50 square feet of floor area of assembly rooms used for service, whichever is greater.
- q. Dance hall, roller rink, assembly or exhibition hall without fixed seats: One parking space for each 10 square feet of floor area used therefor.
- r. Hospital: One parking space for each four beds.
- s. Sanatorium, convalescent home, nursing home, home for the aged or similar institution: One parking space for each six beds.
- t. Theater or auditorium: (Except school): One parking space for each five seats or bench seating spaces.
- u. Amphitheater, stadium or similar outdoor place of assembly: If normally used or intended for use more than twelve times each year: One parking space for each ten seats provided.

10.6 Rules for Computing the Number of Required Spaces:

- a. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- b. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
- c. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- d. When an applicant for a building permit does not specify the exact use planned for the proposed building, the zoning administrator shall choose the use from Section 10.5 in the general category of the proposed building which requires the greatest number of parking spaces.

10.7 Application to Existing Buildings and Change of Use:

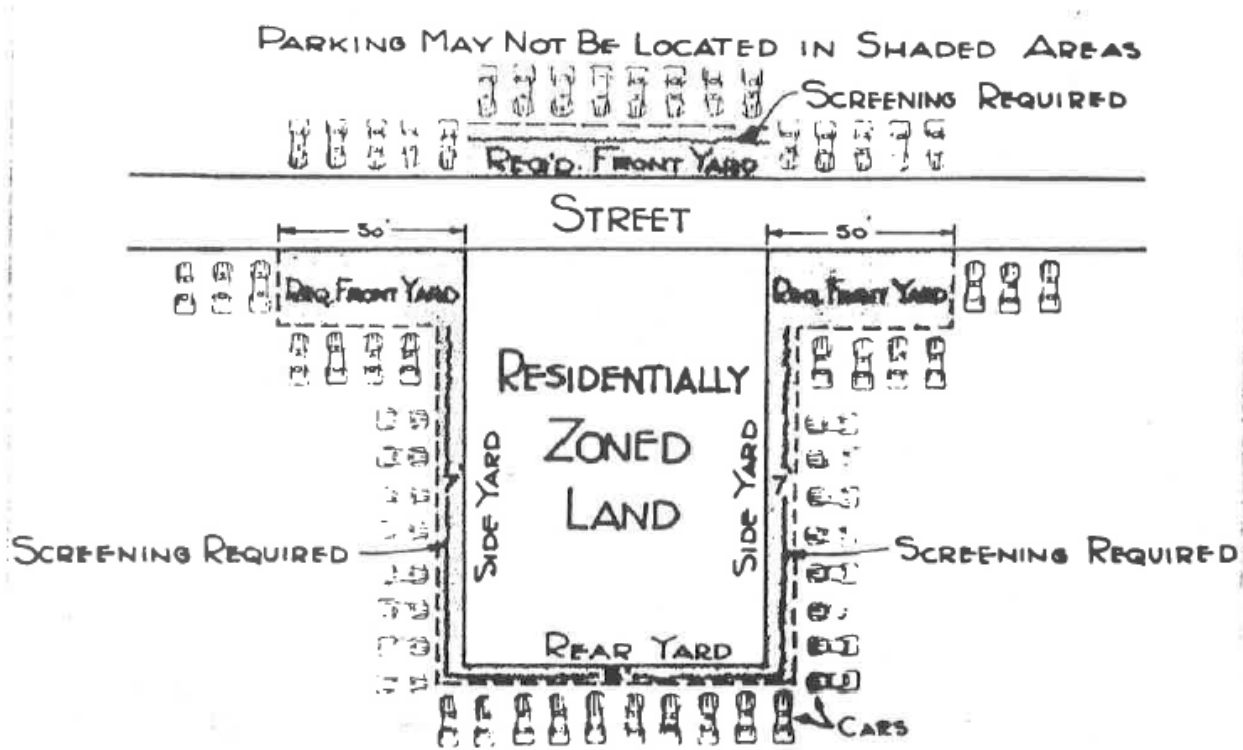
Buildings existing at the time of adoption of this Ordinance which do not meet the off-street parking requirements may be structurally altered to the extent of 50% of the cost of equivalent new construction, and the use

of such buildings may be changed to an equally intensive or less intensive use, without providing the required off-street parking spaces. However, if such buildings are structurally altered to an extent greater than 50% of the cost of equivalent new construction, or if the use is changed to a more intensive use, such as conversion of a single-family dwelling to an apartment or a change from a B-1 to an M-1 use, all required off-street parking spaces shall be provided.

- 10.8 Enlargement of Existing Buildings: Buildings existing at the time of adoption of this Ordinance which do not meet the off-street parking requirements of this Section may be enlarged to the extent of a 50 per cent addition of floor area and need provide off-street parking for the enlargement only and not for the original building. When an existing building is enlarged to an extent greater than a 50 per cent addition in floor area, off-street parking spaces shall be provided for both the original building and the enlargement.
- 10.9 Existing Parking Spaces: Accessory off-street parking spaces in existence at the time of adoption of this Ordinance may not be reduced in number below the number required herein for equivalent new construction, or, where below the required number, may not be further reduced below the number required for equivalent new construction.
- 10.10 Location of Required Off-street Parking Spaces: All parking spaces required herein shall be located on the same lot or parcel with the building or use served. (The Board of Appeals under Section 14.8e has authority to allow location of required parking spaces on lots separated from the lot on which the use served is located)
- 10.11 Truck Parking in Residential Districts: In residentially zoned districts, no trucks or commercial vehicles exceeding a one ton rated capacity shall be parked in open parking spaces, and no trucks or commercial vehicles exceeding two tons rated capacity shall be parked in garages accessory to residential dwellings.
- 10.12 Improvements Required for Parking Spaces in All Zoning Districts:
- a. All off-street parking spaces shall be hard surfaced, or shall be surfaced with gravel, crushed stone, or similar material, with adequate dust treatment.
 - b. For all parking areas which have five or more parking spaces, bumper guards shall be provided where necessary around the boundary of the parking area to protect fences, screen plantings, and neighboring property.
- 10.13 Requirements for Parking Areas Adjacent to Residential Zoned Land: The following requirements apply to all parking areas which have five or more spaces and which are adjacent to land which is zoned residential. Included in this category are parking areas which are within residential areas themselves, such as for schools, churches and other Special Uses, and also parking areas within Commercial and Industrial Districts adjacent to residential Districts. (See Diagram B for illustration of these requirements on next page.)
- a. Parking areas shall be set back seven feet or more from a side yard of a residentially zoned parcel, and screened therefrom. (See Section 18 for definition of "screen".)

- b. Parking areas shall be set back five feet or more from a rear yard of a residentially zoned parcel, and screened therefrom. (The Board of Appeals in Section 14.7f has authority to waive the requirements for parking areas adjacent to side and rear yards, with substitution of a wall for the setback.)
- c. Parking shall be prohibited in a required front yard adjacent to a residentially zoned parcel on the same side of the street for a distance of not less than fifty feet from the residentially zoned parcel.
- d. Parking shall be prohibited in a required front yard immediately across a street from a residentially zoned parcel, and screening shall be provided in front of such parking area.
- e. Lighting facilities, where provided, shall be so arranged as to reflect light away from adjacent residential districts.

Diagram B - Requirements for Parking Areas Adjacent to Residentially Zoned Land



10.14 Additional Requirements for Special Use Commercial and Industrial Parking Areas in Residential Districts: Sometimes it is necessary and desirable to serve the off-street parking needs of businesses and industries with parking spaces located in adjacent residential districts. This Ordinance allows application for this as a Special use under Section 8. In addition to the regular procedures and criteria for handling Special Uses, the following additional requirements shall apply to such parking areas:

- a. The parking area must be adjacent to a commercial or industrial district and shall not extend more than 150 feet away from such district. The parking area shall not be across a street from the "C" or "M" District, but may be across an alley, in which case the 150 feet shall be measured from the centerline of the alley.
- b. Ingress and egress to the parking area shall be from a major street, or from a street located in a commercial or industrial district.
- c. All the requirements for yards, screening, and lighting facilities listed in Section 10.13 above shall apply to parking areas covered by this Section.
- d. No business involving the repair or service of vehicles, or sale, or display thereof shall be conducted from or upon such parking areas.
- e. No signs shall be erected on the parking area except directional signs, as permitted in residential districts.
- f. No structures shall be erected or remain on any portion of the parking area.
- g. Parking areas shall be used only for the parking of patrons' and employees' private passenger vehicles, and no charge shall be made for said parking.

SECTION 11 - OFF-STREET LOADING BERTH REQUIREMENTS

11.1 Definition of Loading Berth: A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet.

11.2 Schedule of Loading Berth Requirements: All non-residential buildings, including retail, wholesale, office and industrial buildings, hereafter built, relocated, or structurally altered to the extent of more than a fifty percent addition in floor area, shall provide an off-street loading berth or berths in accordance with the following schedule:

- a. A building whose dominant use is the selling of goods at retail shall provide loading berths in relation to the floor area used for retail purposes as follows:

<u>Retail Floor Area</u>	<u>Berths Required</u>
5,000 - 10,000 sq. ft.	one
10,000 - 20,000 sq. ft.	two
20,000 - 30,000 sq. ft.	three
Over 30,000 sq. ft.	four

- b. Manufacturing, repair, wholesale, trucking terminal or warehouse uses shall provide loading berths in relation to total floor area as follows:

<u>Total Floor Area</u>	<u>Berths Required</u>
5,000 - 40,000 sq. ft.	one
40,000 - 100,000 sq. ft.	two
Over 100,000 sq. ft.	three

- c. Other non-residential buildings, including offices, hotels, mortuaries, and institutions, having more than 10,000 square feet of floor area, shall provide one off-street loading berth.

11.3 Conditions: The following conditions shall apply to the provision of off-street loading berths:

- a. Each loading berth shall be easily accessible from a street or alley without substantial interference with traffic.
- b. Each loading berth shall be hard surfaced, or shall be surfaced with gravel, crushed stone, or similar material, with adequate dust treatment.
- c. Space allocated to required off-street loading berths may not be included in required off-street parking areas, nor shall an off-street loading berth be used for normal vehicle repair or service work.
- d. All required loading berths shall be on the same lot as the use served.
- e. Off-street loading berths abutting the side or rear yard of a residential district shall be suitably screened or fenced from view.

- f. No loading berth shall be located in a required front or side yard. If located in a required rear yard, the berth shall be open to the sky.

**SECTION 12 - SPECIAL RULES FOR FRONT YARDS, BUILDING PROJECTIONS
& HEIGHT EXCEPTIONS**

- 12.1 Exception for Established Front Yards: Where forty percent or more of the frontage on the same side of a street between two intersecting streets is developed with buildings that have a front yard greater or lesser in depth than otherwise required, new buildings shall be erected no closer to the street than the average front yard so established by the existing buildings, but may be erected using the average front yard so established. In the B-1 and M-1 Districts, the front yard need not exceed the specified front yard for the District.
- 12.2 Front Yards on Corner Lots: Where front yards have been established or may be required on each of two intersecting streets, there shall be a front yard on each street side of a corner lot, with the following two exceptions:
- a. In R-1 District, where established front yards exceed 25 feet, only one front yard in excess of 25 feet shall be required.
 - b. The building width of a lot of record need not be reduced to less than 28 feet when the owner of such lot can show that ownership and control of any adjacent lot or lots of record are by another person.
- 12.3 Front Yards on Through Lots: In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Zoning Administrator may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.
- 12.4 Building Projections: The following rules shall apply to building projections into required yards:
- a. An enclosed balcony, fire escape, unenclosed and uncovered porch, or metal awning, may project into a required front or rear yard for a distance not exceeding 10 feet, and into a required side yard not exceeding 3 feet.
 - b. Sills, belt courses, cornices, eaves, and ornamental features may project into required yards for a distance not exceeding 12 inches.
 - c. An enclosed vestibule containing not more than 40 square feet may project into a front yard for a distance not exceeding 4 feet.
- 12.5 Height Exceptions:
- a. The following may exceed the maximum height regulations when erected in accordance with all other laws of the City: chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, lighthouses, solariums, steeples, penthouses, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and

spires, wireless, television or radio towers and necessary mechanical appurtenances.

- b. Public, semi-public or public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding 60 feet and churches and temples may be erected to a height not exceeding 75 feet when the required side and rear yards are each increased by one foot for each foot of additional building height above the height regulations for the district in which the building is located.

12.6 Satellite Television Antennas:

- a. The purpose of this subdivision is to establish provisions for the installation and placement of Satellite Television Antennas, as regulated by this chapter, are dish type antennas greater than one meter (37.37 inches) in diameter used in the reception of television communication signals from orbiting satellites. These antennas shall be allowed to be placed in a position to receive "Usable Satellite Signal" in accordance with the provisions of this chapter. Usable satellite signal shall constitute signal strength capable of providing television receiver picture quality equivalent with reception from local commercial stations or cable television.
- b. If a "usable satellite signal" is not obtainable under the provisions of this ordinance, the applicant may request a variance to the appropriate section of this chapter, upon demonstration of such inability to receive a "usable satellite signal". The procedures for such a variance shall be in accordance with Section 14.6 of the City Code.
- c. Installation and Location Requirements for Satellite Dish Antennas.
 - 1. Satellite television antennas shall be placed in rear or side yards only in all zoning districts. All satellite television antennas shall have setbacks from adjacent property lines so that antenna placement and usage will not infringe on neighboring property.
 - 2. Satellite television antennas may be placed on the roof of a building in accordance with Uniform Building Code requirements and accepted engineering standards.
 - 3. The distance of guy wires or any supportive device for satellite television antennas shall be at least two (2) feet from the property line.
 - 4. All satellite television antennas shall be properly grounded, and have their electrical wiring securely supported or buried underground in accordance with the National Electrical Code.
 - 5. Satellite television antennas placed in required yards shall not exceed a height of twenty (20) feet.
 - 6. Not more than one satellite television antenna shall be allowed in any single-family residential zone on any lot less than one-half (1/2) acre in size. More than one dish may be

allowed if the property owner holds a valid amateur radio license and is using the additional dishes for experimentation or non-commercial microwave reception. Any non-commercial satellite television antenna may not exceed twelve (12) feet in diameter.

7. In all residential districts, satellite television antennas shall not be located and designed to reduce visual impact from surrounding properties and public streets.
8. Satellite television antennas used for demonstration or display purposes by commercial entities be exempt from provisions of this ordinance for a period of up to thirty (30) days.
9. All satellite television antennas must be placed in a permanent foundation within thirty (30) days of operation unless inclement weather makes such replacement unobtainable.
10. Existing non-conforming satellite television antennas shall have one (1) year's time from the effective date of enactment of this amendment to comply with the provisions of this chapter.

**SECTION 13 - NON-CONFORMING USES OF LAND, STRUCTURES, & USES OF
STRUCTURES**

- 13.1 Intent: Within the districts established by this Ordinance or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments thereto. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved.
- 13.2 Enlargement and Expansion Prohibited: Non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, except as provided in Section 4.8c or by the addition of other uses of a nature which would be prohibited generally in the district involved.
- 13.3 Buildings Under Construction: To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.
- 13.4 Non-conforming Uses of Land: Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- a. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
 - b. No such non-conforming use shall be moved in whole, or in part, to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
 - c. If any such non-conforming use of land is voluntarily discontinued for two years or more, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
 - d. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

- 13.5 Non-conforming Structures: Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- a. No such structure may be enlarged or altered in a way which increases its non-conformity.
 - b. Should such structure be destroyed by any means to an extent of more than 50 per cent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
 - c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- 13.6 Non-conforming Uses of Structures: If a lawful use of a structure, or of structure and premises in combination exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- a. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
 - b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
 - c. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use, provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
- 13.7 Change to Conforming Use: Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.

- 13.8 Discontinuance of Use: When a non-conforming use of a structure, or structure and premises in combination, is voluntarily discontinued for two years or more, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- 13.9 Repairs and Alterations: Normal maintenance of a building or other structure containing a non-conforming use is permitted, including necessary non-structural repairs which do not tend to prolong the life of supporting members of a building or structure, such as bearing walls, columns, beams or girders. Incidental alterations are permitted which do not extend or intensify the non-conforming use.

SECTION 14 - BOARD OF APPEALS

- 14.1 Establishment of Board of Appeals: The Truman Planning Commission shall serve as the Board of Adjustments and Appeals, which shall be called the Board of Appeals. The decisions of the board on matters within its jurisdiction are final subject to judicial review, and are not subject to appeal to the Council.
- 14.2 Proceedings of the Board of Appeals: The Board of Appeals shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman and at such times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be filed in the office of the Board. Every decision of the Board shall be based upon a finding of fact which shall be reduced to writing and preserved among its records.

- 14.3 Public Hearing and Notice: The Board shall hold a public hearing on all proposed actions, including Administrative Appeals, proposals for Variances, Exceptions, and industrial uses. Notice shall be given at least 10 days in advance of the public hearing in a newspaper of general circulation in the City. The person or his agent making the appeal or the request shall be notified by mail. Any party may appear in person at the public hearing, or by agent or attorney.
- 14.4 Authority to Impose Conditions: In granting a permit under any of the powers conferred upon the Board, the Board may stipulate the manner in which an approved Variance, Exception, industrial use, administrative ruling, etc., shall be carried out, or may require other improvements, safeguards, and conditions for the protection of the health, safety and welfare of owners and occupants of surrounding lots or the public. Specifically, the Board in such cases may attach conditions dealing with the following:

- a. Paving, shrubbery, screening, fences, or walls.
- b. Control or elimination of smoke, dust, vibration, gas, noise, or odor.
- c. Hours of operation.
- d. Location of exits.
- e. Cleaning and painting.
- f. Elimination of non-conforming uses of land or non-conforming signs.
- g. Direction and intensity of outdoor illumination.
- h. Off-street parking and loading.
- i. The duration of approval of a Variance or Exception, after which such approval shall expire.

Violations of conditions imposed by the Board in conjunction with approval of an Administrative Appeal, Variance, Exception, or industrial use, shall be deemed a violation of this Ordinance and punishable under Section 17.4 of this Ordinance.

14.5 Administrative Review:

- a. Appeals: The Board shall hear and decide appeals where it is alleged there is error in any administrative order, requirement, interpretation, or decision made by the Zoning Administrator in the administration and enforcement of this Ordinance. Appeals to the Board may be taken by any person aggrieved or by an officer or bureau of the governing body of the city affected by any decision of the Zoning Administrator. Such appeals shall be taken within a reasonable time, not to exceed 60 days or such lesser period as may be provided by the rules of the Board, by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
- b. Decision of the Board: In exercising the above mentioned powers, the Board may, so long as such action is in conformity with the terms of this Ordinance, and after the required public hearing is held, reverse or affirm, wholly or partly, or may modify the administrative order, requirement, interpretation, or decision appealed from and may make such administrative order, requirement, interpretation, or decision as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.
- c. Stay of Proceedings: An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board, after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board, or by a Court of Record on application, on notice to the administrative official from whom the appeal is taken, and on due cause shown.

14.6 Variances:

- a. The Planning Commission shall be the Board of Appeals and adjustment for this City, as provided in M.S. 462.354, Subd. 2 and shall have the powers granted under M.S. Section 462.357, Subd. 6, as they may be amended from time to time.
- b. Pursuant to M.S. Section 463.357, Subd. 6, as if may be amended from time to time, the Planning Commission acting as Board of Appeals and Adjustments, may issue variances from the provisions of this Zoning Code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.
- c. Variance shall only be permitted:

- a) When they are in harmony with the general purposes and intent of the ordinance, and
 - b) When the variances are consistent with the comprehensive plan.
 - d. Variances may be granted when the applicant for the variance establishes that there are practical difficulties when complying with the zoning ordinance.
 - e. "Practical difficulties" as used in connection with the granting of a variance means that:
 - a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
 - b) The plight of the landowner is due to the circumstances unique to the property not created by the landowner; and,
 - c) The variance, if granted, will not alter the essential character of the locality.
 - f. Variances shall be granted for earth sheltered construction as defined in Section 216C.06, Subdivision 14, when in harmony with the ordinance. The Board of Appeals and Adjustments may not permit a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board may permit as a variance the temporary use of a one-family dwelling as a two-family dwelling. The board may impose conditions in granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- 14.7 Exceptions: The Board may hear and approve Exceptions as specifically authorized below, which are in harmony with the purposes and intent of this Ordinance, and which will not adversely affect the public interest. The following Exceptions may be granted by the Board, after written application is submitted therefore, and after the required public hearing is held:
- a. The location of a temporary building for commerce or industry in a residence district which is incidental to the residential development, such permit to be issued for a period of not more than one year.
 - b. The location of a temporary sign pertaining to the development of the land upon which the sign is located, provided it is not located in a required front yard, such permit to be issued for a period of not more than one year.
 - c. The enlargement, erection and use of a building or the use of premises in any location for railroad or other public utility purposes, not otherwise allowed by this Ordinance, which the Board deems reasonably necessary for the public convenience or welfare.
 - d. A reduction of the parking and loading requirements of this Ordinance whenever it has been clearly demonstrated that the provision of the full parking or loading facilities is unnecessary, or where such a requirement would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
 - e. The placement of required parking spaces on a parcel separated from the parcel upon which the building or use served by such parking spaces is located, provided that the parking spaces are sufficiently close that

they will serve the intended purpose, and provided that a written agreement assuring the retention of the parking spaces is properly executed and filed with the application for a Zoning Certificate.

- f. The waiver of yard or setbacks and screening required for a parking area adjacent to a residential district, whenever a wall of approved height, design, and material is erected.
- g. Within any district, the placing of more than one main building on a lot, when all of the buildings are intended to be operated as a single enterprise and the lot and all portions of it are owned, leased, or under option by a single party. In such cases, the yard requirements shall apply along all edges of the lot, but shall not be required for the internal arrangement of the buildings on the lot, provided that adequate light and air will reach all habitable rooms. Height, bulk, and lot area per family shall apply as in the case of one main building located on a lot. An application for the placing of more than one main building on a lot shall be accompanied by a site plan. Proposals for placing more than one residential main building on a lot shall be referred to the Planning Commission approval of the site plan shall be prerequisite to final approval by the Board.

14.8 Conditional Agricultural and Industrial District Uses: The Board shall hear and approve or disapprove proposals for location of industrial uses in the M-1 District when there is a question concerning the expected performance of the use, according to Section 7.4r, and also proposals for location of certain Conditional Uses in the Agricultural District as listed in Section 3.6, and proposals for location of certain Conditional Uses in the M-1 Industrial District as listed in Section 7.6. Written application shall be made to the Board, or referral shall be made by the Zoning Administrator, the public hearing shall be held, and the applicant, or his agent, shall appear before the Board with drawings of the proposed use and with other evidence, such as expert engineering testimony, to indicate the expected performance of the proposed use. In addition, the Board may accept written or oral testimony from experts and from the staff of other governmental or private agencies. In considering the proposed use, the Board shall evaluate the effect on adjacent neighborhoods, other businesses, and industries from the possible emission of vibrations, noise, light, smoke, fumes, odor or dust.

SECTION 15 - ADMINISTRATION

- 15.1 Administration and Enforcement: A Zoning Administrator appointed by Council shall administer and enforce this Ordinance. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.
- 15.2 Zoning Certificate Required: It shall be unlawful to use or occupy, or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Zoning Certificate shall have been issued therefore by the Zoning Administrator stating that the proposed building and its use or the proposed open use of land conforms to the requirements of this Ordinance. No Zoning Certificate shall be issued, nor a building permit approved, except in conformity with the provisions of this Ordinance, except after written order from the Board of Appeals.
- 15.3 Application for Zoning Certificate: Applications for Zoning Certificates shall be made to the Zoning Administrator, and shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon or used; the exact sizes and locations on the lot of buildings already existing, if any; the location and dimensions of the proposed building or alteration or use of land, and the detailed location and size of all required off-street parking and loading areas. The application shall include such other information as lawfully may be required by the Zoning Administrator, including existing or proposed building or alteration; existing or proposed uses of the building and/or land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance.

Where any required information, such as a site plan, is placed on a building permit application, such information may be omitted from the application for a Zoning Certificate, and the Zoning Certificate shall make reference to the date and number of the building permit application. A Zoning Certificate may be issued at the same time the Zoning Administrator approves the zoning aspects of a building permit application.

One copy of the Zoning Certificate shall be returned to the applicant by the Zoning Administrator after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy, similarly marked, shall be retained by the Zoning Administrator. The Zoning Administrator shall maintain a record of all Zoning Certificates, and copies shall be furnished upon request to any person.

Failure to obtain a Zoning Certificate shall be a violation of this Ordinance and punishable under Section 17.4 of this Ordinance.

- 15.4 Zoning Certificates For Existing Conforming Uses: Uses of buildings or land existing at the time of passage of this Ordinance or amendments thereto, which conform to the requirements of this Ordinance, do not need a Zoning Certificate. However, if the owners or occupants desire a Zoning Certificate, the Zoning Administrator shall issue same at the standard fee after ascertaining that the use of the building and/or land conforms to the Ordinance.
- 15.5 Zoning Certificates Required For Non-conforming Uses: No non-conforming structure or use shall be maintained, renewed, changed, or extended until a Zoning Certificate shall have been issued by the Zoning Administrator. The Zoning Certificate shall state specifically wherein the non-conforming use differs from the provisions of this Ordinance. After enactment or amendment of this Ordinance, or after annexation of any area to the City of Truman, the Zoning Administrator shall notify in writing the owners of non-conforming uses about this requirement for a Zoning Certificate. Such owners shall have three months after receipt of notice to apply for a Zoning Certificate. Failure to make such application within three months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this Ordinance.
- 15.6 Construction and Use to be as Provided in Applications, Plans, Permits, and Zoning Certificates: Building permits and Zoning Certificates issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 17.4 hereof.

SECTION 16 - AMENDMENT

- 16.1 Authority to Amend: The City Council may amend, supplement, or change the regulations, restrictions, and boundaries in this Ordinance after the public hearing and other procedures are followed as set forth in this Section.
- 16.2 Initiation of Amendments: Amendments to this Ordinance may be proposed by the City Council, or duly signed petitions may be presented to the City Clerk, requesting an amendment by the following:
- a. The City Planning Commission.
 - b. By one or more of the owners, lessees, or occupants within the area proposed to be changed by the amendment.
- 16.3 Limitation on Applications: A party shall not initiate action for a zoning amendment affecting the same land more often than once every twelve months.
- 16.4 Referral to the Planning Commission: Any proposal for the amendment of this Zoning Ordinance not originating from petition of the Planning Commission shall be referred to the Commission for consideration and report before any final action is taken by City Council.
- 16.5 Action by the Planning Commission: The Commission shall study a proposed amendment in relation to public necessity, convenience, general welfare, and good zoning practice, and, within 60 days after Council referral, shall recommend the approval or denial of the proposed amendment or approval of some modification thereof, and submit such recommendation to City Council. Failure of the Planning Commission to report within the required 60 days shall be construed as approval of the proposed amendment or change.
- 16.6 Hearing and Notice by City Council: After receiving the Planning Commission's report or petition for a proposed zoning amendment, City Council shall hold a public hearing on the proposal. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the municipality at least ten days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 200 feet of the property to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.
- 16.7 Action by City Council: The Council shall, within reasonable time after the public hearing, approve or deny the proposed zoning amendment. For a proposed amendment involving a change in the zoning map, Council may modify the original proposal to a more restricted zoning district or a

smaller area than advertised for the public hearing, but may not approve a change to a zoning district allowing uses not permitted in the proposed district originally listed in the notice for public hearing, and also may not approve rezoning of any land not listed in the notice for public hearing. No such ordinance, measure, or regulation which violates, differs from, or departs from the plan or report submitted by the Planning Commission shall take effect unless passed or approved by not less than two-thirds of the membership of the City Council.

16.8 Zoning Upon Annexation: The following procedures shall apply for establishing zoning in areas annexed to the City of Truman.

- a. Interim Zoning: Upon annexation, and until permanent zoning is adopted as provided below, each parcel of annexed land shall be automatically zoned to the district in this Ordinance which most closely conforms to the previous township or county zoning district. Any land not subject to zoning at the time of annexation shall be automatically zoned R-1 Single-family Residential until the permanent zoning is adopted.
- b. Permanent Zoning: Within a reasonable time after annexation, permanent zoning shall be established for all annexed areas, according to the procedures set forth above in this Section concerning Planning Commission review and recommendation, and hearing and final action by Council.

**SECTION 17 - FEES, VIOLATIONS, PENALTIES, DUTIES,
INTERPRETATION, ETC.**

- 17.1 Schedule of Fees: The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure for Zoning Certificates, appeals and applications to the Board of Appeals, and applications for Special Uses and rezoning of land. The schedule of fees shall be posted in the office of the Zoning Administrator, and may be altered or amended only by City Council.

No permit, certificate, Special Use, Variance, or Exception shall be issued or allowed unless or until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals unless or until preliminary charges and fees have been paid in full.

- 17.2 Complaints Regarding Violations: Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may submit a complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

- 17.3 Violation of Zoning Ordinance May Be Enjoined: No person shall erect, construct, alter, repair, or maintain any building or structure or use any land in violation of this Ordinance. In the event of any such violation, or imminent threat thereof, the municipal corporation or the owner of any contiguous or neighboring property who would be especially damaged by such violation, in addition to any other remedies provided by law, may institute a suit for injunction to prevent or terminate such violations.

- 17.4 Penalties for Violation: Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100, or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

- 17.5 Illegal Uses Under Original Zoning Ordinance or in Annexed Areas: A use in violation of the provisions of the Martin County Zoning Ordinance in an area subsequently annexed to the City of Truman, shall not be validated by the adoption of this Ordinance, and shall be subject to the penalties and sanctions of this Ordinance.

- 17.6 Duties of Zoning Administrator, Board of Appeals, City Council, and Courts on Matters of Appeal: It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board of Appeals shall be to the courts as provided by law.

It is further the intent of this Ordinance that the duties of City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Section and this Ordinance. Under this Ordinance, City Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law, and of establishing a schedule of fees as stated in Section 17.1 above.

- 17.7 Provisions of Ordinance Declared to be Minimum Requirements: In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulation, ordinances, deed restrictions or covenants, the most restrictive, or that imposing the higher standards, shall govern.
- 17.8 Severability Clause: Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 18 - DEFINITIONS

For the purpose of this Ordinance, certain terms and words are defined as follows:

1. The word person includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word shall is mandatory, the word may is permissive. The words used or occupied include the words intended, designed, or arranged to be used or occupied. The word lot includes the words plot or parcel.
2. Accessory Use or Structures: A use or structure on the same lot with, and of a nature customarily incidental and sub-ordinate to, the principal use or structure.
3. Agriculture: The use of land which includes farming, dairying, pasturage, apiculture, horticulture, viticulture, animal and poultry husbandry.
4. Billboard: A structure upon which a sign is located which directs attention to a business, commodity, service, or entertainment, which is located or provided elsewhere than upon the premises where such structure is located.
5. Buildable Portion of a Lot: The portion of a lot other than required yards upon which the main building may be located under the terms of this Ordinance.
6. Building: Any structure, including a roof supported by walls, designed or built for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind.
7. Building Height: The vertical distance measured from the adjoining curb grade to the highest point of the roof surface if a flat roof, to the decline of a mansard roof, and to the mean height level between eaves and ridges for a gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished surface of the ground adjacent to the exterior walls of the building.
8. Building, Main: A building in which is conducted the principal or primary use of the zoning lot on which it is situated.
9. Business: The purchase, sale, or exchange of goods, merchandise or services, and the maintenance or operation of offices and recreational and amusement enterprises.
10. Curb Grade: The elevation of the established curb in front of a building measured at the center of such front. Where no curb grade has been established, the Service Director shall establish such curb grade for the purpose of this Ordinance.

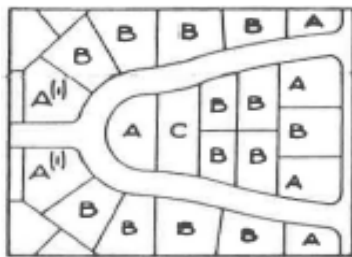
11. Dwelling: Any building or portion thereof which is designed for or used exclusively for residential purposes containing one or more dwelling units.
12. Dwelling, Single-family: A detached residence designed for or occupied by one family only.
Dwelling, Two-family: A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.
Dwelling, Multiple: A residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.
13. Dwelling Unit: A room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating purposes.
14. Family: One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless a majority of the members are related by blood or marriage, no such family shall contain over five persons.
15. Frontage: All the property on one side of a street between two intersection streets (crossing or terminating) measured along the line of the street, or if the street is dead ended then all of the property abutting on one side between an intersecting street and the dead end of the street.
16. Home Occupation: An occupation carried on by an occupant of a dwelling as an accessory activity to the main residential use of the building, and meeting the following restrictions:
 - a) Not more than one person shall be employed other than residents of said dwelling.
 - b) The occupation shall be conducted wholly within the dwelling or an accessory building.
 - c) Floor area devoted to the occupation shall not exceed 25% of the total ground area occupied by buildings on the lot.
 - d) The occupation shall not be objectionable to adjacent residences due to noise, hours of operation, traffic, electrical interference, etc.
 - e) There shall be no signs other than those allowed by this Ordinance in residential districts.
 - f) There shall be no display or evidence apparent from the exterior of the lot that the premises are being used for any purpose other than that of a dwelling.
17. Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use.
18. Junk Yard: Any place where two or more motor vehicles not in running condition, or parts thereof are stored in the open, in a fenced area, or in a partially enclosed building, and are not being restored to operation, or any land used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the operating condition, and including an open area where waste, scrap metal, used

building materials, paper, rags or similar materials are bought, sold, stored, exchanged, baled, packed, disassembled, or handled, but excluding such uses taking place entirely within a completely enclosed building.

19. Kennel: Any lot or premises on which four or more dogs, more than four months of age, are kept.
20. Lodging House: A building where room and/or board for three or more person are provided for compensation.
21. Lot: For zoning purposes, as covered by this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or an officially approved private street permanently reserved as the principal means of access to abutting property, and may consist of:
 - a) A single lot of record.
 - b) A portion of a lot of record.
 - c) A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots or record.
 - d) A parcel of land described by metes and bounds.

Provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

22. Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the Office of the Register of Deeds of Martin County, MN, or a parcel of land described by metes and bounds, the description of which has been recorded in the Office of the Register of Deeds of Martin County.
23. Lot Types: The diagram which follows illustrates terminology used in this Ordinance with reference to corner lots, interior lots, and through lots.



In the diagram at the left, A - corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an Interior angle of less than 135 degrees. See lots marked A(i) in the diagram.

B - Interior lot, defined as a lot other than a corner lot with only one frontage on a street other than an alley.

C - through lot, defined as a lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double-frontage lots.

24. Lot Width: The width of the lot at the building line.
25. Manufacturing: The making of anything by any agency or process.

26. Mobile Home: A vehicle or residence on wheels, skids, rollers, or any type of non-permanent foundation, designed to be used for human habitation.
27. Mobile Home Park: A parcel of land under single ownership or control which has been planned and improved for the placement of two or more mobile homes.
28. Nursing Home: A home for the aged, chronically ill or incurable persons in which three or more persons not of the immediate family are received, kept and provided with food, or shelter and care, for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.
29. Screen: A neat, orderly and healthy screen of evergreen or other plant material suitable for the purpose intended, not less three feet high with an expected normal growth to five feet in height, and, where necessary, protected by a decorative wooden or masonry fence or other decorative material or landscaping may be substituted for the vegetation. Bumper guards or wheel stops shall be provided as necessary to prevent damage to a required screen or fence by automobiles.
30. Sign: Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located, provided, however that the following shall not be included in the application of the regulations herein:
- a) Flags and insignias of any government except when displayed in connection with commercial promotion.
 - b) Legal notices, identification, information, or directional signs erected or required by governmental bodies.
 - c) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving light.
 - d) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
31. Signs, Number and Surface Area: For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
- The surface area of a sign shall be computed as including the entire area within a regular geometric form of combinations or regular geometric forms comprising all of the display area of the sign and including all of the elements bearing advertising matter shall not be included in computation of surface area.
32. Story: A portion of a building between floor and the floor next above it, or the ceiling above it, and which is four and one-half feet or more above the average elevation of the finished surface of the ground adjacent to the exterior walls of the building.

33. Story, Half: A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such story.
34. Street Line: The right-of-way line of a street.
35. Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, mobile homes, walls, fences, billboards, and poster panels.
36. Structural Alterations: Any change in the supporting members of a building, such as bearing walls, partitions, columns, beams, or girders, or any substantial change in the roof or any exterior walls, excepting such repair or replacement as may be required for the safety of the building.
37. Yard: A required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences and walls may be permitted in any yard subject to height limitations as indicated herein.
38. Yard, Front: A yard extending between side lot lines across the front of a lot. On a corner lot, the owner may elect either street frontage as the front yard.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

39. Yard, Side: A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard.

In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of corner lots there will be only one side yard, adjacent to an interior lot.

Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established.

40. Yard, Rear: A yard extending across the rear of the lot between the side lot lines. In the case of through lots there will be no rear yard. On all other lots the rear yard shall be at opposite ends of the lot from the front yard.

Depth of required rear yards shall be measured at right angles to a straight line joining the rearmost points of the side lot lines. The forward rear yard line of a required rear yard shall be parallel to the straight line so established. When a lot is adjacent to an alley, the

required rear yard may be measured from the center of the alley, and one-half of the alley width may be considered a portion of the required rear yard.

41. "Manufactured Home, Single Family" means a manufactured transportable, single family dwelling unit, suitable for year-round occupancy and containing water supply, waste disposal and electrical conveniences designed for attachment to outside systems. A manufactured home is designed so that it is or may be mounted on wheels and used as a conveyance on highways and streets.

SECTION 19 - SPECIAL DEVELOPMENT REGULATIONS

- 19.1 Intent: This section is intended to provide for recent innovations in development types and uses. Such development when executed in accordance with the provisions of this section, will provide the community with a wider variety of development types and uses, yet still protect public health, safety and general welfare.
- 19.2 Single Family Manufactured Housing: Single Family manufactured homes placed on individual lots in R-1 Single Family Residential Districts shall conform to the following design standards.
- a) Placement of such homes shall be in conformance with all zoning regulations of the District in which they are located.
 - b) The homes shall conform to the Manufactured Home Building Code, as defined in Minnesota Statutes Section 327.31 to 327.35.
 - c) Such manufactured housing shall have a minimum habitable floor area of 800 square feet. No such home shall have a width of less than 20 feet.
 - d) Roof lines must have at least three-twelfths pitch; flat or shed roofs are not permitted.
 - e) Such homes shall be placed on a permanent perimeter foundation. The foundation must meet the requirements listed in the "Uniform Building Code", as adopted by the State of Minnesota.
 - f) Manufactured homes shall have exterior siding which is of a conventional exterior dwelling-type material.