

ORDINANCE NO. 16.01

City of Royalton, Minnesota

ZONING ORDINANCE

AN ORDINANCE FOR THE PURPOSE OF PROMOTING HEALTH, SAFETY, ORDER, CONVENIENCE AND GENERAL WELFARE, BY REGULATING THE USE OF LAND, THE LOCATION AND USE OF BUILDINGS AND THE ARRANGEMENT OF BUILDINGS ON LOTS, AND THE DENSITY OF POPULATION IN THE CITY OF ROYALTON, MINNESOTA.

THE CITY COUNCIL OF THE CITY OF ROYALTON, IN THE COUNTY OF MORRISON, STATE OF MINNESOTA, DOES ORDAIN AS FOLLOWS:

SECTION 1.0 INTENT, PURPOSE, AND APPLICATION

1.01 Intent

Pursuant to the authority conferred by the State of Minnesota in Section 462.357, Laws of 1965 amended, and for the purpose of:

1. Promoting and protecting the public health, safety, and general welfare of the residents of the incorporated area of the City of Royalton, Minnesota,
2. Protecting and preserving the physical character, social, and economic stability of residential, commercial, industrial and other use areas,
3. Securing the most appropriate use of land,
4. Preventing the overcrowding of the land and undue congestion of population,
5. Providing adequate light, air and reasonable access,
6. Facilitating adequate and economical provision of transportation, water supply and sewage disposal,
7. Planning for location of schools, recreation facilities and other public requirements,
8. Providing for the protection of access to direct sunlight for solar energy systems.

1.02 Title

This Ordinance shall be known as “The Zoning Ordinance of Royalton, Minnesota” and will be referred to herein as “this Ordinance.”

1.03 Jurisdiction

The jurisdiction of this Ordinance shall apply to all of the area within the corporate limits of the City of Royalton, Minnesota.

1.04 Application and Interpretation

1. In their application and interpretation, the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety and welfare.
2. Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by any law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

1.05 Separability

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

1.06 Lots of Record

All lots which are a part of a subdivision legally recorded with the Morrison County Recorder, and a lot or lots described by metes and bounds, the deed to which has been recorded in the office of the County Recorder prior to the passage of this Ordinance shall be considered to be Lots of Record and shall thereby be considered a legally buildable lot even though such lot or lots may not conform to the minimum requirements of this Ordinance provided the setback requirements of this Ordinance are complied with.

SECTION 2.0 RULES AND DEFINITIONS

2.01 Rules

For purposes of this Ordinance, words used in the singular number includes the plural, and the plural the singular, the present tense includes the past and future tenses and the future the present, the word "shall" is mandatory and the word "may" is permissive, all measured distances shall be to the nearest integral foot, whenever a word or term defined herein after appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition thereof.

2.02 Definitions

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

1. APARTMENT. A room or suite of rooms which is designed for, intended for or occupied by one family and equipped with cooking facilities.
2. ASSISTED LIVING. A building used to provide care for the aged or infirm persons requiring or receiving personal care or custodial care in accordance with the regulations of the State Board of Health.
3. BED AND BREAKFAST. Any dwelling other than a motel or hotel where, by pre-arrangement, meals and or lodging are provided for compensation by transient guests.
4. BLOCK. That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets and railroad right-of-way or unsubdivided acreage.
5. BOARDING HOUSE. A house where paying guests are provided with meals and lodging.
6. BUILDING ACCESSORY. A subordinate building, the use of which is incidental to that of a main building on the same lot.
7. BUILDING HEIGHT. The vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.
8. BUILDING, PRINCIPAL. A building in which is conducted the principal use of the lot upon which it is situated.
9. COURT. An open, unoccupied space bounded on two or more sides by the exterior walls of a building or buildings on the same lot.
10. CONDITIONAL USE. A use which, because of unique characteristics, cannot be

classified as a permitted use in any particular district. After due consideration, in each case, the impact of such use upon neighboring land and of the public desirability for the particular use at the particular location a "Conditional Use Permit" may be granted.

11. DWELLING. A building or portion thereof used exclusively for residence occupancy, including one-family, two-family, and multiple dwellings but not including hotels, or lodgings or boarding houses.
12. DWELLING, SINGLE-FAMILY. A building used exclusively for occupancy by one family.
13. DWELLING, TWO-FAMILY. A building used exclusively for occupancy by two families living independently of each other.
14. DWELLING, MULTIPLE. A building or portion thereof used for occupancy by three or more families living independently of each other.
15. DWELLING UNIT. A dwelling or portion of a dwelling or of an apartment used by one family for cooking, living, and sleeping.
16. ESSENTIAL SERVICES. The phrase "essential services" means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, communication, steam or water transmissions or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare.
17. FAMILY. A family is any number of persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage, adoption or any unrelated person who resides therein as though a member of the family including the domestic employees thereof. Any group of persons not so related but inhabiting a single house shall, for the purpose of this Ordinance, be considered to constitute one family for each five (5) persons, exclusive of domestic employees, contained in each such group.
18. GARAGE, PRIVATE. An accessory building for only the storage of self-propelled vehicles.
19. GARAGE, PUBLIC. Any premises, except those herein defined as a private or storage garage, used for the storage or care of self-propelled vehicles or where any such vehicles are equipped for operation or repair, or kept for remuneration, hire or sale.
20. GROUP HOME. A state licensed group home or foster home serving six (6) or fewer mentally retarded or physically handicapped persons.

21. HOME OCCUPATIONS. Any gainful occupation or profession, engaged in by the occupant of a dwelling unit, within said dwelling unit or within any lawfully existing accessory structure, which occupation is clearly incidental to the residential use of the premises. Such activity shall not produce light glare, noise, odor or vibration perceptible beyond the boundaries of the premises and shall not involve the use of accessory structures.
- The following are examples of prohibited uses:
- a. Repair, service or manufacturing which requires equipment other than that customarily found in a home,
 - b. Over-the-counter sale of merchandise produced off the premises, or
 - c. The employment of persons on the premises, other than those customarily residing on the premises. The above examples are illustrative in nature and shall not be construed as comprehensive.
22. HOTEL. Any building or portion thereof where lodging is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in an individual room or apartment.
23. JUNK YARD. Land or buildings used for the storage or keeping of junk, including scrap metals, or for the dismantling or "wrecking" of automobiles or other vehicles or machinery, other than the storage of materials which is incidental or accessory to any business or industrial use on the same lot.
24. LOT. Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area required by this Ordinance for a building frontage on a street.
25. LOT, CORNER. A lot situated at the intersection of two or more streets, or bounded On two or more adjacent sides by street lines.
26. LOT, INTERIOR. A lot other than a corner lot.
27. LOT, WIDTH. The shortest horizontal distance between the side lot lines measured at the building setback line.
28. MOBILE HOME. Means a structure transportable in one or more sections, which when erected on site measures eight (8) body feet or more in width and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, and bears the appropriate Federal Department of Housing and Urban Development inspection label certifying that the mobile home meets Federal Mobile Home Construction and Safety Standards.

29. MOTEL, MOTOR COURT OR HOTEL. A motel, motor court or hotel is a business comprising of a series of attached, semi-detached or detached rental units with or without eating facilities for the overnight accommodation of transient guests.
30. NON-CONFORMING USE. A use lawfully in existence on the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated, except that such a use is not non-conforming if it would be authorized under special use permit where located.
31. NURSING HOME. A building used to provide care for the aged or infirm persons requiring or receiving personal care or custodial care in accordance with the regulations of the State Board of Health.
32. PERMANENT SWIMMING POOL. Any above ground or in ground structure intended for swimming or recreational bathing that is left in place year round.
33. REST HOME. A building used to provide care for the aged or infirm persons requiring or receiving personal care or custodial care in accordance with the regulations of the State Board of Health.
34. ROOMING HOUSE. A house where lodgers may rent rooms.
35. SALVAGE YARD: Land or buildings where waste, discarded or salvaged materials are bought, sold, stored, exchanged, cleaned, packed, disassembled, recycled, or handled, including, but not limited to, scrap metal, oil, antifreeze, freon, rags, paper, hides, rubber products, glass products, lumber products and products resulting from the wrecking or dismantling of motor vehicles and the storing of wrecked or dismantled motor vehicles.
36. SOLAR ENERGY SYSTEM. A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling of buildings and other energy-using processes, or to produce generated power by means of any combination of collecting, transferring or converting solar-generated energy.
37. STORY. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
38. STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
39. STRUCTURAL ALTERATIONS. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
40. TOWNHOUSE. Single family attached units in structures housing three (3) or more dwelling units contiguous to each other, only by the share of one (1) common wall and each dwelling unit shall have separate and individual front and rear entrances.

41. USE. The purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained.
42. USE, ACCESSORY. A use incidental and accessory to the principal use of a lot or a building located on the same lot as the accessory use.
43. USED MOTOR VEHICLE: Any vehicle which has minor or no damage, including but not limited to; Theft vehicles, Water or Flood damaged vehicles, Storm damaged vehicles, Repossessed vehicles, Repairable vehicles, and any other vehicle providing the vehicle has minor or no damage.
44. VARIANCE. The waiving of, specific literal provisions of the zoning ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. Variances are to be granted only when it is demonstrated that a waiving of the provision will be in keeping with the spirit and intent of the Zoning Ordinance. Hardship must be demonstrated on a non-economic basis, and may include the inability to use solar energy systems.
45. YARD. An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.
46. YARD, FRONT. A yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest line of the building. The street shall serve as the front lot line. On lots that border the Platte River the front lot line shall be the river.
47. YARD, REAR. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.
48. YARD, SIDE. A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

SECTION 3.0 ESTABLISHMENT OF DISTRICTS

3.01 Official Map

For the purpose of this Ordinance, the City of Royalton is divided into use districts as shown on the accompanying map entitled, "Zoning Map of Royalton, Minnesota," which map is hereby made a part of this Ordinance.

3.02 Prohibitions in Districts

Except as provided in Section 19.0, in each district land and structures shall be used only for the purposes listed by this Ordinance as permitted in the district. In each district every building hereafter erected or structurally altered shall be provided with the yards specified, shall be on a lot of the area and width specified, and shall not exceed the height specified in this Ordinance for the district. No open space or lot required for a building shall during its existence be occupied by, or counted as open space for another building.

3.03 District Classifications

The following district classifications are hereby established within the City of Royalton;

- “A”-----Agricultural/Rural Residence District
- “R-1”--- Single Family Residential District
- "R-1-A"-Townhouse District
- “R-2”--- Single and Two-Family Residential District
- “R-3”--- Multiple-Family Residential District
- "R-4"----Planned Unit Development District
- “C-1”----Commercial District
- “C-2”----Community Commercial District
- “C-3”----Regional Commercial District
- “I -1”----General Industrial District
- “I -2”----Heavy Industrial District
- "R-D"---Railroad Industrial District

SECTION 4.0 "A" AGRICULTURAL/RURAL RESIDENCE DISTRICT

4.01 Intent

To establish and preserve areas for low density residential without permitting intensified development which would require the provision of municipal facilities and services, and further allow agricultural uses in this district.

4.02 Permitted Uses

1. Agriculture, including farm dwellings and agricultural related buildings and structures subject to Minnesota Pollution Control Standards, but not including commercial feed lots or similar commercial operations.
2. Single-family dwellings.
3. Public parks, recreational areas, wildlife areas and game refuges.
4. Nurseries and tree farms.
5. Essential services.
6. Slaughtering, limited to livestock raised on the farmstead.
7. Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community.

4.03 Permitted Accessory Uses

1. Operation and storage of vehicles, machinery and equipment which is incidental to permitted or conditional uses allowed in this district.
2. Boarding or renting of rooms to not more than two (2) persons.
3. Living quarters for persons employed on the premises.
4. Home Occupations.

4.04 Conditional Uses

The following uses require a Conditional Use Permit based on the procedures set forth and regulated in SECTION 20.0 of this Ordinance.

1. Commercial outdoor recreational areas including golf courses, club houses, swimming pools and similar facilities.
2. Processing and packaging of agricultural products, including livestock, cold storage plants, fertilizer plants, livestock farming, livestock feed lots and sales yards, subject to all applicable Pollution Control Standards.
3. Kennels and animal hospitals, stables and riding academies provided that the property containing such use is adequate and is adequately separated from residential, commercial and industrial districts.
4. Churches, schools and similar uses.
5. Bed and breakfast establishments.
6. Uses deemed by the Planning Commission and City Council to be of similar nature to the listed conditional uses above and found not to be detrimental to the health and welfare of the City and its citizens.

4.05 Lot, Yard, Area and Height Requirements

1.	<u>Lot Area</u>	<u>Lot Width</u>	<u>Side Yards</u>	<u>Front Yard</u>	<u>Rear Yard</u>
	2 1/2 acres	250	60'	100'	100'

2. Building Height.
Residential structures hereafter erected shall not exceed two and one-half (2 1/2) stories or thirty five (35) feet in height. Agricultural buildings shall be exempt from these requirements.

SECTION 5.0 “R-1” SINGLE FAMILY RESIDENTIAL DISTRICT

5.01 Intent

It is the intent of this district to permit the development of single-family dwellings in the community where adequate municipal utilities exist or are to be extended, to provide for reasonable standards for such development, to avoid overcrowding, and to prohibit the use of land which would be incompatible with or detrimental to the essential residential character of such district.

5.02 Permitted Uses

1. Single Family Dwellings.
2. Public Parks and Playgrounds.
3. Essential Services.
4. Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community.

5.03 Permitted Accessory Uses

1. Private Garages, parking spaces and car ports for passenger cars, trucks, recreational vehicles and equipment.
2. Tool houses and similar buildings for storage of domestic equipment and non-commercial recreational equipment. Not to exceed 120 square feet inside area. Limited to two per lot.

5.04 Conditional Uses

The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 20.0 of this Ordinance:

1. Residential Planned Unit Developments regulated by Section 9.0 of this Ordinance.
2. Public or semi-public recreational buildings, community centers, daycare centers, churches, libraries, museums, schools and memorial buildings.
3. Bed and breakfast establishments.
4. Solar and Wind Power Energy Systems.
5. Home Occupations.

6. Signs associated with home occupations.
7. Uses deemed by the Planning Commission and City Council to be of similar nature to the listed conditional uses above and found not to be detrimental to the health and welfare of the City and its citizens.

5.05 Lot, Yard, Area and Height Requirements

1.	Lot Area <u>sq. Feet</u>	Lot <u>Width</u>	<u>Setbacks</u>		
			<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
<u>Single-Family</u>					
Existing Lots	6,000	60 ft.	20 ft.	5 ft.	10 ft.
Newly Platted lots	8,000	80 ft.	30 ft.	8 ft.	20 ft.

Any lot division must meet newly platted lot size requirements.

2. Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one (1) adjacent structure, the setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the front yard setback requirement exceed thirty (30) feet.
3. On a corner lot, the width of the side yard on the street side shall not be less than twenty (20) feet, provided this does not reduce the buildable width of said lot to less than twenty four (24) feet.
4. Building Height. Residential Structures hereafter created shall not exceed 2 1/2 stories or 35 feet in height. Church spires, water towers and chimneys shall be exempt from these requirements.
5. Maximum Coverage. Lot coverage, for principal and accessory buildings, shall not exceed forty (40) percent of the lot area.
6. Lots platted prior to this Ordinance and not serviced by municipal water and sewer will be considered as buildable at their current size. However, newly platted lots shall be at a Minimum of 2 1/2 acres when utilizing individual water and sewer systems.

SECTION 6.0 "R-1A" TOWNHOUSE DISTRICT

6.01 Intent

It is the intent of this district to permit the development of townhouses in the community where adequate municipal utilities exist or are to be extended, to provide for reasonable standards for such development, to avoid overcrowding, and to prohibit the use of land which would be incompatible with or detrimental to the essential residential character of such district.

6.02 Permitted Uses

1. Any use or structure permitted and regulated within the R-1 District except as hereinafter modified.
2. Townhouses as defined in Section 2 definition #35 of this ordinance. Each dwelling unit must have a separate entrance to front and rear yards. Units may be clustered, but no more than six units connected in a cluster.

6.03 Permitted Accessory Uses

1. All permitted accessory uses within the R-1 District as regulated in that district.

6.04 Conditional Uses

The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 20.0 of this Ordinance:

1. Any use or structure permitted and regulated as a conditional use in the R-1 District.
2. Private swimming pools intended to serve more than one family who are occupants of the property on which it is located, provided that the pool area is fenced so as to prevent uncontrolled access.
3. Single family attached dwelling units: (Twin Homes)
 - a. No more than two attached units per lot.
 - b. The subdivision of properties in the district wherein the property owner desires to construct these dwellings shall, by lot size, provide for a housing mix.
 - c. These dwellings may be divided into single lots subject to the following conditions:
 - I. Each of the lots created in subdividing land shall be equal in area where practical, and each shall have access to public right-of-way.

II. Except for setbacks along the common property line, all other setback Yard requirements shall be met.

III. Separate utility services shall be provided to each residential unit.

IV. There shall be a common party fire wall up to new construction standards in the State Building Code.

V. The owner of property to be subdivided shall execute and record at their expense, a Declaration of Covenants, Conditions and Restrictions to be approved by the city attorney. The Declaration shall provide protection to the individual owners and public on the following: maintenance, repair and construction, building and use restrictions, party walls, relationships among owners of adjoining living units and arbitration of disputes.

4. Bed and breakfast establishments.

5. Uses deemed by the Planning Commission and City Council to be of similar nature to the listed conditional uses above and found not to be detrimental to the health and welfare of the City and its citizens.

6.05 LOT, YARD, AREA AND HEIGHT REQUIREMENTS

1. Lot, yard, area and height requirements shall be the same as in the R-1 District except lot coverage regulations of townhouses.

2. On lots developed for townhouse units, the minimum lot area per dwelling unit shall be 4,000 square feet. No more than thirty-five percent (35%) of a lot or plot of land shall be occupied by buildings, and/or impervious surfacing.

3. Single family attached homes with two units by conditional use permit shall have a minimum lot size of 9,500 square feet.

SECTION 7.0 "R-2" SINGLE AND TWO- FAMILY RESIDENTIAL DISTRICT

7.01 Intent

It is the intent of this district to permit the development of single-family and two-family dwellings in the community where adequate municipal utilities exist or are to be extended, to provide for reasonable standards for such development, to avoid overcrowding, and to prohibit the use of land which would be incompatible with or detrimental to the essential residential character of such district.

7.02 Permitted Uses

1. Single and Two-Family Dwellings.
2. Group Homes.
3. Public Parks and Playgrounds.
4. Essential Services.
5. Solar Energy Systems.
6. Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community.

7.03 Permitted Accessory Uses

1. Private Garages, parking spaces and car ports for passenger cars, trucks, recreational vehicles and equipment.
2. Tool houses and similar buildings for storage of domestic equipment and non-commercial recreational equipment. Not to exceed 120 square feet inside area. Limited to two per lot.

7.04 Conditional Uses

The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 20.0 of this Ordinance:

1. Residential Planned Unit Developments regulated by Section 9.0 of this Ordinance.
2. Public or semi-public recreational buildings, community centers, daycare centers, churches, libraries, museums, schools and memorial buildings.

3. Bed and breakfast establishments.
4. Solar and Wind Power Energy Systems.
5. Home Occupations.
6. Signs associated with home occupations.
7. Uses deemed by the Planning Commission and City Council to be of similar nature to the listed conditional uses above and found not to be detrimental to the health and welfare of the City and its citizens.

7.05 Lot, Yard, Area and Height Requirements

1.	Lot Area sq. Feet	Lot Width	Setbacks		
			Front Yard	Side Yard	Rear Yard
<u>Single-Family</u>					
Existing Lots	6,000	60 ft.	20 ft.	5 ft.	10 ft.
Newly Platted lots	8,000	80 ft.	30 ft.	8 ft.	20 ft.
<u>Two-Family</u>					
Existing Lots	9,000	60 ft.	30 ft.	8 ft.	20 ft.
Newly Platted lots	10,000	80 ft.	30 ft.	8 ft.	20 ft.

Any lot division must meet newly platted lot size requirements.

2. Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one (1) adjacent structure, the setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the front yard setback requirement exceed thirty (30) feet.
3. On a corner lot, the width of the side yard on the street side shall not be less than twenty (20) feet, provided this does not reduce the buildable width of said lot to less than twenty four (24) feet.
4. **Building Height.** Residential Structures hereafter created shall not exceed 2 1/2 stories or 35 feet in height. Church spires, water towers and chimneys shall be exempt from these requirements.
5. **Maximum Coverage.** Lot coverage, for principal and accessory buildings, shall not exceed forty (40) percent of the lot area.
6. Lots platted prior to this Ordinance and not serviced by municipal water and sewer will be considered as buildable at their current size. However, newly platted lots shall be at a minimum of 2 1/2 acres when utilizing individual water and sewer systems.

SECTION 8.0 "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT

8.01 Intent

It is the intent of this district to provide for multiple-family dwelling unit structures and directly related complementary uses.

8.02 Permitted Uses

1. Multiple-family dwelling units.
2. Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community.

8.03 Permitted Accessory Uses

1. All permitted accessory uses as allowed in an "R-2" Single and Two-Family Residential District.

8.04 Conditional Uses

The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 20.0 of this Ordinance:

1. All conditional uses, subject to the same provisions as allowed in the "R-2" Single and Two-Family Residential District.
2. Townhouses regulated by Section 6.0 and Residential Planned Unit Developments regulated by Section 9.0 of this Ordinance.
3. Clinics and other buildings for treatment of human beings contingent upon adequate parking being provided.
4. Mobile homes only in mobile home parks provided that the criteria established by the State of Minnesota Department of Health and the requirements of Ordinances 9-01 and 15-01 are complied with.
5. Bed and breakfast establishments.
6. Boarding and rooming houses.
7. Nursing homes, rest homes.
8. Off-street loading and parking.

9. Uses deemed by the Planning Commission and City Council to be of similar nature to the listed conditional uses above and found not to be detrimental to the health and welfare of the City and its citizens.

1.	Lot Area <u>Sq. Ft.</u>	<u>Lot Width</u>	<u>Setbacks</u>		
			<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
<u>Multiple Family</u>					
Existing Lots	6,000	60 ft.	20 ft.	5 ft.	10 ft.
Newly Platted lot	8,000	80 ft.	30 ft.	8 ft.	20 ft.
<u>Two-Family</u>					
Existing Lots	9,000	60 ft.	30 ft.	8 ft.	20 ft.
Newly Platted lot	10,000	80 ft.	30 ft.	8 ft.	20 ft.
<u>Town-house</u>					
(Minimum)	5,000	60 ft.	30 ft.	8 ft.	20 ft.
	Per unit				
<u>Multi-Family</u>					
(Minimum)	2,000	80 ft.	30 ft.	8 ft.	20 ft.
	Per unit				

Any lot division must meet newly platted lot size requirements.

2. Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one (1) adjacent structure, the setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the front yard setback requirement exceed thirty (30) feet.
3. On a corner lot, the width of the side yard on the street side shall not be less than twenty (20) feet, provided this does not reduce the buildable width to less than twenty four (24) feet.
4. Building Heights. Residential structures hereafter erected exceed thirty five (35) feet in height.
5. Future lots not serviced by municipal water and sewer shall not be considered for multiple family use.

SECTION 9.0 "R-4" PLANNED UNIT DEVELOPMENT

9.01 Intent

The purpose of this Subdivision is to provide for the grouping of land parcels for development as an integrated, coordinated unit in a manner which emphasizes flexibility of design of land under single or unified ownership, developed with community or public sewer and water systems, and through clustering of buildings and activities. It is further intended that Planned Unit Developments are to be characterized by Central Management, integrated planning and architecture, joint or common use of parking, maintenance of open space, and other similar facilities, and a harmonious selection and efficient distribution of uses. Planned Unit Developments regulated under this section may be applied to Residential uses when in keeping with the regulations provided within this Ordinance.

9.02 General Regulations

1. The minimum area of land to be included in a Planned Unit Development shall be two (2) acres.
2. As a result of a Planned Unit Developments integrated character, the number of dwelling units allowed within the respective zoning district may be increased by five (5) percent. The development shall provide that twenty five (25) percent of the land, specifically lakeshore or river area, be reserved for use of the entire development and that the remainder of any shoreline shall be left in a natural state. The parking and similar requirements of these extra units shall be observed in compliance with this Ordinance.
3. It is the intent of this section to require subdivision of property simultaneous with an application for a Conditional Use Permit. The subdivision of land as a Planned Unit Development shall be the same as imposed in the respective district.
4. The front, side yard and shore land restrictions at the periphery of the Planned Unit Development site, at a minimum, shall be the same as imposed in the respective districts. Lots shall be designed so as to allow at least fifteen (15) feet between individual structures.
5. Private roadways within the project shall have an improved surface to twenty (20) feet or more in width. No portion of the required twenty (20) feet road system may be used in calculating required off-street parking space.

9.03 Administrative Procedure

1. The proponents of a Planned Unit Development shall submit a preliminary subdivision plat and development plan, along with an application for a Conditional Use Permit. The Preliminary plat shall conform to the provisions of this Ordinance and the Subdivision Ordinance. The development plan shall be drawn to a scale of not more than fifty (50) feet per inch, showing the following:
 - (a) the existing and proposed topography with contour intervals not greater than two (2) feet.
 - (b) the entire outline, overall dimensions and area of the tract described in the application.
 - (c) proposed public or community sewer and water system, including size, type and capacity.
 - (d) proposed roadway, type and capacity of paving.
 - (e) the proposed site and existing adjacent developments
 - (f) size and location of buildings.
 - (g) landscaping.
 - (h) parking areas and arrangements of stalls.
 - (i) allocation and disposition of park and open space.
 - (j) site and lot dimensions.
 - (k) type of use and density of each building, including a relief drawing of the general building design or theme intended for all buildings other than single and two-family units.
 - (1) location, type and size of signing.
2. If the Conditional Use Permit for the preliminary plat and site plan is approved, the preliminary plat and the site plan shall be attached to and become a part of the Conditional Use Permit. Any modification to the preliminary plat or site plan will require a resubmission to, and approval by, the Planning Commission and the City Council.
3. If the Conditional Use Permit is approved, the final plat shall be submitted to the City in accordance with the conditions of the permit and the provisions of this Ordinance.

9.04 Property Control

1. In order that the purposes of this subdivision may be achieved, the property shall be in single ownership or under the management and supervision of a central authority or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions of this Ordinance.
2. Prior to the use or occupancy or sale or the execution of contracts for sale of an individual building unit, parcel, tract, townhouse, apartment or common area, a declaration of covenants, conditions and restrictions or any equivalent document shall be filed with the City Clerk for approval as part of the Conditional Use Permit, prior to filings of said declaration or document with the recording officers of Morrison County.
3. The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject said properties to the terms of said declaration.
4. The declaration of covenants, conditions and restrictions shall provide that a owners' association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing effective private control.
5. The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to pay taxes or assessments on properties as they become due, then the City of Royalton shall have the right to assess each property its' pro-rata share of said expenses. Such assessment together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made and, in addition, each such assessment, together with such interest thereon and such cost of collection thereof, shall also be a personal obligation of the person who was the owner of such property at the time when the assessment became payable.

SECTION 10.0 "C-1" COMMERCIAL DISTRICT

10.01 Intent

It is the intent of this district to provide for the establishment of commercial and service activities which draw from and serve customers from the community and its surrounding areas.

10.02 Permitted Uses

1. Business services including banks, offices and postal stations.
2. Clothing services and laundry establishments including incidental pressing and repair, Laundromats, shoe sales and repair shops.
3. Equipment services including radio and television shops, electrical appliance shops, showroom of a plumber, decorator or similar trade.
4. Food services including grocery stores, fruit, vegetable and meat markets, supermarkets, restaurants, delicatessen, candy shops, bakeries and off sale liquor stores whose products are sold only at retail on the premises.
5. Personal services including drug stores, hardware stores, stationary and bookstores, news shops, apparel shops, showrooms for articles to be sold at retail, flower shops, commercial greenhouses and Laundromats.
6. Personal services including barber and beauty shops, reducing salons, tanning salons, nail salons, photographic shops and funeral homes.
7. Public transportation terminals, public utility buildings and transformer stations without storage yards.
8. Residence when included as an integral part of the principal buildings to be occupied by only the owner or his employee.
9. Governmental and public utility buildings and structures.
10. Recreational services including theaters, bowling lanes, clubs and lodges.
11. Hotels, motels, bed and breakfast establishments, taverns, private clubs and lodges.
12. Clinics and other buildings for the treatment of human beings.

10.03 Permitted Accessory Uses

1. Off-street parking and loading areas in compliance with Section 17.02 and 17.03 of this Ordinance.
2. Commercial or business buildings for a use accessory to the principal use.

10.04 Conditional Uses

The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 20.0 of this Ordinance:

1. Open outdoor sales, services or rental as an accessory use provided:
 - (a) the area is fenced or screened from the abutting properties.
 - (b) sales areas are properly surfaced to control dust.
2. Automobile service stations including sales, gasoline service stations and automobile repair garages, provided that no filling station, public garage or motor fuel station shall be located within two hundred (200) feet of a school, church, hospital or meeting place having a seating capacity of more than fifty (50) persons.
3. Drive-in restaurants, drive-in banks and other drive-in services.
4. Multiple family dwellings provided that the use is adjacent to or provides off-street parking and the ground level is solely for permitted commercial activities.
5. Storage buildings or distributing stations.
6. Drycleaners.
7. Uses deemed by the Planning Commission and City Council to be of similar nature to the listed conditional uses above and found not to be detrimental to the health and welfare of the City and its citizens.

10.05 Lot, Yard, Area and Height Requirements

1. Area, width and setback minimums shall be as follows:

<u>Lot Area</u> <u>Square Ft.</u>	<u>Lot Width</u>	<u>Yard Setbacks</u>		
		<u>Front</u>	<u>Side</u>	<u>Rear</u>
N/A	100 ft.	30 ft.	8 ft.	10 ft.

2. Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the setback shall be the average of the required setback and the setback of the existing structure. In no case shall the front yard setback requirement exceed thirty (30) feet.
3. On corner lots, the side yard on the street side shall be the same as the front yard on the reverse interior lots on that street provided this does not reduce the buildable width to less than thirty (30) feet.
4. **Building Height**

Commercial structures hereafter erected shall not exceed two (2) stories or thirty five (35) feet in height.

SECTION 11.0 "C-2" COMMUNITY COMMERCIAL DISTRICT

11.01 Intent

It is the intent of this district to provide for the establishment of commercial and service activities which draw from and serve customers from the community and its surrounding areas.

11.02 Permitted Uses

1. Business services including banks, offices and postal stations.
2. Clothing services and laundry establishments including incidental pressing and repair, Laundromats, shoe sales and repair shops.
3. Equipment services including radio and television shops, electrical appliance shops, showroom of a plumber, decorator or similar trade.
4. Food services including grocery stores, fruit, vegetable and meat markets, supermarkets, restaurants, delicatessen, candy shops, bakeries and off sale liquor stores whose products are sold only at retail on the premises.
5. Personal services including drug stores, hardware stores, stationary and bookstores, news shops, apparel shops, showrooms for articles to be sold at retail, flower shops, commercial greenhouses and Laundromats.
6. Personal services including barber and beauty shops, reducing salons, tanning salons, nail salons, photographic shops and funeral homes.
7. Public transportation terminals, public utility buildings and transformer stations without storage yards.
8. Residence when included as an integral part of the principal buildings to be occupied by only the owner or his employee.
9. Governmental and public utility buildings and structures.
10. Recreational services including theaters, bowling lanes, clubs and lodges.
11. Clinics and other buildings for the treatment of human beings.

11.03 Permitted Accessory Uses

1. Off-street parking and loading areas in compliance with Section 17.02 and 17.03 of this Ordinance.
2. Commercial or business buildings for a use accessory to the principal use.

11.04 Conditional Uses

The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 20.0 of this Ordinance:

1. Open outdoor sales, services or rental as an accessory use provided:
 - (a) the area is fenced or screened from the abutting properties.
 - (b) sales areas are properly surfaced to control dust.
2. Automobile service stations including sales, gasoline service stations and automobile repair garages, provided that no filling station, public garage or motor fuel station shall be located within two hundred (200) feet of a school, church, hospital or meeting place having a seating capacity of more than fifty (50) persons.
3. Drive-in restaurants, drive-in banks and other drive-in services.
4. Multiple family dwellings provided that the use is adjacent to or provides off-street parking and the ground level is solely for permitted commercial activities.
5. Retail storage buildings or distributing stations.
6. Drycleaners.
7. Hotels, motels, bed and breakfast establishments, taverns, private clubs and lodges.
8. Uses deemed by the Planning Commission and City Council to be of similar nature to the listed conditional uses above and found not to be detrimental to the health and welfare of the City and its citizens.

11.05 Lot, Yard, Area and Height Requirements

1. For all uses allowed in the "C-2" district, there will be no requirements for lot area, lot coverage or yard size.
2. **Building Height**
Buildings hereafter erected shall not exceed thirty five (35) feet in height

SECTION 12.0 "C-3" REGIONAL COMMERCIAL DISTRICT

12.01 Intent

It is the intent of this district to provide for and limit the establishment of automobile oriented or dependent commercial and service activities.

12.02 Permitted Uses

1. Auto accessory stores.
2. New and used automobile (truck, snowmobile, motorcycle, and marine) sales and service.
3. Commercial recreational services.
4. Farm implement sales and service.
5. Motels, hotels and bed and breakfast establishments.
6. Residences when occupied in connection with the commercial use and part of the principal structure. Residence to be occupied only by the owner or his employee.
7. Restaurants, cafes, taverns, drive-ins, dairy stores and grocery stores.
8. Tourist oriented retail stores.
9. Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community.

12.03 Permitted Accessory Uses

1. All permitted accessory uses in the "C-2" Community Commercial District.
2. Off-street parking and loading facilities including semi-trailers.

12.04 Conditional Uses

The following uses shall require a Conditional Use Permit based on the proceedings set forth in Section 20.0 of this Ordinance.

1. All conditional uses allowed in the "C-2" Community Commercial District.

2. Open air display areas for the sale of manufactured products such as lawn and garden furniture, hardware items, nursery stock, or rental or manufactured products or equipment including mobile home sales lots.
3. Recreational camping areas provided:
 - (a) land area is adequate for the proposed use.
 - (b) the site is serviced by an adequately paved arterial street.
 - (c) utilities are provided to each site and approved by the City Council.
4. Gasoline & fuel stations.
5. Uses deemed by the Planning Commission and City Council to be of similar nature to the listed conditional uses above and found not to be detrimental to the health and welfare of the City and its citizens.

12.05 Lot, Yard, Area and Height Requirements

1. Area, width and setback minimums shall be as follows:

<u>Lot Area</u> <u>Square Ft.</u>	<u>Lot Width</u>	<u>Yard Setbacks</u>		
		<u>Front</u>	<u>Side</u>	<u>Rear</u>
N/A	100 ft.	30 ft.	8 ft.	10 ft.

2. Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the setback shall be the average of the required setback and the setback of the existing structure. In no case shall the front yard setback requirement exceed thirty (30) feet.
3. On corner lots, the side yard on the street side shall be the same as the front yard on the reverse interior lots on that street provided this does not reduce the buildable width to less than thirty (30) feet.
4. Building Height

Commercial structures hereafter erected shall not exceed two (2) stories or thirty five (35) feet in height.

SECTION 13.0 "I-1" GENERAL INDUSTRIAL DISTRICT

13.01 Intent

It is the intent of this district to provide for and allow a wide range of industrial, warehousing and bulk commercial activities in locations which will not conflict with other uses.

13.02 Permitted Uses

1. Any branch of trade or industry employing labor and capital, activities not allowed in commercial districts, activities which do not require steam, diesel or gasoline engines as a prime mover excepting that no industry or use noxious by reason of odor, dust, smoke, noise or gas shall be included which interferes with other permitted uses.
2. Building materials, storage yards, lumber yards.
3. Contractors equipment and storage yards.
4. Wholesale business and warehousing.
5. Storage buildings or distributing stations.
6. Machine shops and public garages.
7. Public utility and service buildings.

13.03 Permitted Accessory Uses

1. Off-street parking and loading.
2. Open and outdoor storage.
3. Offices accessory to a principle use.

13.04 Conditional Uses

The following uses shall require a Conditional Use Permit based on the proceeding set forth in Section 20.0 of this Ordinance:

1. Industrial parks and storage.
2. Manufacturing of cement, concrete, lime gypsum or plaster.
3. Distillation of bone, coal, tar, petroleum, refuse, grain or wood.
4. Explosive manufacture or storage.
5. Fertilizer manufacturing, compost or storage.

6. Garbage, offal, dead animals, refuse, rancid fats, incineration, glue manufacturing, size or relative manufacturing where the processes include the refining or recovery of products from animal refuse or offal.
7. Livestock feeding yards, slaughtering of animals or stock yards.
8. Petroleum or asphalt refining, manufacturing or storage.
9. Smelting or refining of metals from ores.
10. Steam and board hammers and forging presses.
11. Storing, curing, and tanning of raw, green or salted hides or skins.
12. Corrosive acid manufacturing or bulk storage thereof.
13. Junk yards.
14. Grain elevators and storage subject to height restrictions set forth as part of the Conditional Use Permit.
15. Retail sales.
16. Gas regulator stations.
17. Buildings used for research and testing laboratories.
18. Uses deemed by the Planning Commission and City Council to be of similar nature to the listed conditional uses above and found not to be detrimental to the health and welfare of the City and its citizens.

13.05 Lot, Yard Area and Height Requirements

1.	Lot Area	Lot	<u>Yard Setbacks</u>		
	<u>Sq. Feet</u>	<u>Width</u>	<u>Front</u>	<u>Side(each)</u>	<u>Rear</u>
	8,000 Existing	100 ft.	25 ft.	8 ft.	10 ft.
	20,000 New	100 ft.	25 ft.	8 ft.	10 ft.

Any lot division must meet new lot size requirements.

2. Where a property abuts a railroad siding, no side or rear yard setback shall be required when a railroad loading facility is to be installed.

3. Building Height

No structure hereafter erected shall exceed forty (40) feet in height.

4. Maximum Coverage.

Lot coverage shall not exceed fifty (50) percent.

SECTION 14.0 “I-2” HEAVY INDUSTRIAL DISTRICT

14.02 PERMITTED USES

1. Any use permitted in the “I-1” General Industrial District.

14.03 CONDITIONAL USES

The following uses require a conditional use permit.

1. Any “Conditional Use” of the “I-1” General Industrial District.
2. Acetylene gas manufacture and electrical power plants.
3. Alcohol manufacture.
4. Battery manufacture, tire recapping or retreading.
5. Blast furnace or coke oven.
6. Boiler works.
7. Brick, tile, terra cotta manufacture.
8. Cement products manufacture and production of ready-mix concrete.
9. Food processing, smoking, curing, canning.
10. Freight classification yards.
11. Iron or steel foundry or fabrication plant for heavy castings.
12. Junk yards.
13. Quarry and stone mills.
14. Railroad repair shops.
15. Rolling mills.
16. Salvage yards.
17. Stove or shoe polish manufacture.
18. Adult uses as set forth in Ordinance 42.
19. Uses determined by the Planning Commission to be of similar nature to the listed permitted uses above and found not to be detrimental to the general health and welfare of the City.

14.04 PERMITTED ACCESSORY USES

1. The permitted accessory uses shall be the same as those of the “I-1” General Industrial District.

14.05 LOT, YARD, AREA AND HEIGHT REQUIREMENTS

1. Same as the “I-1” General Industrial District.

SECTION 15 " R-D" RAILROAD INDUSTRIAL DISTRICT

- A. The front yard setback in any railroad industrial district shall be ten (10) feet.
- B. The side yard setback in any railroad industrial district shall be not less than five (5) feet except on street intersections where the side yard setback on the intersecting street shall be not less than fifteen (15) feet.
- C. The rear yard setback in all railroad industrial districts shall be a minimum of ten (10) feet from the center of the streets.
- D. It shall be a policy of the Governing Body to issue permits for the construction of buildings in the railroad industrial districts on the basis of the actual widths and areas required by the builder to allow room for such building and its use to conform with this ordinance. Each proposal may be referred to the Planning Commission for study and recommendation.
- E. No building constructed in any railroad industrial district shall be more than forty (40) feet in height.
- F. The application for a building permit in railroad industrial districts shall be accompanied by a complete plot plan showing the proposed building or buildings and also the proposed use of the balance of the property. The plan shall show waste disposal, water supply, drainage, ingress and egress, landscaping, screening and other pertinent data. Distances to the surrounding buildings may also be shown on the plot plan. This plot plan shall also be accompanied by a signed authorization from the property owner. The Governing Body may submit these plans to the Planning Commission for consideration and recommendation. In any event no building permit shall be issued for any construction in a railroad industrial district until authorized by a majority vote of the Governing Body.

SECTION 16.0

Section 16 This section left intentionally blank for future use.

SECTION 17.0 GENERAL REQUIREMENTS

17.01 Intent

The intent of this section of the Zoning Ordinance is to establish general development performance standards, The regulations provided herein shall apply equally to all districts except where special provisions provide otherwise.

17.02 Parking and Loading Requirements

In all zoning districts, with the exception of permitted uses in "C-1" District, off-street parking facilities for the storage of motor vehicles for the use of occupants, employees and patrons of the buildings or structures hereafter erected, altered or extended after the effective date of this Ordinance shall be provided and maintained as herein prescribed.

1. Parking of automobiles and other motor vehicles is permitted in the front and side yards in manufacturing districts if screened by a greenbelt eight (8) feet in width.
2. Loading space shall not be construed as supplying off-street parking space.
3. When units or measurements used in determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
4. Whenever a use requiring off-street parking is increased in floor area, and such use is located in a building existing on or before the effective date of this Ordinance, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.
5. For the purpose of this section, "floor area," in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients or patients as tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise, less ten (10) percent.
6. Off-street parking facilities for dwellings shall be provided and located on the same lot or parcel of land as the building they are intended to serve.
7. The location of required off-street parking facilities for other than dwellings shall be within three hundred (300) feet of the building they are intended to serve, measured from the nearest point of the off-street parking facilities and the nearest point of the building or structure.

8. Where a use is not specifically mentioned, off-street parking requirements shall be the same as for similar uses.
9. Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses provided, collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the items listed in Section 17.02:11.
10. Nothing in this section shall prevent the extension of, or an addition to a building or structure into an existing parking area which is required for the original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area, or an additional area within three hundred (300) feet of such building.
11. The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing buildings as specified above, shall be determined in accordance with the following table, and the spaces so required and shall be irrevocably reserved for such use.
 - (a) Single-family, two-family and townhouse units, One (1) space per unit.
 - (b) Multiple family dwellings, Two (2) spaces per unit located on the same premises as the dwelling, one of which shall be an enclosed garage space. Any garage shall be of the same architectural treatment as the dwelling.
 - (c) Boarding houses, hotels, motels and dormitories. One (1) parking space for each dwelling for whom sleeping accommodations are provided.
 - (d) Places of Assembly. One (1) parking space shall be provided for each four (4) units of seating capacity in churches, theaters, gymnasiums, auditoriums, stadiums or arenas, and for schools (public or private), in schools (public or private) in the alternative, one parking space shall be provided for each four (4) units of seating capacity in classrooms or in the assembly, auditorium, gymnasium or stadium, whichever is greater.
 - (e) Places of medical treatment. One (1) parking space shall be provided for each two (2) employees plus one (1) for each four (4) beds in hospitals, sanitarium, rest homes and nursing homes, one (1) parking space shall be provided for each two (2) employees plus one (1) for each doctor plus one (1) per one hundred (100) square feet of floor area in clinics (medical or dental).
 - (f) Offices. One (1) parking space shall be provided for each two hundred fifty (250) square feet of floor space.

- (g) Bowling Alley. At least five (5) parking spaces for each alley, plus additional spaces as may be required herein for related use contained within the principal structure.
- (h) Motor fuel station. At least four (4) off-street parking spaces plus two (2) off-street parking spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts and/or service shall be required to provide additional parking in compliance with other applicable sections of this Ordinance.
- (i) Retail store and service establishment. At least one (1) off-street parking space for each two hundred fifty (250) square feet of floor area.
- (j) Retail sales and service business with fifty (50) percent of gross floor area devoted to storage, warehouses and/or industry. One (1) space for each two hundred fifty (250) square feet devoted to public sales and/or service plus one (1) space for each five hundred (500) square feet of storage area or one (1) space for each employee on the maximum shift whichever is appropriate.
- (k) Restaurants, night clubs, taverns or cafes, One (1) parking space for each four (4) seats, but not less than fifteen (15) spaces.
- (l) Manufacturing, fabrication or processing of a product or material, warehouse, storage, handling of bulk goods, post offices. One (1) parking space for each two (2) employees based on the maximum planned employment on each shift or one (1) space for each four hundred (400) square feet of floor area, whichever is greater.

12. In all districts where off-street parking lots are permitted or required such off-street parking lots shall be constructed and maintained subject to the following regulations:

- (a) Adequate ingress and egress shall be provided.
- (b) Such parking lots shall be maintained with a usable durable surface and shall be kept graded and drained to dispose of surface water. Acceptable surfaces include bituminous, concrete, pavers or other materials as recommended by planning commission and approved by the city council.
- (c) Whenever such parking lot boundary adjoins property zoned for residential use, a setback of three (3) feet from said lot line shall be required.
- (d) Necessary curbs or other protections against damage to adjoining properties, streets and sidewalks shall be provided and maintained.

17.03 Off-Street Loading

1. In Commercial and Industrial Zoning Districts, truck berths for loading and unloading of goods or wares shall be provided on the same lot for each building designed to be used for these purposes. Where truck berths are provided inside the building, such area shall not be included in the total floor area used for determining the required number of such berths, nor for parking space requirements.
2. Retail stores, shopping centers or shops shall provide one (1) truck berth for each two (2) business places or one (1) for each twenty thousand (20,000) square feet of floor area, whichever is greater.
3. Industrial and manufacturing uses shall provide one (1) truck berth for each twenty thousand (20,000) square feet of floor area.

17.04 Accessory Buildings In Residential Districts (R-1, R-2 R-3)

1. Accessory structures include but are not limited to detached garages, storage sheds, carports, gazebos/arbors, patios/patio covers, decks, recreational and play equipment, permanent swimming pools/hot tubs and greenhouses.
2. In all residential districts detached accessory buildings shall not be located nearer the front lot line than the principal building on the lot. When located within ten (10) feet of the rear wall of the principal building they shall comply with all yard requirements applicable to the principal building in the district. Where accessory buildings are to be located more than ten (10) feet from a rear wall of the principal building they shall not be located closer than five (5) feet from an adjoining side or rear lot line. All detached accessory buildings shall setback a minimum of twenty (20) feet from all street right-of-way lines. Accessory buildings are further limited not to exceed over one (1) story or twelve (12) feet in height measured from the floor to the bottom of the trusses.
3. All accessory buildings shall be designed to be compatible to the maximum extent possible, to the principal structure. In regard to materials for the exterior walls, roofs, etc. The material used must be similar in style and content of the primary structure or compliment the principal structure's design.
4. Accessory structures can not change the character of the principal structure.
5. Potential accessory uses that are not identified as permitted or not permitted are subject to review by the planning commission to determine if the proposed accessory structure use is allowable according to criteria such as: definition of accessory use; purpose and intent of the subject zoning district; potential adverse impacts the accessory use may have on other properties adjacent to or near the proposed structure and compatibility to other structures on or near the property.
6. No lot may have more than two (2) detached accessory buildings.

7. All detached accessory buildings may not exceed 1,200 square feet each.
8. All garages shall, if the vehicle entrance backs upon a public alley, be set back at least twenty (20) feet from the public alley right-of-way.
10. In no case shall the door of any structure, building or improvement, except the gate of a fence, be erected or constructed so as to extend beyond any lot line.

17.05 General Screening, Landscaping and Storage

1. All materials and equipment, except as provided in the district provisions of this Ordinance, shall be stored within a building or structure or screened so as not to be visible from adjoining properties, except the following:
 - (a) usable laundry equipment (clothes lines).
 - (b) recreational equipment and vehicles.
 - (c) construction and landscaping material currently being used on the premises.
2. In all zoning districts the lot area remaining after providing for parking, driveways, loading, sidewalks or other requirements shall be planted and maintained in grass, sodding, shrubs or other acceptable vegetation or landscaping techniques.

17.06 Dwelling Unit Restrictions

1. No basement, except when used as a portion of the living space of the family, or as an earth sheltered home, cellar, garage, tent or mobile home, or accessory building shall at any time be used as a residence or dwelling unit, temporarily or permanently except as elsewhere allowed in this Ordinance.
2. Except in the case of planned unit developments provided in Section 12 of this Ordinance, not more than one (1) principal building shall be located on a lot.
3. On a through lot (a lot fronting on two (2) parallel streets) or a corner lot, both street lot lines shall be front lot lines for applying yard and parking requirements.

17.07 General Performance Standards

1. All sewage facilities shall be connected to community sewer facilities when available. Where sewers are not constructed or in operation, all sewage facilities shall be connected to approved septic tanks and disposal fields. This provision shall not apply to temporary construction sites, or portable units.
2. Any lighting used to illuminate an off-street parking area, sign or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflecting glare, where from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining

property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.

3. The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC-1-15 and as subsequently expanded, modified or amended.
4. Dust and other particulated matter. The emission of dust, fly ash or other particulated matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC-1-15 and as subsequently expanded, modified, or amended.
5. Odors. The emission of odorous matter in such quantity as to be offensive shall not be permitted. The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC1-15 and as subsequently expanded.
6. Noise. All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness and as measured at any property line, shall not exceed the minimum standards established by the State of Minnesota, Regulations NPCI, 2 and 4.

17.08 Height and Yard Exceptions

1. Chimneys, cooling towers, elevator bulk head, fire towers, drive-in movie theater screens, grain elevators, silos, penthouses, stacks, tanks, water towers, pumping towers, radio or television towers, monuments, cupolas, steeples and mechanical appurtenances pertaining to and necessary to the permitted use of the district in which they are located, shall not be included in calculating the height of the principal structure. Solar collectors will be considered on an individual basis as a variance as set forth in Section 19.0.
2. Outside stairways, fire escapes, fire towers, porches, platforms, decks, balconies, boiler flues and other similar projections shall be considered as part of the building and not allowed as part of the required space for yards, courts or unoccupied space. However, this provision shall not apply to a fireplace or chimney, not more than eight (8) feet in length and projecting not more than thirty (30) inches into the allowable side yard space. This shall also not apply to unenclosed porches or other ground level unenclosed projections which may extend into a front or rear yard not more than six (6) feet, or into a side yard not more than three (3) feet.

17.09 Non-Conforming Uses

1. The lawful use of a building or structure existing at the time of the adoption of this Ordinance may be continued although such use does not conform with the district provisions herein.

2. A non-conforming use may be extended throughout the building or structure, provided no structural alterations or changes are made therein, except those required by law or ordinance or such as may be required for safety, or such as may be necessary to secure or insure the continued advantageous use of the building during its natural life.
3. Except as otherwise provided for in this chapter, any nonconforming use, structure, lot of record, sign or parking area existing on the effective date of this ordinance or subsequent amendment thereto may be continued so long as it remains otherwise lawful, unless (1) the nonconformity or occupancy is discontinued for a period of more than one year; or (2) any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no building permit has been applied for within 180 days of when the property was damaged. Any repair or modification cannot increase the number of dwelling units, add additional square footage, add additional stories or reconfigure the original footprint or site of the original structure.
4. A non-conforming use cannot be changed to a comparable non-conforming use. Whenever a non-conforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a non-conforming use of less restricted district.
5. In the event that a non-conforming use of any building or building and land is discontinued for a period of two (2) years, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.
6. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.
7. Any proposed structure which will, under this Ordinance, become non-conforming but for which a building permit has been lawfully granted prior to the effective date of this Ordinance, may be completed in accordance with the approved plans, provided construction is started within sixty (60) days of the effective date of this Ordinance, is not abandoned for a period of more than one hundred twenty (120) days and continues to completion within two (2) years. Such structure and use shall thereafter be a legally non-conforming structure and use.

SECTION 18.0 BLANK

Section 18 This section left intentionally blank for future use.

SECTION 19.0 BOARD OF ADJUSTMENT

19.01 Board of Adjustment

The Board of Adjustment shall be the City Council and shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcing this Ordinance. Such appeal may be taken by any person owning the property under appeal or by any officer, department board or commission of the City of Royalton. The Board of Adjustment shall have power to vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow, or shallow lots, or other exceptionally physical conditions, whereby such strict application would result in practical difficulty that would deprive the owner of the reasonable use of the land or building involved, but in no other uses except as specifically described. Any appeals on a Board of Adjustment decision shall be made to the District Court. Board of Adjustment decision shall be final except said appeal to District Court.

19.02 Variances

No variance in the provision or requirements of this Ordinance shall be authorized by the Board of Adjustment unless it finds evidence that all the facts and conditions exist:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district.
2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the same vicinity. The possibility of increased financial return shall not in itself be deemed sufficient to warrant a variance.
3. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.
4. That the condition or situation of the specific piece of property, or the intended use -of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.
5. That in the case of a solar collector variance, the applicant is unable to utilize solar energy systems under the provisions' of this Ordinance.
6. In granting a variance, the Board of Adjustment may impose conditions to insure compliance and to protect adjacent properties. The Board of Adjustment may not permit as a variance any use that is not permitted under this Ordinance for the property in the district where the affected person's land is located.

19.03 Procedure

1. Requests for a variance or appeal shall be filed with the City Clerk and shall be accompanied by a standard fee established by Council resolution, along with material explaining the request.
2. The Planning Commission shall consider the request at its next regular meeting and shall make a recommendation to the Board of adjustment within sixty (60) days of receiving the request.
3. Upon receiving the recommendation of the Planning Commission the Board of Adjustment shall set and hold a public hearing on said request, Notice of such hearing shall be mailed not less than ten (10) days nor more than thirty (30) days to property owners within three hundred fifty (350) feet of the affected parcel as determined by the City Clerk. Such notice shall also be published in the official newspaper within the above time period. Failure of a property owner to receive said notice shall not invalidate any such proceedings.
4. A variance of this Zoning Ordinance shall be by majority vote of the full Board of Adjustment.
5. Within fifteen (15) days after the hearing, the Board of Adjustment shall make its order deciding the matter and serve a copy of such order upon the appellant or the petitioner by mail.
6. All decisions by the Board of Adjustment in granting or denying a variance or appeal shall be final except that any aggrieved person, department, board or commission shall have the right to appeal within thirty (30) days, after the Board's decision, to the District Court on questions of law and fact.

19.04 Lapse of Variance

If within one (1) year after granting a variance the work permitted is not started such a variance shall become null and void unless a petition for an extension has been approved by the City Council.

SECTION 20.0 PROCEDURES FOR AMENDMENTS-REZONING/CONDITIONAL USE PERMITS

20.01 Initiation

The City Council or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this Ordinance. Any person, persons, firm or corporation or his expressed agent owning real estate within the City may initiate a request to amend the district boundaries and or text of this Ordinance so as to affect the said real estate, or request a Conditional Use Permit as provided for in the district provisions.

20.02 Procedure

1. A request plus copies of detailed written and graphic materials fully explaining the proposal for an amendment to this Ordinance shall be filed with the City Clerk and shall be accompanied by a standard fee plus costs as established by Council resolution.
2. The City Clerk shall refer said amendment request along with all related information to the Planning Commission for consideration and a report and recommendation to the Council.
3. The Planning Commission shall consider the amendment request at its next regular meeting. The City Clerk shall refer said amendment proposal along with all related information to the Planning Commission for their review.
4. The Planning Commission shall set a date for the official public hearing. Notice of such hearing shall be published in conformance with the State Law and individual notices, if it is a district change request, shall be mailed not less than ten (10) days nor more than thirty (30) days prior to the hearing to all owners of property, according to the assessment records, within three hundred fifty (350) feet of the parcel included in the request, such notice shall also be published in the official newspaper within the above time periods.
5. The Planning Commission shall reach a decision and make its report to the City Council within sixty (60) days after the regular meeting at which the amendment request was first considered by the Commission.
6. The Council, shall upon receiving no report within ninety (90) days, place such request regular meeting and decide the issue within from the Planning Commission on the agenda of its next thirty (30) days.
7. Upon receiving the reports and recommendations of the Planning the Council shall place the amendment request on the agenda of regular meeting and decide the issue within thirty (30) days. Said reports and recommendations shall be entered in and made part of the permanent written record of the Council meeting.

8. The Council shall have the option to set and hold a public hearing if deemed necessary for reaching a decision.
9. Approval of a Conditional Use Permit or amendment of this Zoning Ordinance shall require a majority vote of the full Council. The Council's action shall be final.
10. The City Clerk shall notify the originator of the amendment request of the Council's decision in writing.

20.03 Application

Applications for Conditional Use Permits shall be made to the City Clerk together with required fees. The application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Ordinance, including but not limited to:

1. Description of site (legal description).
2. Site plan drawn at scale showing parcel and building dimensions.
3. Location of all buildings and their square footage.
4. Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.
5. Landscaping and screening plans.
6. Drainage plan.
7. Sanitary sewer and water plan with estimated use per day.
8. Soil type.
9. Any additional written or graphic data reasonably required by the City Clerk or the Planning Commission.

20.04 Conditional Use Standards

No Conditional Use Permit shall be recommended by the Planning Commission unless said Commission shall find:

1. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
2. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

3. The adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so-that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
6. That proper facilities are provided which would eliminate any traffic congestion or traffic hazard which may result from-the proposed use.
7. The demonstrated need for the proposed use.
8. The proposed use is in compliance with any Comprehensive Land Use Plan adopted by the city.

20.05 Compliance

Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permits and of any conditions designated in connection therewith.

20.06 Lapse of Conditional Use Permit By Non-Use

Whenever within one (1) year after granting the Conditional Use the work permitted has not been started, then such permit shall become null and void unless a petition for an extension has been approved by the Council.

20.07: FEES

To defray the administration costs of processing of requests for amendments to the zoning map, or special permits, a fee shall be paid by the applicant as follows:

Application for rezoning \$150.00

Special Permits \$150.00

In addition the applicant shall reimburse the City for all publication, legal costs and all additional expenses accrued for any special hearings held to process the request (including the costs of paying Council and Planning Commission per diem for said special hearing, if any). Fees shall be payable at the time applications are filed with the Clerk and are not refundable unless application is withdrawn prior to the date of the first regular Governing Body meeting thereafter.

SECTION 21.0 ENFORCEMENT/VIOLATIONS/PENALTIES

21.01 Enforcement

This Ordinance shall be administered and enforced by a Zoning Administrator selected by the City Council. The City Council may institute appropriate action for any violations of this Ordinance at the direction of the City Council and through the City Attorney as deemed necessary.

Hereafter no person shall erect, alter, wreck, or move any building or part thereof without first securing a Building Permit. Application for a Building Permit shall be made to the City Clerk on blank forms to be furnished by the City.. Each application for a permit to construct or alter a building shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon and the size and location of the building and accessory buildings to be erected. Applications for any kind of Building Permit shall contain such other information as may be deemed necessary for the proper enforcement of this Ordinance. The fees for Building Permits shall be as established by the City Council. The Authorized Building Official for the City of Royalton shall issue the Building Permit for permitted uses, only after determining that the building plans, together with the application, comply with the terms of this and any other City Ordinance.

Building permits shall be valid for one (1) year and all construction shall proceed to completion within two (2) years of permit approval. Once work is started, any discontinuance of work for more than one hundred eighty (180) days shall invalidate the permit and the applicant shall petition the Building Official for a new permit.

21.02 Violations and Penalties

Any person who violates or fails to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed five hundred dollars (\$500) or by imprisonment for not to exceed ninety (90) days for each offense. Each day that the violation is permitted to exist shall constitute a separate offense.

SECTION 22.0 EFFECTIVE DATE

THIS REVISED ORDINANCE SHALL SUPERSEDE AND REPEAL ALL PRIOR AND CONSISTENT ORDINANCES. THIS ORDINANCE SHALL BE EFFECTIVE UPON PASSAGE AND PUBLICATION REQUIRED BY LAW.

DATED: 4/3/2012

CLERK

MAYOR