

planting strips shall not be less than eight (8) feet in height. Earth mounding or berms may be used but shall not be used to achieve more than three (3) feet of the required screen. The planting plan and type of shrub shall require the approval of the Planning Commission.

2. A required screening fence shall be constructed of masonry, brick, wood or steel. Such fence shall provide a solid screening effect and not exceed six (6) feet in height. The design and materials used in constructing a required screening fence shall be subject to the approval of the Planning Commission.
- H. Smoke/Dust/Odors. The emission of smoke, dust and other particulate matter or odors by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, as amended.
- I. Noise. The emission of noise by any use shall be in compliance with and regulated by the State of Minnesota Pollution control Standards, Minnesota Regulation NPC 1, as amended.
- J. Exterior Storage. All materials and equipment except as provided for in Section 5 through 8 of this Ordinance shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following:
1. Clothes line pole and wires.
  2. Recreational equipment and vehicles.
  3. Construction and landscaping materials currently being used on the premises.
- K. Demolition and Site Clearance. All work involving the demolition of structures or site clearance shall require a site permit as noted in Section 9 of this Ordinance. Work of this nature shall be performed such that the property is at all times maintained in a neat and secure manner. Any work involving the excavation or filling of a hole more than 3 feet in depth shall be fenced. All such work as noted above shall be completed within 45 days.
- L. Waste Material. Waste material resulting from or used in industrial or commercial manufacturing, fabricating, servicing, processing or trimming shall not be washed into the public storm sewer system, sanitary sewer system or ditches, but shall be disposed of in a manner approved by the Minnesota State Fire Marshall and the Pollution Control Agency.

- M. Bulk Storage (Liquid). All uses associated with the bulk storage of all gasoline, liquid fertilizer, chemical, flammable and similar liquids shall comply with requirements of the Minnesota State Fire Marshall and Minnesota Department of Agriculture Offices and the owner or operator thereof shall have documents from those offices stating the use is in compliance with applicable laws and regulations, said documents to be available for inspection by City Officials.

SUBD. 3

Schedule of Area, Height and Placement Regulation.

For information pertaining to this Subdivision, please see Table 1 at the end of this Ordinance. This Table and the information contained are hereby incorporated in and made a part of this Ordinance.

SECTION 4 GENERAL DISTRICT PROVISIONS

SUBD. 1

Establishment of Districts. The following zoning classifications are hereby established within the City of Wolverton.

A. Residential Districts.

1. "AR" - Agricultural Residential District
2. "GR" - General Residential District

B. Commercial/Industrial Districts.

1. "C" - General Commercial District
2. "I" - Industrial District

SUBD. 2

Official Zoning Map. The City is hereby divided into Zoning Districts as shown on the official zoning map which is hereby adopted by reference and declared to be a part of this Ordinance.

- A. The Official Zoning 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 the Official Zoning Map of the City of Wolverton, Minnesota."
- B. Zoning District Boundaries. Zoning district boundary lines of this Ordinance follow lot lines, right-of-way lines, or corporate limit lines, all as they exist upon the effective date of this Ordinance.
1. Appeals and questions of doubt concerning the exact location of a zoning district boundary line shall be heard by the Board of Zoning Adjustment.
  2. When any street, alley or other public right-of-way is vacated by official action of the City, the zoning district abutting the centerline of said alley or other

public right-of-way shall not be affected by such proceeding.

- C. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map by the City Clerk promptly after the amendment has been approved by the City Council.
- D. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under the provisions of this Ordinance.
- E. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map shall be the final authority of the current zoning status and shall be located in the Office of the City Clerk.

SECTION 5 "AR", AGRICULTURAL RESIDENTIAL DISTRICT

SUBD. 1

Purpose. The "AR" Agricultural Residential District is intended to provide a district that will allow suitable areas of the City to be retained and utilized for low density residential, open space and/or agricultural uses, and provide economy in public expenditures for public utilities and service.

SUBD. 2

The following are permitted uses in an "AR" District:

- A. Farming and agricultural related buildings and structures subject to Minnesota Pollution Control Standards, but not including commercial feed lots or other commercial operations.
- B. Public parks, recreational areas, wildlife areas and game refuges.
- C. Nurseries, tree farms and greenhouses.
- D. Single family dwellings.
- E. Essential services.
- F. Cemeteries.

SUBD. 3

The following are permitted accessory uses in an "AR" District:

- A. Operation and storage of such vehicles, equipment and machinery which are incidental to permitted or conditional uses allowed in this district.
- B. Home occupations.

- C. Swimming Pool, when completely enclosed with a suitable fence at least five (5) feet in height.
- D. Other family recreation facilities.
- E. Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment.
- F. Private garages, parking spaces and carports for licensed and operable passenger cars and trucks.

SUBD. 4

The following are conditional uses in an "AR" District:  
(Requires a conditional use permit based upon procedures set forth in and regulated by Section 10 of this Ordinance.)

- A. Governmental and public regulated utility buildings and structures necessary for the health, safety and general welfare.
- B. Public or semi-public recreational buildings and neighborhood or community centers.
- C. Commercial outdoor recreational areas including golf courses and club house country clubs, swimming pools and similar facilities.
- D. Commercial riding stables, dog kennels, animal hospitals with overnight care and similar uses.
- E. Recreational or travel vehicle camp sites (not including mobile homes).
- F. Any other legitimate uses which uses are consistent with the intent and purpose of the "AR" District.

#### SECTION 6 "GR", GENERAL RESIDENTIAL DISTRICT

SUBD. 1

Purpose. The purpose of the "GR" Single Family District is to provide for residential dwelling units and directly related, complementary uses.

SUBD. 2

The following are permitted uses in an "GR" District.

- A. Single family detached dwellings.
- B. Two family dwelling units.
- C. Multiple family dwelling structures.
- D. Essential services.
- E. Public parks and playgrounds.

SUBD. 3 The following are permitted accessory uses in an "GR" District:

- A. Private garages, parking spaces and carports for licensed and operable passenger cars and trucks not to exceed a gross capacity of twelve thousand (12,000) pounds. Such garage shall not be used for the storage of more than one (1) commercial vehicle owned or operated by a resident per dwelling unit.
- B. Recreational vehicles and equipment.
- C. Home occupations.
- D. Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment.
- E. Other family recreational uses.
- F. Day Care Home. Subject to the regulations and conditions of the Minnesota Department of Public Welfare.
- G. Family foster care. Subject to applicable Department of Welfare Regulations.

SUBD. 4 The following are conditional uses in an "GR" District. (Requires a conditional use permit based upon procedures set forth in and regulated by Section 10 of this Ordinance.)

- A. Public or semi-public recreational buildings and neighborhood or community center; and religious institutions such as churches, chapels temples and synagogues.
- B. Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community.
- C. Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility and service structures.
- D. Manufactured Housing, to include mobile home, provided:
  - 1. No mobile home for residential purposes shall be permitted on any site within the City of Wolverton unless said site is served by utilities as required by state law.
  - 2. Mobile homes shall not be used for residential purposes in the City if they:
    - a. Do not comply with the requirements for support and anchoring as established by the State of Minnesota.

- b. Are in an unsanitary condition or have an exterior in bad repair.
  - c. Are structurally unsound and do not protect the inhabitants against all elements as determined by a Minnesota licensed building inspector hired by the City.
3. All land areas shall be adequately drained, landscaped to control dust, and clean and free from refuse, garbage, rubbish or debris.
  4. The area beneath a mobile home coach shall be enclosed except that such enclosure must have access for inspection.
  5. Each mobile home site shall contain at least five thousand (5,000) square feet (homes to 14 feet wide) or sixty-five hundred (6,500) square feet (homes greater than 14 feet wide) of land area for the exclusive use of the occupant.
  6. Each mobile home site shall have off-street parking in accordance with Section 3, Subdivision 2C of this Ordinance.
- D. Any other legitimate uses which uses are consistent with the intent and purpose of the "GR" District.

#### SECTION 7 "C", GENERAL COMMERCIAL DISTRICT

SUBD. 1 Purpose. The purpose of the "C", (General Commercial District) is to provide for retail or service outlets which deal directly with the customer for whom the goods or services are furnished. The uses allowed in this district are to provide goods and services on a community market scale.

SUBD. 2 The following are permitted uses in a "C" District:

- A. Those enterprises which directly provide retail consumer goods or services.
- B. Any legitimate use the Planning Commission may recommend and which the Council may approve.

SUBD. 3 The following are permitted accessory uses in a "C" District:

- A. Commercial buildings or structures for a use accessory to the principal use but such use shall not exceed thirty (30) percent of the gross floor space of the principal use.
- B. Off-street parking or loading.

SUBD. 4 The following are conditional uses in a "C" District:

- A. Custom manufacturing, restricted production and repair limited to the following: art, needlework, jewelry from precious metals, watches, dentures, optical lenses provided that it does not conflict with the character of development intended for this district.
- B. Open and outdoor storage, sales or rental as an accessory use provided that:
  - 1. The area is fenced and screened from view of neighborhood residential uses.
  - 2. Storage is screened from view from public right-of-way.
  - 3. Storage area is grassed or surfaced to control dust.
  - 4. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Section 3, Subd. 2I of this Ordinance.
- C. Any other legitimate business uses which uses are consistent with the intent and purpose of the "C" District.

SECTION 8 "I", INDUSTRIAL DISTRICT

SUBD. 1 Purpose. The purpose of the "I", Industrial District is to provide for the establishment of warehousing and light industrial development.

SUBD. 2 The following are permitted uses in an "I" District:

- A. Processing or storage of agricultural products, not to include livestock.
- B. Blacksmith, welding or other metal shops.
- C. Broadcasting antennae, television and radio.
- D. Building material sales and storage.
- E. Cartage and express facilities.
- F. Essential services.
- G. Government and public utility buildings and structures.
- H. Machine shops.

- I. Manufacture and repair of electrical signs, advertising structures, light sheet metal products, including heating and ventilating equipment.
- J. Manufacture of musical instruments, novelties, and molded rubber products.
- K. Manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared materials such as broadcloth, cork, fiber, leather, paper, plastic metals, stones, tobacco, wax, yarns, and wools.
- L. Storage or warehousing.
- M. Wholesale business and office establishments.
- N. The manufacturing, compounding, assembly, packaging, treatment, or storage of products or material including: breweries, cement, stone cutting, brick, glass, batteries (wet cell), ceramic products, mill working, metal polishing and plating, rubber products, plastics, flour, feed, grain milling, sawmill, lime, gypsum, plaster of Paris, glue, size, cloth, and similar uses.

SUBD. 3

The following are permitted accessory uses in an "I" District:

- A. All permitted accessory uses as allowed in the "C" District.

SUBD. 4

The following are conditional uses in an "I" District:

- A. All permitted conditional uses allowed in the "C" District.
- B. LP gas storage provided that:
  - 1. All requirements of the current National Fire Protection Association Pamphlet # 58 "Liquid Petroleum Gases" are considered and satisfactorily met.
  - 2. The area is fenced and screened from view of neighboring residential uses or if abutting a residential district in compliance with Section 3, Subd. 2G of this Ordinance.
  - 3. Storage is screened from view from the public right-of-way in compliance with Section 3, Subd. 2G of this Ordinance.
  - 4. Storage area is grassed or surfaced to control dust.
  - 5. The proposal has been reviewed and approved in writing by the Minnesota State Fire Marshall.

- C. The following uses provided they meet all requirements of Section 3, Subd. 2 and Section 10 of this Ordinance.
  1. Auto wrecking, junk yard, used auto parts (open storage) and similar uses.
  2. Crude oil, gasoline, or other liquid storage tanks (except LP gas).
  3. Incineration or reduction of waste material other than customarily incidental to a principal use.
  4. Kilns or other heat processes fired by means other than electricity.
  5. Poison, fertilizer, fuel briquettes.
  6. Refuse/garbage disposal or recycling centers.
- D. Any other legitimate business uses which are consistent with the intent and purpose of the "I-2" District.

#### SECTION 9 ADMINISTRATION

SUBD. 1

Enforcing Officer. The office of Zoning Administrator is hereby established for which the City Council may appoint such individual as it may deem proper. The term of office for the Zoning Administrator shall be indefinite and shall terminate at the pleasure of the City Council.

SUBD. 2

The duties of the Zoning Administrator shall include:

- A. Cause the provisions of this Ordinance to be properly enforced and to administer the same.
- B. Issue Site Permits and maintain records thereof.
- C. Receive and forward to the Planning Commission all applications for Conditional Use Permits.
- D. Receive and forward all applications for matters which may arise.
- E. Such other duties as may be assigned.

SUBD. 3

Site Permits.

- A. Hereinafter, no person shall erect, alter, demolish or move any building or part thereof without first securing a Site Permit therefore.
- B. Application for a Site Permit shall be made to the Zoning Administrator on forms provided. Each application shall include a scale drawing showing dimensions of the lot and the size and location of the building and accessory

structures. The application may also require such additional information as may be deemed necessary for the proper enforcement of this Ordinance.

- C. The Zoning Administrator shall issue the Site Permit only after determining that the building plans, together with the application, comply with the terms and requirements of this Ordinance.

SUBD. 4 Enforcement and Penalties.

- A. No person shall erect, alter, demolish or move any building, or part thereof, without first securing a site permit therefore.
- B. Applications for any kind of site permit shall contain such information as may be deemed necessary for the proper enforcement of this Ordinance on forms approved by the City Council. A site permit shall be issued only after a determination has been made by the Zoning Administrator that the proposed building complies with the terms of this Ordinance and with other applicable laws, regulations and ordinances.
- C. Any person who shall violate or fail to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor.
- D. In the event of a violation or a threatened violation of this Ordinance, the City Council, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations.

SECTION 10 ADMINISTRATION, CONDITIONAL USE PERMITS AND AMENDMENTS.

SUBD. 1 A conditional use is one that may or may not be compatible with other uses in the district within which it is located. The compatibility of the proposed use must be judged on the basis of the particular circumstances and may require the imposing of conditions. The procedure for issuance of a conditional use permit as provided for in this Ordinance is as follows:

- A. The applicant for a conditional use permit shall file his application in writing in the office of the Zoning Administrator and pay a fee of Twenty (\$20.00) Dollars when the application is filed.
- B. The Zoning Administrator shall refer the application to the Planning Commission. Property owners within two hundred (200) feet of the property in question shall be given notice of pendency of the application and when the same will be considered by the Planning Commission, although failure of any property owner to receive such notification shall not invalidate the proceedings. It shall be the responsibility

of the Zoning Administrator to cause said notices to be mailed. The Zoning Administrator shall also cause notice of the date, time and place at which the Planning Commission anticipates it will consider said application to be mailed to the applicant. All notices required to be mailed pursuant to this section shall be mailed at least five (5) days prior to the date upon which the application will be considered.

- C. The Planning Commission shall consider the application at its next regular meeting, after compliance with notice requirements of this section.
- D. The applicant or his representative shall appear before the Planning Commission and answer any questions concerning the proposed special use. If the applicant or his representative fails to so appear the Planning Commission may recommend denial of the application.
- E. The Planning Commission shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to prevent such adverse effects.
- F. The reports of the Planning Commission containing its findings and recommendations shall be referred to the City Council and placed on the agenda of the Council at its next regular meeting following referral from the Planning Commission.
- G. The City Council shall take action on the application within sixty (60) days after receiving the report of the Planning Commission. In determining whether or not to allow the conditional use the Council shall consider the nature of the adjoining land or buildings, the effect upon traffic, whether similar uses are in existence on nearby premises and such other factors as the Council deems appropriate, including the recommendations of the Planning Commission. If it grants the conditional use permit, the City Council may impose any special conditions it considers necessary to protect the public's health, safety, and welfare. If the permit is denied the Council shall advise the applicant of the reasons within ten (10) days of the date of decision.

SUBD. 2

Amendments and Rezoning

- A. An amendment to this Zoning Ordinance may be initiated by the City Council, the Planning Commission, or by a petition of the affected property owners.
- B. All requests for amendment not initiated by the Planning Commission shall be referred to said Commission and the procedures contained in Ordinance 53 establishing a Planning Commission for the City of Wolverton, Minnesota, defining its powers and duties and establishing its

procedures and any amendments or replacement to said ordinance shall be complied with:

C. Prior to adopting any amendment which would change the zoning classification of any area the following factors shall be considered by the Planning Commission before making its recommendation to the Council and shall thereafter be considered by the Council prior to changing a zoning classification:

1. Relationship of proposed amendment to the comprehensive plan.
2. The geographic area involved.
3. Whether the amendment will have an adverse affect on property value.
4. The character of the surrounding area.
5. The demonstrated need for the amendment.
6. Any other factor deemed appropriate.

#### SECTION 11 APPEALS AND VARIANCES.

SUBD. 1 An appeal may be taken by any lot owner or applicant from any ruling or order of the Zoning Administrator to the Planning Commission of the City of Wolverton, Minnesota, acting as a Board of Adjustments and Appeals, in the manner provided by Ordinance No. 53.

SUBD. 2 All written reports and recommendations to the Board of Zoning Adjustment from the Planning Commission and the City staff shall be entered in and made part of the permanent written record of the Board's meeting.

SUBD. 3 Any person may make an application to the Planning Commission of the City of Wolverton, Minnesota, acting as a Board of Adjustments and Appeals, for a variance from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration and where the hardship is of a non-economic nature. The procedures specified in Ordinance No. 53 shall be complied with by the Board of Adjustments and Appeals in considering a request for a variance. Such variances shall be granted only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Ordinance and only after the following factors are considered

- A. The impact the use allowed by the variance may have on the supply of light and air to adjacent property.

- B. Whether congestion on public streets may be increased and/or whether the safe use of said streets may be diminished.
- C. Whether the danger of fire is increased.
- D. Whether the public safety will be jeopardized.
- E. Whether property values will be unreasonably diminished or impaired within the neighborhood.
- F. Any other factors deemed appropriate by the Board of Adjustments and Appeals.

The Planning Commission acting as a Board of Adjustments and Appeals may not permit as a variance any use that is not permitted under the Ordinance for property in the zone where the affected person's land is located. The Planning Commission acting as a Board of Adjustments and Appeals may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

SUBD. 4

Appeals may be taken from any order or decision of the Planning Commission of the City of Wolverton, Minnesota, acting as a Board of Adjustments and Appeals, to the City Council and subsequently to the District Court in the manner provided by Ordinance No. 53 of the City of Wolverton and amendments thereto.

#### SECTION 12 FEES

A schedule of fees may be established by resolution of the City Council from time to time.

TABLE 1

SCHEDULE OF AREA, HEIGHT AND PLACEMENTS REQUIREMENTS

ZONING DISTRICT	MINIMUM LOT SIZE	MINIMUM LOT DEPTH	MINIMUM FRONT YARD	MINIMUM SIDE YARD	MINIMUM REAR YARD
"AR"	1/2 acre	140 ft.	12 ft. (1)	5 ft. (2)	10 ft.
"CR"	6000 sq. ft.	140 ft.	12 ft. (1)	5 ft. (2)	10 ft.
"C"	none (3)	none (3)	none (3)	none (3)	(4)
"I"	none (3)	none (3)	none (3)	none (3)	(4)

NOTES:

- (1) In spite of this requirement, the setback line already established by buildings located on a block shall be followed whenever practical.
- (2) Add two (2) feet for each story over 1 story in height.
- (3) For "C" and "I" zones, these minimums shall be sufficient to allow the safe and orderly pursuit of the enterprise being proposed. Determination of adequacy shall be the responsibility of the Planning Commission.
- (4) Rear yards shall be adequate to allow loading/unloading and parking, plus such other space as may be required by the enterprise. Determination of adequacy shall be the responsibility of the Planning Commission.

AR

C

CITY LIMITS

AR

AUD. SUBLOT

GR

C

D. SUBLOT E

GR

C

RTH AUD. SUBLOT J

HORT

AR

GR

TH AUD. SUBLOT J

AR

I

CITY LIMITS

AGRICULTURAL RESIDENTIAL DISTRICT

GENERAL RESIDENTIAL DISTRICT

THIS IS TO CERTIFY THAT THIS IS THE OFF OF THE CITY OF WOLVERTON, MINNESOTA, MU AS PART OF ORDINANCE NO. 54 ON THE 9<sup>th</sup> OCTOBER, 1990.