



# ZONING ORDINANCE

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Adopted: December 12, 2000

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<sup>1</sup> 09/13/2022 Amendments to Sections 2.2 and 7.3

Ordinance 06232009-261 Amended Section 14.1

11/25/2025 Amended Section 2.2, Section 13, Section 14, Section 15 with Ordinance 11252025-001

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## ZONING ORDINANCE

An ordinance regulating the location, height, bulk, number of stories, size of buildings and other structures; the percentage of lot which may be occupied, the size of yards and other open spaces, the density and distribution of population, the location and use of building, structures and land for trade, industry, residential and other purposes; creating districts for such purposes and establishing the boundaries thereof; providing for changes in regulations, restrictions and boundaries of such district; defining certain terms used herein; providing for enforcement and administration and imposing penalties for the violation of this ordinance.

## PURPOSE

Pursuant to the authority conferred by the State of Minnesota in Chapter 462 of the State Statutes for the purpose of promoting the public health, safety, morals, and general welfare of the inhabitants of the City of Floodwood, now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLOODWOOD

## Section 1

This ordinance shall be known and cited as the “Zoning Ordinance of the City of Floodwood.”

The following ordinances and further amendments are hereby adopted by reference into the City of Floodwood Zoning Ordinance.

- A. Ordinance Number 062591-200 and Ordinance to Prevent, Reduce or Eliminate Blighting Factors and Public Nuisances Within the City of Floodwood and to Provide Penalties for the Violation Thereof.

## Section 2

### Definition

#### Section 2.1

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows. Words used in the present tense include the future tense. The singular number includes the plural. The word “person” includes a corporation, partnership, association, society, or agency, as well as an individual. The word “lot” includes the word “plot” or “parcel.” The term “shall” is always mandatory. The word “used” or “occupies” as

applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

## Section 2.2 Definition of Terms

**ACCESSORY USE.** A use, building or structure subordinate and incidental to the principal use of the land or a building on the same lot and serving a purpose customarily incidental to the principal use of land or building.

**ALLEY.** A public or private thoroughfare, which affords only secondary means of access to abutting property.

**AUTOMOTIVE SERVICE STATION.** Any building or premises used for the retail sale of liquified petroleum products for the propulsion of motor vehicles, and including such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, anti-freeze, motor vehicle accessories and other items customarily associated with the sale of such products; and for the rendering of service and making of adjustments and replacements to motor vehicles; as incidental to other services rendered, washing, waxing, and polishing of motor vehicles and making of repairs to motor vehicles except those of a major type.

**BILLBOARD.** Any sign pertaining to a business, product or event which is not carried on or manufactured in or upon the premises upon which it is located.

**BOARD.** Board of Appeals and Adjustments.

**BUFFER ZONE.** A landscaped area of land intended to separate two or more uses or structures which are incomparable with each other because of design, function, uses, or operations.

**BUILDING.** Any building or structure, or portion thereof, which is used, or designed or intended to be used for human habitation, for living, sleeping, cooking, or eating purposes or any combination thereof, or for the support, enclosure, shelter or protection of persons, animals for property.

**BUILDING COVERAGE.** That percentage of the total area of a lot which is covered by structures.

**BUILDING HEIGHT.** The vertical distance from the grade at the building line to the highest point of the scoping of a flat roof, or to the deck line of a mansard roof, height of the ridge for gable, hip, and gambrel roofs.

**BUILDING LINE.** The edge or side of a building nearest a lot line, including where applicable, the outer edge of overhanging eaves, but not steps.

**BUILDING PRINCIPAL.** A structure in which the primary use of the lot is situated.

**CANNABIS RETAIL BUSINESS.** A retail location and the retail location of a mezzobusiness or microbusiness with retail operations endorsement, and a medical combination business operating a retail location, all as defined in Minnesota Statutes Chapter 342.

**CANNABIS NON-RETAIL BUSINESS.** A facility used for adult-use cannabis production and/or distribution that could include indoor cultivation of cannabis and hemp, manufacturing, wholesaling, transporting, testing, event organizing and delivery, including a mezzobusiness, a microbusiness, and a medical combination business, all as defined in Minnesota Statutes Chapter 342.

**CHURCH.** A church, synagogue, mosque, or other place of worship for a religious society as defined under Minnesota Statutes Chapter 315.

**COMMERCIAL BUSINESS DEVELOPEMTN (CBD).** CBD within a Planned Unit Development (PUD).

**COMMERCIAL USE.** A land use for the purpose of commerce or business.

**COMMISSION.** The Planning Commission of the City of Floodwood.

**CONDITIONAL USE.** The use of land in a district where such use requires additional controls and safeguards not required of permitted uses.

**CONDOMINIUM.** Means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Any multi-unit dwelling may be held under multiple ownership.

**COUNCIL.** The City Council of the City of Floodwood.

**DAYCARE.** A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day and a day care providing day care services to adults with disabilities.

**DISTRICT.** A section or sections of the City of Floodwood within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.

**DWELLING UNIT.** A structure or portion thereof, providing independent cooking, living, sleeping, and toilet facilities for one (1) family.

**DWELLING, ONE FAMILY OR SINGLE FAMILY.** A detached building designed for or occupied exclusively by one (1) family and constituting one (1) dwelling unit.

**DWELLING, TWO FAMILY.** A detached building designed for or occupied exclusively by two (2) families and constituting two (2) dwelling units.

**DWELLING, THREE FAMILY.** A detached building designed for or occupied exclusively by three (3) families and constituting three dwelling units.

**DWELLING, MULTIPLE FAMILY.** A detached building or portion thereof, designed for occupancy by three (3) or more families and constituting at least three (3) dwelling units.

**ESTATE.** A dwelling unit situated on a parcel of land at least one-half (½) acres in size.

**FAMILY.** One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a rooming house, club, fraternity, or hotel.

**FLASHING SIGN.** A sign, part or all of whose lights go on and off intermittently.

**GARAGES, PRIVATE.** Residential accessory buildings principally intended for the storage of automobiles.

**GRADE (GROUND LEVEL).** The average of the finished ground level at the center of all walls of a building. In case walls are parallel to within five (5) feet of a sidewalk, the above ground level shall be measured at the sidewalk.

**GUEST ROOM.** Guest room is any room or rooms used, or intended to be used, by a guest for sleeping purposes. Every one hundred (100) square feet of superficial floor area in a dormitory is a guest room.

**HARDSHIP.** Synonymous with “undue hardship” as defined by Minnesota Statute Section 462.357 subd. 6(2).

**HOME OCCUPATION.** Any gainful occupation or profession conducted within the dwelling, or accessory building, by a resident thereof.

Home occupants shall meet the criteria specified below:

1. Only residents residing on the premises shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the main floor area of the dwelling unit shall be permanently set aside to be used in the conduct of the home occupation.
3. There shall be no change to the outside appearance of the premises that would reflect the presence of a home occupation other than one (1) sign, not to exceed two (2) square feet, non-illuminated, and counted flat against the wall of the principal building.
4. No equipment shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the

lot or in a neighboring dwelling unit. In the case of electrical interference, no equipment shall be used which created visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

5. No home occupation shall be permitted that creates the need for parking which frequently infringes upon the on-street parking in the neighborhood.
6. For uses within the dwelling unit the entrance to the space devoted to such occupation shall be within the dwelling unit.
7. There shall be no exterior storage of equipment or materials used in the occupation.
8. The home occupation must be conducted entirely within the building
9. Permissible home occupations include, but are not limited to the following: art studio, dressmaking, special offices of clergyman, lawyer, architect, engineer, accountant, beautician, professional offices, real estate agent or appraiser, teaching, day care centers, and miscellaneous services including sale, repairs, fit-it shops, etc.

**HOTEL.** Any building containing six (6) or more guest rooms intended or designed to be used or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests, whether rent is paid in money, goods, labor, or otherwise.

**HOUSEKEEPING UNIT.** Anyone or a group of individuals living together as a unit.

**INCIDENTAL.** Directly and immediately pertaining to, or involved in, though not an essential part.

**JUNKYARD.** Any area where waste, discarded or salvaged materials are stored, bought, sold, exchanged, baled or packaged, disassembled or handled, including house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, automobile tractor, or machinery wrecking and used parts yard, but not including areas where such uses are conducted entirely within a completely enclosed building and not including the processing of used, discarded or salvaged materials as part of manufacturing operations.

**KENNEL.** Any lot or premises, on which four (4) or more dogs, more than six (6) months of age, are kept.

**LOT.** A parcel of land shown as an individual unit of ownership on the most recent plat of record or other public records.

**LOT, CORNER.** A lot abutting the intersection of two (2) or more streets.

**LOT, DEPTH OF.** The main horizontal distance between the front and rear lot lines measured in the direction of its side property lines.

**LOT, INTERIOR.** A lot other than a corner lot, with frontage only on one (1) street.

**LOT LINES.** The lines bounding a lot.

**LOT OF RECORD.** A lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of St. Louis County, Minnesota.

**LOT WIDTH.** The mean horizontal distance between side lot lines measured parallel to the street line or its chord if curved.

**LOWER-POTENCY HEMP RETAIL BUSINESS.** A lower-potency hemp edible retailer as defined in Minnesota Statutes Chapter 342 and the retailer of nonintoxicating cannabinoids registered under Minnesota Statutes Section 151.72.

**MAYOR.** The Mayor of the City of Floodwood.

**MANUFACTURED HOME.** A structure transportable in one (1) or more sections, which is designed to be used for permanent occupancy as a dwelling and which is not constructed to the standards of the uniform building code:

1. Residential Trailer – A manufactured home which was not constructed in accordance with federal manufactured housing construction and safety standards (HUD), in effect after June 15, 1976.
2. Manufactured Home – a manufactured home constructed in accordance with federal manufactured housing construction and safety standards (HUD code) in effect after June 15, 1976.

**MOTOR VEHICLE DEALER.** A person engaged in the sales of new and/or used motor vehicles.

**MOTOR VEHICLE REPAIR GARAGE.** Any building used for major automobile repairs defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof or recapping or retreading of tires.

**NONCONFORMING USE.** A structure of land lawfully used or occupied as of the date of enactment of this Ordinance, which does not conform to the regulations of this Ordinance.

**NURSERY SCHOOL.** A home or institution where care and instruction are provided for four (4) or more non-resident children during the day, including kindergarten.

**NURSING HOMES.** A home for aged, chronically ill, or incurable persons in which three (3) or more persons not of the immediate family are received, kept and provided with food, shelter and care, for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment or care of the sick, injured, or of sane, inebriate or contagious cases.

**ORDINANCE.** This Ordinance or any subsequent revisions thereto.

**PARKING SPACE.** A permanently surfaced area either within a structure, or in the open, exclusive of driveway or access drives, for the temporary parking of a motor vehicle.

**PERMITTED USES.** Uses permitted under this Ordinance which require no additional action by the planning commission or the City Council.

**PLANNED UNIT DEVELOPMENT.** A tract of land developed as a unit rather than as individual development, wherein two (2) or more buildings and activities may be located in relationship to each other rather than to lot lines or zoning district boundaries.

**RESIDENTIAL TREATMENT FACILITY.** As defined under Minnesota Statutes 245.462 Subd. 23.

**SCHOOL.** A public school as defined under Minnesota Statutes 120A.24.

**SCREENED.** Concealed or cut off from view.

**SIGN.** Any face or any lettered or pictorial device or structure designed to inform or attract attention.

**STORY.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grad, such basement or cellar shall be situated between the rear property line of the lot and the rear line of the building projected to the side property lines of the lot.

**TELECOMMUNICATION FACILITIES.** Licensed wireless services used for commercial purposes including cellular, personal communication telecommunication services, specialized mobilized radio, enhanced specialized mobilized radio, paging, and similar services.

**TELECOMMUNICATION TOWER.** A free-standing, self-supporting lattice, guyed, or monopole structure constructed from grade intended to support antennas, except towers used for amateur radio operations.

**VARIANCE.** Any modification or variations of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.

**YARD.** An open space between building by any lot line which is open to sky unobstructed by any permanent or temporary uses or structures.

**YARD OPEN.** A yard in addition to front, side, and rear setbacks, in which no structure, driveway, or parking space shall be located.

**YARD FRONT.** A yard extending across the entire front of the lot and measured between the front line of the lot and the front line of the building, or any projection thereof other than steps, balconies paved terraces, porches, or bay windows.

**YARD SIDE.** A yard between the building and the sideline of the lot extending from the front yard to the rear yard and measured between the sideline of the lot and the side of the building, or any projection thereof other than steps, balconies, paved terraces, porches, or bay windows.

**ZONING OFFICIAL.** The officer charged with the administration and enforcement of this Ordinance shall be the person appointed by the Floodwood City Council by resolution.

**ADDITIONAL DEFINITIONS.** Additional definitions specific to a zoning district may be found included within the specific zoning district section.

## Section 3

### Official Zoning Map

**3.1 The City is hereby divided into districts** as shown on the Official Zoning Map, which, together with the matter thereon and the certificate attached thereto, is hereby adopted, and declared to be a part of this Ordinance as if described in detail herein. The Official Zoning Map shall be prepared and accurately maintained by the City and be displayed at all times in the Office of the City Clerk.

**3.2 The Official Zoning Map shall bear a certificate** with the signature of the Mayor and the Certification of the City Clerk and the date of adoption of this Ordinance. If any changes to the map are made by amendment of this Ordinance, such changes shall be made to the official Zoning Map and signed and certified upon the map or upon materials attached hereto.

**3.3 In the event that the Official Zoning Map becomes damaged,** lost, or difficult to read or interpret because of the number or nature of changes thereto, a new Official Zoning Map shall be prepared by the City and shall be approved for certification by the Council and signed by the Mayor and certified as the Official Zoning Map by the City Clerk.

**3.4 Where uncertainty exists as to the boundaries of districts** as shown on the official Zoning Map, the boundaries shall be interpreted as following the nearest logical line to that shown – where shown as approximately following platted lot lines, it shall be construed as following such lines, where shown as approximately following the City limits,

railroad tracks, street centerlines, stream or water centerlines or shorelines, it shall be construed as following such lines. Boundaries indicated as extension of or parallel to such lines shall be so construed. Where distances are not shown on the map, they shall be determined by scale of the map. Where any boundaries seem to conflict with physical or cultural features on the land, the Board of Adjustment shall interpret such boundaries.

## Section 4

### Application of District Regulations

Except as hereinafter provided, the regulation set by this Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land in each district, and particularly:

**4.1 No structure on land shall hereafter be used** or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless it is in conformity with all of the regulations herein specified for the district in which it is located.

**4.2 No part of any yard, other open space**, or off-street parking or loading space required in connection with any building or use shall be included as part of a yard, open space, loading or parking space of any other building or use.

**4.3 No yard or lot existing** at the time of passage of this Ordinance shall be reduced in dimension or area below the requirements set forth herein, and all yards or lots created after the effective date of this Ordinance shall meet the minimum requirements of this Ordinance.

**4.4 All territory which may hereafter be annexed** to the City shall be considered to be zoned in the Residential Estates (R-1) until otherwise classified by resolution of the City Council at time of annexation after the Council has received a report from the Planning Commission making the recommendation as to the zoning designation.

**4.5 No fence, wall, hedge, or shrub planting which obstructs sight** lines at elevations below eight (8) feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street lines and a line connecting them at points fifteen (15) feet from the intersection of the street lines, or in the case of a rounded corner from the intersection of the street property lines extended on streets having an angle of intersection of ninety (90) degrees or more. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such right lines. The same limitations shall apply on a street

having an angle of intersection of less than ninety (90) degrees except that the distance back from the point of intersection of the lot lines shall increase ten (10) feet for every ten (10) degrees below ninety (90) degrees.

**4.6 No accessory building or use shall be permitted** in any required front yard and no separate accessory building shall be erected within then (10) feet of any principal building.

**4.7 Sign regulations** shall not apply to signs or lights established by a government body for public warning or direction, for safety or for traffic control.

**4.8 Outdoor storage of salvaged materials** from buildings, roadways, transportation ways or other uses, in excess of four feet (4') in height, six feet (6') in width, and ten feet (10') in length shall not be permitted for periods exceeding 20 days unless adequate screening is provided, or they will be utilized on the property for specific building purposes and which a zoning permit has been applied for. This shall apply to all zoning districts.

Outdoor storage of logs, pulp wood, and other timber products shall not be permitted in any zoning district unless a Conditional Use Permit is applied for and receives approval in accordance with the Zoning Ordinance.

## Section 5

### Off Street Parking

#### 5.1 Intent

This section is intended to provide for off-street parking adequate to each type of development in terms of both amount and location in order to reduce the need for parking on the streets and highways and the traffic congestion and hazards caused thereby.

#### 5.2 Off-Street Parking Design Standards

1. Accessory off-street parking required for the uses specified herein shall only be for use by automobiles of employees, customers, and residents of the activity served and shall be in addition to provisions for parking for the public at large.
2. Off-street parking requirements shall be met on the same lot as the building served or on a lot within one hundred feet (100') thereof especially reserved for such use. Off-street parking facilities for separate uses may be provided collectively on a separate lot if the total spaces are not less than the total requirements of the separate uses and if other requirements are met.

3. An off-street parking space shall be at least nine feet (9') in width and at least twenty feet (20') in length, exclusive of access drive and ramps, and have a vertical clearance of at least seven feet (7').
4. All off-street parking spaces for single family dwellings and access areas shall be improved and maintained with minimum of an aggregate base, Class 5 material, or such other surface as may be approved by the City, to provide a durable and dust-free surface and shall be so arranged and marked as to provide for orderly and safe parking and storage.
5. All off-street parking spaces, driveways, entrances, and other areas where vehicles will be driven or parked for multifamily dwellings, two family dwellings, three family dwellings, business, commercial, industrial, and manufacturing uses shall be improved and maintained with a minimum of an asphalt or pavement overlying an aggregate base material to provide a durable and dust-free surface and shall be so arranged and marked to provide for orderly and safe parking and storage. Plans for off-street parking must be submitted with Conditional Use Permits.
6. All open parking areas with four (4) or more parking spaces adjoining property in a residential district shall be effectively screened by wall, fence, or landscaping.
7. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect light away from adjoining premises in any residential district.
8. Every off-street parking area shall be provided with a minimum adequate access of eight feet (8') if a residence, and sixteen feet (16') if a non-residential use, from a public street or alley.
9. All or any part of off-street parking requirements may be met within the building.

## 5.3 Number of Off-Street Parking Spaces Required

The following number of off-street parking spaces are minimum requirements in all districts and "any-portion-of-any-requirement" shall be interpreted to require a full parking space.

1. DWELLING. Two (2) parking spaces for each dwelling unit.
2. AUTOMOBILE SALES AND SERVICE GARAGES. One square foot (1') of parking space for each four feet (4') of gross floor area.
3. BANKS AND BUSINESS AND PROFESSIONAL OFFICES. One square foot (1') of parking space for each eight square feet (8') of gross floor area or one (1) space per two (2) employees, whichever provides the greater number of spaces.
4. BOWLING ALLEYS. Three (3) spaces for each alley.
5. CLINICS. One (1) space per employee in the maximum shift plus two (2) spaces per examination room.
6. CHURCHES AND ELEMENTARY SCHOOLS. One (1) space for each three (3) seats in a principal auditorium and if there is no auditorium, one (1) space for each classroom and office room.

7. DANCE HALLS AND ASSEMBLY HALLS. Three (3) square feet of parking space for each square foot of gross floor area.
8. FUNERAL HOMES AND MORTUARIES. One (1) space for each three (3) seats in the principal auditorium.
9. HIGH SCHOOL AND VOCATIONAL HIGH SCHOOL. One (1) space for each full-time employee, plus one (1) space for each five (5) pupils of designed student enrollment capacity.
10. HOSPITALS, CLINICS, CARE INSTITUTIONS. One-half ( $\frac{1}{2}$ ) space for each bed, plus one (1) space for each employee in the maximum shift.
11. HOTEL, MOTEL, AND LODGING HOUSES. One and two-tenths ( $1\frac{2}{10}$ ) space for each room or suite or each lodging unit.
12. MANUFACTURING ESTABLISHMENTS. One (1) space for each employee on the maximum shift.
13. RESTAURANTS, BEER TAVERNS AND NIGHTCLUBS. One (1) space for each three (3) seats in the main seating area.
14. RETAIL STORES AND PERSONAL SERVICE SHOP. One (1) space for each five hundred (500) square feet of retail or service floor area and one (1) for each employee in the maximum shift.
15. SPORTS ARENAS, AUDITORIUMS, STADIUMS, OR THEATERS. One (1) parking space for each three (3) seats of designed seating capacity.
16. OTHER USES. For any use or building not provided for above, the off-street parking requirements shall be determined by the Planning Commission.
17. In cases where the aforementioned are deemed too restrictive, the Planning Commission may make special determination to accommodate a relief.

## Section 6

### Nonconformities

#### 6.1 Intent

Within the districts established by this Ordinance there exist lots, structures and uses which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or its amendments. It is the intent of this Ordinance to permit these uses to continue until they are removed, but not to encourage their survival. Such uses are declared to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded, extended, or used as grounds for adding other prohibited uses. However, nothing in this Ordinance shall be deemed to require a change in plans,

construction, or designated uses of a building on which actual lawful construction has been begun prior to the effective date hereof.

## 6.2 Nonconforming Lots of Record

In any district in which single family dwellings are permitted, notwithstanding other limitations imposed by this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record on the effective date of this Ordinance. Such lot must be in separate ownership and not of contiguous frontage with other lots of the same ownership. A lot of record that does not meet lot area or lot width requirements must still meet other requirements of the district.

If two (2) or more lots or combinations of lots with contiguous frontage in single ownership are of record at the effective date of this Ordinance, and if all or part of the lots do not meet the requirements for lot area and lot width, the land involved shall be considered to be an undivided parcel and no portion of said parcel shall be used or sold which does not meet lot area and width requirements of the district in which it is located, nor shall any division of the parcel be made which creates lots or portions of lots below such requirements. Shifting of boundary lines between adjacent properties are permitted if they do not create an illegal lot.

## 6.3 Nonconforming Uses of Land

A lawful use on the effective date of this Ordinance or its amendments which is made no longer permissible by the terms of this Ordinance may be continued if it remains otherwise lawful, subject to the following provisions:

1. No such use shall be enlarged, increased, or extended to occupy a greater area of land than was occupied by such use at any effective date.
2. No such use shall be moved in whole or in part to any other portion of the lot or parcel being occupied by such use at any effective date.
3. If any such nonconforming use ceases for a period of more than six (6) months, any subsequent use of the land shall conform to district regulations for the district in which it is located.

## 6.4 Nonconforming Structures

Where a lawful structure exists that could not be built under the terms of this Ordinance, such structure may be continued, while under the same ownership, so long as it remains otherwise lawful, providing that:

1. No such structure may be enlarged or altered in any way that increases its nonconformity.
2. Should such structure be destroyed by fire or other peril to an extent of more than 50% of its market value, and if no building permit has been applied for within 180 days of when the property is damaged, it shall not be reconstructed except in conformity

with the provisions of this Ordinance. In this case the City of Floodwood may impose reasonable conditions upon a Conditional Use Permit in order to mitigate any newly created impact on adjacent property.

3. Should such structure be moved, it shall thereafter conform to the regulations for the district to which it is relocated.

## 6.5 Nonconforming Uses of Structures

If a lawful use of a structure or of structures and premises exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, providing that:

1. No existing structure devoted to a nonconforming use shall be enlarged, extended, reconstructed, or structurally altered unless the use is change to a permitted use.
2. Any nonconforming use may be extended to any other part of a building designed for such use, but no such use may be extended in any way to occupy land outside the building.
3. If no structural alterations are made, any nonconforming use of a building, structure, or premises may be changed to another nonconforming use, proved that the Board of Appeals and Adjustments shall find that the proposed use is equally appropriate or mor appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require appropriate conditions or safeguards.
4. Any structure or structures and land in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed.
5. Wherever a nonconforming use of a structure or premise is discontinued or abandoned for six (6) consecutive months for eighteen (18) months during any three (3) year period, the structure or premises shall not thereafter be used except in conformance with the regulations of the district in which it is located.
6. Where nonconforming use status applies to both structure and land, the removal or destruction of the structure shall eliminate the nonconforming status of the land.

## 6.6 Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs and fixtures, wiring, plumbing or repair or replacement of non-bearing walls, to an extent not exceeding ten percent (10%) of the replacement value of the building in any one (1) year, provided that such work does not increase the size of the building. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to safe conditions of any buildings or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

## 6.7 Conditional Uses

Conditional Uses provided for under Section 17 of this Ordinance shall not be deemed a nonconforming use in the district in which it is permitted.

## 6.8

Any junkyards or billboards are declared to be nuisances, and any such activities in existence in the Residential Districts at the date of the enactment of this Ordinance shall, at the expiration of one (1) year from such date, become a prohibited and unlawful use and shall immediately be discontinued.

# Section 7

## R-1 Residential Estates

### 7.1 Intent

This district is intended to provide for very low-density residential development, protected as to its residential quality, values, and amenities so as to conform to the system of service available and to provide for such community facilities as will enhance the residential quality of the area.

### 7.1 Permitted Uses

1. Single family dwellings.
2. Parks, playgrounds, golf courses, and other outdoor recreation areas.
3. Temporary buildings for and during construction.
4. Private garages and storage sheds.

### 7.3 Conditional Uses

1. Two (2) family dwellings.
2. Churches.
3. Cemeteries.
4. One (1) family farms including truck gardening and plant nurseries.
5. Hospitals and nursing homes.
6. Planned unit residential development on site of not less than five (5) acres.
7. Public utility buildings and structures.
8. Elementary, Junior High and Senior High schools.
9. Home Occupations.
10. Townhomes.
11. Condominiums.

12. Telecommunication Facilities.
13. Telecommunication Towers.

## 7.4 Minimum Lot Dimensions

1. Area – One-half ( $\frac{1}{2}$ ) acre.
2. Width – One hundred and fifty (150) feet.

## 7.5 Maximum Building Height, Width, and Length

1. Maximum building height shall be two and one-half ( $2 \frac{1}{2}$ ) stories and not over thirty-five (35) feet.
2. The minimum size of all single and multi-family dwellings shall be twenty-four (24') feet in width and twenty-four (24') feet in length.
3. Maximum accessory building height shall be fifteen (15') feet.

## 7.6 Minimum Yard Requirements

Minimum yard setback shall be provided as follows:

1. Front Yard – Forty (40') feet.
2. Rear Yard – Fifty (50') feet, provided that accessory buildings may be located up to ten (10') feet from rear yard.
3. Side Yard – Twenty-five (25') feet. The side yard of a corner lot facing a street shall be thirty (30') feet.
4. The main entry door for garages shall have a setback of twenty (20') feet from the property line abutting the street or alley.

## 7.7 Maximum Building Coverage

Twenty percent (20%).

## 7.8 Signs

1. One (1) sign identifying home occupation which shall not exceed two (2) square feet in area and shall be placed no more than two (2') feet away from the principal building.
2. One (1) sign advertising property for sale, lease, or rent which shall not exceed twelve (12) square feet.
3. No illuminated, flashing, or moving signs are permitted.

## Section 8

### R-2 Low Density Residential Existing Platted Areas

#### 8.1 Intent

This district is intended to provide for a low density, single family residential development, protected as to its residential quality, value and amenities and conforming to the system of services available or to be provided and to provide such community facilities as will enhance the residential quality of the area. (R-2 District is the current platted areas as of September 1, 2000.)

#### 8.2 Permitted Uses

1. Single family dwellings.
2. Parks, playgrounds, and other outdoor recreation areas.
3. Temporary buildings for and during construction.
4. Private garages and storage sheds.
5. Public utility buildings and structures.
6. Any R-1 use.

#### 8.3 Conditional Uses

1. Two family dwellings.
2. Churches.
3. Nursery schools and childcare centers – non-boarding.
4. Planned unit residential developments on sites not less than five (5) acres.
5. Public utility buildings and structures.
6. Home occupations.
7. Townhouse.
8. Condominiums.
9. Elementary, Junior High and Senior High schools.

#### 8.4 Minimum Lot Dimensions

1. Width – Fifty (50') feet.
2. Depth – One hundred (100') feet.

#### 8.5 Maximum Building Height, Width, and Length

1. Maximum building height shall be two and one-half (2 ½) stories and not over thirty-five (35') feet.
2. Maximum accessory building height shall be fifteen (15') feet.

## 8.6 Minimum Yard Requirements

1. Front Yard – Twenty-five (5') feet.
2. Rear Yard – Twenty (20') feet, except accessory buildings ten (10') feet.
3. Side Yard – Eight (8') feet. The side yard of a corner lot shall be twelve (12') feet.
4. Private garages with the main entry door facing the property line shall have a setback of then (10') feet.

## 8.7 Maximum Building Coverage

Sixty percent (60%).

## 8.8 Signs

As specified in Section 7.8.

# Section 9

## R-3 Medium Density Residential

### 9.1 Intent

This district is intended to provide for a medium density residential development, protected as to its residential quality, amenity and values and conforming to the system of services available or to be provided and to provide such community facilities as will enhance the residential character of the area.

### 9.2 Permitted Uses

1. Two (2) family dwellings.
2. Temporary buildings for and during construction.
3. Private garages and storage sheds.
4. Condominiums.

### 9.3 Conditional Uses

1. Churches.
2. Nursery schools and childcare centers – non-boarding.
3. Public utility buildings and structures.
4. Public parking area if within two hundred (200) feet of a commercial district.
5. Clinics, nursing homes, homes for the elderly, and convalescent homes.
6. Planned unit developments on sites of not less than five (5) acres.
7. Three family dwellings.
8. Home occupations.

9. Elementary, Junior High and Senior High Schools.

## 9.4 Minimum Lot Dimensions

1. Width – Single family dwelling: Fifty (50') feet. Two family dwelling: Seventy-five (75') feet. Three family dwelling: Ninety (90') feet.
2. Depth – One hundred ten (110') feet.

## 9.5 Maximum Building Height, Width, and Length

1. Maximum building height shall be two and one-half (2 ½) stories and not over thirty-five (35') feet.
2. The minimum size of all single and multi-family dwellings shall be twenty-four (24') feet in width and twenty-four (24') feet in length.
3. Maximum accessory building height shall be fifteen (15') feet.

## 9.6 Minimum Setback Requirements

1. Front yard – Twenty-five (25') feet.
2. Rear yard – Twenty (20') feet, except accessory buildings: ten (10') feet.
3. Side yard – Eight (8') feet. The side yard of a corner lot shall be twelve (12') feet.

## 9.7 Maximum Building Coverage

Fifty percent (50%).

## 9.8 Signs

As specified in Section 7.8.

# Section 10

## R-4 Multiple Residence District

### 10.1 Intent

This district is intended to provide for an interesting and pleasant high density residential environment close to major travel, service, retail, and other facilities and services.

### 10.2 Permitted Uses

1. Multi-family dwellings.
2. Temporary buildings for and during construction.
3. Private garages and storage sheds.
4. Townhouses.

5. Condominiums.

### 10.3 Conditional Uses

1. Churches.
2. Nursery schools, childcare centers – non boarding.
3. Public utility buildings and structures.
4. Public parking areas if within two hundred (200') feet of a commercial district.
5. Nursing homes, for the elderly, convalescent homes.
6. Planned unit developments on sites of not less than five (5) acres.
7. Funeral homes, mortuaries.
8. Lodges, fraternal organizations.
9. Medical clinics, professional offices.
10. Manufactured home parks subject to the provisions of Section 11.
11. Home occupations.

### 10.4 Minimum Lot Dimensions

1. Area – Single family: 5,500 square feet, Two (2) family: 8,250 square feet, Three (3) family: 9,900 square feet. Multiple dwellings: Plus, eight hundred (800) square feet for each additional unit over three (3).
2. Width – Uses permitted in R-3 District as specified in Section 9.4, plus an additional ten (10') feet for each additional unit over three (3).
3. Depth – One hundred ten (110') feet, plus an additional ten (10') feet for each portion of two (2) additional residences over three (3).

### 10.5 Maximum Building Height, Width, and Length

1. Maximum building height shall be two and one-half (2 ½) stories and not over thirty-five (35') feet in height.
2. The minimum size of all single and multi-family dwellings shall be twenty-four (24') feet in width and twenty-four (24') feet in length.
3. Maximum accessory building height shall be fifteen (15') feet.

### 10.6 Minimum Setback Requirements

1. Front yard – Twenty-five (25') feet.
2. Rear yard – Twenty (20') feet.
3. Side yard – Eight (8') feet. The side yard of a corner lot shall be twenty (20') feet.
4. Private garages with the main entry door facing the property line shall have a setback of twenty (20') feet.

### 10.7 Maximum Building Coverage

Fifty-five percent (55%).

## 10.8 Signs

As specified in Section 7.8 provided that signs for non-residential uses allowed as conditional uses in the R-4 District may be non-flashing illuminated and may have an area of not more than fifteen (15) square feet.

# Section 11

## R-5 Manufactured Homes

### 11.1 Intent

This district is intended to provide for a medium density single family residential development of manufactured homes, protected as to its residential quality, amenity and values and conforming to the system of services available or to be provided and to provide such community facilities as will enhance the residential character of the area.

### 11.2 Permitted Uses

1. Manufactured home parks or trailer coach parks meeting the requirements of the Minnesota Trailer Coach Park Law.
2. Temporary buildings for or during construction.
3. Private garages and storage sheds.
4. Uses permitted in R-1, R-2, R-3, and R-4 Districts.

### 11.3 Conditional Uses

1. Manufactured home or trailer coach sales lots on which unoccupied manufactured homes are parked for the purpose of inspection and sale.
2. Retail or service outlets intended to serve occupants of the manufactured home park.
3. Public utility buildings and structures.
4. Home occupations.
5. Condominiums.

### 11.4 Minimum Dimensions

Minimum area requirements for a manufactured home park site shall be two (2) acres and shall be not less than one hundred fifty feet (150') in width. Eighty percent (80%) of the lots within the manufactured home park shall be not less than four thousand (4,000') square feet in area and twenty percent (20%) of the lot shall be not less than three thousand (3,000) square feet in area. Minimum lot requirements may be reduced by ten percent (10%) provided such land is used to provide definable open space and recreation area within the

manufactured home park. Such open space or recreation area shall not be areas included within any required yard or setback nor shall they include any area less than twenty feet (20') in length and width.

## 11.5 Maximum Building Height

1. Twenty-four feet (24') or one and one-half (1 ½) stories.
2. Maximum accessory building height shall be fifteen feet (15').

## 11.6 Minimum Yard Requirements

1. Front yard – For manufactured home parks abutting on a federal or state highway or city arterial, the exterior front yard shall be not less than one hundred feet (100') from the centerline of said highway or forty-five feet (45') from said highway right-of-way, whichever is greater.

For lots abutting on all other roads the exterior front yard shall not be less than seventy-five feet (75') from the centerline of said road or forty feet (40') from said road right-of-way line, whichever is greater.

No manufactured home shall be located closer than twenty feet (20') to the manufactured home park exterior front yard line. There shall be a front yard of not less than ten feet (10') at the front end of each manufactured home site within the manufactured home park.

2. Rear yard – When a manufactured home park abuts a residential district, there shall be a minimum rear yard of fifty feet (50') between the rear property line of the manufactured home park and any manufactured home located herein. A minimum rear yard of twenty-five feet (25') shall be required for any manufactured home park abutting any other district. The minimum distance between manufactured homes within the manufactured home park shall be twenty feet (20') or the sum of the height of the two adjoining manufactured homes, whichever is greater. The point of measurement shall be a straight line at the closest point between the manufactured homes being measured.
3. Side yard – When a manufactured home park abuts a residential district, there shall be a minimum side yard of fifty feet (50') between the side property line of the manufactured home park and any manufactured home located therein. A minimum side yard of twenty-five feet (25') shall be required for a manufactured home park abutting any other district. The minimum distance between manufactured homes within the manufactured home park shall be twenty feet (20'), or the sum of the heights of the two adjoining manufactured homes, whichever is greater. The point of measurement shall be a straight line at the closest point between the manufactured homes being measured.

## 11.7 Maximum Building Coverage

Fifty percent (50%) of the total manufactured home park area.

## 11.8 Sign

As specified in Section 10.8.

## 11.9 Site Improvements and Designs, Minimum Site Improvements

The following shall be considered as minimum site improvements which shall be made in developing any manufactured home park.

1. Before approving an area for zoning as a R-5 manufactured Home District, the City Council shall require a detailed site plan and a written agreement with the developer of a manufactured home park specifying the improvements and the date they will be made.
2. To provide privacy for occupants of the manufactured home park, a twenty-foot (20') greenbelt shall be located and maintained along all exterior boundary lot lines not bordering a street.
3. A landscaped area shall be located and maintained between the manufactured home park area and any bordering street.
4. All manufactured home lots shall be provided with a surface stand, or pad, large enough to cover the entire area underneath any manufactured home parked thereon. Said pad shall be surfaced with asphaltic concrete, or comparable material, of a minimum thickness of two inches (2") or with at least six inches (6") of crushed rock, or aggregate.
5. Access to a manufactured home park shall be so designed as to limit ingress and egress points in order to facilitate traffic movement and to control undesirable traffic.
6. The interior street system of a manufactured home park shall be designed to provide for convenient access to each manufactured home lot by means of properly located arterial, collector, and local access streets.
7. A tornado shelter shall be constructed to allow maximum number of residents in manufactured home park to take shelter shall be constructed when five or more manufactured homes are located in a manufactured home park.

## Section 12

### R-6 Planned Unit Development

#### 12.1 Purpose

The purpose of the Planned Unit Development District is to offer an alternative zone to development as outlined in the residential, commercial, and industrial use districts of this Ordinance.

Deviation from the definitive and precise requirements of the several districts is to be conditionally allowed as a Planned Uni Development if the particular areas to be developed can offer greater value to the community and can better meet the community's health, welfare, and safety requirements than if those same areas were to be developed in a single-purpose zone.

The Planned Unit Development may be multi-purpose in nature so that not only may it be residential, commercial, or industrial but also it may contain a combination of these uses. Moreover, the Planned Unit Development, through the use of Land Use Permits superimposes the regulations of this form of development over any underlying district regulations.

The Planned Unit Development may take any of the following forms:

1. Residential Planned Unit Development (PUD) – The purpose of the Residential Planned Unit Development is to provide for the harmonious development of residential areas in such a manner:
  - a. the aesthetic qualities of the landscape may be preserved or created which would otherwise be impossible under the traditional one (1) lot – one (1) building concept.
  - b. the provisions may be made for natural non-geometric location of buildings within a site which will provide for economy of development through the use of good street and utility design.
  - c. the land use is consistent with or complementary to existing developments and the community's needs be encouraged.
2. Commercial Planned Unit Development – The purpose of the Commercial Planned Unit Development is to allow alternatives to the restrictions made mandatory in the commercial districts in such a manner that more efficient means of providing off-street parking, thoroughfare access, separation of pedestrian and vehicular traffic, stabilization of contiguous property values, buffering of adjacent non-commercial areas, and other general and pertinent planning considerations may be developed and utilized.

3. Industrial planned Unit Development – The purpose of the Industrial Planned Unit Development is to promote the creation of integrated industrial areas providing design features and control standards for superior industrial developments. In particular, attention shall be given to improving aesthetics, architectural form and scale, traffic circulation, and buffers between industrial and non-industrial areas and, as in all other Planned Unit Developments, exceptions from the specific regulations found in the zoning districts shall be made for developments which propose innovative or original schemes for the creation of a better urban environment.
4. Commercial Business Development (CBD) Planned Unit Development – The purpose of the CBD Planned Unit Development is to encourage the reconstruction or renewal of areas in the Commercial Districts. In cases, whether mixed usage is a goal or not, the development shall insure standards which will provide safe, healthful, aesthetic, and uncongested use of the area. This Ordinance recognizes that in the Commercial districts, the dimension of height is an important factor so that in this Planned Unit Development mixed uses may take this space into account and the City shall judge the use of this space on the merits of the plan and on the general needs of the residents of the City.
5. Mixed Use Planned Unit Development – The purpose of the Mixed Use Planned Unit Development is to provide developers with a tool whereby tracts of land outside of the commercial district may be developed for multiple uses provided the development is compatible with the needs of the residents of the City and in no way detracts from their general health, welfare, or safety. This section makes possible a mixture of land uses in such a manner that residential, commercial, and industrial land uses may be juxtaposed if they are both internally and externally compatible to complementary within themselves and with the remainder of the community. To provide for the proper utilization of land in a Mixed Use Planned Development, it must be assumed that only large tracts shall be determining the merits of any such proposal.

## 12.2 Planned Unit Development Projects

1. This section makes provisions for Residential, Commercial, Industrial central Business District, and Mixed Use Planned Unit Developments for tracts of land under single or unified ownership. Such Planned Unit Development Projects shall be developed in accordance with an over-all design as shown in a General Development Plan which shall not in any way be inconsistent with the general intents of this Ordinance.
2. Regulations
  - a. All roadways and utilities within a Planned Unit Development shall be constructed to specifications established by the City Council. At the City

- Council's request, an agreement for the completion of this work shall be established by the City of Floodwood and the developer.
- b. There shall be no standard minimum size requirement for any Planned Unit Development. It should be expected, however, that the size of the proposed developments will be such that this form of development will be logical and such that the purposes of the Ordinance will not be defeated.
  - c. The burden of justification for any Planned Unit Development project shall be the exclusive responsibility of the developer. He/She shall be responsible for providing the information and data required in this article. In addition, as the Planned Unit Development is an innovative approach, he/she shall provide any other data or information as may be required by the Planning Commission or the City Council.
  - d. Upon approval of the Planned Unit Development by the City Council, the area will be subject to the stipulations of the Conditional Use Permit and the area shall be rezoned to the Planned Unit Development District. The developer, when so requested, shall make periodic reports of development to the Planning Commission. Under no circumstance, however, shall deviation from the General Development plan be allowed unless prior approval has been given by the City Council.
  - e. Once the request for the Conditional Use Permit and rezoning have been approved by the City Council and the resulting Ordinance becomes effective, the developer may begin construction. It shall be understood, however, that the planned Unit Development District is in all cases conditional and that no departure from the General development Plan shall be allowed without prior approval by the City Council. At the termination of the usage of any of the principal buildings in the Planned Unit development, no new construction or new land use shall be undertaken. The Planned Unit Development District is contractual in nature and once those conditional and approved land uses and structures are no longer in use, the zoning shall revert to its previous classification. The developer shall be responsible for notifying the City of any discontinuance or variance from the conditions of an approved Planned Unit Development.
  - f. Nothing in this article or this Ordinance shall be interpreted as negating the necessity of filing a plat as required by the City's Subdivision regulations. In addition, nothing in this article shall be interpreted as defeating the purpose of the orderly and rational development of the City of Floodwood and of the environment.

### 12.3 Administrative Procedure

1. Before any construction, the proponents of a Planned Unit Development project shall submit and receive approval of:

- a. Preliminary Development Plan,
  - b. General Development Plan, and
  - c. Detailed Development Plan for the construction area.
2. The preliminary Development Plan shall be submitted to the Planning Commission.

The plan shall include the proponent's general intentions regarding function and land use. The plan may be submitted for approval at the same time the Preliminary Plat is being considered.
3. After the Planning Commission and the City Council approval of the Preliminary Development Plan (and the Preliminary Plat where necessary) application for rezoning of the entire area to the Planned Unit Development District shall be made. Accompanying the request, there shall be a reproducible copy of the General Development Plan. The General Development Plan and the Final Plat may be submitted for approval concomitantly.

The General Development Plan shall indicate:

  - a. The topographic surface of the entire area to be developed.
  - b. Points of ingress or egress excluding those of one (1) and two (2) family detached residences.
  - c. Recreation and other open space areas.
  - d. Parking areas for other than one (1) and two (2) family detached dwellings.
  - e. Land use of each specific lot or out lot as determined by the Final Plat.
4. After Planning Commission approval of the General Development Plan and after City Council approval of the rezoning request, the proponents shall submit a detailed Development District provided the Final Plat has been approved and provided a plating agreement has been completed with the City of Floodwood. This Detailed Development Plan shall be accompanied by a request for a Conditional Use Permit which, if granted will specify the uses and conditions of development in the area delineated by this Final Plan by incorporating said detailed Development Plan into the Ordinance. The submitted, reproducible plan at a minimum shall show:
  - a. Parking areas with stall arrangements for other than one (1) and two (2) family detached dwellings.
  - b. The size, bulk, location, arrangement, and use of buildings other than one (1) and two (2) family detached dwellings. In addition, where a CBD Planned Unit Development is proposed with mixed uses, floor plans with the various functional uses shall be included.
  - c. General landscaping of the area to exclude ornamental shrubs and plantings provided for in one (1) and two (2) family residential developments.
  - d. Facilities and uses of recreation area.
5. Any deviation from the Detailed Development Plan after approval by the City Council shall be a violation of this Ordinance unless approved by the City Council following review and recommendation of the Planning Commission.

# Section 13

## C-1 Core Commercial

### 13.1 Intent

This district is intended to provide a retail and service center for the City of Floodwood and all economic activities that provide jobs for its residents. It should not intrude on residential development, and residential development in this area should be discouraged as harmful to the economic development of the City.

### 13.2 Permitted Uses

1. Retail uses conducted entirely within a building.
2. Eating and drinking establishments except drive-ins.
3. Personal service shops.
4. Financial institutions.
5. Offices, clinics, business schools.
6. Theaters and commercial amusement places.
7. Hotels and motels.
8. Lodges and fraternal organizations.
9. Institutional uses and churches.
10. Funeral homes and mortuaries.
11. Parking lots.
12. Public utility buildings and structures.
13. Temporary.
14. Buildings for and during construction.
15. Apartments over business establishment.

### 13.3 Conditional Uses

1. Retail sales lots including used cars.
2. Open storage lots included as part of a permitted use.
3. Billboard or outdoor advertising signs not exceeding six hundred (600) square feet.
4. Wholesale and storage establishments.
5. Gasoline service stations and auto repair garages.
6. Residences, if in conjunction with a non-residential establishment.
7. Daycare center.
8. Multi-family dwelling.
9. Condominiums.
10. Cannabis Retail Business and Lower-Potency Hemp Retail Business shall be allowed with a five (5) year term Conditional Use Permit. Cannabis Retail Business and Lower-

Potency Hemp Retail Business shall be further subject to the buffer zones set forth below:

- a. The City of Floodwood shall prohibit the operation of a cannabis retail business within 1,000 feet of a school.
- b. The City of Floodwood shall prohibit the operation of a cannabis retail business within 500 feet of a day care.
- c. The City of Floodwood shall prohibit the operation of a cannabis retail business within 500 feet of a church.
- d. The City of Floodwood shall prohibit the operation of a cannabis retail business within 500 feet of a residential treatment facility.
- e. The City of Floodwood shall prohibit the operation of a cannabis retail business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
- f. The City of Floodwood shall prohibit the operation of a cannabis retail business within 500 feet of another cannabis retail business.
- g. Pursuant to Minnesota Statutes 462.357, subd. 1e., nothing in Section 3.1 shall prohibit an active cannabis retail business or a cannabis retail business seeking registration from continuing operation at the same site is a school/daycare/church residential treatment facility/attraction within a public park that is regularly used by minors moves within the minimum buffer zone.
- h. No Cannabis or Hemp business shall operate as a “home occupation” as defined in Section 2.2 Definition of Terms, of the City of Floodwood Zoning Ordinance.

### 13.4 Accessory Uses

1. Storage within a building if accessory to a principal use.
2. Off-street parking spaces and loading berths.
3. Accessory buildings and uses customarily incidental to the above listed uses.

### 13.5 Minimum Lot Dimensions

No minimum lot area or width is prescribed.

### 13.6 Maximum Building Height, Width, and Length

1. Maximum building height shall be two and one-half (2 ½) stories and not over thirty-five feet (35’).
2. The minimum size of all single and multi-family dwelling shall be twenty-four feet (24’) in width and twenty-four feet (24’) in length.

### 13.7 Minimum Yard Requirements

No yards are required provided that if a building abuts on a residential district there shall be a yard of not less than twenty feet (20') provided on the abutting side, which yard shall be screened from view of the residential district.

### 13.8 Maximum Building Coverage

Eighty percent (80%).

### 13.9 Signs

1. No flashing signs shall be permitted.
2. A sign of not more than four hundred (400) square feet on the facings of all its sides for any one (1) building or for all the uses in the building is permitted.
3. Signs may not extend over a sidewalk or other public right-of-way for more than five feet (5').

## Section 14

### C-2 Highway Commercial

#### 14.1 Intent

This district is intended to provide roadside service for travelers, as well as residents, and to provide for the development of activities that use land extensively. Such business activities should not be permitted to interfere with the movement of traffic near or within the amenities of the City of Floodwood.

#### 14.2 Permitted Uses

1. Motels.
2. Eating and drinking establishments including drive-in restaurants.
3. Gasoline service stations and truck stops.
4. Car washes and repair garages but not including open storage of dismantled vehicles.
5. Landscape, nursery, or garden sales.
6. Public utility buildings and structures.
7. Temporary buildings for and during construction.
8. Retail uses conducted entirely within a building.
9. Offices, clinics, business schools.
10. Theaters and commercial amusement places.
11. Personal service shops.

12. Auto, truck, trailer, and farm implement sales.
13. Marine and boat sales.
14. Bowling alleys and dance halls.
15. Miniature golf course, golf driving range and other commercial outdoor recreation activities.
16. Lower-Potency Hemp Retail Business for the sale of Low-Potency Edible beverages and nonintoxicating cannabinoid beverages.

### 14.3 Conditional Uses

1. Auto, truck, trailer, and farm implement sales.
2. Marine and boat sales.
3. Bowling alleys and dance halls.
4. Miniature golf course, golf driving range, and other commercial outdoor recreation activities.
5. Combined business and residential uses.
6. Planned unit development for retail and service uses on site of four (4) or more acres.
7. Billboards and outdoor advertising signs not exceeding six hundred (600) square feet.
8. Condominiums.
9. Cannabis Retail Business and Lower-Potency Hemp Retail business shall be allowed with a five (5) year term Conditional Use Permit. Cannabis Retail Business and Lower-Potency Hemp Retail Business shall be further subject to the buffer zones set forth below:
  - a. The City of Floodwood shall prohibit the operation of a cannabis retail business within 1,000 feet of a school.
  - b. The City of Floodwood shall prohibit the operation of a cannabis retail business within 500 feet of a day care.
  - c. The City of Floodwood shall prohibit the operation of a cannabis retail business within 500 feet of a church.
  - d. The City of Floodwood shall prohibit the operation of a cannabis retail business within 500 feet of a residential treatment facility.
  - e. The City of Floodwood shall prohibit the operation of a cannabis retail business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
  - f. The City of Floodwood shall prohibit the operation of a cannabis retail business within 500 feet of another cannabis retail business.
  - g. Pursuant to Minnesota Statutes 462.357 subd. 1e., nothing in Section 3.1 shall prohibit an active cannabis retail business or a cannabis retail business seeking registration from continuing operation at the same site if a school/daycare/church/residential treatment facility/attraction within a

public park that is regularly used by minors moves within the minimum buffer zone.

- h. No Cannabis or Hemp business shall operate as a “home occupation” as defined in Section 2.2 Definition of Terms, of the City of Floodwood Zoning Ordinance.

## 14.4 Accessory Uses

1. Storage of goods related to sales establishments.
2. Off-street parking spaces and loading berths.
3. Accessory buildings and uses customarily incidental to the above listed uses.

## 14.5 Minimum Lot Dimensions

1. Area – Five thousand (5,000) square feet.
2. Width – Fifty feet (50’).
3. Depth – One hundred feet (100’).

## 14.6 Maximum Building Height, Width, and Length

1. Maximum building height shall be two and one-half (2 ½) stories and not over thirty-five feet (35’).
2. The minimum size of all single and multi-family dwellings shall be twenty-four feet (24’) in width and twenty-four feet (24’) in length.

## 14.7 Minimum Yard Requirements

1. Front yard – thirty feet (30’).
2. Rear and side yards – none required provided that if a property abuts a residential district there shall be a yard of not less than twenty feet (20’) provided on the abutting side, which yard shall be screened from view of the residential district.

## 14.8 Maximum Building Coverage

Sixty percent (60%).

## 14.9 Signs

1. No flashing signs shall be permitted.
2. A sign of not more than six hundred (600) square feet on the facings of all its sides for any one (1) building or for all the uses in the building is permitted.
3. Signs may not extend over a sidewalk or other public right-of-way.

# Section 15

## M-1 Industrial

### 15.1 Intent

It is intended that this district provide for the activities that give employment to many of the City of Floodwood's residents. In this area, close to rail and highway transportation, the most advantageous sites for such activities are located. However, uses of land which adversely may affect the health or welfare of the people are prohibited.

### 15.2 Permitted Uses

1. Gasoline service stations.
2. Automotive works and repair garages but not including the open storage of dismantled vehicles.
3. Landscape nursery or garden sales.
4. Public utility buildings and structures.
5. Lumber yards and building materials sales yards.
6. Auto, truck, trailer, and farm implement sales. Marine and boat sales.
7. Marine and boat sales.
8. Bottling and manufacturing.
9. Food processing plants.
10. Storage warehouses and open storage yards.
11. Transportation and freight terminals.
12. Contractor's offices, warehouses, and storage yards.
13. Hay, grain, feed, and fuel supply sales and storage.
14. Monument works.
15. Temporary buildings for and during construction.

### 15.3 Conditional Uses

1. Billboards and outdoor advertising signs not exceeding six hundred (600) square feet.
2. Planned unit industrial development on sites of not less than ten (10) acres.
3. Any lawful use of land or building not expressly prohibited or provided for and which, by its nature, does not constitute either a public or private nuisance because of noise, dirt, soot, offensive odor, or unsanitary condition.
4. Cannabis Non-Retail Business shall be allowed with a five (5) year term Conditional Use Permit. Cannabis Non-Retail Business shall be further subject to the buffer zones set forth below:
  - a. The City of Floodwood shall prohibit the operation of a cannabis non-retail business within 1,000 feet of a school.

- b. The City of Floodwood shall prohibit the operation of a cannabis non-retail business within 500 feet of a day care.
- c. The City of Floodwood shall prohibit the operation of a cannabis non-retail business within 500 feet of a church.
- d. The City of Floodwood shall prohibit the operation of a cannabis non-business within 500 feet of a residential treatment facility.
- e. The City of Floodwood shall prohibit the operation of a cannabis non-retail business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
- f. Pursuant to Minnesota Statue 462.357 subd. 13., nothing in Section 3.1 shall prohibit an active cannabis non-retail business or a cannabis non-retail business seeking registration from continuing operation at the same site if a school/daycare/church/residential treatment facility/attraction within a public park that is regularly used by minors moves within the minimum buffer zone.
- g. No Cannabis or Hemp Business shall operate as a “home occupation” as defined in Section 2.2 Definition of Terms, of the City of Floodwood Zoning Ordinance.

## 15.4 Accessory Uses

1. Off-street parking spaces and loading berths.
2. Accessory buildings and uses customarily incidental to the above listed uses.

## 15.5 Minimum Lot Dimensions

1. Area – Ten thousand (10,000) square feet.
2. Width – One hundred feet (100’).
3. Depth – One hundred feet (100’).

## 15.6 Maximum Building Height, Width, and Length

1. Maximum building height shall be two and one-half (2 ½) stories and not over thirty-five feet (35’).
2. The minimum size of all single and multi-family dwellings shall be twenty-four feet (24’) in width and twenty-four feet (24’) in length.

## 15.7 Minimum Yard Requirements

1. Front yard – Thirty feet (30’).
2. Side yard – Twenty feet (20’) provided that where a M-1 Industrial District abuts a residential district a side yard of fifty feet (50’) shall be provided on the abutting side, which yard shall be screened from view of the residential district.

3. Rear yard – Thirty feet (30') provided that where a M-1 Industrial District abuts a residential district a rear yard of fifty feet (50') shall be provided on the abutting side, which yard shall be screened from view of the residential district.

## 15.8 Maximum Building Coverage

Sixty percent (60%).

## 15.9 Signs

1. No flashing signs shall be permitted.
2. A sign of not more than six hundred (600) square feet on the facings of all its sides for any one (1) building or for all the uses in the building is permitted.
3. Signs may not extend over a sidewalk or other public right-of-way.

## 15.10 Sexually Oriented Business

1. Location Restrictions. Adult use only bookstores, adult theaters, adult massage parlors, adult conversations/rap parlors, adult saunas, adult entertainment centers, adult cabarets, adult health/sport clubs, adult steam room/bathhouse facilities and other sexually-oriented businesses may be operated or maintained only within the M-1 business district.
2. Regulated Uses. No adults-only bookstores adult theaters, adult massage parlors, adult conversation/rap parlors, health/sport clubs, adult steam room/bathhouse facilities, or other sexually oriented business shall:
  - a. be operated or maintained within one thousand feet (1,000') of a residentially (R-1, R-2, R-3, R-4) zoned district.
  - b. be operated or maintained within one thousand feet (1,000') of a church, licensed daycare facility, public library, public educational facility which serve persons aged seventeen (17) or younger, elementary school, high school, place of worship, cemetery, or elderly housing facility. Only one (1) of the above regulated uses shall be allowed per block face.
  - c. be operated or maintained within two thousand (2,000) feet of another such sexually oriented business.
3. The distance limitation set forth herein shall be measured in a straight line from the main public entrances of said premises or from the lot lines of properties in residentially zoned districts.
4. No sexually oriented business shall be located in the same building or upon the same property as another such use.
5. No sexually oriented business shall be located in any place which is also used to dispense or consume alcohol.

6. Notwithstanding any other provisions of this code, a sexually-oriented business shall not be permitted more than one (1) sign advertising its business, which shall be an on-premises sign only. All such signs:
  - a. shall be flat wall signs.
  - b. the amount of allowable sign area shall be one (1') square foot of sign area per one foot (1') of lot frontage on the street.
  - c. no merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk in front of the building.
  - d. window areas shall not be covered or made opaque in any way. No sign shall be placed in any window. A one (1) square foot sign may be placed on the door to state house of operation and admittance to adults only.
  - e. no sign shall contain any flashing lights, moving elements, or mechanically changing messages.
  - f. no sign shall contain any depiction of the human form or any part thereof.
  - g. no sexually-oriented business may have any off-premises sign.

### 15.10.7 Definitions

- a. **ADULTS-ONLY BOOKSTORE.** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, film for sale or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined below, or an establishment with a segment or section devoted to the sale or display of such material, for sale to patrons therein.
- b. **ADULTS-ONLY MOTION PICTURE THEATER.** An enclosed building used regularly and routinely for presenting programs, material distinguished or characterized by an emphasis on matter depicting, describing, or relating to nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, as defined herein, for observation by patrons therein.
- c. **MASSAGE PARLOR.** A massage parlor which restricts minors by reason of age, or which provides the service of "massage," if such service is distinguished by an emphasis on nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, as defined here, for observation or participation by patrons therein.
- d. **NUDITY.** The showing of human male or female genitals, pubic areas, or buttocks with less than a fully opaque covering, or the showing of the female breast, with less than a fully opaque covering of any portion thereof below the top of the nipple, or depiction of covered male genitals in a discernibly turgid state.

- e. ADULT RAP PARLOR. A conversation/rap parlor which excludes minors by reason of age, and which provides the service of engaging in listening to conversation, talk or discussion, if such service is distinguished or characterized by an emphasis on nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, as defined herein for patrons.
- f. ADULT SAUNA. An establishment or place primarily in the business of providing:
  - I. A steam bath or hot air bathing, and/or
  - II. Massage services which exclude minors by reason of age, where such distinguished or characterized by an emphasis on nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, as defined herein for patrons.
- g. SEXUAL CONDUCT. Acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's unclothed genitals, pubic area, buttocks or if such person be a female, her breast.
- h. SEXUAL EXCITEMENT. The condition of human male or female genitals when in a state of sexual stimulation or arousal.
- i. SADOMASOCHISTIC ABUSE. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of once so clothed.
- j. ADULT ENTERTAINMENT CENTER. An enclosed building or part of an enclosed building, wherein an admission is charged for entrance into the facility, or for food, alcoholic beverages or other beverages intended for consumption within the facility, herein may be observed or which contains one (1) or more coin-operated mechanisms which when activated permit a customer to view one (1) or more live persons unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals.
- k. ADULT CABARET. A building or portion of a business used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age, or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, as defined herein, for observation or participation by patrons therein.
- l. ADULT HEALTH/SPORT CLUB. A health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on "specified sexual activities" or nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, as defined herein, for observation or participation by patrons therein.
- m. ADULT STEAM ROOM/BATHHOUSE FACILITY. A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of

- pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning relaxing or reducing agent, if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, as defined herein, for observation or participation by patrons therein.
- n. SEXUALLY ORIENTED BUSINESS. An adult bookstore, adult theater, adult massage parlor, adult conversation/rap parlor, adult sauna, adult entertainment center, adult cabaret, adult health/sport club, adult steam room/bathhouse facility, or any other business whose primary business activity characterized by emphasis on matter depicting, describing, or relating to nudity, sexual conduct, sexual excitement, or sadomasochistic abuse as defined herein.

## Section 16

### M-2 Industrial, Commercial, and Business

#### 16.1 Intent

This district is to provide for activities that create employment and to add economic vitality to the community. This area is a developed Industrial park with water, wastewater, electric power, and telephone service on sit and natural gas is nearby. All residential land use is prohibited.

#### 16.2 Permitted Use

1. Gasoline service stations.
2. Automotive works and repair garages but not the open storage of dismantled vehicles.
3. Landscape, nursery, and garden sales.
4. Public utility buildings.
5. Building materials sales yards.
6. Auto, truck, trailer and farm implement sales, and service.
7. Marine and boat sales.
8. Bottling and manufacturing.
9. Food processing plants.
10. Warehouses and open storage yards.
11. Transportation and freight terminals.
12. Contractor's offices, warehouses, and storage yards.
13. Fertilizer, see and fuel sales.
14. Monument works.

15. Bowling alleys.
16. Office buildings.
17. Wholesale outlets.
18. Temporary buildings for and during construction.
19. Billboards and signs not exceeding six hundred (600) square feet.
20. Off street parking.
21. Industrial sales.
22. Veterinary dispensary and small animal hospital.

### 16.3 Conditional Uses. 5-A

1. Retail sales not specifically included in permitted uses.
2. Convention center.
3. Any use of land not expressly prohibited or provided for which creates employment and economic advantage.

### 16.4 Minimum Lot Dimensions

1. Area – Ten thousand (10,000) square feet.
2. Width – One hundred feet (100’).
3. Depth – One hundred feet (100’).

### 16.5 Minimum Yard Requirements

1. Front yard – Thirty feet (30’).
2. Side yard – Twenty feet (20’). Where the side yard abuts a residential district, the side yard shall be screened from view of the residential district, if requested, by the residential property owner.
3. Rear yard – Twenty feet (20’). Where the rear yard abuts a residential district, the rear yard shall be screened from view of the residential district, if requested, by the residential property owner.

### 16.6 Maximum Building Coverage

Sixty percent (60%).

### 16.7 Signs

1. Flashing signs are prohibited.
2. Signs may not extend over a public right-of-way.

# Section 17

## Conditional Uses

### 17.1 Intent

Conditional use permits for use other than those specifically permitted in each district, are intended to provide for the needs of the community in areas where they may be appropriate, but where special safeguards may be needed to protect other permitted uses from their adverse effects.

### 17.2 Conditional Use Requirements

1. No land or structure may be used for any purpose, or designed, constructed, or altered for such purpose in a district where such use is not listed as permitted use, unless such use is provided for as a Conditional Use in this district and a Conditional Use Permit is applied for in writing and granted by the City Council.
2. A Conditional Use Permit shall only be granted by the Council based upon a statement of findings by the Planning Commission that:
  - a. the use conforms generally to the objectives and the intent of the Ordinance, and
  - b. such uses will not be detrimental in any way to nearby affected properties or their occupants, and
  - c. a public hearing has been held thereon by the Planning Commission.

### 17.3 Procedures on Applications for Conditional Use

1. An application for a conditional use shall be filed with the Zoning Official.
2. The Zoning Official shall transmit the application to the Planning Commission immediately upon receipt of the application and list of recorded owners.
3. The Planning Commission shall set a date of public hearing on the application for the conditional use permit which hearing shall be held no later than thirty (30) days after receipt of the application from the Zoning Official.
4. The Zoning Official shall notify the owners of record of all property lying within three hundred fifty feet (350') of the lot for which the conditional use is requested by U.S. mail not later than ten (10) days prior to the hearing. Similar notice shall also be published in the official City Newspaper prior to the hearing and posted at City Hall at least ten (10) days prior to the hearing.
5. The mailed and published notices shall state:
  - a. The date, time, and place of the public hearing.
  - b. The purpose of the public hearing.
  - c. The substance of the proposal in the application.

6. The public hearing shall be held in accordance with the rules adopted by the Planning Commission. The application for Conditional Use shall be described and any opinion in favor or opposed may be heard.
7. The Planning Commission shall then make its findings and submit a recommendation to the City Council for approval or rejection of the application and may specify conditions which will improve the appearance of the property, to reduce any of its adverse effects on nearby property or its occupants, to preserve the character of the area, to protect or enhance the view from this or other properties or make it more acceptable in other ways.
8. The Planning Commission shall report its findings and recommendation to the City Council within ten (10) days after the public hearing and shall send a copy thereof to the applicant.

In the course of its deliberations, the Planning Commission may consult such people as may be deemed helpful or necessary.

### 17.4 Conditional Approval

The City Council may make the granting of a conditional use permit subject to such additional reasonable limitations or conditions as it may impose to enhance the appearance of the property, to reduce any of its adverse effects on nearby property or its occupants, to preserve the character of the area, to protect or enhance the view from this or other properties, or to make it more acceptable in other ways.

### 17.5 Action Upon Approval

Whenever the City Council approves an application for a conditional use, a permit therefore shall be issued by the Zoning Official, who shall be responsible for determining that the conditions imposed by the City Council are met.

### 17.6 Failure to Comply

Failure to comply with such conditions shall void the permit.

## Section 18

### Administration and Enforcement

#### 18.1 Administration and Enforcement

The Zoning Official and such other staff assistance as is provided by the City Council shall administer and enforce this Ordinance.

1. If the Zoning Official shall find that any provisions of this Ordinance are being violated, he/she shall notify, in writing, the person responsible for such violation and order corrective actions.
2. The Zoning Official shall order discontinuance of illegal use of land, structures, or buildings; removal of illegal buildings or structures or of additions or alterations or structural changes discontinuance of any illegal work being done; or shall take any other actions authorize by this Ordinance to ensure compliance to prevent its violation
3. .

## 18.2 Zoning Permit Requirement

No building or other structure shall be erected, moved, added to, or structurally altered without a valid land use/zoning permit.

Buildings of one hundred twenty (120) square feet of gross floor area are exempt from land use/zoning permits.

## 18.3 Procedures on Application for Zoning Permit

1. No such zoning permit shall be issued except in conformity with all of the provisions of this Ordinance, except upon written order from the Board of Appeals and Adjustment on appeal or a conditional use permit approved by the City Council.
2. An application for a zoning permit shall be filed with the Zoning Official.
3. All applications for zoning permits shall be accompanied by building and plot plans in duplicate, showing the actual dimensions and shape of the lot to be build upon; the exact sizes and locations on the lots of buildings already existing, if any; and the location and dimensions of the proposed building or alternation.
4. The application shall include such other information as lawfully may be required, including existing or proposed building or alternation; existing or proposed use of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Ordinance.
5. The Zoning Official with staff assistance shall approve or disapprove the application. If approved, the Zoning Official shall issue a Zoning Permit. If disapproved, the Zoning Official shall notify the applicant of the reason for disapproval.
6. One (1) copy of the plan shall be returned to the applicant after such copy either is approved or disapproved. The second copy of the plans, similarly marked, shall be retained by the City.
7. The zoning permit shall be displayed on the premises.

## 18.4 Expiration of Zoning Permits

1. If the work described in any zoning permit has not begun within one (1) year from the date of issuance, the said permit shall expire and it shall be canceled, and written notice thereof shall be given.
2. If the work described in any zoning permit has not been substantially completed within three (3) years of the date of issuance, the said permit shall expire and be cancelled, and written notice thereof shall be given. Further work, as described in the cancelled permit, shall not proceed unless a new zoning permit has been obtained.

## 18.5 Conformity of Construction of Use

Zoning permits or occupancy permits issued on the basis of plot plans and applications approved by the Zoning Official authorize only the use, arrangement, and construction set forth in such plans, and no other use or arrangement. Use, arrangement, or construction at variance with that authorized plot plan shall be deemed a violation of this Ordinance and is punishable as provided in Section 19 in this Ordinance.

## 18.6 Duties of Zoning Official, Board of Appeals and Adjustments and the City Council

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Planning Commission and that such questions shall be presented to the Board of Appeals and Adjustments only on appeal from the decision of the Planning Commission and that recourse from the decision of the Board of Appeals and Adjustments shall be to the courts, as provided by law.

1. It is further the intent of this Ordinance that the duties of the City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation, or enforcement that may arise. The procedure for deciding such questions shall only be as stated in this section and this Ordinance.
2. Under this Ordinance, the City Council shall have only the duties of:
  - a. considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law.
  - b. establishment of a schedule of fees and charges as stated in Section 18.7.
  - c. approving Zoning Permits for Conditional Uses, after hearing thereon and recommendations by the Planning Commission.
  - d. exercising their power and duties on the Board of Adjustment.

## 18.7 Schedule of Fees, Charges, and Expenses

The City Council hereby may establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, appeals, and other matters pertaining to this

Ordinance. The schedule of fees shall be posted in the office of the Zoning Official and may be altered or amended only by the City Council.

1. No permit, certificate, conditional use, or variance shall be issued unless or until such costs, charges, fees, or expenses listed below have been paid in full nor shall any action be taken on proceedings before the Board of Appeals and Adjustment or Planning Commission, unless or until preliminary charges and fees have been paid in full, if there are such.

Fees:

1. Zoning Permit
2. Variance Application
3. Conditional Use Application
4. Zoning Change Application
5. Appeals

## Section 19

### Board of Appeals and Adjustments

#### 19.1 Board of Appeals and Adjustments

A Board of Appeals and Adjustments is hereby created which shall consist of a City council Member, one member of the Planning Commission and another appointed member of the community.

1. The members shall annually elect one (1) of their members as chairman.
2. Members shall serve without additional compensation above the elected official compensation but shall be entitled to reimbursement for expenses incurred in performance of their duties.
3. A majority of the members of the Board shall constitute a quorum for the transaction of the business.
4. The Board shall keep a written record of all its proceedings which shall include minutes of its meetings showing the vote of each member or if absent or failing to vote or an indication of such fact; record of its examination and official actions; its findings and final orders indicating the action taken on each matter heard by the Board.
5. The Board shall adopt rules for its own proceedings which shall provide among other things for regular or special meetings at the call of the chairman and at such time as the members may determine and also provide for a time limit within which appeals may be taken as provided herein.

## 19.2 Powers and Duties of Board

The Board of Appeals and Adjustment shall have the power and duty of hearing and deciding appeals or requests in the following cases.

1. Appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Zoning Official in the enforcement of this Ordinance.
2. Requests for variance from the literal provisions of this Ordinance or instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

## 19.3 Procedure for Appeals and Variances

Appeal to district court must be within thirty (30) days of service of such order or decision and if appeal is not timely taken, the order or decision is not subject to judicial review.

1. Decisions of the Board shall be final subject to review by District Court pursuant to Minnesota Statute Section 462.361.
2. Requests for variances shall be made by filing a notice of appeal or variance with the Secretary of the Board.
3. A notice of appeal stays all proceedings.
4. Upon receipt of the request for a variance, the Secretary of the Board shall immediately transmit to the Board all papers constituting the record.
5. Within ten (10) days after the request for a variance is filed with the Board, it shall set a date for hearing hereunto which shall be held no later than sixty (60) days after the notice is filed and hear any parties who may appear in person or by agent or attorney.
6. Notice of the time and place of hearing shall be published once in the official newspaper of the City at least ten (10) days in advance of the hearing.
7. Notice of time and place of hearing shall be mailed not less than ten (10) days in advance of the hearing to the person filing the notice of appeal or variance and to the owner or owners of property within three hundred fifty feet (350') of the subject property.
8. The City Planning Commission, or a representative authorized by it, shall prior to the hearing on appeal or request for a variance, review, and report to the Board.
9. The Board may refuse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from in its decision on appeals form an administrative order.
10. The Board may prescribe appropriate conditions and safeguards to ensure compliance and to protect adjacent properties when granting a variance.
11. The concurring vote of a quorum member of the board shall be necessary to reverse an administrative order, requirement, decision, determination, or to affect any variance in the application of this Ordinance.

12. The Board shall, within thirty (30) days of the date of the hearing, make its order deciding the matter and shall serve by mail, a copy of such order upon the persons filing the notice of appeal to request a variance.

## 19.4 Variance Criteria

A variance from the terms of this Ordinance shall not be granted by the Board unless and until the Board shall make findings that the following conditions exist:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or building in the same district.
2. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. The special conditions and circumstances do not result from the actions of the applicant.
4. Granting the variance requested will not confer on the applicant any special privileges that is denied by this Ordinance to other lands, structures, or buildings in the same district.
5. The reasons set forth in application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
6. The granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
7. No nonconforming use of neighboring lands, structure, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
8. Under no circumstances shall the board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

## Section 20

### Planning Commission

#### 20.1 Establishment and Composition

A Planning Commission, composed of four (4) members appointed for three (3) year terms, and a City Council representative and City Engineer as ex-officio members only and not included in this number, is hereby established.

1. The members shall annually elect one (1) of their members as chairman.
2. Members shall serve without additional compensation above the elected official compensation but shall be entitled to reimbursement for expenses incurred in performance of their duties.
3. A majority of the members of the Board shall constitute a quorum for the transaction of the business.
4. The Board shall keep a written record of all its proceedings which shall include minutes of its meetings showing the vote of each member or if absent or failing to vote or an indication of such fact; record of its examination and official actions; its findings and final orders indicating the action taken on each matter heard by the Board.
5. The Board shall adopt rules for its own proceedings which shall provide among other things for regular or special meetings at the call for the chairman and at such time as the members may determine and also provide for a time limit within which appeals may be taken as provided herein.

#### 20.2 Duties

The Planning Commission shall have the following duties:

1. Review zoning permits, requests for variances, changes and other necessary items relating to the Zoning Ordinance.
2. To interpret and enforce the intent of the ordinance.
3. To prepare and recommend to the City Council plans for specific improvements and to aid the Council in the development and completion of such projects.
4. To hear, review, and offer recommendations to the City Council on applications for conditional uses.
5. To initiate procedures for changes and amendments to the zoning provisions and to hold the required public hearing, and review and recommend appropriate action to the City Council in the manner specified.

6. To review and report to the Board of Appeals and Adjustments of appeals from administrative orders and to report to the Board of Appeals and Adjustments on petitions for variances.

## Section 21

### Amendments

#### 21.1 Amendments

Amendments, including changes in the Use District boundaries or in the text of this Ordinance, may be adopted upon the concurring vote of all members of the City Council.

#### 21.2 Initiation of Amendment

Amendments to this Ordinance may be initiated by one (1) of the following manners:

1. By motion of the City Council.
2. By motion of the Planning Commission.
3. By verified petition of not less than fifty percent (50%) of the property owners within three hundred feet (300') or the nearest five (5) property owners in two (2) directions of the proposed Use District boundary change filed with the Zoning Official.

#### 21.3 Planning Commission Review

Any amendment not initiated by the Planning Commission shall be referred to it for study and report and shall not be acted upon by the City Council until it has received the recommendation of the Planning Commission or until sixty (60) days have elapsed from the date of referral.

1. Before it makes its recommendation to the City Council, the Planning Commission shall hold at least one (1) public hearing on the proposed amendment.
2. Notice of the time, date, and purpose of said hearing shall be published at least once in the official newspaper of the City at least ten (10) days before the date of the hearing. Planning Commission members shall receive written notice of the public hearing at least ten (10) days prior to the date of the hearing.
3. Following the hearing, the Planning Commission shall make a written report of its findings and recommendations on the proposed amendment and shall file a copy of the report with the City Council designate for transmittal to the Council.
4. Failure of the Planning Commission to so report within sixty (60) days, following referral of the proposed amendment to it by the City Council shall be deemed approval of the proposed amendment.

## 21.4 City Council Action

Upon the filing of the report of the Planning Commission or upon expiration of the sixty (60) days, the City Council may hold such public hearings on the proposed amendment as it deems advisable. At the conclusion of the hearings, if any, the Council may adopt the proposed amendment or any part thereof as it deems advisable.

## Section 22

### Violations and Penalties

#### 22.1 Violations

The owner, lessee, or renter of a building or premises in or upon which a violation of any provision of this Ordinance has been committed or shall exist; or the lessee of the entire building or entire premises in or upon which violation has been committed or shall exist; or the owner or lessee of any part of the building or premises in or upon which such violation has been committed or shall exist, shall be served with an order to remove said violation.

#### 22.2 Penalties

If the violator has not complied with the said order within thirty (3) days after being so served, the violator shall be guilty of a misdemeanor.

#### 22.3 Fees

If a Zoning Permit has not been applied for prior to commencing work, the fee for said Zoning Permit shall be two (2) times the current rate.

## Section 23

### Interpretation

#### 23.1 Interpretation

In interpreting and applying the provisions of this Ordinance they shall be heard to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare. It is not the intention of this Ordinance to interfere with or annul any easement, covenant, or other agreement between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of building or premises or upon height of building or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or permits or by easement, covenants, or agreements, the provisions of this Ordinance shall govern.

## Section 24

### Validity

#### 24.1 Validity

Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

## Section 25

### Effective Date

#### 25.1

This Ordinance shall become effective after its passage and publication.

PASSED BY THE CITY COUNCIL IN AND FOR THE CITY OF FLOODWOOD, ST. LOUIS COUNTY, MINNESOTA THIS 12<sup>TH</sup> DAY OF DECEMBER 2000.

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David DeNoyer, Mayor

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Patti Karpik, City Clerk

## Variance Fee System Resolution

WHEREAS the City of Floodwood has determined fees for zoning variance, and

WHEREAS Section 18.7 of the City of Floodwood Zoning Ordinance allows for establishment of a schedule of fees, charges, and expenses for zoning variance pertaining to said ordinance.

NOW THEREFORE BE IT RESOLVED that the City of Floodwood does hereby adopt the following Zoning Variance Fee:

\$25.00 – if all items noted in the Zoning Permit are complete.

\$100.00 - if all items noted in the Zoning Permit are incomplete.

Zoning Variance fees shall be established to include administration, legal, mailing, and other such costs to complete said variance with a minimum of \$25.00.

I CERTIFY THAT the above resolution was adopted by the City of Floodwood.

Signed:

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David DeNoyer, Mayor

03/11/2008

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Patti Karpik, Clerk

03/11/2008

# Zoning Change Fee System Resolution

WHEREAS the City of Floodwood has determined fees for zoning changes, and

WHEREAS Section 18.7 of the City of Floodwood Zoning Ordinance allows for establishment of a schedule of fees, charges, and expenses for zoning changes pertaining to said ordinance.

NOW THEREFORE BE IT RESOLVED that the City of Floodwood does hereby adopt the following Zoning Change Fee:

\$25.00 – if all items noted in the Zoning Permit are complete.

\$100.00 – if all items noted in the Zoning Permit are incomplete.

Zoning Variance fees shall be established to include administration, legal, mailing, and other such costs to complete said variance with a minimum of \$25.00.

Signed:

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David DeNoyer, Mayor

03/11/2008

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Patti Karpik, Clerk

03/11/2008

# Conditional Use Permit Fee System Resolution

WHEREAS the City of Floodwood has determined fees for Conditional Use Permits, and

WHEREAS Section 18.7 of the City of Floodwood Zoning Ordinance allows for establishment of a schedule of fees, charges, and expenses for Zoning Variance pertaining to said ordinance.

NOW THEREFORE BE IT RESOLVED that the City of Flowood does hereby adopt the following Conditional Use Permit Fee in reference to the zoning districts:

Fees for Conditional Use Permits shall be the same as those for the Zoning Permits, both fees of which shall be submitted at the time of application.

I CERTIFY THAT the above resolution was adopted by the City of Floodwood.

Signed:

\_\_\_\_\_

David DeNoyer, Mayor

03/11/2008

\_\_\_\_\_

Patti Karpik, Clerk

03/11/2008

# Application for Conditional Use Permit

## Ordinance Reference – Section 17

|                  |  |
|------------------|--|
| Name:            |  |
| Mailing Address: |  |
| Phone:           |  |

|                                 |      |      |
|---------------------------------|------|------|
| Legal Description of Property:  |      |      |
| PID:                            | Lot: | Bloc |
| Location (Address) of Property: |      |      |
| Existing Zoning Classification: |      |      |
| Description of Conditional Use: |      |      |
|                                 |      |      |
|                                 |      |      |
|                                 |      |      |
|                                 |      |      |

When applicable, appropriate detailed plans, showing the location, size, use, and arrangement of all existing and proposed buildings, structures, driveways, drainage all in relation to lot lines shall be included with this application.

|             |  |
|-------------|--|
| Print Name: |  |
| Signature:  |  |
| Date:       |  |

# Application for Zoning Variance

## Ordinance Reference – Section 18

|                  |  |
|------------------|--|
| Name:            |  |
| Mailing Address: |  |
| Phone:           |  |

|                                 |      |      |
|---------------------------------|------|------|
| Legal Description of Property:  |      |      |
| PID:                            | Lot: | Bloc |
| Location (Address) of Property: |      |      |
| Existing Zoning Classification: |      |      |
| Description of Conditional Use: |      |      |
|                                 |      |      |
|                                 |      |      |
|                                 |      |      |
|                                 |      |      |

Include detailed building and plat plans (in duplicate), showing the actual dimensions and shape of the lot(s) to be built on, the location, size, and arrangement of all existing and proposed buildings, structures, driveways, and drainage or alterations all in relation to lot lines.

\$400.00 application fee shall be included.

Legal fees (if applicable) are not included and shall be paid by the applicant.

|             |  |
|-------------|--|
| Print Name: |  |
| Signature:  |  |
| Date:       |  |

# Application for Variance to Zoning Ordinance

## Ordinance Reference – Section 19

|                  |  |
|------------------|--|
| Name:            |  |
| Mailing Address: |  |
| Phone:           |  |

Legal Description of Property:

|      |      |      |
|------|------|------|
| PID: | Lot: | Bloc |
|------|------|------|

Location (Address) of Property:

Existing Zoning Classification:

Proposed variance from ordinance. Please describe in detail and include appropriate drawings to scale (where applicable), that will assist in reviewing application.

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Appropriate fees shall be included.

|             |  |
|-------------|--|
| Print Name: |  |
| Signature:  |  |
| Date:       |  |

# Application for Zoning Change

## Ordinance Reference – Section 21

|                  |  |
|------------------|--|
| Name:            |  |
| Mailing Address: |  |
| Phone:           |  |

Legal Description of Property:

|      |      |      |
|------|------|------|
| PID: | Lot: | Bloc |
|------|------|------|

Location (Address) of Property:

Existing Zoning Classification:

Proposed Zoning Classification:

Please describe, in detail, the proposed zoning change, including why you want the zoning change.

Proposed Use of Property:

Appropriate fees shall be included.

Attach verified petition of not less than fifty percent (50%) of the property owners within three hundred feet (300') of a proposed use district boundary change.

|             |  |
|-------------|--|
| Print Name: |  |
| Signature:  |  |
| Date:       |  |

# Zoning – Certificate of Occupancy

|   |  |
|---|--|
| Zoning Permit No.:  |  |
| Property Address:   |  |
| Owner Name:   |  |
| Owner Mailing Adress:   |  |
| Owner City/State/Zip:   |  |
| Description of portion of building for which certificate is issued: |  |
|   |  |
|   |  |
|   |  |
| Zoning Official Print Name:   |  |
| Signature:  |  |
| Date:   |  |