CITY OF HILLS, MINNESOTA
ZONING ORDINANCE

ORDINANCE NO. 25

ARTICLE I

GENERAL PROVISIONS

An Ordinance for the regulation of land use in the City of Hills including the regulation of the location, size, use and height of buildings, the arrangement of buildings on lots and the density of population for the purpose of promoting the public health, safety, order, convenience and general welfare of the citizens of Hills.

Section 1.01. TITLE. This Ordinance shall be known, cited and referred to as the Hills Zoning Ordinance.

Section 1.02. INTENT and PURPOSE. This Ordinance is adopted for the purpose of:

A. lessen congestion in the streets
B. secure safety from fire, panic, and other dangers
C. promote health and the general welfare
D. provide adequate light and air
E. prevent the overcrowding of land
F. avoid undue concentration of population
G. facilitates the adequate provisions of transportation, water sewerage, schools, parks and other public requirements.

Section 1.03. JURISDICTION. The jurisdiction of this Ordinance shall apply to all the area located within the incorporated limits of the City of Hills.

Section 1.04. SCOPE. From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered in respect to height and area, added to or relocated, and every use within a building or use accessory thereto in the City of Hills shall be in conformity with the provisions of this ordinance. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as nonconforming, but may be continued, extended or changed, subject to the special regulations herein provided with respect to nonconforming properties or uses.

Section 1.05. SEPARABILITY. It is hereby declared to the intention that several provisions of this Ordinance are separable in accordance with the following:

A. If any court of competent jurisdiction shall judge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

B. If any court of competent jurisdiction shall judge invalid the application of any provision of this Ordinance to a particular property, building or structure, such judgment shall not affect other property, buildings or structures.

C. If any court of competent jurisdiction shall judge invalid the application of any provision of this Ordinance to a particular property, building or structure, such judgment shall not affect other property, buildings or structures.

Section 1.06. APPLICATION OF THIS ORDINANCE.

A. In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety and welfare of the City of Hills' residents. Where the provision of this Ordinance impose greater restrictions than those of any statute, other Ordinance or regulation, the provisions of this Ordinance shall be controlling. The application of this Ordinance shall be applicable to all lands, structures, and waters within the boundaries specified under the Jurisdiction Provision.

B. No part of the yard or open space required for a given building shall be included as part of the yard or other space required for another building.

C. Each new occupied building shall be required to connect to the city sewage disposal system and city water supply where it is available.

D. Except as this Ordinance specifically provides, no structure shall be erected, converted, enlarged, reconstructed or altered; and no structure or land shall be used for any purpose or in any manner which is not in conformity with this Ordinance.

Section 1.07. CONFLICT OF LAW. Whenever any provision of this Ordinance establishes higher standards than are imposed or required by existing provision of the laws of the State of Minnesota or any ordinance of regulation of the city, the provisions of this Ordinance shall apply. Where the provision of state law or other city regulations or ordinances set higher standards than those of this Ordinance, the provisions of said laws and regulations shall apply.

ARTICLE II

GENERAL REGULATIONS

The following general regulations of this article shall apply equally to all districts within this Ordinance except where special provisions provide otherwise. It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provision of this Ordinance shall govern.

Section 2.01. PRINCIPAL STRUCTURES. In any district, no more than one structure housing permitted use may be erected on a single lot, provided that yard setbacks and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot. All principal structures shall squarely face the street, perpendicular to that street, for which the lot is addressed.

Section 2.02. ACCESSORY BUILDINGS AND USES. Accessory buildings and uses customarily incidental to that of the main building may be erected or established upon a lot or tract of land, provided they comply with the following regulations. Any city lot within city limits located in R-1 Residential and R-2 Multiple Family Districts shall be limited to two (2) accessory buildings. Accessory buildings include, but are not limited to, any detached garage, storage shed, or fish house whether sitting on a foundation or not. The combined square footage for the two accessory buildings cannot exceed 1,500 square feet per city lot. Accessory buildings on city owned or leased property shall be exempt from this requirement.

A. Accessory Buildings – Residential Districts
    1. No accessory building shall be used for dwelling purposes.
    2. All accessory buildings shall be sited on the same lot or on an adjacent or adjoining lot under the same ownership.
    3. No accessory building shall contain more than thirty (30) feet of vehicle door openings as measured horizontally and shall not occupy an area more than one thousand (1,000) square feet.
    4. An accessory building including, but not limited to, garages, carports and breezeways attached to the principal building on a lot shall be made structurally a part thereof and shall comply in all respects with the height, yard and area requirements of this Ordinance applicable to the principal building.

B. Detached Accessory Buildings – Residential Districts
    1. No detached accessory buildings are permitted with the limits of a front yard.
    2. When located within ten (10) feet of the side or rear wall of the principal building, a detached accessory building shall comply with all yard requirements applicable to the principal building on the lot or tract.
    3. No detached accessory building shall be erected or placed within five (5) feet of any principal building, property line or alley easement line.
    4. No detached accessory building on a corner lot shall project beyond the front yard setback requirement of the principal building.
    5. Detached accessory buildings in residential districts shall not exceed one (1) story or fourteen (14) foot sidewalls with a maximum peak height of twenty (20) feet, and shall not occupy an area of more than one thousand (1,000) square feet.
    6. The exterior finish, roof and roof lines and roof pitch of all Accessory Structures exceeding 120 square feet in the Residential Districts shall match as close as possible the exterior finish, roof and roof lines of the Dwelling on the Lot. Boxed eves and rakes on Accessory Structures shall be required where they occur on the Dwelling. No pole buildings, carports or galvanized coverings are allowed. There are two circumstances recited below that shall justify an exemption from this requirement and alternate

materials or design shall be permitted in those cases. The type of alternate materials or design utilized shall be compatible with Dwellings found in a typical single-family residential neighborhood and only with the approval of the Planning Commission.

a. Where there is an existing Dwelling on the Lot and the exterior of the Dwelling is brick, stucco or stone and cost to mimic the exterior is impractical.
b. Where the residential structure is a Mobile Home.

7. Cloth, canvas, plastic sheets, tarps and other similar materials are only allowed as primary materials on accessory structures not exceeding 300 square feet and when located in the rear portion of the property. Material must be durable and must be maintained so as not to become a nuisance or blight to the community. There shall be no more than one structure of this kind per lot.

C. Accessory Buildings and Uses – Business and Industrial Districts

1. In business and industrial districts, accessory buildings and uses may occupy any of the ground area which the principal building is permitted to occupy.
2. Accessory buildings such as buildings for parking attendants, guard shelters, gate houses, and transformer buildings may be located in front or side yards in M-1 Districts.
3. Stand-alone car ports shall be prohibited.

Section 2.03. TEMPORARY BUILDINGS

A. It shall be unlawful for any person to erect or occupy a temporary dwelling on any lot or parcel of land in the City except that travel and motor home coaches can be used for such purpose for a period of not more than four (4) weeks out of a calendar year. Residing in basement or foundation structures before the completion of the total structure shall not be permitted.

B. Temporary buildings include mobile homes or travel coaches used as an office, temporary residence, or storage for security purposes shall be permitted at construction sites for other than one or two family residences.

Section 2.04. PERMISSIBLE TYPES OF BUILDING MATERIALS

A. For all principal buildings in the R-1 and R-2 residential districts and the B-1 business district: exterior building materials shall be of a durable, maintainable material that is in keeping with the character of the existing residential or business areas. Materials such as unfinished concrete or concrete block may compose up to three (3') feet of the exterior perimeter of the structure, as measured from the ground vertically, and up to 25% of the remaining outer surface area of the structure not visible from a public right of way. Siding materials such as corrugated or sheet metal, unpainted wood composite materials, tile panels and reflective materials, but not glass, are prohibited. These provisions shall not apply to the following:

B. Metal tool shed, used as accessory buildings only, located only in the rear portion of a lot, and not exceeding 120 square feet in area. Buildings located in the B-1 District only when the corrugated or sheet metal is new, painted metal.

C. Buildings located in an R-1, R-2, or B-1 zoning district with existing nonconforming siding materials as described in Subsection A above, may repair or replace the non-conforming siding materials with similar materials in the event of damage or obsolescence. The area of repair or replacement is limited to the original area of nonconforming siding material, or fifty percent (50%) of the total area of that side of the building, whichever is less.

Section 2.05. BUILDING ACCESS. Every building erected, moved or structurally altered, shall be on a lot or parcel having a frontage on a public street or road. All structures shall be located on lots so as to provide required off-street parking and shall have safe and convenient access for fire protection.

Section 2.06. BUILDING AREA. Decks, outside stairways, fire escapes, porches, platforms, balconies and other similar and attached projections shall be considered as part of the building and not allowed as part of the required space for yards, courts, or unoccupied space. This provision shall not apply to:

A. One (1) fire place or one (1) chimney not more than eight (8) feet in length and projecting not more than thirty (30) inches into the allowable yard space.

B. Cornices not exceeding sixteen (16) inches in width.

C. Platforms, terraces, steps below the first floor level.

D. Unenclosed porches or other ground level unenclosed projections not over one (1) story in height which may extend into a front or rear yard not more than ten (10) feet or into a side yard not more than eight (8) feet.

Section 2.07. BUILDING LOT. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) principal use on one (1) lot.

Section 2.08. ADJACENT LOTS AND LOTS OF CONTINUOUS FRONTAGE IN SINGLE OWNERSHIP. If two (2) or more lots or combination of lots and portions of lots with continuous frontage or common property line are in single ownership, the following provisions shall apply. No building, structure or use shall be constructed, altered, expanded or developed except in conformity with these provisions and such other applicable provisions of this Ordinance.

A. Each lot of record shall be dealt with as an individual lot in all cases, even though in common ownership with adjacent lots of record.

B. No new or existing structure or use on a lot of record shall be constructed, altered, or expanded in any manner which would be at variance with the provisions of this Ordinance. Common ownership with adjacent parcels shall not be considered grounds for a variance.

Section 2.09. LOT AREA REQUIREMENT. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum required by this Ordinance, nor shall the number or area of dwelling units be increased in any manner except in conformity with the area regulations described herein. No part of a yard or other open space, or off-street parking or loading space provided about any building, structure or use for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard, open space or off-street parking or loading space required under this Ordinance for another building, structure or use.

Section 2.10. LOT, CORNER. Corner lots shall maintain a yard on both streets conforming to the requirements for front yards on those streets.

Section 2.11. LOT, DOUBLE FRONTAGE. Double frontage lots shall maintain a yard on both streets conforming to the requirements of front yards on those streets.

Section 2.12. EXISTING LOT OF RECORD. A parcel legally created and existing at the time of the passage of this Ordinance need not conform to the lot width or lot area requirements of the district in which it is located to all other provisions of this Ordinance.

Section 2.13. FRONT YARD EXCEPTIONS. When the majority of residential buildings have been built at a time before the adoption of this Ordinance, no building or structure hereafter erected or altered shall project beyond the average setback line established by existing structures, provided no building will be required to set back more than forty-five (45) feet.

Section 2.14. HEIGHT REQUIREMENT EXCEPTIONS. The building height limitations of this Ordinance shall be modified as follows:

Cooling towers, elevator bulk heads, fire towers, drive-in movie theater screens, grain elevators, silos, stacks, tanks, water towers, pumping towers, radio or television towers, monuments, cupolas, steeples, chimneys and mechanical appurtenances pertaining to and necessary to the permitted use in the district in which they are located shall not be included in calculating the height of the principal structure.

Section 2.15. ESSENTIAL SERVICES. Essential services shall be allowed in all zoning districts.

Section 2.16. GUIDELINES FOR OUTDOOR HOT WATER FURNACES AND ALTERNATIVE ENERGY SOURCES.

A. DEFINITION

1. An outdoor hot water furnace or alternative energy sources are defined as any free-standing device designed to heat water for the purpose of transferring said heat to homes, other structures, swimming pools, spas, etc.

2. Outdoor hot water furnaces and alternative energy sources may use solid fuel, such as wood, coal, corncobs, or other approved solid fuels. They may also use propane, natural gas, fuel oil, or electricity as an optional backup fuel.

B. MINIMUM STANDARDS FOR OUTDOOR HOT WATER FURNACES OR ALTERNATIVE ENERGY SOURCES

1. All outdoor hot water furnaces and alternative energy sources must comply with UL or equivalent National Testing Agency approval standards.

2. All outdoor hot water furnaces and alternative energy sources must have affixed a Manufacturer's Nameplate listing Manufacturer, Model Number, Serial Number, and Testing Agency.

C. SET BACK REQUIREMENTS

1. The following minimum requirements will apply:

   a. Five (5) feet from any side or rear lot line
   b. Twenty five (25) feet from front lot line to a structure

2. County and State provisions supersede all City ordinance set backs

ARTICLE III

NONCONFORMING STRUCTURES, USES AND LOTS

Section 3.01. PERPETUATION OF NONCONFORMITIES. Within the various districts established by this Ordinance or Amendments that may later be adopted there exists lots, structures and uses of land and structures which were lawful prior to the adoption of this Ordinance which would be prohibited, regulated or restricted under the provisions of this Ordinance. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that such nonconformities shall not be enlarged, expanded, or extended.

Section 3.02. NONCONFORMING LOTS OF RECORD OR SUBSTANDARD LOTS. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, subject to the limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the district. However, yard dimensions and other requirements not involving area or width or both of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width and yard requirements shall be obtained only through action of the Planning Commission.

If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance. No portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves a remaining lot with width or area below the requirements stated in this Ordinance.

Section 3.03. NONCONFORMING USES OF LAND. Where, at the effective date of adoption or amendment of this Ordinance, there exists lawful use of land that is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

A. No such nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

C. If any such nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

D. When a nonconforming use is superseded by a conforming use, the nonconforming use shall not thereafter be resumed.

Section 3.04. NONCONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions.

A. No such structure may be enlarged or altered in a way which increases its nonconformity. A nonconforming structure may be enlarged if the expansion does not further encroach upon required setbacks or expand the nonconforming element of the structure. Any nonconforming structure or portion thereof may be altered to decrease its nonconformity.

B. Nonconforming structures that need replacing due to destruction or obsolescence shall be allowed to be replaced, restored or rebuilt as necessary to remain the same as they exist on the date of the enactment of this Ordinance, but any change beyond the established structural dimensions of each substandard structure shall be in compliance with the setback requirements of this Ordinance. Replacement of nonconforming structures within the existing footprint of the structure will be permitted provided that it is done within twelve (12) months of such happening and that it be built of like or similar materials or the architectural design and building materials are approved by the Planning Commission.

C. If the nonconforming structure is moved to another lot, it shall thereafter conform to the regulations for the district to which it is moved.

D. If no structural alterations are made, any nonconforming use of a structure and/or premises in combination may be changed to another nonconforming use provided that the Planning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such a change, the Planning Commission may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.

ARTICLE IV

VARIANCES

Section 4.01. VARIANCE. A procedure by which a property owner can request a modification or variation of the provisions of this Ordinance where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of the Ordinance would cause undue hardship.

Section 4.02. CRITERIA FOR GRANTING VARIANCES. A variance to the provision of the Zoning Ordinance may be issued by the Board of Adjustment to provide relief to the landowner in those cases where the Ordinance imposes undue hardship or practical difficulties to the property owner in the use of this land. No use variances (uses different than those allowed in the district) may be issued. A variance may be granted only in the event that all the following circumstances exist:

A. Exception or extraordinary circumstances apply to the properties which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this Ordinance have had no control.

B. 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.

C. That the special conditions or circumstances do not result from the actions of the applicant.

D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures or buildings in the same district.

E. That the variance requested is the minimum variance which would alleviate the hardship. Economic conditions alone shall not be considered a hardship.

F. The variance would not be materially detrimental to the purpose of this Ordinance, or to other property in the same zone.

G. The Planning Commission may impose such restrictions and conditions upon the premises benefited by a variance as may be necessary to comply with the standards established by this Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance.

Section 4.03. PROCEDURE. The following procedure shall be followed for variance applications:

A. Application

1. The applicant requests the proper form for a variance from the City Clerk.

2. The application shall be filed with the City Clerk accompanied by the fee as set by the City Council. The application shall contain the following information:

a. The legal description and local address of the property
b. The names and addresses of the owners of all property within three hundred fifty (350) feet of the property for which the variance is being applied
c. Detailed description of the proposed variance
d. Detailed plans of all buildings, roadways and any other structural or cultural improvements

e. A map showing the locations, dimensions and use of all property within three hundred fifty (350) feet of the applicant's property, including streets, alleys, railroads and other physical and cultural features
f. A statement describing the reasons for the request of the variance
g. Other information or exhibits as required by the Planning commission and/or Board of Adjustment in making disposition and determinations on the application

B. Application Processing

1. The applicant shall file the completed application form with the City Clerk. If the application and submittals are complete, this date shall be the official submission date. If the application or submittals are not complete, the City Clerk will notify the applicant of the deficiencies within ten (10) business days.

2. Upon receipt of a complete application by the City Clerk, a copy of the completed application and attachments shall be forwarded immediately to the Planning Commission. The Planning Commission, at their next regularly scheduled meeting and following their review of the variance request, shall prepare a recommendation for the City Council. It shall recommend one of three actions – approval, denial, or approval with special conditions. The recommendation shall be forwarded to the City Council to be considered at a public hearing.

3. The City Clerk shall set the date for a public hearing and shall give notice of time, place and purpose of the public hearing in the following manner:

    a. Notify by mail all property owners within three hundred fifty (350) feet of the property at least ten (10) business days prior to the date of the public hearing
    b. Give public notice in newspaper of general circulation in the city at least ten (10) business days prior to public hearing
    c. Notify the appropriate local or state agencies as instructed or deemed necessary

4. The City Council or a delegation thereof shall view the area being considered for a variance.

C. Public Hearing

1. The City Council shall conduct the public hearing.

2. The applicant and/or his representative shall appear before the City Council and answer any questions relative to the proposed variance.

3. An accurate record of all testimony shall be kept by the City Clerk. This record shall include the names of all the people who participated in the meeting.

D. Decision

1. The City Council shall consider all potential adverse effects of the proposed variance and what, if any, additional requirements may be necessary to prevent such adverse effects. It shall also review the criteria listed in Section 4.03 to ensure that the variance request conforms to the requirements listed.
2. The City Council shall hold a public hearing on the proposed variance and shall make a decision within sixty (60) days of the official submission date. It shall take one of three actions – approval, denial or approval with special conditions.

E. Appeal

If the application for a variance is denied by the City Council, the decision may be appealed to the Court of competent jurisdiction.

ARTICLE V

CONDITIONAL USE PERMITS

Section 5.01. CONDITIONAL USES. Any proposed conditional use permitted by the provision of this Ordinance shall be submitted to the City Council for review and determination of its applicability to the District in which it is proposed.

Section 5.02. PROCEDURE. The following procedure shall be followed for conditional use permit applications:

A. Application

1. The applicant requests the proper form for a conditional use permit from the City Clerk.

2. The application shall be filed with the City Clerk accompanied by the fee as set by the City Council. The application shall contain the following information:

   a. The legal description and local address of the property.
   b. The names and addresses of the owners of all property within three hundred and fifty (350) feet of the property for which the conditional use permit is being applied.
   c. Detailed description of the proposed conditional use.
   d. Detailed plans of all proposed buildings, roadways and any other structural or cultural improvements.
   e. A map showing the locations, dimensions and use of all property within three hundred and fifty (350) feet of the applicant's property, including streets, alleys, railroads and other physical and cultural features.
   f. A statement describing the reasons for the request of the conditional use permit.
   g. Other information or exhibits as required by the Planning Commission and City Council in making recommendations, determinations and dispositions on the application.

B. Application Process

1. The applicant shall file the completed application form with the City Clerk. If the application and submittals are complete, this date shall be the official submission date. If the application or submittals are not complete, the City Clerk will notify the applicant of the deficiencies within ten (10) business days.

2. Upon receipt of a complete application by the City Clerk, a copy of the application and attachments shall be forwarded immediately to the Planning Commission.

3. The City Council shall set the date for a public hearing for its next regular meeting and instruct the City Clerk to give notice of time, place and purpose of the public hearing in the following manner:

   a. Notify by mail all property owners within three hundred and fifty (350) feet of the property at least ten (10) business days prior to the date of the public hearing.
   b. Give public notice in a newspaper of general circulation in the city at least ten (10) business days prior to the public hearing.
   c. Notify the appropriate local or state agencies as instructed or deemed necessary.

4. The City Council or delegation thereof shall view the area being considered for a conditional use permit.

C. Public Hearings

1. The City Council shall conduct the public hearing.

2. The applicant and/or his representative shall appear before the City Council and answer any questions relative to the proposed conditional use permit.
3. An accurate record of all testimony shall be kept by the City Clerk. This record shall include the names of all persons who participated in the meeting.

D. Recommendation

1. The City Council shall consider all possible adverse effects of the proposed conditional use permit and what, if any, additional requirements may be necessary to prevent such adverse effects.
2. The City Council in considering an application for a conditional use permit shall make findings on the following criteria.

    a. That the establishment, maintenance or operation will not be detrimental to or endanger the public health, safety or general welfare and is not contrary to established standards, regulations or ordinances of other governmental agencies.
    b. That each structure or improvement is so designed and constructed that it is not unsightly, undesirable or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of the city and the use district wherein it is proposed.
    c. That the use will not be substantially injurious to the permitted uses nor unduly restrict the enjoyment of other property in the immediate vicinity nor substantially diminish and impair property values within the area.
    d. That the establishment of the use will not impede the orderly and normal development and improvement of the surrounding property for uses permitted in the zoning district.
    e. That adequate water supply and sewage disposal facilities are provided and in accordance with applicable standards.
    f. That adequate access roads, on-site parking, on-site loading and unloading berth and drainage have been or will be provided.
    g. That adequate measures have been taken to provide ingress and egress so as to minimize traffic congestion on public roads.
    h. That the use will not be in major conflict with the Comprehensive City Plan.

3. The Zoning Administrator, along with other city staff shall make a recommendation and forward its report and recommendations to the City Council within thirty (30) to forty (40) days from the official submission date of the application. It shall recommend one of three actions – approval, denial or approval with special conditions to the City Council.

E. Decision

1. Upon receipt of the report and recommendations from the Zoning Administrator and other city staff, the City Council shall place the consideration of the application for conditional use on the agenda for its next regular meeting.
2. The City Council shall make a decision on the application for a conditional use permit within sixty (60) days of the official submission date of the conditional use application.

3. The concurring vote of a majority of the full council membership shall be necessary for the approval or denial of an application for a conditional use permit.

4. The decision of the City Council shall immediately be filed and recorded with the City Clerk's office. Copies shall be sent to the applicant and/or his representative.

    a. The Council shall detail its reasons for denial or approval.
    b. Upon approval of an application, the Council may impose any additional special conditions if consideration necessary to protect the public health, safety and welfare.

5. In the event that the applicant violates any of the conditions set forth in this permit, the City Council shall have the authority to revoke the Conditional Use Permit.

6. The conditional use permit, if granted, shall also be recorded with the County and become a part of the title to the property.

F. Issuance

1. The City Clerk shall issue a conditional use permit for a particular use to a particular tract of land.

G. Appeal

1. If the application for a conditional use permit is denied by the City Council, the decision may be appealed to the Court of competent jurisdiction.

ARTICLE VI

AMENDMENTS OR REZONING

Section 6.01. ANNUAL REVIEW. The City Clerk shall at least once each year prepare and file with the City Council a report on the operations of the Zoning Ordinance as amended, including, when necessary, recommendations as to the enactment of amendments or supplements thereto. This report shall include, but need not be limited to, the study of the following:

A. Development of property uses.

B. A list of approved Variances and or Conditional Use Permits from the previous year.

C. Residential, commercial, and industrial growth, both actual and prospective.

Section 6.02. KINDS OF AMENDMENTS

A. A change in a district's boundary (rezoning).

B. A change in a district's regulations.

C. A change in any other provision of this Ordinance.

Section 6.03. INITIATION OF PROCEEDINGS. Proceedings for amending this Ordinance shall be initiated by at least one of the following 2 methods:

A. By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed.

B. By action of the City Council.

Section 6.04. PROCEDURE. The regulations, restrictions and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed or repealed. No such action may be taken unless it shall have been proposed by, or shall have been first submitted to the Planning Commission for review and recommendation in the following manner:

A. Application.

1. Applicant requests the proper form for zoning amendment from the City Clerk.

2. Application shall be filed with the City Clerk accompanied by the fee as set by the City Council. The application shall contain the following information:

a. The legal description and local address of the property.
b. The present zoning classification and the zoning classification requested for the property.
c. The existing use and proposed use of the property.
d. The names and address of the owners of all property within three hundred fifty (350) feet of the property for which the change is requested.
e. A statement of the reasons why the applicant believes the present zoning classification is no longer valid.
f. A map showing the locations, dimensions and use of the applicant's property and all property within three hundred fifty (350) feet thereof, including streets, alleys, railroads and other physical features.

3. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

B. Application Processing.

1. If the application and submittals are complete, this date shall be the official submission date. If the application or submittals are not complete, the City Clerk will notify the applicant of the deficiencies within ten (10) business days.

2. Upon receipt of a complete application of the City Clerk, a copy of the completed application shall be forwarded immediately to the Planning Commission for study and recommendation.

3. The City Council shall schedule a date for public hearing at their next regular meeting and instruct the City Clerk to give notice of time, place and purpose of the public hearing in the following manner. The City Clerk shall:

   a. Notify by mail all property owners within three hundred fifty (350) feet of the property at least ten (10) business days prior to the date of the public hearing.
   b. Give public notice in a newspaper of general circulation in the city at least ten (10) business days prior to the public hearing.
   c. Notify the appropriate local and or state agencies as instructed and deemed necessary.

4. The City Council or delegation thereof shall view the area being considered.

C. Public Hearing.

1. The City Council shall conduct the public hearing.

2. Any person with legitimate interest in the application may present his or her views either verbally or in writing. A time limit of 5 minutes per meeting attendee.

3. An accurate record of all testimony shall be kept by the City Clerk. This record shall include the names of all the people who participated in the meeting.

D. Decisions and Recommendations.

1. The City Council shall, prior to making a decision, consider the following:

   a. All relevant facts and findings brought out in public hearings.
   b. Physical inspection of property in question.
   c. The following items should be considered in reaching a decision.
      - Would granting of the rezoning request conform to the presently accepted future land use plans for the city as well as present land uses?
      - Is it in the community's best interest for additional land space to be zoned to the class requested?
      - Would the granting of the rezoning request adversely affect property values of adjacent landowners to an unreasonable degree?
      - If the request was granted, what additional public services would be required?
      - Is the capacity of existing roads and sewer and water facilities sufficient to accommodate this proposal?
      - Was there an error or oversight in preparing the original zoning map which indicates that this zoning should have been included at that time?

- Is this change beneficial to the community or is it merely a convenience to the applicant?

2. The Zoning Administrator shall make a written recommendation with reasons for approval or denial of the application to the City Council within thirty (30) to forty (40) days from the official submission date of the application. The Zoning Administrator shall recommend one of three actions – approval, denial or approval with special conditions to the City Council.

E. City Council Decision.

1. The City Council may approve or deny the application by simple majority vote of the entire City Council.

2. The City Council may override any recommendation and thereby approve or disapprove an application.

3. The City Council shall act upon the application within sixty (60) days of the official submission date.

F. Approval.

1. The City Council officially adopts an ordinance effecting change.

2. The City Clerk shall forward a certified copy to the County, make map and/or ordinance changes, and publish a summary notice in the City's official newspaper.

G. Denial

If the application is denied by the City Council, a period of not less than one (1) year is required between presentation of the same petitions for a change or amendment applying to a specific piece of property unless there has been a substantial change of facts.

H. Appeal

If the application for a variance is denied by the City Council, the decision may be appealed to the Court of competent jurisdiction

ARTICLE VII

ADMINISTRATION, PERMITS AND FEES

Section 7.01. ZONING ADMINISTRATOR DUTIES. The City Council shall appoint two (2) City Council Members during yearly role appointments as the Zoning Administrator. It shall be the duty of the Zoning Administrator to:

A. Administer the requirements of this Ordinance for zoning permits and issue or deny each application in accordance with the provisions of ordinance.

B. Conduct inspection of buildings and the use of land to determine compliance with the terms of this Ordinance.

C. Receive, file and forward applications for appeals, variances, conditional use permits, special exception permits, amendments or other action to the appropriate official bodies.

D. Maintain permanent and current records pertaining to this Ordinance including, but not limited to, maps, amendments, conditional uses, special exceptions, variances, appeals and applications thereof.

E. Provide clerical and technical assistance to the City Council.

If it is found that any of the provisions of this Ordinance are being violated, it shall be the duty of the Zoning Administrator to take the following action:

A. Document the violation in writing, with photographs, historical records and dates of information.

B. Notify in writing the person responsible for such violations indicating the nature of the violation and outlining action necessary to correct it.

C. Order the discontinuance of illegal use of land, buildings or structures.

D. Order the removal of illegal buildings or structures or of illegal additions, alterations or structural changes.

E. Order discontinuance of any illegal work being done.

F. Take any other action authorized by this Ordinance to ensure compliance with or to prevent violations of its provisions.

It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Zoning Administrator, and that such questions shall be presented to the City Council only on appeal from the decision of the Zoning Administrator.

Section 7.02. COMPLIANCE REQUIRED. The Zoning Administrator shall examine all applications for zoning permits and the necessary site plan to determine whether the proposed construction, alteration, extension, repair and proposed use shall comply with the provisions of this Ordinance.

Section 7.03. ZONING PERMITS REQUIRED. No building or structure shall be erected, reconstructed, moved or structurally altered to increase the exterior dimensions, height or floor area; or remodel to increase number of dwellings or accommodate a change in use of the building and/or premises or part thereof without a zoning permit to be issued by the Zoning Administrator or other authorized official. No zoning permit shall be issued by the administrative official except in conformity with the provisions of this Ordinance unless they receive a written order from the City Council dependent on the form of administrative review, variance, conditional use, or amendment, as provided by this Ordinance.

Section 7.04. ZONING PERMIT APPLICATION. All applications for a zoning permit shall be accompanied by the appropriate site plans and shall be made in duplicate on forms furnished by the Zoning Administrator and shall include the following where applicable.

A. Names and addresses of the 1) applicant, 2) owner of the site, 3) architect, 4) professional engineer or contractor.

B. Description of the site by lot, block and record subdivision or the address of the proposed site.

C. Type of structure, existing and/or proposed operation or use of the structure or site and the zoning district in which the site is located.

D. Where applicable, the number of housekeeping units, families, rental units or employees the proposed building is designed to accommodate.

E. Additional information may be required by the City Planning Commission, Zoning Administrator or other city office or official.

Section 7.05. APPROVAL OR DENIAL OF ZONING PERMIT. Upon approval or denial, the Zoning Administrator shall attest to the same by his/her signature on the zoning permit. If the zoning permit is approved, one (1) copy shall be returned to the applicant and one (1) copy shall be retained by the Zoning Administrator. If the zoning permit is denied, the Zoning Administrator shall, in addition to the above, notify the applicant with a memorandum stating the reason for denial of zoning permit. If construction is not commenced within sixty (60) days and/or completed within twelve (12) months of issuance, this permit shall be void. This permit shall be reissued for a fee set by the City Council.

Section 7.06. CONSTRUCTION AND USE TO BE SAME AS APPLICATION AND PLANS. Zoning permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only that use, arrangement and construction set forth in such approved site plan and applications and for no other use, arrangement or construction. Any use, arrangement and construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided herein.

Section 7.07. FEES. The City Council shall establish a schedule of fees, charges and expenses and a collection procedure for zoning permits, appeals, amendments, special exceptions, conditional uses, variances and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the City Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE VIII

CITY COUNCIL

Section 8.01. POWERS AND DUTIES.

A. It is the intent of this Ordinance that the duties of the City Council shall include the following:

1. Review formulation and adoption of this Ordinance and applicable maps as empowered by Minnesota Statutes 1974, 462.357, Subdivision 2 as amended.

2. Delegate certain powers and duties to the Zoning Administrator for the purpose of implementing and enforcing the requirements of this Ordinance in a fair, conscientious and intelligent manner.

3. Review all applications for changes and amendments and make a list of applications as provided in this Ordinance.

4. Review all applications for conditional use permits, hear and make a list of applications as provided in this Ordinance.

5. Review all appeals from decisions of the Zoning Administrator as empowered by this Ordinance.

6. Establish a schedule of fees and charges as relating to this Ordinance.

B. 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 and enforcement that may arise.

Section 8.02. DECISIONS. All actions and recommendations of the City Council pertaining to this Ordinance shall require the vote of a majority of the members.

ARTICLE IX

VIOLATIONS AND PENALTIES

Section 9.01. VIOLATIONS. Any building or structure being erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or site hereafter erected or maintained, or land use made in violation of this Ordinance, is hereby declared unlawful. In the event of violation or threatened violation of this Ordinance or other official control adopted under Minnesota Statues, in addition to other remedies, the City Council may direct the Zoning Administrator to institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation or threatened violations. It is the duty of the City Attorney to institute such actions.

Section 9.02. PENALTIES. Any person, firm, corporation or entity who violates any of the provisions of this Ordinance or any order of the Zoning Administrator issued in accordance with this Ordinance, shall be guilty of a misdemeanor and upon conviction be punished by a fine as established by state law or sentenced to imprisonment for a specified term as established by state law or as determined by a court of competent jurisdiction for each offense, or both, plus the costs of prosecution in either case. Each day that a violation is committed, or permitted to exist, shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Ordinance and the City may pursue, by appropriate actions or proceedings, any additional remedies.

ARTICLE X

SITE PLAN

Section 10.01. SITE PLANNED REQUIRED. All planned buildings and/or structures or uses of land unless exempted, whether they be new, substantially changed, converted or reconstructed, must secure approval of a site plan from the Planning Commission. No building permit shall be issued prior to approval of the site plan. A site plan shall contain the following information as is pertinent to the proposed use of the land.

A. Name and address of the developer and property owner.

B. Small key (location) map.

C. Zoning classification of the land and names of adjoining landowners and zoning classification of adjacent land.

D. Proposed buildings and/or land use.

E. Area of land in square feet.

F. Survey and engineering information including distances with angles, bearings, lengths and legal description of property involved shall be shown on drawings at a scale not to exceed one (1) inch equaling fifty (50) feet and including the following information:

1. Proposed buildings with location dimensions, building area and height.

2. Distance on all sides between buildings and property lines and between buildings.

3. Location, dimensions and area of existing buildings not to be razed.

4. Location and use of all buildings on adjacent lands that are within fifty (50) feet of the property line in question.

5. Existing and proposed contours or spot grades at no more than two (2) foot intervals.

6. Drainage design for roof areas, parking lots and driveways showing area for or method of disposal of surface run-off waters.

7. Existing and proposed street curb cut radii and curb cut width.

8. Limits and location of proposed or existing streets, cart ways, curbs, sidewalks, easements and rights-of-way.

9. Location, size and elevation of proposed or existing sanitary sewerage facilities, storm sewers, catch basins and drywells.

10. The location and approximate diameter of proposed or existing trees and other woody stemmed plantings together with the common names of the plantings.

11. Limits and location of plantings or physical structures designed for screening.

12. Limits, location and size of retaining walls and the type of material to be used in construction.

13. Limits and location of parking lots, driveways, parking bays, outside storage, burning rubbish and garbage areas, loading and unloading areas and surfacing and screening thereof.

14. Directions of vehicular traffic flow to, from and within the area, together with traffic control signs and markings.

15. Locations, height, candle power and type of all outside lighting including street lighting and sign lighting.

16. Locations, size and height and overall dimensions of outside signs.

17. Such other or different information as may be required by the design standards set forth hereinafter or as required elsewhere in this Ordinance.

Section 10.02. DESIGN STANDARDS. The following general principles of design shall be incorporated into the site plan and approved by the Planning Commission.

A. Landscaping.

1. All front yards shall be landscaped to soften the effect the building creates at ground level.

2. Existing trees shall be preserved where possible.

3. Surfaces denude of vegetation shall be seeded to prevent soil erosion.

B. Light glare from vehicles.

1. When a building, parking lot or driveway adjoins or is within two hundred (200) feet of a residential area, provision shall be made to screen all vehicle lights to curtail direct illumination of the residential area. Screening provided on the land may be provided by the use of closely spaced evergreen trees or shrubs or physical structures which will harmonize with the developed use of the land and with the residential area.

2. Vehicle lights need not be screened on that portion of a site bounded by and parallel to a street.

C. Surface water, sewage disposal and erosion control.

1. Storm water and sanitary sewage system shall be laid out by a professional engineer.

2. Run-off water from parking lots, roofs and driveways shall not be allowed to cross sidewalks or to run onto private property that is not a part of the site unless easements have been obtained.

3. Surface run-off waters shall be directed into municipal facilities. Where municipal facilities are not available, a drywall or drainage area owned or controlled by the owner or developer shall be provided.

4. Sanitary sewage shall be directed into municipal facilities where such facilities are available. Where municipal facilities are not available, other disposal methods approved by the Planning Commission may be used.

5. Retaining walls shall be constructed where necessary for land stabilization.

D. Parking Lots.

1. Parking lots shall be designed to avoid creating large open expanses.

2. Parking lots shall be designed to avoid the problem of vehicles backing onto streets, alleys and sidewalks.

3. Vehicular traffic flow to, from and within land containing a parking lot shall be controlled by appropriate traffic control signs and surface markings.

4. Adequate provision shall be made for vehicular ingress and egress.

5. Provisions shall be made for a safe and convenient circulation pattern within any parking lot.

6. Proposed curb cut widths shall be kept to a minimum consistent with vehicular and pedestrian safety. Curb cut radii shall allow safe ingress and egress of vehicles from and to the proper lane of traffic on the street which they adjoin. Existing curb cuts and curb radii shall be used only if they comply with appropriate standards for proposed curb cuts and curb cut radii.

E. Parking lot lighting.

1. A parking lot shall be lighted for vehicular and pedestrian safety.

Section 10.03. PROCEDURE.

A. At least three (3) copies of the site plan shall be filed with the application and the Planning Commission shall submit copies to reviewing agencies and request written comment on the proposal if applicable.

B. The Planning Commission shall review the plan and recommend modification, if necessary, within forty-five (45) days from the time it is filed and shall cause its written approval or disapproval to be filed with the Zoning Administrator and/or the Building Inspector within five (5) days thereafter.

Section 10.04. COMPLIANCE REQUIRED.

A. It shall be the duty of the Zoning Administrator to ensure that the approved site plan is followed by the owner and/or developer.

B. No departure from the approved site plan shall be permitted without the express written permission of the Planning Commission.

C. No building or site shall be used or occupied until all requirements and provisions of this Ordinance and any special conditions as provided by this article have been complied with. When the approved site plan has been substantially complied with, but the owner or developer is prevented from complete compliance by reason or occurrences beyond his control, the owner or developer shall file with the City Clerk a corporate bond to the municipality for the use of the municipality in a sum sufficient to cover the cost of completion of the unfinished items required by the approved site plan. The bond shall be executed by the owner or developer and shall be approved by the City Attorney. The condition of the bond shall be that if the owner or developer shall comply with the approved site plan and provide the unfinished items, the obligation shall be null and void. A further condition of the bond shall be that the penalty shall attach, and the surety shall be liable if the owner or developer shall not have complied with the condition of the bond within one (1) year after date of its execution.

D. The land area of a site developed pursuant to an approved site plan shall not thereafter be reduced in size and no substantial change shall thereafter be made in the site plan or structures thereon without the express permission of the Planning Commission. The procedure for review and approval or disapproval shall be the same as for the initial application.

E. The Planning Commission may grant a variance from the provision of this article only where special conditions pertaining to a specific piece of property or when a literal enforcement of the provisions or requirements of this article will result in particular difficulty or hardship or serve no useful purpose, provided the spirit of the article is upheld in representing the best interest of the public health, safety and welfare and all other provisions of this Ordinance are adhered to.

Section 10.05. EXEMPT USES. The following shall be exempt from uses and shall not have to comply with the site plan requirements described herein.

A. Single or two-family dwellings except when included in planned unit developments.

B. Temporary uses (not to exceed six (6) months) of land different from its existing state.

ARTICLE XI

PERFORMANCE STANDARDS

Section 11.01. MANUFACTURED HOME PARK DESIGN STANDARDS.

A. PERMIT ISSUANCE AND APPROVAL PROCEDURE. It shall be unlawful for any person to establish, maintain or operate a Manufactured Home Park or the facilities therein unless such person shall first procure a permit from the City. Compliance with the provisions of this Ordinance is necessary to obtain said permit. An application for a Manufactured Home Park shall be filed with the Zoning Administrator and shall contain the following:

1. Name and address of applicant.

2. Location and legal description of the park.

3. Scaled site plan showing complete compliance with this Ordinance. Said plan shall be certified by a registered engineer or land surveyor and shall contain the following information.

   a. The extent and area used for Manufactured Home Park purposes with a location insert in small scale showing the park location on the entire property.
   b. Roadways, driveways and sidewalks.
   c. Location of manufactured home lots with dimensions and boundary lines.
   d. Location of parking facilities.
   e. Method and plan of sewage disposal systems showing sizes of pipe and connection locations.
   f. Location and number of auxiliary sanitary facilities including toilets, wash rooms, laundries and utility rooms.
   g. Method and plan of solid waste collection and disposal systems.
   h. Plan of water supply showing location of all home and auxiliary connections and all fire hydrants.
   i. Plan of electric power and lighting system with location of a power plug for each lot as well as location and wattage of street lighting facilities.
   j. Topographic information to adequately show surface drainage patterns.
   k. Such other information as may be requested by the Zoning Administrator to enable him/her to determine if the proposed park will comply with all legal requirements including this Ordinance.

4. The Zoning Administrator shall submit said application and plan to the Planning Commission who shall consider the application in accordance with its procedures for acting on special use exception permits.

B. GENERAL DESIGN REQUIREMENTS.

1. The park shall be located on a well-drained site suitable for the purpose with an adequate entrance road of twenty-four (24) foot pavement width constructed to the municipality's street or road specifications capable of handling heavy service vehicles such as fire and garbage trucks without injury to surface or base.

2. The park shall be located on minimum lot size of two hundred thousand (200,000) square feet, shall contain not less than twenty (20) manufactured home spaces and shall not exceed a gross density of ten (10) units per acre.
3. Each manufactured home park shall be served by a sanitary sewer system acceptable to the City.

4. Each manufactured home park shall be served by a central water supply system.

5. Each manufactured home park shall incorporate adequate provision for the control of surface drainage. Fire hydrants shall be located in accordance with generally accepted practices as determined by the City Engineer.

6. No manufactured home shall be located nearer the street or highway than the required front yard setback within the district in which it is proposed to be located or nearer than twenty (20) feet to any property line.

7. Each manufactured home park shall comply with applicable ordinances and codes of the city and the laws of the State of Minnesota.

8. Each manufactured home park shall contain all-weather hard surfaced interior roadways free from dust and mud. This requirement shall be applicable no later than one (1) year following the initial construction of said interior private roadways. Where streets are dedicated to the City they shall be constructed in accordance with applicable City standards.

9. Interior roads shall be not less than twenty (20) feet in width for two (2) lane roads where no parking is desired. Five (5) feet of additional width shall be required per each side where roadside parking is desired.

10. Off-street (or road) parking for the manufactured home park shall be provided in the ratio of two (2) spaces per manufactured home unit.

11. There shall be provided within each manufactured home park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area of ten thousand (10,000) square feet for each fifty (50) units or fraction thereof which shall be no longer than two (2) times its width. The recreation sites shall be of appropriate design and provided with appropriate equipment.

12. Additional requirements as to screening, landscaping and space reserved for recreation and playground may be required by the Planning Commission for proper development and protection of the manufactured home park's occupants and that of the surrounding area.

C. BULK AND SPACE REQUIREMENTS.

1. Each manufactured home space shall have a minimum area of forty-five hundred (4500) square feet exclusive of roadways and common space.

2. No manufactured home shall be placed closer than thirty (30) feet to any adjacent manufactured home.

3. Each manufactured home space shall have a minimum width of not less than forty-five (45) feet.

4. No manufactured home shall be located closer than twenty (20) feet to the traveled portion of an interior street.

5. Each manufactured home space shall have a suitable hard surface area of durable material capable of supporting the vehicle's wheels, stands or jacks.

6. Each manufactured home shall be properly anchored according to accepted standards to resist damaging movement by wind or storm.

7. No building or structure hereafter erected or altered in a manufactured home park shall exceed twenty-five (25) feet or one and one-half (1 ½) stories in height.

8. Skirting for manufactured homes is required and shall be in accordance with the décor of the manufactured home and in good repair. Each manufactured home shall be parked upon a jack or block approved by the manufactured home park operator. No manufactured home shall be placed on walls or any other temporary or permanent foundation not a part of the approved plan for the manufactured home park and no other building or structure shall be attached to it.

9. One accessory building not to exceed one hundred (100) square feet in floor area shall be allowed for each manufactured home space.

D. ADDITIONAL REGULATIONS.

1. Except as may be authorized by general traffic and parking regulations or ordinances, no person shall park or occupy any manufactured home on any premises in any district outside an approved manufactured home park. The parking or storage of a recreational camping vehicle in an accessory private garage building or in a rear yard in any district shall be permitted provided no permanent living quarters shall be maintained or any business conducted in such vehicle while so parked or stored.

2. No commercial operation shall be conducted within the park other than those necessary to the operation thereof. A common laundering facility is an allowed use. Commercial sales lots for manufactured homes are prohibited.

3. Any enlargement or extension to any existing manufactured home park shall require application for a permit as if it were a new establishment.

4. A request for transfer of the permit shall be treated in the same manner as an original application for a permit.

5. In addition to the foregoing, the Planning Commission may impose such other conditions, requirements or limitations concerning the design, development and operation of each manufactured home park as it may deem necessary for the protection of adjacent properties and the public interest.

Section 11.02. MOBILE HOMES OR TRAILERS.

A. Mobile homes occupied as a permanent or temporary place of residence shall be located only in an approved mobile home park or mobile home subdivision unless otherwise provided in this Ordinance. Occupied travel trailers and camping trailers shall be located only in an approved tourist or trailer campground except as allowed under the provisions of “temporary buildings”.

B. The Planning Commission may grant permission to temporarily site a mobile home for nonresidential purposes in any “M” District for a specified period not to exceed six (6) months. Upon granting the request, the Planning commission may attach any additional requirements or conditions as deemed necessary.

C. Unless located in a manufactured home park or recreational camping park, all residential dwelling structures used for living purposes shall be at least twenty-four (24) feet wide and at least thirty (30)

feet long and placed on a permanent foundation.

D. Guidelines for the use and occupancy of "pre-code" manufactured (mobile) homes.

1. Definition of "Pre-Code" Manufacture (Mobile) Homes.

a. "Pre-Code" manufactured (mobile) homes are defined as homes built prior to HUD CFR 3280 Standards, effective June 15, 1976, or built prior to Minnesota inspection and certification requirements in accordance with ANSI Standards A119.1, July 1, 1972.

2. Minimum Requirements for Pre-Code Homes.

a. Egress Windows and Exits.

1. Each home shall have at least one egress window in each bedroom that meets the minimum specifications of HUD 3280.106 and .404 for manufactured home. These standards require that the window be at least 22 inches in the horizontal and vertical least dimension and at least five square feet in area, the bottom of the window opening shall be not more than 36 inches above the floor, and that locks and latches which need to be operated to permit exiting not be located more than 54 inches above the finished floor. If the requirements of the State Building Code and/or ANSI A199.1, 1972 are met, the home shall be deemed to be in compliance with this Subsection.
2. The home shall have two exterior exit doors located remote from each other as required in HUD 3280.105. These standards require single section manufactured homes to have the doors not less than 12 foot center to center from each other and multi-section manufactured home doors to not be less than 20 foot center to center from each other measured in a straight line direction regardless of the length of the path of travel between doors. One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 feet. Exterior swing doors shall have a minimum 28 inch by 74 inch clear opening and sliding glass doors shall have a 28 inch by 72 inch clear opening. Each exterior door other than screen/storm doors shall have a key operated dead bolt with a passage latch, and locks shall not require the use of a key or special tool for operation from the inside of the home.

b. Flame Spread

1. Walls and ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with flame spread rating not exceeding 25. Sealants and other trim materials two inches or less used to finish adjacent surfaces within these spaces are exempt from this provision provided all joints are supported by framing members or materials with a 25 or less flame spread rating. Combustible doors providing interior or exterior access to furnace and water heater spaces shall be covered with materials of limited combustion (i.e. 5/16 inch gypsum board, etc.) with the surface allowed to be interrupted for louvers ventilating the space. However, the louvers shall not be of materials of greater combustibility than the door itself (i.e. plastic louvers and a wooden door). Reference HUD 3280.203.

2. Exposed interior finished surfaces, including vertical surfaces between range top and overhead cabinets and/or ceiling, shall have a flame spread rating not exceeding 50 as required by HUD 3280.203. Back splashes not exceeding 6 inches in height are exempted. Vertical clearance above cook tops and ranges shall be not less than 24 inches as required by HUD 3280.709.

c. Smoke Alarms.

1. A smoke alarm shall be installed on any wall or ceiling in each bedroom and in the living area remote from the kitchen (20 feet from cooking appliance). Installation shall be per the smoke alarm manufacturer's instructions for proximity to wall and ceiling intersections.
2. Smoke alarms shall not have switches in the circuit to the alarm between the over-current protection device protecting the branch circuit and the alarm. The alarm shall be attached to an electrical outlet box and connected by a permanent wiring method into a general electrical circuit. The alarm shall not be placed on a branch circuit or any circuit protected by a ground fault circuit interrupter.

d. Solid Fuel Burning Stoves and Fireplaces.

1. Solid fuel-burning factory-built fireplaces and fireplace stoves may be used in manufactured (mobile) homes provided that they are listed for use in manufactured homes and installed as per their listing/manufacturers' instructions and the minimum requirements of HUD 3280.710.
2. A solid fuel burning fireplace or fireplace stove shall be equipped with integral doors designed to close the fire chamber opening and shall include complete means for venting through the roof, a combustion air inlet, or hearth extension, and means to securely attach the unit to the manufactured home structure.
    I. A listed factory-built chimney designed to be attached directly to the fireplace/fireplace stove and equipped with, in accordance with the listing, a termination device and spark arrester shall be required. The chimney shall extend at least three feet above the part of the roof through which it passes and at least two feet above the highest elevation of any part of the manufactured home within ten feet of the chimney.
    II. An air intake assembly shall be installed in accordance with the terms of listings/manufacturers' instructions. A combustion air inlet shall conduct the air directly into the fire chamber and shall be designed to prevent material from the hearth dropping onto the area beneath the manufactured home.
    III. The hearth extension shall be of noncombustible material a minimum of 3/8 inch thick, shall extend a minimum of 16 inches in front and eight inches beyond each side of the fireplace/fireplace stove opening. The hearth shall also extend over the entire surface beneath a fireplace stove and beneath an elevated or overhanging fireplace.

e. Support Systems.

1. Pre-Code homes built prior to June 15, 1976, are required to be installed (set-up) in accordance with the standards of the State Building Code, Chapter 1350.

f. Aluminum Wiring.

1. All electrical systems shall be tested for continuity to insure that metallic parts are properly bonded, tested for operation to demonstrate that all equipment is connected and in working order, and undergo a polarity check to determine that connections are proper. The electrical system shall be properly protected for the required amperage load. If the unit is of aluminum conductors, all receptacles and switches rated 20 amperes or less directly connected to the aluminum conductor shall be marked CO/ALR. Exterior receptacles other than heat tape receptacles shall be of the ground fault circuit interrupter (GFI) type. Conductors of dissimilar metals (copper/aluminum or copper-clad aluminum) must be connected in accordance with the National Electrical Code.

g. Replacement Furnaces and Water Heaters.

1. If the manufactured (mobile) home has had or is to receive a replacement furnace or water heater, it shall be listed for use in a manufactured (mobile) home. Vents, roof jacks, and chimneys necessary for the installation shall be listed for use with the furnace or water heater.
2. The furnace and water heater shall be secured in place to avoid displacement. Every furnace in place shall be accessible for servicing and/or replacement.
3. Furnaces and water heaters shall be installed to provide complete separation of the combustion system from the interior atmosphere of the manufactured home as required by HUD 3280.709.
4. The floor area in the water heater area shall be free from damage from moisture, etc., to assure that the floor will support the weight of the water heater and water contained with.

h. Gas Line Testing.

1. The gas piping for each pre-code home shall be tested with the appliance valves removed from the piping and capped at those areas. The piping shall withstand a pressure of at least six (6) inches mercury or three (3) psi gauge for a period of not less than ten minutes without showing any drop in pressure. Pressure shall be measured with a mercury manometer or a slop gauge calibrated so as to read in increments of not greater than 1/10 pound or equivalent device. The source of normal operating pressure shall be isolated before the pressure test is made. After the appliance connections are reinstalled, the piping system and connections shall be tested with line pressure of not less than ten (10) or more than fourteen (14) inches water column air pressure. The appliance connections shall be tested for leakage with soapy water or bubble solution.

Section 11.03. HOME OCCUPATIONS. In any zoning district where home occupations are authorized, the following regulations governing said home occupations shall be complied with as follows.

A. Hours of operations shall not be before 8:00 a.m. and no later than 8:00 p.m., Monday through Saturday. No business shall be conducted on Sundays. Exceptions shall be made for emergency service calls.

B. Said use shall not occupy an area of more than twenty-five (25) percent of the total floor area of the dwelling.

C. No such home occupation shall require substantial interior or exterior alterations of the dwelling which would vary the residential character of the building.

D. Said use shall not create odor, dust, noise, electrical disturbances, glare or vibrations noticeable outside of the building which could render said building or premise objectionable or detrimental to the residential character of the neighborhood.

E. There shall be no outside storage of material or equipment or display of merchandise except for the following: temporary storage of used material or equipment may be stored outside for no more than ninety (90) days and must be fully screened so as not to be visible from adjoining properties.

F. No sign shall be allowed other than one (1) non-illuminated name plate measuring not more than one and one-half (1 ½) square feet in area mounted flat against the wall of the principal building **OR** no sign shall be allowed other than one (1) non-illuminated, removable name plate measuring not more than thirty-two (32) square feet in area mounted flat against the wall of said building. In addition to the building sign, one (1) yard sign measuring not more than eight (8) square feet shall be allowed. The sign shall be mounted on separate post(s) designated for such purpose. The post(s) shall be no thicker than four (4) inches by six (6) inches. Said yard sign must be placed at least two (2) feet away from the nearest street right-of-way or sidewalk and can be no more than six (6) feet in height.

G. There shall be no sale of goods other than those produced on the site or as incidental to a service provided.

H. The occupation is to be conducted solely by the permanent occupants of the dwelling in which it is located except that one (1) accessory person necessary to the occupation may be employed. **OR** the business shall be conducted solely by the permanent occupants of the dwelling which is located on the same property and any necessary employees.

I. No home occupation shall be conducted in any accessory building.

J. The need for any additional parking generated by the conduct of the home occupation shall be met by off-street parking areas **OR** there shall be no additional long-term parking (two (2) hours or more) generated by the conduct of said business.

Section 11.04. DUMPING AND DISPOSAL OF EXCAVATED MATERIALS. The dumping of dirt, rock or other earthen material is permitted in any district not part of a drainage channel provided the surface of such material is graded within a reasonable period of time in a manner preventing the collection of stagnant water and that the ground surface is left in a condition suitable for growing of turf or for other land uses permitted in the district. This shall not prevent the development of the property for its best use when adequate facilities are provided to maintain the primary purpose of the drainage way or flood plain, i.e. the uninterrupted flow of surface water.

Section 11.05. LOADING SPACE. In any district in connection with every building structure or part thereof erected and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring receipt or distribution by vehicles, materials or merchandise, there shall be provided and maintained on the same lot adequate space for standing, loading and unloading services in order to avoid undue interferences with public use of the streets or alleys. Such space shall be sufficient for the proposed use as determined by the Planning Commission and approved by the Planning Commission and the City Council. Such space may occupy all or any part of any required yard or open space except where adjoining a residential district; it shall be set back so as to allow sufficient and effective screen-plantings.

Section 11.06. PARKING LOT STANDARDS. In all districts where off-street parking lots shall be constructed and maintained subject to the following regulations.

A. Adequate ingress and egress shall be provided.

B. Such parking lots shall be maintained in useable dustproof conditions and shall be kept graded and drained to dispose of surface water.

C. Whenever such parking lot boundary adjoins property zoned for residential use, a setback of eight (8) feet from said lot line shall be required.

D. Necessary curbs or other protections against damage to adjoining properties, streets and sidewalks shall be provided and maintained.

E. Plans for the construction of any such parking lot must be approved by the Planning Commission before construction is started. No such land shall be used for parking until approved by the Planning Commission.

F. Any lighting used to illuminate any off-street parking area shall be arranged to reflect the light away from adjoining premises in any "R" District.

Section 11.07. OFF-STREET PARKING REQUIREMENTS. In all districts except (B-1) Central Business District and in connection with all uses there shall be provided at the time any use or building is erected, enlarged, expanded or increased, off-street parking spaces for vehicles of employees, residents and/or patrons in accordance with the following requirements. For the purpose of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. An off-street parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements below are provided and maintained, improved in a manner appropriate to the circumstances of the case and in accordance with all ordinances and regulations of the City.

A. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any automobile may be parked and un-parked without moving another.

B. Loading space shall not be construed as supplying off-street parking space.

C. When units or measurements used in determining the number of required parking spaces result in the requirement of a fractional space, one (1) additional space shall be required unless otherwise specified in this ordinance.

D. Whenever a use requiring off-street parking is increased in floor area and such use is located in a building existing on or before the effective date of this Ordinance, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.

E. Floor area in the case of offices, merchandising or service types of uses shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients, patients or tenants including areas occupied for fixtures and equipment used for display or sale of merchandise.

F. Off-street parking facilities for dwellings shall be provided and located on the same lot or parcel of land as the building they are intended to serve or a lot not more than three hundred (300) feet from the principal use.

G. In the case of any building structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar shall apply as determined by the Planning Commission.

H. The location of required off-street parking facilities for other than dwellings shall be within the three hundred (300) feet of the building they are intended to serve, measured from the nearest point of the off-street parking facilities and the nearest point of the building or structure.

I. Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided collectively such facilities shall not be less than the sum of the requirements for the various individual uses. Where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposed, shall be properly drawn and executed by the parties concerned, approved as to form and execution by the City Attorney and shall be filed with the Zoning Administrator.

J. Nothing in this section shall prevent the extension of, or an addition to a building or structure into an existing parking area which is required for the original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area or an additional area within three hundred feet of such building.

K. Off-street parking space may be located within the required front yard of any "B" or "M" district, but no off-street parking shall be permitted in the required front yard of any "R" district except upon the driveway providing access to a garage, carport or parking area for a dwelling.

L. The amount of required off-street parking space for new uses or building, additions thereto and additions thereto and additions to existing buildings as specified above, and the space so required shall be irrevocably reserved for such use.

Section 11.08. PARKING AND STORAGE OF CERTAIN VEHICLES.

A. Vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

B. Parking of recreational vehicles, trailers, automobiles, boats, or campers in the front yard setback areas in any residential zone, with the exception of on a paved driveway, is prohibited. Any unlicensed vehicle must be stored in an enclosed building.

C. Boats and trailers, less than twenty feet in length, must be stored in the rear yard and be placed a minimum of at least ten feet from the property line or in the side yard a minimum of six feet from the property line. The side yard setback may be encroached upon only if the owner of the property adjoining the petitioner's property agrees, in writing, that such encroachment be allowed. The City shall require a copy of the written agreement for its records.

Section 11.09. SEWER AND WATER PROVISONS.

A. All sewage facilities shall be connected to community sewer facilities when available. Where sewers are not constructed or in operation all sewage facilities shall be connected to individual sewage disposal systems in conformance to standards specified in Minnesota Rules, Chapter 7080, or as amended. This provision shall not apply to temporary construction sites, or portable units used in farming operations.

B. All water shall be procured from the public water system when available. Where it is not feasible to connect to a public water supply or if on-site water supplementation is required, a well may be drilled in accordance with the specifications and provisions of the Minnesota Department of Health.

Section 11.10. EXTERIOR STORAGE. Open storage of materials shall be regulated as follows:

A. In residential districts all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties except for the following:

1. Recreational equipment, such as volleyball nets, trampolines, or other types of equipment similar to those listed.

2. Construction and landscaping materials and equipment currently being used on the premises.

3. Agricultural equipment and materials if used or intended for use on the premises.

4. Off-street parking of currently licensed and operable passenger automobiles and pickup trucks.

5. Boats and unoccupied trailers, less than twenty feet in length, if stored in the rear yard at least ten feet from the property line or in the side yard a minimum of six feet from the property line. The side yard setback may be encroached upon only if the owner of the property adjoining the petitioner's property agrees, in writing, that such encroachment be allowed. The City shall require a copy of the written agreement for its records.

6. No commercial vehicles or equipment exceeding 9,000 pounds gross weight shall be parked, stored or otherwise contained in a residential district unless in a completely enclosed structure or unless they are being used in conjunction with a legitimate service being rendered for the benefit of the residential premises.

7. Clothes line pole and wire.

8. Not more than three (3) recreational vehicles and equipment of which not more than one can be a motor home.

9. Lawn furniture or furniture used and constructed explicitly for outdoor use.

10. Rear or side yard exterior storage of firewood for the purpose of consumption only by the person(s) on whose property it is stored.

B. In business and industrial districts open storage of materials in any required front, side, or rear yard shall be prohibited. Any other outdoor storage shall be screened so as not to be visible from any class of residential district.

C. In all districts uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar liquids in excess of 2,500 gallons, shall require a conditional use permit in order that the City Council may have some assurance that fire, explosion or water or soil contamination hazards are not present that would be detrimental to the public health, safety and general welfare. The City Council shall require the development of diking around said tanks. Diking shall be suitably sealed and shall hold a leakage capacity of one hundred fifteen per cent of the largest tank capacity. In lieu of diking, the City Council may allow for double-walled tanks or any other storage unit that is approved or allowed by Minnesota Department of Agriculture or federal authorities. Any existing storage tank that, in the opinion of the City Council, constitutes a hazard to the public safety shall discontinue operations within five years following enactment of this Ordinance.

Section 11.11. VISIBILITY AT INTERSECTIONS. On a corner lot in any district no fence, wall, hedge, tree or other planting, or structure that will obstruct vision above a height of forty-two (42) inches above the centerline grade of the intersecting streets shall not be erected, placed or maintained within the triangular area bounded by

the lot lines and a line connecting points on each lot line forty (40) feet from the intersection of such lot lines.

Section 11.12. SWIMMING POOLS. The following standards are to be applied to swimming pools.

A. The interior vertical wall of swimming pools shall not be closer than six (6') feet to any side or rear lot line.

B. No swimming pool shall be located beneath or within ten (10') of any overhead utility lines or over any underground utility lines.

C. All outdoor swimming pools shall be completely enclosed by a security fence or wall at least four (4') but not more than (6') feet high and be located no less than four (4') feet from the edge of the pool. The bottom of the fence or wall shall be no higher than four (4") inches above the surface of the ground. Fence openings or points of entry to the pool area shall be equipped with self-closing and self-latching lockable gates.

D. No swimming pool shall be used, kept, maintained or operated in such a manner as to constitute a nuisance or as to be hazardous to health, life or property. All swimming pools shall have and operate adequate equipment to filter and otherwise keep the water clean and free from contamination.

E. No person shall construct, alter or renovate a pool without a land use permit.

Section 11.13. FENCING. The following requirements apply to the construction of fences in Hills:

A. All boundary line fences shall be entirely located upon the property of the person, firm or corporation constructing or causing the construction of such fence and must be setback at least two (2') feet from property lines and must have the finished side facing out. Fences may not protrude out farther than the front of dwelling. Fences may be placed up to but not on the property lines provided the fence material is a maintenance free material or owner can maintain the fence without entering the neighboring property. It is the owner's responsibility to verify the location of the property lines. All portions of a fence, including the footings, must be installed inside the property line. The fence may be placed upon the property line if the owner of the property adjoining the petitioner's property agrees, in writing, that such fence may be erected on the division line
of the respective properties. Fences or vegetative screening (hedges, for example) located in the side yard or rear yard area must not interfere with street intersection sightlines

B. Fences shall not exceed six (6') feet in height in residential and agricultural districts or eight (8') feet in height in commercial-industrial districts. Fences higher than these shall require a conditional use permit. Fences shall be constructed of durable, maintainable materials. Garden fences, silt fences, snow fences and similar style fences are prohibited fence materials
C. Maintenance: Fences shall be maintained to retain their aesthetic quality, screening abilities, and function. Missing boards, rusting wire and posts and peeling paint shall be taken care of at the owner's expense as they occur.
D. Any barbed wire fencing must be at least six feet above ground and at least three feet away from a public sidewalk or way. No hazardous or dangerous materials shall be used in any fencing.
E. No fence shall be charged with electric current except in Agricultural Districts. Invisible fencing for pets in R-1 and R-2 Districts shall be exempt from this.
F. Fences located within the front yard of a lot in a residential district shall not exceed a height of forty-eight (48") inches. Exceptions to this may be made at the discretion of the Planning Commission in unique situations.

Section 11.14. MINIMUM HOUSING CODE. Buildings used in whole or in part as a home or residence of a single family or person and every building used in whole or in part as a home or residence of two or more persons

or families living in separate apartments and all premises, either residential or non-residential, shall conform to the requirements of this subdivision.

A. Declaration of Policy. The governing body declares the purpose of this code is to protect, preserve and promote the physical health of the people by establishing standards which are applicable to all dwellings, structures and premises now in existence or hereafter constructed or developed. This policy:

    1. Establishes minimum standards for safety from fire, for the use and location and amount of space for human occupancy, and safe and sanitary maintenance;

    2. Establishes standards concerning unsightly and blighted buildings and premises, both residential and non-residential structures;

    3. Determines the responsibilities of owners, operators and occupants; and

    4. Provides for the administration and enforcement thereof.

B. Duty of Occupant or Owner of Occupied or Unoccupied building and its Premises or Vacant Premises.

    1. It shall be the duty of the owner of every occupied or unoccupied dwelling, building and premises or vacant premise, including all yards, lawns and courts to keep such property clean and free from any accumulation of filth, rubbish, garbage, or any similar matter.

    2. It shall be the duty of each occupant of a dwelling unit to keep in clean condition the portion of the property which he or she occupies and of which he or she has exclusive control, to comply with the rules and regulations, to place all garbage and refuse in proper containers. Where care of the premise is not the responsibility of the occupant, then the owner is responsible for violations of this Ordinance applicable to the premise.

    3. If receptacles are not provided by the owner, then the occupant shall provide receptacles as may be necessary to contain all garbage and trash.

    4. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his or her dwelling unit is the unit primarily infested.
    5. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a vermin proof or reasonable insect proof condition, extermination shall be the responsibility of the owner and operator.

    6. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

C. Regulations for the Use and Occupancy of Dwellings. No person shall occupy as owner occupant or rent to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements. The following requirements are hereby declared essential to the health and safety of the occupants of such dwelling or dwelling unit:

1. The basement or cellar of any dwelling shall be reasonably dry and ventilated and shall be kept free from rubbish accumulation.

2. Every dwelling unit shall contain within a room which affords privacy to a person in the room, a bathtub or shower in good working condition and properly connected to an approved water and sewer system.

3. Drainage: All courts, yards or other areas on the premises of any dwelling shall be so graded and drained that there is no pooling of the water thereon. In addition, no property owner shall undertake any activities for diverting or channeling storm water onto neighboring property.

4. Entrances: For each dwelling unit there shall be a normally used separate access, either to a hallway, stairway, or street, which is safe and in good repair. A secondary exit to the ground shall be available in case of fire through windows, porch roofs, ladders or any combination that is free of hazard or egress.

5. Floor Area: Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant and at least 100 additional square feet of floor space for every additional occupant thereof. The floor space shall be calculated on the basis of total habitable room area, inside measurements. No floor space shall be included in determining habitable room area over which the ceiling is less than seven (7) feet above the floor.

D. Maintenance and Repair. Every dwelling and every part thereof shall be maintained in good repair by the owner or agent and be fit for human habitation. The roof shall be maintained so as not to leak, and all rainwater shall be drained therefrom so as not to cause dampness in the walls or ceilings. All floors, stairways, doors, porches, windows, skylights, chimneys, toilets, sinks, walls, and ceilings shall be kept in good repair and usable condition.

E. Designation of Unfit Dwellings. The designation of dwellings or dwelling units as unfit for human habitation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

1. The public officer may determine that any dwelling unit is unfit for human use or habitation if he, she or they find that conditions exist in the structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents of the neighborhood, or which shall have a blighting influence on properties in the area.
2. Such conditions may include the following without limitation:

a. Defects therein increase the hazards of fire, accident, or other calamities.
b. Lack of:
    i. adequate ventilation;
    ii. light;
    iii. cleanliness;
    iv. sanitary facilities;
c. Dilapidation.
d. Disrepair.
e. Structural defects.
f. Overcrowding.
g. Inadequate ingress and egress.
h. An unsightly appearance that constitute a blight to the adjoining property,

the neighborhood, or the City.

i. Air pollution.

3. Placarding (order to vacate): Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the public officer shall be vacated within a reasonable time as so ordered.

4. Notice of Violation: Procedures as outlined in section "H" below are applicable hereto.

5. Compliance required before re-occupancy. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by the public officer.

    a. The public officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

    b. It shall be unlawful for anyone to rent, lease, occupy or permit the occupancy, whether for a consideration or not, of any dwelling so posted and any violation of this provision shall constitute a misdemeanor within the meaning of this ordinance.

    c. It shall be unlawful for any person to deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except the public officer as herein provided, and any violation of this provision shall constitute a misdemeanor within the meaning of this Ordinance.

F. Designation of Blighted Buildings and Premises (residential and nonresidential). The designation of unsightly and blighted premises and elimination thereof shall be carried out in compliance with the following requirements:

1. The Public Officer may determine that if the appearance of a premise is not commensurate with the character of other properties in the neighborhood or otherwise constitutes a blight to the adjoining property or the neighborhood or the city for such reasons as, but not limited to:

    a. Dead trees or other unsightly natural growth.
    b. Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof; vermin infestation, or inadequate drainage.
    c. Violation of any other law or regulations relating to the use of land and the use and occupancy of the buildings and improvements.

G. Notice of Violation. Procedures as outlined in Section H below. Inspection of Buildings and Structures, and Premises.

1. For the purpose of determining compliance with the provisions of this Ordinance, the Public Officer or his or her authorized representative is hereby authorized to make inspections to determine the condition, use, and occupancy of dwellings, dwelling units, rooming units, and the premises upon which the same are located. This requirement is applicable to existing dwellings or buildings.

2. The Public Officer is not limited by the conditions in the above paragraph where new construction or vacant premises are involved and may make such inspections at any appropriate time.

3. The owner, operator, and occupant of every dwelling, dwelling unit, and rooming unit shall give the public officer, or his or her authorized representative, during reasonable hours, free access to such dwelling, dwelling unit, and rooming unit, and its premises, for the purpose of such inspection, examination and survey after identification by proper credentials.

4. Every occupant of a dwelling shall give the owner thereof, or his or her authorized agent or employee, access to any part of such dwelling, or its premises, at all reasonable times, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Ordinance or with any rule or regulation adopted and promulgated, or any order issued pursuant to the provisions of this Ordinance.

H. Notice of Violations; Procedures.

1. Informal discussion: Whenever the Public Officer or his or her authorized representative determines that there has been a violation of any provision of this Ordinance; the Public Officer will arrange to meet with the alleged violator for an informal discussion of violations, and whether repair and correction is justified.

2. Formal hearing: If a satisfactory solution to the violations, either by correction, demolition or removal, is not forthcoming, then a legal notice of a formal hearing will be issued according to the following procedures:

a. Shall be in writing.
b. Shall list the violations alleged to exist or to have been committed.
c. Shall provide a reasonable time, but not less than 60 days in any event for the correction of the violations particularized.
d. Shall be addressed to and served upon the owner of the property, the operator of the dwelling, and the occupant of the dwelling unit or the rooming unit concerned, if the occupant is or may be responsible for violation.
e. If one or more persons whom the notice is addressed cannot be found or served after diligent effort to do so, service may be made upon such person or persons by posting a notice in a conspicuous place in or about the dwelling affected by the notice, in which event the Public Officer or his or her authorized representative shall include in the record a statement as to why such posting was necessary.
f. Delivery shall be by personal service or by registered or certified mail, return receipt requested, and delivered to addressee only. If service is made by registered or certified mail, the Public Officer or his or her authorized representative shall include in the record a verified statement giving details regarding the mailing.

I. Public Officer Authority. For the purpose of protecting the City against unsightly or blighted premises, also the health, welfare, and safety of the inhabitants of dwellings or dwelling units, the Public Officer referred heretofore is hereby authorized, with the consent and prior knowledge of the governing body, to enforce provisions of this Ordinance, and of other laws which regulate or set standards affecting buildings and premises.

J. Governing Body Authority. The governing body is hereby authorized:

1. To informally review all alleged violations as provided in Section “H” prior to notification prescribed in the same section.

2. To take action as prescribed in Section “H”.

3. To hear appeals where there is opposition to any order, requirement, decision or determination

by the Public Officer in enforcement of this Ordinance, as outlined in Section "K".

4. Discretionary authority may be exercised in specific cases where variance from the terms of the Ordinance as:

    a. Will not adversely affect the public health, safety or welfare of inhabitants of the City.

    b. Is in harmony with the spirit of this Ordinance.

    c. Where literal enforcement of the Ordinance's provisions will result in unnecessary hardship.

K. Governing Body: Appeals.

1. Any person, firm, or corporation considering themselves aggrieved by the decision of the Public Officer and who desires to present a formal protest to the governing body shall in writing, request a hearing before the governing body within 10 days after receiving notice of the decision from the Public Officer, as provided in Section "H". Such protest and request for a hearing shall be filed with the City Clerk.

2. Upon receipt of a protest and request for a hearing, the City Clerk shall notify in writing the governing body for such appeal.

3. The governing body shall, within 30 days of receipt of protest and request for a hearing, determine a date for the hearing.

4. Notice of the date for the hearing shall be sent to the appellant at least 10 days before the hearing.

5. Except where an immediate hazard exists, the filing of a protest and request for a hearing before the governing body shall operate as a stay of the enforcement of the Public Officer's order until such time as the governing body has reached a decision on the matter.

Section 11.15. RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD). To provide a set of procedures and standards to allow for greater flexibility in the development of neighborhoods with mixed densities or varying residential uses. The PUD process will permit variation in setbacks, height of buildings, lot area, width, depth standards, and densities, for the purpose of encouraging any of the following:

1. innovations in development proposals by integrating housing variety, design and the location of structures;
2. conservation and more efficient use of land resulting in smaller networks of utilities and streets thereby lowering development costs and public investment;

3. preservation and enhancement of desirable site characteristics such as natural topography, surface water features, or the prevention of soil erosion; or

4. a more desirable and creative environment than might be possible through strict application of zoning and subdivision regulations.

A. General Requirements and Standards.

1. Ownership. An application for a PUD must be filed by the landowner or jointly by all landowners of the property included in the project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple owners, the approved plan shall be binding upon all owners.

2. Land Use Plan Consistency. The proposed PUD shall be consistent with the Hills Land Use Plan.

3. Common Open Space. Common open space at least sufficient to meet the minimum requirements as established in the Land Use Plan shall be provided, as well as, structures and improvements necessary and appropriate for the benefit and enjoyment of the residents of the PUD.

4. Operating and Maintenance Requirements for PUD Common Open Space or Facilities. Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provision to assure the continued operation and maintenance of such open space and service facilities to a pre-determined standard. Common open space and service facilities within a PUD may be placed under the ownership of one or more of the following, as approved by the City Council:

    a. Dedicated to public, where a community wide use is anticipated and the Council agrees to accept the dedication;
    b. Landlord control, where only use by tenants is anticipated;
    c. Property Owners Association provided all of the following conditions are met:

        i. prior to the use or occupancy or sale of an individual building unit, parcel, tracts, townhouse, apartment or common area, a declaration of covenants, conditions and restrictions or an equivalent document shall be submitted to the City prior to having it recorded with the County;
        ii. the declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases, or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject said properties to the terms of said declaration;
        iii. the declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation shall be members of said association or corporation which shall maintain all properties and common areas in good repair and shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be reviewed by the Zoning Committee and City Council. The intent of this requirement is to protect the property values of the individual owner through establishing private control;

iv. the declaration shall also provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City or fails to pay taxes or assessments on properties as they become due and in the event the City incurs any expenses in enforcing its rules and regulations, which said expenses are not immediately reimbursed by the association or corporation, then the City shall have the right to assess each property its prorated share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made;
v. membership must be mandatory for each owner and any successive buyer
vi. the open space restrictions must be permanent, not for a given number of years;
vii. the association must be responsible for liability insurance, local taxes, and the maintenance of the open space facilities to be deeded to it;
viii. property owners must pay their prorated share of the cost of the Association by means of an assessment to be levied by the Association which the requirements for becoming a lien on the property in accordance with State Statues;
ix. the association must be able to adjust the assessment to meet changed needs; and
x. the bylaws and rules of the Association and all covenants and restrictions to be recorded must be approved by the Council prior to the approval of the final PUD plan.

5. Density. The maximum allowable density variation in a PUD shall be determined by standards negotiated and agreed upon between the applicant and the City.

6. Utilities. All utilities shall be installed underground.

7. Utility Connections.

    a. Water connections. Where more than one property is served from the same service line, individual unit shut off valves shall be provided.

    b. Sewer connections. Where more than one unit is served by a sanitary sewer lateral which exceeds 300 feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners association or owner.

8. Roadways. All streets shall conform to the design standards required by the Hills Subdivision Ordinance, or as approved by the City Council.

9. Landscaping. In any PUD, landscaping shall be provided according to a plan approved by the Council. In assessing the landscaping plan, the Council shall consider the natural features of the particular site and the overall scheme of the PUD plan.

10. Setbacks. The front and side yard design standards specified in the R-1 District will apply to the periphery of the PUD. No building within the project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two buildings.

B. Submission Requirements – General Concept Stage. Five (5) copies of the following exhibits and plans shall be submitted to the Zoning Committee and City Council.

1. General Information:

    a. The landowner(s) name, address, and interest in the property;

    b. The applicant's name and address, if different from landowners;

    c. Names and addresses of all consultants who have contributed to the development of the PUD plan being submitted, such as attorney, land planner, engineer, surveyor, others; and

    d. Evidence the applicant has sufficient control over the subject property on which the PUD is proposed, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidences as the City may require of the petitioner to show control of the subject property.

2. Present Status:

    a. The legal description of the property;

    b. The existing zoning classification and present use of land within the subject property, as well as, the use of land adjacent to the subject property within 500 feet;

    c. A map showing any existing development within the subject property and of the property within 500 feet of the subject property, including the location of existing streets, property lines, easements, water mains, sanitary sewers, storm sewers;

3. A written statement generally describing the proposed PUD and the market it is intended to server, how the PUD is designed, arranged and operated in order to permit the development and use of neighboring property in accordance to the land use controls of the City.

4. Site Conditions. Graphic reproduction of the following site conditions shall be provided at a scale of 1" = 100 feet.

    a. Contours – minimum of two (2') intervals;

    b. Location, type and extent of tree cover;

    c. Location and extent of water bodies, wetlands, streams, floodplains within the subject property and within 300 feet of the subject property;

    d. Significant rock outcroppings;

    e. Existing drainage patterns;

    f. Vistas and significant views; and

    g. Soil conditions as they may affect development.

5. Schematic drawing of the proposed development concept including but not limited to the general location of major circulation elements, public and common open space, and residential uses.
6. A statement of the estimated total number of dwelling units proposed for the development, as well as estimates of the following:

    - an estimate of the amount of land devoted to residential uses;
    - an estimate of the amount of land devoted to residential use by building type;
    - an estimate of the amount of land devoted to common open space;
    - an estimate of the amount of land devoted to public open space;
    - approximate area devoted to streets; and
    - approximate area devoted to and a number of off-street parking spaces, loading spaces, and access ways.

7. When the PUD is to be constructed in stages, extending beyond a single construction season, a schedule for the development stages or units shall be submitted stating the approximate beginning and completion date for each such stage and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such stage and the overall chronology of development to be followed from stage to stage.

8. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.

9. General intents of any restrictive covenants that are to be recorded with respect to the property included in the proposed PUD.

10. Schematic utilities plans indicating placement of water, sanitary and storm sewers.

11. The Zoning Committee may excuse an applicant from submitting any specific item of information or document required in this stage, which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

12. The Zoning Committee may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD or any aspect or stage thereof.

C. Submission Requirements – Development Stage. The development stage submissions shall include but not be limited to:

    1. Zoning classifications required for development and any other public decisions required to implement the plan;

    2. Five (5) sets of preliminary plans, drawn to scale of not less than 1" = 100', or a scale requested by the Zoning Committee, containing the following information:

        a. Proposed name of the development, not duplicating the name of any other plat recorded in the City;

        b. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property;

c. The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area, of proposed buildings, and existing buildings which will remain, if any;

d. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements;

e. Location, designation and total area of all common open space;

f. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities;

g. Proposed lots and blocks, if any, and numbering system

h. The location, use and size of structures and other land uses on adjacent properties;

i. Detailed sketches and provisions of proposed landscaping;

j. General grading and drainage plans for the developed PUD; and

k. Any other information that may be required by the Zoning Committee or City Council in conjunction with the approval of the general concept plan.

3. An accurate legal description of the entire area within the PUD for which final development plan approval is sought.

4. A tabulation indicating the number of residential dwelling units and expected population.

5. Preliminary architectural "typical" plans indicating use, floor plan, elevations and exterior wall finishes of proposed buildings.

6. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easement, rights-of-way, utility lines and facilities, lots, blocks, public and common open space, general landscaping plan and structure uses.

7. Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan.

8. A preliminary plat prepared in accordance with the Hills Subdivision Ordinance.

9. Any other information or documentation requested by the Zoning Committee or City Council.

10. The Zoning Committee and City Council may excuse an applicant from submitting any specific item of information or document required in this section if it is determined to be unnecessary to the consideration of the proposal for PUD approval.

D. Submission Requirements – Final Plan Stage. After approval of a general concept plan for the PUD and the development stage plan, the applicant will submit the following material for review prior to requesting a zoning permit:

1. Proof of recording any easements and restrictive covenants prior to the sale of any land or dwelling unit within the PUD and of the establishment or hiring of any entity that is to be responsible for the management and maintenance of any public or common open space of service facility.

2. All certificates, seals and signatures required for the dedication of land and recording of documents.
3. Final architectural working drawings of all structures.

4. A final plat and final engineering plans and specifications for streets, utilities and other public improvements, together with a Developer's Agreement for the installation of such improvements and financial guarantees for the completion of such improvements.

5. Any other plan, agreements, or specifications necessary for the Zoning Committee and City Council to review the proposed construction.

E. Procedure for Processing a Planned Unit Development (PUD).

1. Application Conference. The applicant of a proposed PUD is encouraged to arrange for and attend a conference with the Zoning Committee. The primary purpose is to provide the applicant with an opportunity to gather information and obtain guidance about the general suitability of the project for the area on which the PUD is proposed.

2. The general concept plan, development stage, and final plan stage will conform to the timelines set in the Hills Subdivision Ordinance.

3. Zoning and Other Permits. Upon receiving notice that the Final Plan has been recorded, zoning permits may be issued pursuant to the applicable City provisions.

4. Limitation on Final Plan Approval. Within one (1) year after the approval of a Final Plan for a PUD, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension shall have been granted, automatically render the PUD permit invalid.

Section 11.16. CELLULAR TOWERS, REUSE OF EXISTING STRUCTURE FOR ANTENNA, ATTACHMENT OF ANTENNAS TO OTHER STRUCTURES. The following standards shall apply to all cellular telephone, microwave, radio and television broadcast transmitting, radio and television receiving, satellite and shortwave radio transmitting and receiving antenna.

1. All obsolete and unused antennas shall be removed within 12 months of cessation of operation at the site.
2. No advertising message shall be affixed to the antenna structure.
3. No antenna shall exceed 200 feet in height.
4. Antennas shall not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety.
5. All antennas shall be located upon existing structures if possible (example: municipal water tower, existing antenna towers, etc.)
6. If no existing structure which meets the height requirements for mounting the antenna is available, the antennas may be mounted upon a supporting pole or tower not exceeding 200 feet in height if:
    a. The property on which the tower or pole is proposed to be located is zoned for highway commercial or industrial uses; and
    b. The proposed pole or tower shall be setback from the property line at minimum of 100 feet.

Section 11.17. SOLAR ENERGY SYSTEMS. Purpose and Intent.

It is the goal of the City to provide a sustainable quality of life for the City's residents, making careful and effective use of available natural resources to maintain and enhance this quality of life. Cities are enabled to regulate land use under Minnesota Statutes 394 and 462 for the purpose of "promoting the health, safety, morals, and general welfare of the community."

As part of this regulatory power, the City of Hills believes it is in the public interest to encourage solar energy systems that have a positive impact in energy conservation, with limited adverse impact on the community.

The solar energy regulations are intended to supplement existing zoning ordinances and land use practices, and ensure these systems are appropriately designed, sited and installed. These regulations are in place to balance the need to improve energy sustainability through increased use of solar energy systems with concerns for preservation of public health, welfare and safety, as well as environmental quality, visual and aesthetic values, and existing neighborhood social and ecological stability.

The following standards shall apply to all solar energy systems within city limits.

A. Definitions:

The following words, terms and phrases, when used in this Section, shall have the meaning provided herein, except where the context clearly indicates otherwise:

Building-Integrated Solar System. An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.

Ground Mounted Panels. Freestanding solar panels mounted to the ground by use of stabilizers or similar apparatus.

Photovoltaic System. An active solar energy system that converts solar energy directly into electricity.

Roof or Building Mounted SES. Solar energy system (panels) that are mounted to the roof or building using brackets, stands or other apparatus.

Roof Pitch. The final exterior slope of a building roof calculated by the rise over the run, typically, but not exclusively, expressed in twelfths such as 3/12, 9/12, 12/12.

Solar Access. A view of the sun, from any point on the collector surface that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.

Solar Collector. A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

Solar Energy. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System (SES). An active solar energy system that collects or stores solar energy and transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Hot Water System. A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

B. Districts

Solar energy systems (SES) shall be allowed as an accessory use in all zoning districts.

C. Placement and Design

1. Height

   (a) Roof or building mounted SES shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar systems other than building-integrated solar systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices.

   (b) Ground mounted SES shall not exceed the height of an allowed accessory structure within the zoning district when oriented at maximum tilt.

2. Placement

   (a) Ground mounted SES must meet the accessory structure setback for the zoning district in which it is installed. Ground mounted SES shall not be considered to be an accessory building and therefore exempt from the requirements of Section 2.02.

   (b) Roof or Building Mounted SES. The collector surface and mounting devices for roof or building mounted SES shall not extend beyond the required setbacks of the building on which the system is mounted.

3. Coverage

   Ground mounted SES shall be limited to a maximum area of:

   a. Residential Uses: 240 square feet.
   b. Non-Residential Uses: Ten (10) Percent of Lot Area.

4. Visibility

   (a) SES shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.

   (b) Building Integrated Solar Systems – building integrated solar systems shall be allowed regardless of visibility, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the zoning district in which the building is located.

   (c) Ground mounted SES shall be screened from view to the extent possible without reducing their efficiency. Screening may include walls, fences, or landscaping.

D. General Standards

1. Notification. Prior to the installation or erection of a SES, the operator must provide evidence showing their regular electrical service provider has been informed of the customer's intent to install an interconnected, customer-owned SES. Off-grid systems shall be exempt from this requirement.

2. Feeder lines. Any lines accompanying a SES, other than those attached to on-site structures by leads, shall be buried within the interior of the subject parcel, unless there are existing lines in the area which the lines accompanying an SES can be attached.

3. The system must have a main power disconnect at the meter, as well as independent module shutoffs to disconnect each individual and prevent output from each module to the main service disconnect in the event of a power outage or damage to the wiring or modules.

4. All SES shall meet the standards of the Minnesota and National Electric Code.

5. Commercial. All SES shall be limited to the purpose of on-site energy production, except that any additional energy produced above the total onsite demand may be sold to the operator's regular electrical service provider in accordance with any agreement provided by the same or applicable legislation.

6. Restrictions on SES Limited. No homeowners' agreement, covenant, common interest community, or other contract between multiple property owners within a subdivision of the City of Hills shall restrict or limit solar systems to a greater extent than the City of Hills renewable energy ordinance.

E. Abandonment

A SES that is allowed to remain in a nonfunctional or inoperative state for a period of twelve (12) consecutive months, and which is not brought in operation within the time specified by the City, shall be presumed abandoned and may be declared a public nuisance subject to removal at the expense of the operator.

F. General Ordinance Provisions

1. Interpretation

In interpreting this ordinance and its application, the provisions of these regulations shall be held to be the minimum requirements for the protection of public health, safety and general welfare. This ordinance shall be construed broadly to promote the purposes for which it was adopted.

2. Conflict

This ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute other provision of law except as provided herein. If any provision of this ordinance imposes restrictions different from any other ordinance, rule or regulation, statute or provision of law, the provision that is more restrictive or imposes high standards shall control.

3. Severability

If any part or provision of this ordinance or its application to any developer or circumstance is judged invalid by any competent jurisdiction, the judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered and shall not affect or impair the validity of the remainder of these regulations or the application of them to other developers or circumstances.

ARTICLE XII

ZONING DISTRICTS, OFFICIAL ZONING MAP, & PROHIBITED USES

Section 12.01. ZONING DISTRICTS. The following zoning districts are provided in order to promote and encourage the efficient economic development of land, buildings and all usable structures. The incorporated area of the city is hereby divided into the following districts which shall be known by the following respective symbols and names:

AG District	- Agricultural District
R-1 District	- One Family Residential District
R-2 District	- Multiple Family Residential District
B-1 District	- Central Business District
B-2 District	- General Business District
M-1 District	- Industrial District

Section 12.02. BOUNDARIES AND OFFICIAL ZONING MAP. The boundaries of these districts are indicated and established as shown upon maps designated as the Official Zoning Map which, with all their notations, designations, references, and other matters shown thereon, shall be as much a part of this Ordinance as if fully described and set forth herein.

Changes. If in accordance with the provisions of this Ordinance changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, the resolution number and date of said change shall be recorded by the City Clerk on the Official Zoning Map.

Official Copy. Regardless of the existence of purported copies, the Official Zoning Map, which shall be located in the office of the City Clerk, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the city.

Section 12.03. INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to boundaries of districts as shown on the Official Zoning Map, the following rules shall apply. District boundary lines are intended to follow lot lines, the centerlines of streets or alleys, the centerlines of streets or alleys projected, railroad right-of-way lines and the corporate limit lines as they exist at the time of the enactment of this Ordinance.

Section 12.04. ANNEXED PROPERTY. All territory which may hereafter be annexed to the City shall be considered zoned in the same manner as the contiguous territory inside the previous City limits until otherwise classified and indicated as such on the Zoning Map.

Section 12.05. USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS (PROHIBITED USES). Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such cases, the City Council, Planning Commission, or property owner may request a study by the City to determine if the use is acceptable and, if so, what zoning would be most appropriate and the determination as to conditions and standards relating to development of the use. The City of Hills, upon receipt of the staff study may initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or may find that the use is not compatible for development within the district or the city.

ARTICLE XIII

AG – AGRICULTURAL DISTRICT

Section 13.01. USES PERMITTED.

A. One and two family dwellings.

B. Planting, cultivation, and harvesting of field crops.

C. Home occupations.

D. Truck gardens and nurseries.

E. Forest preserves and game refuge areas.

F. Schools, churches and community buildings.

G. Accessory buildings or structures and uses customarily incidental to any of the above listed uses when located on the same property.

Section 13.02. USES REQUIRING CONDITIONAL USE PERMIT. The following uses may be permitted with the recommendation of the Planning Commission and the approval of the City Council.

A. An Accessory Dwelling Unit (ADU), provided there is an associated family dwelling on the same lot.

B. Stables and riding academies.

C. Office of a veterinary and animal clinic.

D. Public utility buildings such as substations, transformer stations and regulator stations without service or storage yards.

E. One (1) temporary building for the sale of the produce of any of the above uses located not less than twenty-five (25) feet from the street or highway right-of-way line and provided that space for patron parking twenty-five (25) feet from said street or highway right-of-way line is provided.

F. Mining, quarrying or excavating of sand and gravel.

G. Parks, campgrounds, gun clubs, golf courses, golf driving ranges, race tracks, historical sites, museums and related commercial uses.

H. Carnivals, outdoor circuses and migratory amusement enterprises.

I. Cemeteries, including animal cemeteries.

J. Raising of forbearing animals or kennels provided no cage or pen housing such animals is located nearer than two hundred (200) feet to any lot lines except that kennels may be within one hundred (100) feet of the lot line.

K. Airports, landing fields, hangars, masts and other facilities for the operation of aircraft.

L. Commercial radio and television towers and transmitters.

Section 13.03. DWELLING DESIGN STANDARDS.

A. Width Standards. All dwellings shall be of a minimum width of twenty four (24') feet.

B. Foundation Requirement. All dwellings shall be constructed on or placed upon a permanent foundation located along the entire length of all exterior walls of the dwelling and is approved by the Uniform Building Code.

C. Roof System Standards. All dwellings shall have a pitched roof, no less than a 4 X 12 pitch, and covered with shingles, tiles, or a standing seam metal roofing system and have eaves of not less than six (6") inches.

D. Height Standard. No residential building hereafter erected or altered shall exceed thirty-five (35) feet or two and one-half (2 ½) stories in height.

Section 13.04. LOT AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall apply.

Lot Area	Front Yard Width	Side Yards	Building Setback Line	Rear Yards
9,000	150'	25' each	25'	50'

ARTICLE XIV

R-1 – RESIDENTIAL DISTRICT

Section 14.01. USES PERMITTED.

A. One family dwellings, which includes the following uses:

1. A state licensed residential facility or as housing with services accommodating up to six (6) or fewer persons, both of which must be licensed and registered as specified under Minnesota Statutes Chapter 144D, or as amended and;

2. A licensed day care facility for up to 12 or fewer persons and licensed under Minnesota rules, Chapter 9501, or as amended.

B. Home occupations, provided the uses comply with standards specified in Section 13.03.

C. Accessory buildings or structures customarily incidental to any of the above listed uses when located on the same property.

D. Upon recommendation of the planning commission and the approval of the City Council, parks and playgrounds, if open, paid (unencumbered), and deeded to the City.

Section 14.02. USES REQUIRING CONDITIONAL USE PERMITS. The following uses may be permitted with the recommendation of the Planning Commission and the approval of the City Council.

A. Two and three family dwellings.

B. Mobile Homes.

C. Schools, churches, community buildings and day care centers.

D. Public utility buildings such as substations, transformer stations and regulator stations without service or storage yards.

E. Parks and playgrounds that do not otherwise meet the requirements for permitted uses set forth in preceding Section 16.01D.

F. Hospitals, sanitariums and rest homes.

G. Boarding and rooming houses.

H. Institutions of a philanthropic or charitable nature.

I. State licensed residential facilities serving from seven (7) to sixteen (16) mentally or physically challenged persons, and licensed and registered as specified under Minnesota Statutes Chapter 144D, or as amended or; a state licensed day care facility serving from thirteen (13) to sixteen (16) children, as regulated under Minnesota rules, Chapter 9502, or as amended.

J. Nursing homes, assisted living, congregate care facility.

Section 14.03. DWELLING DESIGN STANDARDS.

A. Width Standards. All dwellings shall be of a minimum width of twenty four (24') feet.

B. Foundation Requirement. All dwellings shall be constructed on or placed upon a permanent foundation located along the entire length of all exterior walls of the dwelling and is approved by the Uniform Building Code.

C. Roof System Standards. All dwellings shall have a pitched roof, no less than a 12 x 4 pitch, and covered with shingles, tiles, or a standing seam metal roofing system and have eaves of not less than six (6") inches.

Section 14.04. BUILDING HEIGHT. No residential building hereafter erected or altered shall exceed thirty-five (35) feet or two and one-half (2 ½) stories in height. Provided, however, public or semipublic buildings, churches, cathedrals, temples, hospitals or schools may be erected to a height of fifty-five (55) feet when set back from all lot lines not less than one (1) foot, in addition to required yard dimensions, for each foot such building exceeds thirty-five (35) feet in height.

Section 14.05. CORNER LOT, SPECIAL REQUIREMENTS. On any corner lot or lot fronting on more than one (1) street, no building or structure shall be placed or erected closer than twenty-five (25) feet to any property line abutting and paralleling a street. All corner lots shall be at least ten (10) percent larger in lot frontage at the building line and lot area than is required for non-corner lots.

Section 14.06. LOT AREA, FRONTAGE AND YARD REGULATIONS. The following minimum requirements shall apply:

		Lot Width			Side Yard		
Use	Lot Area Sq. Feet	Front Yard Width	Building Line Width	Building Setback Line	Least Width	Sum	Rear Yard
One Family							
	9,000	80'	75'	25'	6'	16'	25'

ARTICLE XV

R-2 – MULTIPLE FAMILY RESIDENTIAL DISTRICT

Section 15.01. USES PERMITTED.

A. Any use permitted in the R-1 Residential District, provided the development meets the design criteria specified for the use in the district.

B. Single-family terrace dwellings, row houses or apartment houses in groups of not more than twenty (20) housekeeping units in any building.

C. Community garages for use by residents of multiple family housing units, not subject to the accessory building size restriction specified in Section 2.01 of this Ordinance.

D. Accessory buildings or structures and uses customarily incidental to the principal uses when located on the same property.

Section 15.02. USES REQUIRING CONDITIONAL USE PERMITS. The following uses may be permitted with the recommendation of the Planning Commission and the approval of the City Council.

A. All conditional uses as specified in the R-1 District.

B. Mobile home parks.

C. Funeral homes.

D. Residential Planned Unit Developments (subject to standards in Section 11.15).

Section 15.03. BUILDING HEIGHT. No residential buildings hereafter erected or altered shall exceed thirty-five (35) feet or two and one-half (2 ½) stories in height provided, however, public and semipublic buildings, churches, cathedrals, temples, hospitals or schools may be erected to a height of fifty-five (55) feet when set back from all lot lines not less than one (1) foot, in addition to required yard dimensions, for each foot such building exceeds thirty-five (35) feet in height.

Section 15.04. LOT AREA, FRONTAGE AND YARD REGULATIONS. The following minimum requirements shall apply:

	Lot Area				Side Yard		
Use	Lot Area Sq. Feet	Front Yard Width	Per Family Sq. Feet	Building Setback Line	Least Width	Sum	Rear Yard
Dwellings							
One Family	9,000	85’	9,000’	25’	6’	16’	25’
Two Family	9,000	85’	4,500’	25’	6’	16’	25’
Three Family	12,000	100’	4,000’	25’	8’	20’	25’
Four Family or More	16,000	120’	4,000’	25’	8’	20’	25’
Other Uses*	16,000	120’	-----	25’	12’	24’	45’

*Special design requirements for manufactured home parks are stated in the Article on Manufactured Home Parks in Section 13.01.

ARTICLE XVI

B-1 – CENTRAL BUSINESS DISTRICT

Section 16.01. This District Shall be a Mixed-Use District.

Section 16.01. USES PERMITTED.

A. Business services including banks, offices, and postal stations.

B. Clothing services including dry cleaning and laundry establishments, Laundromats, dressmaking, millinery and tailor shops, shoe repair shops.

C. Equipment services including radio and television shops, electric appliance shops, showroom of a plumber, decorator or similar trade.

D. Food Services including grocery stores, fruit vegetable and meat markets, supermarkets, restaurants, delicatessens, candy shop and bakeries whose products are sold on the premises.

E. Personal services including barber and beauty shops, reducing salons, photographic shops and funeral homes.

F. Services including drugstores, hardware stores, haberdasheries, stationary and bookstores, news shops, apparel shops, showrooms, flower shops and commercial greenhouses.

G. Hotels, motels, private clubs and lodges, wholesale establishments, taverns, night clubs, on-off liquor stores, trade schools, daycare business.

H. Public transportation terminals, public utility building and transformer stations without storage yards.

I. Building used for research and testing laboratories, storage building or distributing stations.

J. Accessory buildings customarily necessary to any of the above uses which may include the repair, alteration, finishing, assembly, fabrication or storage of goods. Such use shall not be detrimental either by reason of odor, smoke, noise, dust or vibration to the surrounding neighborhood.

K. Health club or gym, sports, or fitness club.

Section 16.02. COMMERCIAL RESTRICTIONS. The uses permitted shall be subject to the following conditions:

A. Such business and sales or display areas shall be confined within a building except that the City Council by resolution may allow an exception for city-wide promotions and activities.

B. All public entrances to such businesses shall be from the principal street upon which the property abuts or within fifty (50) feet thereof, except that an additional rear entrance may be provided from a public parking area.

Section 16.03. USES REQUIRING CONDITONAL USE PERMITS. The following uses may be permitted with the recommendation of the Planning Commission and the approval of the City Council:

A. Automobile service including auto equipment sales, car wash service, new and used car sales lot, trailer sales area, gasoline service stations, and auto repair garages.

B. Recreation services including theaters, bowling alleys, pool and billiard rooms, dance halls, roller and ice skating rinks.

C. Residential use of buildings.

D. Drive-in restaurants, drive-banks, and other drive-in services.

E. Open air display areas for the sale of products such as garden furniture, hardware items, nursery stock or automobiles or areas used to display rental equipment such as tools or trailers.

F. Accessory buildings customarily incidental to any of the uses listed in this section when located on the same property and which will not be detrimental either by reason of odor, smoke, noise, dust or vibration to the surrounding neighborhood.

Section 16.04. BUILDING HEIGHT. No building or structure hereafter erected or altered shall exceed sixty (60) feet in height.

Section 16.05. LOT AREA & DESIGN STANDARDS. For allowed uses in B-1 Districts, there will be no requirements for lot area, frontage, lot coverage or loading space. Yard size and setback shall conform with that of the average setback line established by the existing structures. For uses requiring a conditional use permit, lot area, frontage, lot coverage, yard size and loading space shall be specified by the Planning Commission.

ARTICLE XII

B-2 – GENERAL BUSINESS DISTRICTS

Section 17.01. USES PERMITTED.

A. Automobile service including auto equipment sales, car wash service, new and used car sales lots and trailer sales areas, gasoline service stations and auto repair garages.

B. Business services including banks, offices and postal stations.

C. Clothing services including dry cleaning and laundry establishments, Laundromats, dressmaking, millinery and tailor shops and shoe repair shops.

D. Equipment services including radio and television shops, electrical appliance shops, showroom of a plumber, decorator or similar trade.

E. Medical services including clinics, hospitals, rest homes and animal clinics.

F. Food services including grocery stores, fruit, vegetable and meat markets, supermarkets, restaurants, delicatessens, candy shops and bakeries whose products are sold only on the premises.

G. Personal services including barber and beauty shops, reducing salons, photographic shops and funeral homes.

H. Services including drugstores, hardware stores, haberdasheries, stationery and bookstores, news shops, apparel shops, showrooms.

I. Recreation services including theaters, bowling alleys, pool and billiard rooms, dancing academies and roller and ice skating rinks and miniature golf courses.

J. Hotels, motels, private clubs and lodges, wholesale establishments, taverns, night clubs and on-off sale liquor stores.

K. Residence when included as an integral part of the principal building to be occupied by the owner or his/her employee.

L. Drive-in restaurants, drive-in banks and drive-in services or businesses.

M. Open air display area for the sale of manufactured products such as garden furniture, hardware items and nursery stock or rental of manufactured products or equipment such as household equipment or small tools.

N. Buildings used for research and testing laboratories, storage buildings, distributing stations, but not including lumber and fuel yards, junkyards or used automobile parts or wrecking establishments or businesses handling waste or junk and those businesses which are offensive by reason of odor, noise, smoke or vibration to the surrounding neighborhood.

O. Buildings and uses customarily necessary to any of the above permitted uses which may include repair, alteration, finishing assembly, fabrication or storage of goods.

P. Accessory buildings customarily necessary to any of the above permitted uses but which will not be detrimental either by reason of odor, smoke, noise, dust or vibration to the surrounding neighborhood.

Section 17.02. USES REQUIRING CONDITIONAL USE PERMITS. The following may be permitted with the recommendation of the Planning Commission and the approval of the City Council.

A. Truck or bus terminals.
B. Manufacturing and retailing of food products.
C. Cellular towers, reuse of existing structures for antenna, attachment of antenna to other structures.
D. Small Wind Energy Conversion Systems.

Section 17.03. BUILDING HEIGHT. No building or structure hereafter erected or altered shall exceed thirty-five (35) feet or two and one-half (2 ½) stories in height.

Section 17.04. LOT AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall apply:

			*Side Yard		
Lot Area Sq. Feet	Front Yard Width	Building Setback Line	Least Width	Sum	Rear Yard **
5,000	50’	45’	0’	20’	30’

*A minimum side yard of thirty (30) feet shall be required on that side of the property abutting any AG, R-1, and R-2 District.

**Where alleys exist, the measurements of the rear yard may include one-half (1/2) the width of the alley.

ARTICLE XIII

M-1 – INDUSTRIAL DISTRICTS

Section 18.01. USES PERMITTED.

A. Building materials storage yards, lumber yards.

B. Contractors equipment rental or storage yards.

C. Any wholesale business including warehousing and storage buildings, truck and bus terminals, commercial laundries and dry cleaning plants conducted wholly within a building with a landscaped front yard and with the side and rear yard used for loading, unloading and parking.

D. Light manufacturing, compounding or treatment of such products as bakery goods, candy, cosmetic, dairy products, food products, drugs, perfumes, pharmaceuticals, soap (cold mix only) and toiletries conducted wholly within a building with a landscaped front yard and with the side and rear yard used for loading, unloading and parking.

E. Light manufacture, compounding, treatment or assembly of articles or merchandise previously manufactured elsewhere conducted wholly within a building with a landscaped front yard and with the side and rear yard used for loading, unloading and parking.

F. Any kind of manufacturing process or treatment of products using light machinery such as tool and die shops, metal fabricating plants or welding shops conducted wholly within a building with a landscaped front yard and with the side and rear yard used for loading, unloading and parking.

G. Public utility service buildings and yards, electrical transformer stations, substations and gas regulator stations.

H. Buildings and uses customarily necessary to any of the above permitted uses which will not be detrimental either by reason of odor, smoke, noise or vibration to the surrounding neighborhood.

Section 18.02. USES REQUIRING CONDITIONAL USE PERMITS. The following uses may be permitted upon recommendation of the Planning Commission and approval of the City Council.

A. Manufacturing of cement, concrete, lime, gypsum or plaster.
B. Fertilizer manufacturing, compost or storage.
C. Junk yards.
D. Grain elevators.
E. Sexually Oriented Businesses.
F. New and Used Car Sales Lots
G. Cellular towers, reuse of existing structures for antenna, attachment of antenna to other structures.
H. Small Wind Energy Conversion Systems.

Section 18.03. STORAGE OR MATERIALS FOR CONDITIONAL USES. Requirements for the storage of materials shall be as follows:

A. The open storage of lumber, coal or other combustible materials shall be not less than twenty-five (25) feet from an interior lot line.

B. Open storage of junk, wrecked vehicles to be dismantled and other waste products shall be enclosed by an eight (8) foot solid masonry wall, or metal fence.

C. Waste materials incidental to the principal operation shall be kept in neatly stored containers screened from public view and shall be removed and emptied periodically so no wastes shall be piled on open ground.

Section 18.04. LOT AREA, FRONTAGE AND YARD REGUIRMENTS FOR CONDITIONAL USES. The following minimum requirements shall apply:

Lot Area Sq. Feet	Front Yard Width	Building Setback Line	Side Yard*	Rear Yard**
40,000	200’	75’	20’	50’

Section 18.05. BUILDING HEIGHT. No building or structure hereafter erected or altered shall exceed forty (40) feet in height provided, however, such height may be increased by one (1) foot for each five (5) feet by which the building is set back in excess of one hundred (100) feet from all the property lines.

Section 18.06. LOT COVERAGE. No building or structure shall occupy more than seventy-five (75) percent of the total land area.

Section 18.07. LOT AREA, FRONTAGE AND YARD REQUIREMENTS FOR PERMITTED USES. The following minimum requirements shall apply:

Lot Area Sq. Feet	Front Yard Width	Building Setback Line	Side Yard*	Rear Yard**
20,000	100’	75’	20’	50’

*Where the use is adjacent to a residential district and not separated by a street, a side yard of two hundred (200) feet shall be provided.

**If a railroad siding is available, no rear yard is required. When the use backs up to a residential district, a rear yard of two hundred (200) feet shall be required.

ARTICLE XIX

DEFINITIONS

Captions, headings, titles and the key words used in sections and articles are inserted herein for convenience and to facilitate the use of this Ordinance.

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

Words used in the present tense include the future tense; the singular number includes the plural; the plural includes the singular; the word "shall" is mandatory.

Section 19.01. ACCESSORY BUILDING. A subordinate building or structure on the same lot or part of the main building occupied by or devoted exclusively to an accessory use.

Section 19.02. ACCESSORY USE. A use commonly and normally incidental to, subordinate to and auxiliary to the principal permitted use of the premises.

Section 19.03. ALLEY. Any dedicated public way providing a secondary means of ingress and/or egress to land or structure thereon.

Section 19.04. BASEMENT. That portion of a floor of a building which is wholly or one-half or more below the average grade of the ground level adjoining the building is a basement provided, however, that if the height from the average grade level to the first tier of floor beams or joists is five (5) feet or more such basement shall be considered a story.

Section 19.05. BUILDING. Any structure, either temporary or permanent, having a roof and used or built for the shelter enclosure of any person, animal or chattel or property of any kind when any portion thereof is completely separated from every other part thereof by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

Section 19.06. BUILDABLE AREA. That part of the lot not included within the open areas required by this Ordinance.

Section 19.07. BUILDING HEIGHT. The vertical distance measured from the average ground level adjoining the building to the highest point of the roof surface if a flat roof, to the deck line of mansard roof and to mean height level between eaves and ridge of gable, hip and gambrel roof.

Section 19.08. BUILDING LINE WIDTH. The width of a lot parallel to the street at the building setback line.

Section 19.09. BUILDING, PRINCIPAL. A building or structure in which is conducted the main or principal use of the lot on which said building or structure is situated.

Section 19.10. BUILDING SETBACK LINE. The front line of the building or the legally established line which determines the location of the building with respect to the street line.

Section 19.11. CARPORT. A structure permanently attached to a dwelling having a roof supported by columns but not otherwise enclosed.

Section 19.12. CLINIC. A clinic for the purpose of this Ordinance is a public or proprietary institution providing diagnostic, therapeutic or preventive treatment of ambulatory patients by a group of doctors acting in concert and in the same building for the purposes aforesaid.

Section 19.13. CONDITIONAL USE. A use which is permitted in any District only when authorized by the City Council.

Section 19.14. COURT. A court is an open unoccupied space on the same lot with a dwelling and bounded on two or more sides by the walls of the dwelling.

Section 19.15. DISTRICT, ZONING. Any section of the incorporated area of the city within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Section 19.16. DWELLING. Any house or building or portion thereof which was constructed to be non-mobile and which is placed on a permanent foundation which enclosed the entire perimeter of the home; and which is occupied wholly as a home, residence or sleeping place of one or more human beings either permanently or transiently. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purposes of this Ordinance and shall comply with the provisions thereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed part of a dwelling.

A. APARTMENT HOUSE. An apartment house is a dwelling for three (3) or more families living independently of each other and doing their cooking upon the premises.

B. BOARDING OR ROOMING HOUSE. A boarding or rooming house shall be construed to mean any dwelling occupied in any such manner that certain rooms in excess of those used by members of the immediate family unit are leased or rented to persons outside of the family without any attempt to provide therein cooking or kitchen accommodations.

C. DWELLING, ONE FAMILY. A dwelling occupied by only one (1) family and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one (1) family only.

D. DWELLING, MULTIPLE. A building used or intended to be used as a dwelling by three (3) or more families or as an apartment house or terrace dwelling with each unit designed and arranged to provide separate cooking and sanitary facilities for each family.

E. DWELLING, SINGLE FAMILY TERRACE. A building or structure occupied by three (3) or more families where each dwelling unit is divided by a part wall extended the full height of the building. Each unit is capable of individual use and maintenance without trespassing upon adjoining properties. Utilities and service facilities are independent for each property.

F. DWELLING, TWO FAMILY. A dwelling so designed and arranged to provide cooking and kitchen accommodations and sanitary facilities for occupancy of two (2) families.

Section 19.17. ERECTED. The word “erected” includes built, constructed, reconstructed, moved upon, or any physical excavation, fill, drainage and the like shall be considered a part of erection.

Section 19.18. ESSENTIAL SERVICES. The phrase “essential services” means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, communication, steam or water transmissions or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety ore general welfare.

Section 19.19. FAMILY. A family is any number of persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage, adoption or any unrelated person who resides thereon as though a member of the family including the domestic employees thereof. Any group or persons not so related but inhabiting a single house shall, for the purpose of this Ordinance, be considered to constitute one (1) family for each five (5) persons, exclusive of domestic employees, contained in each such group.

Section 19.20. FARMING. The cultivating or pasturing of a parcel of land or using it for the raising of livestock or fowl for commercial purposes.

Section 19.21. FISH HOUSE. A structure used solely for fishing through the ice of a public water body. A fish house not situated on a public water body and stored outside shall be considered as a detached accessory structure for applying the requirements of this Ordinance including but not limited to setbacks and lot coverage except a fish house which is currently licensed or had been licensed the previous year by the DNR shall not count toward the maximum number of detached accessory structures allowed in the zone district (Amended Feb. 14, 2013)

Section 19.22. FLOOR AREA, GROUND. The area within the exterior walls of the main building or structure as measured from the outside walls at the ground level not including garages or enclosed or unenclosed porches and not including attached utility or accessory rooms having three (3) or more exterior sides.

Section 19.23. GARAGE, COMMUNITY. Any space or structure or series of structures for the storage of motor vehicles for the use of two (2) or more occupants of property in the vicinity and having no public shop or service therein.

Section 19.24. GARAGE, PRIVATE. An accessory building designed or used for the storage of not more than three (3) licensed automobiles, truck or busses owned and used by the occupants of the building of which it is accessory.

Section 19.25. GASOLINE SERVICE STATION. A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including special facilities for the painting, major repair or similar servicing thereof.

Section 19.26. GOVERNMENTAL AGENCIES AND OFFICIALS.

A. BUILDING INSPECTOR. The City Building Inspector or his/her authorized representative.

B. PLANNING COMMISSION. The Planning Commission shall be the Planning Commission of the City, appointed by the City Council and established under Section 462.354, Subdivision 1, Minnesota Statutes 1965 as amended. The Planning Commission may contain one ex-officio member from each township adjacent to the municipality who is appointed by the appropriate Township Board of Supervisors.

C. ZONING ADMINISTRATOR. The City Council shall appoint two (2) City Council Members to be designated as Zoning Administrators at the City's Yearly Appointments.

Section 19.27. GREENBELT. A planting strip of grass, trees or shrubs established and maintained for the purpose of screening or limiting the view of certain property uses from the general public.

Section 19.28. GROUND LEVEL, AVERAGE. The average elevation of the finished grade at the front of a building.

Section 19.29. HOME OCCUPATION. An occupation which is customarily and traditionally conducted within a dwelling by its occupants and is clearly incidental and secondary to the principal use of the dwelling.

Section 19.30. HOSPITAL. A building, structure or institution in which sick or injured persons are given medical or surgical treatment.

Section 19.31. HOTEL. A building or structure occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms occupied singly for remuneration in which provision is not made for cooking on any individual plan and in which there are more than ten (10) sleeping rooms and with or without a public dining room.

Section 19.32. JUNKYARD. A place maintained for keeping, storing or piling in commercial quantities, whether temporarily, irregularly or continually, buying or selling at retail or wholesale any old, used or second-hand material of any kind, including used motor vehicles, machinery and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron or other metals, or articles from which its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk. This shall include a lot or yard for the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale of scrap, storage or abandonment. This shall not prohibit the keeping of one (1) unlicensed motor vehicle within a garage or other structure in residential districts or two (2) unlicensed motor vehicles not including farm implements within a farm in the agricultural district.

Section 19.33. KENNEL. Any lot or premises on which six (6) or more dogs six (6) months of age or older are kept, either owned or permanently or temporarily boarded.

Section 19.34. LOT. A lot is a piece or parcel of land occupied or to be occupied by a building, structure or use, or by other activity permitted thereon and including the open spaces required under this Ordinance. A lot need not be a lot of existing record.

Section 19.234A. LOT OR CITY LOT. A lot or city lot shall be defined as any single legal description on property within city limits.

Section 19.35. LOT, CORNER. A corner lot is a lot of which at least two (2) adjacent sides abut for their full length upon a street.

Section 19.36. LOT, COVERAGE. The part or percentage of the lot occupied by buildings or structures, including accessory buildings or structures.

Section 19.37. LOT, DOUBLE FRONTAGE. A double frontage lot is a lot which extends from one street to another street.

Section 19.38. LOT, INTERIOR. An interior lot is a lot other than a corner lot.

Section 19.39. LOT LINE, FRONT. Any lot line abutting a street shall be considered a front lot line.

Section 19.40. LOT LINE, REAR. The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line, not less than ten (10) feet long, lying most distantly from the front lone line and wholly within the lot. With the exception of a double frontage lot, every lot shall have a rear lot line.

Section 19.41. LOT LINE, SIDE. A side lot line is any lot line not a front or rear lot line.

Section 19.42. LOT OF RECORD. A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder or a lot described by metes and bounds, the deed to which has been recorded in the office of the County Recorder.

Section 19.43. MANUFACTURED HOME (see also Mobile Home). Single family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974, and shall include structures known as manufactured homes or mobile homes.

Section 19.44. MANUFACTURED HOME PARK. A parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes.

Section 19.45. MOBILE HOME. A transportable, factory built home designed to be used as a year 'round residential dwelling and built prior to the enactment of the Federal Manufacturing Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Section 19.46. MIGRATORY LABOR CAMP. Temporary facilities provided by the employer on his/her own land or elsewhere for the housing of workers who, for seasonal purposes, are employed in the planting, harvesting or processing of crops.

Section 19.47. MINNESOTA DEFINITIONS. Unless clearly in conflict with the definitions or other provisions of this Ordinance, or otherwise clearly inapplicable, definitions established by the State of Minnesota by statute or case law, shall apply to this Ordinance.

Section 19.48. MOTEL OR MOTOR COURT. A motel or motor court is a business comprising a series of attached or semi-detached or detached rental units with or without eating facilities for the overnight accommodation of transient guests.

Section 19.49. PARKING SPACE. An area of not less than two hundred (200) square feet exclusive of drives or aisles to be used for the storage or parking of vehicles.

Section 19.50. PERMANENT FOUNDATION in amended as follows:
A frost depth foundation that meets Minnesota Uniform Building Code (UBC), which shall be constructed of concrete block or treated lumber or other approved materials which would enclose the perimeter of the home.

Section 19.51. PERSON. Any individual, corporation, firm, partnership, association, organization or other group acting as a unit. It also includes any executor, administrator, trustee, receiver or other representative appointed by law. Whenever the word "person" is used in any section prescribing a penalty or fine, it shall include the partners or members of any corporation who are responsible for the violation.

Section 19.52. PORCH, UNENCLOSED. An entrance to a building which may include steps, a landing, railings and a roof but not enclosed either partially or completely above the landing by windows, screens or siding.

Section 19.53. PUBLIC UTILITY. Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under governmental regulation to the public electricity, gas, steam, water, sewage, disposal, communication or transportation facilities.

Section 19.54. RECREATIONAL CAMPING AREA. Any area used on a daily, nightly, weekly or longer basis for the accommodation of three or more units consisting of tents, travel trailers and whether use of such accommodation is granted free of charge or for compensation.

Section 19.55. RECREATIONAL CAMPING VEHICLE. The words "recreational camping vehicle" shall mean any of the following:

A. Travel trailer means a vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational or vacation use.

B. Pick-up coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

C. Motor home means a portable, temporary dwelling to be used for travel, recreation and vacation and constructed as an integral part of a self-propelled vehicle.

D. Camping trailer means a fold structure mounted on wheels and designed for travel, recreation and vacation use.

Section 19.56. SPECIAL EXCEPTIONS. A use permitted in a zoning district when such use meets the special requirements set forth and has been approved by the Planning Commission.

Section 19.57. STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it, or the space between such a floor and the ceiling next above it. A basement shall be considered a story if its ceiling is over five (5) feet above the average established grade.

Section 19.58. STORY, HALF. A half story is an upper most story lying under a sloping roof, the useable floor area of which does not exceed seventy-five (75) percent of the floor area of the story immediately below it and not used or designed, arranged or intended to be used, in whole or in part, as an independent housekeeping unit or dwelling. A half story containing independent apartments or living quarters shall be deemed a full story.

Section 19.59. STREET. Any thoroughfare or way other than a public alley dedicated to the use of the public and open to public travel, whether designed as a road, avenue, highway, boulevard, drive, lane, circle, place, court or other similar designation, or a private street open to restricted travel and at least forty (40) feet in width.

Section 19.60. STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Section 19.61. STRUCTURE ALTERATION. Any changes in the supporting members of a building such as bearing walls, columns, beams or birders or any substantial change in the roof and exterior walls.

Section 19.62. SWIMMING POOL, OUTDOOR. Means any structure, basin, changer or tank containing an artificial body of water for swimming, diving or recreational bathing used in connection with a single-family dwelling and having a depth of more than 24 inches at any point and / or a surface area exceeding 150 square feet.

Section 19.63. TOURIST HOME. A tourist home shall be construed to mean any dwelling occupied in such a manner that certain rooms in excess of those used by members of the family unit are herein provided and occupied as a home or family unit, are rented without cooking facilities to the public for compensation and catering primarily to the traveling public.

Section 19.64. UTILITY ROOM. A room or space, located other than in the basement specifically designed and constructed to house any home utilities such as the heating unit and laundry facilities.

Section 19.65. USE. The purpose, for which land or buildings thereon are designed, arranged or intended to be occupied or used or for which they are occupied or maintained.

Section 19.66. VARIANCE. The waiving of the strict application of the requirements of this Ordinance by the Board of Adjustments.

Section 19.67. YARD. A space not occupied by a building or buildings, open to sky and on the same lot at the principal building.

Section 19.68. YARD, FRONT. A yard extending across the full width of the lot and lying between the front lot line and a line at a distance therefrom as specified by the regulations.

Section 19.69. YARD, REAR. A yard extending across the full width of the lot and lying between the rear lot line and a line at a distance therefrom as specified by these regulations.

Section 19.70. YARD, SIDE. A yard between the side lot line and a line at a distance therefrom as specified by the regulations. Least width is the minimum allowed on one side and the sum is the minimum total of both sides.

Section 19.71. ZONING MAP. The areas comprising these zoning districts and boundaries of said districts as shown upon the map attached hereto and made a part of this Ordinance being designated as the Official Zoning Map for the city with all proper notations, references and other information shown thereon.

ARTICLE XX

AMENDEMENTS

All future amendments to the zoning ordinance shall be logged under this section by the City Clerk.

Adopted by the Hills City Council of the City of Hills, Minnesota this 13th day of May, 2025.

_____
James Susie, Mayor

_____
Connie Wiertzema, City Clerk-Treasurer

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Adopted: May 13, 2025
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