

City of Garfield

LAND USE ORDINANCE

DECEMBER 2014

GARFIELD LAND USE ORDINANCE

ARTICLE 1. TITLE

This ordinance shall be referred to and cited as the Garfield Land Use Ordinance.

ARTICLE 2. INTENT AND PURPOSE

This ordinance was established pursuant to the authority granted by Minnesota Statutes, in particular the Municipal Planning Act, Minnesota Statutes 1983 Sections 462.351 to 461.364, the Municipal Shoreland Act, Minnesota Statutes 1973 Section 379, Minnesota Statutes 1980 Sections 462.351 to 462.364, The Land Subdivision and Condominiums Acts, Chapters 462, 505, 515, 515A and 515B and policies in Minnesota Statutes, Section 105,115 and 116, and any amendments thereto.

2.1. THIS CHAPTER IS ADOPTED FOR THE PURPOSE OF:

- A. Protecting the public health, safety, comfort, convenience and general welfare.
- B. Inaugurating and effectuating the goals of the Comprehensive Plan.
- C. Promoting order in development by dividing the area of the City into zones and regulating therein the location, construction, reconstruction, alteration and use of the structures and land.
- D. Conserving the natural and scenic beauty and attractiveness of the City, for the health and welfare of the public.
- E. Providing for adequate light, air and access to property by regulating the use of the land and buildings and the bulk of structures in relation to surrounding properties.
- F. Providing for the administration of the provisions of the ordinance and defining the authority and duties of the Administrator, Planning Commission, Board of Adjustment, Parks Committee and City Council under this ordinance.
- G. Promoting the economic well being of the community by providing an attractive, stable and viable venue for new businesses.

2.2. RELATION TO LAND USE PLAN

It is the policy of the City of Garfield that the enforcement, amendment, and administration of this Chapter be accomplished with due consideration of the recommendations contained in any Comprehensive Plan which may be developed and amended from time to time by the City as well as any other City land use and development plans enacted from time to time.

ARTICLE 3. RULES AND DEFINITIONS

3.1. RULES

The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

- A. The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- B. The masculine gender includes the feminine gender and the neuter gender.
- C. The singular includes the plural and the plural includes the singular.
- D. The present tense includes the past and future tenses and the future includes the present.
- E. The word “may” is permissive. The word “shall” is mandatory. Mandatory compliance with the Ordinance shall allow for variances thereto.
- F. All horizontal and vertical measured distances shall be expressed to the nearest tenth of a foot and its metric equivalent, unless specifically stated otherwise.
- G. The words “lot,” “plot,” “piece” and “parcel” of land are interchangeable.
- H. The words “used for,” shall include the phrases “arranged for,” “designed for,” “intended for,” “improved for,” “maintained for,” and “occupied for.”

3.2. DEFINITIONS

The following words shall be defined as follows for the purpose of this Chapter:

- 1. **Abandoned Building.** A building as defined hereinafter on public or private property, which no longer serves a practical use and, due to its location or structural condition, is considered a safety hazard in the opinion of the Zoning Administrator.
- 2. **Abandoned Motor Vehicle.** A motor vehicle as defined in Minnesota Statutes Chapter 169.01, as amended, that (a) has remained on public property in an inoperable condition for more than 48 hours, or (b) has remained on private property for more than 48 hours without the permission of the owner, or (c) has remained on private property for more than thirty days and is inoperable or is unlicensed unless kept in a garage or other storage structure. See Chapter 3, Article 8.
- 3. **Abutting.** Making direct contact with or immediately bordering.
- 4. **Accessory Dwelling.** A residential dwelling unit, but not a mobile or manufactured home or other stand-alone structure, located on the same lot as a single-family dwelling unit, and which has separate kitchen and bathroom facilities in addition to sleeping area(s).
- 5. **Accessory Structure.** A building or other structure that is supportive, secondary and subordinate in use and/or size to the principle structure on the same parcel or lot which, because of the nature of its use, can reasonably be located at or greater than minimum structure setbacks. Includes all structures not considered the principle structure including, but not limited to, T.V. towers antennas, dish antennas, outdoor swimming pools, outdoor hot-tubs, detached garages, sheds, guest quarters and boathouses.
- 6. **Accessory Use.** A use naturally and normally incident and subordinate to the main use of the premises.
- 7. **Addition.** A physical enlargement of an existing structure.
- 8. **Adjacent.** In close proximity to or neighboring, not necessarily abutting.

9. **Agent.** Any person acting on behalf of a landowner in dealing with activities under the jurisdiction of the Ordinance, including but not limited to realtors, contractors or attorneys.
10. **Agricultural Use.** The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses used for packing, treating or storing the product, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
11. **Airport.** Any premises used or intended for use for the landing and taking off of aircraft including any structures used or intended for use for aircraft services.
12. **Alteration.** A change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or by moving from one location to another, of a building or a structure.
13. **Animals, Domestic.** Common household pets, such as dogs and cats, kept for amusement, companionship, decoration or interest.
14. **Animals, Food.** Fish, fowl, cattle, swine, sheep and others raised for the purposes of food consumption.
15. **Animals, Wild or Exotic.** Animals, such as wolves, tigers, lions, and snakes, that are not normally a domestic animal or farm animal and would ordinarily be confined in a zoo or found in the wild.
16. **Animal Boarding Facility.** An establishment that houses animals, other than those belonging to the occupant, overnight or over an extended period of time.
17. **Animal Grooming Establishment.** An establishment principally engaged in grooming animals in which overnight boarding is prohibited.
18. **Animal Husbandry.** The care or breeding of domestic animals such as cattle, hogs, sheep, horses, poultry, dogs (more than three) or cats (more than two) for the occupants of a property.
19. **Animal Unit.** A unit of measure based on the approximate production of wastes from 1000 pounds of live weight of poultry or animals.

Animal Units:

One (1) slaughter weight steer or heifer	1
One (1) mature dairy cow or horse	1.4
One (1) swine over 55 pounds	0.4
One (1) sheep	0.1
One (1) goose	0.1
One (1) duck	0.05
One (1) turkey	0.18
One (1) chicken	0.1

20. **Antenna.** Any structure or device used for the purpose of collecting or radiating electromagnetic waves including but not limited to directional antennas such as panels, microwave dishes, satellite dishes, and omni-directional antennas such as whip antennas. Dishes under 36 inches are excluded from the definition of antenna.

21. **Apartment.** A room or suite of rooms that is designed for, intended for, or occupied as a residence by a family or individual, and is equipped with sanitary facilities.
22. **Appeal.** An application for the review of an order, requirement, decision, determination, or interpretation of this Chapter made by an administrative officer in the application and/or enforcement of this Chapter.
23. **Architectural Projection.** A non-functional or ornamental feature on a building or other structure that does not extend to, or from, the ground.
24. **Attached.** Two buildings or structures that combine to form one building or structure through the use of at least one common wall, not including a breezeway.
25. **Attorney.** The attorney duly appointed by the Council to represent the City of Garfield.
26. **Auto Salvage Yard.** A lot or yard where four or more motor vehicles are stored while parts are removed, where crushing occurs or where storage pending crushing may occur.
27. **Balcony.** Same as a deck.
28. **Banner.** A temporary sign constructed out of paper, plastic, cloth, cardboard or some other non-permanent material and affixed to poles or the side of a building in a manner than can be easily moved, modified or rearranged.
29. **Bathroom.** A room containing a shower or bathtub or a sink and toilet.
30. **Basement.** The space below the first story of a structure which is greater than four (4) feet in height.
31. **Bedroom.** A portion of a dwelling unit intended to be used for sleeping purposes, which may contain closets and may have access to a bathroom.
32. **Billboards.** A commercial sign which directs attention to a business, activity, service, entertainment or a product not exclusively related to the premises or property where such sign is located.
33. **Block.** An area of land bounded by streets, exterior boundary lines and/or bodies of water.
34. **Board of Adjustment.** The Board, appointed by the City Council, to hear appeals from actions of the Zoning Administrator, and variance requests.
35. **Breezeway.** A covered or enclosed walkway that physically connects two or more buildings or structures. Shall not materially connect the two or more buildings or structures.
36. **Buildable Area.** Any site, lot, parcel or any portion thereof that does not contain designated flood plain, wetlands or areas in excess of twenty-five (25) percent slope.
37. **Building.** Any structure used or intended for storage, shelter or occupancy.
38. **Building Height.** The vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height between the eaves and the highest ridge of gable, hip or gambrel roofs or ten feet below the peak, whichever is greater.
39. **Building Line.** A line parallel to a lot line at the required setback beyond which a structure may not extend.
40. **Build-to-Line.** The line at which construction of a building façade is to occur on a lot. A build-to-line runs parallel to, and is measured from, the front property line and/or public walkway and is established to create an even (or more or less even) building façade line on a street.

41. **Building Permit.** A permit authorizing an Applicant under this Code to undertake construction or other development activity. See also “Zoning Permit.”
42. **Campground.** Any area, whether publicly or privately owned, consisting of designated campsites with appropriate facilities and management services designed for temporary occupation by tents or recreational vehicles.
43. **Camping.** Habitation of a temporary structure.
44. **Campsite.** A parcel within a resort or campground designated for the occupancy of one family on a periodic basis in a tent or recreational vehicle.
45. **Cemetery, Unplatted.** Any human remains or burials found outside of platted, recorded or identified cemeteries pursuant to Minnesota Statutes, Chapter 307.08, as amended.
46. **Chairman.** The individual elected by the Planning Commission to chair their meetings. A vice-chair may also be elected and would serve as chairman when the elected chairman was absent.
47. **Child Care, Center.** A facility that is maintained, for the whole or part of the day, for the care of five or more children who are eighteen (18) years of age or younger and who are not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term shall not include any facility licensed as a foster care home or any facility defined as a Child Care, Family Home.
48. **Child Care, Family Home.** A primary residence where, for the whole or part of the day, an owner of the residence, licensed as a child care provider, cares for five or more children who are eighteen (18) years of age or younger and who are not related to the owner, whether such facility is operated with or without compensation for such care.
49. **Church.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship and related community activities.
50. **Clear Cutting.** See Vegetation Removal, Clear Cutting.
51. **City Clerk.** The appointed person responsible for administration of the City affairs.
52. **City Council.** The duly elected governing body of the City.
53. **City Sewer or Water System.** A system of municipally maintained utilities, approved by the State, and serving more than one building or property.
54. **Commercial Use.** The principle use of land or buildings for the sale, lease, rental, trade of products, goods or services.
55. **Commercial Wireless Telecommunication Services.** All commercial wireless telecommunications services including cellular, personal communications services, specialized mobilized radio, enhanced specialized mobilized radio, paging and similar services that are marketed to the general public.
56. **Commissioner.** The Commissioner of the Department of Natural Resources.
57. **Comprehensive Plan.** Also referred to as Community Plan. A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the City and its environs and may include, but is not limited to, the following items: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan and recommendations for plan execution.

58. **Conditional Use.** A land use or development as defined by the Ordinance that would not be appropriate without restriction, but may specifically be allowed without restrictions of conditions as determined by the Planning Commission and the Council upon a finding that (a) the use or development is an appropriate conditional land use in the land use zone, (b) the use or development, with conditions, conforms to the comprehensive land use plan, (c) the use, with conditions, is compatible with the existing neighborhood and (d) the use, with conditions, would not be injurious to the public health, safety, welfare, morals, order, comfort, convenience, appearance or prosperity of the City.
59. **Contiguous.** The sharing of a common border at more than a single point. Lots, parcels or boundaries may be considered contiguous where separated by rights-of-way, rivers or streams.
60. **Controlled Access Lot.** Any lot which is designated for the exclusive use by non-riparian landowners within a subdivision as a means to gain access to a lake, river or stream.
61. **Council.** The City Council, as established by State Law.
62. **Crawl Space.** The space below the first story of a structure not more than four feet high and not intended for human habitation.
63. **Cul-de-sac.** A short local street terminating in a vehicular turnaround.
64. **Deck.** An uncovered, unscreened structure or on-grade patio not including on-grade walks four (4) feet wide or less.
65. **Drainageway.** A watercourse, gully, dry stream, creek or ditch which concentrates and carries storm/rain water runoff from the land in a manner which creates the potential for significant erosion, siltation, flooding or ponding. A drainageway may be fed by natural overland flow or by constructed means, such as culverts, road ditches, outlets of storm water treatment ponds, or other similar facilities.
66. **Duplex, Triplex, or Quad.** A structure on a single lot having two, three or four dwelling units respectively being attached by common walls, and each being equipped with separate sleeping, cooking, eating, living and sanitation facilities.
67. **Dwelling, Guest Quarters.** A structure, not for sale or lease, used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling on the lot. Any accessory structure with kitchen or bathroom facilities shall be considered a dwelling, guest quarters.
68. **Dwelling, Multi-Family.** Two or more dwelling units attached together by any point including duplexes, triplexes, townhouses and multi-level units regardless of type of ownership.
69. **Dwelling, Single Family.** A dwelling unit totally separated from any other dwelling unit.
70. **Dwelling, Townhouse.** A type of multi-family housing consisting of dwelling units attached by common party walls. Ownership may be defined by Plat or Condominium Plan.
71. **Dwelling Site.** A designated location for residential use by one or more persons using temporary or movable shelter including camping and recreational vehicle sites.
72. **Dwelling Unit.** A structure or portion of a structure or other shelter designed as a short or long term living quarters for one or more persons including rental or time share accommodations such as a motel, hotel resort rooms and resort cabins.
73. **Dwelling Width.** The smallest horizontal dimension of the major portion of a dwelling.
74. **Earth Tone.** A shade of color that, when viewed from a distance, blends with the colors of the surrounding landscape.

75. **Engineer.** The engineer duly appointed by the Council to perform technical services for the City of Garfield.
76. **Exterior Storage.** Storage of goods, materials, equipment, manufactured products outside a fully enclosed building and are not in regular use by the owner or occupants of said property.
77. **Extractive Use.** The use of land for removal of sand, gravel, rock, industrial minerals, soil, other non-metallic minerals or peat not regulated under Minn. Stat. §§93.44 to 93.51, as amended.
78. **Family.** An individual, or two or more persons related by blood, marriage, adoption, or a relationship legally recognized in Minnesota, or not more than five unrelated persons maintaining a common household.
79. **Fee Schedule.** The official schedule of land use related fees and penalties adopted by the City Council.
80. **Fence.** A constructed barrier, including berms, intended to prevent escape or intrusion, or to mark a boundary, to shield or screen view, or to perform any similar function.
81. **Filling.** The act of depositing any clean earthen material.
82. **Final Floor Plan.** A drawing prepared by a Registered Architect, Registered Engineer, or Licensed Land Surveyor depicting the condominium subdivision of real estate and related information conforming to the requirements of Minn. Stat. §§515A.2-110, as amended.
83. **Final Condominium Plat.** A drawing prepared by a Registered Architect, Registered Engineer or Licensed Land Surveyor depicting the condominium subdivision of real estate and related information conforming to the requirements of Minn. Stat. §§515A.2-110, as amended.
84. **Final Plat.** A drawing, in final form, showing a proposed subdivision containing all information and detail required by state statutes and by the Subdivision Ordinance to be presented to the Planning Commission and the City Council for approval, and which, if approved, may be duly filed with the County Recorder.
85. **Fish House.** A structure placed on a lake during the winter for use in fishing. A structure will only be considered a fish house if it is 160 square feet or less, is moveable and has a current license.
86. **Floodplain.** The areas adjoining a water course, intermittent or permanently flowing, which have been or will be covered by the runoff waters of a storm with a 1% chance of occurrence any year (100 year storm).
87. **Floodway.** The channel of the water course and those portions of the adjoining floodplain which are reasonably required to carry and discharge the regional flood (100 year chance of occurrence.)
88. **Footprint.** The horizontal extent to which a structure covers the ground plane as represented in a plan view including cantilevered building elements but excluding eaves and similar architectural projections of the roof plane.
89. **Foundation.** A concrete, concrete and concrete block, or treated wood portion of a structure that supports the bearing loads of the superstructure and penetrates the ground providing frost protection. Must meet the provisions of the building code adopted by the State of Minnesota. Concrete pillars may be used as a foundation for manufactured homes so long as the installation is done to the manufacturer's specifications and skirting is provided around the perimeter to provide the look of a completely enclosed foundation.
90. **Frontage.** The uninterrupted front boundary line of a lot, or the length of such line, that abuts on a street or protected water.
91. **Garage, Attached.** A part of the principle structure designed for the storage of motor vehicles.

92. **Garage, Detached.** An accessory structure not attached to the principle structure on the property designed and used for storage.
93. **Gazebo.** A freestanding accessory structure with no kitchen, sleeping, sanitary facilities, or pressurized water intended as weather and insect protection for such activities as picnicking and lake viewing.
94. **Grading.** The movement of dirt, by mechanical means, so as to alter the existing topography of a property.
95. **Gross Acreage.** The total area of a parcel.
96. **Group Care Facilities.** A facility which provides residential services for individuals that are handicapped, aged, disabled or undergoing rehabilitation. This includes uses such as homes for the physically handicapped, mentally retarded, chemically dependent, foster children, maternity shelters and half-way houses.
97. **Hardship, Undue.** The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property and were not created by the landowner, and a variance, if granted, would not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if reasonable use exists under the terms of the Ordinance.
98. **Home Occupation.** A use of commercial nature conducted by an occupant entirely within the dwelling or accessory buildings which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the residential character thereof.
99. **Hotel.** A building containing three (3) or more individual rooms, without kitchens, used for overnight lodging by the general public on a short-term basis for a fee, with or without meals, and which has common reservation and cleaning services, combined utilities, and on-site management and reception services.
100. **House of Worship.** Same as church.
101. **Impervious Surface.** The horizontal area of buildings, patios, walks, driveways, accessory structures and other surfaces generally impervious to the penetration of stormwater, including gravel drives and parking.
102. **Industrial Use.** The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.
103. **ISTS.** Individual sewage treatment system.
104. **Junk Yard.** An area where used waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleared, parked, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles, and used building materials. Storage of materials in conjunction with the construction of a manufacturing process shall not be included. Three or more automobiles without current licenses constitute a junk yard. Such use shall not include putrid wastes such as garbage.
105. **Lake Classification.** The formal classification provided by the Department of Natural Resources for each body of public waters within the City.
106. **Landfill.** A method of solid waste disposal in which refuse is buried between layers of dirt.
107. **Landscaping.** Plantings such as trees, grass, shrubs, and decorative timbers, arbors, rocks, and water displays.
108. **Licensed Engineer.** A person licensed as a professional engineer by the State of Minnesota.

109. **Licensed Surveyor.** A person licensed as a professional surveyor by the State of Minnesota.
110. **Litter.** Waste materials including but not limited to, cans, bottles, plastic and paper wrappings or containers.
111. **Livestock.** Domestic animals, such as cattle or horses, raised for home use or for profit, especially on a farm
112. **Lot.** A parcel, piece or portion of land described by metes and bounds, registered land survey, auditor's plat, or subdivision plat and separated from other parcels or portions of land by said description for purposes of sale, lease, mortgage, building or separation.
113. **Lot Area.** The horizontal area of a lot bounded by the lot lines.
114. **Lot, Corner.** A lot situated at the junction of and abutting on two or more intersecting streets or a lot at the point of deflection in alignment of one street with the internal angle less than 135 degrees.
115. **Lot, Front.** The boundary of a lot which abuts on a public right of way, or if a corner lot, the shortest of the two boundaries. If the lot abuts public water, the lake side shall be considered the lot front.
116. **Lot Line.** The property lines bounding a lot except that where the description extends into a public right of way, the right of way line shall be considered the lot line.
117. **Lot, Pre-existing.** A lot which is one unit of a subdivision plat heretofore duly approved and filed or one unit of an auditor's subdivision, or registered land survey, or a lot created by metes and bounds that has been recorded in the office of the County Recorder prior to the effective date of this Ordinance.
118. **Lot Width.** The shortest distance between lot lines measured at the midpoint of the building line.
119. **Maintenance.** The normal upkeep of a structure including the replacement of windows, siding, roofs, nonbearing walls or interior remodeling that does not expand the footprint of the existing structure, add volume to the usable living space or intensify a non-conforming use.
120. **Manufactured Home.** A structure, transportable in one or more sections, which, when erected on site, is a minimum of 640 square feet, is built on a permanent foundation, contains the heating, plumbing and electrical systems within and meets the requirements of the building code adopted by the State of Minnesota.
121. **Marina.** A dock or set of docks on a single parcel that contains more than three slips or more slips than first tier dwelling units, whichever is greater.
122. **Mature Tree.** A living tree greater than four (4) inches in diameter.
123. **Metes and Bounds.** A method of property description utilizing directions and distances commencing from and terminating at an identifiable point.
124. **Motel.** A building containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, with parking space reserved for each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests.
125. **Multi-Level Dwelling.** A type of multi-family housing consisting of dwelling units stacked one above the other, creating a party floor or floors between units.
126. **Natural Drainage way.** All land surface areas which, by nature of their contour or configuration, collect, store and channel surface or runoff water.

127. **Neighborhood.** The area adjacent to or surrounding existing or proposed development characterized by common use or uses, density, style and age of structures and environmental characteristics.
128. **Non-conforming.** The building, structure or land lawfully existing prior to and not in conformance with the provisions of this ordinance.
129. **Nuisance.** By authority and direction of Minn. Stat. §412.221, Subdivision 23 and 24, as amended, nuisance is anything that interferes with the use or enjoyment of property, endangers personal health or public safety, or is offensive to the senses such as excessive smoke, odor, noise, heat, vibration, glare, traffic generation, visual impact and other similar interferences or offenses.
130. **Nursery.** A retail business growing and selling trees, flowering or decorative plants and shrubs.
131. **Nursing Home.** Any institution or facility required to be licensed as such under Minn. Stat. §§144.50 to 144.56, as amended, by the State Board of Health.
132. **Off-street Parking.** A designated space or area of land with a paved or all-weather surface not within a public street or right-of-way and used for the parking of vehicles.
133. **Open District.** A zoning district defined by natural features to be unsuitable for any dwelling and unsuitable for any other development except in accordance with the conditional use permit process. Corresponds to the DNR Special Protection District.
134. **Open Storage.** Storage of material outside of a building.
135. **Overlay Map.** An official map of the City that describes the location of an overlay zone.
136. **Owner.** An individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having proprietary interest in the land and/or building.
137. **Parent Parcel.** The existing parcel of record, as identified by individual parcel numbers, as of the effective date of this Ordinance, that is proposed to be developed.
138. **Parking Space.** A 10 foot by 20 foot site off public right of way, maintained and sized to accommodate the parking of one automobile.
139. **Party Wall or Floor.** A common wall which divides two independent dwelling units or businesses.
140. **Permitted Use.** A land use conforming to the character of a zoning district which is permitted by ordinance requiring only a zoning permit issued by the Zoning Administrator.
141. **Planned Unit Development (PUD).** A land use characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common green space, density increases, and mix of structure types and land uses. Does not include a duplex where specifically allowed in a zoning district on a single parcel of land.
142. **Planned Unit Developments, Commercial.** Uses that provide transient, short-term lodging spaces, rooms, or parcels and their operation are essentially service orientated. These shall include but not be limited to hotel/motel accommodations, resorts, recreational vehicle and camping parks and other primarily service oriented activities.
143. **Planned Unit Development, Residential.** Residential Planned Unit Development means a use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, townhouses, cooperatives and full fee ownership residences would be considered as Residential Planned Unit Developments. Includes time share condominiums not part of a resort.

144. **Planning Commission.** The body duly appointed by the City Council to determine the development of the City and make recommendations to the City Council on comprehensive plans, zoning district boundaries, conditional use permits, subdivision of land and capital improvements.
145. **Porch.** A covered platform attached to a structure.
146. **Porch, Enclosed.** A covered platform attached to a structure with more permanent enclosures than those described in “porch”.
147. **Portable.** Capable of being transferred or moved from one place to another.
148. **Pre-Built Home.** Same as Manufactured Home
149. **Preliminary Plat or Plan.** A plan prepared in accordance with the Subdivision Ordinance depicting the proposed subdivision of property by Final Plat or Final Floor Plan.
150. **Principal Structure or Use.** The single primary structure or use on a lot, as distinguished from accessory uses or structures. To be considered a principal structure, the structure must be at least 400 square feet in area and must be utilized for the purpose of the principal use of the property.
151. **Protective/Restrictive Covenants.** Restrictions placed on the property by the owner and duly filed with the County Recorder. These may also be used in planned unit developments to establish homeowners associations, restrict shoreline development and provide for common facilities.
152. **Public Waters.** Any waters as defined in Minn. Stat. §103G.005, Subd. 15 and 15a, as amended. However no lake, pond or flowage of less than 10 acres in size in municipalities need be regulated for the purposes of the shoreland management rule. A body of water created by a private user where there was no previous shoreline may, at the discretion of the local government, be exempted from the shoreland management. The official determination of the size and physical limits of drainage areas of rivers and streams should be made by the DNR Commissioner.
153. **Recorder.** The County Recorder of Douglas County.
154. **Recreational Equipment.** Equipment, both motorized and non-motorized, that is subject to licensing by the State of Minnesota and is designed primarily for recreational use.
155. **Recreational Vehicle.** Vehicles for recreational use that can be driven, towed or hauled. These vehicles are designed to be temporary living space for camping or travel use. RVs shall include travel trailers, camper trailers, truck campers, self-propelled motor homes and other similar vehicles.
156. **Resort.** Any buildings, structures or enclosures kept, used, maintained or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public and primarily to those seeking recreations, for periods of one day, one week or longer, and having for rent three or more cottages, rooms or enclosures along with any related facilities such as restaurants, bars, golf courses or other recreational amenities.
157. **Restaurant.** An establishment where the principle business is the preparation, service and sale of food and beverages to be consumed by customers at tables or counters located within the building on the premises.
158. **Retail Use.** The principal use of land or buildings for the sale of goods to consumers. The goods are normally not for resale, and usually sold in small quantities.
159. **Right-of-Way.** A parcel of property dedicated to the public, connecting to other public right of ways, which affords primary access by pedestrians and vehicles to abutting properties.
160. **Riparian Lot.** A property that is abutting a body of water listed in Section 5.1(4).

161. **Screening.** Fencing, an earthen berm or vegetative growth that visually separates one object from another.
162. **Semi Public Use.** The use of land by private non-profit organizations to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
163. **Sensitive Resource Management.** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over ground water or bedrock, highly erosive or expansive soils, steep slopes, acceptability to flooding or occurrence flora or fauna in need of special protection.
164. **Setback.** The minimum horizontal distance between a structure, sewage treatment system or other facility and a sewage treatment system, top of bluff, road, highway, property line or other facility. Three (3) feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over 4 feet wide may protrude into the setback.
165. **Setback, Interior Lot.** In a planned unit development, the closest horizontal distance between the lot line and the foundation or wall of a structure when the lot line is not the exterior boundary of the development. Three (3) feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over 4 feet wide may protrude into the setback.
166. **Setback, Side, Exterior.** The closest horizontal distance between the exterior boundary side lot line and the foundation or wall of a structure. This setback takes precedence over setback, interior lot, where any conflict exists. Three (3) feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over 4 feet wide may protrude into the setback.
167. **Setback, Road.** The closest horizontal distance between the road right-of-way line and the foundation or wall of a structure. Three (3) feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over 4 feet wide may protrude into the setback.
168. **Sewage Treatment System.** A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Chapter 7080-7081 of the Minnesota Administrative Rules.
169. **Sewer System.** Pipe lines or conduits, pumping stations and forcemain and all other constructions, devices, appliances or appurtenances used for conducting sewage or industrial waste or other waste to a point of ultimate disposal.
170. **Shoreland.** Land located within the following distances from public water: 1,000 feet from the ordinary high water level of a lake, pond or flowage; and 300 feet from a river or stream, or landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the water for lesser distances and when approved by the DNR Commissioner.
171. **Shoreline Property.** A lot directly abutting a public water, generally located in the first lot tier adjoining the public water.
172. **Signs.** A name, identification, description, display, illustration, advertisement or device which is displayed for the purpose of attracting attention to a person, product, place, activity, institution or business, including all associated brackets, braces, supports, wires and structures.
173. **Sign, Abandoned.** Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any signs remaining after demolition of a

principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs for which a Conditional Use Permit or a variance have been approved shall also be subject to the definition of abandoned sign.

174. **Sign, Awning.** A building sign or graphic printed on or in some fashion attached directly to the awning material.
175. **Sign, Balloon.** A sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than twenty-four (24) inches in diameter.
176. **Sign, Building.** Any sign attached or supported by any structure used or intended for supporting or sheltering any use or occupancy.
177. **Sign, Canopy.** Any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee and is different from service area canopy signs.
178. **Sign, Changeable Copy.** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Changeable copy signs do not include signs upon which characters, letters or illustrations change or rearrange only once in a twenty-four (24) hour period.
179. **Sign Digital Display.** A sign or portion thereof that displays electronic, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices with the display area where the message change sequence is accomplished immediately or by the means of fade, repixelization or dissolve modes. Digital display signs include computer programmable, microprocessor controlled electronic or digital displays. Digital display signs include projected images or messages with these characteristics onto buildings or other objects.
180. **Sign, Directory.** A sign erected at an intersection that lists the residences or businesses that reside along the intersecting roadway.
181. **Sign Face.** The surface of the sign upon, against, or through which the message of the sign is exhibited.
182. **Sign, Flashing.** A directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling.
183. **Sign, freestanding.** Any sign which has a supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.
184. **Sign Height.** The height of a sign shall be computed as the vertical distance measured from the grade immediately below the sign to the top of the highest attached component of the sign.
185. **Sign, Illuminated.** Any sign which contains an element designed to emanate artificial light internally or externally.
186. **Sign, Legally Established Nonconforming.** Any sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this ordinance and which does not comply with this ordinance shall be deemed to be a legally established nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

187. **Sign, Marquee.** Any building sign painted, mounted, constructed or attached in any manner, on a marquee.
188. **Sign, Off-premise.** A sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same premises where such sign is located. For purposes of this ordinance, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement of other appurtenance shall be considered an off-premise sign.
189. **Sign, On-premise.** A sign which identifies an establishment, person, activity, goods, products or services located on the premises where the sign is installed.
190. **Sign, Pole.** See pylon sign.
191. **Sign, Portable.** Any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such sign.
192. **Sign, Projecting.** Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface of such building or wall face.
193. **Sign, Pylon.** Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.
194. **Sign, Rotating.** A sign or portion of a sign which turns about on an axis.
195. **Sign, Scrolling.** Any sign that uses changing lights or colors to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.
196. **Sign, Shimmering.** A sign which reflects an oscillating sometimes distorted visual image.
197. **Sign Structure.** Any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.
198. **Sign, Temporary.** Any display device, constructed of cloth, canvas, light fabric, cardboard, wall board or other light materials, with or without frames, intended to be displayed for a limited period of time only. Temporary event signage includes but is not limited to balloons, banner, flags, pennants/streamers, wind animated devices, inflatable statuary, rigid portable signs, portable reader-boards, and searchlights. Other types of display devices will require the approval of the Zoning Administrator.
199. **Sign, Wall.** Any building sign attached parallel to, but within two (2) feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.
200. **Sign, Window.** Any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window or glass and is visible from the exterior of the window.
201. **Significant Historical Site.** Any archeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historical Places, or is listed in the State Register of Historical Sites or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stat. §307.08, as amended. A Historical Site meets this criteria if it is presently listed on either Register or if it is determined to meet the qualifications for listing after

review by the Minnesota State Archeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historical sites.

202. **Sketch Plan.** A plan drawn to scale used for planning and discussion purposes only.
203. **Steep Slope.** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness due to the site's soil characteristics as mapped and described in available County Soils Surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12% as measured over horizontal distances of 50 feet or more, but which are not bluffs.
204. **Stoop.** An entry platform into a structure.
205. **Storage Shed.** Refer to Accessory Structure.
206. **Street.** A public right-of-way that provides primary vehicular access to abutting property and shall include avenue, road or highway. Street classifications are defined in the Comprehensive Plan unless defined in a roadway classification plan or other similar road specific plan.
207. **Street, Arterial.** A street that has the primary function of rapidly move traffic to or through the City. May provide access to abutting land. Arterial streets are, in general, county or state highways that begin and terminate outside of the City limits or connect to other arterial streets within the City.
208. **Street, Collector.** A street that has the primary function of receiving and distributing traffic to and from local streets and providing distribution of traffic within. May provide access to abutting lots. In general, collector streets begin and terminate at arterial streets or other collector streets.
209. **Street, Local.** A street, the function of which is to provide localized access to individual parcels. Does not normally carry through traffic. Traffic volumes and traffic speeds are expected to be low.
210. **Structure.** Any building, appurtenance including decks or other facility constructed, placed or erected by man except aerial or underground utility lines such as sewer, electric, telephone, telegraph, gas lines and except walks or steps on grade not more than 4 feet wide, stoops not exceeding 30 square feet, temporary furniture, planter, or decorative material and retaining walls consisting of wood or decorative block.
211. **Subdivider.** The owner, agent, person, corporation, partnership or legal entity proposing to subdivide property under his control.
212. **Subdivision.** The division of real estate into two or more parcels for the purpose of sale, rent or lease, including planned unit development.
213. **Subdivision by Plat.** The subdivision into two or more parcels of any size by the authority of Minnesota Statutes, Chapter 505, 515B, as amended, with documents prepared by a Licensed Land Surveyor and duly approved by the Planning Commission and Council.
214. **Subdivision by Condominium Plan.** The subdivision of a building or the subdivision of real estate into two or more spaces or parcels of any size by the authority of Minnesota Statutes, Chapter 515A, as amended, with documents prepared by a Licensed Land Surveyor and duly approved by the Planning Commission and Council.
215. **Subdivision by metes and bounds.** Any division of real estate resulting in two or more parcels which are not platted, but divided by description prepared and signed by a Licensed Land Surveyor.

216. **Substandard Lot.** A lot that is non-conforming.
217. **Substandard Use.** A use that does not conform to this ordinance.
218. **Temporary.** A use or structure that lasts longer than three days and is discontinued within 14 days. Any use or structure existing longer than 14 days, except where specifically provided for in this Ordinance, shall be considered permanent unless a specific date of discontinuation, agreeable to the Planning and Zoning Administrator to be reviewed by the Planning Commission, has been submitted, in writing, to the City.
219. **Temporary Structure.** A structure of a temporary character including but not limited to house boats, fish houses, recreational vehicles and tents.
220. **Toe of Bluff.** The lower point of a 50 foot segment with an average slope exceeding 18%.
221. **Top of the Bluff.** The higher point of a 50 foot segment with an average slope exceeding 18%.
222. **Tower.** A structure situated on a site that is intended for transmitting or receiving television, radio, telephone, cellular or wireless communications.
223. **Tower Height.** Determined by measuring the vertical distance from the point of contact with the ground to the highest point of the tower including all antenna or other attachments.
224. **Townhouse Dwelling.** A type of multi-family housing consisting of dwelling units attached by common party walls. Ownership may be defined by Plat or Condominium Plan.
225. **Travel Trailer.** Refer to Recreational Vehicle.
226. **Tree.** A woody plant 4 inches or more in diameter or 8 feet or more in height.
227. **Variance.** A legally permitted deviation from the provisions of this ordinance, as defined or described in Minnesota Statutes Chapter 462.
228. **Vegetation Removal, Clear Cutting.** The removal of more than 75% and up to 100% of a stand of trees and brush over 10 feet in height on a lot or parcel of land up to 40 acres.
229. **Vegetation Removal, Intensive.** The complete removal of trees or shrubs in a continuous path, strip row or block, excluding that clearing needed for the construction of roads, driveways, walkways or permitted stairways, lifts or landings.
230. **Walkway.** A parcel of property dedicated to the public for non-vehicular access purposes.
231. **Wetland.** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For the purposes of this definition, wetlands must have the following three attributes:
- A. have a predominance of hydric soils,
 - B. are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions, and
 - C. under normal circumstances support a prevalence of such vegetation.
232. **Warehousing.** The principle use is the storage of materials or equipment within an enclosed building.
233. **Warehousing, Commercial.** The rental or sale of warehousing space.
234. **Yard.** A required green space occupied and unobstructed by a structure or portion of a structure provided that fences, signs, utility poles, lawn lights, antenna and related minor equipment may be permitted in any yard provided that they do not create a safety hazard or constitute a nuisance.

235. **Zoning Administrator.** The duly appointed person responsible for the enforcement and administration of this Chapter.
236. **Zoning District.** An area of the City of Garfield defined on the zoning map, having uniform zoning provisions.
237. **Zoning District Overlay.** A zoning district containing regulations superimposed upon other zoning district regulations and superseding the underlying zoning district regulations.
238. **Zoning Map.** The map of the City of Garfield, amended from time to time, which defines the boundaries of the zoning districts.
239. **Zoning Permit.** A permit issued by the Zoning Administrator to allow the construction of a structure or to allow a land use when the provisions of this ordinance have been met, when approval of any conditional use permits or variances have been granted and when the fees are paid. A zoning permit may have administrative conditions specific to the subject site when called for by the Ordinance.

ARTICLE 4. GENERAL PROVISIONS

4.1 APPLICATION OF THE ORDINANCE

- A. The provisions of this Chapter shall be held to be the minimum requirements for the maintaining of the public health, safety, and welfare.
- B. Where the provisions of the Ordinance are either more restrictive or less restrictive than applicable provision of other laws, ordinances, statutes, resolutions, covenants or regulations of any kind, the more restrictive condition, standard or requirement shall prevail, except as authorized by the more restrictive agency.
- C. Except as this Chapter specifically provides, no structure shall be erected, converted, enlarged, reconstructed or altered and no structure or land shall be used for any purpose nor in any manner which is not in conformity with this ordinance.
- D. Any existing structure or use of property subject to conditions of approval for a Variance, Conditional Use Permit or other land use application must have a *Land Use Certificate of Compliance* issued within twelve (12) months of the approval. The *Land Use Certificate of Compliance*, when issued, shall state that the building or use appears to be in compliance with the conditions of approval.
- E. Ambiguities in the Ordinance shall be resolved by interpretation of the Planning and Zoning Administrator. If an applicant wishes to appeal the interpretation of the Administrator, an appeal can be made through a hearing of the City Council.

4.2 ENVIRONMENTAL DOCUMENTS AND CONCURRENT PERMITS

- A. It shall be the property owner's responsibility to secure necessary concurrent permits such as Pollution Control Agency, State Waste Disposal Permits; Health Department Permits; Department of Natural Resource Permits; and Corps of Engineers Permits. Approval by the City does not imply approval by other agencies.
- B. The City will prepare an Environmental Assessment Worksheet (EAW) where a proposed project exceeds the limits defined in the Environmental Quality Council's Rules and Regulations for Environmental review program or when a valid petition from the public has been received and the City has determined that an EAW is warranted.
- C. The administration of an EAW or EIS shall be in accordance with the rules and regulations of the Minnesota Environmental Quality Board. The Zoning Administrator shall be responsible to the City Council and have the authority to administer the preparation of the environmental document. The City Council shall approve all final environmental documents prepared on its behalf.

4.3 USE OF PRE-EXISTING LOTS

- A. A nonconforming single lot of record located may be allowed as a building site without variances from lot size requirements, provided that:
 - 1. All structure and septic system setback distance requirements can be met;
 - 2. A Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080-7081 can be installed or the lot is connected to a public sewer; and
 - 3. The impervious surface cover will not exceed the requirements of the underlying zone.

- B. In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
 - 1. The lot must be at least 66 percent of the dimensional standard for lot width and lot size contained within this ordinance;
 - 2. The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080-7081;
 - 3. Impervious surface coverage must not exceed the requirements of the underlying zone; and
 - 4. Development of the lot must not be inconsistent with any Comprehensive Plan adopted by the City.
- C. A lot subject to 4.3.2 above not meeting the requirements of 4.3.2 must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.
- D. Notwithstanding the above, contiguous nonconforming lots of record under common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling or other structurally sound building at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minnesota Rules, section 115.55 and Minnesota Rules, chapter 7080-7081, or connected to a public sewer.

4.4 NON-CONFORMING STRUCTURES AND USES

Any structure or use existing upon the effective date of the adoption of this Ordinance and which does not conform to the provisions of the Ordinance may be continued subject to the following:

- A. Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control, may be continued in the same physical location with a zoning permit, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion (except as allowed under paragraph 6 of this section), unless:
 - 1. The nonconformity or occupancy is discontinued for a period of more than one year; or
 - 2. Any nonconforming structure or use is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building or zoning permit has been applied for within 180 days of when the property is damaged.
 - 3. For the purposes of this section, a structure shall not be considered to have expanded if it does not increase the amount of land covered by the structure being replaced and does not result in more than a 10 percent increase in the percentage of the structure being within a required setback, not to exceed an additional 100 square feet. The Zoning Administrator may require that the applicant submit reasonable evidence of the dimensions of the structure to be replaced, including but not limited to photos, surveys or building plans.
- B. In cases where the requirements of Section 4.4 (1) are not met or applicable the landowner may apply for a conditional use permit and in the review of such request, the City may allow reconstruction and expansion of the structure that was destroyed, up to the dimensions allowed under paragraph 6 of this section. Such approval shall only be granted if the structure setback is

increased where practicable and reasonable conditions are placed upon the zoning or building permit to mitigate created impacts on the adjacent property or water body, to prevent and abate nuisances and to protect the public health, welfare, or safety. This paragraph shall apply to the replacement of any water oriented accessory structure.

- C. Notwithstanding paragraphs 1 and 2 above, any repair, replacement, maintenance, improvement, or expansion of a nonconforming use or structure in floodplain areas shall be regulated to the extent necessary to maintain eligibility in the National Flood Insurance Program and to not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.
- D. A lawful, non-conforming use of a structure or parcel of land may be changed to lessen the non-conformity of use. Once a non-conforming use has been changed, it shall not thereafter be altered to increase the non-conformity.
- E. Sewage treatment systems shall be upgraded to a conforming status in conformance with the following schedule:
 - 1. Upon issuance of any zoning permit, conditional use permit or variance for any improvement on, or use of, the property.
 - 2. Upon determination that leakage to the surface or lake or into an adjacent well is occurring, or determination that the system is discharging into the ground at an elevation less than 3 feet above the highest known water table.
 - 3. Upon determination by Zoning Administrator that a system is inadequate for a change in occupation or use in the structure.
 - 4. Upon notice by the Zoning Administrator that the City's records indicate the system is non-conforming.
 - 5. Upon availability of a community sewer system to the property, connection to that system shall be made regardless of the conformance or non-conformance of the individual system.

4.5 BUILDING STANDARDS

- A. All structures and appurtenances shall be constructed in accordance with the general standards of the building industry. The City does not examine plans nor assume liability for the structural stability or quality of any structures.
- B. All dwelling units shall be a minimum of 24 feet wide and shall be placed on a permanent foundation, except in the R-4 district the minimum width shall be 16 feet and no permanent foundation is required.
- C. Any new structure constructed or placed after the adoption of this ordinance and not on a permanent foundation shall be considered a temporary structure, except manufactured housing within the R-4 district.
- D. New manufactured homes and mobile homes shall be installed by a licensed installer and a copy of the installation compliance certificate shall be submitted to the City prior to occupancy of the dwelling.
- E. Dwellings in Transit. For dwellings to be moved onto a property, excluding manufactured homes that have never been occupied and constructed to current federal standards, the following shall be applicable:
 - 1. Permit issuance shall be made only by conditional use permit.

2. Prior to permit issuance, the property owner may be required to provide documentation of the following:
 - a. Certification that the electrical wiring meets state codes,
 - b. Certification that the plumbing meets state codes,
 - c. An evaluation of foundation adaptability and condition,
 - d. An evaluation of roof condition,
 - e. An evaluation of structural integrity, and
 - f. Certification that all doors, windows and siding are in acceptable condition.
 3. The dwelling, once in place, must meet all municipal ordinances within a time frame specified by the City Council, with consideration given for approved variances.
- F. All structures which generate sewage shall be connected to the City's wastewater treatment system when required by Garfield City Ordinance No. 47 (Sewer Use Regulations) or other applicable local ordinance(s). Private sewage treatment systems, where allowed, shall conform to Minnesota Pollution Control Agency Rules (Chapter 7080 of the Minnesota Administrative Rules), Garfield City Ordinance No. 47 and any other applicable local ordinances. Further, all systems shall be designed, evaluated, installed, and inspected by persons certified by the State of Minnesota. The City does not assume liability for the failure or malfunction of any sewage treatment system.
- G. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the MPCA.
- H. Plumbing and electrical facilities installed after the date of this ordinance in all structures shall conform to the State Plumbing Code and State Electrical Code, respectively.

4.6 OTHER STANDARDS

The provisions of this Chapter do not take precedent over other Federal, State or Local laws that may be more restrictive. In the case of a more restrictive standard applied by a governing body that has land use authority within the City, the non-local standard would apply. In the case where this Chapter is the most restrictive standard, the provisions of the Ordinance shall apply where allowed by law.

ARTICLE 5. ZONING DISTRICTS AND DISTRICT PROVISIONS

5.1 GENERAL

- A. The City of Garfield is hereby divided into Zoning Districts as shown on the official Zoning Map.
- B. The boundaries are generally on the center of the streets, on lot lines, on shorelines, on the center of streams or rivers, and following the contour of the land.
- C. The following districts are hereby established

Downtown Mixed Use District	DMU
Single-Family Residential District.....	R-1
Medium-Density Residential District	R-2
High-Density Residential District.....	R-3
Manufactured Housing Residential District.....	R-4
Highway Commercial/Light Industrial	HCI
Rural Industrial	RI
Open Space District	OS

5.2 DMU DOWNTOWN MIXED USE

A. Purpose. The purpose of the Downtown Mixed Use (DMU) District is to establish and preserve areas for a mix of commercial, light industrial and residential uses that are not incompatible and/or that help to promote beneficial economic activity and a vibrant social life for city residents. Regulation of public and private development in this district is intended to promote an environment that is convenient and attractive for pedestrians as the first priority. The DMU District is intended to make efficient use of public infrastructure by generating sufficient values to support public infrastructure and services. Uses that might otherwise accomplish these objectives, but that are likely to create serious problems of compatibility with current or anticipated surrounding land uses should not be located in DMU district.

B. Permitted Uses

- 1. Any commercial use where:
 - a. the use of the property is primarily for retail or service activities, and;
 - b. activities of the commercial are completely contained within a building (except for a limited outdoor storage area of 200 sq ft or less)
 - c. the space used by a single tenant does not exceed thirty-thousand (30,000) square feet in gross floor area (excepting a basement or attic space)
 - d. the hours of operation are between 7:00am and 10:00pm
 - e. loading and unloading areas do not cover more than 30% of the lot area
 - f. the use would not expose the surrounding area to significant noise, dust, vibrations, glare or other nuisance characteristics.
 - g. wastewater generated on the property shall not be in an amount or of a type that would excessively burden municipal sewer treatment abilities or capacities.

- h. water consumed by activities on the property shall not be in an amount that would excessively burden the municipal water supply system.
- 2. Any industrial or similar use involving the manufacture, assembly, packaging or processing of products in a manner where:
 - a. the activities of the business are completely contained within a building (no outdoor storage of materials, equipment or waste materials except as would normally be associated with any business)
 - b. the space used by a single tenant does not exceed thirty-thousand (30,000) square feet in ground floor area (excepting a basement or attic space)
 - c. the hours of operation are between 7:00am and 7:00pm
 - d. loading and unloading areas do not cover more than 30% of the lot area
 - e. there are no overhead doors or other openings to the building which are left open and would expose the surrounding area to significant noise, dust, vibrations, glare or other nuisance characteristics.
 - f. wastewater generated on the property shall not be in an amount or of a type that would excessively burden municipal sewer treatment abilities or capacities.
 - g. water consumed by activities on the property shall not be in an amount that would excessively burden the municipal water supply system.
- 3. Any residential use, subject to the following:
 - a. It is a permitted use in the R-1, R-2 or R-3 Residential districts
 - b. Apartment buildings, up to a maximum of 12 units
- 4. Churches, and other places of worship.
- 5. Schools
- 6. Government and Civic Buildings
- 7. Hospitals and Clinics

C. Conditional Uses

- 1. Any commercial or industrial use with hours of operation between the hours of 10:00 pm and 7:00 am.
- 2. Any use which will be served by greater than ten (10) off-street parking spaces.
- 3. Any use of a building by a single tenant which exceeds thirty-thousand (30,000) square feet in gross floor area (excepting a basement or attic space).
- 4. Any legitimate use provided it is of the same general character as those listed under Permitted Uses, but that do not meet the specific criteria required for a Permitted Use, and provided they are deemed fitting and compatible to the district by the City Council.

D. Lot and Structure Requirements

- 1. The following lot requirements shall apply to all lots created in the DMU zone after the date this ordinance is enacted:

Lot Width – range	25 - 80 feet
Lot Depth – range	100 - 160 feet

2. The following setback and other requirements shall apply to the construction or placement of structures or buildings on a property, except as specifically authorized otherwise by this Ordinance:

Build to Line, right-of-way, city streets and County Roads 12 and 22	0-5 feet
Setback, right-of-way, County Road 82 – minimum	30 ft
Building Façade – min. % constructed to the build to line (Lesser amounts may be authorized by conditional use permit if for the purpose of accommodating future subdivision of the lot)	60% - primary street 30% - side street
Setback, alley – minimum (measured from centerline)	15 feet
Setback, side - feet, minimum	0 feet
Setback, rear – minimum	0 feet (primary building) 5 feet (accessory building)
Impervious coverage – maximum	75% 100% with approved stormwater management plan designed to hold or infiltrate the 5-year, 24-hour rain event
Building height - feet, maximum	25

E. Parking

1. Off-street parking shall be to the rear or side of a building so as to not be the dominant feature fronting a public road.
2. Provision of more than fifteen (15) off-street parking spaces serving any one building may be required to obtain a conditional use permit. Conditions of approval shall include appropriate methods to screen or minimize the visual appearance of the parking lot from the front of buildings.

- F. Pedestrian Amenities. New development, or substantial redevelopment of existing sites, shall provide sidewalks or paths consistent with city-approved construction standards within the adjacent public right-of-way so as to provide connectivity to adjacent land uses.

- G. Lighting. All building entrances, pathways and other pedestrian areas shall be lit to two-foot candles with pedestrian-scale lighting including wall mounted, sidewalk lamps, bollards, or landscape up-lighting.
- H. Fences and Other Constructed Screening. Fences or other constructed screening not exceeding 72 inches in height may be constructed no closer than two (2) feet from the public right-of-way or as otherwise approved by conditional use permit so as to allow sufficient room for maintenance. Allowable construction materials shall consist of metal, wood, concrete, brick or smooth wire and be constructed and maintained in such a way that it does not create a visual blight or safety hazard. Barbed or electrified wire shall not be permitted.

5.3 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

- A. Purpose. The purpose of the R-1 Single-Family District is to provide for residential development characterized primarily by single-unit or two-unit attached dwellings, traditional grid-style blocks and streets, lot sizes which allow for efficient use of street and utility infrastructure, and sidewalks which allow for convenient pedestrian access to the commercial areas and public spaces within the City.

Areas of the City generally appropriate for this zoning classification include those adjacent to the UR – Urban Residential District nearest the traditional center of the City and which were originally platted in the traditional grid pattern or would represent desirable extensions of this pattern.

- B. Permitted Uses

1. The following are permitted uses in an R-1 District:
2. Single-unit detached dwellings (one per lot)
3. Public Parks, Playgrounds
4. Residential accessory buildings, including private garages, carports, detached gazebos and screen rooms, and storage buildings consistent with the performance standards of this section

- C. Conditional Uses

1. The following are conditional uses in an R-1 District only upon the issuance of a conditional use permit as specified in this Ordinance.
2. Accessory dwellings
3. Two-unit dwellings (one per lot)
4. Home occupations provided that such occupations are carried on in the main building, and further provided that not more than twenty-five (25) percent of the floor space of the dwelling is used for such occupations, and that only articles made on the premises shall be sold on the premises, and that no articles for sale shall be displayed so as to be visible from the street.
5. Churches, and other places of worship.
6. Schools
7. Government and Civic Buildings
8. Other uses of the same general character provided they are deemed fitting and compatible to the district by the City Council.

D. Lot and Structure Requirements

1. The following lot requirements shall apply to all lots created in the R-1 zone after the date this ordinance is enacted:

Lot Width – range, single unit dwelling (including those with accessory dwellings)	60 - 80 feet
Lot Width – range, 2 unit dwellings	60 - 100 feet
Lot Depth – range	100 - 160 feet

2. The following setback and other requirements shall apply to the construction or placement of structures or buildings on a property, except as specifically authorized otherwise by this Ordinance:

Build to Line, right-of-way, city streets and County Roads 12 and 22	10 – 20 feet
Building Façade – min. % constructed to the build to line (Lesser amounts may be authorized by conditional use permit if for the purpose of accommodating future subdivision of the lot)	60% - primary street 30% - side street
Setback, right-of-way, County Road 82 – minimum	30 feet
Setback, alley – minimum (measured from center line)	30 feet (primary building) 15 feet (accessory building)
Setback, side - feet, minimum	6 feet (primary building) 3 feet (accessory building <120 sq ft in size)
Setback, rear – minimum	25 feet (primary building) 10 feet (accessory building)
Impervious coverage – maximum	40%
Building height - feet, maximum	25
Dwelling width – feet, minimum	24
Accessory Building Coverage – maximum, cumulative (whether attached or detached). Greater sizes may be allowed by conditional use permit.	Lots less than 5 acres in size: 1,500 square feet Lots 5 acres in size or larger: 5,000 square feet
Accessory Dwelling Size – maximum, total floor area	700 square feet

- E. Existing Lots. A lot having less than the foregoing minimum areas and width shall be considered buildable, provided:
 - 1. It existed as a separate tract of land by virtue of a recorded plat or deed at the time it was legally platted.
 - 2. The tract is served by a City approved sewer and water system.
- F. Lot Frontage. All lots shall front on and have ingress and egress by means of a public right-of-way.
- G. Accessory Dwelling. An accessory dwelling may be allowed as a conditional use, and may be permitted within a dwelling (i.e. basement or second story) or above a garage (whether the garage is attached or detached), but not as a stand-alone building.
- H. Fences and Other Constructed Screening. Fences or other constructed screening not exceeding 72 inches in height may be constructed no closer than two (2) feet from the public right-of-way or as otherwise approved by conditional use permit so as to allow sufficient room for maintenance. Allowable construction materials shall consist of metal, wood, concrete, brick or smooth wire and be constructed and maintained in such a way that it does not create a visual blight or safety hazard. Barbed or electrified wire shall not be permitted.

5.4 R-2 MEDIUM DENSITY RESIDENTIAL

A. Purpose

The purpose of the R-2 Residential District is to provide for residential development characterized by 1-4 unit dwellings, traditional grid-style blocks and streets, lot sizes which allow for efficient use of street and utility infrastructure, and sidewalks which allow for convenient pedestrian access to the commercial areas and public spaces within the City.

Areas of the City generally appropriate for this zoning classification include those nearest the traditional center of the City or which have convenient pedestrian access to such areas.

B. Permitted Uses

- 1. Single-unit detached dwellings (one per lot)
- 2. Public Parks, Playgrounds
- 3. Residential accessory buildings, including private garages, carports, detached gazebos and screen rooms, and storage buildings consistent with the performance standards of this section
- 4. Two-unit dwellings (one per lot)
- 5. Three-unit dwellings (one per lot)
- 6. Four-unit dwellings (one per lot)
- 7. Accessory dwellings (one per lot)

C. Conditional Uses

- 1. The following are conditional uses in the R-2 District only upon the issuance of a conditional use permit as specified in this Ordinance:

2. Home occupations provided that such occupations are carried on in the main building, and further provided that not more than twenty-five (25) percent of the floor space of the dwelling is used for such occupations, and that only articles made on the premises shall be sold on the premises, and that no articles for sale shall be displayed so as to be visible from the street.
3. Churches, and other places of worship
4. Schools
5. Government and Civic Buildings
6. Hospitals and Clinics
7. Other uses of the same general character, provided they are deemed fitting and compatible to the district by the City Council.

D. Lot and Structure Requirements

1. The following minimum lot requirements shall apply to all lots created in the R-2 zone after the date this ordinance is enacted:

Lot Width – range, single unit dwelling (including those with accessory dwellings)	60 - 80 feet
Lot Width – range, 2-4 unit dwellings	60 - 100 feet
Lot Depth – range	100 - 160 feet

2. The following setback and other requirements shall apply to the construction or placement of structures or buildings on a property, except as specifically authorized otherwise by this Ordinance:

Build to Line, right-of-way, city streets and County Roads 12 and 22	10 – 20 feet
Building Façade – min. % constructed to the build to line (Lesser amounts may be authorized by conditional use permit if for the purpose of accommodating future subdivision of the lot)	60% - primary street 30% - side street
Setback, right-of-way, County Road 82 – minimum	30 feet
Setback, alley – minimum	30 feet (primary building) 10 feet (accessory building)
Setback, side - feet, minimum	6 feet (primary building) 3 feet (accessory building <120 sq ft in size)
Setback, rear – minimum	25 feet (primary building) 10 feet (accessory building)
Impervious coverage – maximum	60%

	80% by conditional use and stormwater management plan
Building height - feet, maximum	25
Dwelling width – feet, minimum	24
Accessory Building Coverage – maximum, cumulative (whether attached or detached). Greater sizes may be allowed by conditional use permit.	1-2 unit dwellings: 900 square feet 3-4 unit dwellings: 450 sq ft per dwelling unit. Lots 5 acres in size or larger: 5,000 square feet
Accessory Dwelling Size – maximum, total floor area	700 square feet

- E. Existing Lots. A lot having less than the foregoing minimum areas and width shall be considered buildable, provided:
1. It existed as a separate tract of land by virtue of a recorded plat or deed at the time it was legally platted.
 2. The tract is served by a City approved sewer and water system.
- F. Lot Frontage. All lots shall front on and have ingress and egress by means of a public right-of-way.
- G. Accessory Dwelling. An accessory dwelling may be allowed as a conditional use, and may be permitted within a dwelling (i.e. basement or second story) or above a garage (whether the garage is attached or detached), but not as a stand-alone building.
- H. Fences and Other Constructed Screening. Fences or other constructed screening not exceeding 72 inches in height may be constructed no closer than two (2) feet from the public right-of-way or as otherwise approved by conditional use permit so as to allow sufficient room for maintenance. Allowable construction materials shall consist of metal, wood, concrete, brick or smooth wire and be constructed and maintained in such a way that it does not create a visual blight or safety hazard. Barbed or electrified wire shall not be permitted.

5.5 R-3 HIGH DENSITY RESIDENTIAL DISTRICT

- A. Purpose. The purpose of the R-3 High Density Residential District is to provide for residential development characterized by multi-unit dwellings and group-living quarters, such as nursing homes, assisted living units and moderately-sized apartment buildings.

Areas of the City generally appropriate for this zoning classification include those nearest the traditional center of the City or which have convenient pedestrian access to such areas as well as other select areas.

- B. Permitted Uses

1. Single-unit detached dwellings (one per lot)

2. Public Parks, Playgrounds
3. Residential accessory buildings, including private garages, carports, detached gazebos and screen rooms, and storage buildings consistent with the performance standards of this section
4. Two-unit dwellings (one per lot)
5. Three-unit dwellings (one per lot)
6. Four-unit dwellings (one per lot)
7. Accessory dwellings (one per lot)
8. Nursing Homes
9. Assisted living facilities
10. Churches, and other places of worship
11. Schools
12. Government and Civic Buildings
13. Hospitals and Clinics

C. Conditional Uses

1. Home occupations provided that such occupations are carried on in the main building, and further provided that not more than twenty-five (25) percent of the floor space of the dwelling is used for such occupations, and that only articles made on the premises shall be sold on the premises, and that no articles for sale shall be displayed so as to be visible from the street.
2. Apartment buildings, up to a maximum of 12 units
3. Other uses of the same general character provided they are deemed fitting and compatible to the district by the City Council.

D. Lot and Structure Requirements

1. The following minimum lot requirements shall apply to all lots created in the R-3 zone after the date this ordinance is enacted:

Lot Width – range, single unit dwelling (including those with accessory dwellings)	60 - 80 feet
Lot Width – range, 2-4 unit dwellings	60 - 100 feet
Lot Depth – range	100 - 160 feet

2. The following setback and other requirements shall apply to the construction or placement of structures or buildings on a property, except as specifically authorized otherwise by this Ordinance:

Build to Line, right-of-way, city streets and County Roads 12 and 22	10 – 20 feet
Building Façade – min. % constructed to the build to line (Lesser amounts may be authorized by conditional use permit if	60% - primary street

for the purpose of accommodating future subdivision of the lot)	30% - side street
Setback, right-of-way, County Road 82 – minimum	30 feet
Setback, alley – minimum	30 feet (primary building) 10 feet (accessory building)
Setback, side - feet, minimum	6 feet (primary building) 3 feet (accessory building <120 sq ft in size)
Setback, rear – minimum	25 feet (primary building) 10 feet (accessory building)
Impervious coverage – maximum	60% 80% by conditional use and stormwater management plan
Building height - feet, maximum	25
Dwelling width – feet, minimum	24
Accessory Building Coverage – maximum, cumulative (whether attached or detached). Greater sizes may be allowed by conditional use permit.	1-2 unit dwellings: 900 square feet 3-4 unit dwellings: 450 sq ft per dwelling unit 5+ dwellings: 225 square feet per dwelling unit. Lots 5 acres in size or larger: 5,000 square feet
Accessory Dwelling Size – maximum, total floor area	700 square feet

- E. Existing Lots. A lot having less than the foregoing minimum areas and width shall be considered buildable, provided:
1. It existed as a separate tract of land by virtue of a recorded plat or deed at the time it was legally platted.
 2. The tract is served by a City approved sewer and water system.
- F. Lot Frontage. All lots shall front on and have ingress and egress by means of a public right-of-way.
- G. Accessory Dwelling. An accessory dwelling may be allowed as a conditional use, and may be permitted within a dwelling (i.e. basement or second story) or above a garage (whether the garage is attached or detached), but not as a stand-alone building.

- H. Fences and Other Constructed Screening. Fences or other constructed screening not exceeding 72 inches in height may be constructed no closer than two (2) feet from the public right-of-way or as otherwise approved by conditional use permit so as to allow sufficient room for maintenance. Allowable construction materials shall consist of metal, wood, concrete, brick or smooth wire and be constructed and maintained in such a way that it does not create a visual blight or safety hazard. Barbed or electrified wire shall not be permitted.

5.6 R-4 MANUFACTURED HOUSING RESIDENTIAL DISTRICT

A. Purpose

1. The purpose of the R-4 High Density Residential District is to provide for residential development characterized by manufactured housing, whether within an established manufactured home park or not.
2. Areas of the City generally appropriate for this zoning classification include those where manufactured housing is already present or where otherwise determined appropriate.

B. Permitted Uses

1. Single-unit detached dwellings, including manufactured homes (one per lot).
2. Public Parks, Playgrounds
3. Residential accessory buildings, including private garages, carports, detached gazebos and screen rooms, and storage buildings consistent with the performance standards of this section

C. Conditional Uses

1. Manufactured home park
2. Home occupations provided that such occupations are carried on in the main building, and further provided that not more than twenty-five (25) percent of the floor space of the dwelling is used for such occupations, and that only articles made on the premises shall be sold on the premises, and that no articles for sale shall be displayed so as to be visible from the street.
3. Other uses of the same general character provided they are deemed fitting and compatible to the district by the City Council.

D. Lot Requirements

1. See Section 7.1 for dimensional and other requirements related to manufactured home parks.
2. The following minimum lot requirements shall apply to all lots created in the R-4 zone after the date this ordinance is enacted, except as may be platted as a manufactured home park subject to the requirements of Section 7.1:

Lot Width – range, single unit dwelling	60 - 80 feet
Lot Width – range, 2 unit dwellings	60 - 100 feet
Lot Depth – range	100 - 160 feet

3. The following setback and other requirements shall apply to the construction or placement of structures or buildings on a property, except as specifically authorized otherwise by this Ordinance:

Build to Line, right-of-way, city streets and County Roads 12 and 22	10 – 20 feet
Building Façade – min. % constructed to the build to line (Lesser amounts may be authorized by conditional use permit if for the purpose of accommodating future subdivision of the lot)	60% - primary street 30% - side street
Setback, right-of-way, County Road 82 – minimum	30 feet
Setback, alley – minimum	30 feet (primary building) 10 feet (accessory building)
Setback, side - feet, minimum	6 feet (primary building) 3 feet (accessory building <120 sq ft in size)
Setback, rear – minimum	25 feet (primary building) 10 feet (accessory building)
Impervious coverage – maximum	40%
Building height - feet, maximum	25
Dwelling width – feet, minimum	14
Accessory Building Coverage – manufactured home park	Maximum size: 200 sq ft Maximum width: 10 feet
Accessory Building Coverage – maximum, cumulative per single family dwelling site (whether attached or detached). Greater sizes may be allowed by conditional use permit.	Lots less than 5 acres in size: 900 square feet Lots 5 acres in size or larger: 5,000 square feet

- E. Existing Lots. A lot having less than the foregoing minimum areas and width shall be considered buildable, provided:
1. It existed as a separate tract of land by virtue of a recorded plat or deed at the time it was legally platted or existed within an established manufactured home park.
 2. The tract is served by a City approved sewer and water system.
- F. Lot Frontage. All lots shall front on and have ingress and egress by means of a public right-of-way, except as otherwise provided and approved by the City as part of a manufactured home park.
- G. Accessory Dwelling. Accessory dwellings are not permitted in the R-4 district.

- H. Fences and Other Constructed Screening. Fences or other constructed screening not exceeding 72 inches in height may be constructed no closer than two (2) feet from the public right-of-way or as otherwise approved by conditional use permit so as to allow sufficient room for maintenance. Allowable construction materials shall consist of metal, wood, concrete, brick or smooth wire and be constructed and maintained in such a way that it does not create a visual blight or safety hazard. Barbed or electrified wire shall not be permitted.

5.7 HIGHWAY COMMERCIAL/LIGHT INDUSTRIAL

A. Purpose

To provide a zoning classification for commercial and light industrial uses oriented around the automobile and/or that require significant off-street parking or outdoor storage and product display areas.

B. Permitted Uses

1. Any commercial use where:
 - a. the use of the property is primarily for retail or service activities, and;
 - b. the use would not expose the surrounding area to significant noise, dust, vibrations, glare or other nuisance characteristics.
 - c. wastewater generated on the property shall not be in an amount or of a type that would excessively burden municipal sewer treatment abilities or capacities.
 - d. water consumed by activities on the property shall not be in an amount that would excessively burden the municipal water supply system.
2. Any industrial or similar use involving the manufacture, assembly, packaging or processing of products in a manner where:
 - a. the use would not expose the surrounding area to significant noise, dust, vibrations, glare or other nuisance characteristics.
 - b. wastewater generated on the property shall not be in an amount or of a type that would excessively burden municipal sewer treatment abilities or capacities.
 - c. water consumed by activities on the property shall not be in an amount that would excessively burden the municipal water supply system.
3. Schools
4. Government and Civic Buildings

C. Conditional Uses

1. Hospitals and Clinics
2. Any commercial or industrial use with hours of operation between the hours of 10:00 pm and 7:00 am.
3. Any legitimate use provided it is of the same general character as those listed under Permitted Uses, but that do not meet the specific criteria required for a Permitted Use, and provided they are deemed fitting and compatible to the district by the City Council.

D. Lot Requirements.

1. The following minimum lot requirements shall apply to all lots created in the Highway Commercial/Light Industrial zone after the date this ordinance is enacted:

Lot Width	50 feet
Lot Depth	None

2. The following setback and other requirements shall apply to the construction or placement of structures or buildings on a property, except as specifically authorized otherwise by this Ordinance:

Setback, right-of-way, public streets	30 feet
Setback, alley – minimum	30 feet (primary building) 10 feet (accessory building)
Setback, right-of-way, County Road 82 – minimum	30 feet
Setback, side - feet, minimum	10 feet
Setback, rear – minimum	10 feet
Building height - feet, maximum	25

- E. Impervious Coverage. Impervious coverage shall be limited to 50%, except that it may be increased to 75% if the following is provided and approved by the City:

1. A storm water retention plan showing containment of the 10-year, 24-hour storm event on the parcel.
2. Direct runoff of stormwater to adjacent properties and wetlands shall be eliminated through the use of berms, infiltration ponds, swales, filtration strips or other permanent means.

- F. Compatibility of Use. Use shall be compatible with the surrounding neighborhood. Uses shall not present noise, odor, light nuisances or any other nuisances.

- G. Parking. Off-street parking shall be provided as per the following:

1. Dimensions. Parking sites shall be a minimum of 20 feet long and 10 feet wide.
2. Parking Ratios. Adequate parking shall be required, with the following standards to be guidelines subject to site specific review by the Planning Commission:
 - a. Residential/Lodging. One (1) space per dwelling or unit in the Commercial and Downtown Mixed Use Zone.
 - b. Office/Retail. One (1) space per 250 square feet of floor area in the Commercial Zone and One (1) space per 400 square feet of floor area for Structures greater than 3,000 square feet in the Downtown Mixed Use Zone.

- c. Event Orientated/Civic. One space per seven (7) students + one (1) per two (2) employees or one (1) per three (3) seats in the Commercial and Downtown Mixed Use Zone.
- 3. To reduce the visual impacts and amount of surface parking, shared parking and surface parking shall be located behind or to the side of a building. Additionally, suitable trees and shrubs shall be planted between parking lots and all adjacent sidewalks, roads, lots and buildings.
- H. Screening. All sites shall be heavily landscaped to provide 100% screening to adjacent residential parcels and over 50% screening from the road or any non-residential parcel. Percentages shall be determined by amount of structure that can be seen during leaf-on conditions. A landscaping and screening plan must be submitted and approved by the Planning Commission with each conditional use permit.
- I. Lighting. Lighting shall be minimal. Lighting shall be downward directional and shall be compatible with the surrounding development. Lights approved with signs must be turned off at the close of business each day.
- J. Fire Lanes. Fire lanes shall remain unobstructed at all times.
- K. Fences. Fences not exceeding 84 inches in height may be constructed no closer than two (2) feet from the public right-of-way or as otherwise approved by conditional use permit so as to allow sufficient room for maintenance. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is prohibited, except where specific approval has been given by the Planning Commission.

5.8 RURAL INDUSTRIAL

- A. Purpose. The purpose of the Rural Industrial District is to establish and preserve areas for industrial and related uses that are best located outside the core areas of the City and can be served with existing public roads. Uses in this district can be effectively serviced with private sewer and water. These areas are intended for business and industry that, by their nature and/or operation, involve the potential for nuisance characteristics that cannot be contained within a building and thus would not be compatible with land uses in the core of the City. Uses that involve significant outdoor storage, large parking lots or loading/unloading areas, or other nuisance characteristics that are difficult to control are intended for this area provided that their operation is not of a nature incompatible with current or anticipated surrounding land uses.
- B. Permitted Uses
 - 1. Manufacturing, Wholesaling, bulk storage plants.
 - 2. Warehousing and other indoor storage facilities.
 - 3. Sales of large equipment or machinery involving outdoor display or storage.
- C. Conditional Uses
 - 1. Concrete, bituminous storage/recycling facilities
 - 2. Gravel or other mining

3. Hot mix plant
4. Ready mix plant
5. Salvage yard
6. Solid waste processing or transfer
7. Recycling facilities
8. Industrial or similar uses which may generate significant and regular nuisance characteristics
9. Industrial or similar uses which may generate significant and regular heavy truck or heavy rail traffic
10. Public water or sewage treatment facilities, including but not limited to treatment ponds and associated buildings.
11. Any legitimate use provided it is of the same general character as those listed under Permitted Uses and provided they are deemed fitting and compatible to the district by the City Council.

D. Lot and Building Requirements

1. Minimum Lot Width/Depth: None, provided that each parcel has direct or easement access to a public street of at least 20 feet in width.
2. The following setback and other requirements shall apply to the construction or placement of structures or buildings on a property, except as specifically authorized otherwise by this Ordinance:

Setback, right-of-way, public streets	30 feet
Setback, alley – minimum	30 feet (primary building) 10 feet (accessory building)
Setback, right-of-way, County Road 82 – minimum	30 feet
Setback, side - feet, minimum	10 feet
Setback, rear – minimum	10 feet
Building height - feet, maximum	25

- E. Impervious Coverage. Impervious coverage shall be limited to 50%, except that it may be increased to 75% if the following is provided and approved by the City:
1. A storm water retention plan showing containment of the 10-year, 24-hour storm event on the parcel.
 2. Direct runoff of stormwater to adjacent properties and wetlands shall be eliminated through the use of berms, infiltration ponds, swales, filtration strips or other permanent means.

5.9 OS OPEN SPACE/AGRICULTURAL DEVELOPMENT

A. Purpose. The purpose of the Open Space/Agricultural Development district is to allow for future planning of all lands in the City of Garfield not classified, or lands hereafter annexed shall become an Open Space/Agricultural Development District, and shall remain so until rezoned by the Council.

B. Permitted Uses

1. Single-unit detached dwellings (one per lot)
2. Public Parks, Playgrounds
3. Residential accessory buildings, including private garages, carports, detached gazebos and screen rooms, and storage buildings consistent with the performance standards of this section
4. Agricultural uses
5. Recreational Campgrounds/Campsites

C. Conditional Uses

1. Subdivisions of land resulting in at least one lot less than 35 acres.
2. Public water or sewage treatment facilities, including but not limited to treatment ponds and associated buildings.
3. Any legitimate use provided it is of the same general character as those listed under Permitted Uses, but that do not meet the specific criteria required for a Permitted Use, and provided they are deemed fitting and compatible to the district by the City Council.

D. Lot and Structure Requirements

1. The following setback and other requirements shall apply to the construction or placement of structures or buildings on a property, except as specifically authorized otherwise by this Ordinance:

Setback, alley – minimum	30 feet (primary building) 10 feet (accessory building)
Setback, right-of-way – minimum	30 feet
Setback, side - feet, minimum	6 feet (primary building) 3 feet (accessory building <120 sq ft in size)
Setback, rear – minimum	25 feet (primary building) 10 feet (accessory building)
Impervious coverage – maximum	40%
Building height - feet, maximum	25
Dwelling width – feet, minimum	24
Accessory Building Size – maximum, cumulative	Lots less than 5 acres in

(whether attached or detached). Greater sizes may be allowed by conditional use permit.	size: 900 square feet Lots 5 acres in size or larger: 5,000 square feet
Accessory Dwelling Size – maximum, total floor area	700 square feet

ARTICLE 6. PERFORMANCE STANDARDS

6.1 SIGNS

A. Purpose

The purpose of these standards is to protect the general welfare and safety of the City by providing a policy of aesthetic development to prevent signs from intruding on the character of the various parts of the City; to provide adequate signs for direction and property identification purposes; and to provide adequate and effective signs for commercial use.

B. Required Permits

All signs are considered structures and require a Zoning Permit, except signs placed by the City, County or State to relate the laws or ordinances, or to promote the health, safety and welfare of the community which are exempt, and signs exempted in this Chapter.

C. Exempt Sign. The following signs can be erected without a permit:

1. Temporary signs pertaining only to the construction, sale or rental of the premises, or of yard/garage sales involving the sale of household goods, are allowable provided they do not exceed 9 square feet in any zone and are removed within 30 days of the completion of construction, sale or rental.
2. Each parcel shall be allowed, for up to 15 days during any 90 day period, temporary signs, including banners, streamers and portable signs for special events, such as grand openings and promotions, provided they meet the following:
 - a. The total cumulative area of all temporary signs shall not exceed one half of the area allowed for a permanent sign in said zoning district.
 - b. No more than one (1) temporary signs shall be on display at a given time for each parcel, provided that the total area of the signs conforms to the provisions of subpart (1) contained herein.
 - c. Exceptions to the above restrictions may be granted by the City via an interim use permit.
3. Street identification signs and no hunting or trespassing signs are allowed without a permit.
4. Temporary signs endorsing a political candidate, party or issue during an election season are allowed without a permit. The sign must be removed within 30 days after the election.
5. Signs in any residential district, provided they meet the following standards.
 - a. Signs shall not be internally or externally lighted but may be reflective.
 - b. No sign shall be larger than 3 square feet, except for a permitted home occupation where 6 square feet is allowed
 - c. Only one sign per parcel shall be allowed.

D. General

1. Sight Distance. Placement of signs shall consider protecting sight distance at intersections, driveways and curves.
2. Prohibited Signs. In addition to any other signs specifically prohibited by this Chapter, all flashing, revolving and intermittently lighted signs are prohibited, except as specifically allowed in this section. Residential and commercial signs may not contain elements commonly used by highway departments to alert, direct or caution traffic such as, but not

limited to, octagonal stop signs or speed limit signs.

3. Temporary Signs. Portable and temporary banner signs are allowed for a maximum period of five (5) days in any sixty (60) day period, subject to the requirements of this section. Longer time frames and greater frequencies may be allowed by conditional use permit.
4. Digital Signs. Digital display signs are not allowed, except as specifically permitted by this ordinance.
5. Nonconforming Signs. A non-conforming sign may be refaced, removed and replaced for maintenance purposes, however it shall not be increased in size, the support system shall not be expanded and the sign shall be removed in its entirety upon the determination by the Zoning Administrator that the sign has been abandoned or is in disrepair or the support system is failing to the point where it poses a safety hazard.
6. Public Property. No signs, except for official traffic signs, shall be placed on or overhang public property, except where specific permission is granted by the Planning Commission or as allowed by this ordinance in the Downtown Mixed Use District.
7. Maintenance. All signs must be constructed and maintained in good order. Non-maintained signs or signs for discontinued business shall be removed
8. Coordination/Appearance. All permanent signs on a property must be coordinated to create a coordinated or consistent appearance in regards to size and color.
9. Area. Sign area shall be measured by means of one rectangular or circular shape that encloses all sign elements except those elements used exclusively for support. Measurements shall be of the sign itself, regardless of whether both sides are visible or used.
10. Sign Height. Sign height shall be measured from the ground surface to the highest portion of the sign.
11. Electrical Signs. Electrical signs must be installed in accordance with the current electrical code and a separate electrical permit from the State must be obtained prior to placement.
12. Setbacks. Permanent signs can be allowed up to the right-of-way as long as there are no safety or maintenance concerns as determined by the Zoning Administrator.

E. Onsite Signs

1. Downtown Mixed Use District

- a. General. Signs in the Downtown Mixed Used district shall be designed and installed so as to be easily readable to pedestrians and slow moving vehicles.
- b. Permitted Signs
 - i. Building identification signs
 - ii. Plaque Signs
 - iii. Awning and Canopy Signs
 - iv. Projecting Signs
 - v. Hanging Signs
 - vi. Monument Signs
 - vii. Window Signs
 - viii. Banner Signs
 - ix. Portable A-frame Signs

- c. Prohibited Signs
 - i. Off-Premise Signs
 - ii. Rooftop signs
 - iii. Box cabinet wall signs, whether on a building or pole.
 - iv. Pole signs, except as necessary for traffic control or for providing directions to pedestrians.
 - d. Design Standards
 - i. Maximum size. Maximum sizes shall be for the entire sign, regardless of whether both sides of a sign are used or not. Sign area shall not exceed:
 - (A.)Plaque signs – Two (2) square feet.
 - (B.)Projecting signs – Twelve (12) square feet.
 - (C.)Hanging, window and portable A-frame signs – Six (6) square feet.
 - (D.)Monument signs – No greater than eight (8) feet wide by seven (7) feet tall.
 - (E.)Building identification signs - No greater than eighty (80) percent of the width of the building by fifteen (15) percent of the height of the building.
 - (F.) All other signs – Twelve (12) square feet.
 - ii. Minimum height. Awning, canopy and projecting signs designed to extend out from a building shall have a minimum vertical clearance of 8 feet from a sidewalk or other pedestrian way. All other signs are not required to meet a minimum height.
 - iii. Maximum height. No signs, except for building identification signs, shall be located above a second floor of a building or 20 feet from the ground surface, whichever is higher.
 - iv. Projection from building. No sign shall extend more than forty-eight (48) inches from the edge of a building, except that marquee signs may extend up to eight (8) feet.
 - v. Lighting. Signs shall be externally lit only by indirect methods or internally lit. No neon signs shall be allowed, except digital signs otherwise allowed by this ordinance.
2. Highway Commercial and Industrial Districts
- a. General. Signs in the Highway Commercial and Industrial Districts shall be designed and installed so as to be easily readable to vehicles traveling at speeds of 45-55 miles per hour.
 - b. Permitted Signs
 - i. Building identification signs
 - ii. Plaque Signs
 - iii. Awning and Canopy Signs
 - iv. Projecting Signs
 - v. Hanging Signs
 - vi. Monument Signs
 - vii. Window Signs
 - viii. Banner Signs

- ix. Portable A-frame Signs
- x. Box cabinet wall signs, whether on a building or pole
- xi. Pole signs
- c. Prohibited Signs
 - i. Off-Premise Signs
 - ii. Rooftop signs
- d. Design Standards
 - i. Freestanding Signs. Each property is allowed one freestanding sign so long as the sign can meet setbacks and its placement does not obstruct lines of sight or pedestrian corridors and meets any applicable setbacks required from county, state or city roads.
 - (A.) Buildings located in a 40 mile per hour speed zone or higher are allowed up to 48 square feet of freestanding sign that shall not exceed 20 feet in height, as measured to the top of the sign.
 - (B.) Buildings located in a less than 40 mile per hour speed zone are allowed up to 32 square feet of freestanding sign and, for multi-business buildings, are allowed an additional 8 square feet for each business after the first. The sign may not exceed 10 feet in height.
 - (C.) For corner lots, one freestanding sign conforming to these standards is allowed on each roadway.
 - (D.) Any attached sign that protrudes from a structure more than 2 feet will be considered a freestanding sign.
 - ii. Building Signs. Signs attached to a building shall be allowed provided they do not extend above the eave of the building roof.
 - iii. Lighting. Signs may be internally or indirectly lit. No neon signs shall be allowed. Digital signs shall be allowed as specified in this ordinance.
 - iv. Accessory Structures. There shall be no signage on accessory structures.
 - v. Multiple Signs. Property owners seeking to display more signs than what are allowed in this section or seeking allowances outside of what is allowed in this section, may obtain permission to do so by conditional use permit. Such application for a conditional use permit shall include submittal of a sign concept plan for the entire parcel. In addition to conditional use permit criteria, the basis for approval or denial shall include an evaluation of:
 - (A.) necessity of the additional signage
 - (B.) alternatives to additional signage
 - (C.) continuity with signage on adjacent parcels
 - (D.) aesthetic impacts, and
 - (E.) perceived effectiveness of proposed signage.

F. Offsite Signs

Off-site (billboard) signs are prohibited, except for residential or commercial directory signs. Any existing off-site signs are considered non-conforming structures.

G. Digital Signs

1. Digital display signs shall only be allowed where the digital portion of the sign contains only the printable characters (letters, numbers, punctuation marks, and symbols) available on a standard keyboard.
2. The digital portion of a sign can only display characters in a single color, against a dark background.
3. The digital portion of a digital sign must remain static, and not scroll, flash, strobe, blink, pulse, fade, illuminate with varying light intensity or changing colors, or create the illusion of movement. Notwithstanding these requirements, the digital display may change its message once per hour.
4. Digital display signs must be turned off between the hours of 10:00 pm and 7:00 am, or during times when the business posting the sign is not open for business, whichever is later. Businesses open 24 hours per day do not need to turn off such signs.

H. Directory Signs

To facilitate economic growth and reduce the overall amount of signage within the City, the City of Garfield may, at its discretion, establish directory signs in any zone. Directory signs should be in lieu of other signage, such as an existing off-site sign or signage provided by the Minnesota Department of Transportation.

6.2 NUISANCE STANDARDS

- A. Compliance Required. Every use permitted by this Chapter shall be so established and maintained as to comply with the provisions of this section. The Planning Commission may require the complaining party to provide such tests or investigations by an independent testing organization satisfactory to the Planning Commission as are necessary to show non-compliance with these standards. The entire cost of such investigations and tests shall be paid for by the complaining party unless the results disclose non-compliance with these standards; in that event, the entire cost shall be borne by the owner or operator. This provision does not preclude the City from making any investigations and tests it finds appropriate to determine compliance with these standards.
- B. Noise. Noise shall be measured on any property line of the tract on which the source of the noise is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness, or intensity.

In addition, no persons shall make or cause to be made, any impulsive and loudly audible noise that injures or endangers comfort, repose, health, peace, safety or welfare of any persons or precludes their enjoyment of property or affects their property value.

- C. Odor. No use shall cause the discharge of toxic, noxious or odorous matter beyond the limits of the site where it is located in such concentrations as to be obnoxious or otherwise detrimental to the public health, safety, comfort or welfare or cause injury to property or business.
- D. Glare. Direct or reflected glare, such as from floodlights, spotlights or high temperature process, and as differentiated from general illumination, shall not be visible beyond the sight of origin at any property line. Any lights used for exterior illumination shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted where in view of adjacent property or public right-of-way. Except for public street lights, any light or combination of lights which cast light on a public street shall not exceed one foot-candle as measured from the property line of said street. Any light or combination of lights which cast light on residential property shall not exceed one foot-candle as measured from the property line of said property.

- E. Vibration. Vibration at any property line shall not be discernible to the human sense of feeling for three (3) minutes or more duration in any one (1) hour period. Vibration of any kind shall not produce at any time an acceleration of more than one-tenth (1/10) gravities or result in any combination of amplitudes and frequencies beyond the "safe" range of Table VII United States Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting" on any structure. The methods and equations of that bulletin shall be used to compute all values for the enforcement of this provision.
- F. Smoke. The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations APC 7017. Open burning shall require a DNR burning permit.
- G. Dust and Other Particulate Matter. The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 7011.
- H. Fumes or Gases. Fumes or gases shall not be emitted at any point in concentrations that are noxious, toxic or corrosive. The values given in Table I (Industrial Hygiene Standards - Maximum Allowable Concentration for eight hour day, five days per week), Table III (Odor Thresholds), Table IV (Concentrations of Substances Causing Pain in the Eyes), and Table V (Exposure to Substances Causing Damage to Vegetation) in the latest revision of Chapter 5, "Physiological Effects" that contains such tables, in the "Air Pollution Abatement Manual" published by the Manufacturing Chemists' Association, Inc., Washington D.C., are hereby established as guides for the determination of permissible concentration and amounts. The City may require detailed plans for the elimination of fumes or gases before the issuance of a Zoning Permit.
- I. Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices as are normally used in the handling of such materials. Such hazards shall be kept removed from adjacent activities to a distance that is compatible with the potential danger involved.
- J. Wastes
 - 1. All waste generated shall be disposed of in a manner consistent with all Minnesota Pollution Control Agency rules.
 - 2. Any accumulation of waste generated on any premises not stored in a closed container, or any accumulation of mixed solid waste generated on any premises which has remained thereon for more than one week, or any accumulation of infectious, nuclear, pathological, or hazardous waste which is not stored or disposed in a manner consistent with Minnesota Pollution Control Agency rules, is a nuisance and may be abated and the cost of abatement may be addressed against the property where the nuisance is found.
 - 3. The accumulation, storage, processing, and disposal of waste on any premises, which is not generated on that premises, is prohibited, except as specifically provided in this Chapter.
- K. Air Pollution. Every activity shall conform to State regulations relating to air quality standards and air pollution control.
- L. Erosion and Drainage
 - 1. No land shall be developed and no use or topographic alterations shall be permitted that would reasonably be expected to result in water runoff causing flooding, erosion, or deposit of sediment on adjacent properties.
 - 2. All storm sewer inlets and drainage ways that are functioning during construction shall be protected so that sediment laden water does not enter the conveyance system without first

- being filtered or otherwise treated to remove sediment.
3. All on-site storm water conveyance systems must be designed and constructed to withstand the design volume of storm water with appropriate stabilization to prevent scour and erosion. Erosion controls must be provided at the outlets of all storm sewer pipes or drainage ways.
 4. All temporary and permanent erosion and sediment control practices shall be maintained and repaired to assure the continued performance of their intended function.
 5. All disturbed ground left inactive for seven or more days shall be stabilized by seeding or sodding or by mulching or covering or other equivalent control measure.
 6. All temporary erosion control devices, including silt fence, gravel, hay bales or other measures shall be removed from the construction site and properly disposed of or recycled. This removal and disposal must occur within 60 days of the establishment of permanent vegetative cover on the disturbed area.
- M. Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity at any point or any electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance. Adverse effects shall be measured by FCC standards.
- N. Fertilizers, herbicides and pesticides. No person shall place, spread or store fertilizers, herbicides and/or pesticides in any manner other than that recommended by the manufacturer or in any manner which allows any escape of nutrients or toxins into the air, ground water or surface water of the City.
- O. Abandoned Buildings. No person shall allow a building, mobile home/manufactured house, or other structure to be abandoned, deteriorated or a safety hazard. All abandoned, deteriorated or unsafe structures shall be removed. If the owner fails to remove the structure, the City shall do so and assess the cost against the property through the County taxation method.

6.3 FENCES

Fences meeting the standards below shall not require a permit.

- A. Safety Hazards. Fences shall not be erected where they create a safety hazard in the opinion of the Zoning Administrator. Fences shall not be electrified or contain barbed wire except for the purpose of containing animals and in areas where contact with the general public is not reasonably anticipated.
- B. Location and Orientation. All boundary line fences shall be entirely located upon the property of the person constructing such fence unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties. Landowners are responsible for identifying their property lines.
- C. Construction. The primary façade of the fence shall face abutting properties, meaning that the posts shall face in toward the property on which the fence sits and the finished face of the fence shall face abutting properties, unless the owner of the property adjoining agrees, in writing, that such fence may be constructed otherwise.
- D. Height. Height is regulated for each zoning district.
- E. 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. If the fence is within two feet of a property line, the adjoining property owner abutting the fence is allowed to finish the side of the fence facing their property.

- F. Hedges and shrubs. Shrubs and hedges planted in such a way as to create a continuous visual or physical barrier for a distance of at least ten (10) feet and three (3) feet in height shall be regulated as a fence for the purposes of this ordinance.

6.4 MAINTENANCE

All structures shall be properly maintained in a clean and acceptable manner so as not to constitute a menace to the public health, safety, convenience, general welfare, property values, and aesthetics. All landscaping shall be properly maintained so as to preserve planting in a live state and free of noxious weeds.

6.5 STORAGE

A. Exterior Storage

1. There shall be no exterior storage allowed on residential lots that do not contain a principle or accessory structure.
2. On residential lots where there is a principle or accessory structure, materials and equipment shall be stored within ten (10) feet of a structure or within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying, licensed recreational equipment, construction landscaping materials and equipment currently being used for construction of the premises, woodpiles, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking except as otherwise regulated herein.
3. No more than two fish houses and one recreational vehicle are permissible if they are currently licensed. Fish houses and recreational vehicles must be stored at least 10 feet distance from any property line and outside of the OHW setback.
4. On residential lots, abandoned motor vehicles, tires and other vehicle parts shall be stored within a structure or completely screened from view from adjacent properties and right-of-way or meet other applicable city ordinances relating to unlicensed vehicles. Tires shall be stored, enclosed or covered in such a way that they do not collect water. Abandoned motor vehicles, tires and other vehicle parts not meeting these requirements shall be deemed abandoned and shall be ordered removed within a specified time by the Zoning Administrator.

B. Bulk Storage

All uses associated with the bulk storage of oil, gasoline, liquid propane, liquid fertilizer, chemicals and similar liquids shall comply with the requirements of the Minnesota State Fire Marshall, the Minnesota Pollution Control Agency and Minnesota Department of Agriculture. When in excess of normal domestic allowances, the property owner shall have documents from those offices stating that the use is in compliance. No storage facility shall be constructed or placed where spillage from the facility would drain to a drainageway or public waters without providing complete containment.

6.6 SANITATION STANDARDS

- A. Solid Waste. All solid waste shall be disposed of in accordance with the standards of Douglas County.
- B. Domestic Sewage. All sewage shall be discharged to a municipal sanitary system or private

sewage treatment system as required by Garfield City Ordinance No. 47, Minnesota Rules Chapter 7080 or other applicable local and state law.

- C. Agriculture or Animal Wastes. Within the shoreland area, 1,000 feet from a lake or 300 feet from a watercourse, no waste products from agriculture or animal husbandry operations shall be deposited by man at any greater rate than the plant and soil system can absorb the nutrients; nor shall any wastes be allowed to accumulate where surface waters flow directly to public waters or watercourses. No livestock shall be allowed to water directly in a stream or public water.
- D. Water Supply
 - 1. All potable water systems shall be connected to a municipal water supply, if made available.
 - 2. All domestic and agricultural wells shall conform to the Minnesota Department of Health Standards for wells.
 - 3. All water systems shall meet the requirements of the Minnesota Department of Health Standards for water systems.
 - 4. All wells being abandoned shall be sealed according to Minnesota Department of Health Standards and report to Minnesota Department of Health and the City.

6.7 ANIMAL HUSBANDRY

- A. Pets. Pets shall be properly cared for, shall not be allowed to create problems for neighbors or the City, or become a nuisance, and shall have sanitary standards maintained consistent with Section 17-7.7(3).
 - 1. The keeping of more than three (3) dogs and two (2) cats over six months of age shall not be permitted on lots less than one acre in size.
 - 2. On lots larger than one (1) acre, the keeping of more than three (3) dogs and two (2) cats over six months of age shall be considered a kennel and permitted only by conditional use permit. In reviewing such a request for a kennel, the City shall consider the ability of the applicant to humanely accommodate the number of animals requested given the lot size and conditions, the likelihood that barking or other activities of the animals will constitute a nuisance to neighboring property owners and the ability of the applicant to ensure adequate safety to the public.
- B. Livestock
 - 1. Livestock may be raised as provided in Zoning Districts with proper permits provided that the standards of each District are not compromised.
 - 2. Livestock shall be properly cared for, shall not create problems for neighbors or the City and shall have sanitary standards maintained consistent with Section 17-7.7(3).
- C. Wild Animals
 - 1. The keeping of wild animals as pets - including but not limited to primates and large carnivores - is not allowed.
 - 2. Wildlife rehabilitation uses shall require a Conditional Use Permit and must meet the minimum standards established by the State of Minnesota Department of Natural Resources pursuant to Minnesota Rules Chapter 6244.

6.8 PARKING

- A. General. Parking on City streets shall be subject to all applicable local regulations. Adequate parking or garage space shall be regulated by this section for all Districts, except as specifically exempted or regulated otherwise. There shall be adequate drive access to prevent the need to back onto collector streets or County Highways.
- B. Dimensions. Parking sites at established parking lots shall be a minimum of 20 feet long and 10 feet wide, unless otherwise approved by the City Council.
- C. Parking Ratios. Adequate parking shall be required, with the following standards to be guidelines subject to site specific review by the Planning Commission:
 - 1. Residential/Lodging. One (1) space per dwelling or unit in the Commercial and Downtown Mixed Use Zone.
 - 2. Office/Retail. One (1) space per 250 square feet of floor area in the Commercial Zone and One (1) space per 400 square feet of floor area for Structures greater than 3,000 square feet in the Downtown Mixed Use Zone.
 - 3. Event Orientated/Civic. One space per seven (7) students + one (1) per two (2) employees or one (1) per three (3) seats in the Commercial and Downtown Mixed Use Zone.

6.9 LOADING AND UNLOADING REQUIREMENTS

There shall be adequate loading and unloading areas established for each property, which may include the occasional and temporary use of city streets and right-of-way, based on the use. It shall be the property owner's responsibility to ensure that their loading and unloading operations do not interfere with the flow of traffic, create a nuisance or pose a safety hazard. Operations are subject to review by the Planning Commission.

6.10 DRAINAGE

- A. General
 - 1. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
 - 2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities and methods used to retain sediment on the site.
 - 3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds must be used. Preference must be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and man-made materials and facilities.
- B. Natural Drainage. All development shall provide for the continuance of natural drainageways or provide equally effective means of draining water.
- C. Drainage Storage Areas. The use of natural or manmade stormwater storage areas is encouraged. These areas should be vegetated and designed to naturally lower after a storm.
- D. Public Waters. Newly constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming or surface debris before discharge.

- E. Erosion. Erosion control measures shall be provided in all areas disturbed during any grading or construction. All areas disturbed shall be covered with topsoils and seeded. Areas subject to concentrated runoff or steeper than 3:1 shall be sodded, planted with appropriate deep-rooted vegetation, or protected with an appropriate mulch cover as directed by the City.

6.11 GRADING

- A. General. The following activities must be authorized by permit, except for excavation for permitted structures, drives, sewer systems and parking areas:
 - 1. Grading and filling of wetlands
 - 2. Any alteration out where the amount of grading (including materials moved, removed or brought in) exceeds 500 cubic yards.
- B. Conditions. The following conditions shall apply:
 - 1. The smallest amount of bare ground is exposed for as short a time as feasible.
 - 2. Four inches of topsoil is placed, temporary ground cover such as mulch is used and permanent ground cover such as sod is planted.
 - 3. Methods to prevent erosion and trap sediment are employed.
 - 4. Fill is stabilized to acceptable engineering standards and must not create an unstable slope.
- C. Wetlands. Grading or filling in any protected wetland is prohibited unless authorized by Federal, State, County and Local permitting agencies.

6.12 CAMPING

- A. General
 - 1. All recreational vehicles must be designed to operate on state roads without a special permit and must have a current license.
 - 2. No camping unit may be permanently placed or skirted.
 - 3. All camping units must be able to be moved readily.
 - 4. Camping units must meet dwelling setback requirements and shall not be allowed to park on City streets for periods greater than 24 hours.
 - 5. Prior to placing a camping unit, the occupant must have the permission of the property owner. The permission must be written when the property owner is not available on site and provided to the City upon request.
- B. Properties with principle structures
 - 1. There shall be a maximum of two units allowed at any one time.
 - 2. No individual camping unit may be placed for use longer than 14 days within any 60 days, except by conditional use permit.
 - 3. One camping unit may be allowed in outside storage. That unit may be stored year-round.
- C. Properties without principle structures
 - 1. There shall be a maximum of two units allowed at any one time.
 - 2. Each individual camping unit is allowed for 14 days in any one calendar year without a

permit.

3. A conditional use permit is required for camping units established for more than 14 days in any one calendar year. The maximum time an individual unit can be established is nine months in any one calendar year.
4. One permit per parcel per calendar year is allowed.
5. Sewage and other wastewater generated from a recreational camping unit must be disposed of in accordance with applicable state and local regulations.

D. Properties where a principle structure is being constructed

1. Camping units are allowed in conjunction with a land use permit for construction of a principle structure.
2. Camping units are allowed up to 12 months during construction, with extension for an additional 12 months in conjunction with extension of a zoning permit.

ARTICLE 7. SPECIAL PROVISIONS

7.1 MANUFACTURED AND PRE-BUILD HOUSING DEVELOPMENT

- A. General. Manufactured housing development shall be administered as a Conditional Use in the zoning district where said use is allowed. Development of this type creates a heavy demand and reliance on municipal type facilities including roads, sewer, water and fire protection. In addition these developments are often the most dense in a community requiring heavier streets, more public recreation facilities and nearby shopping.
1. Minimum Standards
 - a. A Minnesota Department of Health Permit shall be required. Where Department of Health regulations are more restrictive than those in this section, the stricter regulations shall apply.
 - b. Parcel size shall be a minimum of 20 acres.
 - c. At least two (2) acres or 10 percent of the total parcel, whichever is greater, shall be set aside for parks and recreation.
 - d. Minimum individual lot dimensions shall be 40' x 100' when served by an on-site sewage treatment system or 40' x 70' if the park is served by a municipal sewage system.
 - e. At least 20% of the land shall be in common ownership not used for individual lots, which may include the area set aside for parks and recreation.
 - f. The common roadway area, where private, shall be a minimum of 40-foot wide with a 24-foot wide bituminous surfaced road.
 - g. There shall be a minimum of 2 and a maximum of three parking spaces for each unit.
 - h. Each unit shall be a minimum of 640 square feet.
 - i. All units must be skirted, unless placed on an enclosed foundation.
 - j. Landscaping shall be required as per the direction of the Planning Commission.
 - k. When served by public utilities, there shall be individualized sewer, water and electrical connection for each site.
 - l. An adequate number of fly tight, watertight and rodent-proof containers must be provided for all garbage and refuse. Garbage must be collected for disposal as often as necessary to prevent nuisance conditions and at least once each week.
 - m. Each unit must meet the requirements of the state building code, HUD standards and Minn. Stat. §§327.21 -327.35, as amended; and shall not be in disrepair or unsafe condition at time of installation and have the required state seal attached.
 - n. Sufficient storm shelter, or a plan for the evacuation and sheltering of residents in times of severe weather, shall be provided to accommodate all residents of the development. Such shelters or plans shall meet the requirements of the Minnesota Department of Health and any local requirements.
 - o. Water meters shall be installed and maintained for each manufactured home unit.
 - p. Each manufactured home unit must be placed on a concrete, or other hard-surface pad, as approved by the City.

7.2 CAMPGROUNDS/CAMPSITES

- A. General. Campgrounds/RV parks shall be administered as Conditional Uses in the zones where said use is allowed.
- B. Minimum parcel size. No campground or recreational vehicle park shall be allowed on a parcel of less than 10 acres.
- C. Dwelling site requirements. The dwelling sites must conform to the Minnesota Department of Health Standards and the following:
 - 1. Campsites or recreational vehicle sites shall have a minimum of 3,000 square feet designated for each family unit, with a minimum of 40 feet, center to center.
 - 2. A strip of land with a minimum width of 40 feet shall be reserved for a service road adjacent to each of the designated sites.
 - 3. Parking shall be off the road.
 - 4. A water system capable of providing 100 gallons per site, per day, at 20 psi at the most remote fixture for RV sites, or within 400 feet of each campsite for non RV sites.
 - 5. Conforming onsite sewage collection and disposal system sized for 100 gallons per campsite per day.
 - 6. Solid waste facilities consisting of one 30 gallon can for each 4 campsites or one dumpster for each 20 sites, constructed to prevent overturning or cover removal by animals, and screened.
 - 7. Fire pit for each campsite.
 - 8. Campsites for recreational vehicles shall have sewer connection, water connection and electric connection, or recreational vehicles shall be self-contained and a wastewater disposal station for the first and each 100 such vehicles at least 50 feet from the nearest campsite shall be provided.
 - 9. Drinking water and restroom facilities with showers shall be provided, all within 400 feet of every site not served with full facilities.
 - 10. Grass or other complete ground cover shall be maintained except in parking areas and roads.
 - 11. Evidence shall be provided, prior to final approval, that the licenses and approval process of Minnesota Department of Health has been adhered to.
 - 12. All sites shall be well drained.
 - 13. Sufficient storm shelter shall be provided to accommodate all occupants of the campground.

7.3 HOME OCCUPATION

- A. General. Each home occupation in the City shall require an interim use permit. Home occupation permits are not transferable to a new owner/renter/occupant, thus the permit will not run with the property, nor be transferable to a different property.
- B. Standards
 - 1. All business activities, including storage, shall be inside buildings or completely screened from adjacent properties, except where specifically allowed otherwise by the City.
 - 2. All activities shall be clearly incidental to the use of the property for residential purposes.

- Not more than twenty-five percent (25%) of the gross floor area of the residence or 50% of the gross floor area of a garage or storage building shall be used for commercial purposes.
3. No home occupation shall be conducted between the hours of 10:00 p.m. and 7:00 a.m. unless said occupation is contained entirely within the principal building and will not require any on-street parking facilities.
 4. Not more than two non-residents may be employed on the premises by the home occupation.
 5. On the premises, retail sales will be allowed only of products manufactured on those premises unless specifically authorized by Conditional Use Permit.
 6. No articles for sale shall be displayed so as to be visible from the street.
 7. All activities will be controlled to prevent nuisance problems of noise, vibration, smoke, dust, fumes or litter.
 8. The home occupation shall not generate more than two (2) customer vehicles at one time. Off-street parking shall be provided, but no more than two (2) spaces.
 9. No mechanical or electrical equipment shall be used if the operation of such equipment interferes unreasonably with the desired quiet residential environment of the neighborhood or if the health and safety of the residents is endangered. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
 10. A person having a home occupation shall provide proof of meeting the above requirements upon request by the City.
 11. Yard Sales/Garage Sales. Yard sales and garage sales do not require a home occupation permit so long as they do not exceed seven cumulative days in one calendar year.
 12. Private Automobile Sales. One automobile displayed for sale on a property shall not require a home occupation permit so long as not more than two automobiles are sold over thirty cumulative days per calendar year.

7.4 AUTO SALVAGE YARDS/JUNK YARDS

Auto salvage yards are not allowed within the City limits.

7.5 LANDFILLS

Landfills are not allowed in the City of Garfield. Disposal of trees, stumps, rock, brush and other natural products by burying is allowed on construction sites as determined by the permit.

7.6 TELECOMMUNICATION TOWERS

A. Purpose and Intent

1. To establish predictable and balanced regulations that protect the public health, safety, and general welfare of the City.
2. Facilitate the provision of telecommunications services and facilities including commercial wireless telecommunication services in Garfield.
3. Minimize adverse visual effects of towers through careful design standards.
4. Avoid potential damage to adjacent properties from tower or antenna failure and weather related occurrences through structural standards, careful siting, and setback requirements;

5. Encourage the use of existing towers and buildings to accommodate commercial wireless telecommunication service antennas in order to minimize the number of towers needed to serve the City.
- B. Permits Required. It shall be unlawful for any person, firm or corporation to erect, construct in place, place or re-erect any tower, unless it shall replace a like tower, without first making application to the City and securing a permit. A change in construction, dimension, lighting design or design type shall also require a permit. The placement of antennae on previously approved towers may be administratively approved by the City.
- C. Tower and Antenna Design Requirements. Proposed or modified towers and antennas shall meet the following design requirements:
1. Towers and antennas shall blend into the surrounding environment through the use of color and camouflaging architectural treatment except in instances where the color is dictated by federal or state authorities.
 2. No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.
 3. Towers and their antennas shall be certified by a qualified and licensed professional engineer to conform to applicable state structural building standards.
 4. Towers and their antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
 5. Metal towers shall be constructed of, or treated with, corrosive resistant material.
- D. Tower Setbacks. Towers and all accessory structures or buildings shall conform to the following minimum setback requirements:
1. Towers shall be set back from all property lines and existing structures an amount equal to the height of the structure.
 2. Guy wires for towers shall be located no closer than twenty-five (25) feet to any property line and shall meet the setback of the underlying land use district with respect to the public road right of way.
 3. Suitable protective anti-climbing fencing, with a minimum height of six (6) feet shall be provided around any tower and guy wires.
- E. Tower Location. Towers less than two hundred (200) feet in height shall be located a minimum of one-half mile from the end of an airport clear zone as measured from the center point of the base of a free-standing tower. Towers that are 200 feet or more in height shall be located a distance of at least three miles from any public or private airport.
- F. Co-Location Requirements. All commercial wireless telecommunication towers erected, constructed, or located within the City shall comply with the following requirements:
1. Documentation of the area to be served including maps demonstrating the size of communication cells and a search ring for the antenna location. A narrative describing a search ring for the request, with not less than one (1) mile radius clearly explaining why the site was selected, what existing structures were available and why they are not suitable as locations or co-locations.
 2. Documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the search ring of the service area due to one or more of the following reasons:

- a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned equipment at a reasonable cost.
 - b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer or qualified radio frequency engineer and the interference cannot be prevented at a reasonable cost.
 - c. Existing or approved towers and buildings within the search radius that are sixty (60) feet or over in height that cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 - d. Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
3. Any proposed tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 99 feet in height, or for at least one additional user if the tower is between 35 and 99 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept mounting at varying heights.
 4. An agreement stating that the site will be designed for not less than three users with applicant and property owner commitment to co-location, whereby, any prohibition of additional users on a tower will be considered a violation of the permit and city policy. The agreement shall also include a statement that any unused or abandoned tower shall be removed by the property owner and/or applicant. Said agreement shall be signed by the applicant and the property owner and shall be attached to and become a part of the permit.
- G. Antennas Mounted on Existing Buildings or Towers. The placement of telecommunication antennas including wireless telecommunication antennas on existing buildings, towers or structures, shall meet the requirements of the underlying land use district and this section. A site plan and building plan must be submitted to the City as part of the land use permitting process. Where a tower is non-conforming due to the requirements of this section additional telecommunication antennas may be permitted to be placed on the tower after being reviewed by the Zoning Administrator.
- H. Accessory Utility Buildings. All buildings and structures accessory to a tower shall:
1. Be architecturally designed to blend in with the surrounding environment and shall meet the height and setback limitations as established for each land use district.
 2. Have ground mounted equipment screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
- I. Tower Lighting. A tower shall not be illuminated by artificial means and shall not have affixed or attached to it in any way except during time of repair or installation, any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Administration or the Federal Communications Commission or state agency. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.
- J. Abandoned or Unused Towers. Abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. In the event that a tower is not removed

within the 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.

- K. Public Safety Telecommunications Interference. Commercial wireless telecommunications services shall not interfere with public safety telecommunications. All applications shall include adequate information that will be reviewed by the Planning & Zoning Commission before a permit may be issued. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the City at least ten (10) calendar days in advance of any changes and allow the City to monitor interference levels during the testing process.
- L. Signs and Advertising. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
- M. Non-conforming Towers. In order to avoid requiring new towers and to minimize the number of towers needed to serve the city, the following provisions shall apply to non-conforming towers. Telecommunication towers in existence at the time of this Ordinance may be permitted to increase tower height after being issued a conditional use permit. The Planning & Zoning Commission shall consider the following criteria as part of the conditional use permit process:
1. Tower safety concerns including tower collapse, falling ice, and airplane traffic.
 2. Land use character and history of tower(s).
 3. Comparative visual impact to the surrounding lands of the proposed tower height increase.
 4. Disturbance or conflict with agricultural uses on the property.
 5. Other factors which tend to reduce conflicts or are incompatible with the character and need of the area.
- N. Screening and Landscaping Requirement. A screening and landscaping plan designed to screen the base of the tower, accessory utility buildings, utility structures, and security fencing shall be submitted. The plan shall show the location, size, quantity, and type of landscaping materials. Landscape materials shall be capable of screening all year and must be six (6) feet in height by the end of the second growing season. Gravel or other durable surface or other weed prevention measures shall be applied within the fenced area to prevent the growth of weeds. A maintenance plan for landscaped materials shall also be submitted.
- O. Additional Submittal Requirements. In addition to the information required elsewhere, applications shall include the following information:
1. A report from a licensed professional engineer that describes the commercial wireless telecommunication service tower's capacity, including the number and type of antennas that it can accommodate.
 2. A letter of intent from the commercial wireless telecommunication service tower owner committing the tower owner and successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
 3. The location of all public and private airports within a three (3) mile radius of the tower site.
 4. Applicant must obtain FAA approval and/or provide documentation that FAA approval is not needed.
 5. Applicant must obtain FCC licensure and approval as required for various communications applications. No interference with local television and radio reception will be allowed.
 6. An intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems, only if that is the basis for not co-locating.

7. The applicant must submit proof of Liability and Worker's Compensation.
 8. For towers over five hundred (500) feet, an Environmental Assessment Worksheet (EAW) is required and the applicant shall be responsible to provide the city with all information required to complete the EAW prior to the issuance of a permit from the city.
 9. The owner of the tower shall provide the city with an acceptable financial guarantee in an amount equal to one and one-half (1&1/2) times the cost to remove the tower and related infrastructure, including footings and other underground improvements to a depth of thirty-six (36) inches below existing grade, and to restore the site. Failure to remove the structure shall be cause for the City to remove the tower and associated equipment at the expense of the property owners.
- P. Towers Not Requiring a Permit. Permits are not required for the following:
1. A satellite earth station antenna four (4) feet in diameter or less, located in an industrial or commercial district, meeting required setbacks.
 2. A satellite earth station antenna three (3) feet or less in diameter, meeting the required setbacks.
 3. A tower less than fifty (50) ft. as measured from the ground.

ARTICLE 8. ADMINISTRATION

8.1 ZONING ADMINISTRATOR

- A. The City Council shall act as the Zoning Administrator, unless a separate Zoning Administrator is appointed by the City Council.
- B. Duties of the Zoning Administrator:
 - 1. Determine if applications are complete and comply with the terms of this Chapter.
 - 2. Direct or conduct inspections of building, sewage systems and other uses of the land to determine compliance with the terms of this Chapter.
 - 3. Maintain permanent and current records of this Chapter including, but not limited to, maps, amendments, Land Use or Use Permits, Conditional Use Permits, Variances, appeals and applications, and a separate file for future conditions or expiration of permits.
 - 4. Review, file and forward applications for appeals, Variances, Conditional Uses and Zoning amendments in a timely manner.
 - 5. Enforce the provisions of this Chapter by reviewing complaints and by pursuing contacts with any violator in accordance with standard procedures as adopted and modified from time to time.
 - 6. Attend meetings and provide research and findings to the Board of Adjustment/Planning Commission.
 - 7. Issue permitted Land Use Permits upon application for structures on lots conforming to this Chapter when the conditions of this Chapter are met; to issue Conditional Use Permits when directed; to issue notices of a Zoning change when directed.
 - 8. To mail a copy of the findings to an applicant.
 - 9. To file copies of Conditional Use Permits and Variances with the County Recorder.
 - 10. To communicate with the DNR where required by this Chapter or State Law.
 - 11. To ensure that the City Council, Planning Commission and Board Adjustment review land use application or public hearing applications as prescribed by State Statutes.
 - 12. To conduct periodic and final inspections with a member of the Planning & Zoning Commission, of property subject to conditions of approval relating to variances, conditional use permits and other land use applications.
 - 13. To issue Land Use Certificates of Compliance, when applicable.
 - 14. The Zoning Administrator and their duly authorized deputies shall have the right to trespass, consistent with state and federal laws and precedents, within the City of Garfield in the pursuit of their duties.

8.2 BOARD OF ADJUSTMENT

- A. The City Council shall serve as the Board of Adjustment,, and shall hold meetings as determined necessary.
- B. Duties of the Board of Adjustment.
 - 1. To consider appeals from the action of the Zoning Administrator wherein the Board will take the authority of the Administrator.

2. To hold hearings on Variances after proper public notice in the official newspaper and individual notice by regular mail to any property owners within a minimum of 350 feet distance of any Variance in question. Such notice shall be given at least 10 days before the hearing date.
3. To act on Variances within the required time frame with complete findings to justify the action.
4. To keep a record of the proceedings, notifications and justifications for their actions.

8.3 PLANNING COMMISSION

- A. Organization of the Planning Commission. The City Council shall serve as the Planning Commission.
- B. Duties of the Planning Commission
 1. To hold hearings after proper public notice in the official newspaper and individual notice by regular mail of any property owners within a minimum of 350 feet of any land use in question. Such notices shall be given at least 10 days before the hearing date.
 2. To decide within the required time frame the following:
 - a. Requested Zoning District boundary changes or amendments to this Chapter.
 - b. To review and act on applications for preliminary plats and final plats.
 - c. To review and act on all metes and bounds property divisions within the City.
 - d. To review and act on requests for Conditional and Interim Use Permits with complete findings to support the decision.
 - e. To periodically review the Zoning map and Ordinances and consider their role in shaping the growth of the community and to make changes to these documents to guide growth and current land use toward the goals of any adopted Comprehensive Plan.
 - f. To create and review a Comprehensive Plan as deemed necessary or appropriate.

8.4 CONDITIONAL USE PERMITS

- A. Conditional Use Permits shall be issued to the property for structures or other specified uses after a public hearing and approval by the Planning Commission. All applications for a Conditional Use Permit shall be submitted to the Zoning Administrator 30 days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application. The Zoning Administrator shall notify all property owners within a minimum of 350 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days ahead of the public hearing. The Zoning Administrator shall send the same notice 10 days in advance of this hearing to the DNR if the proposed is in shoreland. At the applicant's option, the applicant may request a sketch plan review with no action by the Planning Commission and omit by giving 14 days notice thereof to the Zoning Administrator, meeting time permitted.
- B. Submissions for Conditional Use Permit. The applicant shall complete the Conditional Use Permit application approved by the City Council. The application shall contain submittal requirements, criteria for approval, procedure for consideration and City contact information. The City shall not accept applications where the applicant has past due fees or charges due to the

City until the account is made current.

- C. In permitting a new Conditional Use or alteration of an existing Conditional Use, the Planning Commission may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions that the Planning Commission considers necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to the following:
1. Increasing the required lot size or yard dimension.
 2. Limiting the height, size or location of buildings.
 3. Controlling the location and number of vehicle access points.
 4. Increasing the street width.
 5. Increasing or decreasing the number of required off-street parking spaces.
 6. Limiting the number, size, location or lighting of signs.
 7. Requiring berming, fencing screening, landscaping or other facilities to protect adjacent or nearby property.
 8. Designating sites for open space.
 9. Stormwater runoff management.
 10. Reducing impervious surfaces.
 11. Increasing setbacks.
 12. Restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.¹
- D. The Planning and Zoning Commission shall decide the issue with consideration to the following:
1. The following must be met:
 - a. The use or development is an appropriate conditional use in the land use zone.
 - b. The use or development, with conditions, conforms to the comprehensive land use plan.
 - c. The use with conditions is compatible with the existing neighborhood.
 - d. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.
 2. The following must be considered:
 - a. The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.
 - b. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 - c. The conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 - d. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public

¹ Amended 02/01/2010

thoroughfares.

- e. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
 - f. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.
 - g. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
 - h. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.
3. When costs to the City involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to retain in reviewing permits.
 4. Conditional Use Permits may be transferable where requested by an applicant and approved by the Planning Commission.
 5. Violations of the conditions of a Conditional Use Permit shall automatically suspend the permit. A review of the violation shall be conducted by the Planning Commission. The Planning Commission shall determine conditions for reinstating the permit or revocation, if applicable.
 6. Failure by the owner to act on a Conditional Use Permit within 12 months, or failure to complete the work under a Conditional Use Permit within 2 years, unless extended by the Planning Commission, shall void the permit. A second extension shall require a new public hearing. This provision shall apply to any Conditional Use Permit outstanding at the time of the Ordinance adoption.
 7. Appeals from the action of the City shall be filed with District Court within 30 days after City Council action.
 8. The Conditional Use Permit shall be filed with the County Recorder.
 9. Planned Unit Development Procedure and Submissions.
 - a. The applicant may submit a concept plan to the Planning Commission for review and discussion at least 14 days prior to the meeting.
 - b. Based on discussion, the applicant can formally apply by submitting preliminary documents, prepared with professional help, including as a minimum the C.U.P. application, and further shall contain the following:
 - i. Proposed concept of plan operation.
 - ii. Proposed plat or floor plan, if applicable.
 - iii. Proposed recreational amenities.
 - iv. Proposed timing.
 - v. Proposed final security.
 - vi. Proposed development contract.

10. The Planning Commission shall review the submissions and act on the application within the required timeframe with a complete finding of facts.
11. The applicant shall then proceed within the time frame accepted under the preliminary proposal to provide final documents as required, including:
 - a. Financial security.
 - b. Development contract.
 - c. Title opinion.
 - d. Final plat or floor plan.
 - e. Surveyors plat check.
 - f. Final covenants and associated documents.
 - g. Final time schedule.
 - h. Final site plan which will control development.
 - i. Minnesota Pollution Control Agency (MPCA)/ Minnesota Department of Health (MDH) approval letter on sewage system & water supply.

8.5 VARIANCES

- A. Variances shall not create a use not provided for in a zoning district.
- B. Variances shall be issued to the property and are not transferable.
- C. Variances shall be issued to the property for structures or other specified uses only after a public hearing and approval by the Board of Adjustment. All applications for a Variance shall be submitted to the Zoning Administrator 30 days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application. The Zoning Administrator shall notify all property owners within a minimum of 350 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days ahead of the public hearing. The Zoning Administrator shall send the same notice 10 days in advance of this hearing to the DNR if the proposed is in shoreland. At the applicant's option, the applicant may request a sketch plan review with no action by the Planning Commission and with no fee by giving 14 days notice thereof to the Zoning Administrator, meeting time permitted.
- D. Submissions for Variances. The applicant shall complete the Variance application approved by the City Council. The application shall contain submittal requirements, criteria for approval, procedure for consideration and City contact information. The City shall not accept applications where the applicant has past due fees or charges due to the City until the account is made current.
- E. In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
- F. Variances shall be decided within the required time frame with consideration for the following:
 1. the variance is in harmony with the general purpose and intent of this Ordinance and consistent with the comprehensive plan.

2. there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that:
 3. the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
 4. the plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 5. the variance, if granted, will not alter the essential character of the locality.
 6. there are special circumstances or conditions affecting the land, building, or use referred to in the variance request that do not apply generally to other property in the same vicinity.
 7. Economic considerations alone do not constitute practical difficulties.
- G. The city may impose conditions in the granting of variances provided it is directly related to and bears a rough proportionality to the impact created by the variance.
- H. When costs to the City involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to retain in reviewing permits.
- I. Failure by the owner to act within 6 months on a Variance unless extended by the Board of Adjustment shall void the Variance. A second extension shall require a new public hearing. This provision shall apply to any Variance outstanding at the time of the Ordinance adoption.
- J. Appeals from the action of the City Council shall be filed with the District Court within 30 days after Council action.
- K. The Variance shall be filed with the County Recorder.

8.6 LAND USE PERMITS

- A. Buildings less than 120 square feet in total ground coverage shall not require a permit, however, they shall meet all required setback distances that apply to detached accessory structures.
- B. Land Use Permits shall be issued for all new structures and any structural changes to existing structures, except detached decks/patios and structures not on a permanent foundation that are on a property no longer than thirty (30) days. Permits shall also be required for any construction or repair of a sewage system and any grading and filling not exempted by this ordinance. No person shall assemble, install, repair, remodel, remove or construct any structure prior to applying for and receiving a Land Use Permit.
- C. Where a proposed use requires action of the Board of Adjustment, Planning Commission or Council or posting of financial security, said action shall occur and the Conditional Use Permit, Variance, Zoning District change, final plat plan approval or approval of metes and bound division shall be issued or security posted before the Land Use Permit is issued.
- D. Lot corners shall be visible on the lot. The Zoning Administrator may require a new survey when stakes are not visible or have been removed through erosion, construction or other action and require that a new certificate with existing and recorded dimensions shall be provided. If survey monuments are not clearly available to establish the property boundary, a survey may be required when a structure is proposed to encroach within 150% of a side or front setback or within 110% of a bluff setback.
- E. The City shall not accept applications where the applicant has past due fees or charges due to the

City or the County until the account is made current.

- F. No applications shall be accepted by the Zoning Administrator from a contractor or property owner having outstanding violations. Permits can only be issued to contractors or property owners with outstanding violations by majority vote of the Planning Commission after the violation has been resolved to the satisfaction of the Planning Commission.
- G. The Land Use Permit application shall contain the parcel number of the property and the signature of the fee or contract owner of the property or his authorized agent.
- H. Unless extended by the Zoning Administrator, where a Land Use Permit has been issued but no action has occurred within 12 months, the Land Use Permit shall be null and void. Exterior work on the structure shall be complete in 24 months from the issuance of the Land Use Permit. The time limit may be extended up to six months by the Zoning Administrator for good cause. A second extension shall be decided by the Planning Commission.
- I. Granting of a Land Use Permit shall occur when all requirements of this Chapter have been met, but shall not be considered a statement of compliance with regional, State or Federal codes, statutes or laws or approval of the design of the structure or accessories, or description of the property. Subsequent actions of the Zoning Administrator shall not be considered acceptance of structural components or workmanship, but rather shall be for the purpose of determining general compliance with this Chapter.
- J. If the Zoning Administrator determines that any violation of the permit or other section of the Ordinance has occurred, the permit shall become null and void.
- K. In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

8.7 SUBDIVISIONS

- A. Pre-Application Meeting. At the subdivider's option, a pre-application meeting shall be held including the subdivider, representatives from the City Council, and the City Clerk, if necessary. Discussion at this meeting shall be limited to procedure, Chapter requirements and timing.
- B. Sketch Plan Review Meeting with Planning Commission. At the subdivider's option, a review of a sketch plan will be made by the Planning Commission prior to a public hearing. Discussion at this meeting shall be limited to procedure, Chapter requirements and timing.
 - 1. The subdivider shall submit 9 copies of the sketch plan, 14 days prior to the normal Planning Commission meeting, and request a position on the formal agenda.
 - 2. The Planning Commission shall not take action on the proposal, but may make suggestions to facilitate the preparation of an approvable preliminary plat or plan.
- C. The City of Garfield may require that an applicant establish an escrow account or other financial security for the purpose of reimbursing the City for direct costs relating to professional services provided during the review, approval and inspection of the project. The City may charge the applicant a rate equal to the value of the service to the City. Services provided by City staff or contract professionals will be billed at an established rate.²

² Amended 02/01/2010

8.8 FEES

Fees for permits and activities shall be as outlined in this section. No permit shall be issued, or request brought before the Board of Adjustment or Planning Commission until the fees are paid. All late applications shall require the payment of an after-the fact fee as outlined in the fee schedule.

The City shall not accept applications where the applicant has any past due fees or charges due to the City until the account is made current.

CITY OF GARFIELD
FEE SCHEDULE
ALL FEES ARE NON-REFUNDABLE

LAND USE PERMITS

Residential

Per 100 sq ft of dwelling area	\$10.00
Deck or Patio (when attached to a home)	
Under 100 sq ft	\$25.00
101-400 sq ft	\$50.00
Over 400 sq ft	\$100.00
Minimum land use permit fee	\$25.00
Accessory, Agricultural and Other Miscellaneous Structures	
120 sq ft and under	\$25.00
121-750 sq ft	\$50.00
751-1500 sq ft	\$75.00
1501-5000 sq ft	\$100.00
5001 or more sq ft	\$200.00

Commercial and Industrial

Per 100 sq ft of floor area	\$15.00
Minimum land use permit fee	\$50.00
Roof Pitch Changes/Roof Replacement (no additional living space)	\$100.00
Telecommunication Towers	\$100.00
Sewer Disposal Permits (private, individual systems)	
Individual Systems	\$260.00
Class V Injection Well or Systems with more than 9 bedrooms	\$560.00
Cluster Systems	\$560.00
Signs (those that require a permit)	
Portable/Temporary Signs/Any permitted sign up to 6 sq ft	\$25.00

Building Signs (over 6 sq ft)	\$75.00
Freestanding Signs (over 6 sq ft)	\$100.00
Grading Permits (more than 500 cubic yards)	\$200
After-the-fact Grading Permit	\$750.00 and/or restoration

APPLICATIONS

Conditional Use Application	\$400.00
Interim Use Application (new and renewal)	\$400.00
Variance Application	\$400.00
Plat Fee (major and minor subdivision plats)	
Preliminary Plat Application	\$550 + \$20 per lot
Final Plat Application	Any Applicable Park Dedication Fee
Re-Zoning Application	\$400.00
Planned Unit Development (in addition to platting fee)	\$500.00
Environmental Assessment Worksheet (EAW)	\$750.00

OTHER FEES

Common Property line adjustments	\$100.00
Metes and Bounds Subdivisions	\$100.00
Gravel or Other Mining	\$100.00
“After-the-Fact” Charges (in addition to normal application fee)	\$500 or 2x application fee (whichever is greater)
Photo Copies	\$0.25 per page
Fax	\$2 – 1 st page \$1 – each add’l page
Hourly Rate to prepare requested documents	
Clerk	\$20.00 per hour
Contracted Employee	\$30.00 per hour
List of Issued Land Use Permits	\$5.00 per list
Paper Copy of Zoning Ordinance	\$15.00
Paper Copy of Subdivision Ordinance	\$5.00
Non-Sufficient Funds (NSF) Fee	\$35.00

8.9 FINANCIAL REQUIREMENTS

Applications will not be accepted as complete where an applicant has any utility charges, delinquent

taxes, delinquent assessments or other fees past due with the City or County. The past due account must be paid to bring the account current before an application will be accepted.

When costs associated with processing or reviewing an application exceed the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to hire in reviewing permits. Outstanding fees shall be paid before issuance of the permit and any construction of the project begins.

8.10 REQUIRED DECISION MAKING TIME FRAMES

The City shall follow the requirements of Minn. Stat. §15.99, as amended, for all land use permit and subdivision applications, zoning district boundary changes and appeals thereof.

It shall be the applicant's responsibility to submit a completed application packet, which shall by definition include the application forms approved by the City, site plan with all information required by this ordinance and remit proper fees for the land use application. Once the Zoning Administrator or appointee has received the completed application packet, the review time frame shall commence. The Zoning Administrator shall notify applicants in writing when a completed application has been received.

ARTICLE 9. ENFORCEMENT

9.1 VIOLATIONS AND PENALTIES

Violation of any provision of this Chapter shall be considered either an administrative offense subject to an administrative fine; a criminal offense; or a civil offense subject to enforcement through civil remedies. Each act of violation in every calendar day upon which said violation occurs or continues may be considered a separate offense.

In all cases where the City reviewing, investigating, or administering a land use application for purposes of enforcing compliance with this Chapter, the offending party, real estate owner, and/or permit holder shall be required jointly and severally to reimburse the City for the City's fees and costs associated with enforcing compliance with this Chapter. Fees and costs include, but are not limited to, attorney's fees, engineering fees, consultant fees, and other professional services deemed necessary by the City. The City also reserves the right to record a lien against real estate that is the subject of a land use enforcement action pursuant to Section 514.67 of Minnesota Statutes, for any of the aforementioned unpaid fees and services.

9.2 LIABILITY OF CITY OFFICIALS

The failure of any officer of the City or Board or employees of the City to act pursuant to this Ordinance, except as an individual acting in his own behalf, shall not be an offense and shall not subject the officer, Board or employee to any penalty except those provided under the City personnel policies.

9.3 EQUITABLE RELIEF

In the event of a violation or threatened violation of any provision of this Chapter the conditions of any permit issued pursuant to the ordinance, the City, in addition to other remedies, may act or institute action to prevent, restrain, correct, or abate such violation or threatened violation.

ARTICLE 10. SEPARABILITY, SUPREMACY, EFFECTUATION, AMENDMENTS, NOTICES

10.1 SEPARABILITY

Every section, provision or part of this Chapter or any permit issued pursuant to this Chapter is declared separable from every other section, provision or part thereof to the extent that if any section, provision or part of this Chapter or any permit issued pursuant to this Chapter shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

10.2 SUPREMACY

When any condition implied by this Chapter on the use of land or buildings is more restrictive or less restrictive than applicable conditions imposed by statute, rules and regulations, other City ordinance or regulation or other jurisdiction, the more restrictive shall apply. This Chapter does not abrogate any easements, restriction or covenants imposed on the land by private declaration or agreement, but where such provisions are less restrictive than an applicable of this Chapter, this Chapter shall prevail.

10.3 EFFECTUATION

This Chapter shall be in full force and effect from and after its passage by the City Council and subsequent publication.

10.4 AMENDMENT

The City Council may adopt amendments pursuant to Minn. Stat. §462.357, as amended, to either the Zoning Chapter, Zoning Map or Overlay Maps in relation to the land uses within a District or the boundaries of the District(s). Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals of the community or changes in the conditions of the City.

A. Procedure

1. An amendment may be initiated by the Council, the Planning Commission or by a petition of affected property owner.
2. The Zoning Administrator shall review the proposed changes and make a recommendation to the Planning Commission.
3. The Planning Commission shall make a reasonable attempt to cause all property owners within a minimum of 350 feet of proposed Zoning District change to be notified by regular mail and shall publish a hearing notice for either a Zoning District change or Zoning Ordinance change in the legal section of the official newspaper and shall provide notice to the DNR at least 10 days ahead of the public hearing. The Planning Commission shall hold the hearing and make a timely recommendation to the City Council. Adoption of a new Zoning map shall require published notice only. The Planning Commission shall consider the criteria for land use categories, in its decision.
4. The City Council shall review the recommendations and shall make a timely decision. The City Council may amend the Land Use and Subdivision Chapter by a majority vote of all its members. The adoption of an amendment of any portion of the zoning chapter which changes all or part of the existing classification of a zoning district from residential to other commercial or industrial requires a two thirds majority vote of all members of the governing body.
5. The City Clerk shall publish a summary of the text of the change or description of boundary change or a new Zoning map, whichever is appropriate, in the official newspaper within 30 days after action by the Council.

10.5 NOTICES

The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bonafide attempt to comply with this Chapter has been made.