

PLANNING AND ZONING  
ORDINANCE

#144

Adams, Minnesota

Updated: June 25, 2019

Table of Contents

Article Number:	Page Number:
1. Definitions .....	1
2. Zoning Districts and District Regulations.....	4
3. Permits Required.....	5
4. Regulations for Residential District.....	7
5. Regulations for Commercial District .....	10
6. Regulations for Industrial District.....	11
6.5 Regulations for Agricultural District .....	12
7. General Provisions and Exceptions .....	15
8. Non-Conforming.....	15
9. Platting Requirements .....	16
10. Planning Commission Established.....	18
11. Planning Commission/Board of Adjustments and Appeals.....	19
12. Special Use Permits .....	22
13. Signs, Billboards and Exterior Graphic Displays .....	25
14. Fire Limits and Regulation of the Erection of Buildings.....	26
15. Parking of Vehicles.....	28
16. Taxing Districts.....	29
17. Amendments .....	30
18. Enforcement.....	31
19. Adams Flood Plain Management Ordinance .....	31
20. Repeal .....	31

ORDINANCE NO. 144

AN ORDINANCE REGULATING THE USE OF LAND; PLANNING; ZONING; THE LOCATION, BULK, HEIGHT, AND USE OF BUILDINGS; THE ARRANGEMENT OF BUILDINGS ON LOTS; THE DENSITY OF POPULATION IN THE CITY OF ADAMS, MINNESOTA AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH REGULATIONS.

The City Council of Adams ordains:

**ARTICLE 1.           DEFINITIONS.**

1.01    Definitions. For the purpose of this Ordinance, the terms defined in this article have the meanings given them:

1.02    Accessory use or structure: A use or structure on the same lot with, and incidental and subordinate to, the principal use or structure.

1.03    Corner lot: A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

1.04    Dwelling, one-family: A building used exclusively for occupancy by one family.

1.05    Dwelling, two-family: A building used exclusively for occupancy by two families living independently of each other.

1.06    Dwelling, multiple: A building or portion thereof used for occupancy by three or more families living independently of each other.

1.07    Dwelling unit: A dwelling or a portion of a dwelling or of an apartment hotel used by one family for cooking, living and sleeping.

1.08    Family: One or more persons occupying a premises and living as a single, non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family includes necessary servants.

1.09    Front Yard. A yard extending across the front of the lot between side yard lines and lying between the front line of the lot and the nearest line of the building.

1.10    Height of building: The vertical distance from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

1.11 Home Occupation: A lawful occupation customarily carried on by a resident of a dwelling as an accessory use within the same dwelling.

1.12 Intersection: The area embraced within the prolongation of the lateral curb lines, or if none, then the lateral bounding lines of two or more streets or highways which join one another at an angle, whether or not such highway crosses the other.

1.13 Junk Yard/Salvage Yard: Land or structures used for the storage or keeping of junk, including scrap metals, or for the dismantling or "wrecking" of automobiles or other vehicles or machinery, other than the storage of materials which is incidental or accessory to any business or industrial use on the same lot.

1.14 Lot: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings together with such open spaces as are required under the provisions of this ordinance, having not less than the minimum area required by this ordinance for a building site in the district in which such lot is situated, and having its principal frontage on a street.

1.15 Lot Area: The area contained within the lot lines of a lot, excluding any right of way or private street.

1.16 Lot Depth: The mean horizontal distance between the front lot line and the rear lot line of a lot.

1.17 Lot Line: The property line bordering a lot except that where any portion of a lot extends into the public right of way, the right of way line shall be the lot line for purposes of this ordinance.

1.18 Lot Line, Front: That boundary of a lot which abuts an existing or dedicated public street and in the case of a corner lot it shall be the shortest dimension on a public street.

1.19 Lot Line, Rear: That boundary of a lot which is opposite the front lot line.

1.20 Lot Line, Side: Any lot line other than a front or rear lot line.

1.21 Lot, Substandard: A lot or parcel of land for which a plat or deed has been recorded in the office of the Mower County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.

1.22 Lot Width: The horizontal distance measured between the side lot lines.

1.23 Manufactured/Mobile Home Park: A development on a site under a single ownership which consists of two (2) or more spaces for placement of manufactured/mobile homes for dwelling purposes regardless of whether or not a fee is charged for the utilization of such space.

1.24 Nonconforming Structure or Use: A structure or use lawfully in existence on the effective date of this ordinance or any amendment thereto and not confirming to the regulations for the district in which it is situated.

1.25 Parking: Parking shall mean the leaving of vehicles standing motionless for more than sixty seconds upon a public street or highway.

1.26 Person: A person is defined as being an individual, a set of owners as joint tenants or otherwise owning property in common interests, a corporation, partnership, trust, or other legal entity.

1.27 Planning Commission: The planning agency established in Article 11.

1.28 Principal Structure or Use: One which determines the predominant use as contrasted to accessory use or structure.

1.29 Rear Yard: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

1.30 Right of Way: An area of land dedicated or reserved to the public for public uses such as streets, boulevards, utilities and drainage.

1.31 Side Yard: A yard between the side line of the lot and the nearest of the building and extending from the front line of the lot to the rear lot.

1.32 Special Uses: Uses of property which are not specifically allowed by ordinance or regulation but which may be allowed if approval is granted by the City.

1.33 Special Use Permit: Written document issued by the City allowing a Special Use.

1.34 Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

1.35 Story-half: That portion of a building under a gable, hip or gambrel roof the wall plates of which, on at least two opposite exterior walls, are not more than two feet above the floor of such story.

1.36 Structural alteration: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

1.37 Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

1.38 Subdivider: Any person, firm, corporation, trust, partnership or other legal entity causing land to be divided, subdivided, or platted into a subdivision.

1.39 Subdivision of Land: A subdivision of land is (a) the division of land into two or more tracts, sites, or parcels, either by lot description, or by metes and bounds; (b) dedication of a road, highway, or street through a tract of land regardless of areal and © re-subdivision of land heretofore divided or platted into lots, sites, or parcels.

1.40 Use: The purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained.

1.41 Variance: Relief granted from literal enforcement of zoning ordinance which permits the use of property in a manner otherwise forbidden by ordinance or regulation.

1.42 Vehicle: Every device in or by which any person or thing may be transported or drawn upon a public highway except devices moved by human power; provided, however, that a bicycle or a ridden animal shall be deemed a vehicle.

1.43 Yard: An open space other than a court which open space is unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.

1.44 Zoning District: An area or areas within the limits of the City for which the regulations and requirements uniformly govern the use, placement, spacing and size of the structure.

## **ARTICLE 2. ZONING DISTRICTS AND DISTRICT REGULATIONS.**

2.01 Establishment of districts: For the purpose of this ordinance, the City of Adams is divided into the following use districts:

1. Industrial District.
2. Commercial District.
3. Residential District.
4. Agricultural District

2.02 The boundaries of these districts are as follows:

(1) Industrial District. All that property within the abandoned right-of-way of the former Chicago, Milwaukee, St. Paul and Pacific Railroad from Fifth Street and east to the City limits.

(2) Commercial District. All of the following in the presently platted or unplatted City of Adams:

Original City - Northeast 25 feet by 25 feet of Lot 7, Block 4; the North 70 feet of Lot 12, Block 4; Lot 1, Block 7; the South 54 feet of the East 20 feet of Lot 2, Block 7; the East 35 feet of the South 130 feet of Lot 9, Block 7; Lots 10, 11 and 12, Block 7; all of Lots 5 and 6, Block 8; Lots 7 to 18 inclusive, Block 8; Lots 1 to 6 inclusive, Block 12; Lots 1 to 12 inclusive, Block 13; Lots 1 to 5 inclusive, Block 14; the West 36 feet of Lot 4, Block 17; Lot 5, Block 17; South 54 feet of the west 40 feet of lot 2, Block 7.

Gullick Olson Addition - Lots 1 to 12 inclusive, Block 4

Unplatted area - Commencing at the intersection of the north line of Trunk Highway 56 and Schmitz Street, thence north approximately 170 feet, thence east to the city limits, thence south to the right-of-way of the former Milwaukee Railroad, thence westerly along said right-of-way to the intersection of the right-of-way and the east right-of-way line of First Street extended south, thence north to Cream Street, thence east to the intersection of Cream Street, and Schmitz Street, thence north to Trunk Highway 56.

(3) Residential District. All of that part of the presently platted or unplatted City not designated as industrial, commercial, or agricultural. Districts are shown on the map entitled "Zoning Map of Adams", which map is on file at the office of the City Clerk. Any land which may be added to the City in the future shall be placed in the residential district until special action of the City Council hereinafter provided shall definitely assign such land to another land use.

(4) Agricultural District. All of the following in the presently platted or unplatted City of Adams:

Unplatted area – Southeast quarter of the southeast quarter, Section 11, Township 101 North, Range 16 West.

### **ARTICLE 3. PERMITS REQUIRED.**

3.01 Any person or persons desiring to construct, re-construct, or move a building or structure upon premises it was not previously located upon, or move a

building upon a lot, shall, before any work is begun, make application to the City Council of the City of Adams on forms obtainable from the City Clerk for a permit and shall deposit with the City Clerk the sum of \$20.00 when application is made. Any person or persons desiring to remodel, make addition to, or make substantial structural alteration to a building or structure the cost of which will exceed \$500.00 shall, before any work is begun, make application to the City Council of the City of Adams on forms obtainable from the City Clerk for a permit, and shall deposit with the City Clerk the sum of \$5.00 when application is made. All applications shall be accompanied by plans and specifications showing the construction, re-construction, alteration, or movement of the building or structure, or addition thereto, intended to take place, and the location thereof on the lot. Permit applicants shall appear at the City Council meeting at which their permit application is considered in order to answer questions of the City Council and to explain the work to be done. The work permitted to be done upon the building or structure or addition shall be limited to activities required to complete the project as shown in the plans and specifications accompanying the application, and as stated to the City Council at its meeting considering the application. Any change from the plans and specifications attached to the permit shall require a new permit application. The work needed to complete the project, shown in the plans and specifications, and stated to the City Council at the time of its consideration of the application, must be completed within the time allotted by the City Council but not to exceed 12 months following the issuance of the building permit and, unless so completed, the building permit shall thereupon expire, and such failure to complete the work authorized under such building permit within the time specified shall constitute a violation of this Ordinance, punishable in accordance with the provisions hereof.

3.02 No building shall be moved onto a lot whether in sections or one piece, nor moved within a lot, nor expanded or diminished in size or height, without first receiving a building permit. The application for permit must be accompanied by no less than four photographs of four different sides of the building to be moved. The building must be sided with either new, unused materials or else materials in good condition, neat and clean and free of disheveled or frayed condition, and must be in a state of good repair. Roofing materials must be in a good state of repair. Both siding and roofing materials must be generally in conformity with the style, type and appearance of the surrounding buildings. A good state of repair shall mean materials showing no physical evidence of damage or structural defect or deterioration, fraying, or dishevelment, or lack of paint, stain or exterior finish.

3.03 Requests for moving a building that is repairable to the point of good repair onto a lot may be done only if repairs are to be made within seven days of placement of the building anywhere on the site. Failure to complete repairs in seven days will constitute a violation and revocation of the building permit and the building must then be removed from the lot on the eighth day after placement anywhere on the building lot. New factory packaged or prefabricated buildings or buildings built upon the lot and made of all new materials a-re not subject to this section but shall require the issuance of



a building permit, and shall be subject to the requirements of section 4.01(9) hereof, if applicable.

3.04 Within the Residential District, no utility sheds, outbuildings and/or garages shall be moved onto a lot or built upon a lot, unless there is a residence on the lot.

**ARTICLE 4. REGULATIONS FOR RESIDENTIAL DISTRICT.**

4.01 Use regulations. In the residential district, unless otherwise provided in this ordinance, no building or land shall be used and no building shall hereafter be erected or structurally altered except for one or more of the following uses:

- (1) one or two-family dwellings excepting mobile homes unless their location is approved under Section 4.01(8) hereunder; accessory buildings to family dwellings; apartments; flats; hotels and motels; provided, that no business shall be conducted therein except those conducted incidentally and solely for guests and to which entrance can be made only from the outside of the building.
- (2) Farming or truck gardening; plant nurseries or green houses.
- (3) Parks and playgrounds.
- (4) Churches, libraries, schools, clubs and lodges.
- (5) Boarding and lodging houses. A boarding or lodging house shall be designated as a structure in which one or more rooms are rented out to persons who are not members of the immediate family of the normal occupant, whether or not meals are provided to such tenants, in a dwelling as an incidental use to that of its occupancy as a dwelling. A facility commonly known as a "bed and breakfast inn" shall be considered a lodging or boarding house and is allowed in the residential district.
- (6) The following uses, but only upon securing a special use permit if the City Council determines it will not materially affect adversely the health, safety or property of persons residing in the area;
  - (a) Hospitals, clinics, dental offices or other buildings used for the treatment of human ailments.
  - (b) Other professional offices in homes used incidentally in the carrying out of a business conducted away from the home.

- (c) Home Occupations as defined and further regulated in the next succeeding paragraph.
- (7) Home occupations. A home occupation may be conducted only in accordance with the following requirements:
- (a) Subordinate use. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its residential use.
  - (b) Outside appearance. The conduct of the home occupation shall result in no change in the outside appearance of the building or land, or other visible evidence of the conduct of the home occupation other than one sign not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the dwelling.
  - (c) No sale of any goods or materials shall be made in connection with the home occupation, except for the occasional sale from, a minimal inventory kept on the premises by a person, most of whose sales are made from efforts of the sales person conducted outside of the dwelling and further except that sales of goods that are incidental to the conduct of a service business (such as the sale of shampoo by a person conducting a beauty shop).
  - (d) Traffic. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential district.
- (8) The principal residential building of any lot located in the residential district shall conform to the following regulations:
- (a) The minimum width and/or length of such building, excluding its garage, screened porches, patios, decks, breezeways, or other seasonal use portions thereof, shall be not less than 30 feet, and the other dimension thereof, be it width or length, shall be not less than 20 feet.
  - (b) Such building shall be permanently attached to a permanent foundation constructed of concrete, cement block or treated wood, and set below the frost line.
- (9) One or more mobile homes subject to approval of the location and a license granted by the City Council as a part of a planned Manufactured/Mobile Home Park. A planned Manufactured/Mobile Home

Park is intended to be exclusively for residential use of mobile homes; the Council may impose such other conditions, requirements or limitations concerning the design, development, and operation of such planned Manufactured/Mobile Home park as it may deem necessary for the protection of adjacent properties and the public interest. Additionally, on-site construction may be allowed in any planned Manufactured/Mobile Home Park provided it is done in accordance with this Ordinance.

4.02 Height Regulations. In the residential district, no building shall hereafter be erected or structurally altered to exceed thirty-five (35) feet or two and one-half (2 ½) stories in height.

4.03 Area Regulations.

- (1) In the residential district, every building designed for the housing of one or two families, together with its accessory buildings, shall be located on a lot in one ownership having an area of not less than 5000 sq. feet.
- (2) Front yard requirements. Each lot in the residential area shall have a front yard of not less than twenty-five (25) feet, except that where on one side of the street between two intersecting streets there are already buildings, no building shall hereafter be erected or extended so as to project beyond a line drawn between the nearest front of the first adjacent building on each side. Where this rule works a hardship because of the unusual placing of the older building or the curved line of the street, the City Council shall decide the depth of the front yard.
- (3) Side Yard Requirements. Each lot in the residential district shall have two side yards, one on each side of the building, For each dwelling hereafter erected or structurally altered which does not exceed one and one-half stories, each side yard shall have a width not less than five (5) feet. For every such dwelling which has more than one and a half stories, each side yard shall have a width of not less than ten (10) feet.
- (4) Rear Yard Requirements. Each lot in the residential district shall have a rear yard of not less than twenty-five (25) feet for the principal structure and not less than five (5) feet for garages, sheds or other allowed structures.
- (5) Overhang included. The distance limitations provided for in this Section 4.03 shall be measured from the outside edge of any overhangs or other building protrusions extending from the main portions of such structures. Where this rule works a hardship because of the unusual nature of such overhangs or building protrusion or the type, character, and topography of

the land and other landscape characteristics, the City Council shall decide the distance that shall be allowed.

4.04 On a corner lot in the residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of three (3) and ten (10) feet above the centerline grades of the intersection streets in the area bounded by the street lines of the lot and a line joining points along the street lines twenty-five (25) feet from the point of the intersection.

4.05 Offstreet Parking - For any dwelling, two (2) offstreet parking spaces shall be provided for each dwelling unit and shall be adequate in size to accommodate the vehicles expected to use them.

4.06 Clustered Dwellings – Two one-family dwellings, whether attached or semidetached, on individual lots, may be classified as “clustered dwellings” in accordance with the following conditions:

(A) Clustered Dwellings shall be a special use allowed only in the residential zone, requiring a special use permit under Article 12.

(B) The properties sought to be classified as a clustered dwelling must be in single ownership or control at the time the special use permit is applied for and approved.

(C) The total land area, including the individual lots plus common space, shall contain a minimum of 5,000 square feet of lot area per dwelling unit.

(D) Except for setbacks along the common property lines or side yards for clustered dwellings, all other setbacks and yard requirements shall be required in accordance with the requirements of the Residential zone as provided in this ordinance.

(E) Common areas shall be protected by covenants running with the land. The covenants shall require that a homeowner’s association be held responsible for the maintenance of the common open spaces, accessory buildings, the exterior of the dwelling units, and any legal obligations.

(F) A lot may only be clustered with one other lot, and a one-family dwelling may only be clustered with one other one-family dwelling.

## **ARTICLE 5. REGULATIONS FOR COMMERCIAL DISTRICT.**

5.01 Use of Regulations. In the Commercial District, unless otherwise provided in this Ordinance, no building or land shall be erected or structurally altered except for one or more of the following uses:

- (1) All uses permitted in the residential district.
- (2) Retail shops and stores.
  - (3) Automobile and Farm Implement stations for the sale of gasoline, oil and accessories.
- (4) Theaters, financial institutions, telephone and telegraph offices, professional offices.
- (5) Carpenter, furniture, repairing or upholstering shops, dress making shops, shoe repairing and dyeing shops, newspaper or job printing establishments, electrical metal working, tinsmithing, plumbing, water, gas or steamfitting shops, paint or paper hanging shops.
- (6) Other business uses which in the opinion of the City Council, following review and consideration by the Planning Commission, are of the same general character as the uses enumerated in this subsection and will not be obnoxious or detrimental to the district in which located.

5.02 Height Regulations. In the Commercial District, no building shall hereafter be erected or structurally altered to exceed sixty (60) feet in height.

5.03 Fencing Requirements. From and after enactment of this ordinance, as a condition of issuing a building permit for construction on any lot or lots in the Commercial District which abut or are adjacent to the Residential District, the City Council shall have the authority, as a condition of issuing the building permit, to require the applicant to erect a fence or other appropriate screening structure upon the lot in the Commercial District, for the purpose of screening from view the activities of the business being conducted in the Commercial District and further for screening from view any materials, goods or items stored, kept or moved upon and from the property in the Commercial District.

## **ARTICLE 6. REGULATIONS FOR INDUSTRIAL DISTRICT.**

6.01 Use Regulations. In the industrial district, buildings and land may be used for any use not prohibited by law; provided, however, that none of the following uses shall be established in the industrial district until a special use permit in each case, as provided in Article 12 of this Ordinance, shall first have been secured for such use:

- (1) Distillation of bones.

- (2) Garbage, offal or dead animal reduction or dumping.
- (3) Fat rendering.
- (4) Livestock feeding.
- (5) Stock yards or slaughter of animals.
- (6) Junk yards/salvage yards.
- (7) Toxic or hazardous waste dumps or receiving stations, garbage or refuse storage or collection.

6.02 Height Regulations. In the industrial district, height regulations shall be the same as those prescribed by this ordinance for Commercial Districts.

**Article 6.50 Regulations for Agricultural District.**

6.51 Use Regulations. In the agricultural district, unless otherwise provided in this Ordinance, no building or land shall be erected or structurally altered except for one or more of the following uses:

- (1) All uses permitted in the residential district.
- (2) Ag-related commercial businesses.
- (3) Sexually oriented businesses. A sexually oriented business may be conducted only in accordance with the following requirements:

(a) A sexually oriented business under this section shall be defined as provided for in the code of ordinances, and specifically the Adams Sexually Oriented Business Ordinance.

(b) Sexually oriented businesses shall be considered conditional uses and may be permitted only within qualifying areas of the Agricultural District.

(c) No sexually oriented business may be granted a conditional use permit under this section unless it has applied for and received a license under the Adams Sexually Oriented Business Ordinance. Application for the sexually oriented business license and a conditional use permit may happen concurrently or a conditional use permit may be granted under this section subject to the applicant receiving a license pursuant to the sexually oriented business ordinance. An applicant for a

conditional use permit under this section shall also include a copy of the application for the license under the sexually oriented business ordinance with the application under this article.

(d) Location. No sexually oriented business may be located or operated within 1500 feet of:

- (1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related activities;
- (2) A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
- (3) A boundary of a residential district as defined in the City of Adams zoning code;
- (4) A public park or recreational area which has been designated for park or recreational activities including but limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the city which is under the control, operation, or management of the city park and recreation authorities;
- (5) A public theater,
- (6) A shopping center; or
- (7) An airport
- (8) A senior housing facility

(9) A hospital

(10) A medical clinic

(11) A care center

(e) Location Near Other Sexually Oriented Businesses. The operation, establishment, substantial establishment, or transfer of ownership or control of a sexually oriented business may not occur within 1500 feet of another sexually oriented business. In addition, there shall not be more than one sexually oriented business within a block front even if said block is greater than 1500 feet in length.

(f) Multiple Uses or Enlargement of Uses. The operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business, is prohibited.

(g) Measurement from Certain Uses. For the purpose of subsection (4) of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection (4). Presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of the Section. Such distance shall be measured across property lines, regardless of ownership of the property.

(h) Measurement between Sexually Oriented Businesses. For purposes of subsection (5) of this Section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

(i) Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court or competent jurisdiction,



such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the City Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

(j) Following passage, this ordinance shall be effective on publication.

(4) Other business uses which in the opinion of the City Council, following review and consideration by the Planning Commission, is of the same general character as the uses enumerated in this subsection and will not be obnoxious or detrimental to the district in which located.

6.52 Height Regulations. In the agricultural district, height regulations shall be the same as those prescribed by this ordinance for Residential Districts.

## **ARTICLE 7. GENERAL PROVISIONS AND EXCEPTIONS.**

The regulations specified in the ordinance shall be subject to the following interpretations and exceptions regarding use:

7.01 Nothing in this Ordinance shall be deemed to prohibit the construction or maintenance of any stand or shelter for the sale of agricultural products produced on the premises.

## **ARTICLE 8. NON-CONFORMING USES.**

8.01 Except as otherwise provided in this section, the lawful use of any land or building existing at the time of the adoption of this Ordinance may be continued although such use does not conform to the regulations specified by this Ordinance for the district in which such land or building is located; provided, however, that no such non-conforming use of land shall be enlarged or increased nor shall such non-conforming use be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of this Ordinance; nor shall any such non-conforming use be moved to any other part of the parcel of land upon which the same was conducted at the time of the adoption of this Ordinance.

8.02 No non-conforming use and no such structure on which a non-conforming use is existing shall be enlarged or altered in any way which increases its non-conformity, but it may be altered to decrease its non-conformity. If such non-conforming use consists of a substantial building and ceases for a continuous period of two years, any subsequent

use of said building shall be in conformity to the regulations specified by this Ordinance for the district in which such building is located; however, if any non-conforming use of lands. on which there are no substantial buildings ceases for any length of time, any subsequent use of such land shall, be in conformity to regulations specified by this Ordinance for the district in which such land is located. When a non-conforming use is superseded by a conforming use, the non-conforming use shall not thereafter be resumed.

## **ARTICLE 9. PLATTING REQUIREMENTS.**

9.01 All plats and subdivisions of land in the City of Adams shall be made in accordance with the provisions of this Ordinance and state law.

9.02 Any subdivider contemplating the platting of a subdivision shall submit a preliminary plat for examination which plat shall receive consideration at the next subsequent meeting of the City Council. No plat shall be recorded in the office of the County Recorder and no lots shall be sold from such plats unless and until approved. Approval of the preliminary plat does not constitute an acceptance of the subdivision by the City Council. One copy of the approved preliminary plat signed by the Mayor and City Clerk shall be retained in the City Clerk's office. Another signed copy shall be given to the subdivider. Receipt of such signed copy by the subdivider is authorization for him or her to proceed with the preparation of the final plat, subject to the procedures for the obtaining of utilities and street grading.

9.03 The final or recorded subdivision plat shall be prepared and submitted to the City Council in triplicate by the owner of the property, within one year after the approval of the preliminary plat; otherwise, the approval of the preliminary plat becomes null and void unless an extension of time has been granted.

9.04 The preliminary plat shall, in all respects, be sufficiently complete and contain sufficient information as to property lines, streets, buildings, utilities, etc., and shall show all proposed dedications and all lot sizes, street location, street widths, street grades and easements for utilities, etc., so that in all respects the preliminary plat will fully resemble the final plat. Unless specifically allowed by the City Council in its plat approval, there shall be no platting of half-width streets.

9.05 The final plat shall in all respects comply fully with all requirements of state law and all requirements set forth by the City Council in the preliminary plat so that the final plat will meet all the requirements of state law, of this ordinance, and of such further requirements as may be made and established in connection with each plat by the City Council.

9.06 All dwellings and structures that may be occupied by persons shall be connected to public sanitary sewer and water main. Street grading, sanitary sewer, storm sewer, and water rains shall be required to be made by the subdivider according to standard City specifications to be acquired from the City Engineer, and any ouch

improvements done shall be inspected by the City Engineer before final written approval of the work is given by the City Engineer. Street surfacing (which may consist of concrete paving, asphalt or, if specifically allowed, gravel or rock surface) shall be required to be made by the subdivider according to standard City specifications to be acquired from the City Engineer and any such improvements done shall be inspected by the City Engineer before final written approval of the work is given by the City Engineer. The installation of curb and gutter shall be required, except where the City Council requires it based upon advice from the City Engineer in cases where it is necessary for purposes of drainage or public safety. The municipality may pay such portion of the cost of improvements made by the subdivider as the Council may determine from time to time to be appropriate.

9.07 Drainage facilities and drainage easements shall be installed as will adequately provide for the drainage of surface waters; a storm sewer system may be required. Drainage way easements or land dedication may be required when such easements or land is needed in the public interest for purposes of flood plain management, proper drainage, prevention or erosion, pedestrian access to water bodies, or other public purpose. If there is a water shed district, that board must approve all surface water drainage. The subdivider may be required by the City Council to pay an appropriate share of any off-site drainage system or structure necessary to handle the additional runoff from the subdivider's property.

9.08 The subdivider shall cause all gradings, excavations, open cuts, side slopes and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems. The erosion control plan shall be reviewed by the City Engineer to determine the adequacy of the proposed measures. Guidelines, standards, and specifications, contained within the publication "Minimizing, Erosion in Urbanizing Areas," will provide a framework for the development, review and implementation of the erosion control plan.

9.09 The City Council may accept or reject any plat and may accept or reject any offer or dedication of lands to the City. If the final plat conforms in all respects to the preliminary plat, state law, and City ordinances, regulations, plans and requirements duly adopted by the City Council in connection with said plat, the same shall be approved.

9.10 Every plat when duly certified, signed and acknowledged, as provided by law, shall be recorded in the office of the County Recorder and a duplicate thereof filed with the County Auditor. Any owner of land located in the City of Adams where platting is subject to the approval of the City Council, who transfers, sells, or agrees to sell land by reference to or exhibition of a plat before such plat has been approved and recorded in the office of the County Recorder, shall be in violation of this Article. The description of

such lot or parcel by metes and bounds in the instrument of transfer shall not exempt the transaction.

9.11 No building shall be permitted unless it appears that the site and the location of the proposed construction and the promises on which it is to be located, conform in every respect to state law and City ordinances, regulations, plans or official map. Anyone erecting, altering, moving, or placing any structure without Council permission shall be in violation of this Article. In case any of the provisions herein cause unnecessary hardship, the Council may permit such variations therefrom as are not contrary to the intent and purpose of this Ordinance.

9.12 Referral of plats to Planning Commission. Any plat of land submitted to the Council for approval shall, prior to final approval, be referred to the Planning Commission for review and recommendation. Any plat so referred shall be returned to the Council by the commission within thirty (30) days, and failure of the commission to report within such period is deemed to have satisfied the requirements of this subdivision.

9.13 Waiver of platting. In unusual cases or in cases where strict compliance with the platting requirements stated in this Article would cause unreasonable or undue difficulty or hardship, the City Council may allow a waiver of platting alter the matter has been referred to the Planning Commission and heard by the Planning Commission with comments and/or recommendations being given by the Planning Commission to the City Council.

Waiver of platting may be granted in cases where a lot is split into two lots, with each lot otherwise complying with the size, setback, location and area requirements of this Ordinance, or upon an adjustment of lot lines between adjoining lot owners where each lot thereafter would continue to conform to the requirements of this Ordinance and meet all other statutory requirements.

## **ARTICLE 10. PLANNING COMMISSION ESTABLISHED.**

10.01 Establishment of Commission. A City Planning Commission for the City of Adams is hereby established.

10.02 Composition. Such Planning Commission shall consist of five (5) members. The members of the Planning Commission shall be appointed by the City Council and may be removed by a four-fifths vote of the City Council. The Council may appoint not more than one (1) member of the Commission from the persons who are serving on the City Council. The City Attorney and the City Engineer may attend Planning Commission meetings as advisory members but shall not be members of the Planning Commission, shall not be entitled to vote, and shall not be counted for purposes of determining a quorum.

Of the members of the commission, there are currently two (2) members, excluding the council member. Two (2) additional members shall be appointed, one (1) to be appointed to serve for a term of one (1) year, and one (1) to be appointed to serve for a term of two (2) years. Each term shall thereafter be considered to be for two (2) years. Their successors shall be appointed for terms of two (2) years. Both original and successive appointees shall hold their offices until their successors are duly appointed and qualified. The terms of the advisory members shall correspond to their respective official tenures. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Every appointed member shall, before entering upon the discharge of his or her duties, take an oath that he or she will faithfully discharge the duties of his or her office. All members shall serve without compensation.

10.03 Organization, Meetings, Etc. The commission shall elect a chairperson from among its members for a term of one (1) year; and the commission may create and fill such other offices as it may determine. The City Clerk shall act as secretary of the Planning Commission, but he or she shall not be a member.

The commission shall hold at least one regular meeting each year. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transaction, and findings, which record shall be a public record. On or before January first of each year, the commission shall submit to the City Council a report of its work during the preceding year.

Expenditures of the Commission shall be within amounts appropriated for the purpose by the City Council.

10.04 Powers and Duties of the Commission. The Planning Commission shall be the planning agency and shall have the powers and duties given such agencies generally by Laws of Minnesota. It shall also exercise the duties conferred upon it by this ordinance.

## **ARTICLE 11. PLANNING COMMISSION/BOARD OF ADJUSTMENTS AND APPEALS.**

11.01 The Planning Commission shall have power to recommend to the Council the granting of Special Uses and adjustments and exceptions in and to any of the provisions of this ordinance to the extent of the following and no further:

- (1) To vary or modify the strict application of any of the regulations or provisions contained in this ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application.
- (2) To permit public utility or public service uses, or public buildings to be located in any district when found to be necessary for public health, safety, convenience or welfare.

Before making its decision upon application for such adjustment or exception, the Planning Commission shall hold a public hearing thereon and shall thereafter make its decision. If the application be denied, no further action shall be taken upon it, but if the Planning Commission believes that the application should be granted, it shall recommend such action to the Council. The Council shall by resolution either grant or deny such application, and it may attach to the granting of the application any conditions and guarantees as it may deem to be necessary to carrying out of the purposes of this Ordinance.

11.02 The Planning Commission shall not recommend the granting of a Special use or of any application for adjustment or exception, and the Council shall not grant any such use, adjustment or exception unless they shall find from the evidence the following facts;

- (1) That there are special circumstances or conditions affecting the land, building or use referred to in the application.
- (2) That the granting of the application is necessary for the preservation and enjoyment of substantial rights.
- (3) That the granting of such applications will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

11.03 Board created. There is hereby created a Board of Adjustments and Appeals consisting of the City Council. The term of the member of the Board of Adjustments and Appeals shall be coterminous with his or her term on the City Council. Members shall serve without compensation. Staff services for the board shall be furnished by the City Clerk.

11.04 Procedure. A majority of the members of the board constitute a quorum and a majority of all the members is necessary for any decision of the board. The board shall elect one of its members as chairperson and appoint a secretary who may, but need not, be one of its members. Subject to the provisions of this Ordinance, the board may adopt rules necessary to the conduct of its affairs. The chairperson or, in his or her absence the acting chairperson, may administer oaths to witnesses. All meetings shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The board shall keep records of its examinations and other official actions.

11.05 Powers and duties of board. The board shall have the power and duty of hearing and deciding appeals or requests in the following cases:

- (1) Appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer, the Planning Commission or the City Council in the administration, interpretation or enforcement of this Ordinance.
- (2) Requests for variances from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

11.06 Appeal. An appeal for administrative review as specified in this Ordinance may be taken to the board by any person, firm or corporation or any city officer, department, or agency affected by a decision of the Planning Commission, the City Council or any person administering this Ordinance. Such an appeal shall be taken by filing a notice of appeal specifying the grounds thereof with the City Clerk, and the board within 30 days after the decision. If the appeal is not taken by the owner of the property which is the subject matter of the decision appealed from, the notice shall not be so filed until after it has been served upon such owner either in person or by mail. The City Clerk shall forthwith transmit to the board all papers constituting the record upon which the action Appealed from was taken. An application for a variance may be filed by the owner of the affected property at any time.

11.07 Variances. No variance shall be granted to allow a use not permissible under the terms of this ordinance in the district involved. In granting a variance, the City Council on appeal, may prescribe appropriate conditions in conformity with this Ordinance. When such conditions are made part of the terms under which the variance is granted, violation of the conditions is a violation of this Ordinance. A variance shall not be granted by the City Council on appeal, unless it conforms to the following standards:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and do not result from the actions of the petitioner.
- (2) Literal interpretation of the provisions of this Ordinance would deprive the petitioner of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- (4) The proposed variance will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the city.

11.08 Decision by board. Upon filing with the board a request for variance or an appeal from an administrative order or determination, the board shall set a date for hearing thereon, which shall be no later than 30 days from the date of filing, and shall hear such Persons as wish to be heard, either in person or by agent or attorney. Notice of any such hearing shall be mailed not less than 10 days before the date of hearing to the person who filed the appeal or request, and in the case of a request for a variance, to each owner of property situated wholly or partly within 350 feet of the property to which the variance relates, insofar as the names and addresses of such owners can be determined by the clerk from records available to the public. Within a reasonable time after the hearing, the board shall make its order deciding the matter and serve a copy of such order upon the appellant or the petitioner by mail, but the board shall not make its order until the planning agency has had a reasonable time, not to exceed 60 days, to review and report to the board upon the appeal or petition. The appellant or petitioner may within 45 days from the date of the order file with the City Clerk an appeal to the Council from the decision of the board.

11.09 Hearing and decision by the Council. The board shall at its next regular or special meeting after the filing of an appeal to it from a decision of the Planning Commission or City Council set a date for hearing thereon, which shall be not later than 60 days after the meeting.

After hearing the oral or written views of all interested persons, the Council shall make its decision at the same meeting or at a specified future meeting thereof.

11.10 Form of action taken and record thereof. The board and the Council on appeal, shall provide for a record of its proceedings, which shall include the minutes of its meetings, its findings, and the action taken on each matter heard by it, including its final order. The City Clerk shall maintain a permanent record of the disposition of all appeals to the Council from decisions of the board.

11.11 Finality of decisions and appeal. The decisions of the Board of Adjustments shall be considered final decisions and shall be subject to judicial repeal upon appeal to the District Court of the County of Mower. In cases where the City Council has made a decision following a due process hearing, and notice thereof under Section 11.08 hereof, the aggrieved applicant need not request or participate in another hearing before the Board of Appeals, but may instead seek judicial relief directly from the District Court.

## **ARTICLE 12. SPECIAL USE PERMITS.**

12.01 Procedure. A special use permit may be issued in accordance with this section for any use or purpose for which such permits are required or permitted by this Ordinance.



Application for a special use permit shall be made by the owner to the Planning Commission on a form prescribed by the City and accompanied by such other information as required by rules of the Commission. The Planning Commission may hold such hearings on the proposal to issue a special use permit as it considers necessary and it shall thereafter make such recommendations on the proposal to the Council as it deems advisable.

Upon receipt of such recommendations, the Council shall hold whatever hearings it deems advisable and shall make its decision upon the proposal to grant a special use permit.

12.02 Standards. The Planning Commission shall recommend a special use permit and the Council shall order the issuance of such permit only if it finds that such use at the proposed location:

- (1) Will not be detrimental to or endanger the public health, safety, morals, comfort, convenience or general welfare of the neighborhood or the City.
- (2) Will be harmonious with the general and applicable specific objectives of the comprehensive plan of the City and this Ordinance.
- (3) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
- (4) Will not be hazardous or disturbing to existing or future neighboring uses.
- (5) Will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems, and schools; or will be served adequately by such facilities, and services provided by the persons or agencies responsible for the establishment of the proposed use.
- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (7) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- (8) Will have vehicular approaches to the property which are so designed as not to create traffic congestion or an interference with traffic on surrounding public thoroughfares.

- (9) Will not result in the destruction, loss, or damage of a natural, scenic, or historic features of major importance.
- (10) Will conform, to specific standards of this Ordinance applicable to the particular use.

12.03 Denial for noncompliance. If the Planning Commission recommends denial of a special use permit or the Council orders such denial, it shall include in its recommendations or determination findings as to the ways in which the proposed use does not comply with the standards required by this Ordinance.

12.04 Conditions. In recommending or approving any special use permit, the Planning Commission and the Council may impose conditions which it considers necessary to meet the standards of this Ordinance and to protect the best interests of the surrounding area or the City as a whole. Violation of any such condition is a violation of this Ordinance. These conditions may include but are not limited to the following:

- (1) Ingress and egress to property and proposed structures thereon with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
- (2) Off-street parking and loading areas where required, with particular attention to the items in 12.04(1) and the economic, noise, glare, or odor effects of the special use on nearby property.
- (3) Refuse and service areas, with particular reference to the items in 12.04(1) and 12.04(2) above.
- (4) Utilities, with reference to location, availability, and compatibility.
- (5) Diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
- (7) Required yards and other open space.
- (8) General compatibility with adjacent and other property in the district.

12.05. Expiration. If substantial construction has not taken place within one (1) year after the date of a special use permit, the permit is void except that, on application, the Council, after receiving the recommendation of the Planning Commission, may

extend the permit for an addition period not to exceed one (1) year. A special use permit authorizes only the conditional use specified in the permit and expires if, for any reason, the authorized use ceases for more than one (1) year.

**ARTICLE 13. SIGNS, BILLBOARDS AND EXTERIOR GRAPHIC DISPLAYS.**

13.01 Purpose and Intent. The purpose and intent of this Article is to protect and promote the welfare, safety, order and beauty of the city of Adam by setting reasonable standards and regulations for outdoor advertising signs, symbols, markings, and devices intended for visual communications.

13.02 Size of Signs Permitted. No signs, billboard, or exterior graphic display shall be permitted in any district except as herein provided:

- (1) In any district a sign not exceeding two (2) square feet in surface size is permitted which announces the name, address, or professional or business activity of the occupant of the premises on which said sign is located. In the residential district, all signs must be attached to a wall of the principal structure located upon the premises.
- (2) A bulletin board not exceeding twenty-four (24) square feet is permitted in connection with any church, school, or similar public structure.
- (3) A temporary real estate or construction sign, not exceeding eight (8) square feet is permitted on the property being sold, leased or developed. Such signs shall be removed within ten (10) days after it has fulfilled its function. One temporary political campaign or special promotional signs, not exceeding twenty-four (24) square feet per lot, is permitted and must be removed within ten (10) days after the event or election.

13.03 Premises Business Signs. Business signs shall be permitted in connection with any legal business or industry when located on the same premises, and if they meet the requirements hereinafter provided.

- (1) Signs shall not contain information or advertising for any product or service not sold on the premises.
- (2) Signs shall not have a combined aggregate surface size greater than five (5) square feet for each foot of width of the principal structure on the premises. If building mounted, these signs shall not project more than five (5) feet above the roof line.
- (3) No sign shall be permitted that obstructs the vision of a driver or pedestrian to see any crossroad, crosswalk, road sign, or road signal. No sign shall distract the driver or pedestrian in an unsafe manner nor cause any confusion with any road signs or signals.

- (4) Signs and structures shall not be illuminated in any manner which causes unsafe distraction, confusion, or hazard to vehicular or pedestrian traffic.
- (5) Any sign in excess of fifty (50) square feet shall require Planning Commission approval before installation is permitted.
- (6) No sign shall contain any immoral or indecent language, advertising or illustration.

13.04 Existing Non-Conforming Signs. Any non-conforming sign lawfully existing upon the effective date of this ordinance may be continued at the size and in the manner existing upon such date except as hereinafter provided.

- (1) A non-conforming sign may not be changed to another non-conforming sign or structurally altered or painted, repainted, refaced or expanded except to bring it into compliance with the provisions of this Article.
- (2) A non-conforming sign may not be re-established after removal or after damage.
- (3) Any sign destroyed or damaged as a result of vandalism may not be re-established except in compliance with this Article.

13.05 Maintenance. All signs shall be constructed to be safe and substantial and must be maintained in good repair. Signs deemed to be unsafe, in poor repair, or a hazard to pedestrian or vehicular traffic, or a nuisance as determined by the City Council, shall be improved so as to comply with these provisions within thirty (30) days of notification from the Council or they will be removed at the owner's expense.

13.06 Permit Required. Prior to the erection, construction, moving upon the premises, or replacement of any sign, the person doing such erection, construction, moving or replacement shall obtain a signed permit approved by the City Council authorizing such erection, construction, moving or replacement. A fee for each permit issued shall be paid to the City of Adams, at the time of making application for the permit, in an amount of twenty dollars (\$20.00). All applications for permits shall be accompanied by plans and specifications for the requested sign.

#### **ARTICLE 14. FIRE LIMITS AND REGULATION OF THE ERECTION OF BUILDINGS.**

14.01 The following described territory situated in the City of Adams, Mower County, Minnesota, shall comprise the fire limits of said City of Adams and the whole of

the ground included within said limits shall be deemed and taken to be within said fire limits, to-wit:

Original City--Lot 1, Block 7; the South 54 feet of the East 20 feet of Lot 2, Block 7; the East 35 feet of the South 130 feet of Lot 9, Block 7; Lots 10, 11 and 12, Block 7; the west 70 feet of Lots 5 and 6, Block 8; Lots 7 to 18 inclusive in Block, 8; Lots 1, 2, 3, 4, 5, and 6, Block 12; Lots 1 to 12 inclusive in Block 13; Lots 1, 2, 3, 4, and 5 in Block 14.

14.02 No person shall erect or place any building or part of a building within the fire limits of said City as prescribed in 14.01 of this Ordinance unless the walls of such building or part of building be constructed of stone, brick, or iron, with fire walls rising at least one foot above the roof thereof, with roof of slate or metal, and with walls including partition or party walls at least twelve (12) inches in thickness, except out-buildings in the rear, the walls of which shall be eight (8) inches in thickness, provided that buildings not more than one story in height may be veneered with brick and buildings of stone or brick not exceeding twenty (20) feet in height may be constructed with walls eight (8) inches thick.

14.03 Any party or person proposing or intending to erect or place any building or part- of a building within the fire limits as defined in this Ordinance, shall before proceeding therewith, apply to the City Council of said City for a permit therefore, and shall furnish such City Council with a written statement showing the location, dimensions, manner of construction, and the material to be used in such building or part of the building and if it appears from such written statement that the building or part of building so proposed or intended to be erected or placed within said fire limits is to be constructed in compliance with 14.02 of this Ordinance, then the City Council of said City shall grant a permit thereof.

14.04 No person shall enlarge, raise or elevate from the ground any wooden or frame building in said fire limits by constructing thereon or thereunder another story or part of story or in any way increase the height of said building, nor repair or rebuild any wooden building within said fire limits when the cost of such repairs or rebuilding shall exceed the size of one hundred dollars (\$100.00) , such cost to be estimated and ascertained by the City Council or under its direction, nor shall any person remove any wooden building from any section or lot within or without said fire limits to another section or lot within the same.

14.05 Any person who shall hereafter erect or place any building or part of a building within the fire limits of said City without obtaining a permit therefore as prescribed by this Article, or who shall violate any of the provisions of this Article, shall upon conviction thereof, be subject to a fine of one hundred dollars (\$100.00), together with the costs of prosecution.

14.06 The provisions of 14.03 shall not apply to any building, or part of a building, in the process of construction at the time of the passage and approval of this Ordinance.

**ARTICLE 15. PARKING OF VEHICLES.**

15.01 All vehicles parked upon Main Street shall be parked parallel with the curb or curbing on the right hand side of the street or highway and out of the line of traffic.

15.02 No truck larger than a one ton truck with pick-up body shall be parked on Main Street or on Fourth Street in the following areas except for the purpose of loading or unloading:

- (1) Upon Main Street from its intersection with Third Street to a point 150 feet West of the West line of the intersection of Main Street and Fourth Street; and
- (2) On Fourth Street from the South line of its intersection with Bergen Street south to the farthest point of the curb and gutter upon Fourth Street.

15.03 There shall be no parking of any semi-tractors and/or trailers, or any vehicles used for hauling any hazardous materials, such as gasoline, fuel, chemicals or explosives on any street, alley or boulevard located in residential areas in the City of Adams, or upon any properties that are residential, except for the purpose of loading or unloading, and then only for a period no longer than is necessary for the purpose.

15.04 The parking of semi trucks and trailers (other than while being loaded and unloaded) is prohibited within the city of Adams, except that such semi trucks and trailers may be temporarily parked by persons who are owners or operators of such vehicles and reside within Adams or within two miles of the City limits of Adams, on Commerce Street only between Second Street and Fourth Street, for a period of time not exceeding forty-eight (48) consecutive hours, and not directly in front of or adjacent to residences.

15.05 In diagonal parking, trucks or cars shall be parked diagonally and no car or truck exceeding 22 feet in overall length, that is from bumper to bumper, shall be parked in a diagonal manner, and no car or truck shall be parked diagonally with a load, any part of which projects beyond the rear bumper of said vehicle. Parking on Fourth Street (also designated County State Aid Highway No. 7) between Commerce Street and a point 35.8 feet south of the southerly line of the alley midway between Bergen and Water Streets, shall be permitted by diagonal parking on the west side of Fourth Street and by parallel parking on the east side thereof.

15.06 No vehicle shall be parked in one spot upon any street or alley for more than 24 hours during the winter months of December, January, February and March of any year, and for no longer than seven days during the remainder of the year.

15.07 No person or persons shall hitch or tie horses to any post or posts along Main and Fourth Streets.

15.08 It is unlawful for any person to leave or park a recreational camping vehicle on or within the limits of any street or right-of-way for a continuous period in excess of 72 hours, except where signs are erected designating the place as a campsite. The term recreational camping vehicle means any of the following:

- 1) Travel trailer means a portable structure built on a chassis, designed to be used as a dwelling for travel, recreation, and vacation uses, permanently identified "travel trailer" by the manufacturer of the trailer.
- 2) Pickup coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
- 3) Motor home means a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- 4) Camping trailer means a folding structure, mounted on wheels and designed for travel, recreation and vacation uses.

## **ARTICLE 16. TAXING DISTRICTS.**

16.01 All of the area within the limits of the City of Adams shall be and is divided into an urban service taxing district and a rural service taxing district, with each taxing district constituting a separate taxing district for the purpose of all municipal property taxes, except those levied for the payment of bonds and judgments and interest thereon.

16.02 The rural service taxing district shall include the following described land in the City of Adams:

See legal descriptions on attached Exhibit A.

The previously described land included in the rural service taxing district is and shall be rural in character and not developed for commercial, industrial or urban residential purposes, and for these reasons, is not benefited to the same degree as other lands by municipal services financed by general taxation. No tracts under ten (10) acres in area shall be included in the rural service taxing district.

16.03 The urban service taxing district shall include all lands within the boundaries of the City of Adams which are not included in the rural service taxing district described in 17.02.

16.04 The benefit ratio between tax-supported municipal service to parcels of land of like, full and true value situated in the rural service taxing district and in the urban service taxing district, respectively, shall be 23:100.

16.05 The following uses are prohibited in the rural service taxing district:

- (1) Platting.
- (2) Residential, commercial or industrial development.

The rural service taxing district shall include such unplatted lands as in the judgment of the City Council at the time of adoption of the Ordinance are rural in character and are not developed for commercial, industrial, or urban residential purposes, and for these reasons are not benefited to the same degree as other lands by municipal services financed by general taxation. The rural service taxing district may include lands which are not contiguous to one another.

16.06 Whenever any parcel of land, owned by one person or by two or more persons jointly or in common at the time of its inclusion in the rural service taxing district, is platted, in whole or in part, and whenever application is made for a permit for the construction of a commercial, industrial or urban residential development or improvement to be situated on such parcel or any part thereof, the City Council shall make and enter an order transferring such parcel from the rural service taxing district to the urban service taxing district. Whenever a portion of any land in the rural service taxing district is platted or a permit for construction, as above provided, is applied for, which would result in a tract in the rural service taxing district being less than ten (10) acres in area, the City Council shall make and enter an order transferring such parcel less than ten (10) acres in area from the rural service taxing district to the urban service taxing district.

16.07 No city service beyond that normally provided by the townships of the County of Mower will be provided by the City to the rural service taxing district.

16.08 Land in the rural service taxing district must be open, rural in character, and maintained in farm crops or seeded.

16.09 By amendment of this Ordinance, the benefit ratio may be changed, and lands may be added to or removed from the rural service taxing district, but no amendment shall be required to remove lands by the procedure provided for in Section 16.06 above.

#### **ARTICLE 17. AMENDMENTS.**

17.01 This Ordinance may be amended only by a three-fifths vote of the City Council. Proceedings for such amendment may be initiated by (1) the City Council, (2)



the Planning Commission, or (3) the verified petition of not less than 50 percent of those property owners within 300 feet of the proposed change.

**ARTICLE 18. ENFORCEMENT.**

18.01 It shall be the duty of the City Council to enforce this Ordinance through the proper legal methods and authorities.

18.02 Any person who shall violate or fail to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with Minnesota law. Each day that the violation is permitted to exist constitutes a separate offense.

18.03 Nothing contained in this Ordinance shall be deemed to repeal or amend any ordinance requiring a permit or license to engage in any business or occupation.

18.04 The prosecution of any offense, and the imposition of any fine or sentence shall not exempt the offender from compliance with requirements of this Ordinance, and the City may pursue by appropriate actions or proceedings, any or all additional other remedies, including injunctive relief.

**ARTICLE 19. ADAMS FLOOD PLAIN MANAGEMENT ORDINANCE.**

19.01 The City of Adams Ordinance No. 138 entitled Flood Plain Management Ordinance is hereby incorporated in its entirety into this Ordinance.

**ARTICLE 20. REPEAL.**

20.01 Ordinance No. 12 and amendments thereto at No. 13, 14, 17, and 62, Ordinance No. 30 and amendment thereto at No. 115, Ordinance No. 51 and amendments thereto at No. 110 and 116, Ordinance No. 53 and amendments thereto at No. 54, 56, 58, 61, 63, 72, 74, 75, 79, 91, 97, 1050 114, 117, 120, 126 and 129, Ordinance No. 82, Ordinance No. 92, Ordinance No. 112, Section 2 of Ordinance No. 113, and Ordinance No. 118 are hereby repealed.

Adopted by the City Council of Adams, Minnesota, this 5th day of July, 1994.

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City Clerk

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Mayor