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SECTION 1.0 TITLE AND INTENT

1.1 Title

This ordinance from the date of its passage shall be entitled: ZONING ORDINANCE CITY OF SWANVILLE, MINNESOTA.

1.2 Intent

- A. Promote and protect the public health, safety, comfort, and general welfare of the people of City of Swanville, Minnesota.
- B. To implement and effectuate the City of Swanville Community-based Comprehensive Plan.
- C. To provide for quality natural resources for the enjoyment of the community and for future generations to come.
- D. To provide for a quality living environment for all property owners and residents by regulating the use of lands, placement and characteristics of structures in relation to surrounding properties.
- E. To provide for the administration of the provisions of this ordinance.

1.3 Jurisdiction

The jurisdiction of this Ordinance shall apply to all of the area within the corporate limits of the City of Swanville, Minnesota.

1.4 Application and Interpretation

- A. In their application and interpretation, the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety and welfare.
- B. Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by any law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

1.5 Separability

If any portion or portions of this ordinance are adjudged to be unconstitutional, unlawful, or otherwise invalid by a court of competent jurisdiction, the judgment shall not affect any other portions of this ordinance not specifically declared unconstitutional, unlawful, or invalid.

SECTION 2.0 RULES AND DEFINITIONS

2.1 Rules and Construction of Words

- A. The word person includes a firm, association, partnership, trust, and company or corporation as well as individual persons.
- B. The word shall is mandatory, the word may is permissive and the word lot shall include the words “piece” and “parcel”.
- C. Words used in the present tense shall include the future; words used in the singular form shall include the plural, and the plural the singular.

2.2 Definitions

- 1. Abandoned Building – A building as defined hereinafter on the public or private ordinance, which no longer serves as a practical use and, due to its location or structural condition, is considered a safety hazard in the opinion of the Zoning Administrator, Planning Commission, or City Council.
- 2. Abandoned Motor Vehicle as defined in Minnesota Statutes 168B.011 Subdivision 2.
 - a. Any motor vehicle that has remained illegally:
 - i. for a period of more than 48 hours on any property owned or controlled by a unit of government, or more than four hours on that property when it is properly posted; or
 - ii. on private property for a period of time as determined under section 168B.04, Subdivision 2, without the consent of the person in control of the property; and
 - b. Lacks vital component parts or is in an inoperable condition such that it has no substantial potential for further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building.
 - c. A classic car or pioneer car, as defined in Minnesota Statutes section 168.10, is not considered an abandoned vehicle.
 - d. Vehicles on the premises of junk yards and automobile graveyards that are defined, maintained, and licensed in accordance with Minnesota Statutes section 161.242, or that are licensed and maintained in accordance with

the City of Swanville Municipal Code and this Ordinance, are not considered to be abandoned vehicles.

- e. A vehicle being held for storage by agreement or being held under police authority or pursuant to a writ or court order is not considered abandoned, nor may it be processed as abandoned while police hold, writ, or court order is in effect.
3. Accessory Use or Structure – A land use or structure accessory to the principle use or structure and is incidental and subordinate to the zoning district in which the use or structure is located.
 4. Addition – A physical enlargement of an existing structure.
 5. Adjacent - In close proximity to or neighboring, not necessarily abutting.
 6. Adult Use – Any use of property or business such as a bookstore, body painting studio, cabaret, companionship establishment, conversation or rap parlor, health or sports club, hotel or motel, massage parlor, motion picture theater, modeling studio, novelty business, sauna, steam room, or bathhouse meeting the following criteria:
 - a. The use or business is required to regulate entrance by minors or persons under the age of eighteen (18) due to the actual or simulated sexual nature of the business by state law.
 - b. The use results in the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.
 7. 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.
 8. Agricultural – Pertaining to use of land for production of crops, livestock, livestock products in exchange for income including, but not limited to field crops, livestock, livestock products, or game farms. The term shall include incidental retail selling by the producer of products raised on the premises, provided the space necessary for parking of vehicles of customers shall be furnished off the public right-of-way.

9. Agricultural Building or Structure – Any building or structure erected or existing to serve agricultural purposes.
10. 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 height, or by moving from one location to another, of a building or a structure.
11. Animals, Domestic – Common household pets, such as dogs and cats, kept for amusement, companionship, decoration or interest.
12. Animals, Food - Fish, fowl, cattle, swine, sheep and other raised for the purpose of food consumption.
13. Animals, Wild – 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.
14. Animal Boarding Facility – An establishment that houses animals, other than those belonging to the occupant, overnight or over an extended period of time.
15. Animal Grooming Establishment - An establishment principally engaged in grooming animals in which overnight boarding is prohibited.
16. Animal Husbandry – The care or breeding of domestic animals such as cattle, hogs, sheep, horses, poultry, dogs (more than two), or cats (more than three) for the occupants of a property.
17. Animal Unit – A unit of measure based on the approximate production of wastes from 1,000 pounds of live weight of animals including poultry.

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

One (1) dog	0.1
One (1) cat	0.05

18. Apartment – Existing in either a multiple-family or commercial structure, consist of a single dwelling unit for occupation by a single family.
19. Architectural Projection – A non-functional or ornamental feature on a building or other structure that does not extend to, or from, the ground.
20. Artist’s Studio – A fine arts workshop of a painter, sculptor, potter, weaver, carver, jeweler, photographer or similar art that requires artistic skill, where the public is received or where the artist is engaging in retail sales. Not generally utilitarian, related to personal hygiene or adornment.
21. 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.
22. Attorney – The City Attorney of the City of Swanville, Minnesota, or his authorized representative.
23. Automobile Court or Motel – A combination of two (2) or more detached or semi-detached or connected permanent buildings that are used to furnish overnight transient living accommodations and/or oriented toward travelers parking their automobiles.
24. Bathroom – A room containing a shower or bathtub or a sink and a toilet.
25. Basement – any portions of a structure, underground either partially or in whole, but having at least half of its ceiling height below the average grade of the adjoining ground.
26. Bed and Breakfast – A single family dwelling used in part for rental lodging, providing meals as a part of the rental fee. The owner of the parcel must live on the premises.
27. 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.
28. 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.

29. Block – A grouping of contiguous lots bound by roadways, boundaries of subdivision lines, property lines, and/or bodies of water.
30. Boarding House – Same as Bed and Breakfast dwelling.
31. Board of Appeals and Adjustments – For the purposes of this Ordinance the City Council shall serve as the Board of Appeals and Adjustments. As provided by Minnesota Statutes 462.357, Subd. 6. (1) the Board of Appeals and Adjustments shall hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance. Section (2) of that same subdivision specifies that it is also the responsibility of the Board of Appeals and Adjustments to hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance.
31. 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.
33. Buildable Area – Any site, lot, parcel, or any portions thereof that is not designated a floodplain, Natural Resources (N-R) Zoning District or wetland area, and does not contain slopes in excess of twenty-five (25) percent slope.
34. Building – Any structure used or intended to be used for storage, shelter, or occupancy.
35. 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 of a pitched or hip, or gambrel roof or ten feet below the peak, whichever is greater.
36. Building Line – A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not be extended.
37. Building Permit – See Land Use Permit.

38. Building (Principal) – Building or structure intended to serve the purpose of the principal use of the zoning district in which the building is situated.
39. Business – Any establishment, occupation, employment, or enterprise wherein merchandise is manufactured, exhibited, stored or sold, or where services are offered for compensation.
40. Carport – A vehicle shelter having one (1) or more sides permanently open.
41. 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.
42. Camping – Habitation of a temporary structure.
43. 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.
44. Cemetery – Public and private cemeteries as defined in Minnesota Statutes, Chapter 306.
45. Childcare, Center (Day Care) – A facility, or portion thereof, that is maintained, for the whole or part of the day, licensed as a child care provider per Minnesota Statutes 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 foster care home or any facility defined as a Child Care, Family Home.
46. Childcare, 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 per Minnesota Statutes 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.
47. Church – A building, together with its accessory buildings and uses, where persons regularly assemble for purposes of religious worship and assembly, owned and controlled by a religious body organized to sustain public worship.
48. City Clerk/Treasurer – Person appointed by the City Council to manage City affairs.

49. City Council – Governing body duly elected by the people of the City of Swanville.
50. City Sewer or Water System - A system of municipally maintained utilities, approved by the State, and serving more than one building or property.
51. Club or Fraternal Organization – A not-for-profit group or organization catering exclusively to members and their guests.
52. Commercial Use – Use of land or buildings for purposes of sale, lease, rental, or trade of products, goods or services. For the purposes of this Ordinance commercial land uses are categorized under the C-1, I-1, and I-P Zoning Districts.
53. Commissioner – The commissioner of the Minnesota Department of Natural Resources.
54. Comprehensive Plan – Also referred to as a 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 it’s environment and may include, but is not limited to, the following items: statements of policies, goals, standards, a land use plan, a community facilities plan, and a transportation plan and recommendations for plan execution. The City of Swanville Comprehensive Plan as created, adopted, and amended in accordance with Minnesota Statutes, Chapter 462.
55. Common Interest Community (CIC) – A community defined by Minnesota Statutes 515B as a contiguous or noncontiguous real estate within Minnesota that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies. Real estate subject to a master association, regardless of when the master association was formed, shall not collectively constitute a separate common interest community unless so stated in the master declaration recorded against the real estate pursuant to Minnesota Statutes section 515B.2-121, subsection (f)(1).
56. Conditional Use – A land use or development as defined by the ordinance that would not be appropriate without restriction. Such uses may be conditionally permitted through the issuance of a Conditional Use Permit.

57. Conditional Use Permit – A permit issued under provisions of this Ordinance. Conditional use permits may be issued upon recommendation by the Planning Commission and shall be issued only under the approval of the City Council. Criteria for conditional use permits include (i) conformance with the comprehensive plan, (ii) the use conforms to existing regulations as provided by this Ordinance, (iii) the use is not detrimental to the general health, safety, welfare, and moral character of the community, and (iv) the use is consistent with the general character of the neighborhood in which the proposed use exists.
58. Condominium – A community defined by Minnesota Statutes 515A as real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.
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-ways, rivers or streams.
60. Council – The City Council of the City of Swanville, MN.
61. Crawl Space – The space below the first story of a structure not more than four feet high and not intended for human habitation.
62. Cul-de-sac – A short local street terminating in a vehicular turnaround.
63. Deck – A horizontal, unenclosed platform attached and/or functionally related to the principle use or structure.
64. District – Designated areas of land within the City of Swanville, which specify uniform regulations for development within that specific area.
65. Duplex, Triplex or Quad – A structure consisting of two, three, or four units respectively; consisting of sleeping, cooking, living, and bathroom facilities.
66. Dwelling – A building, or portion thereof, used exclusively for residence occupancy including one-family (Single-family Dwelling), two-family (Two-family Dwelling), and multiple-family units (Multiple-family Dwelling), but not including mobile homes, hotels, motels, boarding or rooming units.

67. Dwelling, Guest Quarters – Any accessory structure, not for sale or lease, with separate bathroom, kitchen, and living 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, Seasonal – A unit intended for use as a dwelling for a period not to exceed eight (8) months out of the calendar year (12 months).
70. Dwelling, Single Family – A dwelling unit totally separated from any other dwelling unit.
71. Dwelling, Townhouse – Multiple-family dwelling units sharing a common wall. Ownership is defined by plat or by a condominium plan.
72. Dwelling Site – A designated location of residential use by one or more persons using temporary or moveable shelter including camping and recreational vehicle sites.
73. 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.
74. Dwelling Width – The smallest horizontal dimension of the major portion of a dwelling.
75. Engineer – The Engineer duly appointed by the Council to perform technical services for the City of Swanville.
76. Exterior Storage – Storage of materials, goods, equipment, or similar items not fully enclosed within a structure.
77. Extractive Use – The use of land for removal of materials such as sand, gravel, rock, and other non-metallic materials not regulated under Minnesota Statutes 93.44 to 93.51.
78. Family – An individual or two or more person related by blood, marriage, adoption, or a relationship legally recognized in Minnesota, or not more than five unrelated persons maintaining a common household.

79. Feedlot – A lot, building, groups of lots, or groups of buildings, or any combination thereof, intended for the housing, feeding, raising, or holding of animals.
80. Fence – Any barrier constructed to serve as a divider marker, barrier, or similar function located along or within the boundary of a lot or tract of land.
81. Filling – The act of depositing earthen material.
82. Final Floor Plan – A drawing prepared by a Registered Architect, Registered Engineer, or Registered Land Surveyor depicting the condominium subdivision of real estate and related information conforming to the requirements of Minnesota Statutes 1980, Section 515A.2-110.
83. Final Plat – Final version of a plat completed in accordance with Minnesota Statutes and the Subdivision Regulations of the City of Swanville, considered by the planning commission and approved by the City Council, and is to be filed with the Morrison County Recorder.
84. Flood Fringe – The portion of the floodplain outside of the floodway. Flood fringe is synonymous with “floodway fringe” used in previous Flood Insurance Studies for the City of Swanville.
85. Floodplain – The land areas adjoining a watercourse which has been, or hereafter may be covered by a regional flood.
86. Floodway – The channel of a watercourse and those portions of the adjoining floodplain that are reasonably required to carry and discharge a regional flood.
87. 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.
88. Forestland Conversion – The clear cutting of forestland for a land use other than the re-establishment of a subsequent forestland.
89. Foundation – A concrete, concrete block or treated wood portion of a structure which totally encloses the perimeter of the structure, supports the bearing loads of the super-structure and penetrates the ground to provide frost protection. The foundation must follow the IRC guidelines.
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 – An accessory portion of a principle structure that is used for storage of vehicles, materials, and goods, and is not intended to be inhabited. A garage may share a common wall (adjoining garage) with the principle structure, or separate from the principle structure (unattached garage).
92. Grading – Changing or altering the existing topography of land.
93. Green Space – Public or private property permanently dedicated to park, vegetative buffer, tree coverage, watercourse, sewage disposal, or similar uses.
94. Group Care Facilities – A facility providing residential services for persons who are handicapped, aged, disabled, or undergoing rehabilitation. This includes uses such as homes for the physically handicapped, mentally disabled, chemically dependent, foster children, maternity shelters, and halfway houses.
95. Handicap Ramp – A ramp must have a slope of 1:12, that means a rise of 30 inches will require a ramp at least 30 feet long. The ramp must be 36 inches wide. The ramp must have a 5 ft by 5 ft platform on top and bottom of ramp and every 30 feet of ramp. The ramp must have handrails on both sides.
96. Hardship – As defined in Minnesota Statutes 462.357 means 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 not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.
97. Home Occupation – Incidental and secondary use of property, dwelling unit or accessory structures within a residential zoning district for commercial use pending the use of the property or any structures upon the property does not change the residential character thereof.
98. Home Occupation I – A home occupation which results in less than ten (10) occupation related trips per week with no employees beyond the owner of the property. No advertising on-site or off-site. Use would not generate any additional noise, waste, or other nuisances beyond normal residential use.
99. Home Occupation II – A home occupation which results in less than twenty five (25) occupation automobile trips per week with no more than one (1) employees in

addition to the owner of the property working on-site. The use may include on-site signage and manufacturing or sale of products or storage of equipment on the premises. A home occupation II use shall require the issuance of a Conditional Use Permit.

100. Home Occupation III – A home occupation which results in less than sixty (60) occupational related automobile trips per week with no more than two (2) employees working on-site. The use may include on-site signage and manufacturing, sale, or storage of products, equipment, etc., on-site. A home occupation III use shall require the issuance of a Conditional Use Permit.
101. Hotel – A building, structure, or enclosure, or any part thereof, kept, used, advertised, maintained, or held out to the public to serve as an enclosure where sleeping accommodations are furnished to the public for periods of generally one week or less.
102. Impervious Surface – The horizontal area of buildings, patios, walkways, driveways, accessory structures, or other surfaces impervious to the penetration of storm water, including gravel drives and parking areas.
103. Industrial Uses – Generally, the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
104. Intensive Vegetation Clearing – The complete removal of trees or shrubs in a continuous path, strip, row, or block.
105. Junkyard – An area where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, 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 material in conjunction with construction or manufacturing process shall not be included. Such use shall not include garbage. Outdoor storage of three or more automobiles without current licenses shall constitute a junkyard.
106. Junk Vehicle – A junk vehicle as defined by Minnesota Statutes 168B.011 Subdivision 3 means a vehicle that:
 - a. is three (3) years or older;
 - b. is extremely damaged, with the damage including such things as broken or missing wheels, motor, drive train, or transmission;
 - c. is apparently inoperable;

- d. does not have valid, current registration plate; and
 - e. has an approximate fair market value equal only to the approximate value of the scrap in it.
107. Kennel – Any structure or premises in which four (4) or more pets are kept for sale, breeding, boarding, profit, or similar uses.
108. Lake Classification – The formal classification for each body of public water is provided by the Department of Natural Resources.
109. Land Use Permit - A permit issued by the City of Swanville through 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 applicable fees paid in full. A Land Use Permit may have attached administrative conditions specific to the subject site when called for by this Ordinance.
110. Landscaping – Planting of trees, grass, shrubs, decorative timbers, and materials such as rocks and water displays to add aesthetic beauty to an area of land.
111. Licensed Engineer – A person licensed as a professional engineer by the State of Minnesota.
112. Licensed Surveyor – A person licensed as a professional surveyor by the State of Minnesota.
113. Lot – A parcel of land designated by plat, registered land survey, auditor’s plat or other accepted means and separate from other parcels or portions thereof by said description for the purpose of sale, lease, or other separation.
114. Lot, Corner – A lot situated at the junction of, and abutting on two or more roadways.
115. Lot Coverage – The part or percentage of the lot occupied by buildings or structures, including accessory buildings or structures.
116. 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.
117. Lot Line – The property line bounding a lot except that where any portion of a lot extends into the public right-of-way shall be the lot line for the purposes of this

Ordinance.

118. Lot of Record – A lot that is a part of a subdivision recorded in the office of the Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
119. 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.
120. Lot, Substandard – A lot or parcel of land for which a deed has been recorded in the office of the 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.
121. Lot Width – The shortest point between lot lines measured at the midpoint of the building line.
122. 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.
123. Manufactured Home – A structure, transportable in one or more sections, which, when erected on site is built on a permanent foundation, contains heating, electrical, and plumbing systems. Not a mobile home.
124. Mature Tree – A living tree greater than four (4) inches in diameter.
125. Metes and Bounds – A method of property description utilizing directions and distances commencing from and terminating at an identifiable point.
126. Mississippi Headwaters Board (MHB)– Formed in 1980 by the Minnesota State Legislature as a joint powers board of Clearwater, Beltrami, Morrison, Itasca, Aitkin, Crow Wing and Morrison Counties under Minnesota Statutes 103F.361-377 to enhance and protect the natural, cultural, historic, scientific and recreational values of the headwaters region.
127. Mobile Home – A manufactured residential unit designed intrinsically as a trailer with completed, independent living facilities for one family including provisions for living, sleeping, cooking, and sanitation.

128. Mobile Home Park – A lot or tract of land upon which two or more mobile homes are harbored with or without charge and any accessory structures or building accessory to that principle use.
129. Motel – A group of attached or detached buildings or structures with separate entrances directly to the outside of the building or structure, with parking for each unit, intended for accommodation of transient guests.
130. Multiple-Family – Two or more unrelated families living within the same structure or dwelling unit(s).
131. Natural Drainage Way – All areas of land which, by the nature of their contour, collect, store, and channel surface or runoff waters.
132. Neighborhood – The area adjacent to or surrounding existing or proposed development characterized by a common use or uses, density, style and age of structures and environmental characteristics.
133. Non-conforming – any building, structure or land lawfully occupied by a use established at the time of passage of this ordinance or amendments thereto, which does not conform, after the passage of this ordinance or amendments thereto.
134. Nuisance – As defined by Minnesota Statute 412.221 Subdivisions 23 and 24 and for the purposes of this ordinance a nuisance is anything that interferes with the use or enjoyment of property, endangers personal health or public safety, or offensive to the senses including, but not limited to odor, noise, heat, glare, traffic generation or visual impact.
135. Nursery – Any business growing or selling trees, flowers, decorative plants, shrubs and similar vegetation.
136. Nursing Home – Any institution or facility required to be licensed by the State of Minnesota under Minnesota Statutes 144.50 to 144.56.
137. Off-street Parking – A designated space or area of land with impervious surface or all-weather surface used for the parking of vehicles not within a public street or right-of-way.
138. Official Zoning Map – The official zoning map of the City of Swanville zoning ordinance as specified by this ordinance.

139. Open Storage – Storage of material outside of a building.
140. Ordinary High Water Mark (OHW) – The mark delineating the highest water level which has been maintained for sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly the point where natural vegetation changes from predominately aquatic to terrestrial.
141. Owner – An individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having proprietary interest in the land and/or building.
142. Parking Space – An area of 10 foot by 20 foot surfaced and maintained to accommodate storage of one vehicle.
143. Party Wall or Floor – A common wall which divides two independent dwelling units or businesses.
144. Permitted Use – A land use conforming to the character of a zoning district, which is permitted by this ordinance.
145. Planned Unit Development – 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.
146. Planned Unit Development, 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.
147. Planned Unit Development, Residential – Uses where the nature of residency is non-transient and the major or primary focus of the development is not service oriented. For example, residential apartments, manufactured home parks, townhouses, cooperative and full fee ownership residences would be considered as Residential Planned Unit Development.
148. Planning Commission – The body duly appointed by the City Council to make recommendations to the City Council in issues pertaining to the City comprehensive plan, zoning and subdivision ordinances, and other land use issues.

149. Preliminary Plat – 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 structure.
151. Protective 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 body of water defined by Minnesota Statutes 103G.005 Subdivision 15, however, no pond, lake, or flowage of less than 10 acres in size need be regulated under Minnesota Rules Chapter 6120.2500 Subpart 13. A body of water created by a private user where there was no previous shoreline may be defined as public water at the discretion of the City of Swanville.
153. Recorder – The County Recorder of Morrison County, MN.
154. Recreational Vehicle (RV) – Vehicle for recreational use that can be driven, towed, or hauled. May be designed to be temporary living space for camping or travel use. RV's shall include travel trailers, camper trailers, truck campers, self-propelled motor homes and similar vehicles.
155. Restaurant – A business with the principle purpose being the sale of food and beverages to consumers on the premises or for consumer pick up.
156. Right-of-Way (ROW) – A parcel of property dedicated to the public, connecting to other public ROW's, which affords primary access by pedestrians and vehicles abutting properties.
157. Screening – Fencing, earth barrier, or vegetation that visually separates one object from another.
158. Semi Public Use – The use of land or buildings by a private not-for-profit organization to provide a public service that is ordinarily open to persons outside the regular constituency of the organization.
159. Setback – The minimum horizontal distance between a structure or sanitary facility and the normal high water mark or between a structure or sanitary facility and a road, highway or property line.

160. 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.
161. 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.
162. 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 of the State Rules and Regulations.
163. Sewer System – Pipe lines or conduits, pumping stations and force main and all other constructions, devices, appliances or appurtenances used for conducting sewage or industrial waste or other waste to a point of ultimate disposal.
164. Shore land – 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 the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater. The limits of shore lands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.
165. Sign – A name, identification, description, display, illustration, or device which is affixed to, or represented directly or indirectly, upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.
166. Sign, Offsite – Any sign not located on the contiguously owned property with the use which is advertised.
167. Sign, Onsite – Any sign located on the contiguously owned property with the use which is advertised
168. 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 Minnesota Statutes Sec. 307.08. A historical Site meets these criteria if it is presently listed on either Register or if it is determined to meet the qualification for listing after review by the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant history sites.

169. Sketch Plan – A plan drawn to scale used for planning and discussion purposes only.
170. Steep Slope - Land where agricultural activity or development is either not recommended or described a 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 slope over 12% as measured over horizontal distances of 50 feet or more, but which are not bluffs.
171. Street – A public right-of-way that provides primary vehicular access to abutting property and shall include avenue, road, or highway.
172. 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 with the City.
173. 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.
174. 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.
175. Structure – Anything constructed or erected on the ground or attached to the ground, including, but not limited to buildings, factories, sheds, detached garages, cabins, mobile homes, and other similar items.
176. Sub divider – The owner, agent, person, corporation, partnership or legal entity proposing to subdivide property under his control.

177. Subdivision – Improved or unimproved land or lands which are divided for the purpose of ready sale or lease, or divided successively within a five year period for the purpose of sale or lease, into three or more lots or parcels of less than five acres each, contiguous in area and which are under common ownership or control.
178. Subdivision by Condominium Plat – 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, with documents prepared by a Registered Land surveyor and duly approved by the Planning and Council.
179. 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 Registered Land Surveyor.
180. Subdivision by Plat – The subdivision of land into two or more parcels of any size by the authority of Minnesota Statutes Chapter 505, with documents prepared by a Registered Land Surveyor and duly approved by the Planning Commission and City Council.
181. 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 for signs, 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.
182. Temporary Structure – A structure of a temporary character including but not limited to house boats, fish houses, recreational vehicles, tents or shacks, used as dwellings for more than a 5 day period per year. Any new dwelling constructed or placed after the date of this Ordinance and not on a permanent foundation shall be considered a temporary structure.
183. Townhouse Dwelling – A type of multi-family housing consisting of dwelling units attached by common party walls. Ownership is defined by Plat or Condominium Plan.
184. Variance – The permitted deviation of this Ordinance when a determination by the Planning Commission and Board of Appeals and Adjustments (City Council) finds that the strict interpretation of this Ordinance would create undue hardship and would be impractical due to conditions relating to lot size, shape, topography, or other characteristics of the property. Variances may have attached conditions, and will still keep within the spirit and intent of this Ordinance and will not create a land use not permitted within a zone.

185. Walkway – A parcel of property dedicated to the public for non-vehicular access purposes.
186. 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 purposes of this definition, wetlands must have the following three attributes:
- (1) have a predominance of hydric soils;
 - (2) are inundated or saturated by surface or ground water at frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
 - (3) under normal circumstances support a prevalence of such vegetation.
187. Warehousing (Warehouse) – A structure or building by which the principle use is storage of materials or equipment.
188. Yard – A required open space unoccupied and unobstructed by any structure or portion thereof, from 36 inches above the ground level of a graded lot upwards, provided, however, 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 traffic safety hazard and are consistent with this Ordinance.
189. Yard, Front – A portion of a yard extending between side lot lines across the front of a lot at the side abutting a street or a body of water.
190. Yard, Side – A portion of a yard extending from the rear line of the required front yard to the rear lot line.
191. Yard, Rear – A portion of a yard extending across the rear of a lot between the inner side lot lines.
192. Zoning Administrator – The Zoning Administrator of the City of Swanville or his authorized representative duly appointed by the City Council.
193. Zoning District – An area of the City of Swanville defined on the Official Zoning Map specifying uniform zoning provisions.

194. Zoning District Overlay – A zoning district containing regulations superimposed upon other zoning district regulations and superseding the underlying zoning district regulations.
195. Zoning Permit – See Land Use Permit

SECTION 3.0 ESTABLISHMENT OF DISTRICTS

3.1 Establishment of Districts

For the purpose of this Ordinance the city of Swanville is divided into use districts as shown on the accompanying map entitled Zoning Map of Swanville, Minnesota. Which map is hereby made a part of this Ordinance. Any land annexed to the City in the future shall be placed in the Low Density Residential (R-2) Zoning District until placed in another district by action of the City Council.

3.2 General Provisions of Zoning Districts

- A. The regulation of this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly except as hereinafter provided.
- B. No building, structure or land shall hereafter be used or occupied, and no building structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- C. No building or other structure shall hereafter be erected or altered: to exceed the height or bulk, to accommodate or house a greater number of families, to occupy a greater percentage of lot area; to have narrower or smaller rear yard, front yard, side yard, or other open spaces, than herein required; or in any other manner contrary to the provision of this ordinance.
- D. No part of a yard, or other open space, or off street parking required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or land space similarly required for any other building.
- E. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirement established by this ordinance.

- F. All structures using water and/or sewer must be connected with the City of Swanville's municipal water and wastewater infrastructure when it is available, in accordance with Section 6.12 of this ordinance. If there is no municipal water or wastewater infrastructure available, individual sewage and water systems must meet or exceed the Minnesota Pollution Control Agency's standards, Morrison County planning Standards, and Minnesota Public Health.

3.3 District Classifications

R-1	Medium Density Single Family Residential
R-2	Low Density Single Family Residential
R-3	High Density Residential
C-1	General Commercial
I-1	General Industrial
I-P	Industrial Park
P	Public Use
O-S	Open Space
SL	Shoreline

3.4 Official Zoning Map

Certain districts are hereby created which shall be shown upon the Official Zoning District Map, adopted by the City Council, as amended and revised. Said map and all notations, references and other information shown thereon shall be as much a part of this chapter as if the matters and information set forth by said map were all duly described herein.

SECTION 4.0 SPECIAL PROVISIONS

4.1 Planned Unit Development

- A. Purpose: The purpose of the Planned Unit Development provision of this Ordinance is to provide for the grouping of land parcels for development as an integrated, coordinated unit in a manner which emphasizes flexibility of design of land under single or unified ownership, developed with community or public sewer and water systems, and through clustering of buildings and activities. It is further intended that Planned Unit Developments are to be characterized by central management, integrated planning and architecture, joint or common use of parking, maintenance of open space, and other similar facilities, and a harmonious selection and efficient distribution of uses. Planned unit developments regulated under this section may be applied to residential uses when in keeping with the regulations provided within this Ordinance.
- B. General Provisions and Regulations of PUD
1. The minimum area of land to be included in a Planned Unit Development shall be two (2) acres.
 2. As a result of a Planned Unit Developments integrated character, the number of dwelling units allowed within the respective zoning district may be increased by twenty-five (25) percent. The development shall provide that twenty-five (25) percent of the land, specifically lakeshore or river area, be reserved for use of the entire development and that the remainder of any shoreline shall be left in a natural state. The parking and similar requirements of these extra units shall be observed in compliance with this Ordinance.
 3. It is the intent of this section to require subdivision of property simultaneous with an application for a Conditional Use Permit. The subdivision of land as a Planned Unit Development shall be the same as imposed in the respective district.
 4. Private roadways within the project shall have an improved surface to twenty (20) feet or more in width. No portion of the required twenty (20) feet road system may be used in calculating required off-street parking space.
 5. To receive the density increase specified by B (2) a storm water management plan must be filed with the City. The plan must show the capability of containing the 10 year, 24 hour rain event entirely onsite.

- C. Administrative Procedure: The administrative procedure for the approval of any Planned Unit Development shall be the same as the administrative procedure required under the subdivision provision of this Ordinance.
- D. Property Control
1. In order that the purposes of this subdivision may be achieved, the property shall be in single ownership or under the management and supervision of a central authority or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions of this Ordinance.
 2. Prior to the use or occupancy or sale or the execution of contracts for sale of an individual building unit, parcel, tract, townhouse, apartment or common area, a declaration of covenants, conditions and restrictions or any equivalent document shall be filed with the City Clerk for approval as part of the administrative procedure, prior to filings of said declaration or document with the recording offices of Morrison County.
 3. The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject said properties to the terms of said declaration.
 4. The declaration of covenants, conditions and restrictions shall provide that an owners' association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners' proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owners through establishing effective private control.
 5. The declaration shall additionally, amongst things, provide that in the event the association or corporation fails to pay taxes or assessments on properties as they become due, then the City of Swanville shall have the right to assess each property its pro-rata share of said expenses. Such assessment together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made and, in addition, each such assessment, together with such interest thereon and such cost of collection thereof, shall also be a personal obligation of the

person who was the owner of such property at the time when the assessment became payable.

2. Home Occupations

- A. General. Each Type II & III Home Occupation in the City shall require a Conditional Use Permit issued by the City. Conditional Use Permits are not transferable to a new owner/renter/occupant, 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.
 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.
- C. 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.
- D. 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.
- E. Conditional Use Permit Required. A Conditional Use Permit shall be required for Type II and III home occupation uses. The Conditional Use Permit shall specify the number of employees and hours of operation.

4.3 Adult Use

- A. General. Any adult use as identified by Section 2.2 of this Ordinance shall not be allowed within 1,000 of any school, church or R-1, R-2, or R-3 Residential Zoning Districts.
- B. Reserved for future adult use provisions.

SECTION 5.0 DISTRICT PURPOSES AND USES

5.1 Medium Density Single Family Residential District (R-1)

- A. Purpose: To provide for general residential development of a more dense single-family character served by municipal water and wastewater infrastructure.
- B. Permitted Uses: Residential uses as defined in section 5.9 of this Ordinance.
- C. Permitted Accessory Uses: Uses accessory to the principal use are permitted subject to the provisions of this Ordinance. These uses include, but are not limited to sheds, decks, garages and similar uses.
- D. Conditional Uses: Conditional uses as defined in section 5.9 of this Ordinance shall be permitted under the provisions of section 8.6 of this Ordinance.
- E. Lot Requirements:
 - Buildable Lot Area – sq. ft., minimum 10,000 sq. ft.
 - Lot Width - feet, minimum75 ft.
 - Setback, right-of-way, local streets - feet, minimum 30
 - Setback, side - feet, minimum10
 - Setback, corner side - feet, minimum.....20
 - Setback, sign - feet, minimum1
 - Maximum impervious coverage.....35%
 - Principal Structure Building Height - feet.....30
 - Accessory Structure Size – square feet, max, cumulative
 -1,200 for first 10,000 sq. ft.
 -600 for each additional 10,000 sq. ft.
 - Accessory structure height of side walls –feet.....12

Accessory structure maximum height-feet.....22
 Maximum Principal Structure Density1 unit/ 10,000sq ft.
 Maximum animal unit per lot0.25

5.2 Low Density Single Family Residential District (R-2)

- A. Purpose: To provide for general residential development of a lower density single-family character served by individual septic treatment systems or municipal water and wastewater infrastructure.
- B. Permitted Uses: Residential uses as defined in section 5.9 of this Ordinance.
- C. Permitted Accessory Uses: Uses accessory to the principal use are permitted subject to the provisions of this Ordinance. These uses include, but are not limited to sheds, decks, garages and similar uses.
- D. Conditional Uses: Conditional uses as defined in section 5.9 of this Ordinance shall be permitted under the provisions of section 8.6 of this Ordinance.
- E. Buildable Lot Area - acres, minimum1
 Lot Width - feet, minimum100
 Setback, right-of-way, local streets - feet, minimum30
 Setback, side - feet, minimum10
 Setback, corner side - feet, minimum.....30
 Setback, sign - feet, minimum1
 Maximum impervious coverage.....25%
 Principal Structure Building Height - feet.....30
 Accessory Structure Size – square feet, max, cumulative
1,200 for first 1 acre
1,200 for each additional 1 acre
 Accessory structure height of side walls –feet.....12
 Accessory structure maximum height-feet.....22

 Maximum Principal Structure Density1 unit/ 1 acre
 Maximum animal unit per lot0.25

5.3 High Density Residential District (R-3)

- A. Purpose: To provide for single and multi-family development of a high density character served by municipal water and wastewater infrastructure.
- B. Permitted Uses: Residential uses as defined in section 5.9 of this Ordinance.
- C. Permitted Accessory Uses: Uses accessory to the principal use are permitted subject to the provisions of this Ordinance. These uses include, but are not limited to sheds, decks, garages and similar uses.
- D. Conditional Uses: Conditional uses as defined in section 5.9 of this Ordinance shall be permitted under the provisions of section 8.6 of this Ordinance.

E. Lot Requirements:

- Buildable Lot Area – sq. ft., minimum .6,000 sq. ft.
-20,000 sq. ft. if more than 1 unit/lot

- Lot Width - feet, minimum40 ft.
- Setback, right-of-way, local streets - feet, minimum30
- Setback, side - feet, minimum8
- Setback, corner side - feet, minimum.....20
- Setback, sign - feet, minimum1
- Maximum impervious coverage.....50%
- Principal Structure Building Height - feet.....30
- Accessory Structure Size – square feet, max, cumulative
-900 for first 6,000 sq. ft.
-600 for each additional 6,000 sq. ft.
- Maximum Principal Structure Density
- 2,000 sq. ft. per unit for apartment or condominium
-5,000 sq. ft. for town home
- Accessory structure height of side walls –feet.....12
- Accessory structure maximum height-feet.....22

- Maximum animal unit per lot0.25

5.4 General Commercial District (C-1)

- A. Purpose: To provide for general commercial development providing a low impact on the community and is served by municipal water and wastewater infrastructure.
- B. Permitted Uses: Commercial uses as defined in section 5.9 of this Ordinance.
- C. Permitted Accessory Uses: Uses accessory to the principal use are permitted subject to the provisions of this Ordinance. These uses include, but are not limited to storage buildings, garages and similar uses.
- D. Conditional Uses: Conditional uses as defined in section 5.9 of this Ordinance shall be permitted under the provisions of section 8.6 of this Ordinance.
- E. Lot Requirements:
 - Buildable Lot Area – sq. ft., minimum .5,000 sq. ft.
 - Lot Width - feet, minimum40 ft.
 - Setback, right-of-way, local streets - feet, minimum0
 - Setback, side - feet, minimum10
 - Setback, corner side - feet, minimum.....20
 - Setback, sign - feet, minimum1
 - Maximum impervious coverage.....100%
 - Building Height - feet30
 - Accessory Structure Size – square feet, max, cumulative
600 for first 5,000 sq. ft.
600 for each additional 5,000 sq. ft.
 - Maximum Principal Structure Density1 unit/5,000sq ft.
 - Maximum animal unit per lot0.1

5.5 General Industrial District (I-1)

- A. Purpose: To provide for industrial development providing a greater impact on the community and is served by municipal water and wastewater infrastructure.
- B. Permitted Uses: Industrial uses as defined in section 5.9 of this Ordinance.
- C. Permitted Accessory Uses: Uses accessory to the principal use are permitted subject to the provisions of this Ordinance. These uses include, but are not limited to storage buildings, garages and similar uses.
- D. Conditional Uses: Conditional uses as defined in section 5.9 of this Ordinance shall be permitted under the provisions of section 8.6 of this Ordinance.
- E. Lot Requirements:
 - Buildable Lot Area – sq. ft., minimum 10,000 sq. ft.
 - Lot Width - feet, minimum75 ft.
 - Setback, right-of-way, local streets - feet, minimum 30
 - Setback, side - feet, minimum10
 - Setback, corner side - feet, minimum.....20
 - Setback, sign - feet, minimum1
 - Maximum impervious coverage.....50%
 - Building Height - feet35
 - Accessory Structure Size – square feet, max, cumulative
 -1,200 for first 10,000 sq. ft.
 -600 for each additional 10,000 sq. ft.
 - Maximum Principal Structure Density 1 unit/10,000sq ft.
 - Maximum animal unit per lot0.25

5.6 Industrial Park District (I-P)

- A. Purpose: To provide for mixed commercial and industrial development located within areas commonly known as “industrial park” within the City. Such development will be served by municipal water and wastewater infrastructure when available.
- B. Permitted Uses: Commercial and industrial uses as defined in section 5.9 of this Ordinance.
- C. Permitted Accessory Uses: Uses accessory to the principal use are permitted subject to the provisions of this Ordinance. These uses include, but are not limited to storage buildings, garages and similar uses.
- D. Conditional Uses: Conditional uses as defined in section 5.9 of this Ordinance shall be permitted under the provisions of section 8.6 of this Ordinance.
- E. Lot Requirements:
 - Buildable Lot Area – sq. ft., minimum 10,000 sq. ft.
 - Lot Width - feet, minimum75 ft.
 - Setback, right-of-way, local streets - feet, minimum 30
 - Setback, side - feet, minimum10
 - Setback, corner side - feet, minimum.....20
 - Setback, sign - feet, minimum1
 - Maximum impervious coverage.....50%
 - Building Height - feet50
 - Accessory Structure Size – square feet, max, cumulative
1,200 for first 10,000 sq. ft.
600 for each additional 10,000 sq. ft.
 - Maximum Principal Structure Density 1 unit/10,000sq ft.
 - Maximum animal unit per lot0.25

5.7 Public Use District (P)

- A. Purpose: To provide for special designation of essential and non-essential public facilities and common places of public gathering including parks, government buildings and offices, schools, and similar facilities and places.
- B. Permitted Uses: Public uses as defined in section 5.9 of this Ordinance.
- C. Permitted Accessory Uses: Uses accessory to the principal use are permitted subject to the provisions of this Ordinance. These uses include, but are not limited to storage buildings, sheds, decks, garages and similar uses.
- D. Conditional Uses: Conditional uses as defined in section 5.9 of this Ordinance shall be permitted under the provisions of section 8.6 of this Ordinance.
- E. Lot Requirements: As determined by the Planning Commission.

5.8 Open Space District (OS)

- A. Purpose: To protect land from future development and provide buffering between incompatible land uses.
- B. Permitted Uses: Non-development uses as defined in section 5.9 of this Ordinance and essential and non-essential public facilities providing for public health, welfare, safety and enjoyment of parks and natural resources.
- C. Permitted Accessory Uses: Essential and non essential accessory public facilities providing for public health, welfare, safety and enjoyment of parks and natural resources.
- D. Conditional Uses: Conditional uses as defined in section 5.9 of this Ordinance shall be permitted under the provisions of section 8.6 of this Ordinance.
- E. Lot Requirements: There shall be no lot requirements for the Open Space (OS) District.

5.9 Table of District Uses

P = Permitted Use

CP = Use may be granted under Conditional Use Permit

If blank the use is not permitted within the zoning district

LAND USE	R-1	R-2	R-3	C-1	I-1	I-P	P	OS
Commercial Greenhouses & nurseries		CP		P	CP	CP		
Fish, wildlife, & recreation							P	
Horse Stables, Dog Kennels, Boarding Stables					CP			
Public parks & Playgrounds							P	
Sale of agricultural products				P	P	P		
RESIDENTIAL HOUSING								
Single-family dwellings (only one dwelling unit)	P	P	P					
Manufactured Home not affixed to a permanent foundation								
Manufactured Home affixed to a permanent foundation	P	P	P					
Mobile home park								
Town Homes (up to four attached units)	CP		P					
Town Homes (over four attached units)			P					
Residential Apartment in single family dwelling (up to three dwelling units)	CP		P	P				
Multiple-family dwelling (up to four dwelling units)			P					
Multiple-family dwelling (up to twenty dwelling units)			P					

Multiple-family dwelling (over twenty dwelling units)			P					
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BUSINESS USES I	R-1	R-2	R-3	C-1	I-1	I-P	P	OS
Auto sales, rental				P		P		
Bakery goods, sales, and baking of goods for retail sale off premises				P		P		
Barber Shop/Beauty Shop				P		P		
Boat Marine Sales & Repair				P		P		
Book, office supply, and stationary store				P		P		
Candy, ice cream, popcorn, frozen deserts and soft drink shops				P		P		
Churches				P		P		
Delicatessen, and/or convenience store/limited service station				P		P		
Department Store				P		P		
Drug store				P		P		
Dry cleaning and laundry pickup stations including pressing/repair				P		P		
Essential service structures				P		P		
Florist, gift, or novelty store				P		P		
Gas Stations/service stations				P		P		
Golf Courses, Country clubs tennis clubs, public swimming pools				P		P		
Grocery, produce store				P		P		
Hardware, building supplies				P		P		
Hobby store				P		P		
Laundromat (Self-service)				P		P		

Liquor Store				P		P		
Meat market not including a processing locker				P		P		
Motels/hotels				P		P		
Museums and art galleries				P		P		
Music Store				P		P		
Newsstand				P		P		
Nonprofit clubs and lodges				P		P		
Photographic studio				P		P		
Physical culture and dance studios				P		P		
Retail Sales and Service Businesses				P		P		

BUSINESS USES I	R-1	R-2	R-3	C-1	I-1	I-P	P	OS
Record shop				P		P		
Restaurant, café, tearoom				P		P		
Shoe sales and repair				P		P		
Small appliance repair shop				P		P		
Sporting goods stores				P		P		
Studios. art/photo/music				P		P		
Theatres				P		P		
Video stores				P		P		
Wearing apparel stores				P		P		
BUSINESS USES II								
Accounting, auditing, bookkeeping				P		P		
Advertising offices				P		P		
Banks, financial institutions				P		P		
Business and management consultant offices				P		P		
Business associations				P		P		
Business office				P		P		
Chiropractic offices				P		P		
Civic/social and fraternal association offices				P		P		
Human care clinics				P		P		
Consumer and mercantile credit reporting				P		P		
Contractors offices				P		P		
Daycare centers				P		P		
Detective and protective service agencies				P		P		

Educational and scientific research offices				P		P		
Employment agency offices				P		P		
Engineering and architectural offices				P		P		
Funeral home				P		P		
Government/municipal				P		P	P	
Hospitals				P		P		
Insurance offices				P		P		
Investment offices				P		P		
Labor union offices				P		P		
Laboratories				P		P		
Legal offices				P		P		
Loan institutions				P		P		
Medical and dental offices				P		P		

BUSINESS USES II	R-1	R-2	R-3	C-1	I-1	I-P	P	OS
Medical/dental with accessory research & testing				P		P		
Nursing Home				P		P		
Osteopathic and optometry offices				P		P		
Offices of a general nature (500 or fewer employees)				P		P		
Other Office services				P		P		
Post office				P		P		
Professional offices (less than 50 employees)				P		P		
Professional offices (less than 10 employees)				P		P		

Professional membership organizations				P		P		
Real estate offices				P		P		
Schools							P	
INDUSTRIAL/OTHER USES								
Automobile painting, upholstery, major repair					P	P		
Adult Entertainment-related					P	P		
Bus terminals					P	P		
Contractor's yards/lumber yards					P	P		
Fabrication					P	P		
Ice, cold storage plants, bottling works					P	P		
Machine shops					P	P		
Manufacturing					P	P		
Paint mixing					P	P		
Paper products from previously processed paper					P	P		
Radio and television studios					P	P		
Scrap yards, junk yards						P		
Warehouse and wholesaling					P	P		

5.10 Shoreline District (SL)

- A. Purpose: To protect the shoreline and lake within the City of Swanville for the best interests of the public's health, safety and welfare.
- B. Permitted Uses: Single family dwelling and their accessory structures, camp ground, and parks are the only allow structures in this district and are subject to the Todd County Shoreline Ordinance, Minnesota Department of Natural Resources and Minnesota Laws on Shoreline requirements. A land use permit is required and Minnesota Department of Natural Resources will be notified.
- C. Permitted Accessory Uses: Uses accessory to the principal use are permitted subject to the Todd County Shoreline Ordinance, Minnesota Department of Natural Resources and Minnesota Laws on Shoreline requirements.
- D. Conditional Uses: Conditional uses are subject to the Todd County Shoreline Ordinance, Minnesota Department of Natural Resources and Minnesota Laws on Shoreline requirements.
- E. Lot Requirements: Lot requirements are subject to the Todd County Shoreline Ordinance part D.1.d., Minnesota Department of Natural Resources and Minnesota Laws on Shoreline requirements.

5.11 Morrison County Comprehensive Water Plan

- A. Propose: To protect the quality and manage the quantity of ground and surface water recourses.
- B. To promote and implement sound land use practices that reduces the impacts on all water resources.
- C. All Land Use Permits will be reviewed to ensure ground water and surface water are protected.
- D. All applicants will be required to use City Water and Sewer utilities when available. When there is no City utilities, applicants must follow the Morrison or Todd County Comprehensive water plans and Well Head Protection Plans.

SECTION 6.0 PERFORMANCE STANDARDS

6.1 Intent

The intent of this section of the Zoning Ordinance is to establish general development performance standards, the regulations provided herein shall apply equally to all districts except where special provisions provide otherwise.

6.2 Parking & Loading Requirements

In all zoning districts, with the exception of permitted uses in "C- 1" District, off-street parking facilities for the storage of motor vehicles for the use of occupants, employees and patrons of the buildings or structures hereafter erected, altered or extended after the effective date of this Ordinance shall be provided and maintained as herein prescribed.

- (1) Loading space shall not be construed as supplying off-street parking space.
- (2) When units or measurements used in determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
- (3) Whenever a use requiring off-street parking is increased in floor area and such use is located in a building existing on or before the effective date of this Ordinance, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.
- (4) Off-street parking facilities for dwellings shall be provided and located on the same lot or parcel of land as the building they are intended to serve.
- (5) The location of required off-street parking facilities for other than dwellings shall be within three hundred (300) feet of the building they are intended to serve, measured from the nearest point of the off-street parking facilities and the nearest point of the building or structure.
- (6) Parking of automobiles and other motor vehicles is permitted in the front and side yards in I-1 and I-P districts if screened using an opaque fence or natural vegetation at least six (6) feet in height.
- (7) Where a use is not specifically mentioned, off-street parking requirements shall be the same as for similar uses.

- (8) Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses provided, collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately.
- (9) Nothing in this section shall prevent the extension of, or an addition to a building or structure into an existing parking area which is required for the original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area, or an additional area within three hundred (300) feet of such building.
- (10) The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing buildings as specified above, shall be determined in accordance with the following table, and the spaces so required and shall be irrevocably reserved for such use.
- (a) Single-family, two-family and townhouse units, one (1) space per unit. Parking of RV, trailers, fish house , other similar structures are allowed, but must have a current license, be road worthy (per city nuisance code 6.3.0) and not used as dwellings for more than 5 days (per the definition of temporary structure).
 - (b) Multiple family dwellings, Two (2) spaces per unit located on the same premises as the dwelling, one of which shall be an enclosed garage space. Any garage shall be of the same architectural treatment as the dwelling.
 - (c) Boarding houses, hotels, motels and dormitories, One (1) parking space for each-dwelling for whom sleeping accommodations are provided.
 - (d) Places of Assembly. one (1) parking space shall be provided for each four (4) units of seating capacity in churches, theaters, gymnasiums, auditoriums, stadiums or arenas, and for schools (public or private), in schools (public or private) in the alternative, one parking space shall be provided for each four (4) units of seating capacity in classrooms or in the assembly, auditorium, gymnasium or stadium, whichever is greater.
 - (e) Places of medical treatment One (1) parking space shall be provided for each two (2) employees plus one (1) for each four (4) beds in hospitals, rest homes and nursing homes, one (1) parking space shall be provided for each two (2) employees plus one (1) for each doctor plus one (1) per one hundred (100) square feet of floor area in clinics (medical or dental).

- (f) Offices. One (1) parking space shall be provided for each two-hundred fifty (250) square feet of floor space.
 - (g) Bowling Alley. At least five (5) parking spaces for each alley, plus additional spaces as may be required herein for related use contained within the principal structure.
 - (h) At Motor fuel station. Least four (4) off-street parking spaces plus two (2) off-street parking spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts and/or service shall be required to provide additional parking in compliance with other applicable sections of this Ordinance.
 - (i) Retail store and service establishment. At least one (1) off-street parking space for each two hundred fifty (250) square feet of floor area.
 - (j) Retail sales and service business with fifty (50) percent of gross. Floor area devoted to storage, warehouses and/or industry. One (1) space for each two hundred fifty (250) square feet devoted to public sales and/or service plus one (1) space for each five hundred (500) square feet of storage area or one (1) space for each employee on the maximum shift whichever is appropriate.
 - (k) Restaurants, nightclubs, taverns or cafes, One (1) parking space for each four (4) seats, but not less than fifteen (15) spaces.
 - (l) Manufacturing, fabrication or processing of a product or material warehouse, storage, handling of bulk goods, post offices. One (1) parking space for each two (2) employees based on the maximum planned employment on each shift or one (1) space for each four hundred (400) square feet of floor area, whichever is greater.
- (11) In all districts where off-street parking lots are permitted or required such off-street parking lots shall be constructed and maintained subject to the following regulations:
- (a) Adequate ingress and egress shall be provided.
 - (b) Such parking lots shall be maintained in a usable dust-proof condition and shall be kept graded and drained to dispose of surface water.

- (c) Whenever such parking lot boundary adjoins property zoned for residential use, a setback of three (3) feet from said lot line shall be required.
- (d) Necessary curbs or other protections against damage to adjoining properties, streets and sidewalks shall be provided and maintained.

6.3 Off-Street Parking

- (1) In C-1, I-1 and I-P Districts, truck berths for loading and unloading of goods or wares shall be provided on the same lot for each building designed to be used for these purposes. Where truck berths are provided inside the building, such area shall not be included in the total floor area used for determining the required number of such berths, nor for parking space requirements.
- (2) Retail stores, shopping centers or shops shall provide one (1) truck berth for each two (2) business places or one (1) for each twenty thousand (20,000) square feet of floor area, whichever is greater.
- (3) Industrial and manufacturing uses shall provide one (1) truck berth for each twenty thousand (20,000) square feet of floor area.

6.4 Fence Requirements

- (1) No fence shall be erected within the City of Swanville without a land use permit.
- (2) No fence, wall, structure, coniferous trees or obstruction, other than chain link fences with openings of 1 5/8" to 2" not exceeding 48" in height, shall be erected, established or maintained on a corner lot within a triangular area bounded by the lot lines and a line connecting points on each lot line twenty (20) feet from the intersection of such lot lines. An object within this area not exceeding thirty (30) inches in height as measured from the centerline elevation of the street shall not be considered as an obstruction to vision. This section does not apply to the "C-1" District.
- (3) No fence shall exceed six feet and six inches (6'6") in height and in the case of grade separation, the height shall be determined on the basis of measurement from

the average point between the highest and lowest grade. Fences on corner lots shall be limited in height to three (3) feet when solid and four (4) feet when chain link.

- (4) In all commercial and industrial districts adjacent to residential districts, and not divided by streets, there shall be provided along the property line a twenty (20) foot wide planting strip composed of grass, trees and shrubs. A screening fence, thereby reducing the screening strip to ten (10) feet, may be utilized when approved by the Planning Commission. Such fence shall not exceed eight (8) feet in height nor be less than six (6) feet in height and shall screen up to eighty (80) percent per square yard of area.
- (5) In all cases where the rear yard of any property abuts an alley, the minimum setback requirement for fences shall be twenty feet (20') for solid fencing and not less than six feet (6') from the alley surface or to the right-of-way, whichever is greater, for chain link fencing with clear, unobstructed openings of 1 5/8" to 2"
- (6) Any fence erected with the City shall be constructed of the usual fence materials such as metal posts, metal chain link, wood, plastic, or similar materials as approved by the Planning Commission and City Council.
- (7) If one side of the fence is unfinished, the finished side of the fence will face away from the applicant's property
- (8) Fences must be set back at least one foot from the property line. Fences may be placed on the property line if the placement of the fence is mutually agreed upon by the property owner's affected and such agreement is filed for record with the County Recorder.

6.5 Deck, Ramp, and Patio Requirements

- (1) Land Use Permit Required: No deck or patio shall be constructed within the City of Swanville without the issuance of a Land Use Permit. All decks and patios constructed within the City shall conform to the Minnesota State Building Code.
- (2) Setback Restrictions: Any deck or patio constructed within the City of Swanville shall conform to the setback rules provided within Section 5.0 of this ordinance.
- (3) Handicap Ramps do require a Land Use Permit and must meet standards. See Handicap Ramp definition for size and building standards. The land use permit fee will be waived.

6.6 Landscaping Requirements

- (1) In all zoning districts the lot area remaining after providing for parking,

driveways, loading, sidewalks or other requirements shall be planted and maintained in grass, sod, shrubs or other acceptable vegetation or landscaping techniques within one year of completion.

- (2) Structure roofs must direct storm water drainage onto the property owners own yard. The applicant must not increase storm water runoff on to neighboring property.
- (3) Grading, Filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under a validly issued Land Use permits for these facilities do not require the issuance of a separate permit. However grading and filling must meet all Morrison County Soil and Water laws and must not increase storm water runoff on to neighboring property.
- (4) Retaining walls require a land use permit, and must not increase storm water runoff onto neighboring property.

6.7 Sign Requirements

- (1) Purpose:

To protect the general health, safety, comfort, and welfare of the people of the City through the provision of official controls regulating the use of signs within the City. The regulation provided by this ordinance will also provide for the aesthetic quality of the City as well as provide for adequate property identification and advertising of commercial businesses.

- (2) General Sign Provisions:
 - (a) All permanent signs are considered structures and require a Land Use Permit.
 - (b) Signs for discontinued business may be removed after notification by the Zoning Administrator.
 - (c) Conditional Use Permits and Land Use Permits shall consider protecting the sight distance at intersections, driveways, and curves.
 - (d) All flashing, revolving, and intermittently lighted signs are expressly prohibited.
 - (e) Residential and commercial signs may not contain elements commonly used by highway departments to alert, direct, or caution traffic including, but not limited to octagonal STOP signs, speed limit signs, advisory speed limit signs, community recognition sign panels, or other similar regulatory or identification signs.
 - (f) All Public Signs and Name Directory signs placed by the City, County, businesses or residents to relate to the laws or ordinances, or to provide direction shall be exempt.

- (g) A non-conforming sign may be refaced, removed, and replaced for maintenance purposes, however the sign shall not be increased in size, the support system shall not be improved, and the sign shall be entirely removed upon the determination by the Zoning Administrator and Planning Commission that the sign is in disrepair or the support system is failing.
- (3) Residential Districts:
No signs shall be erected in the residential districts except as follows:
 - (a) Signs equal to, or less than, four (4) square feet in area.
 - (b) Temporary signs not exceeding eight (8) square feet in area are permitted provided they are removed within 30 days.
- (4) Commercial and Industrial Districts:
The following provisions apply to signs within the Commercial and Industrial Districts:
 - (a) The total of the area of all signs measured in square feet shall not exceed fifty percent (50%) the number of lineal feet of each street frontage of each zoning lot.
 - (b) No sign shall overhang public ways or property.
 - (c) The gross square foot surface of all illuminated signs shall not exceed the number of lineal feet of frontage of such zoning lot.
- (5) General Onsite Signs
Upon the enactment of this ordinance, the following provisions apply:
 - (a) Present non-conforming onsite signs are considered permissible non-conforming uses except as provided by this ordinance.
 - (b) No sign erected prior to the adoption of this ordinance shall be rebuilt, altered, or moved to a new location on the property without being brought into compliance.
- (6) Off-Site Signs

- (a) The use of Logo Signs as specified by Minnesota Statutes 160.80 is permitted along Trunk Highways.
- (b) Unless otherwise provided within State Statute or other law, rule or ordinance guiding the placement of signs, no sign exceeding sixteen square feet shall be allowed upon any lot without the existence of a principal structure upon it.

(7) Temporary Signs

- (a) There shall be no more than one temporary sign on any lot, and such sign shall not exceed thirty two (32) square feet in size for commercial districts and eight (8) square feet for residential districts.
- (b) Temporary signs shall only be placed three (3) times annually.
- (c) The duration of a temporary sign permit shall not exceed thirty (30) days except as described in this section.
- (d) The zoning administrator may document the duration of any temporary sign and require its removal if it is displayed for more than its allowed duration unless it meets all standards for permanent signs. For the purposes of this subsection 7, the zoning administrator can ignore intermittent removal of said temporary signs if the clear intent of the owner is to display this sign for more than the permitted duration.

(8) Other Signs

- (a) All political posters or signs in accordance with applicable Minnesota Statutes are considered temporary and allowed without permit provided they are removed within ten (10) days following the election for which they are intended.
- (b) Private signs are prohibited within public right-of-way (ROW) easements.

6.8 Non-conforming Lots & Uses

- (1) The lawful use of a building or structure existing at the time of the adoption of this Ordinance may be continued although such use does not conform to the district provisions herein.

- (2) A non-conforming use may be extended throughout the building or structure, provided no structural alterations that enlarge the building are made, except those required by law or ordinance or such as may be required for safety, or such as may be necessary to secure or insure the continued advantageous use of the building during its natural life. Per State Statute 462.357 subd 1e. The non-conforming structure may be repaired, replaced, restored, maintained, or improved, but not including expansion.
- (3) Any non-conforming building or structure damaged more than fifty (50) percent of its current appraised value, exclusive of foundations at the time of damage by fire, collapse, explosion or acts of God or public enemy, shall not be restored or reconstructed and used as before such happening except as provided for in section 6.8(4), but, if the structure is damaged less than fifty (50) percent market value, it may be restored, reconstructed or used as before provided that it is done within twelve (12) months of such happening and that it be built of like or similar materials, or the architectural design and building materials are approved by the Planning Commission.
- (4) If a non-conforming structure is destroyed, by any cause, to an extent exceeding 50% of its market value immediately prior to destruction and no Land Use Permit has been applied for within 180 days, the structure or its replacement shall thereafter conform to this Ordinance. The City may impose reasonable conditions upon a land use permit in order to mitigate impacts on adjacent properties.

Whenever a non-conforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions it shall not thereafter be changed to a non-conforming use of less restricted district.

- (5) In the event that a nonconforming use of any building or building and land is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted within the district in which the subject property is located.
- (6) Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.
- (7) Any proposed structure which will under this Ordinance, become non-conforming but for which a Land Use Permit has been lawfully granted prior to the effective date of this Ordinance, may be completed in accordance with the approved plans,

provided construction is started within sixty (60) days of the effective date of this Ordinance, is not abandoned for a period of more than one hundred twenty (120) days and continues to completion within two (2) years. Such structure and use shall thereafter be a legally non-conforming structure and use.

6.9 Solar Energy Systems

- A. Roof top Solar Energy Systems.
- (1) Roof Top solar systems are allowed accessory structures in all districts and do not require a land use permit.
 - (2) On pitched roofs (with greater than 15%) panels shall be flush mounted and shall not extend above the peak of the roof.
 - (3) The solar systems shall not exceed the height limits in the zone it is erected.
 - (4) The system shall not cause any glare to traffic and to nearby properties. It must meet any FFA guidelines.
- B. Ground Mount Solar Systems.
- (1) Ground mount solar systems are permitted accessory structures in all districts and require a Land Use Permit and must meet all standard/set backs for the district in which it is erected.
 - (2) The system shall not cause any glare to traffic and to nearby properties. It must meet any FFA guidelines.
 - (3) Any foundation which holds the Solar System is considered an impervious surface.

6.10 Wind Energy Systems

Wind energy systems must meet Morrison County Zoning Ordinance 1227.

6.11 Outdoor Furnaces

A land use permit is required to install or build an outdoor furnace. The outdoor furnace must meet all the requirements of the City of Swanville's Ordinance on Outdoor Furnaces.

6.12 Water and Sewer Standards

- (1) Sewage Connection Required: All properties must be connected to community sewer facilities when available. This provision shall not apply to temporary construction sites, or portable units. When community sewer connecting is not available, individual sewage system may be installed. The individual sewage system must meet or exceed the Minnesota Pollution Control Agency and Morrison County Planning Standards-1300. An inspection or completion

report must be submitted to the City of Swanville. See the Swanville City Code for further information.

- (2) **Water Connection Required:** All properties must be connected to community water facilities when available. Only when community water connection is not available, a licensed individual well may be installed. The well must meet or exceed Minnesota Public Health Standards and Minnesota Statutes, Chapter 1031 and Minnesota Rules, Chapter 4725. Once the construction of well is complete, a copy of the “Well and Boring Record” must be submitted to the City of Swanville. Individual constructing an individual well for water lawns and gardens may install a drive point (Sand Point) well only. A license is not required, but must be done in accordance with the Minnesota Statutes, Chapter 1013 and Minnesota Rules, Chapter 4725. A copy of the “Well and Boring Record” must be submitted to the City of Swanville. The drive/sand point will at no time be connected to any City facilities or utilities. This will be inspected annually by the City Maintenance Employee. See the Swanville City Code for further information.

6.13 Nuisance Standards

- (1) **Lighting; Glare:** Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflecting glare, where from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.
- (2) **Smoke:** The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards and as subsequently expanded, modified or amended.
- (3) **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 and as subsequently expanded, modified, or amended.
- (4) **Odors:** The emission of odorous matter in such quantity as to be offensive shall not be permitted. The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards and as subsequently expanded.

- (5) Noise: All noise shall be muffled so as not to be objectionable due to intermittence beat frequency or shrillness and as measured at any property line, shall not exceed the minimum standards established by the State of Minnesota.

6.14 Swimming Pools, Outdoor Hot tubs and Spas

- (1) Any permanent swimming pool, outdoor hot tub or spa that is over twenty four (24) inches above ground or over five thousand (5,000) gallon in capacity (above ground or in ground) requires a land use permit.
- (2) The structure must meet all the lot requirements, in which the district it is being constructed.
- (3) All swimming pools, outdoor hot tubs or spa must have a barrier which complies with Minnesota Pool Fence Laws and Code, Section 421.10.1 BOCA National Building Code.

6. 15 Tree Standards

1. Intent. To regulate the planting and maintenance of tree and other woody vegetation on public or private property within the City of Swanville.

2. Definitions.

A. Street trees. “Street Trees” are herein defined as trees located on the DeGraff sidewalks and in boulevards though out the City.

B. Park trees. “Park Trees” are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City or to which the public has free access as a park.

C. Tree sizes. A “Small Tree” shall be defined as any plant material that will grow to a height of 30 feet; a “Medium Tree” shall be defined as any plant material that will grow to a height of 50 feet; a “Large Tree” shall be defined as any plant material that will grow to a height of over 50 feet.

3. Street tree species to be planted. No species may be planted on public property within the City of Swanville without the prior written permission of the City Council.

Prior to the Council taking action, it shall review all requests for planting to assure that the species are appropriate.

4. Spacing and location of street trees.

A. Spacing. The spacing of Street Trees shall be in accordance with tree species size classes provided in this ordinance, and no trees may be planted closer together than as follows: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by the City Council

B. Location. The distance trees may be planted from curbs, street, or sidewalks shall be in accordance with the tree species size classes listed in this ordinance, and no trees may be planted closer to any curb, street or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.

5. Corners, fire hydrants and driveways. No Street Tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or street. No Street Tree shall be planted closer than 15 feet of a fire hydrant, and 5 feet from any driveway.

6. Utilities. No Street Trees other than those defined as “Small Trees” in ordinance may be planted under, or within 10 level feet of, any overhead utility wire; or over or within 10 lateral feet of any underground water line, sewer line, transmission lines, or other utility.

7. Public tree care.

A. Care of street trees. The City of Swanville shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alley, avenues, lanes, squares, and public grounds as may be necessary to insure the public safety or to preserve or enhance the symmetry and beauty of such public grounds.

B. Removal of trees endangering utilities or other public improvements.

The City may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvement, or is affected with any injurious fungus, insect, or other pest. Every tree overhanging any street or right-of-way within the City shall be pruned so that the branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection, and so that there shall be a clear space of at least 8 feet above the street or sidewalk. Dead,

diseased, or dangerous trees, or broken or decayed limbs which endanger the safety of public shall be removed.

C. Trees on private property. The City shall have the authority to order the trimming, and removal of trees, shrubs or plants upon private property when such action is necessary to public safety or to prevent the spread of disease or insects to trees, shrubs, or plants located on public property. Any tree or shrub situated upon private property, but so situated as to extend its branches over a portion of a public street or highway easement, shall be so trimmed by the owner of the real property upon which the same is located, so that there is a clear height of at least 8 feet over that portion of such easement used for pedestrian travel; and such persons shall remove the dead or diseased branches or stubs of trees which are or may become hazardous to the public use of such easement. Any trees obstructing traffic control signs or devices from the view of the pedestrian or motorist shall be pruned to a height of 20 ft to insure proper safety for motorist or pedestrians. All orders to trim, remove, or treat trees, shrubs, or plants given pursuant to this section, shall be in writing and shall be served in person or by first class mail upon the owner of the property where such trees, shrubs, or plants are located. Such orders shall afford the owner of the property not less than fourteen (14) days from the date of the mailing of such notice to comply with such order. It shall be unlawful for any owner of property receiving such an order to fail to comply with the order in the time specified. If the required action is not taken by the property owner within the specified time, the City may cause the trees, shrubs, or plants concerned to be trimmed, removed, or treated, with the costs being borne by the property owner. If not voluntarily paid to the City by such owner, the costs of such trimming, removal, or treatment may be recovered by the City by special assessment upon the property owner.

D. Tree topping. It shall be an unlawful practice for any person, firm, or City department to top any Street Tree, Park Tree, or other tree on public property without authorization from the City Council. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown, to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City.

E. Dead or diseased tree removal on private property. The City shall have the right to cause the removal of any dead or diseased trees on private

property within the City.

F. Hazardous trees. A “Hazard Tree” is a tree with the structural defects likely to cause failure of all or part of the tree which could strike a “target.” A target can be a vehicle, building, or a place where people gather such as a park bench, picnic table, street, or backyard. The City recognizes the following (but not limited to) as seven main types of tree defects: deadwood, cracks, weak branch unions, decay, cankers, root problems, and poor tree architecture. A tree with defects is not hazardous, however, unless some portion of it is within striking distance of a target. The City Council will authorize immediate action if: (1) A broken branch or top is lodged in a tree. (2) A tree is dead. (3) A branch is dead and of sufficient size to cause injury (this will vary with height and size of branch). This section refers to street and park trees, and trees on private property if the City Council feels the hazard may cause damage to a target on public property.

G. Destruction of trees on public property. It shall be unlawful for any person to remove, alter, or destroy any Street Tree or Park Tree without the prior authorization of the City.

H. Penalty. Any person, firm, or corporation who violates any provision of this ordinance shall be guilty of a misdemeanor. In addition thereto, the costs of prosecution may be imposed upon the defendant, and the Court shall order restitution to the City for damage to the tree or public property.

6:16 Demolition Standard.

1. A Land Use Permit with a demolition form must be completed before demolition.
2. Utilities must be disconnected. City services: Water tap destroyed and sewer capped-off required and must both be witnessed and inspected by City Maintenance Employee.
3. Septic tanks are required to be emptied by a licensed special waste hauler and then destroyed. This must be witnessed by City Maintenance Employee.
4. Septic drain field must be destroyed. Must be inspected by City Maintenance Employee.
5. Fresh water wells must be properly capped by a licensed well drilling company and be witnessed by City Maintenance Employee. Minnesota Department of Natural Resources must be notified. Cisterns must be emptied and destroyed, also witnessed by City Maintenance Employee.
6. All potentially affected adjoining property owners must be notified prior to the beginning of demolition.

7. During the proposed demolition, it shall be the owner/contractor's responsibility to maintain the site in a safe and sanitary condition. All demolition debris must be removed from the site, disposed of in an approved demolition landfill, and be in compliance with all Federal, State and County regulations.
8. Upon completion of demolition, it shall be the owner/contractor's responsibility to fill and grade the lot to conform with established street grades, and adjoining property. Provisions shall be made to avoid the accumulation of water, rubbish, and all other unsafe and hazardous conditions. A site restoration plan must be completed which includes re-vegetation plans for all disturbed areas.

6:17 Approaches, access, and culverts.

1. A Land Use Permit must be completed before work is started. There will be no fee, but a \$500.00 deposit will be required.
2. Only one access per parcel of property that is forty acres or less in size is allowed.
3. The access, approach and culvert will meet appropriate requirement for site distance and location from intersections.
4. Accesses/approach should be aligned with entrances on the opposite side of the road.
5. If property parcel abuts two or more roads, access should be provided from lower volume road.
6. The top width for a residential access is 24 feet and a commercial access is 30 feet.
7. The applicant is responsible for any removal and installation of the conforming curb ends. All curb replacement must meet and be constructed in accordance with MnDOT standards and specifications.
8. The cost of culvert and materials and the installation shall be at the expense of the applicant. The culvert diameter, length and material type will be determined by the Planning and Zoning committee.
9. Fill material must be of natural, non-organic type (clay, sand, gravel). Rocks, debris, etc are not allowed.
10. The side slopes of the access must be uniform and graded to a 4:1 or gentler slope. Black dirt must be placed along the side slope, level with the safety aprons and seeded. Erosion control shall be placed on the slopes.
11. The surface of the access shall be covered with 3 inches of compacted gravel base.
12. The specifications of the access/approach will be the same as the State of Minnesota department of transportation. See next page.

SECTION 7.0 SUBDIVISION OF LANDS

7.1 Purpose and Compliance

A. Purpose

This section is hereby created pursuant to Minnesota Statutes 462.358 and Minnesota Statutes Chapter 505 for the following purposes:

- (1) To maintain consistency of development patterns and subdivision of land.
- (2) To provide for the protection of public waters and lands.
- (3) To maintain consistent and accurate land records by establishing standards for surveys and plats.
- (4) To assure that public improvements are constructed to standards satisfactory to the community and assess those improvements to those benefiting from them.
- (5) To provide for a symbiotic relationship between municipal officials and prospective land subdividers.

B. Compliance

Hereafter, all subdivision of lands within the corporate limits of the City of Swanville shall comply fully with the regulations set forth herein. Plans for commercial or industrial development shall be presented in the same manner as a subdivision.

7.2 Subdivision Platting Requirements and Procedures

A. Application for Approval

An application for approval of a proposed subdivision in accordance with the provisions set forth herein must be completed prior to any contract for sale or offer to sell any lots within the proposed subdivision is made, and prior to any Land Use Permits issued. The subdivider, or duly authorized agent or representative, shall apply in writing for approval any proposed subdivision in accordance with the procedures set forth within this chapter.

B. Pre-Application and Sketch Plan

- (1) All subdividers are encouraged to meet informally with City Staff and/or the Planning Commission to learn of the requirements and minimum standards set forth herein, and the limitations or restrictions imposed by any other city plans or ordinances.
- (2) Through the above mentioned or subsequent informal meetings a sketch plan shall be presented containing the following data and information:

Existing Conditions

- a. The approximate exterior boundary showing the northerly direction drawn to scale of not less than 1" = 100'.
- b. Indication of all floodplains, wetlands, slopes over 12%, tree cover and ordinary high water mark.
- c. Use of adjoining properties including existing street locations, structure locations, electrical, water, and sewer infrastructure locations, and property lines.
- d. Significant historical sites.

Proposed Development

- a. Proposed lots with building setbacks.
- b. Proposed roadways and walkways.
- c. Proposed City sewer and water system connections.
- d. Open space or green space areas.

- (3) The subdivider is urged to follow the advice and assistance provided by city staff and/or the Planning Commission to provide for a more efficient facilitation of the preliminary plat.

C. Preliminary Plat

- (1) A preliminary plat shall be prepared by a registered land surveyor and shall conform to all state statutes and local requirements.
- (2) The land subdivider shall submit ten (10) copies of the preliminary plat to the city clerk at least twenty (20) days prior to the next regularly scheduled Planning Commission meeting to be placed on the next regularly scheduled meeting agenda. The subdivider shall pay all required fees to the City of Swanville at the time of submission of the preliminary plat.
- (3) Prior to the public hearing the city clerk shall refer copies of the preliminary plat to affected local agencies, appropriate utility companies, county, state, and other public jurisdictions for review and comment. All copies of plats within shoreland

areas shall be submitted to the commissioner of the Department of Natural Resources at least 10 days prior to the public hearing.

- (4) A public hearing shall be held within forty five (45) days of the filing date. The public hearing shall be noticed in the official publication of the city at least 10 days prior to the public hearing date. The city shall also send notice to all landowners within three hundred fifty feet (350') of the boundary lines of the proposed plat. If the proposed subdivision abuts the incorporated limits of the city, the adjoining county, city, or township shall be sent notice at least 10 days prior to the hearing date.
- (5) Provided all of the legal requirements pertaining to the public hearing are met, the Planning Commission meeting may serve as the public hearing.
- (6) The subdivider or a duly authorized representative or agent shall be present at the public hearing in which his preliminary plat is considered.
- (7) The Planning Commission shall consider the conformity of the proposed subdivision with city plans and regulations and, if necessary require additional technical information. The subdivider shall pay all fees for such technical services.
- (8) All persons in attendance of the public hearing shall be heard and the Planning Commission shall, within forty-five (45) days of the public hearing to either; approve, conditionally approve, or disapprove of the preliminary plat. The Planning Commission shall then submit its findings and recommendations to the city council.
- (9) The city council shall have sixty (60) days to either; approve, conditionally approve, or disapprove of the preliminary plat. Failure of the city council to act upon the preliminary plat shall be deemed approval. If the preliminary plat is disapproved, the city council shall advise the applicant of necessary changes prior to approval. Conditional approval may be granted as deemed appropriate by the city council. Approval of the preliminary plat shall not constitute approval of the subdivision, but approval to proceed in the preparation of the final plat.
- (10) The subdivider shall submit the final plat within one year of the approval of the preliminary plat. Failure to submit the final plat within one year shall nullify and void the approval of the preliminary plat. The subdivider may receive an extension of the said one year time period provided the request is made in writing, and approved by the city council prior to the one year date.

- (11) Should the subdivider amend the preliminary plat as approved, the subdivider shall resubmit the preliminary plat following the original procedures set forth. Unless the Planning Commission determines that the changes to the original preliminary plat constitute a new plat, requirements for a public hearing and payment of fees shall be waived.
- (12) Preliminary Plat Requirements: A preliminary plat shall contain the following data and information (except as waived by the Planning Commission):
- a. Evidence of fee ownership of parcel or written concurrence of fee owners showing authority to subdivide the subject parcel.
 - b. Existing Conditions
 - i. Boundary line lengths and bearings drawn to exact scale of not less than 1" = 100' taken by a boundary survey by a Registered Land Surveyor with the legal description of the property including north arrow and scale, total acreage, name of fee owner, developer, and surveyor.
 - ii. Existing streets, wetlands, structures and property lines located within 300 feet of the proposed parcel.
 - iii. Topography depicting at not more than 2-foot intervals or 10-foot intervals taken from USGS mapping information if a field observation is conducted and spot elevations are indicated and any drainage ways, 100-year floodplains, wetlands, slopes, and ordinary high water marks are defined.
 - iv. Soils as determined by hand borings on a random basis to show elevation to groundwater. At least one boring shall be conducted unless otherwise waived by the Planning Commission.
 - v. All significant historical sites.
 - vi. Date of boundary survey, topography, and proposed plat.
 - vii. Existing zoning of subject area.
 - c. Proposed Design
 - i. Layout of proposed streets, walkways, blocks, lots, and buildings (if known) drawn to not less than 1" = 100' scale.
 - ii. Street widths, lot lines, easement widths, and shoreland areas all drawn to nearest 5' scale.
 - iii. Areas of proposed lots.
 - iv. Building setbacks from lot lines, ordinary high water mark, and streets.

- v. Proposed open space or green space areas.
- vi. Proposed areas other than streets or walkways, to be dedicated for public purpose.
- vii. Proposed City sewer and water system connections and extensions.
- viii. Proposed storm drainage system and erosion control measures during construction and post-construction.
- ix. Proposed street standards and profiles.
- x. Potential locations and elevations of principle and accessory structures.
- xi. Any alterations to vegetation or topography.
- xii. Proposed covenants, if any.
- xiii. Name of Subdivision and proposed street names.
- xiv. Stages of proposed development.
- xv. Proposed zoning of subject area.

D. Final Plat

- (1) The final plat shall be prepared by a registered land surveyor and shall comply with all state and local regulations and requirements.
- (2) The subdivider shall submit ten (10) copies of the final plat to the city clerk within fourteen days (14) prior to the next regularly scheduled Planning Commission meeting. The final plat shall comply with all regulations set forth in subsection 9 of this section.
- (3) The subdivider shall provide a title opinion showing clear title to the subject property upon the request of the city council.
- (4) The Planning Commission shall approve, conditionally approve, or disapprove of the final plat within fifteen (15) days of the filing of requested documents.
- (5) The City Council shall approve, conditionally approve, or disapprove of the final plat by resolution within thirty (30) days of Planning Commission action. The city clerk shall then notify the subdivider, in writing, of the decision made by the City Council.
- (6) After approval of the final plat by the City Council, and signatures of the Mayor, Clerk, and all other signatures are provided as required by Minnesota Statutes, the final plat may be filed with the Morrison County Recorder's office. If the final plat is not so recorded after ninety (90) days after the final plat is approved, such plat shall become null and void. The City Council may grant the applicant a one

hundred and eighty (180) day extension on this requirement provided the applicant provides sufficient reason to warrant such action.

- (7) The subdivider shall submit one (1) reproducible mylar copy of the recorded final plat showing evidence of recording, and make payment of all costs, if any, accrued in verifying final plat materials.
- (8) No changes, revisions, or erasures shall be made in any final plat after final approval of the final plat has been granted by the City Council. All changes, revisions, or erasures to the final plat made after final approval of the plat by the City Council shall be resubmitted to the City Council for approval. Any final plat recorded without complying with this requirement, the said final plat shall be considered null and void and the City Council shall institute proceedings to have the plat stricken from the records of the county.
- (9) Final Plat Requirements
 - a. The scale shall be the same as for the preliminary plat.
 - b. Identification shall be the same as for the preliminary plat.
 - c. Property boundaries, the lines and width of all proposed streets and alleys, and any other areas intended for public use.
 - d. Lines of adjoining streets and alleys with width and names indicated.
 - e. All lot lines and easements with dimensions indicated.
 - f. An identification system for all lots and blocks.
 - g. All data required by Minnesota Statutes including accurate linear and angular dimensions for all lines, lot areas, angles and curvatures used to describe boundaries, streets, easements, and other features.
 - h. Any information required by the City Council including, but not limited to plans for water supply, sewage disposal, drainage, and flood control as backup data to the final plat.
 - i. Certification by a registered land surveyor indicating that the land survey was made by registered land surveyor and that all monuments and markers exist and all dimensions and geodetic details are correct and true.

- j. Certification by the owner, or all parties with legal fee ownership, of the adoption of the plat and the dedication of street and other public areas. Such certification shall be notarized.
- k. Certification showing all taxes currently due on the property have been paid in full.

7.3 Design Standards

A. General Standards

The design standards within this section shall be considered acceptable minimum requirements in the review of any proposed subdivision by the City Council, Planning Commission, or City Staff, except as waived by variance approved by the Board of Adjustment.

B. Street Design Standards

- (1) The general design of roadways shall be considered in relation to the proposed uses of the area to be served, to topographic conditions, to reasonable circulation of traffic, and in relation to existing and planned roadways.
- (2) In areas adjoining unsubdivided land, the arrangement of streets shall make for proper projection of streets and when the adjoining unsubdivided land is susceptible to future subdivision, roadways shall be carried to the boundaries of the unsubdivided land.
- (3) New streets extending to existing adjoining streets shall project at the same or greater width than the minimum required width.
- (4) The following street widths and grades shall be observed by the subdivider:

Street Classification	Minimum Width (ROW)	Minimum Pavement Width	Minimum Maximum Gradient
Arterials	As determined by the MN Department of Transportation	As determined by the MN Department of Transportation	As determined by the MN Department of Transportation

Collectors – All Types	66 Feet or as determined by Morrison County	36 Feet or as determined by Morrison County	Not to exceed 10% unless otherwise determined by Morrison County
Local	66 Feet	24 Feet or 36 Feet with curb and gutter installed	Not to exceed 10%
Cul-de-sac (Radius)	60 Feet	24 Feet or 36 Feet with curb and gutter installed	Not to exceed 10%

(5) Local Street and Roads

- a. Streets: Local streets shall be so aligned that their use by through traffic shall be discouraged.
- b. Services drives and frontage roads: In the case that a proposed plat is adjacent to a thoroughfare, the City Council may require the subdivider to provide local service drives, or frontage roads along the right of way of the thoroughfare. The City Council may also require the lots within the proposed plat to back along the thoroughfare, which would allow for no access between lots and thoroughfares by pedestrians or vehicles.

- (6) Street Jogs: Street jogs shall be no less than two hundred feet (200') from center line to center line.
- (7) Street Intersections: Streets shall intersect at right angles, unless otherwise practical and no intersection shall be at an angle of less than seventy five degrees (75°)
- (8) Half Streets: No half streets or connections to partial streets shall be permitted without securing the full required right of way.
- (9) Street Names: All proposed streets aligning with existing named streets shall bear the same name as the existing street. No proposed street name shall duplicate any existing street name phonetically, in spelling, etc.
- (10) Private Streets and Roads: In no event shall a private street or road be approved for improvement by the city.
- (11) Sidewalks: In the event the City Council deems sidewalks appropriate and necessary, sidewalks of not less than four feet (4') in width shall be provided, and provisions made for disabled persons.

C. Easements

Easements shall be provided for public utilities, drainage, or otherwise determined necessary by the Planning Commission shall be of the following minimum widths; ten feet (10') for utilities where necessary; twenty feet (20') for storm or sanitary sewers; ten feet (10') for drainage ways. Temporary construction easements may be required where installation depths are greater than ten feet (10'). Utility easements shall be kept free of vegetation of structures which could impede future construction, maintenance, or other improvements within easement areas.

D. Blocks

- (1) Length: Block lengths shall not exceed one thousand three hundred and twenty feet (1,320') and shall be a minimum length of three hundred and thirty feet (330') unless deemed impractical due to existing property division or topography by the Planning Commission.
- (2) Pedestrian ways: In the event a block exceeds six hundred feet (600') a pedestrian walkway may be required near the center of the block. Additional walkways providing access to schools, parks, or other areas may be required by the planning at the time of preliminary plat review.

E. Lots

- (1) Lot Size and Dimensions: All lot size and dimension requirements shall conform to the zoning ordinance without variance.
- (2) Layout: All lot layouts shall be consistent and compatible with the existing layouts of adjoining properties.
- (3) Natural Features: In the proposed subdivision of land, any alteration of natural features, topography, and similar characteristics shall be minimal.
- (4) Lot Remnants: Any lots, or portions thereof, not in compliance with the minimum requirements set forth in this ordinance shall be added to adjacent lots unless the owner can show plans for conforming future use of such lot remnant.

7.4 Required Improvements and Standards

A. Survey Requirements

Survey standards shall be the same as those required by Minnesota Statutes including the placement of all monuments including block corners, lot corners, and curve points. Such

survey and installation shall be the responsibility and at expense of the subdivider or developer. U.S., State, County, or other official benchmarks, monuments, or triangulation points in or adjacent to the proposed subdivision shall be preserved in precise position.

B. Street Improvements

- (1) All streets proposed within the subdivision shall be constructed by the subdivider or developer, or otherwise provided for in a contract between the subdivider or developer with all expenses borne by the subdivider or developer.
- (2) All streets constructed shall comply with the established minimum standards presented in Section 7.3 of this ordinance.
- (3) Storm sewers, culverts, storm water inlets, and other drainage facilities shall be required where necessary to ensure adequate drainage of storm water for the subdivision.
- (4) Street signs of the design approved by the City Council shall be installed at each street intersection.
- (5) Street lighting shall be installed as required by the City Council.

C. Public Utilities

Within any new subdivision, all Cable TV, telephone, electric, gas service, or similar utility lines shall be placed underground in accordance with all applicable City ordinances.

D. Sanitary Sewer and Water Distribution Improvements

- (1) Sanitary sewer and water facilities shall be installed in accordance with the specifications approved by the City Council upon concurrence with the designated City Engineer.
- (2) Where City sewer and water facilities are not yet available for extension into proposed subdivision; the City Council may permit the use of individual water and sewer systems in accordance with all appropriate state and local regulations.

SECTION 8.0 ADMINISTRATION

8.1 Zoning Administrator

- A. Appointment: This Ordinance shall be administered and enforced by a Zoning Administrator appointed by the City Council. In the absence of the appointment of a Zoning Administrator by the City Council, the City Clerk shall assume the powers and duties of the Zoning Administrator under this Ordinance.
- B. Powers and Duties: Powers and duties of the Zoning Administrator shall include the following:
1. Determine if applications comply with the terms of this Ordinance. Conduct inspections of buildings and land use as necessary to determine compliance with this Ordinance.
 2. Maintain permanent records of this Ordinance including, but not limited to maps, amendments, conditional uses, variances, appeals, and applications.
 3. Receive, file and forward all applications for appeals, variances, conditional use permits, and amendments to designated officials.
 4. Institute Actions or Proceedings: The Zoning Administrator shall notify, in writing, any persons in violation of this ordinance, indicating the nature of the violation, action necessary to correct the violation, or proceedings against a violator.
 5. Provide staff support to the Planning Commission and provide any research and/or recommendations to the Planning Commission.
 6. To communicate with the Minnesota Department of Natural Resources as required by this ordinance.

8.2 Planning Commission

- A. Membership:
1. The Planning Commission shall consist of at least five members appointed by the City Council. The City Council may appoint up to two (2) members of the Council to serve on the Planning Commission.

2. Appointment: Each member shall be appointed to a two year (2) term with no more than two (2) terms expiring each year. City Council members appointed to the Planning Commission shall be appointed annually by the City Council. All vacancies shall be filled for the remainder of the term by an appointee of the Mayor, approved by the City Council.
 3. Residency: All members shall be residents of the City of Swanville.
 4. Officers: The Commission shall elect a chairperson, vice chairperson, and secretary from its membership annually. The City may provide staff support to fulfill the administrative duties of the Commission.
 5. Quorum: Attendance of at least fifty one percent of membership (51%) shall constitute a quorum. All action by the Planning Commission requires the affirmative vote of a quorum.
- B. Rules of Order: Meetings of the Planning Commission shall be conducted according to the latest edition of Robert's Rules of Order.
- C. Duties:
1. Provide recommendations to the City Council on matters related to the development of the City of Swanville Zoning and Subdivision Ordinances.
 2. Provide recommendations to the City Council on all matters related to land use, zoning, and development.

8.3 Board of Appeals and Adjustments

- A. Composition and Organization: The City Council shall serve as the Board of Appeals and Adjustments to perform duties under subsections 8.3(B) of this ordinance.
- B. Duties
1. Appeals: The Board of Appeals and Adjustments may reserve or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made. If the matter includes interpretation of this ordinance, the planning and zoning commission shall be asked to review the appeal and give its recommendation regarding such interpretation. The reasons for the commission's decision shall be stated in writing and made part of the official record. The decision of the

commission shall not be final and any person having an interest affected by the decision shall have the right to appeal to the district court.

2. Variances: The Board of Appeals and Adjustments shall approve, conditionally approve, or deny all requests for a variance under this ordinance.

8.4 Fees

- A. Fees Established: Fees for Land Use Permits, rezoning, variance, conditional use permit, or amendment shall be established by the City Council. The City Council may review and revise the schedule of fees periodically.
- B. Payment Required:
 1. No permit shall be issued, or rezoning, variance, conditional use permit, subdivision or amendment request shall be considered until all fees are paid in full. All fees are payable to the City Clerk at the time of submission of required application materials to the City. The City shall not accept applications made by an applicant having any past due fees or charges due until the account is made current.
 2. All costs to the City exceeding the original fees in processing or reviewing an application shall be born by the applicant. Such costs may include, but are not limited to additional City staff time, mailing costs, consultant fees, or any other professional services the City deems necessary to provide sufficient review of application materials. All such additional fees shall be paid prior to the issuance of any permit, rezoning, variance, conditional use permit, or amendment.
 3. All applications made after any construction or improvements are began shall pay two (2) times the original application fees as prescribed by the schedule of fees adopted by the City Council.
- C. Exemption: Municipal corporations and governmental agencies shall be exempt from the fee requirements as prescribed by this ordinance.
- D. Refund: All fees filed with the City Clerk are not refundable unless application is withdrawn prior to the date of the first regular Planning Commission meeting in which the application is considered. In such case, all application fees shall be refunded less any costs incurred by the City in the review of the application.

8.5 Land Use Permits

It shall be unlawful to proceed with construction of **any structure** including patios, signs, pools, driveways, decks and temporary structures without obtaining a land use permit prior to starting project. It shall be unlawful to proceed with any exterior alteration, repair, remodeling, enlargement, demolition, removal, or placement prior to obtaining a land use permit. Interior remodeling, shingles, siding, new windows and doors (which do not change the shape of a structure) do not require a Land Use Permit. Handicap ramps do need a land use permit, but you will not be charged a fee. Approaches, accesses, and culverts need a land use permit, you will pay a deposit of \$500.00, returned to you after completion. There is no land use permit fee. A land use permit is required for each structure (example. One for house, one for garage, one for deck).

A. Application and General Requirements

1. Where a proposed use requires action by the Planning Commission, Board of Adjustments and Appeals, or the City Council or posting of a financial security, said action shall occur, and the conditional use permit, variance, final plat plan, zoning district change shall be approved, or security posted, prior to the issuance of a land use permit.
2. Requests for a land use permit shall be made to the Zoning Administrator.
3. Each application shall contain a site plan drawn to scale showing structures to be erected or moved onto the lot shall be indicated on the site plan. Emergency 911 addressing numbers shall also be indicated on the site plan.
4. Failure of the applicant to act upon the land use permit within one (1) year of the date of issue shall cause the land use permit to become void unless otherwise determined by the Zoning Administrator.
5. No land use permit shall be issued to any applicant having past due fees or charges to the City until the account is paid in full.
6. Violation of a land use permit or any section of this ordinance shall cause a land use permit to become void.

7. All land use permits, including any conditional use permits or variances, shall be posted upon the site of the property by which the permit was issued, as to be visible from the nearest public roadway.

8.6 Conditional Use Permits (CUP)

A. Application

1. A complete application for conditional use permit approved by the City Council shall be made for issuance of a conditional use permit to the Planning Commission at least thirty (30) days prior to the scheduled public hearing date. No application shall be considered by the City to be complete until all past due fees or charges are paid in full by the applicant.
2. All applications for a conditional use permit shall include a certificate of survey unless waived by the Zoning Administrator or Planning Commission, and a detailed proposal with accurate legal description. The application shall not be considered complete until all applicable fees are paid and the application is signed by the fee or contract owner of the property.
3. All property owners of record within three hundred and fifty feet (350') shall be notified of the public hearing and public notice of the hearing placed in the official newspaper of the City not less than 10 days before the public hearing date. In the event a conditional use permit is requested within a shoreland/floodplain area the Commissioner of Natural Resources shall be given same notice of the scheduled public hearing not less than 10 days before the public hearing date.

B. Review: The following shall be considered in review applications for conditional use permit:

1. The conditional use is consistent with the uses prescribed within the zoning districts in this ordinance.

2. The conditional use, including any conditions, conforms to the comprehensive plan.
3. The use is compatible within the general vicinity of the property.

C. Consideration should also be given to the following:

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted, nor substantially diminish or impair property values within the immediate vicinity.
2. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. The conditional use will not impede or congest traffic along adjacent roadways, and provide for sufficient off-street parking and loading space to serve the proposed use.
4. Adequate measures have been taken to mitigate offensive odors, fumes, dust, noise, vibration, lighting, and other potential nuisances to ensure compliance with section 6.13 of this ordinance.

D. Conditions: In providing for review of the conditional use permit the Planning Commission may impose, in addition to the standards and requirements of this ordinance, additional conditions that the Planning Commission considers to be necessary to protect the best interest of the general vicinity of which the conditional use is proposed and the entire City. 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, increasing street width, or increasing or decreasing the number of off-street parking spaces.
4. Limiting the number, location, size, or lighting of signs.

5. Requiring landscaping, open space, screening or other facilities to protect adjacent properties or properties within the general vicinity of the proposed conditional use.

E. General Requirements and Restrictions

1. A violation of any condition set forth in a conditional use permit shall be a violation of this ordinance and thereby terminates the conditional use permit.
2. Conditional use permits may be transferable where requested by the applicant and approved by the City Council.
3. Failure by a landowner to act upon a conditional use permit within one (1) year of the issuance shall void the conditional use permit unless extended by the Board of Adjustments and Appeals or the Planning Commission.
4. If the use by which the conditional use permit was granted is discontinued for a period of ninety (90) days or longer, the conditional use permit shall become void unless otherwise determined by the Planning Commission and the City Council.

8.7 Variances

Where the Board of Appeals and Adjustments, upon receiving recommendation from the Planning Commission, finds that practical difficulties may result from strict compliance within this ordinance, variances may be granted provided that such variances will not have the effect of nullifying the intent and purpose of this ordinance.

A. Application

1. Application shall be made for issuance of a variance to the City Clerk at least thirty (30) days prior to the scheduled public hearing date on the application form approved for such purposes by the City Council.
2. All applications for variance shall include a certificate of survey unless waived by the Zoning Administrator or City Council, and a detailed proposal with accurate legal description. The application shall not be considered complete until all applicable fees are paid and the application is signed by the fee or contract owner of the property. No application shall

be considered by the City to be complete until all past due fees or charges are paid in full by the applicant.

3. All property owners of record within three hundred and fifty feet (350') shall be notified of the public hearing and public notice of the hearing placed in the official newspaper of the City not less than 10 days before the public hearing date. In the event a variance is requested within a shoreland/floodplain area the Commissioner of Natural Resources shall be given same notice of the scheduled public hearing not less than 10 days before the public hearing date.

B. Review

1. The Planning Commission and Board of Appeals and Adjustments shall consider request for a variance based upon the following:
 - a. Reasonable use of the property does not exist under this ordinance and the strict interpretation of the ordinance would create practical difficulties, and
 - b. The strict interpretation of the ordinance would be impractical due to circumstances relating to the lot size, shape, topography, or other features of the property not created by the land owner, and
 - c. The variance from the ordinance, including any attached conditions, is still in keeping with the spirit and intent of the ordinance, and
 - d. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinances, and
 - e. The plight of the property owner is due to circumstances unique to the property not created by the property owner, and
 - f. The variance will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limit to inadequate access to direct sunlight for solar energy systems.
2. Variances shall be granted for earth sheltered construction as defined in section 216C.06. subdivision 14, when in harmony with the ordinance. The Board of Appeals and Adjustments may not permit as a variance any

use that is not allow under the zoning ordinance for property in the zone where the affected person's land is located. The Board may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The Board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the varicance.

3. Variances shall be issued to the property and are not transferable beyond the property in which the variance is issued.
4. No application for a variance which has been previously denied shall be resubmitted to the City for at least six (6) months from the date of denial.
5. Violation of any condition set forth in the granting of a variance shall constitute a violation of this ordinance and thereby terminates the variance.
6. Failure by a landowner to act upon a variance within one (1) year of the issuance shall void the variance unless extended by the Board of Appeals and Adjustments or the City Council.

8.8 Appeals

- A. Appeal of Zoning Administrator Decision: Any applicant, resident or property owner within the City may appeal any decision made by Zoning Administrator under this ordinance to the Planning Commission by providing written notice of the appeal to the City Clerk within (30) days of the date of action by the Zoning Administrator. Such notice shall state the specific action or decision subject to the appeal and the reason for the appeal.
- B. Appeal of Planning Commission Decision: Any applicant, resident, or property owner within the City may appeal any decision made by the Planning Commission under this ordinance to the City Council by providing written notice of the appeal to the City Clerk within (30) days of the date of action or decision of the Planning Commission. Such notice shall state the specific action or decision subject to the appeal and the reason for the appeal.
- C. Appeal of the City Council Decision: Any property owner may appeal a decision made under this ordinance to the District Court of Morrison County, Minnesota.

8.9 Enforcement, Penalties and Remedies

- A. **Violations and Enforcement.**
1. **Reasonable Investigation.** Alleged ordinance violations shall be referred to the Zoning Administrator. The Administrator, Planning & Zoning Chair or Board member shall make a reasonable investigation and determine whether or not a violation exists. If it is determined that a violation exists, then a violation notice shall be prepared.
The following will be part of the notice:
 - a. Notice to stop any work in progress.
 - b. The violation that exists and the facts and ordinance supporting the determination.
 - c. The action required on the part of the property owner to eliminate or resolve the violation.
 - d. The time frame in which the violation must be remedied.
 - e. Informing the property owner of their right to appeal.
 2. **The Violation Report** shall be mailed by certified mail, addressed to the property owner.
 3. **Penalties.** Any Land Use Permit which is issued after the work has started shall be charged an additional fee (Double the original Fee). The violation of any provision of this ordinance or the violation of the conditions or provisions of any permit issued pursuant to the Ordinance shall be a misdemeanor, and upon conviction thereof, the violation shall be subject to a fine of not more \$1000 or imprisonment for a term not to exceed 90 day or both. Each act of violation and every calendar day on which such violation occurs or continues shall be a separate offense.
- B. **Liability of City Officials and Staff.** 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 offense and shall not subject the officer, Board or employee to any penalty except those provided under the City personal policies.
- C. **Equitable Relief.** In the event of a violation or threatened violation of any provision of this ordinance or 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. The cost for any action the City takes will be the property owners responsibility.

8.10 Repeal of Conflicting Ordinances

Any ordinance existing at the time of adoption of this ordinance together with all amendments and supplements thereto, and all other ordinances promulgated by the City

of Swanville which are inconsistent with the provisions of this ordinance are, to the extent of such inconsistency and no further, hereby repealed.

8.11 Effectuation

This ordinance shall be in force and effect upon the due passage by the City Council and subsequent publication.

SECTION 9.0 AMENDMENTS

9.1 Amendments and Initiation

The regulations, restrictions and boundaries set forth in this ordinance may be amended, supplemented, or repealed in accordance with the provisions of this section.

Amendments to change the boundary of any zoning district shall require a 4/5 affirmative vote by the City Council. All other amendments shall require a majority vote of the City Council.

A. Types of Amendments

1. A change in zoning district boundary or official zoning map.
2. A change in zoning district regulation.
3. A change in any other provision of this title.
4. A change in the comprehensive plan.

B. Initiation of Proceedings: Proceedings for amending this ordinance shall be initiated by at least one of the following three (3) methods:

1. By petition by a property owner to rezone their property.
2. By recommendation of the Planning Commission.
3. By action of the City Council.

9.2 Procedure

A. Application by Property Owner: An application for amendment stating the nature of the amendment shall be submitted to the Zoning Administrator. The application may include maps, surveys, general development plans, or any other information pertaining to the application for amendment.

B. Referral to Planning Commission: An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and report and may not be acted upon by the City Council until recommendation is made by the Planning Commission or until sixty (60) days have elapsed.

- C. Hearing and Notice Required: The Planning Commission shall hold a public hearing for all initiated amendments. A notice of the time, place, and purpose of the hearing shall be noticed within the official newspaper of the City not less than ten (10) days prior to the public hearing date. Notice of the hearing shall also be sent by regular mail to all property owners of record within three hundred and fifty feet (350') of the subject property. A copy of the notice and a list of all property owners sent notice shall become a part of the public record. Failure to mail the notice or failure of property owners to receive notice shall not invalidate the public hearing.
- D. Notice by Publication Sufficient: For amendments related to this ordinance or the comprehensive plan, notice published in the official newspaper of the City not less than ten (10) days prior to the scheduled public hearing shall be sufficient notice.
- E. Reconsideration of Amendments: No amendment denied by the City Council shall be considered by the Planning Commission for a period of one year after the date of denial unless the Planning Commission or City Council determines new evidence or a change of circumstances warrant such action.

Public Hearing:

Adoption:

Published:

ATTEST:

APPROVED:

Clerk

Mayor