

**CITY CODE CHAPTER 15.3
ZONING ORDINANCE OF CROMWELL**

15.3.1 - Purpose & Scope

Purpose:

This Ordinance is enacted for the following purposes: To promote the health, safety, morals and general welfare of the inhabitants of the City of Cromwell by lessening congestion in the streets, securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; conserving the value of properties; and encouraging the most appropriate use of land within the City limits of Cromwell.

Subdivision 1 - Scope:

From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered and with respect to height and area, added to, or relocated, and every use within a building or use accessory thereto, in the City of Cromwell, shall be in conformity with the provisions of this Ordinance which is adopted to follow the directives set forth in the comprehensive land use plan previously adopted by the City. Any existing building or structure and any existing use of properties not in conformity with the requirements herein prescribed shall be regarded as non-conforming, but may be continued, extended, or changed subject to the special provisions provided herein with respect to non-conforming properties or uses.

With regard to all permits and regulation of buildings, improvements and structures to be located within one thousand feet (1000') of a lake or waterway, such applications will be handled first by Carlton County Planning and Zoning consistent with the Carlton County Zoning Code. Upon approval by the Carlton County Planning and Zoning office such matters will then be reviewed for final action by the City.

Subdivision 2 - Interpretation:

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

Subdivision 3 - Short Title:

This Ordinance shall be known and may be cited as the “Zoning Ordinance of the City of Cromwell.”

15.3.2 - General Rules & Definitions

Subdivision 1 - Rules:

For the purpose of this Ordinance, words used in the present tense shall include prospective action; words in the singular shall include the plural where appropriate, the word “building” shall include the word “structure”; the word “lot” shall include the word “plot” and “parcel” and the word “shall” is meant to be mandatory and not discretionary.

Subdivision 2 - Definitions:

For the purpose of this Ordinance, certain terms and words are defined as follows:

Accessory Building - A subordinate building or portion of the main building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.

Agriculture - The cultivation of the soil and all activities incidental thereto, see “Farming.”

Alley - A public thoroughfare less than thirty (30) feet in width which provides secondary access to abutting property.

Apartment - A part of a building consisting of a room or suite of rooms which is designed for, intended for or used as a residence for one family or an individual and is equipped with cooking facilities.

Apartment Building - Three (3) or more apartments grouped in one building.

Automobile Wrecking - See “Junk Yards.”

Boarding House - Any dwelling other than a hotel or motel where meals or lodgings and meals for compensation are provided for five (5) or more persons, pursuant to previous arrangements and not to anyone who may apply.

Building - Any structure for the shelter, support or enclosure of persons, animals, chattel or property of any kind, and when separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building Height - The vertical distance from the average of the highest and lowest point of

that portion of a lot covered by a building to the highest point of the roof for flat roofs to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Setback Line - A line within a lot or other parcel of land parallel to a public road, street or highway right-of-way defining a portion of the lot between said setback line and said right-of-way line on which buildings or structures may not be placed.

Corner Lot - A lot situated at the junction of and fronting on two (2) or more streets.

Curb Level - The curb level is the level of the established curb in front of the building measured at the center of such front.

Depth of Lot - The mean horizontal distance between the mean front street and the mean rear lot line. The greater frontage of a corner lot is its depth and its lesser frontage is its width.

Depth of Rear Yard - The mean horizontal distance between the rear line of the building and the center line of an alley where an alley exists, otherwise a rear lot line.

District - A section of the City for which the regulations governing the height, area and use of buildings and premises are the same.

Dwelling - Any building or part thereof which is designed or used exclusively for residential purposes by one or more human beings either permanently or transiently.

Dwelling, One Family - A building designed for or occupied exclusively by one (1) family.

Dwelling, Two Families - A building designed for or occupied by two (2) families.

Dwelling, Multiple - A building designed for or occupied by more than (2) families.

Family - Any number of individuals living together on the premises or a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel as herein defined.

Farming - The cultivation of the soil and all activities incidental thereto; agriculture.

Feed Lot, Agricultural - An uncovered enclosure for the purpose of feeding livestock, less than three hundred (300) in number; an accessory use incidental to a farming operation occupying less than five percent (5%) of the land area of the farm.

Feedlot, Commercial - An uncovered enclosure for the purpose of custom feeding livestock, in excess of three hundred (300) in number; not an accessory use incidental to a

farming operation.

Floor Area - The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls, including basements and attached accessory buildings.

Garage, Private - A garage with a capacity of not more than four (4) power driven vehicles for storage only and which is erected as an accessory building.

Garage, Public - Any premises except those described as a private or community garage, used for the storage or care of power driven vehicles, or where any such vehicles are equipped for operation, repair, or kept for remuneration, hire or sale.

Home Occupation - Any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling and does not change the character thereof or have any exterior evidence of such secondary use. The occupation shall be carried on or conducted only by members of a family residing in the dwelling and in connection with which there is kept no stock in trade or commodity for SOIC on the premises.

Hotel - Any building or portion thereof where lodging is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in an individual room or apartment.

Junk Yard - Land or buildings where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled, or handled, including, but not limited to scrap metal, rags, paper, rubber products, glass products, lumber products and products from wrecking of automobiles, other vehicles accessory to any business or industrial use of the same lot.

Lodging House - A building or premises where lodging is provided for compensation for five (5) or more persons, but not exceeding twenty-five (25) persons.

Lot - One unit of a recorded plat or subdivision occupied or to be occupied by a building and its accessory buildings and including as a minimum such open spaces as are required under this Ordinance and having frontage on a public street.

Lot Area - The lot area is the land area within the lot lines.

Lot Area Per Family - The lot area per family is the lot area required by this Ordinance to be provided for each family in a dwelling.

Lot, Double Frontage - An interior lot having frontage on two (2) streets.

Lot, Interior - A lot other than a corner lot.

Lot Lines - The lines bounding a lot as defined herein. When a lot line abuts on a street, avenue, park or other public property except an alley, such line shall be known as a street

line, and when a lot line abuts on the alley, it shall be known as an alley line.

Lot Width - The width of a lot is its own mean width measured at right angles.

Mobile Home - A mobile home or house trailer is a trailer, or other vehicle, designed and constructed for dwelling purposes.

Motel - A building or group of buildings used primarily for the temporary residence of motorists or travelers.

Non-Conforming Use - A use lawfully in existence on the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated except that such a use is not non-conforming if it would be authorized under Conditional Use Permit where located.

Person - Means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

Plot - A tract other than one unit of a recorded plat or subdivision and occupied and used or intended to be occupied and used as a home site and improved or intended to be improved by the erection thereon of a dwelling and accessory buildings and having a frontage upon a public street, thoroughfare or highway or upon a traveled or used road and including as a minimum such open spaces as required under this Ordinance.

Premises - A lot, plot or tract of land with the required front, side and rear yards.

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

Story, half - That portion of a building under a gable, hip or gambrel roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than two (2) feet above the floor of such story.

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

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

Street - A public thoroughfare thirty (30) feet or more in width.

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

Use, Accessory - A use incidental or accessory to the principal use of a lot or a building located on the same lot as the accessory use.

Yard - Any space in the same lot with a building open and unobstructed from the ground to the sky.

Yard, Front - An open unoccupied space on the same plot with a building, extending the full width of the lot and situated between the street line and the front of the building projected to the side lines of the lot.

Yard, Rear - An unoccupied open space, except for accessory buildings, on the same lot with a building between the rear lines of the building and the rear line of the lot, for the full width of the lot.

Yard, Side - An open unoccupied space on the same lot with a building between the building and side line of the lot, and extending from the front yard to the rear yard.

15.3.3 - Classification of Districts

Subdivision 1 - Districts:

For purposes of this Ordinance, the City of Cromwell is hereby divided into classes of zoning districts which shall be designated as follows:

A-1: Limited Agricultural District

R-1: Residential District

C-3: General Business District

M-2: General Industry/Commercial District

All lands under jurisdiction of this Ordinance shall be designated as lying within one, and only one, primary zoning district.

Subdivision 2 - Zoning Map:

The location and boundaries of the districts established by this Ordinance are hereby set forth on the Zoning Map and said map is hereby made a part of this Ordinance, which map shall be known as the "City of Cromwell Zoning Map." Said map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the City Clerk to maintain said map, and amendments thereto shall be recorded on said Zoning Map within thirty (30) days after official publication of amendments. This official Zoning Map shall be kept on file in the Cromwell City Hall.

Subdivision 3 - District Boundaries:

The boundaries between districts are, unless otherwise indicated, either the center lines of streets, alleys, or railroad rights-of-way, or such lines extended or lines parallel or perpendicular thereto. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless otherwise indicated.

Subdivision 4 - Future Annexation:

Any land annexed to the City in the future shall be placed in the A-1 Limited Agricultural District until placed in another district by action of the City Council after recommendation from the City Engineer.

15.3.4 - A-1 Limited Agricultural District

Purpose: The A-1 district is established to provide for suitable areas in the City to be used for agricultural , forest management, large lot residential home sites and to allow for the retention of open space and a natural setting with uses consistent with recreational activities.

Subdivision 1: Permitted Uses.

Permitted uses in an A-1 district would include:

1. Single family dwellings.
2. Agriculture, farming and truck gardening (except kennels, animal feedlots or poultry farms operated for commercial purposes) farm buildings and the sale of products grown only on the premises.
3. Churches, memorial buildings.
4. Public schools and private schools having an equivalent curriculum.

5. Water supply and sewage treatment facilities, except that no building shall be located within forty (40) feet of any lot line of an abutting lot in an Residence District.
6. Public administration buildings.
7. Parks and recreational areas owned and operated by governmental agencies.
8. Golf courses, country club, private swimming club, provided that no building shall be located within forty (40) feet of any lot line of an abutting lot in any Residential District.
9. Home occupations.
10. Cemeteries
11. Railroad rights-of-way, but not including railroad yards and shops.
12. Accessory uses customarily incidental to the above uses.
13. Game habitat improvement areas and wildlife management areas.
14. Private garages, storage sheds or stables.
15. Riding academies and commercial stables.
16. Private swimming pools and recreational equipment.

Subdivision 2 - Conditional Uses:

The following uses may be allowed in the A-1, Agricultural District by Conditional Use Permit:

1. Signs as regulated in Section 8, General Regulations.
2. Private parks, recreational campgrounds, and recreational facilities.
3. Solid waste disposal facilities.
4. Airports.
5. Public Utility Buildings.

Subdivision 3 - Height, Yard and Area Regulations:

1. Height Regulations:

- a) No building hereafter erected or altered shall exceed two and one half (2 ½) stories or thirty-five (35) feet in height, except as provided in the General Regulations set forth in Section 8.

2. Front Yard Regulations:

- a) There shall be a front yard having a depth of not less than thirty (30) feet, except that the depth shall be increased to fifty (50) feet from all U.S. and State highways.
- b) Where a lot is located at the intersection of two (2) or more streets the front yard depth regulations are applicable on each Street side of each corner lot. No accessory building shall project beyond the front yard of either street.

3. Side Yard Regulations:

- a) There shall be a side yard, on each side of a building, having a width of not less than ten (10) feet.

4. Rear Yard Regulations:

- a) There shall be a rear yard having a depth of not less than twenty-five percent (25%) of the depth of the lot.

5. Lot Area Regulations:

- a) A lot on which there is erected a single family dwelling shall contain an area of not less than two (2) acres with a width of not less than two hundred (200) feet except that if a lot has less area, width, or depth than herein required, and was legally platted and was of record at the time of passage of this Ordinance, that lot may be used for any of the uses permitted in this District.

Subdivision 4 - Additional Requirements:

Additional regulations for the A-1, Limited Agricultural District are set forth in Section 8, General Regulations.

15.3.5 - R-1, Residential District

Purpose: The R-1 district is established to provide for suitable areas in the City to be used for residential uses.

Subdivision 1 - Permitted Uses:

The following uses shall be permitted in R-1, Residential Districts:

1. One family and two family dwellings.
2. Parks and recreational areas owned and operated by governmental agencies.
3. Public elementary and high schools, or private schools having an equivalent curriculum.
4. Churches.
5. Accessory buildings and accessory uses customarily incident to the above uses, but not including home occupations or the conduct of a business.
6. State-licensed residential facilities and state-licensed daycare facilities as described in Minnesota Statutes Section 462.357, Subd. 7. A residential facility whose primary purpose is to treat juveniles or those who have violated criminal statutes relating to sex offenses shall not be considered a permitted use.
7. Private swimming pools.
8. Cemeteries.

Subdivision 2 - Conditional Uses:

The following uses may be allowed in the R-1, Residential District by conditional use permits:

1. Multiple family residences, public or private housing for the elderly.
2. Public buildings, memorial buildings, and water supply buildings and structures.
3. Hospitals, clinics.
4. Boarding and lodging houses.
5. Manufactured/Mobile homes provided that they meet the following performance standards:
 - a) All manufactured/mobile homes shall be properly connected to a municipal water supply and a municipal sanitary sewer system. All water and sewer

collection systems shall be constructed in accordance with plans and specifications approved by the City Council.

b) All utilities, such as sewer, water, fuel, electric, telephone and television antenna lead-ins, shall be buried to a depth specified by the City Engineer, and there shall be no overhead wires or support poles except those essential for street or other lighting purposes.

c) All manufactured/mobile homes shall be placed on a permanent concrete foundation.

d) Prior to the structure being placed on the site, it shall be determined in writing that the manufactured home to be placed on the lot is in good repair and meets existing City, State and Federal Codes.

6. Signs as regulated in Section 8, General Regulations.

7. Public Utility Buildings.

Subdivision 3 - Height, Yard and Area Regulations:

1. Height Regulations:

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

2. Front Yard Regulations:

a) There shall be a front yard having a depth of not less than thirty (30) feet unless thirty percent (30%) or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a greater or less depth of front yard in which instance no new building or portion thereof shall project beyond a straight line drawn between the point closest to the street line of the residence upon either side of the proposed structure, or if there be residences upon only one side, then beyond the straight line projected from the front of the two nearest residences.

3. Side Yard Regulations:

a) There shall be a side yard on each side of a building having a width of not less than ten (10) feet.

4. Rear Yard Regulations:

a) There shall be a rear yard having a depth of not less than twenty percent (20%) of the depth of the lot.

5. Lot Area Regulations:

a) A lot on which there is erected a single family dwelling shall contain an area of not less than eight thousand (8,000) square feet, and shall not be less than an average of eighty (80) feet in width and one hundred (100) feet in depth, except that if a lot has less area, width, or depth than herein required, and was legally platted and was of record at the time of passage of this Ordinance, that lot may be used for any of the uses permitted in this district.

b) A lot on which there is erected a new two family dwelling shall have an area of not less than ten thousand (10,000) square feet and an average width of not less than eighty (80) feet, and an average depth of not less than one hundred twenty-five (125) feet, except that parking requirements in Section 8 must be provided.

c) A lot on which there is erected a new multiple family dwelling shall contain an area of not less than twelve thousand (12,000) square feet for the first two units plus fifteen hundred (1,500) square feet for each additional dwelling unit, except the parking requirements in Section 8 must be provided.

Subdivision 4 - Additional Requirements:

Additional regulations for the R-1, Residential District are set forth in Section 8, General Regulations.

15.3.6 - C-3, Commercial Business District

Purpose: The purpose of the C-3 Commercial Business District is to provide an area for compact and convenient limited highway-oriented business activity that are in close proximity and that meet standards designed to limit impacts to traffic-carrying capabilities of abutting roads and highways.

Subdivision 1 - Permitted Uses:

The following uses may be permitted in the C-3, Commercial Business District:

1. Gas stations, automobile convenience markets and automobile repairs conducted entirely within buildings.
2. Retail, grocery and office uses occurring within an enclosed building.
3. Banks and financial institutions and related businesses.

4. Barber and beauty shops.
5. Garage storage.
6. Hotel, motel, lodging or boarding houses.
7. Mortuary and funeral care.
8. Newspaper publishing, job printing establishment.
9. Outdoor ice and milk vending machines.
10. Personal service and craftsman shops.
11. Professional offices including medical clinics.
12. Restaurants.
13. Retail outlets for plumbing, heating, glazing, paper hanging, roofing, ventilating and electrical business.
14. Retail stores, sales or showrooms, office agency or studios.
15. Self service laundries.
16. Public utility buildings.

Subdivision 2 - Conditional Uses:

The following uses may be permitted in the C-3, Commercial Business District by conditional use permits:

1. Other business activities of the same general character as listed in Subdivision 1 of this Section.
2. Advertising and business signs as regulated in Section 8, General Regulations.
3. Parks and recreational areas owned and operated by governmental agencies.

Subdivision 3 - Height, Yard and Lot Coverage Regulations:

1. Height Regulations:
 - a) No building shall hereafter be erected or structurally altered to exceed two (2) stories or thirty-five (35) feet in height.

2. Front Yard Regulations:

- a) No front yard shall be required, except that on any lot which is located adjacent to a Residence District, the front yard shall be not less than thirty (30) feet.

3. Side Yard Regulations:

- a) No side yard shall be required, except that on any lot which is located adjacent to a Residence District, there shall be a side yard of not less than ten (10) feet

4. Rear Yard Regulations:

- a) No rear yard shall be required, except that on any lot which is located adjacent to or across the street from a Residence District, there shall be a rear yard of not less than twenty percent (20%) of the lot depth on any lot.

5. Lot Area Regulations:

- a) Lots shall contain an area of not less than 7500 square feet and not be less than Fifty (50) feet in width.

Subdivision 4 - Additional Requirements:

Additional regulations for the C-3 Commercial Business District are set forth in Section 8, General Regulations.

15.3.7 - M-2, General Industry/Commercial District

Purpose: This district is intended to accommodate compact limited industrial businesses in an area close to highway access and along or adjacent to the main traffic corridors running through the City which are capable of accommodating industrial oriented traffic.

Subdivision 1 - Permitted Uses:

The following uses may be permitted in the M-2, General Industry/Commercial District:

1. Business or commercial establishments as provided in Section 6.
2. Wholesale business establishments.
3. Storage or warehouse, packing and crating, express, carting or hauling stations, trucking yard or terminal.

4. Bottling establishments and laundries.
5. Laboratory, research, experimental and testing establishments.
6. Custom shop for making articles or products sold at retail on or off the premises.
7. Plumbing, heating, glazing, painting, paper hanging, roofing, ventilating and electrical contractors; blacksmith shop, carpentry, soldering and welding shop, planing mills.
8. Yard for storage, sale and distributing of ice, coal or building materials, when enclosed within a screening fence of not less than six (6) feet in height.
9. Boiler or tank works.
10. Brick, pottery, tile or terra cotta manufacture.
11. Contractor's plant or storage yard.
12. Public utility buildings.

Subdivision 2 - Conditional Uses:

The following uses may be permitted in the M-2, Industrial/Commercial District by conditional use permits:

1. Other uses of similar character to those listed in Subdivision 1 of this Section.
2. Signs, as regulated in Section 8, General Regulations.

Subdivision 3 - Height, Yard, Area, Lot Width and Lot Coverage Regulations:

1. Height Regulations:
 - a) No building shall hereafter be erected to exceed forty (40) feet in height.
 - b) Buildings exceeding forty (40) feet shall be required to obtain a conditional use permit.
2. Front Yard Regulations:
 - a) There shall be a front yard having a depth of not less than thirty (30) feet.
3. Side Yard Regulations:

- a) There shall be a side yard on each side of a building having a width of not less than twenty (20) feet.

4. Rear Yard Regulations

- a) There shall be a rear yard having a depth of not less than thirty (30) feet.

5. Lot Area Regulations.

- a) Lots shall contain an area of not less than 15,000 square feet and shall not be less than 100 feet in width.

Subdivision 4 - Additional Requirements:

Additional regulations for the M-3 General Industry/Commercial District are set forth in Section 8, General Regulations.

15.3.8 - General Regulations

Subdivision 1 - Height Regulations and Modifications:

1. Public, Semi-public or public service buildings, hospitals, institutions, schools or churches may be erected to a height not exceeding sixty (60) feet in the districts in which they are permitted if the building is set back from each yard line at least one (1) foot for each additional building height above the height limit otherwise provided for the district in which the building is located.

2. Height limitations as set forth elsewhere in this Ordinance may be increased by one hundred percent (100%) when applied to the following:

- a) Monuments.
- b) Flagpoles.
- c) Cooling Towers.
- d) Elevator penthouses.

3. Height regulations as set forth elsewhere in this Ordinance may be increased with no limitation when applied to the following, provided a conditional use permit is issued to increase height:

- a) Church domes, spires, belfries and roof ridges.
- b) Schools, colleges and university buildings.
- c) Chimneys or smokestacks.
- d) Television, telecommunications, and radio broadcasting antennae.
- e) Fire towers.
- f) Lofts, tanks.

- g) Water towers.
- h) Ornamental towers and spires.

Subdivision 2 - Area Regulations:

1. No lot shall be so reduced that the area of the lot or dimensions of the open spaces shall be smaller than herein prescribed.
2. No dwelling shall hereafter be erected or altered unless there is direct access to it from a street or highway through an open space on the same lot. No building shall hereafter be erected or altered so as to close the present means of access to an existing dwelling or so as to diminish this means of access to a width less than the width of the existing dwelling.

Subdivision 3 - Yard Regulations:

Measurements shall be taken from the nearest point of the wall of the building to the lot line in question, subject to the following qualifications:

1. Cornices, canopies, eaves or fire escapes may extend into the required front yard a distance not exceeding four (4) feet.
2. A landing place or uncovered porch may extend into the required front yard a distance not exceeding six (6) feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three (3) feet may be placed around such landing.
3. On existing lots that are fifty (50) feet or less in width, allowable architectural features may project into the required side yard a distance of two (2) feet.
4. A wall, fence or hedge may occupy part of the required front yard, but no wall or fence more than three (3) feet high shall be constructed without a conditional use permit.
5. The required front yard of a corner lot shall not contain any wall, fence or other structure, tree, shrub, or other growth which may cause danger to traffic on a street or public road by obscuring the view.
6. More than one institutional building may be erected upon a single lot or tract, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such buildings, nor shall there be any change in the area requirements.

Subdivision 4 - Accessory Uses and Buildings:

The following accessory uses, in addition to those hereinbefore specified, shall be permitted in any

Agricultural or Residential District, if the accessory uses do not alter the character of the premises with respect to their permitted use:

1. The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals and other institutions permitted in the district.
2. Recreation, refreshment and service buildings in public parks and playgrounds.
3. Accessory buildings may be built in a required rear yard but such accessory buildings shall not be nearer to any side lot line than the required distance of the main building or to the main use of the premises to which the accessory building is incidental. Such accessory buildings shall not be nearer than ten (10) feet to any rear lot line or to any alley, nor shall any accessory building occupy more than thirty percent (30%) of the required rear yard.

Subdivision 5 - Off Street Parking and Loading Requirements:

1. Off street parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. The minimum number of required off street parking spaces for the following uses shall be as follows:

- a) Single family dwelling - One (1) parking space. No garage shall be converted into living space unless other acceptable off street parking space is provided.
- b) Two family dwelling - One (1) parking space for each family or dwelling unit.
- c) Multiple dwelling - One and two tenths (1.2) parking spaces per dwelling unit or apartment unit.
- d) Boarding and lodging house - One (1) parking space for each two (2) persons for whom sleeping accommodations are provided.
- e) Convalescent or nursing home - One (1) parking space for each four (4) beds for which sleeping accommodations are provided.
- f) Hospitals - One (1) parking space for each two (2) hospital beds plus one (1) space for each employee on the major shift.
- g) Public park and recreation area - Five (5) spaces for each acre of park, playground or play field over two (2) acres.
- h) Churches - One (1) parking space for each four (4) seats based on the design capacity of the main sanctuary.
- I) Public junior and senior high school or private school - One (1) parking space for each classroom.

- j) Municipal administration buildings, community center, public library, museum, art galleries, post office and other municipal service buildings - Ten (10) parking spaces plus one (1) parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet of floor area.
- k) Golf course, golf clubhouse, country club, swimming club, tennis club, public swimming pool - Twenty (20) spaces plus one (1) space for each five hundred (500) square feet of floor area in the principal structure.
- l) Professional offices, medical and dental clinics and animal hospitals - Four (4) spaces plus one (1) space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet of floor area.
- m) Office buildings - Ten (10) spaces plus one (1) space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet of floor area.
- n) Automobile service station - Four (4) spaces plus two (2) spaces for each service stall. Such parking spaces shall be in addition to space required for gas pump sales.
- o) Auto sales, trailer sales, marine and boat sales, implement sales, garden supply store, building materials sale, auto repair - Six (6) spaces plus one (1) space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet.
- p) Bowling alley - Five (5) spaces for each bowling lane.
- q) Drive-in Restaurant - Twenty (20) spaces or one (1) space for each twenty (20) square feet of floor area, whichever is greater.
- r) Motel or motor hotel - One (1) space for each rental room or suite.
- s) Miniature golf course, archery range or golf driving range - Ten (10) spaces.
- t) Assembly or exhibition hall, auditorium, theater or sports arena - One (1) space for each six (6) seats based upon design capacity.
- u) Restaurant, café, nightclub, tavern or bar - One (1) space for each seventy-five (75) square feet of floor area.
- v) Skating rink or dance hall - One (1) space for each two hundred (200) square feet of floor area.
- w) Retail stores and service establishments - One (1) off street space for each one hundred (100) square feet of floor area, plus one (1) space for each employee on the major shift or one (1) off street space for each three hundred fifty (350)

square feet of gross floor area within the building, whichever is greater.

- x) Wholesale business, storage or warehouse establishment - One (1) space for each employee on the major shift or one (1) space for each two thousand (2,000) square feet of gross floor area, whichever is greater, plus one (1) off street space for each company motor vehicle when customarily kept on the premises.
- y) Manufacturing or processing plant - One (1) off street space for each employee on the major shift or one (1) off street space for each three hundred fifty (350) square feet of gross floor area within the building, whichever is greater, plus one (1) space for each company motor vehicle when customarily kept on the premises.

2. Required Loading Areas:

- a) Loading and unloading areas for goods, supplies and services shall be sufficient to meet the requirements of each use.

Subdivision 6 - Signs:

All signs hereafter erected or maintained, except official, traffic and street signs, shall conform with the provisions of this Subdivision and any other Ordinance or regulation of the City of Cromwell.

1. General Sign Provisions - The following regulations shall apply to all signs hereinafter permitted in all districts:

- a) Illuminated signs giving off intermittent or rotating beams shall not be permitted in any district.
- b) No sign shall project more than twenty-four (24) inches over a public sidewalk, except that the Council may, after a report from the Planning Commission, grant a conditional use permit for a period not to exceed one (1) year to allow advertising on newspaper sale stands and special permits for temporary signs and decorations to be strung across the right-of-way.
- c) No sign shall be placed that resembles any official marker erected by a governmental agency or display such words as "stop" or "danger."
- d) No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any building or structure.
- e) The owner, lessee or manager of a ground sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is

located.

- f) Advertising signs, business signs and nameplate signs which may be or may hereafter become unsafe or unsightly shall be repaired or removed by the owner of the property upon which the sign stands, upon notice of the Council.
- g) Where a sign is illuminated, the source of light shall not shine directly upon any part of a residence or into any Residence District.
- h) No sign shall violate the front, side, or rear yard requirements of the district in which it is placed.
- i) No sign shall be of such a nature or placed in such a position that it will constitute a traffic hazard.

2. Use and Location Regulations - The following types of signs, and no other, shall be permitted in the districts indicated as follows:

- a) Official traffic and street signs.
- b) Signs in an A-1, Agricultural or an R-1, Residential District - only non-commercial signs such as professional name signs indicating the name and profession, trespassing signs, signs indicating the private nature of a driveway or premise shall be permitted, provided that the area on one side of any such sign shall not exceed two (2) square feet.
- c) Identification signs for schools, churches, hospitals, or similar institutions, and for clubs, lodges, farms, estates, or similar uses, are permitted provided that the area on one side of any such sign shall not exceed twelve (12) square feet.
- d) Real estate signs, including signs advertising the sale or rental of premises are permitted provided the area on one side of any such signs shall not exceed six (6) square feet; and signs indicating the location and direction of premises in the process of development, provided the area on one side of any such sign shall not exceed twenty-four (24) square feet.
- e) Temporary signs of contractors, architects, mechanics and artisans are permitted, provided that such signs shall be removed promptly upon completion of the work and further provided that such signs shall not exceed twenty-four (24) square feet in area.
- f) Business or industrial signs may be erected and maintained in conjunction with a commercial or industrial use provided:
 - 1) That the area on one side of all such signs erected on one street frontage of any one premises shall not exceed fifty (50) square feet, unless authorized by a conditional use permit by the lawful governing body,

and,

2) Such sign, except a directional sign, is erected only on the premises on which the use to which the sign relates is conducted.

g) In the C-3 General Business/Commercial and M-2, General Industry/Commercial District, the total surface area of signs on a lot shall not exceed the sum of three (3) square feet per lineal foot of lot frontage. No single business sign surface shall exceed three hundred (300) square feet in area, nor shall two (2) or more smaller signs be so arranged and integrated as to create a surface area in excess of three hundred (300) square feet. In the case of corner lots, the least width of a corner lot shall be the front for purposes of this Ordinance. Advertising sign structures shall be limited to not more than one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) per each additional one hundred (100) feet of additional lot frontage. Such structure may not contain more than two (2) signs per facing nor exceed fifty-five (55) feet in total length. No advertising sign may be erected within one hundred (100) feet of an adjoining Residential District.

Subdivision 7 - Performance Standards:

It is intended that each permitted use in all business and industry districts shall be a good neighbor to adjoining properties by the control of the following standards. In order to insure compliance with the performance standards set forth below, the Council may require the owner or operator of any permitted use to have made such investigations and/or tests as may be required to show adherence to the performance standards. Such investigation and/or tests as are required to be made shall be carried out by the City Engineer or an independent testing organization as may be selected by the Council.

1. Landscaping - All required yards shall either be open landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. as appropriate. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition. Yards adjoining any Residential Districts shall be landscaped with buffer planting screens. Plans of such screens shall be submitted for approval as a part of the site plan and installed prior to issuance of a building permit for any lot within the district.

2. Storage of materials - Open storage of materials in any required front, side or rear yard shall be prohibited. Any other outside storage shall be located or screened so as not to be visible from any Residential District.

3. Noise - Noises emanating from any use shall be in compliance with and regulated by the State of Minnesota Pollution Agency Control Standards, Minnesota Regulations NPC, as amended.

4. Odors - Odors from any use hereafter begun shall not be discernible at the property line.

5. Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.
6. Exterior lighting - Any lights used for exterior illumination shall direct light away from adjoining properties.
7. Vibration - Vibration shall not be discernible at any property line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour.
8. Smoke - Measurements shall be at the point of emission. The Ringelmann Smoke chart published by the United States Bureau of Mines shall be used for the measurement of smoke. Smoke not darker or more opaque than No. 2 on said chart may be emitted.
9. Dust - Solid or liquid particles shall not be emitted at any point in concentrations exceeding three tenths (.03) grains per cubic foot of the conveying gas or air.
10. Fumes or gases - Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic or corrosive.
11. Hazard - Every operation shall be carried on with reasonable precautions against fire and explosion hazards.
12. Water supply - The design and construction of water supply facilities and water supply source shall be in accordance with City, County, State and Federal standards and regulations.
13. Waste - All sewage and industrial wastes shall be treated and disposed of in such manner as to comply with City, County, State and Federal standards and regulations.

15.3.9 - Non-Conforming Uses

Subdivision 1 - Alterations:

The lawful use of a building existing at the time of the adoption of this Ordinance may be continued, even if such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use as long as the new use is a move toward conformity with the Ordinance. However, the City Council will be notified and approve the proposed ongoing non-conforming use. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use of a building has been changed to a conforming use, such use shall not thereafter be changed to a less conforming use.

Subdivision 2 - Restoration:

No building which has been damaged by fire, explosion, act of God or the public enemy, to the

extent of more than fifty percent (50%) of its value, shall be restored except in conformity with the regulations of this Ordinance.

Subdivision 3 - Discontinuance:

In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the district in which it is located.

Subdivision 4 - Residential Alterations:

Alterations may be made to a residential building containing non-conforming residential units when they will improve the livability of such units provided, however, that they do not increase the number of dwelling units in the building.

Subdivision 5 - Normal Maintenance:

Maintenance of a building or other structure containing or used for a non-conforming use may be permitted when it includes necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming building or use. Nothing in this Ordinance shall prevent the placing of a structure in a safe condition when said structure is declared unsafe by the City.

15.3.10 - Conditional Use Permits

Subdivision 1 - Application:

Conditional use permits may be issued for any of the following:

1. Any of the uses or purposes for which such permits are required or permitted by the provisions of this Ordinance.
2. Public utility or public service uses or public building in any district when found to be necessary for the public health, safety, convenience or welfare.
3. Commercial excavating and storage of natural materials used for building or construction purposes, in any district.
4. To classify as a conforming use any non-conforming institutional use existing in any district at the time of the establishment of such district.
5. The Council can also permit a use and allow relief from strict application of this ordinance where exceptional circumstances arise or where it is shown by good cause that strict enforcement of the ordinance would cause undue hardship.
6. To permit the location of any of the following uses in a district from which they are excluded by the provisions of this Ordinance: Airport, library, community center, church, hospital, any institution of an educational, philanthropic or charitable nature,

cemetery, or mausoleum.

Subdivision 2 - Procedure:

Application for the issuance of a conditional use permit shall be made to the City Clerk/Treasurer's Office, except that any proceedings to classify certain uses as conforming uses as provided in this Section may be initiated either by such application or by the City Council. The City Council may hold such hearings on the proposal to issue a conditional use permit as it may consider necessary, but at least one (1) public hearing shall be held on any application for a use permit for the establishment of any use listed in paragraph 5, Subdivision 1, of this Section.

The date of the public hearing will be set at the next scheduled City Council meeting following receipt of the application for a conditional use. Following the hearing, the City Council sitting as a committee of the whole shall make a report and after consultation with its City Engineer, if appropriate, shall take whatever action it deems advisable. The City Council shall not grant a permit unless it finds that the establishment, maintenance, or conducting of the use for which a use permit is sought will not under the circumstances of the particular case be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the neighborhood of such use, or to the public welfare, or injurious to property or improvements in the neighborhood.

In all cases in which adjustment or variances are granted under the provisions of this Section, the City Council shall require such evidence and guarantees as it may deem necessary to insure compliance with the conditions designated in connection therewith.

15.3.11 - Enforcement

Subdivision 1 - Zoning Administrator:

The office of the Zoning Administrator is hereby established, for which the City Council may appoint City Clerk/Treasurer or such employee or employees of the City as it may deem proper. It shall be the duty of the Zoning Administrator to enforce this Ordinance through the proper legal channels.

Subdivision 2 - Zoning Permits:

Hereafter no person shall erect, alter, wreck, or move any building or part thereof without first securing a zoning permit therefore. No permit shall be required for an alteration costing less than three hundred dollars (\$300.00) if no structural alteration of the building is involved.

Subdivision 3 - Application:

Application for a zoning permit shall be made to the Zoning Administrator on blank forms to be furnished by the City. Each application for a permit to construct or alter a building shall be

accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon and the size and location of the building and accessory buildings to be erected. Applications for any kind of zoning permit shall contain such other information as may be deemed necessary for the proper enforcement of this Ordinance or any other. The fee for a zoning permit shall be determined by the City Council. The Zoning Administrator shall issue the zoning permit only after determining that the building plans, together with the application, comply with the terms of this Ordinance.

15.3.12 - Amendment

This Ordinance may be amended whenever the public necessity and convenience and the general welfare require such amendment by the procedure specified as follows:

1. An amendment may be initiated by the City Council or by the verified petition of not less than fifty percent (50%) of the property owners affected by the proposed amendment and fifty percent (50%) of those property owners within three hundred (300) feet of the boundaries of the proposed change.
2. Before any amendment is adopted, the City Council shall hold at least one (1) public hearing thereon after a notice of the hearing has been published in the official newspaper at least ten (10) days before the hearing. Following the hearing, the City Council shall report its findings and recommendations on the proposed amendment and shall file a copy with the City Clerk within thirty (30) days.
3. Upon the filing of such report or upon the expiration of such thirty (30) days as aforesaid, the City Council may hold such public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the City Council may adopt the amendment or any part thereof in such form as it deems advisable. The amendment shall be effective only if four-fifths (4/5) of all the members of the Council concur in its passage.

15.3.13 - Violations and Penalties

Subdivision 1 - Violations and Penalty:

The violation of any provision of this Ordinance or the violation of the conditions or provisions of any permit issued pursuant to this Ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to the maximum fine and jail time prescribed for a misdemeanor as then defined by law. At the time of the adoption of this ordinance, the maximum fine for a misdemeanor was \$1,000 and a jail term not to exceed ninety (90) days or both.

Subdivision 2 - Enforcing:

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the Zoning Administrator, in addition to other remedies, may institute any proper action or

proceedings in the name of the City of Cromwell and hereby shall have the powers of a police officer to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violations to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about said premises.

15.3.14 - Validity

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

15.3.15 - Repeal of Conflicting Ordinances

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

15.3.16 - Date of effect

This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Passed by the City Council this _____ day of _____, 200__.

CITY OF CROMWELL

By
Its Mayor

ATTEST:

Its Clerk/Treasurer

Published this _____ day of _____, 200 __.