

**CHAPTER 156: ZONING CODE**

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● **156.01 TITLE.**

(A) This chapter text and the zoning district map shall be known and may be cited and referred to as the Zoning Ordinance of the City of Barnum.

(B) The purpose of this chapter is to establish zoning regulations for the city pursuant to provisions of the Minnesota Planning Act (*M.S. ● 462*) and subsequent related amendatory legislation; to promote the health, safety, convenience and general welfare of the residents of the city by dividing the city into zones and regulating therein the uses of land and the construction of all structures for the purpose of encouraging the most appropriate use of land, and to recognize and preserve the economic and natural environmental values of all lands within the city.

● **156.02 GENERAL PROVISIONS.**

(A) **Compliance.** Except as provided, no building, structure shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations specified for the district in which it is located.

(B) **Area Requirements.** No yard or lot existing at the time of passage of this chapter shall be reduced in size or area below the minimum requirements set forth. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

(C) **Minimum Requirements.** The provisions of this chapter shall be interpreted to be minimum requirements. Wherever there exists a conflict between this chapter and any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive requirement shall govern.

(D) **Yard Space, General.** The required yard space for each building, structure or use shall fall entirely upon land within a district or districts, in which the use is permitted.

(E) **Yard Space Encroachments; Projections into Yards.** The following projections may be permitted into any front, rear or side yard:

(1) **Cornices, Sills, Eaves and other Ornamental Features** to a distance of not more than **two feet six inches**; and/or

(2) **Bay Windows and Chimneys** to a distance of no more than **three feet**, provided that the features do not occupy, in aggregate, more than one-third of the length of the building wall on which they are located.

(F) **Temporary Buildings.** Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed. The temporary buildings shall be removed upon completion of the construction work.

(G) **Assembly Buildings.** Notwithstanding any other ordinance provisions to the contrary, on a lot occupied by a church or other buildings in which persons congregate, or which is designed, arranged, remodeled or normally used for the congregation of persons in numbers in excess of 25, the width of each side and rear yard shall not be less than 25 feet.

(H) **Trailers, Boats, Snowmobiles, ATVs and Cabins.** No person shall maintain, install, construct, erect or permit, on any property within the city, except as otherwise provided in this chapter, the parking or standing of a trailer intended for or used for lodging, dwelling or sleeping, or any small houses, known as cabins, for the use of transient or permanent guests for lodging, dwelling or sleeping; except that unoccupied trailers used primarily for living purposes may be stored inside a building and such unoccupied trailers may be temporarily parked outside. The length of time which an unoccupied trailer may be parked outside shall not exceed a total of **15 days in any three successive months.** The storage of unoccupied trailers, boats, snowmobiles ATVs and other vehicles designed for recreational use and not exceeding 34 feet in length is permitted within a building or in the open in a rear yard.

(I) **Public Sanitary Facilities not Available.** In any zoning district where a public sanitary sewer is not accessible, the Zoning Officer shall require the lot area and frontage requirements to conform to the provisions of the county sanitation code.

(J) **Zoning Officer.** The person or persons designated as the municipal representative charged with carrying out the provisions of this chapter, and assists the city in carrying out the City Land Use Plan Subdivision/Platting Regulations, and other related tasks and authorities assigned by City Council.

(K) **Dwelling Unit Restrictions.**

(1) Tents, playhouses or similar structures may be used for recreational purposes only.

(2) Existing cellars or basements used as an independent dwelling unit shall have the status of a nonconforming use, subject to the provisions of • [156.29](#) below.

(3) All dwellings other than manufactured homes in approved manufactured home parks, shall be located upon a foundation that meets the requirements of the zoning regulations or state/county statutes.

(4) Single-family dwellings shall have a pitched roof and shall have eaves of at least **six inches**

(L) **Architectural Design.** The architectural design, color, roof pitch or lack of it, roof overhang or lack of it, and exterior material, of all buildings and structures shall not be so dissimilar to or inconsistent with surrounding buildings in areas so as to constitute a blighting influence. The city may refuse to grant a permit for construction or location of any building which may significantly diminish neighboring property values or otherwise impair the health, safety and welfare of the community; and in addition, the city shall have the additional power to require appropriate screening to the extent that the screening will sufficiently ameliorate zoning permit for the reasons set forth shall be subject to appeal by the applicant in accordance with the provisions of ' [156.33](#) below.

(M) **Adult Entertainment Establishment.** Adult entertainment establishments are prohibited within the municipal boundaries pursuant to Minn. Stat. § 617.242 subd. 3, as other adult entertainment establishments exist within 50 miles (Duluth) of the City of Barnum, the City is not required to provide (by zoning or otherwise) a location within the city for an adult entertainment establishment. Furthermore, no current plats are available for development which are outside of the buffers established in Minn. Stat. § 617.242 subd. 4 (within 1,500 feet of, another adult entertainment establishment; within 500 feet of residential property; or within 2,800 feet of an elementary school, church, synagogue, mosque, or other place of worship) completely restricting the development of an adult entertainment establishment within the City of Barnum.

(O) **Accessory Storage on Residential and Commercial Use Properties:**

(1) Railroad cars, truck vans, converted mobile homes, travel trailers, recreational vehicles, bus bodies, vehicles, and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not permitted to be used as accessory storage buildings on property zoned residential or commercial within the City Limits.

(2) Notwithstanding the provisions set forth in subsection 1 of this section, the temporary placement of transport containers and/or portable site storage containers on residentially or commercially zoned properties for the limited purpose of loading and unloading household contents shall be permitted for a period of time not exceeding **30 days in any one calendar year**. Placement of transport containers longer than **30 days** requires a conditional use permit approved by the Barnum Planning & Zoning Commission. Parameters for CUP application process can be found in section [156.34](#).

● **156.03 SHORELAND PROVISIONS.**

(A) **Designation.** In order to guide the wise development and utilization of shorelands (**1,000 feet** from lakes, ponds and flowage; and **300 feet** on each side of rivers and streams) of public waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare, all public waters in the city, have been given a public waters classification, and uses of shorelands in these classes are hereby designated by land use districts, based on the compatibility of the designated type of land use with the public waters classification.

(B) **Classification.** The public waters of the city have been classified by the Department of Natural Resources as follows:

- (1) Recreational Development (RD) Bear Lake; and
- (2) General Development (GD) Moose Horn River.

(C) **Application.** The regulations under this section, in addition to the regulations in other sections of this chapter, shall apply to all shorelands within the municipality.

(D) **Zoning Provisions.** In order to reduce the effects of overcrowding, to prevent pollution of waters of the state, to provide ample space on lots for sanitary facilities, to minimize flood damages, to maintain property values and to maintain natural characteristics of shorelands and adjacent water areas; municipal shoreland ordinances shall control lot sizes, placement of structures on lots and alterations of shoreland areas.

(1) **Minimum Zoning Provisions; un-sewered shoreland.**

	<i>Recreational Development</i>	<i>General Development</i>
Lot area (sq. ft.)	40,000	20,000
Water frontage and lot width at building line (ft.)	150	100
Building setback from ordinary high water mark (ft.)	100	75
Building setback from roads and highways (ft.)	20-50	20-50
Building elevation* Above highest known water level	3	3
Building height limitation (ft.)	35	35
Total lot area covered by impervious surface (%)	25	25
Sewage system setback from ordinary high water mark (ft.)	75	50
Sewage system elevation above highest groundwater level or bedrock (ft.)	3	3
* Building elevation refers to the elevation of the lowest floor, including the basement.		

(2) **Minimum Zoning Provisions; sewerred shoreland.**

	<i>Recreational Development</i>	<i>General Development</i>
Lot area riparian lots other lots	20,000	15,000
Water frontage and lot line at building line (ft.)	75	75

Building setback from ordinary high water mark (ft.)	75	50
Building setback from roads and highways (ft.)	20-50	20-50
Building elevation* above highest known water level (ft.)	3	3
Building height limitation	35	35
Total lot area covered by impervious surface (%)	25	25
*Building elevation refers to the elevation of the lowest floor, including the basement.		

(3) **Substandard Lots.** Lots of record in the County Recorder’s office prior to the effective date of this chapter which do not meet the lot area and lot width requirements of • [156.05](#) below may be allowed as building sites provided:

- The use is permitted in the zoning district;
- The lot is in separate ownership from abutting lands; and
- All sanitary and dimensional requirements of the county ordinance are complied with insofar as practical.

(E) **Placement of Structures on Lots.** Placement of structures on lots shall be controlled by the ordinance in accordance with the class of public water, high water elevation and location of roads and highways.

(F) **High Water Elevations.** In addition to the above requirements, structures shall be placed at an elevation consistent with any applicable local flood plain ordinances. When fill is required to meet this elevation, the fill shall be allowed to stabilize to accepted engineering standards before construction is begun. Under no circumstances shall the lowest floor elevation, including basement, be less than the three feet above known water levels.

(G) **Exceptions.** The following are exceptions to the above regulations:

- (1) Boathouses may be located landward of the ordinary high water mark as a conditional use /variance provided they are not used for habitation and they do not contain sanitary facilities;
- (2) Location of piers and docks shall be controlled by applicable state and local regulations;
- (3) Where development exists within **150 feet on both sides** of a proposed building site, proposed structural setback may be the average of the setbacks of existing structures; and

(4) Commercial, industrial or permitted open space uses requiring locations on public waters may be allowed as conditional uses/variances closer to the waters than the specified setbacks.

(H) *Shoreland Alterations.*

(1) Natural vegetation in shoreland areas shall be preserved as practical and reasonable in order to mitigate surface run-off and soil erosion, and to utilize excess nutrients. The removal of natural vegetation shall be controlled by the Barnum shoreland ordinance in accordance with the following criteria:

(a) Clear-cutting shall be prohibited except as necessary for placing public roads, utilities, structures and parking areas; and

(b) Natural vegetation shall be restored insofar as feasible after any construction project.

(2) Grading and filling in shoreland areas or any other substantial alteration of the natural topography shall be controlled by the Barnum shoreland ordinance in accordance with the following criteria:

(a) The smallest amount of bare ground shall be exposed for as short a time as feasible;

(b) Temporary ground cover, such as mulch, shall be used and permanent vegetative cover, such as sod, shall be provided;

(c) Methods to prevent erosion and trap sediment shall be employed; and

(d) Fill shall be stabilized to accepted engineering standards.

(I) *Subdivision Provisions.*

(1) **Land Suitability.** No land shall be subdivided which is held unsuitable by the City of Barnum for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety or welfare of current and future residents of the proposed subdivision or of the community.

(2) **Inconsistent Plats Reviewed by Commissioner of Natural Resources.** All plats within shoreland areas are subject to review by the Commission which are inconsistent with the municipal shoreland ordinance shall be reviewed by the Commissioner (DNR) before approval by the Barnum Planning Commission may be granted. The review shall require that the proposed plats be received by the Commissioner at least ten days before a hearing is called by the City of Barnum for consideration of approval of a preliminary plat.

(3) **Copies of Plats Supplied to Commissioner of Natural Resources.** Copies of all plats within shoreland areas shall be submitted to the Commissioner within ten days of final approval by the municipality.

● **156.04 ZONING DISTRICTS ESTABLISHED; OFFICIAL ZONING MAP.**

(A) For the purpose of this chapter the city shall be divided into zoning districts, as shown on the official zoning map, which, together with all explanatory matters, will be incorporated by reference and declared to be a part of this chapter. The districts shall be known as:

- (1) **R-1 Single-Family Residence District;**
- (2) **R-2 Multiple-Family Residence District;**
- (3) **C-1 Downtown Business District;**
- (4) **C-2 Highway Oriented Commercial District;**
- (5) **I Industrial Manufacturing District;**
- (6) **O Open Space District;** and
- (7) **P Public Zone District.**

(B) A certified copy of the official zoning map, together with any amendments thereto, shall be filed with the Register of Deeds. In the case of conflict between the map and the provisions of this chapter, the latter shall govern.

(C) Any major thoroughfare plan or community facilities plan may be adopted by the governing body pursuant to the provisions of *M.S. ●462.359* and if adopted shall be included on the official map. Subsequent to inclusion of such a plan or plans, whenever any street or highway is widened or improved, or any new street is opened or interest in lands for other public purposes are acquired by the municipality, it shall not be required in the proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit within the limits of the mapped street or outside of any building line that may have been established upon the existing street or within any area thus identified for public purposes.

(D) All territories which may hereafter be annexed to the city shall be subject to **the zoning classification of O**, provided that the annexed area may be subject to such interim zoning requirements as the City Council may approve. The Planning Commission shall immediately begin review of the zoning classification of any annexed land and shall, **within six months**, prepare a report and submit recommendations to the City Council as to the proper classification.

(E) Whenever any street, alley or other public way is vacated by official action of the City Council, the zoning districts adjoining each side of the street, alley or public way shall be automatically extended to the center of the vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.



● **156.05 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.**

(A) Except as otherwise set forth under the provisions of this chapter, where a district is bounded by a street, highway, alley, river, stream or city limit, the center line of the feature shall be the boundary. Boundaries following railroad lines shall be construed to be located midway between the main tracks.

(B) Distances not specifically indicated on the official zoning map shall be determined by the scale of the map as interpreted by the Planning Commission.

(C) Where the actual street or property layout is at variance with that shown on the official zoning map, or in other circumstances not covered by the provisions of this chapter, the Planning Commission shall interpret the district boundaries.

## *SPECIFIC PROVISIONS*

### ● **156.20 R-1 SINGLE-FAMILY RESIDENCE DISTRICT.**

(A) *Purpose.* It is the purpose of the R-1 District to encourage the establishment and the preservation of residential neighborhoods characterized by single-family buildings on large and medium sized lots and to preserve undeveloped lands for similar types of residential development by permitting a minimum of auxiliary nonresidential uses.

(B) *Principal Permitted Uses.*

- (1) Single-family dwellings;
- (2) Essential services and utilities intended to serve the principal permitted uses;
- (3) Home occupations;
- (4) Public Parks;
- (5) State licensed Residential Care facilities and housing with services establishments licensed under Minnesota Statutes chapter 144D serving six or fewer persons;
- (6) A state licensed group family day care facility serving 14 or fewer children; and
- (7) A state licensed Adult day care facility serving 12 or fewer persons

(C) *Conditional Uses.* Uses authorized upon issuance of a conditional use permit include, but are not limited to, the following:

- (1) **Religious Assembly Buildings, public and parochial schools, and colleges, public libraries, museums and art galleries;**
- (2) **Municipal, denominational and private cemeteries:** when occupying a site of at least 20 acres and when all buildings are at least 100 feet from all property lines;
- (3) **Customary accessory uses provided such uses are clearly incidental to the principal use;**
- (4) **Golf Courses, Country Clubs, Tennis Courts and Similar Recreational Uses** (including restaurants, when the use is conducted as an accessory use, is an integral part thereof and may be entered from within the main building), and when all buildings are at least 100 feet from any property line;

(5) **Professional Offices Medical and Dental Clinics;**

(6) **Commercial Activities Located on Farms** and limited to the sale of produce on the farms;

(7) **Private park and recreational area:** of at least 25 acres in area, including, but not limited to, picnic area and picnic pavilion, softball and baseball diamonds, swimming, boating and ice sport facilities, amusement and other outdoor recreational sport activities;

(8) **Hospitals, Clinics, Nursing Homes, Rest Homes;**

(9) **Two Family Dwellings;** and

(10) **Bed and Breakfasts**

(D) **Requirements.** The following requirements shall be observed.

(1) **Maximum height:** two and one-half stories or 30 feet in height measured from first floor level to highest point of roof.

(2) **Minimum lot area:** 7,500 square feet.

(3) **Minimum lot frontage:** the minimum lot frontage at the building line shall be 75 feet.

(4) **Minimum floor area:** the minimum floor area shall be:

<b>3 or more bedrooms</b>	<b>2 bedrooms</b>	<b>1 bedroom</b>
1,000 square feet	900 square feet	700 square feet

(5) **Maximum lot coverage including accessory building(s):** 40%.

(6) **Yards and setbacks for interior lots:** front, rear and side yard setbacks shall be:

<b>Front Yard Setback</b>	<b>Rear Yard Setback</b>	<b>Side Yard Setback</b>
30 feet	20 feet	10 feet

(7) **Auxiliary buildings for interior lots:** front, rear and side yard setbacks shall be:

Front Yard Setback	Rear Yard Setback	Side Yard Setback	Side Yard Setback
30 feet	5 feet	5 feet	5 feet

(8) **Corner lot setbacks:** front, rear and side yard setbacks shall be:

Front Yard Setback	Rear Yard Setback	Interior Side yard Setback	Street Side Setback
30 feet	20 feet	10 feet	20 feet

(9) **Corner lot auxiliary building setbacks:** front, rear and side yard setbacks shall be:

Front Yard Setback	Rear Yard Setback	Interior Side yard Setback	Street Side Setback
30 feet	5 feet	5 feet	20 feet

(10) **Minimum Lot Size for Development:** in an R-1 Zone District utilizing onsite sewage or septic system shall comply with lot sizes as detailed in the Carlton County Zoning Ordinance, • 10 (Residential) or any subsequent amendments thereto.

(11) **Minimum Off-Street Parking Spaces:** per dwelling unit: two parking spaces, as stated in • [156.27](#) below.

• **156.21 R-2 MULTI-FAMILY RESIDENCE DISTRICT.**

(A) **Purpose.** It is the purpose of the R-2 District to assist in the maintenance and development of desirable residential neighborhoods, characterized by high density development of desirable residential neighborhoods, appropriate levels of service and choice of tenancy. Non-residential uses permitted in this district shall be limited to those uses and buildings that will provide stability and dignity to the area as a residential neighborhood.

(B) **Principal Permitted Uses.**

(1) **Residential One- and Two-Family Dwelling** groups containing not more than two dwelling units in any one building;

(2) **Residential Multiple-Family Dwellings:** for any number of families or housekeeping units;

(3) **Lodging and Boarding Houses:** lodging and boarding houses, including incidental accessory service;

(4) **Essential services and utilities intended to serve the principal permitted uses;**

(5) **Home Occupations;**

(6) **Public Parks;**

(7) **State Licensed Residential Care Facilities:** and housing with services establishments licensed under Minnesota Statutes chapter 144D serving 16 or fewer persons;

(8) **A State Licensed Group Family Daycare Facility:** serving 16 or fewer children;

(9) **A State Licensed Adult Daycare Facility:** serving 16 or fewer persons; and

(10) **Bed and Breakfast**

(C) ***Conditional Uses.***

(1) **Manufactured Home Parks:** developed in accordance with the provisions of Minnesota Manufactured Home Building Code and Minnesota Department of Health

(2) **Private Park and Recreational Area:** of at least 25 acres in area, including, but not limited to, picnic area and picnic pavilion, softball and baseball diamonds, swimming, boating and ice sport facilities, amusement and other outdoor recreational sport activities;

(3) **Hospitals, Clinics;**

(4) **Professional Offices, Medical and dental clinics;** and

(5) **Religious Assembly Buildings:** public and parochial schools, and colleges, public libraries, museums and art galleries.

(6) **Customary accessory uses provided such uses are clearly incidental to the principal use;**

(D) ***Requirements.*** The following requirements shall be observed.

(1) **Maximum building height:** three stories except as authorized by the City Council, who will review each application whose height exceeds three stories measured from first floor level to highest point of roof; The City Council shall base approval of greater heights on the following criteria:

(a) Street system is adequate for the proposed density of development and entrances are planned to accommodate peak traffic and pedestrian needs; and

(b) Adequate fire protection is provided for the proposed building and neighboring properties.

- (2) **Minimum lot area:** 10,000 square feet.
- (3) **Minimum lot frontage:** the minimum lot frontage at the building line shall be 75 feet.
- (4) **Maximum lot coverage including accessory building:** 80%.
- (5) **Minimum floor area:** the minimum floor area shall be:

3 or more bedrooms	2 bedrooms	1 bedroom
1,000 square feet	900 square feet	700 square feet

- (6) **Yard setbacks for interior lots:** front, rear and side yard setbacks shall be:

Front Yard	Rear Yard	Side Yard
10 feet	5 feet	5 feet

- (7) **Yard setbacks for corner lots:** front, rear and side setbacks shall be:

Front Yard	Rear Yard	Side Yard	Street Side Yard
10 feet	5 feet	5 feet	10 feet

- (8) **Minimum off-street parking spaces per dwelling unit:** two parking spaces as stated in [156.27](#) below.

● **156.22 C-1 DOWNTOWN BUSINESS DISTRICT.**

(A) **Purpose.** It is the purpose of the ‘C-1’ District to permit and to encourage the establishment of a wide variety of shopping goods and services in the central area in such a way as to attract customers from a large trade area. Only those uses that will materially interfere with the overall function of the central area are excluded. Increased densities with mixed uses are encouraged and multi-tenant buildings allowed. Development should be pedestrian oriented and complement the area’s safe and attractive streetscape.

(B) ***Principal Permitted Uses***

(1) **Retail Business or Service Establishment**

(2) **Restaurants;**

(3) **Business, Professional, and Public Offices;**

(1) **Processing and Printing:** employing not more than five persons on the premises;

(2) **Minor Fabricating and Repair Shops:** Personal and household goods repair and service, plumbing shop;

(3) **Dwelling units:** being a part of retail and services structures and occupied by the proprietor of the retail and/or service business;

(7) **Commercial Entertainment and Recreation Uses:** excluding adult oriented establishments;

(8) **Hotels, Motels, Private Clubs and Lodges;**

(9) **Wholesale Establishments;**

(10) **Restaurants with alcohol and other drinking establishments:** subject to the requirements of Barnum Ordinance no. 112.21;

(11) **Bakery, Grocery Store and other Food Services;**

(12) **Public and Cultural Uses:** including, but not limited to libraries, community centers, and museums;

(14) **Banks and financial institutions;** and

(15) **Residential dwelling units:** above first floor of a commercial establishment.

(C) ***Conditional Uses.*** Uses authorized upon issuance of a conditional use permit include, but not limited to, the following:

(1) **Drive-through or drive-in financial institutions,** businesses or restaurants, provided that the premises shall be enclosed by a solid wall or fence at least six feet high where it adjoins in the rear or on the sides of any Residence District, public park, school or church;

(2) **Self-service laundries, dry cleaners, car washes and similar uses;**

(3) **Outdoor commercial recreation:** any type of commercial recreation, including baseball fields, swimming pools, skating rinks and similar open air facilities, provided the establishments shall be located at least 100 feet from any residential district;

(4) **Animal hospitals, veterinary clinics:** kennels for display, boarding or treatment of pets and other domestic animals; provided that any structure or area used for those purposes, including pens, and exercise yards, shall be located at least 100 feet from any residential district and that such pens or exercise runs shall be enclosed on four sides by a sight obscuring, unpierced fence or wall at least six feet in height; and

**(5) Motor Vehicle Service Stations including Auto Repairing, Gasoline Service and Tire Repair Shops;**

(D) **Requirements.** The following requirements shall be observed.

(1) **Business in Enclosed Buildings:** all business, services or processing shall be conducted wholly within a completely enclosed building; except for outdoor dining, display of goods, the sale of automotive fuel, lubricants and fluids at service stations, and the outdoor display or storage of vehicles, materials and equipment as heretofore specifically authorized or as may be authorized by the Board of Adjustment.

(2) **Maximum Building Height:** no principal structure shall exceed three stories or 35 feet in height.

(3) **Yard Setbacks:** front, rear and side yard setbacks shall be:

Front Yard	Rear Yard	Side Yard
None	None	None, except when adjoining a residential district in which case there shall be a side yard of at least ten feet. If an unrequired yard is provided, it shall not be less than five feet.

(4) **Buffer Required:** where a C-1 District is located adjacent to a Residential District and not separated therefrom by a street or alley, a buffer strip of trees and shrubs of at least eight feet in width, shall be provided and maintained along the property line. The Planning Commission may vary these requirements where conditions are such that a buffer strip will not serve a useful purpose.

(5) **Storage:** all outside storage of materials must be in rear of lot and screened by a privacy fence of at least six feet in height.

(6) **Off-street Parking:** as stated in [156.27](#) below.

(7) **Residential Entrances:** Whenever possible, entrances for residential dwellings above commercial establishments shall be located at rear of building and not adjacent to storefront.



(8) **Entrances for Drive-through Services:** Establishments seeking new entrances for drive-through services are required to obtain conditional use permit regarding location from Planning Commission and also City Council.

● **156.23 C-2 HIGHWAY-ORIENTED COMMERCIAL DISTRICT.**

(A) **Purpose.** The C-2 Commercial Zone District is established to direct commercial development to appropriate locations which will promote the efficient delivery of goods and services while assuring the integrity of surrounding land uses.

(B) **Principal Permitted Uses**

(1) **Wholesale and Warehousing Operations:** such as food products, automotive parts, electrical equipment, hardware and feeds;

(2) **Retail Business or Service Establishment**

(3) **Restaurants;**

(4) **Business, Professional, and Public Offices;**

(5) **Processing and Printing:** employing not more than five persons on the premises;

(6) **Minor Fabricating and Repair Shops:** Personal and household goods repair and service, plumbing shop;

(7) **Dwelling units:** being a part of retail and services structures and occupied by the proprietor of the retail and/or service business;

(9) **Commercial Entertainment and Recreation Uses:** excluding adult oriented establishments;

(10) **Hotels, Motels, Private Clubs and Lodges;**

(11) **Wholesale Establishments;**

(12) **Restaurants with alcohol and Other Drinking Establishments:** subject to the requirements of Barnum Ordinance no. 112.21;

(13) **Bakery, Grocery Store and other Food Services;**

(14) **Public and Cultural Uses:** including libraries, community centers, and museums;

(15) **Gasoline Service Stations and Repair Garages;**

(16) **Banks and Financial Institutions; and**

(17) **Signs, On-site and Off-site;** subject to provisions of ● [156.01](#) and [156.04](#) above.

(C) **Conditional Uses:** Uses authorized upon issuance of a conditional use permit include, but not limited to, the following:

(1) **Public and Semi-Public Uses:** including, but not limited to, the following: public and private schools, churches, community buildings, public parks and recreation areas, hospitals, rest homes, fire and police stations, public maintenance repair or storage buildings;

(2) **Utility Corridors and Necessary Related Facilities:** including, but not limited to, dams, reservoirs and power plants. Projects requiring mandatory review by the State Environmental Quality Board shall be exempt from conditional use/variance review;

(3) **Transportation Terminals;**

(4) **Single-family Dwelling:** for personnel directly connected with the operation of a commercial establishment, provided there be only one dwelling per commercial establishment;

(5) **Borrow Pits and Related Facilities:** including, but not limited to, portable crushing, screening and batching equipment;

(6) **Junk Yards:** including automobile wrecking and industrial metal and waste salvage, but not including refuse or garbage disposal, if located at least 100 feet from any Residence District; and all operations are conducted within an area enclosed with a solid wall or uniform tight board fence, including gates, at least ten feet in height and the enclosure shall be properly maintained;

(7) **Any Manufacturing Use or Process:** including assembling, packaging, except any use or process that will be hazardous, offensive or objectionable by reason of odor, dust, cinders, gas, fumes, noise vibrations, radiation, refuse matter or water carried waste;

(8) **The Storage of Any Combustible Materials:** which will be located at least 200 feet from any residential district and provided that any flammable liquids will be stored in tanks, not exceeding 50,000 gallons per storage unit and at least 200 feet from any residential district;

(9) **Accessory Uses:** clearly incidental to principal use; and

(10) **Other uses similar to those listed above.**

**(D) Requirements:**

(1) **Minimum Lot Areas:** one-half acre (21,780 square feet);

(2) **Minimum Lot Width:** 100 feet;

(3) **Maximum Lot Coverage Allowed:** including all structures and plus parking areas, loading areas and similarly altered ground surfaces: 75%;

(4) **Lot Line Setbacks:** all structures on commercially zoned property adjacent to a residential, waterfront, or Industrial zone district must be set back a minimum of 50 feet from side and rear lot lines, regardless of provisions listed below, or must be screened in a manner which will provide an effective buffer between the district, the screening to be approved by the Planning Commission.

(a) **Front Yard Setback (all structures):** 25 feet;

(b) **Side and Rear Yard Setback(s):**

Side Yard			Rear Yard		
Principal Structure	Accessory Structure	Parking Areas	Principal Structure	Accessory Structure	Parking Areas
20 feet	5 feet	5 feet	20 feet	20 feet	20 feet

(5) **Road Setback:** (from centerline of driving surface or 35 feet from right-of-way line, whichever distance is greater):

(a) *Principal and minor arterials:* 110 feet;

(b) *Major collectors:* 85 feet; and

(c) *Minor collectors and local roads:* 68 feet.

(6) **Height Limitation:** 35 feet measured from first floor level to highest point of roof;

(7) **Parking Requirements:** off-street parking shall be provided in accordance with the requirements for specific uses set forth in • [156.27](#) below; and

(8) **Storage:** all outside storage of materials must be in rear of lot and screened by a privacy fence of at least six feet in height.

● **156.24 I INDUSTRIAL MANUFACTURING DISTRICT.**

(A) **Purpose.** It is the purpose of the I District to create industrial areas that will be acceptable within the municipality and will not adversely affect adjacent business or residential neighborhoods by permitting industrial manufacturing establishments which are either:

- (1) Ones whose operations are relatively free from objectionable influences ; or
- (2) Ones whose objectionable features will be covered by design and/or appropriate devices.  
In the interest of general health and welfare, residential and certain institutional uses are not permitted within this district.

(B) **Principal Permitted Uses.**

(1) **Any Manufacturing Use or Process:** including assembling, packaging, except any use or process that will not be hazardous, offensive or objectionable by reason of odor, dust, cinders, gas, fumes, noise vibrations, radiation, refuse matter or water carried waste;

(2) **Warehousing, Storage and Wholesaling:** the storage, handling, assembly and distribution of goods and materials for retail, wholesale or on site use, except any combustible materials and/or flammable liquids;

(4) **Automotive, Farm Implement, Boat, and Engine Maintenance and Service;**

(5) **Commercial (retail) Services:** incidental and supportive of a principal permitted use;

(6) **Commercial (retail) Services:** conducted as a subordinate accessory use and conducted in the same building as a principal permitted use; and

(7) **Offices and office buildings:** supportive to principal on-site permitted uses.

(C) **Prohibited Uses.**

(1) **Residential:** dwellings, dwelling units and residences of any kind, including hotels, motels, rooming houses and tourist homes; and

(2) **Institutional:** schools, orphanages, child care center, adult care facilities, and similar institutions for human care, except where they are incidental to a principal permitted use.

(D) **Conditional Uses.** Uses authorized upon issuance of a conditional use permit include, but are not limited to, the following:

(1) **Any Use Provided that any Objectionable Features:** normally associated with these uses, such as hazardous, offensive or objectionable by reason of odor, dust, cinders, gas, fumes, noise, waste, will be improved, controlled or eliminated through design, mechanical devices, screen planting

and/or walls & other measures specified by the Planning Commission and approved by the City Council;

(2) **Storage Units;**

(3) **The Storage of Any Combustible Materials:** which will be located at least 200 feet from any residential district and provided that any flammable liquids will be stored in tanks, not exceeding **50,000 gallons** per storage unit and at least **200 feet** from any residential district;

(4) **Residential:** dwellings for families of caretakers, watchmen and operators, and the sleeping and boarding accommodations as are customarily incidental and necessary to a permitted use, which building must be located on the same premises as the permitted use: further, additions to existing buildings may be authorized where the number of families or the number of lodging accommodations is not increased;

(5) **Junk yards:** including automobile wrecking and industrial metal and waste salvage, but not including refuse or garbage disposal, if located at least **100 feet from any Residence District;** and all operations are conducted within an area enclosed with a solid wall or uniform tight board fence, including gates, at least ten feet in height and the enclosure shall be properly maintained;

(6) **Crematory,** if located at least **200 feet** from any Residence District;

(7) **Railroad Yard and Freight Station:** if located, at least **200 feet** from any Residence District; and

(8) **The Following Uses:** may be authorized as a conditional use if located at least **400 feet** from any Residential District and if the location of the use has been approved by the Planning Commission:

(a) **Acid Manufacture;**

(b) **Glue Manufacture;**

(c) **Cement, Lime, Gypsum or Plaster of Paris Manufacture;**

(d) **Petroleum Refining;**

(e) **Explosives Manufacture or Storage;**

(f) **Smelting of Tin, Copper, Zinc or Iron Ores;**

(g) **Fertilizer Manufacture;**

(h) **Transfer Station;**

(I) **Gas Manufacture;** and

(J) Any other use which in the opinion of the Planning Commission is of similar character to those hereinbefore described.

(E) **Requirements.** The following requirements shall be observed:

(1) **Maximum Building Height: 35 feet** (The vertical distance from the grade at a building line to the highest point of the roof.)

(2) **Minimum Lot Area:** none required;

(3) **Minimum Lot Frontage:** none required;

(4) **Minimum Lot Area per Dwelling Unit:** none required;

(5) **Yards:** front, rear and side yard requirements shall be:

<i>Building Height</i>	<i>Front Yard</i>	<i>Rear Yard</i>	<i>Side Yard Width</i>
1 and 2 stories or 35 feet in height	30 feet	10 feet	12 feet each side yard, and 25 feet each side yard adjoining any residential district

(6) **Parking Requirements:** off-street parking shall be provided in accordance with the requirements for specific uses set forth in • [156.27](#) below.

• **156.25 O OPEN SPACE DISTRICT.**

The Open Space Zone District is established to protect and enhance vital natural resources, to maintain a buffer between incompatible land uses, and to restrict development in areas not suitable for or capable of sustaining the development, while allowing certain uses which are not detrimental to the land.

(A) **Principal Permitted Uses:**

(1) **Permanent Open Space**, including, but not limited to, parks, forests and game preserves;

(2) **Soil and Water Conservation & Forest Management Programs;**

(3) **Public Non-Commercial Recreational Uses Including Trails;**

(4) **Harvesting of Wild Crops**, including but not limited to, wild rice, marsh hay, ferns, moss and berries, provided all rules and regulations governing those activities are observed;

(5) **Production and Harvesting of Forest Crops;** forest management activities including planting, culture, thinning and harvesting of trees;

(6) **Temporary Forest Processing Activities** including portable sawmills, debarking and chipping facilities, and temporary yarding areas;

- (7) **Fire and Water Towers**, and related facilities;
- (8) **Wayside Rest**;
- (9) **Single Family Dwelling; & Home Occupation**
- (10) **Accessory uses clearly incidental to principal use**;
- (11) **Signs**, on-site, subject to provisions of ●● [156.01](#) and [156.04](#) above; and

(13) **Other uses, similar to those listed above**, which clearly reflect the purpose and intent of the Open Space Zone District.

(B) **Conditional Uses**. Uses authorized upon issuance of a conditional use permit include, but are not limited to, the following:

- (1) **Seasonal cabin**;
- (2) **Farming activities of all types**;
- (3) **Utility Corridors and Related Facilities** including, but not limited to, transmission towers and lines, microwave relay towers, substations and pipelines;
- (4) **Necessary Facilities for the Production of Electric Power** including, but not limited to, dams, reservoirs, and power plants. Projects requiring mandatory review by the State Environmental Quality Board shall be exempt from conditional use/variance review;
- (5) **Borrow Pits and Related Facilities** including, but not limited to, portable crushing, screening, and batching equipment;
- (6) **Transfer Station**;
- (7) **Signs**, off-site, subject to provisions of ●● [156.01](#) and [156.04](#);
- (9) **Mineral exploration**; and
- (10) **Other uses similar to those listed above**.

(C) **Requirements**:

- (1) **Minimum lot area**: one acre (43,560 square feet);
- (2) **Minimum lot width**: 100 feet;
- (3) **Maximum lot coverage allowed, including accessory structures**: 25%;

(4) **Lot line setbacks:** front, rear and side yard setbacks shall be as follows for both Principal and Accessory Structures

<b>Front Yard Setback</b>	<b>Rear Yard Setback</b>	<b>Side Yard Setback</b>	<b>Shoreline Setback</b>
50 feet	25 feet	25 Feet	50 Feet

(5) **Road setback:** (from centerline of driving surface or **35 feet** from right-of-way, whichever distance is greater):

- (a) *Principal and minor arterials:* **110 feet;**
- (b) *Major collectors:* **85 feet;** and
- (c) *Minor collectors and local roads:* **68 feet.**

(6) **Height limitation:** **35 feet** measured from first floor level to highest point of roof; and

(7) **Off-Street Parking** shall be provided in accordance with the requirements for specific uses set forth in • [156.27](#) below.

• **156.26 P PUBLIC ZONE DISTRICT.**

(A) **Purpose.** To recognize a district which is currently in the public domain and which is the location of actual or planned facilities intended to serve the public; to permit orderly and economic development of public service utilities and schools within such a Public District.

(B) **Principal Permitted Uses.**

- (1) **Parks, Playgrounds, Athletic Facilities, Ice Rinks, Natural Preserves** and other similar recreational uses;
- (2) **Schools:** public or private and ancillary facilities;
- (3) **Utilities:** public and private utilities in compliance with all local, state and federal regulations;
- (4) **Hospitals and Clinics:** exclusive of public or private institutions for confinement of civil and criminal commitments;
- (5) **Cemeteries;**
- (6) **Community Centers and Related Buildings;**
- (7) **Other public works facilities** not listed; and



- (8) **Accessory uses:** uses incidental to and in the same zone district as the principal use are allowed

(C) **Conditional Uses.** Uses authorized upon issuance of a conditional use permit include, but are not limited to, the following:

- (1) **Airport:** public and/or private, seaplane base;
- (2) **Campground,** public or private;
- (3) **Disposal plant:** sewage;
- (4) **Gravel pit, quarry, equipment storage, rock crushing;**
- (5) **Public or Private Institutions** for care of criminal or civil commitments; and
- (6) **Crematory.**

(D) **General Requirements.** The following requirements shall be observed:

(1) **Minimum lot size;** front yards, side yards, rear yards, setbacks: all proposed developments, whether new or existing uses, shall be reviewed by the Planning Commission on matters related to lot sizes, setbacks, side yards, parking and the like;

(2) **Maximum lot coverage:** 65%;

(3) **Maximum structure height:** no principal structure shall exceed two stories or 35 feet in height;

(4) **Lot line setbacks:** front, rear and side yard setbacks shall be as follows for both Principal and Accessory Structures

Front Yard Setback	Rear Yard Setback	Side Yard Setback	Shoreline Setback
25 feet	25 feet	25 Feet	25 Feet

(4) **Buffer required:** where a Public Zone District is located adjacent to another district in which the principal permitted use is clearly in conflict with or may be negatively affected by a permitted use in the Public Zone District, the Planning Commission may require buffer strips or other landscaping and related measures as may be necessary to protect the public interest and/or to comply with the spirit and intent of this chapter; and

(5) See also **Chapter 155.**

● **156.27 OFF-STREET PARKING AND LOAD REGULATIONS.**

(A) *Purpose.* It is the purpose of the off-street parking and load regulations to reduce the congestion on streets due to excessive use for parking and loading of motor vehicles. The requirements apply uniformly to all buildings and uses, regardless of the districts in which they are located.

(B) *Off-street Motor Vehicle Storage or Parking Space* shall be provided on any lot on which any of the following uses are hereafter established:

(1) **Dwelling:** Two parking spaces for each dwelling unit;

(2) **Tourist Accommodations, Hotel or Motel:** one parking space for each room offered and other general parking to be reviewed by the Planning Commission;

(3) **Theater, Stadium, Auditorium or Other Places of Public Assembly:** one parking space for each **ten seats**, based on maximum seating capacity;

(4) **Stores and Other Establishments in Commercial Business Districts:** Five (5) parking spaces for each one thousand (1,000) square feet of floor area.

(5) **Office building:** one parking space for each **300 square feet** of office floor area; and

(6) **Industrial or Manufacturing Establishments:** One (1) parking space for each four hundred (400) square feet of gross floor area or for each five (5) workers, based on peak employment, and adequate space for loading and unloading all vehicles used incidental to the operation of the industrial or manufacturing establishment.

(C) The space shall be provided with vehicular access to street or alley and shall be considered required open space associated with a permitted use. It shall not be reduced or encroached upon in any manner after the use is established. Where the space cannot be reasonably provided on the same lot with the principal use, the Council, with the recommendation of the Planning Commission, may permit the space to be located on other off-street property if the space is within **500 feet of the permitted use**, measured along lines of public access.

(D) In any commercial or industrial district, space for loading of vehicles shall be provided on the same lot for every building used or assigned to be used for commercial purposes and any required yard may be used for that purpose. One **(1) loading space at least ten (10) by twenty-five (25) feet** shall be provided for each **twenty thousand (20,000) square feet of floor area** in the building. Where such space is completely enclosed within a building by walls and doors which close, a height clearance of at least **twelve (12) feet, nine (9) inches** shall be provided. Where such space is located wholly or in part outside of the building and is not completely enclosed, a height clearance of **at least fourteen (14) feet** shall be provided. Where approach ramps are sloped so as to necessitate clearance in addition to that herein specified, this clearance shall be adequate to allow the free passage of a **semi-trailer twelve (12) feet, six (6) inches in height and with a wheel base of twelve (12) feet.**

These requirements may be increased, modified, or waived on appeal where conditions or circumstances justify such action.

● **156.28 SIGNS.**

(A) **Purpose:** This ordinance regulates all signs in the City of Barnum that are visible from the public road and highway right-of-way, public facilities, trails open to the public, and navigable waterways. Depending on their size, numbers, and character, signs may attract or repel visitors, affect the visual quality enjoyed daily by residents, affect the safety of vehicular traffic, and define the character of the area. Thus aesthetic considerations impact economic values as well as public health, safety, and welfare. Therefore this ordinance sets standards for the following purposes:

- (1) Maintain and enhance the visual quality (aesthetics) of the community.
- (2) Improve pedestrian and motorist safety by minimizing distractions and obstacles to clear views of the road and of directional or warning signs.
- (3) Protect and enhance economic viability by assuring that Barnum will be a visually pleasant place to visit or live.
- (4) Protect property values and private/public investments in property.
- (5) Protect views of the natural landscape and sky.
- (6) Avoid personal injury and property damage from structurally unsafe signs.
- (7) Provide businesses with effective and efficient opportunities for identification by reducing competing demands for visual attention.
- (8) Allow for expression by signage subject to reasonable regulation.

(B) **Permit Required:** Except as otherwise specifically authorized, no sign shall be located, erected, moved, reconstructed, extended, enlarged, or structurally altered within the City until a permit has been issued by the City Zoning Administrator. No permit shall be issued for a sign not in conformity with the size, type, number, location and use regulations affecting each zoning districts. Permit Applications are available from the City Zoning Administrator at City Hall.

(1) **Application:** All persons seeking to place a sign within the City limits of the City of Barnum and as regulated by the terms of this Section shall obtain a permit. The applicant shall first file an application in writing on a form furnished for that purpose by the City Zoning Administrator. Every such application shall:

- (a) Identify and describe the work completely including size, height, location, materials, colors and lighting to be used. Applications should include a color rendering and/or photograph.
- (b) List the street address or similar description that will readily identify and definitely locate the proposed sign.
- (c) Written description of the property including use, positioning and size of existing signs, and position of proposed sign.
- (d) Be signed by the applicant or authorized agent.
- (e) Provide such other information as may reasonably be required by the Zoning Administrator.
- (f) Be accompanied by a fee as established by the City Council, except exempt signs.

(2) **Sign Permits:** The application, plans and specifications filed by an applicant for a permit shall be checked by the Zoning Administrator. Such plans may also be reviewed by other departments of the City including the Building Inspector to check compliance with the laws and ordinances under their jurisdiction. In addition, certain signs may require design review by the Planning commission prior to approval by the Zoning Administrator. If the Zoning Administrator determines that the work described in an application for permit and the plans filed therewith conform to the requirements of this ordinance and other pertinent laws and ordinances, he/she shall issue a permit. If the Zoning Administrator determines that the application does not conform, the permit shall be denied.

(3) **Action on Permit Applications:** Once the Zoning Administrator has determined that the permit application is complete, the application must be approved or denied within sixty (60) days. If no action is taken within such time period the permit application shall be deemed to be approved.

(4) **Expiration of Permit:** Every permit by the Zoning Administrator under the provisions of this ordinance shall expire by limitation and become null and void if the sign or work authorized by such permit is not completed within 120 days from the date such permit is issued. The Zoning Administrator may grant extensions in the sole discretion of the Zoning Administrator for good cause shown by the applicant.

(5) **Right to appeal:**

1. Any applicant who files an application for a permit and is denied shall have the right to an appeal before the Planning Commission **within ten (10) days** of receiving notice of the denial of the application. For the purpose of this provision, notice shall be deemed to be complete once the notice of denial of permit is mailed to the applicant's last known mailing address. An applicant who

does not file an appeal **within ten (10) days** of the mailing of such notice shall be deemed to have waived the right to an appeal.

2. An owner who files an application and is issued a permit by the Zoning Administrator and then erects a sign or signs which the Zoning Administrator determines is either in conflict with this Section or in conflict with the permit issued in connection with the sign, is entitled to an appeal by the Planning Commission within **ten (10) days** of receiving notice of such determination. For the purpose of this provision, notice shall be deemed to be complete once the notice of non-compliance is mailed to the owners' last known mailing address. If the owner of such signs is unknown, the notice shall be mailed to the owner or occupant of the property on which the sign is located. An owner who does not file an appeal within **ten (10) days** of the mailing of such notice shall be deemed to have waived the right to an appeal and the Zoning Administrator's determination will be final.

(6) **Sign Removal:**

1. Any signs hereafter constructed in the City without obtaining a permit as required by this Section shall be removed by and at the expense of the owner(s) of the sign. If the owner does not remove such sign(s) with **five (5) working days** of receiving notice of non-compliance for failure to obtain a permit, the Zoning Administrator may order the immediate removal of all such sign(s). For the purpose of this provision, notice shall be deemed to be complete once the notice of violation of permit is mailed to the owner's last known mailing address. If the owner of the sign(s) is unknown, the notice shall be mailed to the owner or occupant of the property on which the sign is located. All cost associated with the removal of such sign(s) shall be the sole and exclusive responsibility of the owner of the sign(s). If the owner of the sign does not remit payment for such removal within **sixty (60) days** after removal of the sign, the City may take whatever actions are allowed by law to collect such amount, including imposing a lien on the property upon which the sign is/was located.

2. The Zoning Administrator may order the immediate removal of all such sign(s) that are in conflict with this Section or permit. All costs associated with the removal of such sign(s) shall be the sole and exclusive responsibility of the owner of the sign(s). If the owner of the sign does not remit payment for such removal within **sixty (60) days** after removal of signs, the City may take whatever actions are allowed by law to collect such amount, including imposing a lien on the property upon which the sign is/was located.

(7) **Violation and Penalty:** Any person, firm or corporation, who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall be, upon conviction, guilty of a petty misdemeanor. Each day that a separate violation exists shall constitute a separate offense.

(C) *Definitions*

(1) **Abandoned Sign:**

- (a) Any sign that does not display a well maintained message for a consecutive six month day period;
- (b) Any sign the owner of which can't be located at Owner's last address as reflected on the records of the City of Barnum; or
- (c) Any sign no longer fully supported, by the structure designed to support the sign, for a consecutive **six month (120) day** period.

(2) **Commercial/Retail/Industrial/Manufacturing:** Factories, distribution centers, shopping centers, malls, central business districts, satellite business development, and individually located businesses producing goods, storing goods or offering services or goods for sale.

(3) **Direction Sign:** A sign on private property without commercial message that gives direction such as entrances, exits, or street numbers.

(4) **Freestanding Sign:** A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles, or braces placed in or upon the ground.

(5) **Government Sign:** A Sign authorized by this municipality, another governmental agency, the State or Minnesota, or the federal government.

(6) **Monument Sign:** A (freestanding) sign in which the entire base of the sign structure is in contact with the ground, providing a solid and continuous background for the sign face that is the same width as the sign from the ground to the top of the sign. The base of the sign shall be constructed of a permanent material such as concrete block or stone.

(7) **Non-conforming Sign:** A sign in place before the effective date of this ordinance that does not comply with all of the requirements of this ordinance, but that does comply with all of the requirements of the previous ordinance.

(8) **Off-Premise Signs:** A sign advertising products, goods, or places of business or services offered elsewhere other than upon the zoning lot where the sign is maintained.

(9) **Office:** Dental, medical, legal, real estate and other individual professionals or businesses whose primary source of income is provision of services rather than provision of goods.

(10) **On-Premise Electronic Message Center:** An on-premise sign that can be changed or altered by electronic means on a fixed display screen composed of a series of lights including light emitting diodes (LEDs), fiber optics, lights bulbs, or other illumination devices within the display area where the message is displayed that is controlled by a programmable computer. The owners of such signs shall provide written certification from sign manufacturers, prior to permitting approval, that

light intensity has been programmed to appropriately adjust to ambient light conditions via control of an automatic photo cell or other control device and that the intensity level is protected from end-user manipulation by password-protected software.

(11) **On-Premise Sign:** A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages pertinent to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

(12) **Owner:** A person owning a sign.

(13) **Permit:** The authorization for a sign issued by the Zoning Administrator.

(14) **Person:** Any individual or entity, including a firm, partnership, association, corporation, Limited Liability Company, trustee, and their legal successors.

(15) **Political Sign:** A temporary sign intended to advance apolitical statement, cause, or candidate for office

(16) **Projecting Sign:** A Sign affixed to any part of a building or structure which extends beyond the building or structure by more than twelve inches.

(17) **Residential Neighborhood Identification Sign:** A Sign at the entrance of a residential neighborhood identifying the neighborhood.

(18) **Roof Sign:** A Sign erected, constructed, or maintained upon, or which projects above the roofline of a building.

(19) **Sign:** Any device visible from a public right-of-way that displays either commercial or non-commercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Non-commercial flags or any flags displayed from flagpoles or staffs will not be considered a sign.

(20) **Sign Area:** The area of the board(s) or module(s) containing the sign message, but not including the supporting structure. The area to be calculated is the area within the smallest rectilinear perimeter that contains the entire signboard or module. The area of a sphere shall be computed as the area of a circle.

(21) **Special\_Event\_Sign:** A Sign for events such as grand openings, vehicle shows, displays, craft shows, benefits, fund-raisers, festivals, and other limited term events.

(22) **Wall Sign:** A Sign attached to, painted upon, placed against, or supported by the exterior surface of any building.

(D) **Exempt Signs:** Subject to other applicable requirements and permits, the following Signs are authorized without a Sign Permit:

(1) All signs under **4 square feet**.

(2) Temporary signs advertising an event or service not to be displayed for more than **thirty (30) days** at a time.

(3) Warning signs such as “No Trespass” or “Beware of Dog” are limited to no more than two signs **one (1) square foot** in area each in any **five hundred (500) linear feet** on the parcel. If the sign has a temporary message, e.g. “Home for Sale,” the area shall not exceed **five (5) square feet**. This larger sign may not be placed on a parcel more than six months in any calendar year. No small sign may exceed a height of **forty-two inches (42”)** above ground level and only one such sign is permitted for each Parcel. These signs may carry any lawful non-commercial message.

(4) Governmental signs do not require a permit.

(5) Directional, warning or information signs authorized by federal, state or municipal governments provided they do not exceed **48 square feet**.

(6) Pedestrian, vehicular traffic, and parking directional signs in parking lots or on buildings, provided such signs are no more than **eight (8) square feet in area** and **six (6) feet in height**. For a parcel, a maximum of one (1) such sign shall be allowed at each access/egress point of a development. No advertising message of any kind is allowed on these signs.

(7) Governmental and non-commercial institution (e.g. school) flags do not need a permit. The City, in its discretion, may require large or numerous governmental flags to be subject to the ordinance. A flagpole may not exceed **thirty (30) feet** above ground level. Non-governmental flags are signs subject to the permitting provisions of this Ordinance.

(8) Warning signs exclusively devoted to warning the public of dangerous conditions and unusual hazards such as drop offs, high voltage, fire danger, and explosives, are permitted. Warning Signs may not exceed **three (s) square feet**.

(9) Historical, Cultural and Natural Site Signs erected by a government agency, which exclusively denotes a recognized historical, cultural or natural site, is permitted. This sign shall not exceed **three (3) feet** unless otherwise provided by state or federal law.

(10) Banners used on a private residential property no more than **seven (7) days** in any calendar year do not need a permit.

(11) Official notices authorized by a court, public body or public safety official.



(12) Interior window signs in commercial and industrial districts, subject to the following limitations:

(a) The aggregate area of all such signs shall not exceed twenty-five percent (25%) of the window area on which such signs are displayed. Window panes separated by mullions (a piece of metal, wood, or stone used for separating the pieces of glass in a window) shall be considered as one continuous window area.

(b) Window signs shall not be counted against the sign area permitted for other sign types.

(13) Memorial signs on buildings.

(14) Seasonal decorations within the right-of-way during the appropriate public holiday season.

(15) Street address signs, and combination nameplate and street address signs which contain no advertising copy and which do not exceed **six (6) square feet** in area.

(16) Temporary signs for garage and similar sales or events, not more than **four (4) square feet** and in place no longer than **four (4) days**. These may not be placed on public rights-of-way or attached to trees or utility poles.

(17) (A) Signs denoting the architect, engineer, or contractor working upon a work site and real estate signs pertaining to the sale, development or rental of the property. Such signs shall be removed within **ten (10) days** after completion of construction or the sale, lease or development of **eighty (80) percent** of the property. No more than **three (3) such signs** will be allowed at one time.

(B) Any other temporary signs announcing construction or development of a project must meet the permitting and design standards set forth in this ordinance for the zone in which the sign is located.

PROJECT AREA	RESIDENTIAL	COMMERCIAL/INDUSTRIAL
Under 2.5 acres	8 sq. ft.	32 sq. ft.
1.01 to 10 acres	64 sq. ft.	64 sq. ft.
10.1 to 25 acres	150 sq. ft.	150 sq. ft.
25.1 acres	300 sq. ft.	300 sq. ft.

(18) Campaign and political signs of any size may be posted in any number from August 1 in a state general election year and **thirty (30) days** before a primary or special election; until **ten (10) days** following the state general election, primary or special election. Such signs must be at least **five (5) feet away from all property lines**.

(19) Home occupation signs, non-illuminated, attached to the wall of a dwelling, and not exceeding **three (3) square feet** in area.

(20) Signs temporarily displayed to advertise community events shall be permitted for nonresidential uses in a residential district, and for all commercial and industrial districts subject to the following limitations:

- (a) Such signs shall be limited to **one sign per street front**.
- (b) Such signs may be displayed for not more than **thirty (30) days**. The signs shall be erected no more than **thirty (30) days** prior to the community event, and shall be removed not more than **two (2) days** after the event or grand opening.
- (c) The total area of all such signs shall not **exceed thirty-two (32) square feet**.

(21) Signs which are not visible beyond the boundaries of the lot or parcel upon which they are located.

**(E) Prohibited Signs**

(1) No sign shall resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices.

(2) No sign shall be so located as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.

(3) No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window, or fire escape and no sign shall be attached to a standpipe or fire escape.

(4) Inflatable or flying devices such as, but not excluded to, balloons, streamers or pinwheels except those that are permitted temporary signs.

(5) Any Sign on a motor vehicle, trailer, farm implement or other mobile equipment, which is parked in a position visible to traffic on a public road, waterway, or parking area for a period longer than **six days in a sixty (60) day period**, is prohibited.

(6) Signs erected, painted or drawn upon sidewalks, rocks, trees or natural features.

(7) Signs that are structurally unsafe or in disrepair or which create a hazard by their condition, location or lighting.

(8) Permanent signs or placards of any size attached or added to any sign beyond that included in the application and permit.

(9) A sign that violates any provision of any law of the State relative to off premises signs.

(10) Temporary signs that advertise a business, product, or service, which is not produced or conducted on the zoning lot upon which the sign is located.

(11) Abandoned signs.

(F) **Non-Conforming Signs:** Any nonconforming sign existing at the time of adoption of an additional control under this chapter may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

(1) The nonconformity or occupancy is discontinued for a period of **more than one year**, or;

(2) Any nonconforming use is destroyed by fire or other peril to the extent of greater than **fifty (50) percent** of its market value, and no sign permit has been applied for within **180 days** of when the property is damaged. In this case, the City may impose reasonable conditions upon a sign permit in order to mitigate any newly created impact on adjacent property.

(3) This subdivision does not prohibit the City from enforcing the provisions of the City's Adult-Use Ordinance.

**(G) Sign Standards by Zoning District**

(1) Signs allowed in the R-1 and R-2 Zoning Districts

(a) Signs advertising a permitted home occupation or professional office. Such signs shall not **exceed six (6) square feet** in area and not more than **four (4) feet** in height, and if illuminated, shall be indirectly illuminated with downward focused lighting. No more than **one (1)** such sign for each use located on the premises shall be permitted.

(b) Residential Neighborhood Identification Signs identifying apartment buildings, housing developments or subdivisions are permitted **two signs**, not to exceed **thirty-two (32) square feet** in combined area or **six feet in height**. If lit, the sign(s) must be indirectly illuminated with downward focused lighting.

(c) Signs or bulletin boards for public, charitable, or religious institutions. Such signs shall **not exceed twelve (12) square feet** in area, and no more than **one (1)** such sign for each highway upon which the property faces shall be permitted. Such signs may be placed at the right-of-way of the highway.

(d) Signs advertising the sale of farm products produced on the premises. Such signs shall not exceed **twenty-four (24) square feet** in area, and no more than **three (3) non-lighted signs** advertising produce may be erected within **one hundred (100) feet** of the stand.

(e) On-premise electronic message centers shall be prohibited.

(2) Signs allowed in the Commercial District:

(a) No more than one (1) wall sign per business establishment.

(b) One wall sign, not **exceed four (4) square feet** shall be permitted for dwelling units above commercial establishments. This sign shall not count against maximum allowable wall signage.

(c) Projecting wall signs shall project no more than **six (6) feet from a building**.

(d) Signs shall not project above the rooftop the building to which it is attached.

(e) No more than **one (1) freestanding** sign shall be allowed per property.

(f) Externally and internally illuminated signs are allowed. External illumination must be downward focused.

(g) On-premise electronic message centers shall be limited to **fifteen (15) square feet or thirty (30) percent of total signage**, whichever is lesser.

(h) Table of permitted signs and sign area:

Total Signage	Maximum Sign Area Wall, Canopy, or Marquee	Maximum Sign Area Freestanding	Maximum Sign Area Monument	Maximum Sign Height Freestanding	Maximum Sign Height Monument
80 sq. ft.	10% of bldg. wall upon which it is located	25 sq. ft.	50 sq. ft.	10 ft.	8 ft.

(3) Signs allowed in the Industrial District

- (a) No more than one (1) wall sign per business establishment.
- (b) **One (1)** monument sign shall be allowed per property, unless otherwise prohibited by this section.
- (c) One additional monument sign, not to **exceed thirty-two (32) square feet**, advertising and industrial park and tenant businesses may be permitted upon approval by the Planning Commission.
- (d) Externally and internally illuminated signs are allowed. External illumination must be downward focused.
- (e) On-premise electronic message centers shall be limited to **forty (40) square feet or fifty (50) percent of total signage** whichever is lesser.
- (f) Off-premise signs are allowed, not to exceed **three hundred (300) square feet** in area. Free standing signs shall be erected outside a line parallel to and **fifty (50) feet** from the highway right-of-way, shall not exceed **twenty (20) feet** in height above the ground or be located within **three hundred (300)** feet of an existing residence.
- (g) Table of permitted on premise signs and sign area:

Maximum Combined Sign Area – Freestanding and Wall Signs	Maximum Sign Height Monument
80 sq. ft.  Maximum of 40 sq. ft. lighted signage	8 ft.

(4) Signs allowed in the (O) Open Space District

- (a) No signs other than informational and identification signs relating to the facilities, structures or activities related to allowed uses shall be permitted.

(5) Signs allowed in the (P) Public District

- (a) One monument sign per school property not to **exceed thirty-two (32) square feet in area or six feet in height**. If lit, the sign must be indirectly illuminated with downward focused lighting.

- (b) Monument signs may incorporate **one (1)** on premise electronic message center limited to **eight (8) square feet** to advertise school events. The sign must be deactivated between 9:00 p.m. and 7:00 a.m.
- (c) No signs other than informational and identification signs relating to the facilities, structures or activities related to allowed uses shall be permitted in parks.

(H) *Interstate and Fully Controlled Freeways:* The City of Barnum adopts the Minnesota Outdoor Advertising Control Act of June 7, 1971, for City lands fronting Interstate Highway No 35.

(I) *Separability:* Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or part thereof other than the part so declared to be invalid.

(J) *Repeal:* All prior ordinances pertaining to the subjects treated in this ordinance shall be deemed repealed from and after the effective date of this Ordinance, except as they are included and re-ordained in whole or in part in this Ordinance; provided, this repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this Ordinance.

#### ● **156.29 FENCING AND CORNER LOT VISION CLEARANCE**

(A) *Intent.* It is the intent of this chapter is to provide for the regulation of fences in all land use zone districts of the City of Barnum, to prevent fences being erected or plantings made that would be a hazard to the public or an unreasonable interference with the use and enjoyment of neighboring property, and to provide that fences are compatible with existing uses and other zoning restrictions.

(B) *Construction of New Fences.* Fences must be set back from the property line of adjoining property a minimum of **two feet** (2 ft) to allow for the maintenance of the fence and cutting of weeds and grass on both sides of the fence. In addition, the construction side of the fence shall be placed on the builder's side of the property. A building permit shall be required for any fence greater than six feet tall.

If an application for a building permit is **jointly made by adjoining property owners**, the fence may be placed on the **property line between the two properties** provided that the property owners have, **by written agreement** between them, agreed on the location of the fence, and the responsibility for maintenance. A copy of such agreement must be provided to the Zoning Officer concurrent with the application for a building permit. Fences must be set back the greater of **(1)** 20 feet from the edge of the traveled surface of an adjoining roadway; Or **(2)** one foot from the edge of the existing right-of-way of the adjoining roadway.

(C) **Corner Lot Vision Clearance.** On a corner lot, no fence or other structure more than three and one half feet (3.5') in height above the plane of the established grades of the street shall be erected on any part of the front yard or side yard herein established that is included within the street lines of intersecting streets and a line connecting such street lines at a point which is 20 feet from their point of

intersection measured along such street lines, and no planting of foliage shall be placed or maintained within such area that, in the judgment of the zoning officer, will materially obstruct the view of a driver of a vehicle approaching the street intersection.

● **156.30 NONCONFORMING USES.**

(A) **Intent.** It is the intent of this section to regulate nonconforming uses of structures and lots and to provide for their gradual elimination.

(B) **Nonconforming uses.** Any lawful use of a structure or lot existing at the time of adoption of this chapter may be continued although the use does not conform to the provisions of this chapter for so long as it remains lawful, subject to the provisions of this section.

(C) **Conditions.** The following conditions shall govern the continuance of nonconforming uses:

(1) No nonconforming use shall be enlarged, increased, extended or moved unless the use is changed to one permitted pursuant to the provisions of this chapter;

(2) Any non-structural repairs and incidental alterations for normal maintenance may be made. Structural alterations required by law or ordinance shall be allowed;

(3) Any nonconforming use may be extended throughout any parts of the building which were manifestly arranged or designed for the use at the time of adoption or amendment of this chapter, but no like use shall be extended to occupy any land outside the building;

(4) Upon discontinuance or abandonment of the use for a period of six consecutive months, or for **18 months** during any **three-year period**, no use shall be made except as in conformance with the regulations of the district within which it is located; and

(5) Any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. In this case, a municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

(D) **Change of use.** Any nonconforming use may not be changed to another nonconforming use.

● **156.31 CITY ZONING OFFICER.**

(A) The City Council shall hire a Zoning Officer, whose duty it shall be to administer and enforce the provisions of this chapter. His or her administrative functions shall include, but not be limited to, the duties as prescribed below:

- (1) **Provide necessary forms and applications;**
- (2) **Issue land use permits** upon demonstration of the applicant's compliance with the provisions of this chapter;
- (3) **Issue certificate of compliance;**
- (4) **Issue any permits authorized by the City Council;**
- (5) **Identify and record information** relative to nonconforming uses and structures;
- (6) **Provide assistance in zoning changes and amendments** to the ordinance text or map;
- (7) **Maintain files of applications, permits and other relevant documents;** and
- (8) **Make an annual report of his or her activities** to the City Council and to the Planning Commission.

(B) The Zoning Officer shall have all powers and authority conferred by laws, statutes and ordinances to enforce the provisions of this chapter, including, but not limited to, the following: access to any structure for inspection or enforcement purposes with the permission of the owner or upon issuance of a special inspection warrant.

(C) Zoning permits shall be issued in accordance with the following provisions.

(1) Applications shall be accompanied by scale maps or drawing showing accurately the location, size and shape of the lot(s) involved and of any proposed structures, including the relation to abutting streets, lakes or streams, and the existing and proposed use of each structure and lot. One copy shall be retained by the Zoning Officer and the original copy should be retained by the city when the plans have been approved.

(2) Any permit shall be valid for **12 months after date of issue**. When construction has not been started on valid permits within a 12-month period from the date of issue, an extension of time may be granted upon application to the Zoning Officer.

(3) No permit shall be required for maintenance, repair or remodeling where the building area coverage is not increased, so long as the maintenance repair or remodeling is in compliance with other sections of this chapter.



(4) Permits issued hereunder may be revoked for cause, including but not limited to, mistakes or misrepresentation of fact, issuance in violation of the provisions of this chapter, or in violation of any other applicable law or ordinance and for violation of the terms and conditions of the permit.

● **156.32 PLANNING COMMISSION.**

(A) The Planning Commission shall consist of the duly elected members of the City Council of the City of Barnum.

(B) Members of the Planning Commission may be compensated in an amount determined by the City Council and may be paid their necessary expenses in attending meetings of the Planning Commission and in the conduct of the business of the Planning Commission.

(C) A Chairperson shall be elected from among the members of the Planning Commission, but in default of such election, the Mayor shall serve as Chairperson. The secretary shall be the City Clerk or designee.

(D) The Planning Commission shall have and exercise the following powers:

(1) To adopt rules or procedure governing the transaction of its business;

(2) To cooperate with the Zoning Officer and other employees of the city in preparing and recommending to the City Council for adoption a comprehensive plan and recommendations for plan execution in the form of official controls and other measures and amendments thereto;

(3) To conduct hearings as may be required by law and by the provisions of this chapter, and in connection therewith to make findings and conclusions which shall be transmitted to the City Council with the comments and recommendations as it deems necessary;

(4) All other powers granted to it by law and by the provisions of this chapter, or as delegated to it by the City Council from time to time; and

(E) Vacancies occurring on the Planning Commission shall be filled on Council appointment, or as otherwise provided by Minnesota Statutes § 412.02, for the filling of a vacancy on the City Council.

● **156.33 BOARD OF ADJUSTMENT.**

The Planning Commission shall serve as the Board of Adjustment.

## ● 156.34 CONDITIONAL USE PERMITS

### (A) *Procedure.*

(1) Application shall be made to the Zoning Officer who shall promptly refer it to the Planning Commission. The application shall contain the information required under ● [156.29\(C\)\(1\)](#) above, along with other data and information as the Planning Commission may deem necessary to properly evaluate the application.

(2) The Planning Commission shall hold a public hearing on the application **within 30 days** after it is filed. Public notice shall be given in accordance with the applicable provisions of ● [156.35\(D\)](#) below.

(3) The Planning Commission shall report its recommendations to the City Council **within 45 days after filing of the application**. Recommendations shall include an accurate description of the proposed conditional use, a description of the property upon which the conditional use is sought to be located, along with any other recommendations of proposed conditions of the Planning Commission.

(B) A conditional use permit shall be granted by a **majority vote of the City Council** upon written findings of fact that the following conditions have been compiled with. Approval may be subject to further conditions as the City Council may deem necessary. The Council shall approve the application or approve with conditions if it determines that the conditional use meets the following criteria:

(1) The conditional use is consistent with the Community Plan.

(2) The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district, or substantially diminish property values, or cause environmental harm to the community.

(3) Adequate utilities, drainage, or other necessary facilities have been or will be provided;

(4) Adequate measures have been or will be taken to minimize traffic congestion in public streets.

(5) The conditional use shall provide for aesthetic appeal equal to or greater than existing uses in the area. The conditional use shall eliminate conflicts with adjacent land uses by providing, where necessary, buffer zones, dividing and screening, fencing, parking areas and limitations on the number of entrances and exits.

(6) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

(C) *Shoreland Areas.*

(1) A copy of all notices of any public hearings to consider conditional use permits that are on shoreland areas (see • [156.99](#) below) under this chapter shall be forwarded to the Commissioner of Natural Resources **at least ten days** prior to the hearings.

(2) A copy of these conditional use permits shall be forwarded to the Commissioner of Natural Resources **within ten days** of the action(s).

(D) *Denial.* In the event that the City Council denies an application for a conditional use permit, the factual basis and reasons for the denial shall be set forth in written findings of fact. Those findings shall be adopted contemporaneously with the action of denial.

(E) *Termination.* Where a conditional use does not continue in conformity with the conditions of the original approval, the conditional use/variance permit shall be terminated by the City Council.

• **156.35 VARIANCE REQUEST.**

(A) **Purpose.** Variances are intended to provide a means of departure from the literal requirements of the Unified Land Use Ordinance where strict adherence would cause practical difficulties due to special conditions or circumstances unique to the property not created by the landowner. Variances shall only be permitted when they are in harmony with the general purposes and intent of the land use code and when the variances are consistent with the Community Plan. Variances shall not be permitted for a use that is not allowed under the zoning district for property in the zone where the affected person's land is located.

(B) **Public Hearing:** The Council shall hold a public hearing **within 45 days after filing of the application** with the Zoning Officer. The Council may ask the Planning Commission to submit a report on the application prior to the public hearing.

(C) **Criteria for Approving Variances:** The Council shall grant a variance if it finds that the proposed variance meets the following criteria:

(1) Because of the particular physical surroundings, or the shape, configuration, topography or other conditions of the specific parcel of land involved, strict adherence to the regulations of the land use ordinance would cause practical difficulties. Economic considerations alone do not constitute practical difficulties.

(2) The conditions upon which a petition for variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.

(3) The alleged practical difficulty has not been created by any persons presently having an interest in the parcel of land.

(4) The granting of the variance will not alter the essential character of the locality or be injurious to other property in the vicinity in which the parcel of land is located or substantially diminish property values.

(5) The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

(6) It has been demonstrated that the granting of the variance will be in keeping with the spirit and intent of this ordinance and is consistent with the Community Plan.

(D) **Conditions:** The Council may impose such conditions on any proposed variance and require such guarantees, as it deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this ordinance and policies of the community plan. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. The council may grant a different variance or different form of relief than that requested by the applicant if it determines that the alternative relief better meets the criteria for variances.

#### ● 156.36 AMENDMENTS.

(A) **Amendments.** The regulations, restrictions and boundaries set forth in this chapter may be amended, supplemented or repealed in accordance with the provisions of this section.

(B) **Initiation.** Amendments may be initiated by the Planning Commission, the City Council, or by petition of any person owning property within the boundaries of the district subject to the proposed amendment.

(C) **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 it has received the recommendation of the Planning Commission on the proposed amendment, or **until 60 days** have elapsed from the date of reference of the amendment without a report being prepared by the Planning Commission.

(D) **Hearing.**

(1) No amendment shall be adopted until a public hearing has been held thereon by the City Council. The notice of the time, place and purpose of the hearing shall be published in the city's official newspaper at least **ten days** prior to the day of the hearing.

(2) When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed by the council at least ten days before the day of the hearing to each owner of the affected property and property situated wholly or partly **within 350 feet of the use** to which the amendment relates.

(3) For the purpose of giving mailed notice, the person responsible for mailing the notice

may use any appropriate records to determine the names and addresses of the owners.

(4) A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings.

(5) The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings provided a bona fide attempt to comply with this division has been made.

(E) *Fees.* No action shall be taken on any application by an applicant other than the Planning Commission or the City Council until the applicant shall have paid to the City Clerk or Zoning Officer an appropriate filing fees as established by the provisions of • [156.36](#) below.

• **156.37 SCHEDULE OF FEES, CHARGES AND EXPENSES.**

The City Council shall establish a schedule of fees, charges and expenses for permits, certificates, appeals and other documents and actions required by the provisions of this chapter. This schedule shall be available in the office of the City Clerk. No permit, certificate or variance shall be issued unless the fees, charges or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Adjustment unless or until fees, charges and expenses have been paid in full.

• **156.98 PENALTY.**

(A) Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint with the Zoning Officer, stating fully the causes and basis thereof. The Zoning Officer shall maintain a record of the complaints and shall take appropriate action pursuant to the provisions of this chapter.

(B) Any unauthorized change of the official zoning map shall be considered a violation of the provisions of this chapter.

(C) Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter shall be guilty of a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.

● **156.99 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The singular shall include the plural and vice versa; the masculine shall include the feminine and vice versa; the words shall or will are interpreted to be mandatory; the term may is interpreted to be permissive.

**ACCESSORY USE OR STRUCTURE.** A use or structure subordinate to the principal use of the land or a building on the same lot and serving a purpose customarily incidental to the principal use or structure.

**ALLEY.** A public or private way affording only secondary means of access to abutting property.

**AREA, FLOOR.** Floor area shall constitute the total floor area occupied by a use and measured to include all space used primarily or incidentally for the use.

**AREA, SALES.** Sales area shall only include that area customarily open and accessible to the public.

**BASEMENT.** A story having part but not more than one-half its height below grade. A **BASEMENT** is not counted as a story for the purpose of height regulations

**BED AND BREAKFAST.** A private residence that offers sleeping accommodations to lodgers in 14 or fewer rooms for rent, is the innkeeper's principal residence while renting rooms, and serves breakfast at no extra cost. A lodger is a person who rents a room in a B&B inn for less than 30 days

**BLOCK.** A tract of land bordered on all sides by streets, or by one or more streets and railroad right-of-way, stream or river or unsubdivided acreage.

**BOARDING HOUSE.** A building other than a hotel where, for compensation and by prearrangement for definite periods, meals and/or lodging are provided for five or more persons, but not exceeding 20 persons.

**BUILDING.** Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind, and when separated by dividing walls without openings, each portion of the building, so separated, shall be deemed a separate **BUILDING**.

**BUILDING LINE.** A line measured across the width of a lot at a point where a structure is placed in accordance with the minimum setback requirements of this chapter.

**BUILDING, HEIGHT OF.** The vertical distance from the grade at a building line to the highest point of the roof.

**CHURCH or SYNAGOGUE.** The term includes the following; church, synagogue, rectory, parish house or similar building incidental to the particular use which is maintained and operated by an organized group of people for religious purposes.

**CLINIC.** A place used for the care, diagnosis and treatment of persons who are not provided with board, or room, nor kept overnight on the premises.

**COMMUNITY FACILITIES PLAN.** A compilation of policy statements, goals, standards, maps and action programs for guiding the future development of the public or semi-public facilities of the municipality, such as recreational, educational and cultural facilities.

**COMPREHENSIVE MUNICIPAL PLAN.** A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the municipality, and of its environment, and may include, but is not limited to the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan and recommendations for planned execution.

**CONDITIONAL USE.** A use that would not be appropriate generally or without restriction throughout the zone district, but which, if controlled as to number, area, location or relation to neighborhood, would not be injurious to the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Those uses may be permitted in listed zone districts upon application to the Planning Commission.

**DECK.** Considered a permanent part of the building for setback requirements.

**DWELLING.** Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or manufactured home, boarding or rooming house, hotel or motel.

**DWELLING GROUP.** A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

**DWELLING UNIT.** One room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes.

**FAMILY.** Any person or group of persons, whether or not related by blood or marriage, occupying a single dwelling unit.

**FLOODPLAIN.** Lands which are subject to periodic flooding and have been defined by the U.S. HUD and by the April 11, 1975 Federal Flood Insurance Administration Revised Map 4-11-1978 of the City of Barnum are included in this classification.

**FLOOR AREA.** Living space of dwelling unit including finished basements measured from the exterior corners.

**GARAGE, PRIVATE.** An accessory building designed or used for the storage of motor-driven vehicles.

**GARAGE, PUBLIC.** A building or portion thereof, other than private garage, designed or used primarily for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

**GRADE.** The average level of the finished surface of the ground adjacent to the exterior walls of the street side of the building.

**GOVERNING BODY.** The City Council by whatever name known.

**HOME OCCUPATION.** Home occupations or professional offices, provided that no such use occupies more than 25% of the total floor area of the dwelling or accessory building. Provided further that not more than one non-resident is employed on the premises. The use does not include an activity that would create a nuisance, as determined by the Planning Commission, or be otherwise incompatible with the surrounding residential area.

**HOTEL.** A building in which lodging with or without meals is provided and offered to transient guests.

**INTERIOR LOT.** Any property that does not have streets on two sides.

**JUNK OR SALVAGE YARD.** Any establishment, place or business or place of storage or deposit, which is maintained, operated or used for storing, keeping, buying or selling junk, wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicles parts, whether maintained in connection with another business or not, where the waste, body or discarded or salvaged material stored is equal in bulk to five or more motor vehicles, and which are to be resold for used parts or old iron, metal, glass or other discarded material.

**KENNEL.** Any structure or premises or commercial activity on which three or more dogs over six months of age are owned, boarded, bred or offered for sale.

**LOADING SPACE, OFF-STREET.** Space reserved for bulk pick-ups and deliveries, intended to be used by vehicles when required off-street parking spaces are otherwise unavailable. Required **OFF-STREET LOADING SPACE** shall not be included as off-street parking space in the computation of required off-street parking spaces.

**LODGING HOUSE.** A building where lodging only is provided for compensation for five or more, but not exceeding 20 persons, in distinction to hotels open to transients.

**LOT.** Any parcel of land subject to the provisions of this chapter, and capable of being described with a definiteness that its location and boundaries may be established.

**LOT FRONTAGE.** The front of a lot shall be construed to be the portion of the lot nearest the street, road or a body of water if the lot abuts water. When the lot abuts a body of water, the shoreline may be considered front yard.

**LOT LINES.** The lines bounding a lot.



**LOT WIDTH.** Shall be the distance between the side lot lines, measured at the building line.

**LOT OF RECORD.** A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder, or a lot described by metes and bounds, the description of which has been recorded in the office of the County Recorder.

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that the term includes any structures which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under M.S. Chapter 327.31 et seq.

**MANUFACTURED HOME PARK.** Any site, lot, field or tract of land upon which two or more occupied Manufactured homes are harbored, either free of charge or for revenue purposes, and shall include manufactured home(s) and auxiliary buildings.

**MOTEL.** A series of sleeping or living units, for the lodging of transient guests, offered to the public for compensation, and with convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

**MOTOR VEHICLE.** Every device which is or is capable of being self-propelled, and upon or by which any person or property is or may be transported upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

**NORMAL HIGH WATER MARK.** A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The **NORMAL HIGH WATER MARK** is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

**PARKING SPACE.** A surfaced area, enclosed or unenclosed, sufficient in size to store one motor vehicle, together with a surfaced driveway connecting a parking space with a street or alley and permitting ingress and egress of a motor vehicle.

**PERSON.** Includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

**PUBLIC WATER.** A body of water capable of substantial beneficial public use. For the purpose of this chapter, this shall be construed to mean any lake, pond or flowage of ten acres or more in size, or any river or stream with a total drainage area of at least two square miles or more, which has the potential to support any type of recreational pursuit or water supply purpose. A body of water created by a private user where there was no previous shoreland as defined herein, for a designated private use authorized by the State Commissioner of Natural Resources shall be exempt from the provisions of this chapter as they apply to shoreland management.

**RECREATIONAL CAMPING AREA.** Any area, whether privately or publicly owned, used on a daily, nightly, weekly or longer basis for the accommodation of five or more units, consisting of tents, travel trailers, pick-up coaches, motor homes or camping trailers and whether use of the accommodation is granted free of charge or for compensation. Provided that nothing in this definition shall be construed to include children's camps, industrial camps, migrant labor camps, United States forest service camps, state forest service camps, or county park state wildlife management areas, or state owned public access areas which are restricted in use to picnicking and boat landing, or county park.

**RECREATIONAL CAMPING VEHICLE.** Any of the following.

(1) **CAMPING TRAILER.** A folding structure, mounted on wheels and designed for travel, recreation and vacation use.

(2) **MOTOR HOME.** A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as a internal part of a self-propelled vehicle.

(3) **PICK-UP COACH.** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

(4) **TRAVEL TRAILER.** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified **TRAVEL TRAILER** by the manufacturer of the trailer.

**RELIGIOUS ASSEMBLY BUILDING.** A term which includes the following: church, synagogue, mosque, rectory, parish house or similar building incidental to the particular use which is maintained and operated by an organized group of people for religious purposes.

**ROADSIDE STANDS.** Retail outlets with all related structures primarily for sale of farm produce grown on the farm upon which the stand is located.

**SETBACK.** Distance from the lot line to the building line for the purpose of defining limits within which no building or structure, or any part thereof, shall be erected or permanently maintained. If property is located on a county road, county right-of-way line to building line prevails.

**SHOPPING CENTER.** A group or groups of three or more commercial establishments developed in accordance to an overall plan and designed and built as an interrelated project.

**SHORELAND.** All lands located within the following distances from public waters:

(1) One thousand feet from the normal high water mark of a lake, pond or flowage; and

(2) Three hundred feet from the normal high water mark of a river or stream or the landward extent of a floodplain designated by ordinance on such a river or stream.

**SIGN.** A name, identification, description, display or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, institution, organization, idea or business.

**STREET.** The entire width between property lines or a way or place dedicated, acquired or intended for the purpose of public use for vehicular traffic or access other than an alley.

**STREET LINE.** A dividing line between a lot, tract or parcel of land and a continuous street.

**STRUCTURE.** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground including but not limited to walls, fences, sign-boards and billboards.

**STRUCTURAL ALTERATIONS.** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

**TRAILER.** Every vehicle without motor power designed or used for carrying persons or property and for being drawn by a motor vehicle.

**TRANSPORTATION PLAN.** A compilation of policy statements, goals, standards, maps and action programs for guiding the future development of the various modes of transportation of the municipality and its environs, such as streets and highways, mass transit, railroads, air transportation, trucking and water transportation and includes a traffic circulation plan.

**TOURIST HOME.** A building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, primarily for transients.

**VARIANCE.** Variances may be granted by the City Council upon recommendation by the Planning Commission when setbacks, number of buildings and the like, in present code causes undue hardship or unique characteristics not caused by the owner nor that would change the overall intent of the present zoning ordinance.

**YARD, FRONT.** The area of space from the lot line to the building line.

**YARD, REAR.** A yard extending across the rear of the lot between inner side yard lines. In the case of corner lots, the rear yard shall extend from the inner side yard line of the side yard adjacent to the interior lot to the rear line of the half-depth front yard as determined by the Zoning Officer.

**YARD, SIDE.** A yard extending from the rear line of the front yard to the front line of the rear yard.