

ORDINANCE 4.03A
AN ORDINANCE ZONING & REGULATING
THE USE OF LAND, LOCATION, BULK, HEIGHT,
AND USE OF BUILDINGS ON LOTS;
THE DENSITY OF POPULATION IN THE CITY OF ROTHSAY;
PROVIDING FOR THE ADMINISTRATION
AND ENFORCEMENT OF SUCH REGULATION

THE CITY COUNCIL OF ROTHSAY, MINNESOTA ORDAINS:

SECTION 1. ESTABLISHMENT OF DISTRICTS: For the purpose of this Ordinance, the City of Rothsay is divided into the following use districts:

1. R-A Agriculture Residence District
2. R-1 Suburban Residence District
3. R-2 Urban Residence District
4. B-1 Highway Business District
5. B-2 General Business District
6. I Industrial District

The Districts are shown on the accompanying map entitled, "Interim Zoning Map of Rothsay, Minnesota", which map is hereby made a part of this Ordinance.

SECTION 2. GENERAL BUILDING AND PERFORMANCE REQUIREMENTS.

- A. **PURPOSE.** The purpose of this section of the Ordinance is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent blight, deterioration and decay; and to enhance the health, safety, and welfare of the residents of the community.
- B. **DWELLING UNIT RESTRICTIONS.** No garage, tent, camper, or accessory building shall, at any time, be used as living quarters, temporarily or permanently. Except in the case of planned unit developments, no more than one (1) principal building shall be located upon a lot.
- C. **PLATTED AND UNPLATTED PROPERTY.** Any person desiring to improve property shall submit to the City Clerk and Building Official a survey of the premises and information on the location and dimensions of existing and proposed buildings, location of easements crossing the property, encroachments, and any other information as required by this Ordinance. All buildings shall be placed so that they will not obstruct future streets, which may be constructed by the City.
- D. **ACCESSORY BUILDINGS, USES, AND EQUIPMENT.**
 - (1) An accessory building shall be considered an integral part of the principal building if it is connected directly to the principal building, or connected by a covered passageway.
 - (2) Detached garages are limited to one (1) per single family home, and shall not exceed two thousand (2,000) square feet in area.
 - (3) Tool houses, sheds or similar structures for storage of domestic supplies, or non-commercial recreational equipment are limited to no more than two (2) structures and shall not exceed an aggregate of four hundred (400) square feet in area.
 - (4) No accessory building shall be taller than the primary building.
 - (5) Building materials shall be attractive in appearance, of a durable finish, and be of a quality that is compatible and harmonious with adjacent structures. All buildings shall be of good aesthetic and architectural quality, to ensure they will maintain and enhance the property values of the neighboring properties.

SECTION 3. COMPLIANCE REQUIRED: Land may be used and a structure or part of a structure may be constructed, reconstructed, and altered, occupied, or used only as this Ordinance permits. All single and

double family dwelling units except for existing mobile homes shall be attached to a permanent foundation with frost protection as per state building code. Any mobile home located in the City of Rothsay will be temporarily exempt from this requirement. Any future property enhancements beyond maintaining existing mobile home structure must be in compliance with this ordinance.

SECTION 4. "R-A" AGRICULTURE RESIDENCE DISTRICT

- A. PURPOSE. The purpose of the R-A Agriculture Residence District is to allow extensive areas of the community to be retained in a rural use, prevent scattered, hazard growth, and secure economy in governmental expenditures for municipal services.
- B. PERMITTED USES.
 - (1) Agriculture
 - (2) Single Family Dwellings
 - (3) Public Parks & Recreation Areas
 - (4) Churches
 - (5) Essential Services
 - (6) Accessory Uses
- C. SPECIAL USES.
 - (1) Home Occupations
 - (2) Municipal Buildings and Public Utility Buildings
 - (3) Sewage Lagoons
 - (4) Nurseries, Landscape Gardening, and Greenhouses
- D. AREA, YARD, AND BUILDING REQUIREMENTS.
 - (1) LOT AREA. Every lot or plot of land on which a single family dwelling is erected shall contain an area of not less than twenty thousand (20,000) square feet.
 - (2) LOT WIDTH. Every lot or plot of land on which a single family dwelling is erected shall have a minimum width of not less than one hundred (100) feet at the building setback line.
 - (3) FRONT YARD. There shall be a front yard having a depth of not less than forty (40) feet.
 - (4) SIDE YARD. There shall be a side yard, on each side of a building, of not less than ten percent (10%) of the total width of the lot for main building, and not less than five percent (5%) of total width of lot for out buildings.
 - (5) REAR YARD. There shall be a rear yard having a depth of not less than fifteen (15) feet.
 - (6) All home sites shall be sodded or seeded and maintained with grass.

SECTION 5. "R-1" SUBURBAN RESIDENCE DISTRICT

- A. PURPOSE. The R-1 Suburban Residence District is intended to provide a district which will permit one and two family residential development where municipal utilities are available.
- B. PERMITTED USES.
 - (1) Agriculture
 - (2) Single Family Dwellings
 - (3) Public Parks
 - (4) Churches
 - (5) Essential Services
 - (6) Accessory Uses
- C. SPECIAL USES.
 - (1) Cemeteries
 - (2) Home Occupations
 - (3) Nursery Schools
 - (4) Public Utility Buildings
 - (5) Double Family Dwellings
 - (6) Planned Unit Residential Developments
- D. AREA, YARD, AND BUILDING REQUIREMENTS.
 - (1) LOT AREA. Every lot or plot of land on which a single family or double family dwelling is erected shall contain an area of not less than ten thousand (10,000) square feet.
 - (2) LOT WIDTH. Every lot or plot of land on which a single family or double family dwelling is erected shall have a minimum width of not less than seventy-five (75) feet at the building setback line.
 - (3) FRONT YARD. There shall be a front yard having a depth of not less than thirty (30) feet.

- (4) SIDE YARD. There shall be a side yard, on each side of a building, of not less than ten percent (10%) of the total width of the lot for main building, and not less than five percent (5%) of total width of a lot for out buildings.
- (5) REAR YARD. There shall be a rear yard having a depth of not less than fifteen (15) feet.
- (6) LAWN. All home sites shall be sodded or seeded and maintained with grass.
- (7) BUILDING COVERAGE ON LOT. Not more than thirty-five percent (35%) of the total area of a lot or plot shall be occupied by buildings.
- (8) HEIGHT RESTRICTIONS. No building hereafter erected or altered shall exceed two (2) stories or thirty-five (35) feet in height.

E. STRUCTURE REQUIREMENTS

- (1) Excellence of design, development and maintenance is the desired objective.
- (2) Every existing mobile home and structure shall be maintained in a safe, approved, and substantial manner. The exterior of such mobile home or structures shall be kept in good repair. Skirting for existing mobile homes is required and shall be in accordance with the décor of the mobile home and in good repair. Each existing mobile home shall be parked upon a jack or block approved by the City. Each existing mobile home shall be anchored to the ground with no less than four (4) concrete pillars. Each pillar must be 20-inches round, 2-feet long, and each must be buried 5-feet deep. The home must be securely anchored to those pillars by chain, straps or cables that have no less than a five thousand (5,000) pound strength capability.

F. HOME PROHIBITIONS

- (1) No home shall be inhabited by a greater number of occupants than for which it was designed.
- (2) No mobile or manufactured home shall be located within city limits. Exceptions are those mobile homes which were moved to their present location prior to the date of this Ordinance.

SECTION 6. "R-2" URBAN RESIDENCE DISTRICT.

- A. PURPOSE. The R-2 Urban Residence District is intended to provide a district which will allow a mix of single family dwellings, multiple family dwellings, and limited non-residential uses where properly related to other land uses and where municipal utilities are available.
- B. PERMITTED USES.
 - (1) Agriculture
 - (2) Single Family Dwellings
 - (3) Double Family Dwellings
 - (4) Schools
 - (5) Churches
 - (6) Public Parks
 - (7) Essential Services
 - (8) Accessory Uses
- C. SPECIAL USES.
 - (1) Home Occupations
 - (2) Recreational Uses
 - (3) Nursery Schools
 - (4) Hospitals & Clinics for Humans
 - (5) Nursing Homes
 - (6) Municipal Buildings
 - (7) Public Utility Buildings
 - (8) Funeral Homes
 - (9) Offices and Greenhouses
 - (10) Planned Unit Residential Projects
- D. AREA, YARD, AND BUILDING REQUIREMENTS.
 - (1) LOT AREA. Every individual lot, site, or tract shall have an area of not less than three thousand (3,000) square feet.
 - (2) LOT WIDTH. Every lot or plot of land on which a building is erected shall have a minimum width of not less than twenty-five (25) feet at the building setback line.
 - (3) FRONT YARD. There shall be a front yard having a depth of not less than thirty (30) feet, unless thirty percent (30%) or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a greater or less depth front yard, in which instance, no new building or portion thereof shall project beyond a line determined by the average setback of residences in that block.

- (4) **SIDE YARD.** There shall be a side yard, on each side of a building, of not less than ten percent (10%) of the total width of the lot for main building, and not less than five percent (5%) of total width of lot for out buildings.
- (5) **REAR YARD.** There shall be a rear yard having a depth of not less than fifteen (15) feet.
- (6) **LAWN.** All home sites shall be sodded or seeded and maintained with grass.
- (7) **BUILDING COVERAGE ON LOT.** Not more than fifty percent (50%) of the total area of a lot or plot shall be occupied by buildings.
- (8) **HEIGHT REGULATIONS.** No building hereafter erected or altered shall exceed two (2) stories or thirty-five (35) feet in height.

G. STRUCTURE REQUIREMENTS

- (1) Excellence of design, development and maintenance is the desired objective.
- (2) Every existing mobile home and structure shall be maintained in a safe, approved, and substantial manner. The exterior of such mobile home or structures shall be kept in good repair. Skirting for existing mobile homes is required and shall be in accordance with the décor of the mobile home and in good repair. Each existing mobile home shall be parked upon a jack or block approved by the City. Each existing mobile home shall be anchored to the ground with no less than four (4) concrete pillars. Each pillar must be 20-inches round, 2-feet long, and each must be buried 5-feet deep. The home must be securely anchored to those pillars by chain, straps or cables that have no less than a five thousand (5,000) pound strength capability.

H. HOME PROHIBITIONS

- (1) No home shall be inhabited by a greater number of occupants than for which it was designed.
- (2) No mobile or manufactured home shall be located within city limits. Exceptions are those mobile homes which were moved to their present location prior to the date of this Ordinance.

SECTION 7. "B-1" HIGHWAY BUSINESS DISTRICT

A. PURPOSE. The B-1 Highway Business District is intended to provide a district for a wide range of services and businesses in areas which are in close proximity to a major thoroughfare.

B. PERMITTED USES.

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|--------------------------------------|--------------------------------------|
| (1) Auto Sales, Service & Repairs | (6) Home & Trailer Sales and Display |
| (2) Eating & Drinking Establishments | (7) Wholesale Businesses |
| (3) Hotels and Motels | (8) Supply Yards |
| (4) Funeral Homes | (9) Essential Services |
| (5) Commercial Recreation | (10) Accessory Services |

C. SPECIAL USES.

- | | |
|------------------------------------|-----------------------|
| (1) Municipal Buildings | (4) Retail Businesses |
| (2) Public Utility Buildings | (5) Offices |
| (3) Planned Unit Business Projects | (6) Animal Clinics |

D. AREA, YARD, AND BUILDING REQUIREMENTS.

- (1) **LOT AREA** Every individual lot, site, or tract shall have an area of not less than ten thousand (10,000) square feet.
- (2) **LOT WIDTH** Every lot or plot of land on which a building is erected shall have a minimum width of not less than seventy-five (75) feet at the building setback line.
- (3) **FRONT YARD** There shall be a front yard having a depth of not less than twenty-five (25) feet.
- (4) **SIDE YARD** There shall be a side yard, on each side of a building, of not less than ten (10) feet.
- (5) **REAR YARD** There shall be a rear yard having a depth of not less than fifteen (15) feet.
- (6) **BUILDING COVERAGE ON LOT** Not more than seventy-five percent (75%) of the total area of a lot or plot shall be occupied by buildings.

- (7) HEIGHT REGULATION No building hereafter erected or altered shall exceed three (3) stories or forty-five (45) feet in height.

SECTION 8. "B-2" GENERAL BUSINESS DISTRICT

A. PURPOSE The B-2 General Business District is intended to accommodate a wide variety of retail, service, and office uses in a compact and central area.

B. PERMITTED USES.

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|--------------------------------------|------------------------------------|
| (1) Retail Businesses | (6) Auto Sales, Service & Repair |
| (2) Restaurants & Cafes | (7) Commercial Recreation |
| (3) Offices | (8) Hospitals & Clinics for Humans |
| (4) Personal & Professional Services | (9) Second Floor Apartments |
| (5) Municipal Buildings | (10) Essential Services |
| | (11) Accessory Services |

C. SPECIAL USES.

- | | |
|------------------------------------|-------------------------------|
| (1) Public Utility Buildings | (3) Multiple Family Dwellings |
| (2) Planned Unit business Projects | (4) Wholesale Businesses |

D. AREA, YARD, AND BUILDING REQUIREMENTS.

- (1) LOT AREA. Every individual lot, site, or tract shall have an area of not less than three thousand (3,000) square feet.
- (2) LOT WIDTH. Every lot or plot of land on which a building is erected shall have a minimum width of not less than twenty-five (25) feet at the building setback line.
- (3) FRONT YARD, SIDE YARD, REAR YARD, AND LTO COVERAGE REGULATIONS. There shall be no specific front, side and rear yard or lot coverage requirements except as necessary to provide off-street parking and loading if required.

SECTION 9. "I" INDUSTRIAL DISTRICT.

A. PURPOSE. The "I" Industrial District is intended to provide a district which will allow general industrial uses.

B. PERMITTED USES.

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|-------------------------------------|-------------------------|
| (1) Research & Testing Laboratories | (5) Truck Terminals |
| (2) Offices | (6) Light Manufacturing |
| (3) Warehouses | (7) Essential Services |
| (4) Supply Yards | (8) Accessory Services |

C. SPECIAL USES.

- (1) Heavy Industrial Establishments
- (2) Public Utility Buildings
- (3) Planned Unit Industrial Developments
- (4) Sewage Lagoons
- (5) Storage of flammable or combustible liquids in outside, above-ground tanks
- (6) Bulk storage of liquefied petroleum gases or other hazardous gases

D. AREA, YARD, AND BUILDING REQUIREMENTS

- (1) LOT AREA. Every individual lot, site, or tract shall have an area of not less than twenty thousand (20,000) square feet.
- (2) LOT WIDTH. Every lot, site, or tract on which a building is erected shall have a minimum width of not less than one hundred (100) feet at the building setback line.
- (3) FRONT YARD. There shall be a front yard having a depth of not less than twenty-five (25) feet.
- (4) SIDE YARD. There shall be a side yard, on each side of a building, of not less than ten (10) feet.
- (5) REAR YARD. There shall be a rear yard having a depth of not less than fifteen (15) feet.
- (6) BUILDING COVERAGE ON LOT. Not more than fifty percent (50%) of the total area of a lot, site, or tract shall be occupied by buildings.

(7) HEIGHT REGULATIONS. There shall be no specific height requirements in the Industrial District.

SECTION 10. NONCONFORMING USES. Any use existing on the effective date of this Ordinance and not conforming to the provisions of this Ordinance may be continued, but does not limit the City Council from making valid and reasonable provisions for the future termination of such nonconforming uses.

SECTION 11. ADMINISTRATION. The City Council, City Clerk, and any full-time employee of the City shall be responsible for the administration and enforcement of this Ordinance.

SECTION 12. ZONING PERMITS.

SUBDIVISION 1. REQUIREMENTS. It is unlawful for any person to erect, alter, raze, demolish, or remove any building, or part thereof, or commence the same, without a zoning permit obtained from the City Clerk.

SUBDIVISION 2. APPLICATION

- A. Application for a zoning permit shall be made to the City Council on a form furnished by the City Clerk. The City Council shall issue the zoning permit only if it determines that the building plans and the application comply with the terms of this Ordinance. Requests for a variance shall be referred to the Board of Appeals and Adjustments.
- B. Each application for a permit to construct or alter a building shall be accompanied by a site plan, drawn to scale, showing the dimensions of the lot to be built upon, the size and location of the building, and all accessory buildings to be erected, along with all other data necessary or desirable under the circumstances.

SUBDIVISION 3. PERMIT FEE. The fee for zoning permits shall be as established by the city council.

SUBDIVISION 4. ISSUANCE OF PERMIT. The City Council shall issue the zoning permit only after determining that the building plans, together with the application, comply with the terms of this title.

SUBDIVISION 5. EXCLUSION. This section shall not apply, and no zoning permit shall be required, for a building alteration costing less than five hundred dollars (\$500.00) for labor and materials, provided the basic structure is not affected.

SUBDIVISION 6. Demolition, clean-up, and restoration shall be completed within ninety (90) days from the date of a permit issued for such purpose.

SECTION 13. BUILDING RELOCATION PERMITS.

SUBDIVISION 1. REQUIREMENTS. No building shall be moved into or relocated within the City of Rothsay without first obtaining a building relocation permit. In addition, no permit shall be issued for moving of the building until both a zoning permit and building permit has been obtained for placing, remodeling, or repairing the building in its new location.

SUBDIVISION 2. APPLICATION.

- A. Application for a building relocation permit shall be filed with the City Clerk. The application shall be examined by the City Council, City Clerk, or full-time city employee to certify that the proposed building relocation will comply fully with this Ordinance and other City Ordinances. The Council shall issue the building relocation permit only if it determines that the proposed building relocation and application comply with the terms of this Ordinance. Variance requests shall be referred to the Board of Appeals and Adjustments.
- B. The application must be accompanied by a list of property owners within two hundred (200) feet of the boundary lines of the lot upon which said building is to be located. The application must also be accompanied by a written approval of at least fifty percent (50%) of the property owners within the said two hundred (200) feet of said lot. It shall be the responsibility of the applicant to present a photograph of the building to be moved, along with a detailed description of plans for any remodeling, to the property owners from whom he/she requests written approval.

C. The City Council shall deny the application for a building relocation permit if it determines that the building is in substantial variance with either the established or expected pattern of building development in the neighborhood to which the building is to be moved. The findings of a comparative study of age, bulk, and architectural style of both the building to be moved and the buildings, either existing or expected in the neighborhood, shall be the criteria by which the Council shall determine the degree of variance.

SUBDIVISION 3. COMPLETION. The permittee shall complete, within ninety (90) days after the relocation, all remodeling, additions or repairs as shown on the plans accompanying the application. If this is not possible, the permittee shall apply in writing to the City Clerk for an extension of time.

SECTION 14. BOARD OF APPEALS AND ADJUSTMENTS. The City Council shall serve as the Board of Appeals and Adjustments required by Minnesota Statutes, Section 462.354, Subdivision 2, and shall have the powers and duties specified in Minnesota Statutes, Section 462.357, Subdivision 6. Action by the City Council on an application for a variance shall be final, subject to judicial review.

SUBDIVISION 1. APPEALS. Appeals, where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of this title.

SUBDIVISION 2. VARIANCES. Requests for variances from the literal provisions of this title in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. "Undue hardship", as used in connection with the granting of a variance, means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic hardship alone shall not constitute an undue hardship if reasonable uses exist for the property under this title. In granting a variance, the board may impose conditions to ensure compliance and to protect adjacent properties. The board may not permit as a variance any use that is not permitted under this title for the property in the zone where the affected person's land is located.

SUBDIVISION 3. HEARING AND NOTICE. Within sixty (60) days after filing a request for variance or an appeal from an administrative order or determination, the board of adjustment and appeal shall set a date for the hearing thereon, and shall hear such persons as wish to be heard, either in person or by agent or attorney. Notice of any such hearing shall be mailed not less than ten (10) days before the date of hearing to the person or persons who filed the appeal or request and, in the case of a request for a variance, to each owner of property situated wholly or partly within two hundred feet (200') of the property to which the variance relates, insofar as the names and addresses of such owners can be determined by the City Clerk from records available to the public. A decision shall be made within a reasonable time after the hearing and a copy of such order upon the appellant or the petitioner shall be served by mail.

SUBDIVISION 4. REVIEW OF ACTION. Any person aggrieved by any decision or order of the board of adjustment and appeal may have such decision or order reviewed by an appropriate remedy in the district court subject to the provisions of state law.

SUBDIVISION 5. RECORD OF PROCEEDINGS. The board of adjustment and appeal shall provide for a record of its proceedings, which shall include the minutes of its meetings, its findings, and the action taken on each matter heard by it, including its final order.

SECTION 15. SPECIAL USE PERMITS.

SUBDIVISION 1. PROCEDURE. A special use permit may be issued in accordance with this section for any use for which such a permit is required or permitted in a particular district by the district regulations contained in this Ordinance. Application for such a permit shall be made by the owner to the City Council on a form prescribed by the Council. The Council may hold such hearings on the proposal as it may consider necessary and it shall thereafter grant the permit with or without conditions, or deny the permit if the standards of Subdivision 2 are not complied with. With thirty-five (35) days of receipt of a report from the City Council on its action, the owner may appeal to the City Council which, after such hearings and investigation as it may provide, shall deny or grant the application in accordance with the standards specified in Subdivision 2.

SUBDIVISION 2. STANDARDS. The City Council shall order the issuance of a special use permit only if it finds that such use at the proposed location will be consistent with this Ordinance; will be harmonious and appropriate in the area; will not be hazardous or disturbing to neighboring uses; will not result in traffic congestion; and will not create excessive additional public expense. If the application for a special use permit is denied, the City Council shall include in its determination findings as to the ways in which the proposed use does not comply with the standards imposed by this Ordinance. In approving any special use permit, the City Council may impose conditions which it considers necessary to meet the standards of this Ordinance and to protect the best interest of the surrounding area and the City of Rothsay as a whole. Violation of any such condition is a violation of this Ordinance.

SECTION 16. PENALTY. Any person who violates any provision of the Ordinance is found guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not to exceed three hundred dollars (\$300.00) or by imprisonment for not to exceed ninety (90) days for each offence, or both, plus the costs of prosecution in either case. Each day the violation is permitted to exist constitutes a separate offense.

SECTION 17. EFFECTIVE DATE AND TERMINATION. This Interim Ordinance shall take effect upon its passage by Council vote, and shall remain in effect until the City Council deems it necessary to revise said Ordinance.

SECTION 18. PRAIRIE ADDITION. This section of the City of Rothsay Zoning Ordinance is attached as an exhibit. A full copy of the exhibit is accessible through the City Hall.

SECTION 19. FENCES. This section of the City of Rothsay Zoning Ordinance is attached as an exhibit. A full copy of the exhibit is accessible through the City Hall.

SECTION 20. JENSEN ADDITION. This section of the City of Rothsay Zoning Ordinance is attached as an exhibit. A full copy of the exhibit is accessible through the City Hall.

SECTION 21. MOBILE FOOD VEHICLE VENDORS. This section of the City of Rothsay Zoning Ordinance is attached as an exhibit. A full copy of the exhibit is accessible through the City Hall.

SECTION 22. REPEAL. All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed. Nothing in this Ordinance repeals or amends any ordinance requiring a permit or license to engage in any business or occupation.

FIRST REVISION passed by City Council on January 2, 1979.

Signed: Raymond Goltz, Mayor
Ethelwyn McBain, Clerk

SECOND REVISION passed by City Council on May 7, 1996.

Signed: Paul Fosse, Mayor
Lori Jorgenson, Clerk/Treasurer

THIRD REVISION passed by City Council on June 4, 1996.

Signed: Paul Fosse, Mayor
Lori Jorgenson, Clerk/Treasurer

FOURTH REVISION passed by City Council on April 4, 2016

Signed: Eric Larson, Acting Mayor
Brandie Hanson, Clerk/Treasurer

FIFTH REVISION passed by City Council of Rothsay, Minnesota on this 7th day of August, 2017.

Signed: _____
Chris Buckingham, Mayor

Attest: _____
Lisa Zimmerman, City Clerk