

ARTICLE IV GENERAL REGULATIONS

The following general regulations in this article shall apply equally to all districts except where special provisions provide otherwise.

Section 4.01 COMPLIANCE REQUIRED.

No land, building or structure or part thereof shall hereafter be erected, altered, constructed, reconstructed, maintained, used or occupied except in conformity with the provisions of this ordinance.

Section 4.02 LOT AREA REQUIREMENTS.

No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed herein, nor shall the number of dwelling units be increased in any manner except in conformity with the area regulations herein prescribed, nor shall the area of any lot be reduced below the minimum requirement herein established.

Section 4.03 APPROVAL OF PLATS.

No proposed plat of a new subdivision shall hereafter be approved unless the lots within such plat shall be equal to or exceed the minimum size and width as required for the district in which the property is located, and unless the plat fully conforms with the statues of the State of Minnesota, and ordinances and regulations of the City of Hayfield.

Section 4.04 ACCESSORY BUILDINGS. ATTACHED, RESIDENTIAL DISTRICTS.

An accessory building including car ports and breezeways attached to the principal building on a lot, shall be made structurally a part thereof and shall comply in all respects with the requirements of this ordinance applicable to the principal building.

Any newly constructed accessory building including car ports and breezeways shall have exterior siding which shall be conventional exterior dwelling type material. Any metal siding would have horizontal edges and overlap in sections no wider than twelve (12) inches. Vertical sheet metal siding is not permitted. **No pole sheds are permitted within residential areas of Hayfield City limits.** All homes shall be built in compliance with Minnesota Building Codes.

Section 4.05 ACCESSORY BUILDINGS. DETACHED, RESIDENTIAL DISTRICTS.

All detached accessory buildings shall be located in the side or rear yards. When located within ten (10) feet of the side or rear wall of the principal building they shall comply with all yard requirements applicable to the principal building in the district. Where accessory buildings are

to be located more than ten (10) feet from a side or rear wall of the principal building they shall not be located closer than five (5) feet from the side/or rear lot line.

Any newly constructed detached accessory building shall have exterior siding which shall be conventional exterior dwelling type material. Any metal siding would have horizontal edges and overlap in sections no wider than twelve (12) inches. Vertical sheet metal siding is not permitted. **No pole sheds are permitted within residential areas of Hayfield City limits.** All homes shall be built in compliance with Minnesota Building Codes.

A detached accessory building on a corner lot shall not project beyond the side yard setback requirement of the principal building.

Detached accessory buildings in Residential Districts shall not exceed one (1) story or sixteen (16) feet in height and shall not occupy more than ten (10%) percent of the lot area.

Section 4.06 **BUILDING AREA.**

Outside stairways, fire escapes, fire towers, porches, platforms, balconies, boiler flues and other similar projections shall be considered as part of the building and not allowed as part of the required space for yards, courts or unoccupied space, provided, however, that this provision shall not apply to one (1) fireplace or one (1) chimney, not more than eight (8) feet in length and projecting not more than thirty (30) inches into the allowable side yard space nor cornices not exceeding sixteen (16) inches in width nor to platforms, terraces, steps below the first floor level, nor to unenclosed porches or other ground level unenclosed projections not over one (1) story in height which may extend into a front or rear yard not more than ten (10) feet or into a side yard not more than eight (8) feet.

Section 4.07 **BUILDINGS, DISTANCE BETWEEN.**

In residential districts each principal building shall be at least twelve (12) feet from any other principal building on the lot.

Section 4.08 **BUILDINGS UNDER CONSTRUCTION.**

Any building or structure for which a building permit has been issued and the construction of the whole or a part of which has been started, prior to the effective date of this ordinance may be completed and used in accordance with the plans and application on which said building permit was granted.

Section 4.09 **ESSENTIAL SERVICES.**

Essential services shall be permitted in all zone districts.

SECTION 4.10 FENCES AND OTHER VISION OBSTRUCTING OBJECTS.

No fence, wall, structure or obstruction shall be erected, established or maintained on a corner lot within a triangular area bounded by the lot lines and a line connecting points on each lot line forty (40) feet from the intersection of such lot lines. An object within this area not exceeding forty-two (42) inches in height as measured from the centerline elevation of the street shall not be considered as an obstruction to vision.

Section 4.11 FRONT YARD EXCEPTIONS.

When the majority of residential, commercial or manufacturing buildings have been built in a block at the time of adoption of this ordinance, no building or structure hereafter erected or altered, shall project beyond the average set back line established by existing structures, provided no building will be required to set back more than forty-five (45) feet in the residential or commercial zones and seventy-five (75) feet in the manufacturing zone.

Section 4.12 GREENBELTS.

In all districts where greenbelts are required they shall consist of an eight foot wide planting strip composed of grass, trees, and shrubs, Trees at least one and one half (1 1/2) inch in diameter, shall be planted not more than forty (40) feet apart. Shrubs shall be planted not more than five (5) feet apart and be at least five (5) feet in height after five (5) full growing seasons, and attain a height of eight feet at maturity.

A decorative wall, not less than five (5) feet in height may be substituted for the above greenbelt upon approval of the Planning Commission.

The green belt or wall area shall be maintained in an attractive condition at all times.

Section 4.13 HOME OCCUPATIONS.

In all zoning district where home occupations are authorized, the following regulations governing said home occupations shall be complied with:

- a) Said use shall not occupy an area of more than twenty-five (25) percent of the total floor area of the dwelling.
- b) No such home occupation shall require substantial interior or exterior alterations of the dwelling.
- c) Said use shall not create odor, dust, noise, electrical disturbances, glare or vibrations noticeable outside of the dwelling.
- d) There shall be no outside storage of material or equipment or display of merchandise.

- e) No sign shall be allowed other than one (1) un-illuminated name plate measuring not more than one (1) by one and one-half (1 1/2) feet in area attached near the building entrance.
- f) There shall be no sale of goods other than those that are produced at the site.
- g) The occupation is to be conducted solely by permanent occupants of the dwelling in which it is located except that one (1) accessory personnel if necessary to the occupation may be employed.

Section 4.14 STRUCTURES, NOT INCLUDED IN HEIGHT OF BUILDING.

Chimneys, cooling towers, elevator bulk head, fire towers, grain elevators, silos, stacks, tanks, water towers, pumping towers, radio or television towers, monuments, cupolas, steeples and mechanical appurtenances pertaining to and necessary to the permitted use of the district in which they are located, shall not be included in calculating the height of the principal structure.

Section 4.15 LOT, DOUBLE FRONTAGE.

Double frontage lots shall maintain a yard on both streets conforming to the requirements for front yards on those streets.

Section 4.16 LOT CORNER.

Corner lots shall maintain a yard on both streets conforming to the requirements for front yards on those streets.

Section 4.17 NON-CONFORMING USE, BUILDINGS.

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

~~Section 4.18 NON-CONFORMING USE, EXTENSION.~~

~~A non-conforming use may be extended throughout the building or structure, provided no structural alterations or changes are made therein, except those required by law or ordinance or such as may be required for safety, or such as may be necessary to secure or insure the continued advantageous use of the building during its natural life. Existing farming operations in the R-I District are exempt from the provisions of this section.~~ Stricken 04-18-16 council meeting

Amend to:

Section 4.18 NON-CONFORMING USE, **MAINTENANCE.** Normal maintenance of a building or structure containing or related to a nonconforming use is permitted including necessary

nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use. No building or structure containing or related to a nonconforming use may be moved on the land that it is currently situated on if the building or structure would be a nonconforming building or structure after the move. (04-18-16 council meeting)

Section 4.19 NON-CONFORMING USE, DAMAGED.

Any non-conforming building or structure damaged more than sixty (60) percent of its then appraised value, exclusive of foundations at the time of damage by fire, collapse, explosion or acts of God or public enemy, shall not be restored or reconstructed and used as before such happening; but if less than sixty (60) percent damaged above the foundation, it may be restored, reconstructed or used as before, provided that it is done within twelve (12) months of such happening and that it be built of like or similar materials, or the architectural design and building materials are approved by the Planning Commission.

Section 4.20 NON-CONFORMING USE, LAND.

The non-conforming lawful use of land where a structure thereon is not so employed or existing at the time that this ordinance becomes effective, may be continued provided:

- a) The non-conforming use of land shall not in any way be expanded or extended either on the same or adjoining property.
- b) That if the non-conforming use of land, existing at the time this ordinance became effective, is thereafter discontinued or changed then the future use of such land shall be in conformity with the provisions of this ordinance.

Section 4.21 NON-CONFORMING USE, CHANGE.

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

Section 4.22 NON-CONFORMING USE, DISCONTINUANCE.

In the event that a non-conforming use of any building or building and land is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

Section 4.23 NON-CONFORMING USE, ZONE CHANGE.

The foregoing provisions relative to non-conforming uses shall apply to buildings, land and uses

which hereafter become non-conforming due to classification or reclassification of districts under this ordinance.

Section 4.24 LOADING SPACE.

On the premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interferences with public use of the streets or alleys. Such space, unless otherwise adequately provided for, shall include a ten (10) foot by twenty-five (25) foot loading space, with fourteen (14) foot height clearance for every twenty thousand (20,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of building floor use or land use for the above mentioned purposes.

Section 4.25 OFF-STREET PARKING REQUIREMENTS.

In all zoning districts, off-street parking facilities for the storage of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings or structures hereafter erected, altered, or extended after the effective date of this ordinance, shall be provided and maintained as herein prescribed.

- a) Parking of automobiles and other motor vehicles is permitted in the front and side yards in manufacturing districts if screened by a greenbelt eight (8) feet in width.
- b) Loading space shall not be construed as supplying off street parking space.
- c) When units or measurements used in determining the number of required parking spaces result in requirement of a fractional space any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
- d) Whenever a use requiring off-street parking is increased in floor area and such use is located in a building existing on or before the effective date of this ordinance, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.
- e) For the purpose of this section, "Floor Area," in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients, patients or tenants including areas occupied for fixtures and equipment used for display or sale of merchandise.
- f) Off-street parking facilities for one, two and multiple family dwellings shall be provided

and located on the same lot or parcel of land as the building they are intended to serve.

- g) The location of required off-street parking facilities for other than one and two-family dwellings and all multiple dwellings, shall be within three hundred (300) feet of the building they are intended to serve, measured from the nearest point of the off street parking facilities and the nearest point of the building or structure.
- h) Where a use is not specifically mentioned, off-street parking requirements shall be the same as for a similar use.
- i) Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses provided, collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table.
- j) Nothing in this section shall prevent the extension of, or an addition to a building or structure into an existing parking area which is required for the original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area, or an additional area within three hundred (300) feet of such building.
- k) The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing buildings as specified above, shall be determined in accordance with the following table, and the space so required and shall be irrevocably reserved for such.

<u>USE</u>	<u>REQUIRED PARKING SPACE</u>
Residential	Two (2) for each dwelling unit; the area of which may include driveways for one & two family dwelling units.
Boarding and Rooming House	One (1) for each guest bedroom, plus two (2) for the owner or management.
Theaters and Auditoriums	One (1) for each four (4) seats.
Schools	One (1) for each employee plus one (1) for each six (6) students of driving age.
Dance Hall, pool and billiard rooms,	One (1) for each four (4) people allowed

assembly halls, and exhibition halls without fixed seats; community centers, civic clubs, fraternal orders, union halls, and similar uses	within the maximum occupancy load as established by the State Fire Marshall.
Bowling Alleys	Six (6) for each alley
Mortuaries or funeral homes	One (1) for each fifty (50) square feet of floor space in the slumber rooms, parlors, or individual funeral service rooms.
Establishments for sale and consumption on the premises of alcoholic beverages, food, or refreshments.	Two (2) for each one hundred (100) square feet of floor area, plus one (1) for each two (2) employees.
Drive-in restaurants and roadside stands	One (1) for each fifteen (15) square feet of ground floor area of the building.
Medical or dental clinics, banks, business, or professional offices	One (1) for each two hundred (200) square feet of floor area.
Drive-in Banks	Four (4) for each teller window and one (1) for each two hundred (200) square feet of floor area.
Furniture and appliance stores, personal service shops (not including beauty or barber shops), household equipment or furniture repair shops, clothing, shoe repair, or service shops, wholesale stores and machinery sales	One (1) for each five hundred (500) square feet of floor area.
Beauty Parlors and Barber Shops	Two (2) for each barber and/or beauty shop chair.
All retail stores, except as otherwise specified	One (1) for each one hundred (100) square feet of floor area.
Service garages, automobile salesrooms, automobile repair, and body shops	One (1) for each two (2) of the maximum number of employees on duty at any one time, plus one (1) for each of the maximum

Gasoline service station	<p>number of salesman on duty at any one time, plus one (1) each for the owner and/or management on duty at any one time, plus two (2) for each stall in a body shop, plus one (1) for each stall or service area or wash rack in a servicing or repair shop.</p> <p>One (1) for each employee, plus one (1) for the owner and/or management plus two (2) for each grease rack, stall for servicing automobiles or wash rack.</p>
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Industrial establishments, including manufacturing, creameries, bottling works, printing and engraving shops, warehousing and storage buildings	Provide about each establishment, an improved area which shall be sufficient in size to provide adequate facilities for the parking of automobiles and other motor vehicles used by the firm or employees or persons doing business therein. Such space shall not be less than one (1) for each three (3) employees computed on the basis of the greatest number of persons to be employed at any one period during the day or night.
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Section 4.26 OFF--STREET PARKING FACILITIES.

In all districts where off-street parking lots are permitted or where required such off-street parking lots shall be constructed and maintained subject to the following regulations:

- (a) Adequate ingress and egress shall be provided.
- (b) Such parking lots shall be maintained in a useable dustproof condition, and shall be kept graded and drained to dispose of surface water.
- (c) Whenever such parking lot boundary adjoins property zoned for residential use, a setback of six (6) feet from said lot line shall be required.
- (d) Necessary curbs or other protections against damage to adjoining properties, streets and sidewalks shall be provided and maintained.
- (e) Plans for the construction of any such parking lot must be approved by the Zoning Administrator before construction is started. No such land shall be used for parking until approved by the Zoning Administrator.

Section 4.27 DUMPING AND DISPOSAL OF SOLID WASTE MATERIAL.

A Special Exception Permit may be issued in appropriate cases when accompanied by a suitable agreement or bond that such dumping or disposal will not pollute the waters of the City or

county or cause stagnant water to collect, or leave the surface of the land, at the expiration of such permit, in an unstable condition or unfit for growing of turf or for other land uses permitted in the district in which dumping occurs.

The dumping of dirt, rock, or other material excavated from the earth is permitted in any district not part of a drainage channel provided the surface of such material is graded within a reasonable period of time, in a manner preventing the collection of stagnant water and which leaves the ground surface in a condition suitable for growing of turf or for other land uses permitted in the district. This shall not prevent the development of the property for its best use when adequate facilities are provided to maintain the primary purpose of the drainage canal or flood plain, i.e., the uninterrupted flow of surface water.

Section 4.28 **SANITARY PROVISIONS.**

All sewage facilities shall be connected to community sewer facilities when available. Where sewers are not constructed or in operation, all sewage facilities shall be connected to approved septic tanks and disposal fields. This provision shall not apply to temporary construction sites, or portable units used in farming operations.

Section 4.29 **TEMPORARY DWELLING.**

It shall not be lawful for any person to erect or occupy a temporary dwelling on any lot or parcel of land in the City of Hayfield, except that travel trailers and motor home coaches can be used for such purpose for a period of not over four (4) weeks. Residing in basement or foundation structures before the completion of the total structure shall not be permitted.

Section 4.30 **CARGO CONTAINERS**

All cargo containers used for outdoor storage, office space, residential purposes, or any other use are prohibited except as provided herein.

- a. Temporary use of cargo containers are permitted for job site office/workshop or storage of construction materials during the construction of a building, provided, once construction has been completed said container(s) must be removed within ten days after project completion as determined by the City Building Official.
- b. For purposes of this chapter, cargo containers include: standardized reusable vessels that were originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms "freight container", "ISO container", "Conex box", "transport containers" and "portable site storage containers" having a similar appearance to and similar characteristics of cargo containers.

- c. This Section 4.30 does not apply to properties located in the Manufacturing District.
(04/18/2016 council meeting)