

Claremont City Code – Chapter 4 Table of Contents

Chapter 4: Land use Regulation (zoning)

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CHAPTER 4 LAND USE REGULATION (ZONING)

SEC. 4.01. INTENT AND PURPOSE.

This Chapter is adopted for the purpose of: (1) implementing the goals and policies of the Claremont Comprehensive Plan by regulating land uses; (2) protecting the public health, safety, comfort, convenience and general welfare; (3) promoting orderly development of the residential, commercial, industrial, recreational and public areas; (4) conserving the natural resources of the City; (5) providing for the compatibility of different land uses and the most appropriate use of land throughout the City; (6) minimizing environmental pollution; (7) conserving energy such as through the encouragement of solar and earth-sheltered structures for commercial, industrial, and residential areas; and, (8) protecting the natural resources in the City.

SEC. 4.02. JURISDICTION.

This Chapter shall be applicable to all lands, structures and waters within the corporate limits of Claremont, Minnesota.

SEC. 4.03. SCOPE.

Any structure or use existing on the effective date of this Chapter, and which does not conform to the provisions of this Chapter, may be continued for a certain period of time subject to the following conditions:

Subd. 1. No such use shall be expanded, changed or enlarged except in conformity with the provisions of this Chapter.

Subd. 2. If a non-conforming use is discontinued for a period of twelve months, further use of the structures or property shall conform to this Chapter. The County Assessor and/or Zoning Administrator shall notify the City Clerk or Planning commission in writing of all instances of non-conforming uses which have been discontinued for a period of twelve consecutive months.

Subd. 3. If a non-conforming structure is destroyed by any cause, to an extent exceeding fifty percent (50%) of its fair market value as indicated by the records of the County Assessor, a future structure on the site shall conform to this Chapter.

Subd. 4. All non-conforming junk yards, open storage areas, and similar non-conforming uses of open land not involving a substantial investment in permanent buildings shall be removed, altered or otherwise made to conform within one (1) year of the effective date of this Chapter.

Subd. 5. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

SEC. 4.04. INTERPRETATION AND APPLICATION.

Subd. 1. In their interpretation and application, the provisions of this Chapter shall be held to the minimum requirements for the promotion of the public health, safety, and welfare.

Subd. 2. No part of the yard or open space required for a given building shall be included as a part of the yard or other space required for another building, and no lot shall be used for more than one principal building.

Subd. 3. Each new occupied building shall be required to connect to the city sewage disposal system where it is available. For existing lots of record where city sewage service is not available, the private sewage disposal system shall meet the standards of the Minnesota Pollution control Agency (6MCAR #4.8040).

Subd. 4. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless or broadcasting towers, masts or aerials, and necessary mechanical appurtenances are hereby excepted from the height regulations of this Chapter and may be erected in accordance with other regulations or City Code provisions.

Subd. 5. Except as in this Chapter specifically provided, no structure shall be erected, converted, enlarged, reconstructed, or altered; and no structure or land shall be used for any purpose or in any manner which is not in conformity with this Chapter.

SEC. 4.05. ZONING DISTRICTS AND DISTRICT PROVISIONS.

Subd. 1. Zoning Districts. The zoning districts are so designed as to assist in carrying out the intents and purposes of the Comprehensive. Plan which has the purpose of protecting the public health, safety, convenience and general welfare. For the purposes of this Chapter, the City is hereby divided into the following Zoning Districts:

<u>Symbol</u>	<u>Name</u>
A	Agricultural District
R-1 & R-1A	Suburban Residential District
R-2	Urban Residential District
R-3	Multi-Family Residential District
C-1	Central Business District
C-2	Highway Commercial District
I-1	Light Industrial District
I-2	Heavy Industrial District
C	Conservancy District

Subd. 2. Zoning Map.

- A. The location and boundaries of the districts established by this Chapter are set forth on the Official Zoning Map which is hereby incorporated as part of this Chapter and which is on file with the Zoning Administrator's office.
- B. District boundary lines recorded on the zoning Map are intended to follow lot lines, the centerline of streets or alleys, the centerline of streets or alleys projected, railroad rights-of-way lines, the center of watercourses or the corporate limit lines as they exist on the effective date of this Chapter.
- C. No annexation petition shall be considered unless and until a hearing has also been petitioned for placing the annexed territory in a zoning district or districts. No building permits shall be issued in annexed territory until such hearing has been held and the territory assigned a zoning district or districts.
- D. Amendments to the Zoning Map shall be recorded on the Official Zoning Map by the Zoning Administrator within fifteen (15) days after the adoption of the amendment by the Council. The Official Zoning Map shall be maintained by the Zoning Administrator and shall be kept on file in the office of the Zoning Administrator for view by the public during normal office hours.
- E. In those cases where there is a question of the exact location of a zoning district, the Board of Adjustment shall make the necessary interpretation.

SEC. 4.06. EXISTING LOTS.

A lot or parcel of land in a residential district which was of record as a separate lot or parcel in the office of the County Recorder or Registrar of Titles, on or before the effective date of this Chapter maybe used for single family detached dwelling purposes provided the area and width thereof are within sixty percent (60%) of the minimum requirements of this Chapter; and provided it can be demonstrated that safe and adequate sewage treatment systems can be installed to serve such permanent dwelling.

SEC. 4.07. ZONING AND COMPREHENSIVE PLAN.

Any change in zoning granted by the Council shall automatically amend the Comprehensive Plan in accordance with said zoning change. Provided that a hearing was held by the Planning Commission within ten (10) days of the publication of the notice, prior to the amendment. Only amendments which are contrary to the present Comprehensive Plan would be considered an amendment.

(Sections 4.08 and 4.09 reserved for future expansion.)

SEC. 4.10. RULES AND DEFINITIONS.

Subd. 1. Rules. The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

- A. All measured distances expressed in feet shall be to the nearest tenth of a foot.
- B. In the event of conflicting provisions, the more restrictive provisions shall apply.

Subd. 2. Definitions. The following terms, as used in this Chapter, shall have the meanings stated:

1. "Accessory Use' or Structure" - A use or structure, or portion of a structure, subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.
2. "Agriculture Use" – The use of the land for the growing and/or production of field crop, livestock, and livestock products for the production of income, but not including fur farms, commercial animal feedlots or other commercial operations, or the spreading of animal waste thereon or therein. Such uses are subject to Federal and Minnesota pollution control standards.

PARAGRAPH 2 AMENDED BY THE CLAREMONT COUNCIL ON 11-18-1997

3. "Airport" - A parcel of land recognized and licensed by the Minnesota Department of Transportation and the Federal Aviation Administration for the purpose of maintaining, housing, landing and departure of private and commercial aircraft. Such airport may be privately or publicly owned and/or operated.
4. "Alley" - A street or thoroughfare affording secondary access to abutting property.
5. "Agricultural Building or structure" - Any building or structure existing or erected which is used principally for agricultural purposes, with the exception of dwelling units.
6. Apartment - A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family, or a group of individuals living together as a single family unit. This includes any unit in buildings with more than two dwelling units.
7. "Auto or Motor Vehicle Reduction Yard" - A lot or yard where one or more unlicensed motor vehicle(s), or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sales as scrap, storage, or abandonment. (See also Junk Yard).

8. "Automobile service station" - A building designed primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles or any portion thereof.
9. "Basement (Cellar)" - A portion of a building located partly underground but having one-half or more of its floor to ceiling height above the average grade of the adjoining ground. The basement shall not be counted as a story for purposes of height limitations.
10. "Bed and Breakfast" - A building of residential design wherein lodging is provided to tourists and wherein breakfast may also be provided to said tourists. For purposes of this definition, the term "tourist" shall mean persons renting such accommodations for a total period of time not to exceed fourteen (14) days during any consecutive ninety (90) day period.
11. "Boarding House (Rooming or Lodging House)" - A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for three or more persons, but not to exceed twenty persons.
12. "Building" - Any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind.
13. "Building Line" - A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line.
14. "Building Height" - The vertical distance to be measured from the average grade of a building line to the top, to the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.
15. "Building Setback" - The minimum horizontal distance between the building at its further protrusion and a lot line, or the normal high water mark of a stream or river.
16. "Business" - Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.
17. "Cellar (Basement)" - That portion of a building having more than one-half of the floor-to-ceiling height below the average grade of the adjoining ground. The cellar shall not be counted as a story for purposes of height limitations.
18. "Child" - A child, for the purpose of this Chapter, shall mean a person fourteen (14) years of age or younger.

19. "Child Care Facility" - A place other than the child's or children's own home or homes in which care, supervision and guidance of a child or children unaccompanied by parents, guardian or custodian is provided on a regular basis for a period of less than twenty-four (24) hours a day, whether operated for profit or non-profit.
20. "Church" - A building, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
21. "Clear-cutting" - The entire removal of a stand of vegetation.
22. "Clustering/Cluster Housing" - A development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land.
23. "Comprehensive Plan" - A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development of the City and its environs and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
24. "Commissioner" - The commissioner of the Department of Natural Resources.
25. "Conditional Use" - A use classified as conditional generally may be appropriate or desirable in a specified zone, but requires special approval because if not carefully located or designed it may create special problems such as excessive height or bulk or traffic congestion.
26. "Condominium" - A form of individual ownership within a multi-family building with joint responsibility for maintenance and repairs of the common property. In a condominium, each apartment or townhouse is owned outright by its occupant and each occupant also owns a share of the land and other common property.
27. "Cooperative" - A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares in the total enterprise.
28. "Curb Level" - The grade elevation established by the council of the curb in front of the center of the building. Where no curb level has been established, the city shall determine a curb level or its equivalent for the purpose of this Chapter.
29. "Development" - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operation.

30. "Drive-In" - Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where service to the automobile occupants is offered regardless of whether service is also provided within a building.
31. "Dwelling, Attached" - One which is joint to another dwelling or building at one or more sides by a party wall or walls.
32. "Dwelling, Detached" - One which is entirely surrounded by open space on the same lot with no common party walls.
33. "Dwelling unit" - A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding or rooming houses or tourist homes. There are three principal types:
 - A. Single-Family Detached - A free-standing residence structure designed for or occupied by one family only.
 - B. Single-Family Attached - A residential building containing two or more dwelling units with one common wall.
 1. Duplex: A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.
 2. Townhouse: A residential building containing two or more dwelling units with at least one common wall, each unit so oriented as to have all exits open to the outside.
 - C. Multiple-Family - A residence designed for or occupied by three or more families, either wholly (attached) or partially a part of a large structure (detached), with separate housekeeping and cooking facilities for each.
34. "Earth Sheltered Building" - A building constructed so that 50% or more of the completed structure is covered with earth. Earth covering is measured from the lowest level of livable space in residential units and of usable space in non-residential buildings. An earth sheltered building is a complete structure that does not serve just as a foundation or substructure for above ground construction. A partially completed building shall not be considered earth sheltered.
35. "Earth Sheltered Berm" - An earth covering on the above grade portions of building walls.
36. "Easement" - A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining walkways; roadways; utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainageways, gas lines or any other public uses.

37. "Efficiency Unit" - A dwelling unit with one primary room which doubles as a living room, kitchen and bedroom.
38. "Essential Services" - Overhead or underground electrical, gas, steam or water transmission or distribution systems and structure or collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or as are required for the protection of the public health, safety or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes and accessories in connection therewith but not including buildings.
39. "Exterior Storage (Includes open storage)" - The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
40. "Extraction Area" - Any non-agricultural artificial excavation of earth exceeding 50 square feet of surface area of two feet in depth, other than activity involved in preparing land for earth sheltered or conventional construction of residential, commercial and industrial buildings, excavated or made by the removal from gravel, stone or other natural matter, or made by turning, or breaking or undermining the surface of the earth, except that public improvement projects shall not be considered extraction areas.
41. "Family" - One or more persons related by blood, marriage or adoption. Five or fewer persons not related by blood, marriage or adoption will be considered a family regardless of the ownership of the unit amongst the five or fewer persons.
42. "Farm" - A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farms may include agricultural dwelling and accessory buildings and structures necessary to the operation of the farm.
43. "Fence" - Any partition, structure, wall or gate erected as a divider marker, barrier or enclosure and located along the boundary, or within the required yard.
44. "Floor Area" - The sum of the gross horizontal area of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within a building or structure.
45. "Frontage" That boundary of a lot which abuts an existing or dedicated public street.
46. "Garage, Private" - An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises.

47. "Garage, Public" - Any building or premises, except those used as a private or storage garage, used for equipping, repairing, hiring, selling or storing motor driven vehicles.
48. "Garage, storage" - Any building or premises used for housing motor driven vehicles and at which automobile fuels are not sold or motor vehicles are not equipped, repaired, hired, or sold.
49. "Grade" - The average of the finished level at the center of the exterior walls of the building. For an earth sheltered building grade means the average of the finished level at the center of the lot. For a building with earth berms but less than 50 percent earth covering grade means the average of the finished level at the center of the building at the beginning of the earth berm.
50. "Home occupation" - Any gainful occupation or profession engaged in by the occupant of a dwelling at or from the dwelling when carried on within a dwelling unit. Such uses include professional offices, minor repair services, photo or art studios, dressmaking, barber shops, beauty shops, tourist homes, or similar uses.
51. "Horticulture" – Horticulture uses and structures designed for the storage of products and machinery pertaining and necessary thereto.
52. "Hotel" - A building which provides a common entrance, lobby, halls and stairway and in which twenty or more people can be, for compensation, lodged with or without meals.
53. "Interim Use" – A use classified as an interim use generally may be appropriate in those situations where a conditional use may be granted, but may be terminated upon a date or event, may have additional conditions imposed as deemed appropriate by the City for permission of the use, and may be terminated by a change in zoning regulations.
54. "Junk Yard" - An open area where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber, tires, and bottles. A junk yard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings. This definition does not include sanitary landfills.
55. "Kennel" - Any structure or premises on which four or more dogs over six months of age are kept for sale, breeding, profit, training, etc.
56. "Landscaping" - Planting, including trees, grass, ground cover, and shrubs.

57. "Lodging Room" - A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms without cooking facilities, each room which provides sleeping accommodation shall be counted as one lodging room.
58. "Lot" - A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.
59. "Lot of Record" - Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey that has been recorded in the office of the county Recorder for Dodge County, Minnesota, prior to the effective date of this Chapter.
60. "Lot Area" - The area of a lot in a horizontal plan bounded by the lot lines.
61. "Lot, Corner" - A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.
62. "Lot coverage" - The area of the zoning lot occupied by the principal building and accessory buildings. Earth berms are not to be included in calculating lot coverage. Only the above grade portions of an earth sheltered building should be included in lot coverage calculations.
63. "Lot Depth" - The mean horizontal distance between the front lot line and the rear lot line of a lot.
64. "Lot Line" - The property line bounding a lot except that where any portion of a lot extends into the public right-of-way, the line at that point shall be the lot line for purposes of this Chapter.
65. "Lot Line, Front" - That boundary of a lot which abuts an existing or dedicated public street and in the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the owner and filed with the County Recorder.
66. "Lot Line, Rear" - That boundary of a lot which is opposite the front lot line. If the rear line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
67. "Lot Line, Side" - Any boundary of a lot which is not a front lot line or a rear lot line.

68. "Lot, Substandard" - A lot or parcel of land for which a deed has been recorded in the office of the county Recorder upon or prior to the effective date of this Chapter which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Chapter.
69. "Lot Width" - The maximum horizontal distance between the side lot lines of a lot measured within the first thirty feet of the lot depth.
70. "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 permanent foundation when connected to the required utilities, and including the plumbing, heating, air conditioning and electrical systems contained therein, except that the term includes any structure 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 this Chapter.
71. "Manufactured/Mobile Home Park" - Any site, lot, field or tract of land under single ownership, designated, maintained or intended for the placement of two or more occupied homes. It shall include any buildings, structure, vehicle, or enclosure intended for use as part of the equipment of such mobile/ manufactured home park.
72. "Metes and Bounds" - A method of property description by means of their direction and distance from an easily identifiable point.
73. "Mining" - The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand cubic yards or more and the removing thereof from the site. The only exclusion from this definition shall be removal of materials associated with construction of a building, provided such removal is an approved item in the building permit.
74. "Modular Home" A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site.
75. "Motel (Tourist Court)" A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.
76. "Motor Home or Recreation Vehicle" - Any vehicle mounted on wheels and for which a license would be required if used on highways, roads, or streets, and so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes and used for recreational purposes.

77. "Nursery, Landscape" - A business growing and selling trees, flowering and decorative plants and shrubs and which may be conducted within a building or without, for the purpose of landscape construction.
78. "Nursing Home" - A building with facilities for the care of children, the aged, infirmed, or place of rest for those suffering bodily disorder. Said nursing home shall be licensed by the state of Board of Health as provided for in Minnesota statutes, section 144.50.
79. "Obstruction" - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
80. "Ordinary 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 ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.
81. "Open Sales Lot (Exterior storage)" - Any land used or occupied for the purpose of buying and selling any goods, materials, or merchandise and for the storing of same under the open sky prior to sale.
82. "Parking Space" - A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile.
83. "Party Wall" - A wall common to two residential dwelling units such as in condominium or zero lot line buildings. This is applicable to townhouses and other multi-family developments.
84. "Pedestrian Way" A public or private right-of-way across or within a block, to be used by pedestrians.
85. "Planned Unit Development" - A residential development whereby buildings are grouped or clustered in and around common open space areas in accordance with a prearranged site plan and where the common open space is owned by the homeowners and usually maintained by a homeowner's association.
86. "Principal Structure or Use" - One which determines the predominant use as contrasted to accessory use or structure.

87. "Property Line" - The legal boundaries of a parcel of property which may also coincide with a right-of-way line or a road, cartway, and the like.
88. "Property Owner" - Any person, association or corporation having a freehold estate interest, leasehold interest extending for a term or having renewal options for a term in excess of one year, a dominant easement interest, or an option to purchase any of same, but not including owners, or interest held for security purposes only.
89. "Protective Covenant" - A contract entered into between private parties which constitutes a restriction of the use of a particular parcel of property.
90. "Public Land" - Land owned or operated by municipal, School District, county, state or other governmental units.
91. "Reach" - A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
92. "Recreation, Commercial" - Includes all uses such as bowling alleys, roller and skating rinks, driving ranges, and movie theaters that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.
93. "Recreation, Public" - Includes all uses such as swimming pools, tennis courts, ball fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.
94. "Regional Flood" - A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.
95. "Registered Land Survey" - A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of Registered Land Survey Number. (See Minnesota statutes 508.47).
96. "Right-of-way" - The total width of land owned by a governmental unit (local, County, State and Federal) in and adjacent to a street, road or highway. This shall include the road surface, drainage ditches, curb and gutter and sidewalk.
97. "Roadside Stand" - A temporary structure, unenclosed and so designed and constructed that the structure is easily portable and can be readily removed.

98. "Selective Cutting" - The removal of single scattered trees.
99. "Setback" – The minimum horizontal distance between a structure and a property line, measured at ground level to a vertical line extending from the most outwardly extended portion of the structure. Eaves and gutters shall be excepted from this definition to the extent that they extend from a structure no more than two (2) feet.
- PARAGRAPH 98 WAS AMENDED BY THE CITY COUNCIL ON 9-19-2006**
100. "Shoreland" - Land located within the following distance from public waters:
- A. 1,000 feet from the ordinary high water mark of a lake, pond or flowage; and,
 - B. 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the water or lesser distances and when approved by the commissioner.
101. "Shore land Alteration" - Grading and filling in shoreland area or any alteration of the natural topography where the slope of the land is toward a public water or a watercourse leading to a public water. No farming shall occur within 100' of the normal waterway.
102. "Shoreland Setback" - The minimum horizontal distance between a structure and the ordinary high water mark.
103. "Sign" - Any letters, figures, design, symbol, trademark, architectural or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever and painted, printed, or constructed and displayed in any manner whatsoever for recognized advertising purposes. For purposes of this Chapter, a flag constitutes a sign, but not including an emblem, or insignia of a government, school or religious group when displayed for official purposes.
104. "Sign, Advertising" - A sign which directs attention to a business, commodity , service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such a sign is located.
105. "Sign, Business" - A sign which directs attention to a business or profession or to a commodity, service or entertainment sold or offered upon the premises where such a sign is located.

106. "Sign, Flashing" - Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.
107. "Sign, Name Plate" - Any sign which states the name or address or both of the business or occupant of the lot where the sign is placed.
108. "Sign, Projecting" - A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.
109. "Sign, Pylon" - A free standing sign erected upon a single pylon or post which is in excess of ten (10) feet in height with a sign mounted on top thereof.
110. "Sign, Rotating" - A sign which revolves or rotates on its axis by mechanical means.
111. "Sign, Surface Area of" - The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside of the limits of such sign and not forming an integral part of the display.
112. "Sign, Wall (Flat)" - A sign affixed directly to the exterior wall and confined within the limits thereof of any building and which projects from that surface less than eighteen (18) inches at all points.
113. "Solar Access space" That airspace above all lots within the district necessary to prevent any improvement, vegetation or tree located on said lots from casting a shadow upon any solar device located within said zone greater than the shadow cast by a hypothetical vertical wall ten (10) feet high located along the property lines of said lots between the hours of 9:30 A.M. and 3:30 P.M., Central standard time on December 21; provided, however, this Chapter shall not apply to any improvement or tree which casts a shadow upon a solar device at the time of the installation of said device or to vegetation existing at the time of installation of said solar device.
114. "Solar Collector" - A device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy.
115. "Solar Energy system" - A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components to the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system). To qualify as a solar energy system, the system must be permanently located for not less than ninety (90) days in any calendar year beginning with the first calendar year after completion of construction. Passive solar energy systems are included in this definition but not to the extent that they fulfill other functions such as structural and recreational.

116. "Solar Skyspace" The space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost effective operation.
117. "Solar Skyspace Easement" - A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar sky space of an actual, proposed, or designated solar energy collector at a described location by forbidding or limited activities or land uses that interfere with access to solar energy. The solar skyspace must be described as the three dimensional space in which obstruction is prohibited or limited, or as the times of day during which direct sunlight to the solar collector may not be obstructed, or as a combination of the two methods.
118. "Solar Structure" - A structure designed to utilize solar energy as an alternate for, or supplement to, a conventional energy system.
119. "Stable, Private" - An accessory building in which horses are kept for private use and not for hire, remuneration, or sale.
120. "Stable, Public" - A building in which horses are kept for remuneration, hire, or sale therefor, principal building and/or use.
121. "Street" - A public right-of-way which affords primary means of access to abutting property, and shall also include avenue, highway, road or way.
122. "Street, Collector" – A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.
123. "Street, Major or Thoroughfare" - A street which serves, or is designed to serve, heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
124. "Street, Local" - A street intended to serve primarily as an access to abutting properties.
125. "Street Pavement" - The wearing or exposed surface of the roadway used by vehicular traffic.
126. "Street Width" - The width of the right-of-way, measured at right angles to the centerline of the street.
127. "Story" - That portion of a building included between the surface of any floor and the surface of the floor next above, including below ground portions of earth sheltered buildings.

128. "Story, Half" - A story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the floor of such story.
129. "Structure" - Anything constructed, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground.
130. "Structural Alteration" - Any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any change in the roof or in any exterior walls.
131. "Subdivision" - The division or redivision of a lot, tract, or parcel of land into two or more lots either by plat or by metes and bounds description.
132. "Townhouse" - A single family building attached by party walls with other single family buildings, and oriented so that all exits open to the outside.
133. "Use" - The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized, or maintained.
134. "Use, Accessory" - A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.
135. "Use, Non-Conforming" Use of land, buildings, or structures legally existing on the effective date of this Chapter which does not comply with all the regulations and performance standards of a particular district.
136. "Use, Permitted" – A public or private use which of itself conforms with the purposes, objective, requirements, regulations, and performance standards of a particular district.
137. "Use, Principal" - The main use of land or buildings as distinguished from subordinate or accessory use. A "principal use" may be either permitted or conditional.
138. "Use, Conditional" - See Conditional Use.
139. "Variance" - A modification or variation of the provisions of this Chapter where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of this Chapter would cause undue hardship.
140. "Wetland" - Land which is annually subject to periodic or continual inundation by water and commonly referred to as bog, swamp, or marsh.

141. "Yard" A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Chapter. The yard extends along the lot line at right angles to such regulations for the zoning district in which such lot is located. For earth sheltered buildings and buildings covered with earth berm, the line of the building is measured from the exterior surface of the building regardless of whether it is above or below grade.
142. "Yard, Rear" - The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.
143. "Yard, Side" - The yard extending along the side lot line between the front yard and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.
144. "Yard, Front" - A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.
145. "Zoning Administrator" - The duly appointed person charged with enforcement of this Chapter.
146. "Zoning Amendment" - A change authorized by the City either in the allowed use with a district or in the boundaries of a district.
147. "Zoning District" - An area or areas within the limits of the City for which the regulations and requirements governing use are uniform as defined by this Chapter.

SEC. 4.11. ADMINISTRATION.

Subd. 1. Zoning Administrator. The Zoning Administrator for the City shall be appointed or hired by the Council and shall have the power and duty to enforce this Chapter.

Subd. 2. Zoning Administrator, Specific Powers and Duties. The Zoning Administrator shall enforce this Chapter and shall perform the following duties:

- A. Issue occupancy and other permits, and make and maintain records thereof.
- B. Conduct inspections of buildings and use of land to determine compliance with the terms of this Chapter.
- C. Maintain permanent and current records of this Chapter, including, but not limited to: all maps, amendments, and conditional uses, variances, appeals, and applications therefor.

- D. Receive, file, and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies.
- E. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by County, Federal or state law, including section 404 of the Federal water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

Subd. 3. Compliance Required. It shall be the duty of all property owners, architects, contractors, subcontractors, builders and other persons involved in the use of property, the erecting, altering, changing or remodeling of any building or structure, including tents and mobile homes, before beginning or undertaking any such use or work, to see that such work does not conflict with and is not in violation of the provisions of this Chapter, and any such property owner, architect, building, contractor or other person using property, or doing or performing any such work and in violation of the provisions of this Chapter shall be held accountable for such violation.

Subd. 4. Zoning Certificate. It is unlawful for any person to use, occupy or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered or enlarged in its use or structure until a zoning certificate shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Chapter. Where a non-conforming use or structure is extended or substantially altered, the zoning certificate shall specifically state the manner in which the nonconforming structure or use differs from the provisions of this Chapter.

Subd. 5. Violations. Any property, building or structure being used, erected, constructed or reconstructed, altered, repaired, converted or maintained in a manner not permitted by this Chapter, shall be prohibited. The councilor the Zoning Administrator may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations.

SEC. 4.12. ZONING PROCEDURES.

Subd. 1. Zoning Amendments. The Council may adopt amendments to this Chapter and the zoning map in relation both to land uses within a particular district or to the location of a district line. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the City as reflected in the Comprehensive Plan or changes in conditions in the City.

A. Kinds of Amendments.

1. A change in a district's boundary (rezoning).
2. A change in a district's regulations.

3. A change in any other provision of this Chapter.

B. Initiation of proceedings. proceedings for amending this Chapter shall be initiated by at least one of the following three methods:

1. By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed.
2. By recommendation of the Planning Commission.
3. By action of the Council.

C. Required Exhibits for Rezoning or District Regulation changes Initiated by Property Owners.

1. A preliminary building and site development plan. The Council may also require a boundary survey of the property.
2. Evidence of ownership or enforceable option on the property.

D. Procedure. The procedure for a property owner to initiate a rezoning or district regulation change applying to this property is as follows:

1. The property owner or his agent shall meet with the Zoning Administrator to explain his situation, learn the procedures, and obtain an application form.
2. The applicant shall file the completed application form together with required exhibits with the Zoning Administrator and shall pay a filing fee as established by the Council.
3. The Zoning Administrator shall transmit the application and required exhibits to the Planning commission and shall notify all property owners within the affected zone and within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.
4. The Planning Commission shall set the date for a public hearing and shall have notices of such hearing published in the legal newspaper at least once, not less than ten (10) days and not more than thirty (30) days prior to said hearing. The Council may waive the mailed notice requirements for a City-wide amendment to this Chapter initiated by the Planning commission or the Council.

5. The Planning commission shall hold the public hearing and then shall recommend to the Council within thirty (30) days, one of three actions - approval, denial or conditional approval.
6. The Council shall act upon the application within thirty (30) days after receiving the recommendation of the Planning Commission.
7. No application of a property owner for an amendment to the text of this Chapter or the zoning map shall be considered by the Planning Commission within the one year period following a denial of such request, except the Planning commission may permit a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

Subd. 2. Conditional Use Permits. The purpose of a conditional use is to permit a use that would not be appropriate generally but may be allowed with appropriate restrictions upon a finding that (1) certain conditions as detailed in this Chapter exist, and (2) the use or development conforms to the Comprehensive Plan, and (3) is compatible with the existing area.

- A. Criteria for Granting Conditional Use Permits. In granting a conditional use permit, the Planning commission shall consider the effect of the proposed use on the Comprehensive Plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Planning commission shall make the following finding where applicable:
 1. The use will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area.
 2. The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
 3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
 4. The use, in the opinion of the Board of Adjustment, is reasonably related to the overall needs of the City and to the existing land use.
 5. The use is consistent with the purposes of this Chapter and the purposes of the zoning district in which the applicant intends to locate the proposed use.
 6. The use is not in conflict with the Comprehensive Plan of the City.

7. The use will not cause traffic hazard or congestion.

B. Additional Conditions.

1. In permitting a new conditional use or in the alternative of an existing conditional use, the Council may impose, in addition to these standards and requirements expressly specified by this Chapter, additional conditions which the Council considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:
 - a) Increasing the required lot size or yard dimension.
 - b) Limiting the height, size or location of buildings.
 - c) Controlling the location and number of vehicle access points.
 - d) Increasing the street width.
 - e) Increasing the number of required off-street parking spaces.
 - f) Limiting the number, size, location or lighting of signs.
 - g) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
 - h) Designating sites for open space.
 - i) Establish a time limit.
2. The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location and conditions imposed by the Council; time limits, review dates, and such other information as may be appropriate.

C. Required Exhibits for Conditional Use Permits.

1. Copy of full legal description.
2. A preliminary building and site development plan. The Council may also require a boundary survey of the property.
3. Evidence of ownership or enforceable option on the property.

D. Procedure. The procedure for obtaining a conditional use permit is as follows:

1. The property owner or his agent shall meet with the Zoning Administrator to explain his situation, learn the procedures, and obtain an application form.
2. The applicant shall file the completed application form together with required exhibits with the Zoning Administrator and shall pay a filing fee as established by the Council.
3. The Zoning Administrator shall transmit the application and required exhibits to the Planning Commission and shall notify all property owners within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.
4. The Planning Commission shall set the date for a public hearing and shall have notice of such hearing published at least once in the legal newspaper, not less than ten (10) days and not more than thirty (30) days prior to said hearing.
5. The Planning commission shall hold the public hearing and then shall study the application to determine possible adverse effects of the proposed conditional use and to determine what additional requirements may be necessary to reduce such adverse effect. The Planning commission shall recommend to the Council within thirty (30) days, one of three actions - approval, denial or conditional approval.
6. Revocation of Conditional Use Permits. Where a conditional use permit has been issued pursuant to the provisions of this Chapter, such permit shall become null and void without further action by the council unless work thereon commences within six (6) months of the date granting such conditional use. The conditional use permit shall not be assignable. A conditional use permit shall be deemed to authorize only one particular use and shall expire if that use shall cease for more than six (6) consecutive months.
7. In the event that the applicant violates any of the conditions set forth in the permit, the Council shall have the authority to revoke the conditional use permit.
8. No application of a property owner for a conditional use shall be considered by the Planning commission within a one year period following a denial of such request, except the Planning commission may permit a new application if, in its opinion, new evidence or a change of circumstances warrant it.

E. Interim Use Permits. The purpose of an interim use is to permit a use that would not be appropriate generally but may be allowed with appropriate restrictions. An interim use permit may be granted for any use designated as a conditional use in this Code. All conditions, criteria, requirements, and procedures for granting a conditional use permit shall be applicable to the granting of an interim use permit. In addition, an interim use permit may provide for additional conditions beyond those conditions contemplated for a conditional use permit, and may provide for termination of the permit upon a designated date, event, or condition. Permission of the interim use shall not impose additional cost on the City if it is necessary for the City to take the property in the future. Any interim use may be terminated by a change in zoning regulations.

Adopted by the Claremont City Council this 13th day of July, 2010.

Subd. 3. Variances.

A. Criteria for Granting Variances. Pursuant to Minn. Stat. § 462.357, subd. 6, as it may be amended from time to time, the City Council, acting as a Board of Appeals and Adjustments, may issue variances from the provisions of this Land Use Ordinance. A variance is a modification or variation of the provisions of this Land Use Ordinance as applied to a specific piece of property. A variance may be granted only in the event that all of the following criteria are satisfied:

1. The proposed variance must be in harmony with the general purposes and intent of the Land Use Ordinance.
2. The proposed variance must be consistent with the comprehensive plan.
3. The applicant for the proposed variance must establish that there are practical difficulties in complying with the Land Use Ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that
 - (i) the property owner proposes to use the property in a reasonable manner not permitted by the Land Use Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate lot size or shape, topography, inadequate access to

direct sunlight for solar energy systems, or other circumstances over which the owner of the property has no control.

4. No variance shall be permitted as to any use that is not allowed under the Land Use Ordinance for property in the zone where the affected person's land is located.
 5. The City Council may impose such restrictions or conditions upon the premises benefited by the variance as may be necessary to comply with the standards established by this Land Use Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance."
- B. Required Exhibits for Variances.
- a. Copy of full legal description.
 - b. A preliminary building and site development plan. The Planning commission may also require a boundary survey of the property.
 - c. Evidence of ownership or enforceable option on the property.
- C. Procedure." The procedure for obtaining a variance from the regulations of this Chapter are as follows:
- a. The property owner or his agent shall meet with the Zoning Administrator to explain his situation, learn the procedures, and obtain an application form.
 - b. The applicant shall file the completed application form together with required exhibits with the Zoning Administrator and shall pay a filing fee as established by the Council.
 - c. The Zoning Administrator shall transmit the application to the Planning commission for review and shall notify all property owners within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.
 - d. The Planning commission shall set the date for a public hearing and shall have notice of such hearing published at least once in the legal newspaper, not less than ten (10) days and not more than thirty (30) days prior to said hearing.

- e. The Planning commission shall hold a public hearing on the proposed variance and shall make a recommendation to the Council to approve or deny within thirty (30) days after the public hearing.
- f. The Council shall act to approve or deny within thirty (30) days after receiving the recommendation of the Planning commission.

SEC. 4.13. ENFORCEMENT.

The Zoning Administrator and Building Inspector shall enforce the provisions of this Chapter through the proper legal channels.

(Sections 4.14 through 4.19, inclusive, reserved for future expansion.)

SEC. 4.20. PLANNED UNIT DEVELOPMENT.

Subd.1. Intent and Purpose. The Planned Unit Development (PUD) provisions are intended to encourage more efficient use of land, public services and greater amenity by allowing, under certain circumstances, a more flexible means of land development or redevelopment than is otherwise afforded through the strict enforcement of the zoning requirements of certain districts through lot-by lot development. Although Planned Unit Developments may appear to deviate in certain aspects from a literal interpretation of the zoning and subdivision ordinances, the PUD and its accompanying guidelines are intended to allow flexibility in design in order to promote developments which will be an asset to the City by equaling or surpassing the quality of developments resulting from the application of more conventional zoning regulations. A PUD is an overlay district in which primary uses are those listed as permitted or conditional in the underlying zoning district where the PUD is located.

Subd. 2. Conditional Use Permit Required. Each Planned Unit Development shall require a Conditional Use Permit.

Subd. 3. Land Ownership. The tract of land to be developed as a PUD shall be under the control of:

- A. A single owner, or
- B. A group of landowners, acting through a corporation, where each owner agrees in advance to be bound by the conditions and regulations which will be effective within the district and to record such covenants, easements, and other provisions in the county recorder's office.

Subd. 4. General Provisions.

- A. The City may approve the Planned Unit Development only if it finds that the development satisfies all of the following standards in addition to meeting the requirements of conditional use permit provisions:
1. The Planned Unit Development is consistent with the Comprehensive Plan of the City.
 2. The Planned Unit Development is an effective and unified treatment of the development plan and provides for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas.
 3. The Planned Unit Development will be developed to harmonize with any existing or proposed development in the areas surrounding the project site.
 4. The proposed primary uses are listed as either permitted or conditional uses in the zoning district in which the proposed development is located.
 5. Financing is available to the applicant on conditions and in an amount which is sufficient to assure completion of the Planned Unit Development.
- B. The primary uses in a PUD shall conform to the permitted or conditional uses of the underlying zoning district or districts in which the land for such development is located and may be a combination of uses when by design, use and restriction, the development will not result in undue adverse effects on surrounding areas and will be compatible with adjacent uses and consistent with the intent of this Section and the proposed PUD.
- C. A primary function of the PUD provision is to encourage development which will preserve and enhance the natural terrain characteristics and not force intense development to utilize all portions of a given site in order to arrive at the maximum density allowed. In evaluating each individual proposal, the recognition of this objective will be a basic consideration in approving or denying the application.
- D. Architectural style of buildings shall not solely be a basis for denial or approval of a plan. However, the overall appearance and compatibility of individual buildings to other site elements, or to surrounding developments, will be a primary consideration in the review stage by the Planning Commission and the City Council.

Subd. 5. Types and Restrictions. The following restrictions shall apply:

- A. A PUD in which more than 50% of the development is residential in nature shall be known as a PUD Residential Development and shall be subject to the following in addition to other regulations of this ordinance which apply:
1. In open land areas or areas surrounded to a major extent by developed land, no PUD Residential Development project area shall be less than the minimum lot size required in the zoning district in which the land is located.
 2. A minimum of 30% of the PUD, Residential Development is recommended to be maintained in green space consisting of vegetative plantings such as grass, trees, shrubs or flowers. No portion of sidewalks, boulevards, or paved areas should be considered in calculating the green space.
- B. A PUD in which more than 50% of the development is commercial in nature shall be known as PUD Commercial Development and shall be subject to the following in addition to other regulations of this ordinance which apply:
1. In open land areas or areas surrounded to a major extent by developed land, no PUD Commercial Development shall be less than the minimum lot size required in the zoning district in which the land is located.
 2. A minimum of 15% of the PUD Commercial Development is recommended be maintained in green space consisting of vegetative plantings such as grass, trees, shrubs or flowers. No portion of sidewalks, boulevards, or paved areas shall be included in calculating the green space.
- C. A PUD in which more than 50% of the development is industrial in nature shall be known as a PUD Industrial Development and shall be subject to the following in addition to other regulations of this ordinance which apply.
1. In open land areas and areas surrounded to a major extent by developed land, no PUD Industrial Development shall be less than the minimum lot size required in the zoning district in which the land is located.
 2. A minimum of 10% of the PUD, Industrial Development is recommended be maintained in green space consisting of vegetative plantings such as grass, trees, shrubs or flowers. No portion of sidewalks, boulevards, or paved areas shall be included in calculating the green space.

Subd. 6. Procedure. The procedures and requirements to establish a PUD district shall be as herein specified.

- A. Pre-application meeting. Prior to the submission of any plan to the Planning Commission, the applicant shall meet with the Zoning Administrator, and if necessary with the Planning Commission, to discuss the contemplated project relative to community development objectives for the area in question and learn the procedural steps for a conditional use permit. The applicant shall submit a sketch plan at this stage for informal review and discussion. The applicant is urged to avail himself or herself of the advice and assistance of the planning staff to facilitate the review of the sketch plan and development procedure.
- B. Preliminary Development Plan. Following the pre-application meeting, the applicant shall submit a preliminary plan, official application and all required information to the City.

The Zoning Administrator shall review the application and within ten (10) business days after receiving the application shall notify the applicant in writing if the application is not complete and what additional information is required.

The City shall take action to approve or deny the application within sixty (60) days of receiving a completed application. If the City cannot take action to approve or deny the application within sixty (60) days of receiving the completed application, the City may extend the timeline for taking action before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification shall state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant in writing.

The primary plan shall be reviewed by the Planning Commission and the Commission shall address concerns and make recommendations, if necessary, to make the development more compatible or desirable.

The preliminary plan submitted for review shall include.

1. A certified survey of the land to be included in the PUD;
2. Existing zoning and land use;
3. Location of any existing structures, easements, streets, parking, public or private drives and natural features;
4. Existing topography illustrating existing and proposed drainage;
5. Existing and proposed private and public ownership boundaries including proposed private lots for sale as well as common ownership areas;
6. Proposed land use as identified on the Comprehensive Plan;

7. A plan with locations of all structures including placement, size and type with topography showing two foot contour intervals;
8. All common open spaces shall be labeled as such and their intend or design and functions;
9. Proposed street locations, names and the location of other public or private drives and generalized parking areas;
10. Approximate density, number, types, location of structures, open spaces and parking areas;
11. Proposed use of land and buildings;
12. Proposed design of buildings, locations of signs and lighting;
13. Generalized landscaping;
14. Form of organization proposed to own and maintain public or private open space.

C. Final Development Plan. Following review and tentative approval of the plan by the Planning Commission, the applicant shall prepare and submit a final development plan to the city within one (1) year of tentative approval of the Planning Commission. The final plan shall be reviewed by the Planning Commission who shall make recommendation to the City Council to either approve, approve with conditions or deny the application. The City Council shall then take action on the application and inform the applicant in writing. If conditional approval is granted, the applicant shall be notified in writing of the conditions attached to the approval. The following information shall be submitted with the final development plan:

1. The final development plan shall conform to the preliminary development plan and include information required for a final plan and any required changes by the Planning Commission to the preliminary development plan.
2. Detailed grading and drainage plan at two foot contour intervals.
3. Landscape plan.
4. Deed restrictions, covenants, agreements, bylaws of proposed owners association and other documents controlling the use of property, type of construction or development the activities of future tenants or residents.

5. If land is being platted or required to be platted as a condition of the conditional use permit, a public hearing for the preliminary plat may be held in conjunction with the public hearing for the conditional use permit (at final development stage). Preliminary plat requirements shall be as identified in the City of Claremont Subdivision Ordinance. If the petitioner chooses to hold the hearings at the same time, the preliminary plat must be submitted to the City at least fifteen (15) days prior to the date of the public hearing.
6. A public hearing shall be held by the Planning Commission, the Commission shall make a recommendation to the City Council to either approve, approve with conditions or deny the petition. The City Council shall take action on the petition.

D. Amendments. To amend a final plan which was approved, the applicant shall submit to the City an application and plans showing all proposed changes. A public hearing shall be held by the Planning Commission following proper notice procedures for public hearings. The Planning Commission shall make recommendation to the City Council to either approve, approve with conditions or deny the request to amend the final plan. The City Council shall then take action on the request. Any changes approved by the City Council shall be by resolution as an amendment to the final plan.

SECTION 4.20 WAS AMENDED BY THE CLAREMONT COUNCIL ON 12-14-1999

(Sections 4.21 through 4.24, inclusive, reserved for future expansion).

SEC. 4.25. AGRICULTURAL DISTRICT (A).

Subd. 1. Purpose. The major purpose of this district is to allow existing agricultural and conservancy areas in the outlying parts of the City that does not have central sewer services. Limited residential development will be allowed in this district and clustering of housing units will be encouraged.

Subd. 2. Permitted Uses.

1. Single-family residences.
2. Farm building and structures.
3. Farm drainage and irrigation systems.
4. Roadside stands for the sale of agricultural products.
5. Historic sites.
6. Public and private riding stables.

7. Truck gardens, orchards, nurseries and greenhouses.
8. Roadside stands for the sale of farm products produced only on agricultural premises.
9. Public and parochial schools of general instruction.
10. Churches and similar places of worship and instruction including parish houses.
11. Cemeteries, including mausoleums and crematories.
12. Hospitals, clinics, sanatoriums and charitable institutions for the treatment of diseases, nursing and convalescent homes, except correctional or penal institutions.
13. Public parks, recreation areas, playgrounds and community centers.
14. Public and private forests and wildlife reservations or similar conservation projects.
15. Semi-public recreation areas and center, including country clubs, swimming pools and golf courses, but not including such uses as miniature golf courses or practice driving tees which are operated for commercial purposes.
16. Essential Services - telephone, telegraph, power lines and necessary appurtenant equipment and structures under 35 KV.
17. Signs, subject to the standards set forth in the Sign Regulation of this Chapter.

Subd. 3. Accessory Uses.

- A. Any incidental machinery, structure necessary to the conduct of agricultural, residential, and other permitted uses.
- B. Private garages, carports, screen houses, swimming pools and storage buildings for uses of occupants of the principal structures.

Subd. 4. Conditional Uses.

1. Commercial amusement or recreation developments.
2. Home occupations or child care facilities serving twelve (12) or fewer persons.
3. Agricultural use.
4. Hobby farms and stables.
5. Resort campgrounds.

6. Mining, sand, and gravel operations.
7. Municipal, County, State, and Federal government buildings and areas.
8. Radio and television towers and broadcast stations.
9. Power lines and structures over 35 KV.
10. Airports and private landing fields.
11. Any other use of similar character to those listed under permitted uses.

SUBD. 4. AMENDED BY THE CLAREMONT COUNCIL ON 11-18-1997

Subd. 5. Performance Standards.

A. Height Regulations.

1. The maximum height of all buildings shall not exceed two and one-half (2-1/2) stories or thirty-five (35) feet.
2. This height limitation shall not apply to grain elevators, silos, windmills, elevator lags, cooling towers, water towers, chimneys and smokestacks, church spires.

B. Front Yard Regulations.

1. The minimum setback shall be forty (40) feet from the right-of-way.
2. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot.

C. Side and Rear Yard Regulations.

1. Minimum Side Yard - 25 feet.
2. Minimum Rear Yard - 50 feet.

D. Lot Width and Depth Regulations.

1. Minimum Lot Width - 150 feet.

E. Lot Area Regulations. The minimum lot size shall be two (2) acres.

F. Location of Structures. Structures shall be so located on each lot as to permit resubdivision if and when central sewer and water systems become available.

G. General Requirements. Additional requirements for parking, signs, sewage systems and other regulations as set forth in the Performance Standards section of this Chapter.

(Sections 4.26 through 4.29, inclusive, reserved for future expansion).

SEC. 4.30. SUBURBAN RESIDENTIAL DISTRICT (R-1).

Subd. 1. Purpose. The purpose of this district is to allow low-density single-family dwelling units in the developing portions of the city where City sewer and water is available. All dwelling units in an R-1 District shall be required to hook up to city sewers.

Subd. 2. Permitted Uses.

1. One and two-family residential dwellings.
2. Public recreation including parks and playgrounds.
3. Historic sites and structures.
4. Public and parochial schools of general instruction.
5. Signs, subject to the standards set forth in the Sign Regulation of this Chapter.
6. Essential Services - telephone, telegraph and power lines and necessary appurtenant equipment and structures.
7. Manufactured/mobile homes.
8. Churches, chapels, including parish house.
9. Child care facilities serving twelve (12) or fewer persons.

Subd. 3. Accessory Uses. Any incidental structure or buildings necessary to the conduct of a permitted use, including private garages, carports, screen houses, swimming pools and storage buildings for use of occupants of the principal structures.

Subd. 4. Conditional Uses.

1. Multi-family structures.
2. Cemeteries, memorial gardens and funeral homes.
3. Boarding or rental of rooms with a maximum of two (2) roomers for each residential dwelling.
4. Home occupations.
5. City buildings and structures including police and fire station, libraries, museums and art galleries.
6. Nursing homes, hospitals and sanatoria.
7. Manufactured/mobile home park.
8. Water supply buildings and reservoirs, elevated tanks and public swimming pools.
9. Planned unit Development (PUD).
10. Child care facilities serving thirteen (13) or more persons.
11. Professional offices.
12. Any other use of the same character as those listed as permitted uses.
13. Private stable, provided that all buildings and exercise yards shall be at least two hundred fifty (250) feet from all adjacent dwellings and there shall be no storage of animal wastes upon the property as to become a nuisance or offensive to adjoining residents.

14. Gardening and farming, including nurseries for the propagation of plants only, except farms operated for the disposal of sewage, rubbish or offal, fur farms, stock farms, and poultry farms.
15. Semi-private recreation areas, clubs, lodges, and centers, including country clubs, swimming pools and golf courses, but not including such uses as camping area, miniature golf courses or practice driving tees which are operated for commercial purposes.
16. Bed and breakfast.
17. State licensed residential facilities.

Subd. 5. Performance Standards.

- A. Height Regulations. The maximum height of all buildings shall not exceed two and one-half (2-1/2) stories or thirty-five (35) feet.
- B. Front Yard Regulations.
 1. The minimum setback shall be twenty-five (25) feet from the right-of-way line.
 2. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot.
- C. Rear Yard Regulations. The minimum rear yard shall be thirty (30) feet.
- D. Side Yard Regulations. The minimum side yard shall be eight (8) feet.
- E. Lot Area. The minimum lot area for all plats after January 1, 1996, shall be 10,000 square feet.
- F. Lot Width Regulations. The minimum lot width for all plats after January 1, 1996, shall be eighty (80) feet.
- G. Lot Coverage. The maximum lot coverage of all buildings including accessory buildings shall not exceed fifty (50%) percent.
- H. General Regulations. Additional requirements for parking, signs, sewage systems and other regulations as set forth in the Performance Standards section of this Chapter.

SEC. 4.31. SUBURBAN RESIDENTIAL DISTRICT (R-1A).

Subd. 1. Purpose. The purpose of this district is to allow low-density single-family dwelling units in the developing portions of the City where City sewer and water is

available. All dwelling units in an R-1A District shall be required to hook up to City sewers.

Subd. 2. Permitted Uses.

1. One and two-family residential dwellings.
2. Public recreation including parks and playgrounds.
3. Historic sites and structures.
4. Public and parochial schools of general instruction.
5. Signs, subject to the standards set forth in the Sign Regulation of this Chapter.
6. Essential Services - telephone, telegraph and power lines and necessary appurtenant equipment and structures.
7. Manufactured/mobile homes.
8. Churches, chapels, including parish house.
9. Child care facilities serving twelve (12) or fewer persons.

Subd. 3. Accessory Uses. Any incidental structure or buildings necessary to the conduct of a permitted use, including private garages, carports, screen houses, swimming pools and storage buildings for use of occupants of the principal structures.

Subd. 4. Conditional Uses.

1. Multi-family structures.
2. Cemeteries, memorial gardens and funeral homes.
3. Boarding or rental of rooms with a maximum of two (2) roomers for each residential dwelling.
4. Home occupations.
5. City buildings and structures including police and fire station, libraries, museums and art galleries.
6. Nursing homes, hospitals and sanatoria.
7. Manufactured/mobile home park.
8. Water supply buildings and reservoirs, elevated tanks and public swimming pools.
9. Planned unit Development (PUD).
10. Child care facilities serving thirteen (13) or more persons.
11. Professional offices.
12. Any other use of the same character as those listed as permitted uses.
13. Private stable, provided that all buildings and exercise yards shall be at least two hundred fifty (250) feet from all adjacent dwellings and there shall be no storage of animal wastes upon the property as to become a nuisance or offensive to adjoining residents.
14. Gardening and farming, including nurseries for the propagation of plants only, except farms operated for the disposal of sewage, rubbish or offal, fur farms, stock farms, and poultry farms.
15. Semi-private recreation areas, clubs, lodges, and centers, including country clubs, swimming pools and golf courses, but not including such uses as camping area,

miniature golf courses or practice driving tees which are operated for commercial purposes.

16. Bed and breakfast.

17. State licensed residential facilities.

Subd. 5. Performance Standards.

A. Height Regulations. The maximum height of all buildings shall not exceed two and one-half (2-1/2) stories or thirty-five (35) feet.

B. Front Yard Regulations.

1. The minimum setback shall be twenty-five (25) feet from the right-of-way line.

2. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot.

C. Rear Yard Regulations. The minimum rear yard shall be thirty (30) feet.

D. Side Yard Regulations. The minimum side yard shall be eight (8) feet.

E. Lot Area. The minimum lot area shall be 10,000 square feet.

F. Lot Width Regulations. The minimum lot width shall be eighty (80) feet.

G. Lot Coverage. The maximum lot coverage of all buildings including accessory buildings shall not exceed fifty (50%) percent.

H. General Regulations. Additional requirements for parking, signs, sewage systems and other regulations as set forth in the Performance Standards section of this Chapter.

SEC. 4.32. URBAN RESIDENTIAL DISTRICT (R-2).

Subd. 1. Purpose. The major purpose of this district is to allow the continuation of existing residential development and in filling of existing lots in the older residential areas of the city where central sewer and water systems are available.

Subd. 2. Permitted Uses. Any permitted use allowed in the R-1 District.

Subd. 3. Accessory Uses. Any accessory use permitted in the R-1 District.

Subd. 4. Conditional Uses. Any conditional uses permitted in the R-1 District.

Subd. 5. Performance Standards.

- A. Height Regulations. The maximum height of all buildings shall not exceed two and one-half (2-1/2) stories or thirty-five (35) feet.
- B. Front Yard Regulations. The minimum setback shall be twenty-five (25) feet from the right-of-way.
- C. Side and Rear Yard Regulations.
 - 1. The minimum side yard shall be six (6) feet.
 - 2. The minimum rear yard shall be thirty (30) feet.
- D. Lot Area. The minimum lot area shall be 8,000 square feet.
- E. Lot width Regulations. The minimum lot width shall be sixty-six (66) feet.
- F. Lot coverage. The maximum lot coverage of all buildings including accessory buildings shall not exceed fifty (50%) percent.
- G. General Regulations. Additional requirements for parking, signs, fencing, sewage systems and other items as set forth in the Performance Standards section of this Chapter.

SEC. 4.33. MULTI-FAMILY RESIDENTIAL DISTRICT (R-3).

Subd. 1. Purpose. The purpose of this district is to allow low-density multi-family dwellings (up to 24 units per acre) including apartments and townhouses in appropriate areas of the City.

Subd. 2. Permitted Uses.

- 1. Duplexes.
- 2. Townhouses.
- 3. Apartments.
- 4. Condominiums.
- 5. Public recreation including parks and playgrounds.
- 6. Signs, subject to the standards set forth in the Sign Regulation of this Chapter.
- 7. Essential services - telephone, telegraph and power lines and necessary appurtenant equipment and structures.
- 8. Churches, chapels, temples and synagogues.
- 9. Public and parochial schools of general instruction.
- 10. Single-family residential units.
- 11. Child care facilities serving sixteen (16) or fewer persons.

Subd. 3. Accessory Uses. Any incidental structure or buildings necessary to the conduct of a permitted use, including private garages, carports, screen houses, swimming pools and storage buildings for use of occupants of the principal structures.

Subd. 4. Conditional Uses.

1. Cemeteries, memorial gardens and funeral homes.
2. Boarding or rental of rooms with a maximum of one tenant per unit.
3. Group homes (state licensed facility).
4. City buildings and structures including police and fire libraries, museums and art galleries.
5. Home occupations.
6. Funeral homes.
7. Planned unit Development (PUD).
8. Nursing homes, hospitals and sanatoria.
9. Manufactured/mobile home park.
10. Child care facilities serving seventeen (17) or more
11. Any other use of the same character as those listed as permitted uses.
12. Residential dwellings having an approved building permit prior to the effective date of this Chapter. Such conditional use shall cease if the building is destroyed by fire more than 50% of its market value as determined by the Building Inspector. If the building is modified to conform to this Chapter, the conditional use permit shall expire.
13. Bed and breakfast.

Subd. 5. Performance Standards.

- A. Height Regulations. The maximum height of all buildings shall not exceed three (3) stories or forty (40) feet.
- B. Front Yard Regulations. The minimum setback shall be twenty-five (25) feet from the right-of-way.
- C. Side and Rear Yard Regulations.
 1. The minimum side yard shall be six (6) feet.
 2. The minimum rear yard shall be thirty (30) feet.
- D. Lot Area and Density Standards.
 1. The minimum lot area for each multi-family dwelling shall be 11,000 square feet.
 2. The minimum lot area for each townhouse project shall be one (1) acre.

3. The maximum density shall be twenty-four (24) units per acre.

E. Minimum Floor Area. Multi-family dwellings of three or more families.

Efficiency	500 square feet
1 bedroom	600 square feet
2 bedroom	750 square feet
3 bedroom	960 square feet

Each additional bedroom shall require 250 square feet of additional minimum floor area.

F. Other specific Requirements. Other specific requirements for multi-family dwelling units as set forth in the Performance Standards section of this Chapter.

G. General Regulations. Additional requirements for parking, signs, sewage systems and other items as set forth in the Performance Standards section of this Chapter.

(Sections 4.34 through 4.39, inclusive, reserved for future expansion).

SEC. 4.40. CENTRAL BUSINESS DISTRICT (C-1).

Subd. 1. Purpose. The purpose of this district is to encourage the continuation of a viable downtown area by allowing retail, service, office and entertainment facilities as well as public and semi-public uses.

Subd. 2. Permitted Uses.

1. Commercial establishments offering merchandise or services to the general public in return for compensation. Such establishment to include but not be limited to the following:
 - a. Retail establishments such as groceries, bakery, department stores, hardware, drug, clothing, furniture stores, veterinary supply and agricultural feed stores.
 - b. Personal services such as laundry, barber, shoe repair shop and photography studios.
 - c. Restaurants, cafes and supper clubs.
 - d. Professional services such as medical and dental clinics, architects and attorneys offices.
 - e. Repair services such as jewelry, radio and television repair shops and auto repair.

- f. Banks, finance, insurance and real estate services.
 - g. Entertainment and amusement services such as motion picture theaters, bowling alleys, art galleries and dance halls.
 - h. Lodging services such as hotel and motel.
 - i. Upholstery shops.
2. Public and semi-public buildings such as post office, City Hall, fire and police stations.
 3. Private clubs.
 4. Hospitals and medical centers.
 5. Automobile parking lots, parking garages, bus stations.
 6. Automobile and implement sales and service.
 7. Essential Services telephone, telegraph and power lines.

Subd. 3. Accessory Uses. Uses incidental to the principal use such as off-street parking and loading and unloading areas, storage of merchandise.

Subd. 4. Conditional Uses.

1. Apartments.
2. Auto body shops and service stations.
3. On and off-sale liquor establishments.
4. Light industry such as printing shops that require direct contact with the public.
5. Wholesaling.
6. Other uses which, in the opinion of the Planning Commission and the Council, is of the same general character as the permitted uses and which will not be detrimental to the Central Business District.
7. Small animal clinics for cats, dogs, etc.

Subd. 4. was amended by Claremont City Council on 12/10/2013

Subd. 5. Performance standards.

- A. Height Regulations. The maximum height of any building shall be three (3) stories or forty (40) feet.

B. Front Yard Regulations.

1. No Minimum. The doors must be recessed so as not to swing out into the sidewalk.
2. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. (See the Performance Standards section of this Chapter). No accessory building shall project beyond the front yard of either road.

C. Side and Rear Yard Regulations.

1. Side Yard - No minimum.
2. Rear Yard - The minimum rear yard shall be twenty (20) feet.

D. Lot Area. No minimum.

E. Screening and Fencing. The City may require the screening or fencing of commercial uses on side and rear yards which face the Residential Districts.

F. General Regulations. Requirements for signs, parking, shopping centers, and other regulations as set forth in the Performance Standards section of this Chapter.

SEC. 4.41. HIGHWAY COMMERCIAL DISTRICT (C-2).

Subd. 1. Purpose. This district is established to accommodate the type of businesses that are oriented to the traveling public or require highway access. To minimize unmanageable strip development, these districts should only allow the type of businesses that absolutely require highway access and exposure.

Subd. 2. Permitted uses.

1. Farm implement dealers.
2. Drive-in restaurants.
3. Recreation equipment sales.
4. Motels and hotels.
5. Auto service stations.
6. Seasonal produce stand.
7. Auto sales lot.
8. Cafes and restaurants.
9. Bait and sporting goods shops.
10. Essential services - telephone, telegraph and power lines.

Subd. 3. Accessory Uses. The same accessory uses as permitted in the C-1 District.

Subd. 4. Conditional Uses.

1. Mobile home sales.
2. Offices and other highway businesses, which in the opinion of the Planning Commission and the Council, will not have a detrimental effect on the Highway Commercial District.

Subd. 5. Performance Standards.

- A. Height Regulations. The maximum height of all buildings shall not exceed two and one-half (2 ½) stories or thirty-five (35) feet.
- B. Front Yard Regulations. The minimum front yard setback shall be twenty (20) feet from the street right-of-way.
- C. Side and Rear Yard Regulations.
 1. Minimum Side Yard - No minimum.
 2. Minimum Rear Yard - 20 feet.
 3. No building shall be located closer than fifty (50) feet from any Residential District.
- D. Screening and Fencing. The City may require the screening and fencing of commercial side and rear yards which abut a Residential District.
- E. General Standards. Other standards and regulations related to parking, signs, etc., as set forth in the Performance Standards section of this Chapter.

(Sections 4.42 through 4.49, inclusive, reserved for future expansion).

SEC. 4.50. LIGHT INDUSTRIAL DISTRICT (I-1).

Subd. 1. Purpose. This district is intended to provide for industrial uses that may also be suitable located in areas of relatively close proximity to non-industrial development. As such, industries that pose problems of air or noise pollution will be restricted from this district.

Subd. 2. Permitted Uses.

1. Wholesale business establishments.
2. Contractor shops, roofing, electrical, paperhanging, ventilating, welding, upholstery, fencing, building.
3. Laboratories for research and quality control.
4. Public and public utility uses.

5. The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceutical, toiletries and food products except the rendering of fats and oils.
6. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
7. The manufacture of boats, cameras, electrical appliances, radio and television receivers, musical instruments, medical appliances and photographic equipment except film.
8. The manufacture of sporting and athletic equipment, small tools, toys, children's vehicles.
9. Trade schools.
10. Offices.
11. Animal clinics with no exterior storage.
12. Essential services-telephone, telegraph and power lines.
13. Maintenance or repair service, including automobile or truck repair garage, or bus, railroad, motor freight or trucking garage.
14. Car or truck wash.
15. Plant nursery or greenhouse.
16. Express or hauling establishment.
17. Bulk storage of petroleum products.
18. Warehouse.
19. Commercial or industrial laundry service.
20. Blacksmith, welding, or other metal shop.
21. Business incubator.
22. Manufacture of dairy products, cold storage, distribution, bottling plant.

Subd. 2 was amended by Claremont City Council on 10/14/2014.

Subd. 3. Accessory Uses.

1. Off-street parking, storage garage, and buildings and loading as regulated in this Chapter.
2. Building temporarily located for purposes of construction.
3. Essential security and safety facilities as approved by the Council.

Subd. 4. Conditional uses.

1. Dwellings for watchmen or custodians of industrially used property only.
2. Outdoor storage of vehicles or materials or open sales lot.
3. Restaurants, lunch counters, confectioneries to serve the employees of the district.
4. Retail sales activities as listed in Subd. 2 of this section.

Subd. 5. Prohibited Uses.

1. Distillation of bone, coal, tar, petroleum, grain or wood.

2. Manufacturing or bulk storage of explosives.
3. Fertilizer manufacturing, compost or storage processing of garbage, offal, dead animals, refuse, or rancid fats.
4. Livestock feeding yards or slaughter houses, or processing plants.
5. Any industry that creates an excessive odor, noise, or air environmental pollution problem.

Subd. 6. Performance standards.

- A. Height Regulations. No building shall hereafter be erected or structurally altered to exceed four (4) stories or forty-five (45) feet.
- B. Front Yard Regulations.
 1. The minimum front yard setback shall be fifty (50) feet from the right-of-way line.
 2. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No building shall project beyond the front yard line of either road.
- C. Side and Rear Yard. The minimum side yard shall be twenty (20) feet and rear yard fifty (50) feet, except that no building shall be located closer than fifty (50) feet from a Residential District.
- D. Lot Area. The minimum lot area shall be 15,000 square feet.
- E. Screening and Fencing. The City may require the screening or fencing of industrial side and rear yards which abut a Residential District.
- F. General Regulations. Standards and regulations related to signs, parking, etc., as set forth in the Performance Standards section of this Chapter.

SEC. 4.51. HEAVY INDUSTRIAL DISTRICT (I-2).

Subd. 1. Purpose. This district is intended to provide for industrial uses that may also be suitable located in areas of relatively close proximity to non-industrial development. As such, industries that pose problems of air or noise pollution will be restricted from this district.

Subd. 2. Permitted Uses. No uses are permitted in I-2 Districts. All intended uses shall require a conditional use permit.

Subd. 3. Conditional Uses.

1. Warehouse; packing and crating establishment; truck yard and terminal.

2. Storage yards for building material, coal, wood and ice.
3. Mining and extraction.
4. Manufacturing, refining and processing of chemicals.
5. Auto reduction yards and recycling centers.
6. Sanitary landfills.
7. Distillation of bone, coal, tar, petroleum, grain or wood.
8. Manufacturing or bulk storage of explosives.
9. Fertilizer manufacturing, compost or storage processing of garbage, offal, dead animals, refuse, or rancid fats.
10. Livestock feeding yard or slaughter houses, or processing plants.
11. Any industry that creates an excessive odor, noise, or air environmental pollution problem.

Subd. 4. Accessory Uses.

1. Off-street parking, storage garage, and buildings and loading as regulated in this Chapter.
2. Building temporarily located for purposes of construction.
3. Essential security and safety facilities as approved by the Council.

Subd. 5. Performance Standards.

- A. Height Regulations. No building shall hereafter be erected or structurally altered to exceed two hundred (200) feet.
- B. Front Yard Regulations.
- C. The minimum front yard setback shall be seventy-five (75) feet from the right-of-way line.
 1. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No building shall project beyond the front yard line of either road.
 2. Side and Rear Yard. The minimum side yard shall be forty (40) feet and rear yard seventy-five (75) feet, except that no building shall be located closer than fifty (50) feet from a Residential District.
- D. Lot Area. The minimum lot area shall be 25,000 square feet.
- E. Screening and Fencing. The City may require the screening or fencing of industrial side and rear yards which abut a Residential District.
- F. General Regulations. Standards and regulations related to signs, parking, etc., as set forth in the Performance Standards Section of this Chapter.

(Sections 4.52 through 4.54, inclusive, reserved for future expansion).

SEC. 4.55. CONSERVANCY DISTRICT (C).

Subd. 1. Purpose. The purpose of this district is intended to provide for open space, and recreational purposes that does not detract from its natural features.

Subd. 2. Permitted Uses.

1. Harvesting of wild crops such as fruits, hay, berries, rice.
2. Fishing, scenic, historic, scientific and wildlife preserve.
3. Public and private parks and picnic areas.
4. Hiking trails, bridle paths and ski trails.
5. Recreation related structures not requiring basements.
6. General farming, provided no filling, drainage or dredging takes place and that no farm buildings are constructed.
7. Regulatory signs not over six (6) square feet.
8. Essential services-telephone, telegraph and power lines.

Subd. 3. Accessory Uses. Uses incidental to the principal uses, such as off-street parking.

Subd. 4. Conditional Uses.

1. Filling, draining and dredging.
2. Farm structures.
3. Single-family residence.
4. Dams and power plants.
5. Flowage, ponds and relocation of water courses.
6. Removal of top soil and peat.
7. Campgrounds.
8. Manufactured mobile home parks.
9. Home occupations.
10. Any other use of similar character to those listed under permitted uses.

(Sections 4.56 through 4.59, inclusive, reserved for future expansion).

SEC. 4.60. PERFORMANCE STANDARDS.

Subd. 1. Purpose. The performance standards established in this section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are designed to prevent and eliminate those conditions that cause blight or are detrimental to environment. All future development in all districts shall be required to meet these standards and the standards shall also apply to existing development where so stated. Before any building permit is approved, the Zoning Administrator shall determine whether the proposed use will conform to the performance standards. The developer or landowners shall supply data

necessary to demonstrate such conformance. Such data may include a description of equipment to be used, hours of operation, method of refuse disposal, and type and location of exterior storage.

Subd. 2. Solar Energy Systems and Solar and Earth-Sheltered Structures.

- A. Solar energy systems and solar and earth-sheltered structures shall be a permitted use in all districts provided the system is in compliance with minimum lot requirements and setbacks.
- B. Solar energy systems and solar and earth-sheltered structures may be exempted from setback, height, and lot coverage restrictions in all districts by variance.
- C. In a residential district it is unlawful for the owner, occupier, or person in control of property to allow vegetation or structures to be placed or planted so as to cast a shadow on a solar energy system which is greater than the shadow cast by a hypothetical wall ten (10) feet high located along the boundary line of said property between the hours of 9:30 A.M. and 2:30 P.M., Central Standard time on December 21; provided, however, this standard shall not apply to vegetation or structures which casts a shadow upon the solar energy system at the time of installation of said solar energy system or to vegetation existing at the time of installation of said solar energy system. Violation of this standard shall constitute a private nuisance, and any owner or occupant whose solar energy system is shaded because of such violation, so that performance of the system is impaired, may have in tort for the damages sustained thereby and may have such nuisance abated.
- D. As a means of evidencing existing conditions, the owner of a solar energy system may file notarized photographs of the affected area within the city prior to installation of said system.

Subd. 3. Wind Energy Conversion system (WECS).

- A. Conditional Use Permit. Each Wind Energy Conversion System shall require a conditional use permit.
- B. Plans. Each application for a conditional use permit shall be accompanied by a dimensional representation of the tower including the conversion system, base, and footings and an accurate plan containing the following information:
 - 1. Property lines.
 - 2. Proposed location of tower on site.
 - 3. Location of all existing structures on site.

4. All above ground utility lines.
 5. All underground utility lines within a radius equal to the proposed WECS height.
 6. Boundaries of all adjacent utility easements or reserved areas.
- C. WECS Height. The total height of the tower (including any portion of the rotor or axis extending above the tower) shall not exceed the horizontal distance between the base of the tower and the nearest lot line or building line. Except, the horizontal distance may extend beyond the nearest lot linear building line provided there are not overhead utility lines or easements therefore or if the abutting area is a public alleyway. Furthermore, the Council may allow the height requirements to be exceeded provided it is satisfied that the proposed structure will withstand the windloads in the area. As evidence of this, the Council shall require the following information:
1. Dimensional representation of the various structural components of the tower construction including the base and footings;
 2. Design data which shall indicate basis of design, including manufacturer's dimensional drawings, installation and operation instructions;
 3. Certification by an independent Registered Professional Engineer or sufficient to withstand wind load requirements for structures as established by provisions of the Minnesota State Building Code.
- D. D. Tower Access. Climbing access to the WECS tower shall be limited either by means of a fence six (6) feet high around the tower base with a locking portal, or by limiting tower climbing apparatus to no lower than twelve (12) feet from the ground.
- E. Wind Access. Contiguous property owners and planned developments may construct a WECS for their use in common. If property held by more than one single owner is used to meet the setback requirements, a site plan establishing easements or reserved areas must be submitted for approval.
- F. Noise. A WECS operation shall not produce noise in excess of the limits established by state standards.
- G. Limited Use. Wind energy conversion systems installed in accordance with the requirements of this Subdivision shall not generate power as a commercial enterprise as defined by the Public utilities commission.
- H. Electromagnetic Interference. A WECS shall not be installed in any location along the major axis of an existing microwave communications link where the

level of electromagnetic interference with the possible effect on the microwave communications link of which is at a level satisfactory to the Zoning Administrator.

- I. Airspace. A WECS shall be located or installed in compliance with the regulations of the airport approach zones and Federal Aviation Regulations for clearance around VOR and DVOR stations.
- J. Interconnect. A WECS, if interconnected to an electric utility distribution system, shall meet the interconnect requirements of the Electric Utility Company. In any case, the interconnect shall include a manual disconnect which complies with the National Electric Code.
- K. Codes. Construction, design and installation of a WECS shall comply with all Minnesota state Building Code provisions, State and National Electrical Codes in effect at the time of installation.
- L. Liability. No building permit shall be issued for the construction of a WECS until and unless the applicant for the building permit deposits with the City Administrator a policy of liability insurance indemnifying applicant from liability for personal injury or property damage in the sum of at least \$500,000.00. The policy of insurance so deposited shall contain a clause obligating the company issuing the same to give at least thirty days written notice to the city before cancellation thereof, the building permit to be automatically revoked upon the lapse or termination of said policy.

Subd. 4. Exterior Storage. In Residential Districts, all materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following in good order: laundry drying, recreational equipment, construction and landscaping materials and equipment currently being used on the premises, agricultural equipment and materials, if these are used or intended for use on the premises and firewood. Boats and unoccupied campers, less than twenty-five (25) feet in length, are permissible. Existing uses shall comply with this provision within twelve (12) months from the effective date of this Chapter. In all new districts, the City may require a conditional use permit for any exterior storage if it is demonstrated that such storage is a hazard to the public health and safety or has a depreciating effect upon nearby property values, or impairs scenic views, or constitutes a threat to living amenities.

SUBD. 4 WAS AMENDED BY THE CLAREMONT CITY COUNCIL ON 2-12-2002

Subd. 5. Public Health and Safety Hazards.

- A. Debris Defined. As used in this Ordinance, the word "debris", in addition to the usual meaning thereof, shall include the following:
 - 1. Garbage, litter or refuse;
 - 2. Dead trees and brush or the remains thereof;

3. Wreckage from buildings or other structures;
4. Inoperable machines, appliances, fixtures and equipment or dismantled parts therefrom, that are so damaged, deteriorated or obsolete as to have no substantial value and which constitute junk;
5. Lumber piles and building materials not being used in actual construction on the premises; and
6. Old junk tires, iron, glass, broken or damaged furniture, mattresses, box springs, boxes, crates, cardboard and other junk material and debris.

B. Open Areas. All open parts of premises within the City of Claremont shall be kept in a reasonably clean and neat condition. This requirement shall include the removal of "debris" as defined in this Ordinance.

C. Non-Conforming Motor Vehicles.

1. "Motor Vehicle" means every vehicle which is self-propelled.
2. No person shall place, park, permit to remain, store or leave upon an open space area of any premises governed by this Ordinance any motor vehicle unless it conforms with all the following requirements:
 - a. The vehicle must have affixed to it a valid current motor vehicle license;
 - b. The vehicle must not lack essential parts that would render it inoperable; and
 - c. The vehicle must not be in a wrecked, partially dismantled or junked condition.
3. If a motor vehicle fails to meet any of the above requirements, the owner or possessor of the motor vehicle shall be responsible to remove the motor vehicle to a duly licensed junk yard or other authorized place of deposit or storage within ten (10) working days of a written demand by the City. In the event the owner or possessor of the motor vehicle cannot be located, then it shall be deemed the responsibility of the owner of the premises to remove the motor vehicle to a duly licensed junk yard or other authorized place of deposit or storage within ten (10) working days of a written demand by the City.

D. Permitted Debris Storage. Anything hereunto the contrary notwithstanding, this Ordinance does not apply to:

1. The activities of duly established and licensed junk yards;
2. Any debris kept, deposited or stored within a building provided such debris is so kept or stored therein so as not to be injurious to health and safety and so as not to be in violation of any other Ordinance or law; and
3. Any debris including garbage and refuse kept within covered metal or plastic fly-proof containers and which is periodically removed and disposed of at intervals not exceeding one week.

E. Violations a Public Health and Safety Hazard. A person in violation of this Ordinance shall be deemed to have created in the City a public health and safety hazard. Any employee or other authorized agent of the City is hereby authorized to enter upon any premises within the City to inspect and determine if a violation of this Ordinance may exist. If a violation is found to exist, the City shall provide written notice of such violation to the owner of the premises. If the owner or owners of the premises fail to cause the debris to be removed within ten (10) working days of the written notice, the person or persons identified as the owner or owners of the premises will be subject to penalties and abatement by the City as provided in this Ordinance.

F. Abatement.

1. Notice. Written notice of violation, notice of the time, date, place, and subject of any hearing before the City Council, notice of City Council order and notice of motion for summary enforcement hearing shall be given as set forth in this section.
 - a. Notice of violation. Written notice of violation shall be served by the officer charged with enforcement on the owner of record of the premises either in person or by certified or registered mail. If the owner of record is unknown, or the owner of record refuses to accept notice of violation, notice of violation shall be served by posting it on the premises.
 - b. Notice of City Council hearing. Written notice of any City Council hearing to determine or abate nuisance shall be served on the owner of record and either in person or by certified or registered mail. If the owner of record is unknown, or the owner of record refuses to accept notice of Council hearing, notice of Council hearing shall be served by posting it on the premises.
2. Procedure. Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the officer shall notify in writing the owner of record of the premises of such fact and order that such nuisance be terminated or abated. The

notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Council. Thereafter, the Council may, after notice to the owner and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the Council, the City may seek injunctive relief or summary enforcement.

3. Emergency Procedure; Summary Enforcement. In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth above will permit a continuing nuisance to unreasonably endanger public health, safety or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the officer charged with enforcement shall determine that a public nuisance exists or is being maintained on premises in the City and that delay in abatement of the nuisance will unreasonably endanger public health, safety or welfare. The officer shall notify in writing the owner of the premises of the nature of the nuisance and of the City's intention to seek summary enforcement and the time and place of the Council meeting to consider the question of summary enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner is a nuisance, whether public health, safety or welfare will be unreasonably endangered by delay, and may order that such nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.
4. Immediate Abatement. Nothing in this Ordinance shall prevent the City, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

G. Recovery of Cost.

1. Personal Liability. The owner of premises on which a nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk or other official designated by the Council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Clerk.
2. Assessment. If the costs as set forth in paragraph 1 have not been paid in full by the owner within thirty (30) days of billing, all amounts owed may be assessed under Minnesota Statute § 429.101 against each separate lot or

parcel to which the charges are attributable. The Council may then certify the charges to the County Auditor and collect them along with current taxes the following year or in annual installments, not exceeding ten (10) installments, as the Council may determine in each case.

- H. Penalties. Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable in accordance with Minnesota law. Upon notice as set forth in this Ordinance, each day that a violation is permitted to exist shall constitute a separate offense, subject to a fine of \$100.00 for each day that the violation continues.
- I. Savings Clause. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause and phrase thereof irrespective of the fact that anyone or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.
- J. Effective Date. This Ordinance shall become effective from and after its passage and publication.

SUBD. 5 AMENDED BY THE CLAREMONT CITY COUNCIL ON 4-13-2004

Subd. 6. Glare. In all districts, any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged so as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the centerline of said street. Any light or combination of lights which cast light on residential property shall not exceed 0.4 candles (meter reading) as measured from said property.

Subd. 7. Bulk Storage (Liquid). All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall require a conditional use permit in order that the Council may have assurance that fire, explosion, or water or soil contamination hazards are not present (that would be detrimental to the public health, safety and general welfare). The Council may require the development of diking around said tanks. Diking shall be suitably sealed and shall hold a leakage capacity equal to one hundred fifteen (115%) percent of the tank capacity. Any existing storage tank that, in the opinion of the Council, constitutes a hazard to the public safety shall discontinue operations within one (1) year from the effective date of this Chapter.

Subd. 8. Nuisances.

- A. Nuisance Characteristics. No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust, or other such adverse influences shall be permitted in any district that will in any way have an objectionable effect upon adjacent or nearby property. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety nor will damage public waste transmission or disposal facilities. The following standards apply to non-industrial districts.
- B. Noise.
1. Unnecessary noises generally. No person(s) shall make, continue, or cause to be made or continued any loud, unnecessary or unusual noise which unreasonably annoys, disturbs, injures or endangers the comfort, convenience, safety, health, welfare or repose of persons in the vicinity thereof, unless the making, continuing, or causing to be made or continued of such noise cannot be prevented and is necessary for the protection or preservation of property or of the health, safety, life or limb of some person. Law enforcement may issue citations for noise that exceeds or is otherwise in violation of this subdivision and order the person violating this subdivision to stop making the noise.
 2. Construction or repair of building, or construction work.
 - a. The erection (including excavation), demolition, alteration or repair of any building requiring a building permit or the performance of any construction work occurring between the hours of 9:30 p.m. and 7:00 a.m. on Monday through Saturday, from 9:30 p.m. Saturday through 12:00 p.m. (noon) Sunday, and from 9:30 p.m. Sunday through 7:00 a.m. Monday is a violation of this section. For purposes of this section, "construction work" shall mean any and all activity incidental to the erection of buildings, structures, roads, flood control facilities, or appurtenances thereof, including land clearing, grading, excavating and filling.
 - b. Notwithstanding this section, a permit may be obtained to allow construction work to occur during the prohibited hours described in subsection (B)(2)(a) of this section in cases of urgent necessity in the interest of public health and safety. The permit shall be granted from a period not to exceed three days, shall continue only so long as the necessity continues, and may be extended for additional periods of three days or less so long as the necessity continues.

- c. Notwithstanding this section, a permit may be obtained to allow construction work to occur during the prohibited hours described in subsection (B)(2)(a) if it is determined that the public health and safety is not impaired by the erection, demolition, alteration or repair of any building, or the performance of construction work occurring during such hours, and further that no loss or inconvenience would result to any party in interest. Application for a permit may be made at the time of the building permit for the work is awarded or during the progress of the work.
 - d. The permits described in subsection (B)(2) of this section shall be issued by the building inspector in cases involving a building for which a building permit is required.
- 3. Parties and gatherings. No person shall between the hours of 11:00 p.m. and 7:00 a.m., attend or participate in any party or gathering of two or more persons from which noise emanates in sufficient volume to disturb the peace, quiet, comfort or repose of residence, or of any persons in the vicinity; nor shall any person visit or remain in any dwelling, structure, or place where such a party or gathering is taking place, except person who has gone there for the purpose of abating such noise or disturbance.
- 4. Permitted sounds. Nothing in this section shall be construed to classify as loud, unusual or unnecessary sounds from any of the following activities.
 - a. Marching and/or playing music by bands, orchestras or other musical aggregations in conjunction with a city celebration, festival or other neighborhood or community event, an event presented or sponsored by the city's music department, or the practice for or presentation of an event sponsored by a local public or private school;
 - b. Church bells, chimes, and carillons;
 - c. Duly authorized parades;
 - d. Construction work conducted pursuant to the conditions identified in subsection (B)(2) of this section or pursuant to the conditions in any permit authorizing such activity;
 - e. The operation of snow removal vehicles and equipment;
 - f. The operation, loading and unloading of commercial trucks;
 - g. The operation of other commercial vehicles normally incident to commerce.

5. Radios, tape, and disc players. No person shall use, operate or permit to be played any radio, receiving set, tape or disc player, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner, considering the time and place and the purpose for which the sound is produced, so as to disturb the peace, quiet, or repose of a person or persons of ordinary sensibilities.
 - a. The play, use or operation of any radio, tape or disc player, musical instrument, phonograph or other machine or device for the production or reproduction of sound in such a manner as to be plainly audible at a distance of thirty-five (35) feet from such machine or device shall be prima facie evidence of a violation of this subdivision.
 - b. When sound violating this subdivision is produced or reproduced by a machine or device that is located in or on a vehicle, the vehicle's owner is guilty of the violation, provided, however, that if the vehicle's owner is not present at the time of the violation, the person in charge or control of the vehicle at the time of the violation is guilty of the violation.
 - c. This subdivision shall not apply to sound procured by the following:
 1. Amplifying equipment used in connection with activities which are authorized, sponsored, or permitted by the City of Claremont;
 2. Church bells, chimes, or carillons;
 3. School bells;
 4. Anti-theft devices; or
 5. Emergency vehicles.
 - d. With the exception of the machines or devices listed in subsection (5) of this section, this subdivision shall apply to all radios, tape and disc players, musical instruments, phonographs, and machines and devices for the production or reproduction of sound, whether on public or private property.
6. Domestic Power Equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power maintenance equipment except

between the hours of 7:00 a.m. and 9:30 p.m. Monday through Saturday and from 12:00 p.m. (noon) on Sunday through 9:30 p.m. Sunday. Snow Removal Equipment is exempt from this provision.

7. Dynamic Engine Brakes. No dynamic engine brakes shall be used within the limits of the City.

SUBD. 8, PARAGRAPH B NOISE, AMENDED BY THE CLAREMONT CITY COUNCIL ON 10-23-2002

C. Vibration. The following vibrations are prohibited:

1. Any vibration discernible (beyond property line) to the human sense of feeling for three (3) minutes or more duration in any one (1) hour.
2. Any vibration resulting in any combination of amplitudes and frequencies beyond the "safe" range of most current standards of the United States Bureau of Mines on any structure.

D. Toxic or Noxious Matter. Any use shall be so operated so as not to discharge across the boundaries of any lot or through percolation into the atmosphere or the subsoil beyond the boundaries of the lot wherein such use is located, toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, comfort, or welfare or cause injury or damage to property or business.

E. Air Pollution. Any use shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to or shall endanger the public health, safety, comfort, or general welfare of the public. For the purpose of this Chapter, the regulations and standards adopted by the Minnesota Pollution Control Agency shall be employed.

F. Miscellaneous Nuisances.

1. It is unlawful for any person to store or keep any vehicle of a type requiring a license to operate on the public highways; but, without a current license attached thereto, whether such vehicle be dismantled or not, outside of an enclosed building in the residential district.
2. It is unlawful for any person to create or maintain a junkyard or vehicle dismantling yard except as provided herein.
3. The following are declared to be nuisances affecting public health or safety:
 - a. The effluence from any cesspool, septic tank, drainfield or human sewage disposal system discharging upon the surface of

the ground, or dumping the contents thereof at any place except as authorized.

- b. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substance.
- c. The ownership, possession or control of any unused refrigerator or other container, with doors which fasten automatically when closed, of sufficient size to retain any person, to be exposed and accessible to the public without removing the doors, lids, hinges, or latches or providing locks to prevent access by the public.

Subd. 9. Landscaping and Screening.

A. Landscaping.

- 1. In all districts where setbacks exist or are required, all developed uses shall provide a landscaped yard, including grass or decorative stones, or shrubs and trees, along all streets. This yard shall be kept clear of all structures, storage, and off-street parking. Except for driveways, the yard shall extend along the entire frontage of the lot, and along both streets in the case of a corner lot; such yard shall have a depth of at least ten (10) feet.
- 2. In all districts, all structures and areas requiring landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.
- 3. All vacant lots, tracts or parcels shall be properly maintained in accordance with their natural or existing character.

B. Screening.

- 1. Screening shall be required in residential zones where (a) any off-street parking area contains more than four (4) parking spaces and is within thirty (30) feet of an adjoining residential zone, and/or (b) where the driveway to a parking area of more than six (6) parking spaces is within fifteen (15) feet of an adjoining residential use or zone.
- 2. Where any business or industry (structure, parking or storage) is located adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot, or industry is located across the street from a residential zone, but not on that side of a business or industry considered to be the front.

3. All exterior storage shall be screened. The exceptions are: (a) merchandise being displayed for sales, (b) materials and equipment presently being used for construction on the premises.
4. The screening provided in this Subdivision may consist of a fence, trees, shrubs and berms, but shall not extend within fifteen (15) feet of any street or driveway. The screening shall be placed along property lines or in case of screening along a street, twenty (20) feet from the street right-of-way with landscaping between the screening and pavement. Planting of a type approved by the council may also be required in addition to or in lieu of fencing.

Subd. 10. Permitted Encroachments. The following shall be considered as permitted encroachments on setback and height requirements except as provided in this Chapter. In any yard: posts, off-street open parking spaces, flag poles, sidewalks and fences, escape and rescue openings (egress) as defined in the Minnesota State Building Code.

SUBD. 10 AMENDED BY THE CLAREMONT CITY COUNCIL ON 9-16-2006

Subd. 11. Accessory Buildings and Structures.

A. In Residential Districts.

1. No accessory buildings on an internal lot may be located within six (6) feet of the rear lot line or from the designated setback on a corner lot.
2. No accessory building shall exceed sixteen (16) feet in height.
3. Utility sheds shall not be located any closer than twelve (12) feet from the principal structure. A concrete slab or other suitable foundation shall be required. Such sheds shall not exceed 120 square feet in area.
4. No private garage used or intended for the storage of passenger automobiles or motor vehicles, recreation vehicles, boats, etc., shall exceed 12% of the total lot area

PARAGRAPH A4 WAS AMENDED BY THE CLAREMONT CITY COUNCIL ON 9/13/2016

B. In Commercial and Industrial Districts.

1. No accessory building shall exceed the height of the principal building except by conditional use permit.
2. Accessory buildings may be located any place to the rear of the principal buildings, subject to the state Building Code regulations except where prohibited by other sections of this Chapter.

C. In All Districts.

1. Accessory buildings shall not be constructed prior to or in lieu of the principal building, except that a conditional use permit may be granted by the city council to allow accessory buildings on vacant lots upon such conditions as the city council deems advisable to limit the impact on surrounding properties.
2. All below ground swimming pools shall be totally enclosed in a fence with secured access. The fence shall be constructed of suitable material and in a configuration to prevent unwanted entry to the pool.

PARAGRAPH C2 WAS AMENDED BY THE CLAREMONT CITY COUNCIL ON 8-14-2007
PARAGRAPH C1 WAS AMENDED BY THE CLAREMONT CITY COUNCIL ON 7/13/2010

D. Private Garages. All newly constructed residential dwellings shall have at least a single car private garage, either attached or detached, servicing the primary dwelling. For purposes of this Subdivision, a newly constructed dwelling includes a dwelling that has been moved onto the property. The size limitations of a garage are defined as follows:

1. Single Car Garage – 400 square feet maximum
2. Double Car Garage – 800 square feet maximum
3. Three Car Garage – 1200 square feet maximum
4. Four Car Garage – 1600 square feet maximum

PARAGRAPH D WAS ADOPTED BY THE CLAREMONT CITY COUNCIL IN ITS ENTIRETY ON 3-8-3005

Subd. 12. Dwelling Units Prohibited. No cellar, garage, tent, trailer, recreational vehicles or accessory building shall be used as a permanent dwelling. The basement portion of a finished home or apartment may be used for normal eating and sleeping purposes provided it is properly damp-proofed, has suitable fire protection and exits, and is otherwise approved by the Building Inspector.

Subd. 13. Soil Erosion and Sedimentation Control.

A. General Standards.

1. All development shall conform to the natural limitations presented by the topography and soil in order to create the best potential for preventing soil erosion.
2. Slopes over 18% in grade shall not be developed.
3. Development on slopes with a grade between 12% and 18% shall be carefully reviewed to insure that adequate measures have been taken to prevent erosion, sedimentation and structural damage.
4. Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.
5. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at anyone period of time and no exposure shall exceed sixty (60) days unless extended by the Council.
6. Where topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. The topsoil shall be restored to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.
7. The natural drainage system shall be used as far as is feasible for storage and flow of runoff stormwater drainage shall be discharged to marshlands, swamps, retention basins or other treatment facilities. Diversion of stormwater to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for stormwater shall provide for natural or artificial water level control. Temporary storage areas or retention basins scattered throughout developed areas shall be encouraged to reduce peak flow, erosion damage, and construction cost.
8. Public and private properties adjacent to the development site shall be protected from the effects of sedimentation. Any violations of this provision must be corrected by the owner to the satisfaction of the City within five (5) days of receiving notification of such. If the violation is not remedied within the time period specified, the City may correct the problem and assess the costs incurred to the property owner.

B. Exposed Slopes. The following control measures shall be taken to control erosion during construction:

1. No exposed slopes should be steeper in grade than four (4) feet horizontal to one (1) foot vertical.
2. At the foot of each exposed slope, a channel and berm should be constructed to control runoff. The channelized water should be diverted to a sedimentation basin (debris basin, silt basin or silt trap) before being allowed to enter the natural drainage system.
3. Along the top of each exposed slope, a berm should be constructed to prevent runoff from flowing over the edge of the slope. Where runoff collecting behind said berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. Such measures should consist of either an asphalt paved flow apron and drop chute laid down the slope or a flexible slope drain. At the base of the slope drain or flow apron a gravel energy dissipater should be installed to prevent erosion at the discharge end.
4. Exposed slopes shall be protected by whatever means will effectively prevent erosion considering the degree of the slope, soils material, and expected length of exposure. Slope protection shall consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses or temporary seedings of annual grasses. Mulch consists of hay, straw, wood chips, corn stalks, bark or other protective material. Mulch should be anchored to slopes with liquid asphalt, stakes, and netting, or should be worked into soil to provide additional slope stability.
5. Control measures, other than those specifically stated above, may be used in place of the above measures if it can be demonstrated that they will as effectively protect exposed slopes.

Subd. 14. Preservation of Natural Drainageways.

A. Waterways.

1. Every effort shall be made to retain the natural drainage systems in the City including existing wetlands and ponds. The natural drainage system shall be maintained by the City. Above-ground runoff disposal waterways may be constructed to augment the natural drainage system.
2. The widths of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten (10) year storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.
3. No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.

4. The banks of the waterway shall be protected with permanent vegetation.
5. The banks of the waterway should not exceed four (4) feet horizontal to one (1) foot vertical in gradient.
6. The gradient of the waterway bed should not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.
7. The bend of the waterway should be protected with turf, sod, or concrete. If turf or sod will not function properly, rip rap may be used. Rip rap shall consist of quarried limestone, fieldstone (if random rip rap is used) or construction materials of concrete. The rip rap shall be no smaller than two (2) inches square, nor no larger than two (2) feet square. Construction materials shall be used only in those areas where the waterway is not used as part of recreation trail system.
8. If the flow velocity in the waterway is such that erosion of the turf side wall will occur and said velocity cannot be decreased via velocity control structures, then other materials may replace turf on the side walls. Either gravel or rip rap would be allowed to prevent erosion at these points.

B. Sediment Control of Waterways.

1. To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.
2. Temporary pervious sediment traps could consist of a construction of bales of hay with a low spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. Such structures would serve as temporary sediment control features during the construction state of development. Development of housing and other structures shall be restricted from the area on either side of the waterway required to channel a twenty-five (25) year storm.
3. Permanent impervious sediment control structures consist of sediment basins (debris basins, desilting basins, or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.

Subd. 15. Tree and Woodland Preservation: General Provisions.

- A. Structures and other amenities shall be located in such a manner that the optimum number of trees shall be preserved.

- B. Prior to the granting of a building permit, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the site and that if trees are cut, he will restore the density of trees to that which existed before development.
- C. Forestation, reforestation or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.
- D. Development including grading and contouring shall take place in such a manner that the root zone aeration stability of existing trees shall not be affected and shall provide existing trees with a watering equal to one-half the crown area.
- E. Notwithstanding the above, the removal of trees seriously damaged by storms or other acts of God, or diseased trees shall not be prohibited.

Subd. 16. Wetland Preservation.

- A. General Provisions. To the extent possible, all wetlands including marshlands and swamps shall be retained in their natural state to serve as a stormwater runoff basin and also as a wildlife habitat.
- B. Discharges Into Wetlands.
 - 1. No part of any sewage disposal system requiring on-land or in-ground disposal of waste shall be located closer than one hundred fifty (150) feet from the normal high water mark unless it is proven by the applicant that no effluent will immediately or gradually reach the wetland because of existing physical characteristics of the site or the system.
 - 2. Organic and other waste which would normally be disposed of at a solid waste disposal site or which would normally be discharged into a sewage disposal system or sewer shall not be directly or indirectly discharged to the wetlands.
 - 3. Stormwater runoff from construction sites may be directed to the wetland only when substantially free of silt, debris and chemical pollutants and only at rates which will not disturb vegetation or increase turbidity.
- C. Building Constraints.
 - 1. The lowest floor elevation of buildings if used for living quarters or work area shall be at least three (3) feet above the seasonal high water level of the wetland.

2. Development which will result in unusual road maintenance costs or utility line breakages due to solid limitations, including high frost action, shall not be permitted.
3. The minimum setback for all buildings shall be 75 feet from the seasonal high water level of the wetland.

Subd. 17. Traffic Control and Sight Distance.

- A. Intersections with Traffic Controls. On any corner lot at a street intersection which has some form of traffic control (stop or yield signs), there shall be no obstruction to traffic visibility, including buildings, within the clear sight triangle which is formed by the intersection of the center line of two intersecting streets and a straight line joining the two said center lines at points eighty (80) feet distant from their point of intersection.
- B. Intersections without Traffic Controls. On any corner lot, in all districts, at a street intersection which does not have any form of traffic control, there shall be no obstruction to the traffic visibility, including buildings, within the clear sight triangle which is formed by the intersection of the center line of the two intersecting streets and a straight line joining the two said center lines at points a given number of feet distant from their points of intersection. The distances from said points of intersection are specified in the following Table for various speeds in miles an hour of enforced speed limit:

Distance Measurement for Clear Sight Triangle

<u>Miles Per Hour</u>	<u>Distance Measurement</u>
30	88 feet
40	120 feet
50	156 feet
55	174 feet

Subd. 18. Vacated Streets. Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such procedure.

Subd. 19. Access Drives and Access.

- A. Access drives may be located adjacent to property lines except that they shall not be placed closer than five (5) feet to any side or rear lot line. The number and types of access drives onto major streets may be controlled and limited by the Council in the interests of public safety and efficient traffic flow.

- B. Access drives onto county roads shall require a review by the County Engineer. The County Engineer shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.
- C. Access drives to principal structures which traverse wooded, steep, or open field areas shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles. The Zoning Administrator shall review all access drives (driveways) for compliance with accepted community access drive standards. All driveways shall have a minimum width of ten (10) feet with a road strength capable of supporting emergency and fire vehicles.
- D. All lots or parcels shall have direct adequate physical access for emergency vehicles along the frontage of the lot or parcel from either an existing dedicated public roadway, or an existing private roadway approved by the Council.

Subd. 20. Private Sewer Systems. The standards found in Minnesota Pollution Control Agency's Standards for Sewage Treatment 6 MCAR 4.8040 are hereby adopted by reference. If there are any inconsistencies between the standards found in this Chapter and the State Standards, or if the State Standards are amended, the State Standards as amended shall govern.

Subd. 21. Manufactured/Mobile Homes; Standards. Manufactured homes shall be permitted in all residential districts provided they meet the following standards:

- A. Exceeds twenty (20) feet in width at the narrowest side.
- B. The dwelling is placed on a continuous permanent frost-free foundation consisting of concrete block, concrete, or council approved equivalent and constructed in compliance with the Minnesota State Building Code.

PARAGRAPH B WAS AMENDED BY THE CLAREMONT COUNCIL ON 8-9-2005

Subd. 22. Mobile/Manufactured Home Parks.

- A. Purpose. It is the purpose of this Subdivision to permit the development of mobile/manufactured home parks in a manner that will promote and improve the general health, safety, convenience and welfare of the citizens by minimizing any adverse effects of such development.
- B. Location. A manufactured park or subdivision may be established in the R-2 Residential Districts.
- C. Permit Required. A permit is required to establish and operate a manufactured home park within the City.

- D. Application Requirements and Procedures. All applications for a conditional use permit shall be submitted to the Zoning Administrator and approved by the Council following the procedures established in the Conditional Use Permit provisions of this Chapter. The application for a conditional use permit shall be accompanied by plans including the following information:
1. Location and size of manufactured home park.
 2. Location, size, and character of all manufactured home lots, manufactured home stands, storage areas, recreation areas, laundry drying areas, central refuse disposal, roadways, parking spaces and sites, and all setback dimensions.
 3. Detailed landscaping plans and specifications.
 4. Location and width of sidewalks.
 5. Plans for sanitary sewage disposal, surface drainage, water systems, electrical service, telephone service and gas service.
 6. Plans for an overhead street lighting system shall be submitted for approval by the City Engineer.
 7. The method of disposing of garbage and refuse.
 8. Location and size of all streets abutting the manufactured home park and all driveways from such streets to the park.
 9. Plans and specifications from all road construction within the park or directly related to park operation.
 10. Floor plans of all service buildings to be constructed within the manufactured home park.
 11. Such other information as may be required or requested by the Council.
- E. Construction and Installation Standards. All manufactured homes within a park shall be subject to and meet the construction, plumbing, electrical and mechanical standards as prescribed by the State of Minnesota, U.S. Department of Housing and Urban Development, and the American National Standards Institute identified as ANSI A119.1 or the provisions of the National Fire Protection Association identified as NFPA 501B and any revisions thereto and shall be certified to these standards by a seal affixed to the manufactured home.
- F. Performance Standards for Manufactured Home Parks.

1. All manufactured homes shall be properly connected to the City water system and sanitary sewer system in conformance to standards adopted by the Minnesota Pollution Control Agency. All water and sewer systems shall be constructed in accordance with plans and specifications approved by the City Engineer.
2. All utilities, such as sewer, water, fuel, electric, telephone and television antenna lead-ins, shall be buried to a depth specified by the City Engineer, and there shall be no overhead wires or support poles except those essential for street or other lighting purposes. Plans for the disposal of surface stormwater shall be approved by the City Engineer.
3. A properly landscaped area shall be adequately maintained around each manufactured home park. All manufactured home parks adjacent to industrial, commercial or residential land uses shall be provided with screening, such as fences or natural growth, along the property boundary lines separating the park from such adjacent uses.
4. Every structure in the manufactured home park shall be developed and maintained in a safe, approved, and substantial manner. The exterior of every structure shall be kept in good repair. All of said structures must be constructed to meet Minnesota State Building Code provisions. Portable fire extinguishers rated for electrical and liquid fires shall be kept in all service buildings and other locations conveniently and readily accessible for use by all occupants.
5. Signs shall be limited to one (1) nameplate or identification sign not to exceed twenty-five (25) square feet, with lighting, height and location as approved by the Zoning Administrator and have a fifteen (15) foot setback from the front line.
6. Each manufactured home park shall have one (1) or more central community buildings to serve primarily as an emergency weather shelter.
7. All structures being placed in the park shall require a building permit.

G. Manufactured Home Park Lots.

1. Each manufactured home site shall contain at least five thousand (5,000) square feet of land area for the exclusive use of the occupant and shall be at least fifty (50) feet wide.
2. Manufactured homes shall be placed upon lots so that there shall be at least ten (10) feet from the side lot line, twenty (20) feet between the front of the manufactured home and front lot line, and twenty-five (25) feet between the rear of the manufactured home and the rear lot lines.

3. The area occupied by a manufactured home shall not exceed 50% of the total area of a manufactured home site; land may be occupied by a manufactured home, a vehicle, a building, a cabana, a ramada, a carport, an awning, and storage closet. The yards shall be landscaped except for necessary driveway and sidewalk needs which shall not exceed one-half (1/2) the width of the site.
4. Each manufactured home lot shall have hard-surfaced off-street parking space for at least two (2) automobiles. Each space shall be ten (10) feet by twenty (20) feet minimum.
5. Each manufactured home lot shall be clearly numbered with 3 x 5 inch reflective numbers to be placed on the front or street left-hand side. All homes will be numbered by May 1, 2000.
6. Each site shall be properly landscaped with at least one tree, hedges, grass, fences, windbreaks, and the like.

H. **Manufactured Home Stands.** The area of the manufactured home stand shall be improved to provide adequate support for the placement and tiedown of the manufactured home, thereby securing the super -structure against uplift, sliding, rotation, and over-turning.

1. The manufactured home stands shall not heave, shift, or settle unevenly under the weight of the manufactured home, due to the frost action, inadequate drainage, vibration, or other forces acting upon the structure.
2. The manufactured home stand shall be provided with anchors and tie-downs, such as cast -in-place concrete foundations or runways, screw augers, arrowhead anchors or other devices providing for stability of the manufactured home.
3. Anchors and tie-downs shall be placed at least at each corner of the manufactured home stand and each anchor shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds or as approved by the current Minnesota Uniform Manufactured Home Standards Code, whichever is more restrictive.

I. **Park Management.**

1. The person to whom a permit for a manufactured home park is issued shall operate the park in compliance with this Chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair in a clean and sanitary condition.

2. The park management shall notify park occupants of all applicable provisions of this Chapter and inform them of their duties and responsibilities under this Chapter.
3. An adult caretaker must be present at all times and is responsible for the maintenance of the park at all times.
4. Each park shall have an office for the use of the operator distinctly marked "OFFICE" and such marking shall be illuminated during all hours of darkness.
5. The operator of every manufactured home park shall maintain a registry in the office of the manufactured home park indicating the name and address of each permanent resident. Each manufactured home site shall be identified by number and letter also.
6. A map of the manufactured home park shall be available at the manufactured home park office.
7. No public address or loudspeaker system shall be permitted.
8. Dogs and animals shall not be permitted to run at large within the manufactured home park.
9. It is unlawful for any person to erect, place, construct, reconstruct, relocate, alter, maintain, use, or occupy a cabana or structure in a manufactured home park without the written consent of the owner or operator of the manufactured home park.

SUBDIVISION 22 WAS AMENDED BY THE CLAREMONT CITY COUNCIL ON 2-8-2000

Subd. 23. Recreation Vehicles, Boats, Campers and Equipment.

- A. Location. Recreation vehicles shall not be parked or occupied on the premises of any occupied dwelling or any residential lot; except, the parking of one vehicle in the rear yard of any district may be allowed, provided that no permanent living quarters (occupancy exceeding 10 days) shall be maintained or business practiced in the vehicle.
- B. Public Property. Recreation trailers, boats, campers, or associated equipment shall not be allowed on any public property overnight except in those public areas specifically designed for overnight stops, or en-route stops. Camping of trailers in authorized areas shall not exceed ten (10) consecutive days or nights.
- C. Construction Use. A trailer or mobile home may be allowed as a conditional use in any district where the trailer is used as an office connected with construction

where a permit has been granted for the construction work. Such conditional use permit shall be issued for a period not exceeding one hundred eighty (180) days.

Subd. 24. Apartments, Townhouses and Other Multi-Family Structures.

- A. All multi-family structures allowed in the R-1, R-IA, R-2 and R-3 Districts shall be subject to the following standards:
- B. Standards for Multi-Family Buildings. All requests for building or conditional use permits shall be accompanied by a series of site plans and data showing:
 - 1. Building locations, dimensions, and elevations, all signs, structures, entry areas, storage sites, and other structural improvements to the site.
 - 2. Circulation plans for both pedestrian and vehicular and traffic.
 - 3. Fences and screening devices.
 - 4. Solid waste disposal provisions and facilities.
 - 5. Storm drainage plans.
 - 6. Fire fighting and other public safety facilities and provisions such as hydrant locations and fire lanes.
 - 7. Data pertaining to numbers of dwelling units, size, lot area, ratio, etc.
 - 8. Exterior wall materials and design information.
 - 9. A minimum of two (2) foot contour topographical map of the existing site.
 - 10. A grading plan illustrating the proposed grade changes from the original topographical map. All site areas, when fully developed, shall be completely graded so as to adequately drain and dispose of all surface water, stormwater and groundwater in such a manner as to preclude large scale erosion, unwanted ponding and surface chemical runoff.
 - 11. A recreational plan illustrating in detail all recreational facilities and structures.
 - 12. A Landscape Plan. The site, when fully developed, shall be landscaped according to a plan approved by the Planning Commission. The landscaping plan shall specify the size, type, and location of all trees and shrubbery and the location of all seeded and sodded areas.

13. A soil erosion control plan for the construction period. Areas within the construction zone shall be fenced with construction limit fencing as per the plan to prohibit heavy machinery and/or materials from being placed on areas not to be disturbed during construction. This shall, at a minimum, include all slopes in excess of 18%.

C. Performance Standards. Same as those listed in the R-3 District.

D. Parking Requirements.

1. One and one-half (1-1/2) parking spaces per unit shall be provided on the same site as the dwelling unit. Each space shall not be less than nine (9) feet wide and twenty (20) feet in length, or as approved by the Zoning Administrator, and each space shall be served adequately with access drives.
2. Parking spaces shall not be located within ten (10) feet of the side or rear lot line.
3. Bituminous concrete driveways and parking areas with concrete curbing shall be required.

E. Landscaping Provisions.

1. The design shall make use of all land contained in the site. All of the site shall be related to the circulation, recreation, screening, building, storage, landscaping, etc., so that no portion of the site remains undeveloped.
2. A minimum of 20% of the site shall be landscaped.

F. Screening.

1. Screening to a height of at least five (5) feet shall be required where: (a) any off-street parking area contains more than six (6) parking spaces and is within thirty (30) feet of an adjoining residential zone, and (b) where the driveway to a parking area of more than six (6) parking spaces is within fifteen (15) feet of an adjoining residential zone.
2. All exterior storage shall be screened. The exterior storage screening required shall consist of a solid fence or wall not less than five (5) feet high, but shall not extend within fifteen (15) feet of any street driveway or lot line.
3. Sidewalks shall be provided from parking areas, loading zones and recreation areas to the entrance of the building.

4. Outdoor swimming pools or other intensive recreation shall observe setbacks required for the principal structure.
- G. Appearance. All buildings within an apartment development shall be so planned that they have the equivalent of a front appearance of each exterior vertical surface.
- H. General Buildings or Structural Requirements.
1. Requirements for Exterior Wall Surfacing and covering. All multiple family dwelling buildings shall be designed and constructed to have the equivalent of a front appearance on each exterior surface. All accessory or ancillary buildings, including garages, shall be designed and constructed with the same facing materials as the principal building. Such material shall be used in the same or better proportions as used on said principal building.
 2. Each multiple family dwelling development containing more than four (4) dwelling units shall include a play area, part of which shall be a paved surface.
 3. Any blighting or deteriorating aspects of the multiple family dwelling developments shall be placed or absorbed by the site itself, rather than by neighboring residential uses. This provision particularly applies to the location of parking areas.
 4. The design shall make use of all land contained in the site. All of the site shall be related to the multiple family use, either parking, circulation, recreation, landscaping, screening, building, storage, etc., so that no portion remains undeveloped.
 5. Trash Incinerators and Garbage. Except with townhouses and multiple family dwellings of four (4) or less units, no exterior trash or garbage disposal or storage shall be permitted. In the case of row housing and multiple family dwellings of four (4) units or less, there shall be no exterior incineration and all storage shall be completely enclosed by walls and roof.

Subd. 25. Signs.

- A. Approval of Plans and Location. A permit shall be required to erect any sign in the City. No sign shall be erected by any person until the plan for the proposed sign has been received by the Planning Commission and approved by the Council. Permit fees shall be as determined by the Council.

B. Prohibited Signs. No sign shall be permitted:

1. In a location which would interfere with the view of any traveler on any roadway of approaching vehicles or of traffic control devices on signs for a distance of five hundred (500) feet.
2. On rocks, trees, or other perennial plant or on any public utility pole.
3. Containing a rotating beam or beam of light resembling an emergency vehicle.
4. Which simulates any official, directional or warning sign erected or maintained by the state, County, City or other governmental subdivision or which incorporates or makes use of light simulating or resembling traffic signals or control signs.
5. Which casts a distracting or confusing ray of light on to or visible from a public roadway.
6. Which interferes with public utility facilities or the maintenance thereof.
7. Which obstructs any window, door, fire escape, stairway or opening essential to the provisions to the provisions of light, air, ingress or egress from any building.
8. Which contain more than two surface areas or facings.
9. Within the right-of-way of any public road, except as erected by an official unit of government for the direction of traffic or necessary public information.

C. Temporary Signs. The following signs will be permitted in all districts subject to the specific standards indicated:

1. Real Estate signs - Not to exceed sixteen (16) square feet in area which advertise the sale, rental, or lease of the premises upon which the sign is temporarily located.
2. Name, Occupation and Warning signs - Not to exceed sixteen (16) square feet in area located on the premises.
3. Official Signs - such as traffic control, directional signs, parking restrictions, information and notices.
4. Political Signs - Are allowed in any district on private property with the consent of the owner of the property. Such signs must be removed within

ten (10) days following the date of the election or elections to which they applied.

5. Construction Signs - Not exceeding thirty-two (32) square feet in area shall be allowed in all zoning districts during construction. Such signs shall be removed when the project is completed.
6. Business Signs - Signs which advertise goods or services made and/or sold on the premises; provided, that they meet the setback requirements established for the use, do not contain a total combined surface in excess of two hundred fifty (250) square feet, limited to two (2) in number and located within the plot limits of the use.
7. Farm Products sign - Provided that they are located within three hundred (300) feet of the farm residence property and related to farm products, merchandise or services sold, produced, manufactured or furnished on such farm; and provided further that no such device shall exceed twenty (20) square feet in area.
8. "For Sale" or "For Rent" Signs - Not to exceed sixteen (16) square feet in area which advertises property as being for sale or for rent.
9. Residential Signs - Signs which either identify personal property or residence and provided that they are affixed flat thereto and do not contain more than two (2) square feet in area.
10. Miscellaneous Signs - Signs or posters of a miscellaneous character which advertise temporary events, provided they are self-supporting and not tacked, posted, painted or otherwise affixed to walls of buildings, trees, fences or poles. Said signs shall be removed forty-eight (48) hours after the culmination of the special event.

D. Non-Conforming Signs. Signs lawfully existing on the effective date of this Chapter may be continued although the use, size or location does not conform with the provisions of this Chapter. However, it shall be deemed a non-conforming use.

E. Sign Maintenance.

1. Painting. The owner of any sign shall be required to have such sign properly painted at least once every two (2) years, if needed, including all parts and supports of the sign, unless such supports are galvanized or otherwise treated to prevent rust.
2. Area Around sign. The owner, or lessee of any sign or the owner of the land on which the sign is located, shall keep the grass, weeds or other

growth cut and the area free from refuse between the sign and the street and also for a distance of six (6) feet behind and at the ends of said sign.

- F. **Obsolete Signs.** Any signs which no longer advertise a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building, or land upon which the sign may be found within ten (10) days after written notice from the Zoning Administrator.
- G. **Unsafe or Dangerous Signs.** Any sign which, in the opinion of the Building Inspector or Zoning Administrator, becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure, or land upon which the sign is located within ten (10) days after written notification from the Zoning Administrator.

Subd. 26. Parking.

- A. **Surfacing and Drainage.** All off-street parking areas in Residential Districts R-1, R-1A, R-2 and R-3, shall be surfaced with compacted aggregate base, plant mixed bituminous surface or portland cement concrete. Off-street parking areas in all other zoning districts shall be surfaced with plant mixed bituminous surface or portland cement concrete. Such areas shall be so graded and drained as to dispose of all surface water accumulated within the area. Open sales lots for cars, trucks and other equipment shall also be graded, drained and paved.
- B. **Location.** All accessory off-street parking facilities required herein shall be located as follows:
 - 1. Spaces accessory to one and two-family dwellings on the same lot as the principal use served.
 - 2. Spaces accessory to the multiple family dwellings on the same lot as the principal use served or within three hundred (300) feet of the main entrance to the principal building served.
 - 3. There shall be no off-street parking space within twenty (20) feet of any street right-of-way.
 - 4. No off-street open space parking area containing more than four (4) parking spaces shall be located closer than twenty (20) feet from an adjacent lot zoned or used for residential purposes. Residential zones R-1, R-1A and R-2 shall have no more than three (3) off-street parking spaces per dwelling unit.

C. General Provisions.

1. Access drives may be placed adjacent to property lines except that drives consisting of crushed rock, or other non-finished surfacing shall be no closer than five (5) feet to any side or rear lot line.
2. Each parking space shall not be less than nine (9) feet wide and twenty (20) feet in length.
3. Control of Off-Street Parking Facilities. When required, accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with the Council requiring the owner and his or her heirs and assigns to maintain the required number of off-street spaces during the existence of said principal use.
4. Use of Parking Area. Required off-street parking space in any district shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable or for sale or rent.
5. Parking shall not be allowed in areas not designated for off-street parking.

D. Design and Maintenance of Off-Street Parking Areas.

1. Parking areas shall be designed so as to provide adequate means of access to a public alley or street. Such driveway access shall not exceed thirty (30) feet in width and shall be so located as to cause the least interference with traffic movement.
2. Curbing and Landscaping. All open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb not less than five (5) feet from the side property line or a guard of normal bumper height not less than three (3) feet from the side property line.
3. Parking space of six (6) or More Cars. When a required off-street parking space for six (6) or more is located adjacent to a residential district, a fence approved by the Building Inspector shall be erected along the residential district property line.
4. Maintenance of Off-Street parking Space. It shall be the joint and several responsibility of the operator and owner of the principal use, uses and/or

building to maintain, in a neat and adequate manner, the parking space accessways, landscaping and required fences.

5. Determination of Areas. A parking space shall not be less than three hundred (300) square feet per vehicle of standing and maneuvering area.
- E. Parking on Public streets and Residential Area. Parking on public streets and in residential areas shall be subject to the standards set forth in the City Code.
- F. Off-Street Space Required - (one space equals 300 square feet).
- G. No off-street parking is required in the C-1 (Central Business District) Zone.
 1. One and Two Family Residences. Two (2) spaces per dwelling unit.
 2. Multiple Dwellings. One and one-half (1 ½) spaces per dwelling unit.
 3. Business and Professional Offices. One (1) space for each 200 square feet of gross floor space.
 4. Medical and Dental Clinics. Five (5) spaces per doctor or dentist, plus one (1) space for each employee.
 5. Hotel or Motel. One (1) space per rental until plus one (1) space per full-time employee.
 6. Schools.
 - a. Elementary Schools. Two (2) spaces for each classroom.
 - b. High School. At least one (1) parking space for each four (4) students based on design capacity, plus one (1) additional space for each classroom.
 7. Colleges. At least one (1) space for every two (2) employees plus one (1) space for every car permitted to students by the college.
 8. Hospital. At least one (1) parking space for each three (3) hospital beds, plus one (1) space for each four (4) employees, other than doctors, plus one (1) parking space for each resident and regular staff doctor.
 9. Licensed Day Care. One (1) space for every two (2) employees.
 10. Group Homes. One (1) space for every two (2) residents.

11. Drive-In Food Establishment. One (1) space for each fifteen (15) square feet of gross floor space in buildings allocated to drive-in operation.
12. Bowling Alley. Six (6) space for each alley, plus additional space as may be required herein for related uses such as a restaurant.
13. Automobile Service Station. At least two (2) off-street parking space plus four (4) off-street parking spaces for each service stall.
14. Retail Store. At least one (1) off-street parking space for each two hundred fifty (250) square feet of gross floor area.
15. Restaurants, Cafes, Bars. At least one (1) space for each three (3) seats based on capacity design.
16. Theaters, Auditoriums, Mortuaries, Stadiums, Arenas, Dance Halls, and other Places of Assembly. Spaces equal in number to one-third (1/3) of the capacity in persons.
17. Churches. Spaces equal in number to one-third (1/3) of the capacity in persons of the main sanctuary or auditorium plus provisions for supplementary parking space needs for other portions of the church facilities as determined by final site and building plans when reviewed by the Planning Commission.
18. Industrial, Warehouse Storage Handling of Bulk Goods. At least one (1) space for each employee on maximum shift one (1) space for each two thousand square feet of gross floor area, whichever is larger.
19. Uses not Specifically Noted. As determined by the Council following review by the Planning Commission.

H. Off-Street Loading and Unloading Areas.

1. Location. All required loading berths shall be off-street and shall be located on the same lot as the building or use to be served. A loading berth shall be located at least twenty-five (25) feet from the intersection of two (2) street rights-of-way and at least fifty (50) feet from a residential district unless within a building. Loading berths shall not occupy the required front yard space.
2. Size. Unless otherwise specified in this Chapter, a required loading berth shall not be less than twelve (12) feet in width, fifty (50) feet in length and fourteen (14) feet in height, exclusive of aisle and maneuvering space.

3. Required Loading Spaces. Determined by the Council following review by the Planning Commission.
4. Access. Each required loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will least interfere with traffic.
5. Surfacing. All loading berths and accessways shall be improved with a durable material to control the dust and drainage.
6. Accessory Use. Any space allocated as a loading berth or maneuvering area so as to comply with the terms of this Chapter shall not be used for the storage of goods, inoperable vehicles or be included as a part of the space requirements necessary to meet the off-street parking area.
7. In connection with any structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading space.
8. Where noise from loading or unloading activity is audible in a residential district, the activity shall terminate between the hours of 7:00 P.M. and 7:00 A.M. except for the loading and unloading of grain.

Subd. 27. Auto Service Station Standards.

- A. Lot Size. A service station site shall be a minimum of 20,000 square feet in size.
- B. Setbacks. The building or buildings shall be set back at least thirty-five (35) feet from the street right-of-way. Adjacent to residential districts, the service station buildings, signs, and pumps shall be a minimum of twenty-five (25) feet from adjoining property. In commercial areas, the structures shall be set back at least ten (10) feet from adjoining property.
- C. Curb and Gutters. Concrete curbs and gutters shall be installed on all streets giving access to the station. There shall be a six (6) inch curb along all interior driveways.
- D. Fencing and screening. When adjacent to residential property, there shall be a screening fence. When adjacent to commercial property, there shall be a bumper-type fence about eighteen (18) inches high between the station and the adjacent commercial property.
- E. Vehicles. No vehicles shall be parked on the premises other than those utilized by employees or awaiting service. No vehicle shall be parked or be waiting service longer than fifteen (15) days.

- F. Exterior Storage. Exterior storage besides vehicles shall be limited to service equipment and items offered for sale and those items listed in Subparagraph I, below. Exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as the racks, metal trays, and similar structures designed to display merchandise.
- G. Screening. All areas utilized for the storage or disposal of trash, debris, discarded parts, and similar items shall be fully screened. All structures and grounds shall be maintained in an orderly, clean, and safe manner.
- H. Architecture. The station and other buildings shall be of a design that is compatible with the surroundings.
- I. Outdoor Displays. The storage of used tires, batteries, and other such items for sale outside the building shall be controlled; such items shall be displayed in specially designated containers and be limited to one or two areas well back from the street right-of-way line. Junk cars, empty cans, and other unsightly materials will not be permitted in an area subject to public view.
- J. Lighting. Lights shall be designed and placed in such a manner as to direct the light away from residential areas.
- K. Other Activities. Business activities not listed in the definition of service stations and not incidental to the station are not permitted on the premises of a service station unless a conditional use permit is obtained specifically for such business. Such activities include but are not limited to the following: (1) automatic car and truck wash; (2) rental of vehicles, equipment or trailers; and (3) general retail sales. Gas pumps located at and a part of other types of business establishments shall require a conditional use permit.

Subd. 28. Drive-In Business Standards. The following standards shall apply to drive-in businesses in all districts:

- A. Design Standards.
 - 1. The entire area of any drive-in business shall have a drainage system approved by the City Engineer.
 - 2. The entire area other than that occupied by structures or planting shall be surfaced with a hard surface material which will control dust and drainage.
 - 3. A fence or screen of acceptable design not over six (6) feet in height or less than four (4) feet shall be constructed along the property line abutting a residential district and such fence or screen shall be adequately maintained.

B. General.

1. Any drive-in business serving food or beverages may also provide, in addition to vehicular service areas, indoor food and beverage service seating area.
2. The hours of operation shall be set forth as a condition of any building permit for drive-in business.
3. Each drive-in business serving food may have outside seating.
4. Each food or beverage drive-in business shall place refuse receptacles at all exits as well as one (1) refuse receptacle per ten (10) vehicle parking spaces within the parking area.
5. Electronic devices such as loudspeakers, automobile service or devices, drive-in theater car speakers and similar instruments shall not be located within three hundred (300) feet of any residential dwelling unit.
6. No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers served in vehicles shall be parked to the sides and/or rear of the principal structure.

C. Locations.

1. No drive-in business shall be located within two hundred (200) feet of a public or parochial school or church.
2. No drive-in business shall be located such that it may increase traffic volumes on nearby residential streets.
3. No drive-in shall be located on any street other than one designated as a thoroughfare or business service road in the Policies Plan.

D. Site Plan.

1. The site plan shall clearly indicate suitable storage containers for all waste material. All commercial refuse containers shall be screened.
2. A landscape plan shall be included and shall set forth complete specifications for plant materials and other features.

3. Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street.
4. The design of any structure shall be compatible with other structures in the surrounding area.

Subd. 29. Agricultural Operations. All farms in existence on the effective date of this Chapter within the City limits shall be a permitted use where the operator can conduct a farming operation. However, all regulations contained in these Performance Standards shall apply to all changes of the farming operation which will cause all or part of the area to become more extensively used or more urban in character. Any structure exceeding \$500.00 in value to be erected on a farm shall require a building permit and conform to all requirements of the Minnesota state Building Code. The Council may require any farm operator to secure a conditional use permit to expand or intensify said operations in the event of the following:

- A. The farm is adjacent to, or within four hundred (400) feet of any dwelling unit and may be detrimental to living conditions by creating safety hazards or by emitting noise, odor, vibrations or similar nuisances.
- B. The farming operations are so intensive as to constitute an industrial type use consisting of the compounding, processing, and packaging of products for wholesale or retail trade.

Subd. 30. Home Occupations.

- A. General. Home occupations shall be allowed as a conditional use in all residential districts subject to the following standards:
 1. No more than 25% of the gross floor area of the structures including accessory buildings shall be used for this purpose.
 2. Only articles made or originating on the premises shall be sold on the premises, unless such articles are incidental to permitted commercial service.
 3. No articles for sale shall be displayed so as to be visible from any street.
 4. No person is employed other than a member of the household residing on the premises.
 5. No mechanical or electrical equipment is used if the operation of such equipment interferes with adjacent property owners T.V. or radio reception or with the desired quiet residential environment of the neighborhood or if the health and safety of the residents is endangered.

6. No outside storage of materials shall be allowed.
 7. Conducting of the home occupation shall result in no change of outside appearance of the building.
 8. Signs, not exceeding two (2) square feet shall be allowed on the premises.
 9. The home occupation shall conform to the standards in the Minnesota State Building Code and the State Fire Code.
- B. Retail Sales. Home occupations allowing retail sales or employment of persons other than the members of the household residing on the premises may be permitted by conditional use permit if the following conditions are met:
1. Such occupation is carried on in the principal building.
 2. Not more than 25% of the gross floor area of the structures including accessory buildings shall be used for this purpose.
 3. No articles for sale shall be displayed so as to be visible from any street.
 4. No mechanical or electrical equipment is used if the operation of such equipment interferes with adjacent property owners T.V. or radio reception or with the desired quiet residential environment of the neighborhood or if the health and safety of the residents is endangered.
 5. Such occupation does not generate more than two (2) vehicles at one time, in addition to vehicles owned by the landowners.
 6. Such occupation must provide off-street parking.

Subd. 31. Bed and Breakfast. Bed and breakfast establishments allowed as a conditional use in residential zones may be permitted by conditional use permit if the following conditions are met:

- A. The owner or operator shall reside on the property or submit a management plan for approval as part of the conditional use permit.
- B. The establishment shall conform with Minnesota State Health and Building Code requirements.
- C. The only meal served to guests shall be breakfast and only guests shall be served.
- D. The facility shall be limited to five (5) guest rooms or a maximum guest capacity of ten (10).

- E. Guests shall not stay for more than fourteen (14) days within any ninety (90) day period.
- F. A minimum of one (1) off-street parking space for each guest room and two (2) off-street parking spaces for each resident or manager.
- G. Signs. on-premises advertising for any bed and breakfast facility located in any residential zone shall be limited to either one (1) wall sign or one or two sided free standing sign not more than two (2) square feet in area per sign face. The content of any such sign shall be limited to identifying not more than the name and address of the facility. No sign shall be internally illuminated.
- H. No cooking or cooking facilities shall be allowed or provided in the guest rooms.
- I. The facility shall have historical or architectural significance.

Subd. 32. Child Care Facilities. Child care facilities shall be facilities licensed by the appropriate State and/or County agencies. Such facilities may be operated in private homes or buildings utilized solely for such use. Child care facilities shall be placed in zoning districts corresponding with the license requirements.

Subd. 33 Fence Ordinance.

- A. Permit. A building permit shall be obtained from City Hall for any fence to be installed over six (6) feet in height A site plan showing location of the fence shall accompany the permit application.
- B. Location. All fences shall be located entirely upon the property of the fence owner with a two (2) feet setback from all property lines. No fence other than decorative shall be constructed between the front property line or setback therefrom. In this context, the term "decorative fence" means a wood vertical post and wood horizontal rail fence with no more than three (3) rails or a wood picket type fence with at least four (4) inches of open space between each picket Fences or trees placed upon utility easements are subject to removal if required for the maintenance or improvements of the utility.
- C. Height. No fence shall exceed seven (7) feet in height and no decorative fence shall exceed forty-eight (48 ") inches in height.
- D. Construction and Maintenance. All fences shall be constructed and maintained in a substantial, workmanlike manner and of material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be constructed so that the side containing the framing support and cross pieces face the interior of the fence owner's lot. No constructed fence may have boards, planks, or panels larger than twelve (12) inches in width. Any fence which does

not comply with the provision of this paragraph or which endangers the public safety, health or welfare shall be considered a public nuisance.

- E. Snow Fencing. Commonly used materials for snow fencing may be used from October 15 to May 1. No permit shall be required for snow fencing.
- F. Prohibited Fencing Material. Electric fences are prohibited from use within the City, except areas where livestock are permitted. Such materials as hog wire fencing, barbed wire fencing, etc., will be prohibited from use, except areas where livestock are permitted.
- G. Special Purpose Fencing. Fences to be used for special purposes and fences differing in construction, height or length may be permitted in any district by issuance of a Conditional Use Permit subject to a public hearing by the Planning and Zoning Commission and final approval. Findings shall be made that the fence is necessary to protect, buffer or improve the premises for which the fence is proposed.
- H. Property line fences in any industrial district shall not exceed eight (8) feet in height except that:
 - 1. Fences erected along a property line in common with a residential district shall be subject to the provisions herein described in residential district fences, and
 - 2. Fences in industrial districts which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire can be fastened and commencing at a point at least seven (7) feet above the ground, and
 - 3. Such fence shall not be erected with the landscaped portion of the front yard of any industrial establishment.
- I. Penalties. Any person who violates the terms of this Ordinance shall be guilty of a misdemeanor.
- J. Effective Date. This ordinance shall take effect and be in full force from and after its passage and publication.

SUBDIVISION 33 WAS ADOPTED BY THE CLAREMONT CITY COUNCIL ON 12-14-1999.

(Sections 4.61 through 4.64, inclusive, reserved for future expansion).

SEC. 4.65. OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593.

SECTION 4.65 WAS ADOPTED BY THE CLAREMONT CITY COUNCIL ON 8-30-2016

(Sections 4.66 through 4.79, inclusive, reserved for future expansion).

SEC. 4.80. REGULATIONS FOR SUBDIVISION OF LAND.

Subd. 1. Title. This Section shall be known and may be cited as "Claremont Subdivision Ordinance Regulations."

Subd. 2. Intent and Purpose. The process of dividing raw land into separate parcels for other uses including residential, industrial, and commercial sites, is one of the most important factors in growth of any community. Once the land has been subdivided and the streets, homes, and other structures have been constructed, the basic character of this permanent addition to the community has become firmly established. It is, therefore, in the interest of the general public, the developer, and the future landowners that subdivisions be conceived, designed, and developed in accordance with the highest possible standards of excellence.

All subdivisions of land hereafter submitted for approval shall fully comply, in all respects, with the regulations set forth herein. It is the purpose of these regulations to:

- A. Encourage well-planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction.
- B. Provide for the health and safety of residents by requiring the necessary services such as properly designed streets and adequate sewage and water service.
- C. Place the cost of improvements against those benefitting from the construction project.
- D. Secure the rights of the public with respect to public land and waters.
- E. Improve land records by establishing standards for surveys and plats.
- F. Protect the environmentally sensitive areas in the City.

Subd. 3. Rules and Definitions.

- A. Rules.
 - 1. Words used in the present tense include the past and future tense; the singular includes the plural and the plural includes the singular; the word "shall" is mandatory, and the words "should" and "may" are permissive.
 - 2. In the event of conflicting provisions in the text of these regulations, the more restrictive shall apply.

B. Definitions. For the purpose of this Section, certain terms and words are hereby defined as follows:

1. Alley - A narrow public right-of-way, which normally affords a secondary means of vehicular access to abutting property.
2. Attorney - The attorney employed by the City unless otherwise stated.
3. Block - The enclosed area within the perimeter of roads, property lines, or boundaries of the subdivision.
4. Boulevard - The portion of the street right-of-way between the curb line and the property line.
5. Cluster Development - A subdivision development planned and constructed so as to group housing units into patterns while providing a unified network of open space and wooded areas, and meeting the overall density regulations of this Section and any other Chapter of this Code.
6. City - The City of Claremont.
7. Comprehensive Plan - A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social, and economic development of the City and its surroundings and includes any unit or part of such plan, which is separately adopted, and any amendment to such plan or parts thereof.
8. Concept Plan or Sketch Plan - A generalized plan of a proposed subdivision indicating lot layout, streets, park areas, and water and sewer systems presented to the city officials at the pre-application meeting.
9. Contour Map - A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the *vertical* height between contour lines.
10. Copy - A print or reproduction made from tracing.
11. County - Dodge County, Minnesota.
12. Development - the act of building structures and installing site improvements.
13. Drainage Course - A water course or indenture for the drainage of surface water.

14. Easement - A granting of land by an owner for a specific use by persons other than the owner.
15. Engineer - The registered engineering or consulting firm hired or employed by the City unless otherwise stated.
16. Final Plat - The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the City Council for approval, and if approved, will be submitted to the County Recorder.
17. Governing Body - Claremont City Council.
18. Key Map - A map drawn to a comparatively small scale, which defines and shows the area proposed to be platted and the areas surrounding it to a given distance.
19. Lots –
 - a. Lot - A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.
 - b. Lot. Butt - A lot located on the end of a block excluding the two (2) corner lots.
 - c. Lot. Corner - A lot located at the intersection of two streets, having two (2) adjacent sides abutting streets; and the interior angle of the intersections do not exceed one hundred thirty-five (135) degrees.
 - d. Lot. Double Frontage - a lot which has a front lot line abutting on one street and a back or rear lot line abutting another parallel street.
 - e. Lot. Through - Any lot other than a corner lot which abut more than one (1) street.
 - f. Lot Depth - The mean horizontal distance between the front lot line and the rear lot line.
 - g. Lot Line - The property line bounding a lot. Except where any portion of a lot extends into the right-of-way or proposed public right-of-way, the line of such right-of-way shall be the lot line.

- h. Lot Width - The horizontal distance between the side lot lines of the lot, measured parallel to the front line of the lot at the setback line.
- 20. Metes and Bounds Description - A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearing and distances to the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by describing lines or portions thereof.
- 21. Minimum Subdivision Design Standards - The guides, principles and specifications for the preparation of subdivision plats indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the plan.
- 22. Minor Subdivision - A subdivision of small size situated in a locality where conditions are well defined that may be exempt from the strict regulations of this Section in accordance with Subdivision 10(c).
- 23. Owner - An individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided or to commence and maintain proceedings to subdivide the same under these regulations.
- 24. Pedestrian Way - A public right-of-way across or within a block intended to be used by pedestrians.
- 25. Person - Any individual, firm, association, syndicate or partnership, corporation, trust, or any other legal entity.
- 26. Planned Unit Development (PUD) - A residential or commercial development whereby buildings are grouped or clustered in and around common open space areas in accordance with a prearranged site plan, and where the common open space is owned by the homeowners and maintained by a homeowners association.
- 27. Plat - The drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statutes Chapter 505 and containing all elements and requirements set forth in applicable local regulations adopted pursuant to Minnesota Statutes Chapter 462.358 and 505.
- 28. Preliminary Approval - Official action taken by a municipality on an application to create a subdivision which establishes the rights and obligations set forth in Minnesota Statutes Chapter 462.358 and the applicable provisions of this Section.

29. Preliminary Plat - The preliminary map, drawing, or chart indicating the proposed layout of the subdivision to be submitted to the Planning and Zoning Committee and the City Council for their consideration.
30. Protective Covenants - Contracts entered into between private parties and constructing a restriction on the use of private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
31. Right-of-Way - Public land used or to be used as a street or highway, including alleys, and boulevards.
32. Sketch Plan - A sketch of a proposed subdivision showing the information specified in Subdivision 5(b) of this Section.
33. Streets –
 - a. Street - A public way for vehicular traffic, whether designed as a street, highway, thoroughfare, arterial parkway, through-way road, avenue, lane, place, or however otherwise designated.
 - b. Collector Street - A street which carries traffic from local streets to arterials.
 - c. Cul-de-sac - A street turnaround with only one (1) outlet.
 - d. Service Street - Marginal access street, or a minor street, which is parallel or perpendicular and adjacent to a thoroughfare providing access to abutting properties, and provides protection from through traffic.
 - e. Local Street - A street of limited continuity used primarily for access to the abutting properties and the local need of a neighborhood.
 - f. Arterial Street - A street or highway with access restrictions designed to carry large volumes of traffic between various sections of the city and beyond.
 - g. Private Street - A street serving as vehicular access to one (1) or more parcels of land which is not dedicated to the public but is owned by one (1) or more private parties.

34. Street Width - For the purpose of this Section, the shortest distance between the lines delineating the right-of-way.
35. Subdivider - Any person commencing proceedings under this Section to effect a subdivision of land hereunder for himself or for another.
36. Subdivision - "Subdivision" is the division of a parcel of land into two or more lots or parcels, any of which resultant parcels is less than two and one-half (2 ½) acres in area, for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term includes resubdivision, and when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.
37. Surveyor - A person duly registered as a land surveyor by the State of Minnesota.
38. Tracing - A plat or map drawn on transparent paper or cloth which can be reproduced by using regular reproduction procedure.
39. Zoning Ordinance - Chapter 4 of the Claremont City Code.

Subd. 4. Scope and Legal Authority.

- A. Scope. The rules and regulations governing plats and subdivision of land contained herein shall apply within the City and to the land located within two (2) miles of its boundaries. Except in the case of re-subdivision, this Section shall not apply to any lot or lots forming a part of a subdivision recorded in the Office of the Dodge County Recorder prior to the effective date of this Section, nor is it intended by this Section to repeal, annul, or in any other way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with this Section, or with restrictive covenants running with the land. Where this Section imposes a greater restriction upon the land than is imposed or required by the existing provisions of Federal, State, or Municipal Laws, Statutes, Ordinances, or Regulations, then provisions of this Section shall control.
- B. Amendments. The provisions of this Section may be amended by the Claremont City Council at any time at its discretion.
- C. Restrictions on Filing and Recording Conveyances. No conveyance of land in which the land conveyed is described by metes and bounds or by reference to an unapproved registered land surveyor to an unapproved plat made after this Section becomes effective, shall be made or recorded unless the parcel described in the conveyance:

1. was a separate parcel of record at the date of adoption of this Section, or
 2. was the subject of a written agreement to convey property, and was entered into prior to such time, or
 3. was a separate parcel of not less than two and one-half (2 ½) acres in area and one hundred fifty (150) feet in width as of January 1, 1966, or
 4. was a separate parcel of not less than five (5) acres in area and three hundred (300) feet in width on the effective date of this Section.
 5. such parcel complies with all requirements of this Section.
- D. **Platting.** Except as specifically set forth in those regulations, any subdivision creating parcels, tracts, or lots after the adoption of these regulations shall be platted in accordance with Minnesota Statutes Chapter 505, as it may be amended from time to time.
- E. **Public Improvement.** Where a parcel of land is being subdivided and a plat is required, no public improvements shall be installed, undertaken or constructed unless the Final Plat is approved and no such services (i.e. electric, sewer and water, streets, etc.) shall be provided until approval of the Final Plat is granted and such plat has been duly recorded.

Subd. 5. Administration of this Section.

- A. **Plat Presentation Procedures.** Except as set forth in Subdivisions 4(d) and 10(c) of this Section, no real property within the jurisdiction of this Section shall be subdivided and offered for sale or a plat recorded until a Preliminary Plat and a Final Plat of the proposed subdivision have been reviewed by City Staff and the Planning and Zoning Committee and until the Final Plat has been approved by the City Council. Planned Unit Developments (PUDs), shall be presented in the same manner as other plats for review by City Staff and the Planning and Zoning Committee with the approval of the City Council.
- B. **Pre-Application Meeting.** Prior to the preparation of a preliminary plat, the subdivider or owner shall meet with the appropriate City Officials, as determined by the City, in order to be made fully aware of all applicable ordinances, regulations, and plans in the area to be subdivided. At this time and at subsequent informal meetings such as with the Planning and Zoning Committee, the subdivider shall submit a general sketch plan of the proposed subdivision and preliminary proposals for the provision of water supply and waste disposal, as well as other utilities locations. The Sketch Plan can be presented in simple form, but must show that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, or to the

neighboring subdivisions and developments, and to the natural resources and topography of the site.

C. Preliminary Plat-

1. After the pre-application meeting, the subdivider shall submit twenty-five (25) copies of the Preliminary Plat to the Planning and Zoning Committee at least fourteen (14) days prior to the Planning and Zoning Committee meeting at which such Plat is to be considered. The subdivider shall include a written application and statement along with the Preliminary Plat describing the proposed subdivision. The written statement shall include the anticipated development of the existing natural features and vegetation, and any other information required by this Section.
2. The Planning and Zoning Committee shall submit one (1) copy of the Preliminary Plat to each Planning and Zoning Committee member, the City Engineer, the Public Works Committee, and any other appropriate city officials. One (1) copy shall also be submitted to the County Engineer if the plat abuts a County road and one (1) copy to the State Department of Transportation if the plat abuts a State Highway, for review and comment as required by Minnesota Statute Chapter 505.03.
3. The City Engineer and other appropriate city officials shall review the Preliminary Plat and shall transmit a report of their findings and recommendations together with any supporting material to the Planning and Zoning Committee prior to the meeting at which such Plat is to be considered. The subdivider shall be required to pay all cost for extra outside consulting services that the City Staff, Planning and Zoning Committee, and City Council deem necessary for determining the adequacy of the plan.
4. Within thirty (30) days after the plat has been filed and after reports and certifications have been received as requested, the Planning and Zoning Committee shall hold a public hearing on the Preliminary Plat. Notice of the time and place thereof shall be published once in the official newspaper at least ten (10) days before the day of the hearing. Within thirty (30) days after the conclusion of the public hearing, the Planning and Zoning Committee shall make its report to the City Council.
5. The Planning and Zoning Committee shall forward to the City Council a favorable, conditional, or unfavorable report and said report shall contain a statement of findings and recommendations.
6. The preliminary application shall be approved or disapproved by the City Council within one hundred twenty (120) days following the filing with the city an application complying with this Section, unless an extension of

the review period has been agreed to by the applicant. If the City Council disapproves the Preliminary Plat, the grounds for any such disapproval shall be set forth in the minutes of the City Council meeting and reported to the owner and/or subdivider.

7. During the intervening time between approval of the preliminary plat and the Final Plat, the subdivider must submit acceptable engineering plans for all required improvements.
8. In the case of all subdivisions, the Planning and Zoning Committee shall recommend denial of and/or the City Council may deny approval of a preliminary or final plat if it makes any of the following findings:
 - a. The proposed subdivision, including the design, is in conflict with any adopted component of the Policy Plan, Comprehensive Plan, and/or Zoning Ordinance of the City of Claremont;
 - b. The physical characteristics of the site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development or use contemplated;
 - c. The site is not physically suitable for the proposed density of development;
 - d. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage;
 - e. The design of the subdivision or the type of improvements are likely to cause serious public health damage;
 - f. The design of the subdivision or the type of improvements will conflict with easements of record.

D. Final Plat –

1. The subdivider shall engage a registered land surveyor to prepare a Final Plat which shall meet all the requirements of Minnesota Statutes Chapter 505.
2. The subdivider may request approval of such portion of the Preliminary Plat which the subdivider proposes to develop at one time by filing a Final Plat limited to such portion with the City Clerk. The entire area of the Preliminary Plat shall be platted in final form within a period of five (5) years from the date of Preliminary Plat approval, or that portion of the

preliminary plat not so finally platted shall become null and void and disapproved.

3. The subdivider shall submit twenty-five (25) copies of the Final Plat to the City Clerk at least three (3) weeks before the Planning and Zoning Committee meeting at which such Plat is to be considered. The Subdivider shall submit the Final Plat within one (1) year of Preliminary Plat approval; otherwise, such approval shall become null and void unless Subdivision 5(d)(2) of this Section applies.
4. The Final Plat shall incorporate all changes required by the City, County Engineer and State Department of Transportation, but in all other respects, it shall conform to the Preliminary Plat as approved.
5. The City Clerk shall transmit one(1) copy each of the Final Plat to the Planning and Zoning Committee, City Engineer, City Attorney, and other appropriate city officials.
6. The City staff shall review the Final Plat and shall transmit reports of their recommendations to the Planning and Zoning Committee prior to the meeting at which such Plat is to be considered.
7. The Planning and Zoning Committee shall review the Final Plat and consider the reports of City Staff, the City Engineer, City Attorney, and other appropriate municipal departments and employees. The Planning and Zoning Committee shall then submit its recommendations to the City Council.
8. The City Council shall approve or disapprove the Final Plat within thirty (30) days after receiving the recommendations of the Planning and Zoning Committee. The City Clerk shall notify the subdivider of the Council's action. The City shall approve the Final Plat within sixty (60) days of the subdivider's request for approval if the applicant has complied with all conditions and requirements of this Section and all conditions and requirements upon which the preliminary plat was approved, either through performance or agreements assuring proper compliance with the City's requirements.
9. Upon approval of the final plat by the City, the subdivider shall record such Final Plat with the Dodge County Recorder within sixty (60) days after approval. Otherwise the approval of the Final Plat shall be considered void. The subdivider shall, within thirty (30) days of recording, furnish to the City Clerk with a reproducible print (i.e. a photo-mylar or an original) of the Final Plat showing evidence of recording.

- E. Effect of Subdivision Approval- For one (1) year following preliminary approval and for three (3) years following final approval, unless the subdivider and the City agree otherwise, no amendment to the City's Comprehensive Plan or Zoning Ordinance shall apply to or affect the use, development, density, lot size, lot layout, or dedication or platting required or permitted by the approved application. Thereafter, the City may extend the period by agreement with the subdivider. This may require submission of a new application unless substantial physical activity and investment has occurred in reasonable reliance on the approved application, or the subdivider will suffer substantial financial damage as a consequence of the requirement to submit a new application. In connection with a subdivision involving a planned and staged development, the City may by resolution or agreement, grant the rights referred to herein for periods of time longer than three (3) years which it determines to be reasonable and appropriate.
- F. Disclosure by Sellers: Purchaser's Action for Damages. A person conveying a new parcel of land which, or the plat for which, has not previously been filed or recorded, and which is part of or would constitute a subdivision to which this Section applies shall attach to the instrument of conveyance either:
1. a recordable certification by the City Clerk that this Section does not apply, or that the subdivision has been approved by the City, or that the provisions of this Section have been waived by resolution of the City because compliance will create unnecessary hardship and failure to comply will not interfere with the purpose of this Section, or
 2. a statement which names and identifies the location of the appropriate City offices and advises the grantee that municipal subdivision and zoning regulations may restrict the use or restrict or prohibit the development of the parcel, or construction on it, and that the division of taxes and the filing or recording of the conveyance may be prohibited without prior recordable certification of approval, non-applicability, or waiver from the municipality.

In any action commenced by a buyer of such a parcel against the seller thereof, the misrepresentation of or the failure to disclose material facts in accordance with this section shall be grounds for damages. If the buyer establishes a right to damages, a district court hearing the matter may in its discretion also award to the buyer an amount sufficient to pay all or any part of the costs incurred in maintaining the action, including reasonable attorney's fees, and an amount for punitive damages not exceeding five (5) percent of the purchase price of the land.

Subdivision 6. Data for Preliminary and Final Plats.

- A. Data for Preliminary Plat. Data required to be included or provided with the Preliminary Plat are as follows:

1. Identification and Description.

- a. Proposed name of subdivision and street names, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in Dodge County.
- b. Location by section, township, range, and by legal description.
- c. Names and addresses of the record owner and any agent having control of the land, subdivider, land surveyor, engineer, and designer of the plat.
- d. Graphic scale not less than one (1) inch to one hundred (100) feet.
- e. Show North direction point on the Plan.
- f. Key map including area within one (1) mile radius of Plat.
- g. Date plat prepared or drafted.
- h. A current Abstract of Title or a Registered Property Certificate along with any unrecorded documents and Opinion of Title by the subdivider's attorney.

2. Existing Conditions in Proposed Tract.

- a. Boundary line of proposed subdivision clearly indicated to a close degree of accuracy.
- b. Existing zoning classifications for land within and abutting the subdivision including flood plain and shore land districts, if applicable.
- c. A general statement of the appropriate acreage and dimensions of the lots.
- d. Location, right-of-way widths, and names of existing or platted streets, or other public ways, parks, and other public lands, permanent buildings and structures, easements, sections and corporate lines within the plat.
- e. Boundary lines of adjoining non-subdivided or subdivided land or lands, identified by name and ownership, including all contiguous land owned or controlled by the subdivider.

- f. Topographic data, including contours at vertical intervals of two (2) feet, water courses, marshes, rock outcrops, power transmission poles and lines, and other significant features may also be required to be shown.
- g. An analysis of the soils. The City may require soil borings if deemed necessary by the Planning and Zoning Committee or City Council.
- h. If applicable, limits of the flood plain, flood way and flood fringe areas.
- i. Existing zoning and land use in the area within three hundred (300) feet of the boundaries of the tract.
- j. Plans for water supply, sewage disposal, and drainage. Location and size of existing sewers, water mains, culverts or other underground facilities within the preliminary plat area. Such data as existing grades, invert elevations, and location of catch basins, manholes, hydrants and street pavement width and type, shall also be shown.

3. Subdivision Design Features.

- a. Layout and width of proposed streets and utility easements, pedestrian ways, showing street names, lot dimensions, parks, and other public areas. The street layout shall include all contiguous land owned or controlled by the subdivider.
- b. Proposed use of all parcels, and if zoning change is contemplated, proposed zoning amendment.
- c. Preliminary street grades and drainage plan.
- d. Layout, numbers, and preliminary dimensions of lots and blocks.
- e. When lots are located on a curve, the width of the lot at the building setback line.

4. Other Information.

- a. Where a subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning and Zoning Committee may require that the subdivider submit a sketch plan of the remainder of the property to show possible relationships between the proposed subdivision and the future subdivision.

- b. Potential land areas for re-subdivision or land areas of excessively deep or wide (over two hundred feet) lots shall be indicated on the plat for their intended use.
- c. A plan for soil erosion and sediment control both during construction and after development has been completed.
- d. Any necessary site drainage, sewer and water, traffic studies or traffic impact statements, or other relevant information as required by the City Council.
- e. Such other information as may be required by the City Staff, Planning and Zoning Committee or City Council.

B. Data and Requirements for Final Plat. Data required to be included or provided with the Final Plat is as follows:

1. The plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with Minnesota Statutes Chapter 505 and this Section.
2. Data as required by the City Engineer, i.e., accurate angular and linear dimensions for all lines, angles, and curvatures used to describe boundaries, streets, easements, and other important features.
3. Identification and description data as required for the Preliminary Plat.
4. Boundaries of the property; lines of all proposed streets and alleys, with their width, and other areas intended for public use.
5. Lines of adjoining streets and alleys, with their width and names.
6. All lot lines and easements, with figures showing their dimensions.
7. An identification system for all lots and blocks.
8. Certification by a registered land surveyor that the Plat represents a survey made by him and that monuments and markers thereon exist as located and all dimensional and geodetic details are correct.
9. Notarized certification by owner, and by any mortgage holder of record, or adoption of the Plat, and the dedication of streets and other public areas.
10. Certification showing that all taxes currently due and special assessments have been paid.

11. Title opinion by a practicing attorney-at-law shall show, based upon an examination of an abstract, torrens certificate or the records of the Dodge County recorder for the lands included within the plat, that the title is in the name of the owner or subdivider and any encumbrances or liens on the property. The date of continuation of the abstract examined or the date of the examination of the registered property, abstract, torrens, certificate or records shall be within thirty (30) days prior to the date the final plat is submitted to the City for approval. The owner or subdivider shown in the title opinion shall be the owner of records of the platted lands on the date of recording of the plat with the Dodge County Recorder.

12. Execution by all owners of any interest in the land and any holders of a mortgage therein of the certificate required by Minnesota Statutes and which certificate shall include accurate legal description of any area to be dedicated for public use and shall include dedication to the City for sufficient easements to accommodate utility services in such form as shall be approved by the Public Works Committee and City Attorney.

C. Certifications. The Final Plat shall include the required certifications by the City and County officials. This shall include a signature by the Chairman of the Planning and Zoning Committee indicating that the plat has been reviewed by the Planning and Zoning Committee.

A. Form for approval of county officials concerned with the recording of the plat.

a. No delinquent taxes and transfer entered this ___ day of _____, 20 ____.

(Name) Dodge County Auditor

b. Document Number _____. I hereby certify this instrument was filed in the office of the County Recorder for record on this day ___ of _____, 20 ____, at o'clock a.m./p.m., and was duly recorded in Book _____ of _____ on Page _____.

(Name) County Recorder
Dodge County

B. Form of approval of City Officials.

- a. I hereby certify that proper evidence of title has been presented to and examined by me, and I hereby approve this plat as to form and execution. Dated this ____ day of _____, 20 ____ .

(Name) Claremont City Attorney

- b. Checked and approved as to compliance with Minnesota Statutes Chapter 505. Dated this ____ day of _____, 20 ____ .

(Name) Claremont City Engineer

- c. Checked and approved as in compliance with Claremont Zoning Ordinance and Subdivision Ordinances.

City Zoning Administrator

- d. Approved by the Claremont City Council on this ____ day of _____, 20 __ .

Mayor, City of Claremont

Attest:

City Clerk

Subd.7. Subdivision Design Standards.

- A. Conformity with the Comprehensive Plan. The proposed subdivision shall conform with the Comprehensive Plan and Policy Statement adopted by the City.
- B. Streets and Thoroughfares.
 - 1. General Street Design.
 - a. The design of all streets shall be considered in relation to public safety, existing and planned streets, efficient circulation of traffic,

topographical conditions, run-off of storm water, proposed use of the land to be served by such streets, and the Comprehensive Plan of the community.

- b. When a new subdivision adjoins unsubdivided land that is susceptible to being divided, the arrangement of streets shall allow for their appropriate continuation into adjoining areas. Such streets shall be carried to the boundaries of the unsubdivided land.
- c. Where the parcel is subdivided into larger tracts than for building lots, such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of the adjacent minor streets.

- 2. Street Names - Street names shall not duplicate the names of other streets.
- 3. Street Width and Grades - the following standards for street width and grades shall be followed by the subdivider.

Types of Highway or Street	Minimum Width	Maximum Grade	Minimum Grade
Type Highway and Arterials	80 – 120 feet	5%	.5%
Collectors	66 feet	8%	.5%
Local Streets	66 feet	10%	.5%
Frontage Roads	66 feet	10%	.5%
Cul-de-sacs Radius	40 feet	10%	.5%
Turnaround Diameters	80 feet	10%	.5%

- 4. Street Intersections - In so far as practical, streets shall intersect at right angles. In no case shall the angle formed by the intersection of the two (2) streets be less than sixty (60) degrees. Intersections having more than four (4) corners shall be prohibited. Adequate land for future intersection and interchange construction needs to be dedicated to the City.
- 5. Tangents - A tangent of at least one hundred (100) feet shall be introduced between reverse curves on collector streets and fifty (50) feet on lesser streets.
- 6. Deflections - When connecting street lines deflect from each other at one point by more than ten (10) degrees they shall be connected by a curve with a radius adequate to ensure a sight distance of no less than five hundred (500) feet for arterials, three hundred (300) feet for collectors, one hundred (100) feet for all other streets.

7. Street Jogs - Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be prohibited.
8. Local Streets - Local streets shall be laid out so as not to encourage through traffic.
9. Cul-de-sac - The maximum length of a street terminating in a cul-de-sac shall be seven hundred (700) feet measured from the centerline of the street of origin to the end of the right-of-way. Each cul-de-sac shall be provided with a turn around having a maximum outside road way diameter of one hundred (100) feet and a minimum street property line diameter of one hundred twenty (120) feet. There will be a maximum of four (4) drive way entrances in the Cul-de-sac.
10. Access to Arterial Streets - In the case where a proposed plat is adjacent to a limited access highway (arterial), there shall be no direct vehicular or pedestrian access from individual lots to such highways. As a general requirement, access arterials shall be at intervals of not less than $\frac{1}{4}$ mile and through existing and established crossroads where possible. The City Council may require the developer to provide local service drives along the right-of-way of such facilities, or they may require that lot rear yards back on the arterials, in which case vehicular and pedestrian access between the lots and arterial shall be prohibited.
11. Half Streets - Half streets shall be prohibited except where it will be practical to require dedication of the other half when the adjoining property is subdivided, in which case the dedication of a half street may be permitted. Half streets shall not be developed, or maintained.
12. Private Streets - Private streets shall be prohibited and not maintained.
13. Corners - Curb lines at street intersections shall be rounded at a radius of not less than fifteen (15) feet.
14. Alleys - Alleys, where permitted by the City, shall be at least a minimum of fifteen (15) feet wide in residential areas and at least twenty-four (24) feet wide in commercial areas. The City may require alleys in commercial areas where adequate off-street loading space is not available. Dead-end alleys, alley intersections and sharp changes in alignment shall be prohibited.
15. Pedestrian Walkways - The Planning and Zoning Committee and/or Council may require the provision of pedestrian ways in proximity to public service areas such as parks, schools, shopping facilities, or in other appropriate locations as need exists or as required by City Officials,

Planning and Zoning Committee, and/or the City Council. The design of the pedestrian walkways shall be considered in their relation to existing and planned pedestrian walkways, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water, and to the proposed uses of the area to be served. Pedestrian right-of-ways shall be a minimum of at least ten (10) feet wide.

16. Hardship to Owners of Adjoining Property - The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

C. Blocks.

1. The length of blocks shall not exceed one thousand two hundred (1,200) feet nor be less than three hundred (300) feet. Pedestrian ways at least ten (10) feet wide at their approximate centers may be required for blocks over eight hundred (800) feet long.
2. Blocks intended for commercial and industrial use must be designed as such, and the block must be of sufficient size to provide for adequate off-street parking, loading, and such other requirements of the City.
3. The width of a block shall normally be sufficient to allow two (2) tiers of lots of appropriate length.

D. Lots.

1. Size - For areas served by municipal sewer and water systems, the lot dimensions shall be such as to comply with the minimum lot areas specified in the Zoning Ordinance.
2. Side Lot Lines - Side lines of lots shall be substantially at right angles to straight street lines or radial to curved street lines.
3. Drainage - Lots shall be graded so as to provide drainage away from building locations.
4. Natural Features -In subdividing any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety, and stability to the proposed development.
5. Lot Remnants - All remnants of lots below the minimum lot size left over after subdividing of a larger tract must be added to adjacent lots rather than allowed to remain as un-usable parcels unless the owner can show plans for future use of such remnant.

6. Double Frontage Lots - Double frontage (lots with frontage on two parallel streets) or reverse frontage shall not be permitted except where lot rear yards back on an arterial or collector street. Such lots shall have an additional depth of at least ten (10) feet in order to allow for screen planting along the rear yard back lot line.

E. Easements.

1. Utilities - Easements shall be a minimum of twenty (20) feet wide when centered on rear or side property lot lines and fifteen (15) feet when adjacent properties are not available for utility easements. The City Engineer or Public Works Committee may request greater requirements if the situation warrants the need. Easements for storm or sanitary sewers shall be a minimum of at least twenty (20) feet wide, unless otherwise directed by the City Engineer or Public Works Committee. Easements shall have continuity of alignment from block to block. Temporary construction easements may from time to time be required where installation depths are greater than twelve (12) feet. Utility easements shall be kept free of any vegetation, structures and other objects that will interfere with the free movement of utility service vehicles. If easements are obstructed the City reserves the right to remove any or all obstructions at the cost of the effected property owner, any or all costs may be assessed back to the effected property owners. The City is not responsible for any removal costs and/or destruction of any items obstructing the easement right-of-ways.
2. Water Courses - When a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the construction as may be determined to be necessary by the City Engineer or Public Works Committee.

F. Tree Removal and Conservation of Vegetation.

1. The standards related to tree removal contained in the Claremont City Code shall be applicable to all proposed subdivisions.

G. Soil Erosion and Sediment Control.

1. The standards related to soil erosion and sediment control contained in the City Zoning Ordinance shall be applicable to all proposed subdivisions.

H. Parks, Open Space, and Public Use.

1. These requirements are set forth in the Zoning Ordinance.

Subd. 8. Required Improvements.

- A. Improvements Required for All Subdivisions. The subdivider-developer shall be required to provide the following improvements for residential subdivisions unless the City Council elects to do so under special assessments.
1. Monuments - Steele monuments shall be placed within six (6) inches from final elevation at all lot corners, block corners, angle points, points of curves in streets, and at intermediate points as shown on the Final Plat and shall be set after the site improvements, such as streets, curbs and gutter have been completed. Such installation shall be the subdivider's responsibility and at his expense. All Federal, State, County, or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.
 2. Streets –
 - a. Grading - Streets shall be graded to the full width of the right-of-way in accordance with street grades submitted to and approved by the City Engineer. All street grading and gravel base construction shall be in accordance with specifications on file in the City Engineer's office. Grading shall be complete prior to installation of applicable underground utilities, either private or public in nature. Gravel base construction shall be undertaken after completion of the installation of underground utilities.
 - b. Surfacing - Following the City Engineer's approval of street grading and after utility installation, streets shall be surfaced and provided with concrete curbs and gutters in accordance with the latest recommended plans and specifications prepared by the City Engineer, and approved by the City Council.
 3. Sidewalks and Driveways - Sidewalks shall be installed along thoroughfares and collector streets and other streets except if determined by appropriate City Staff, Planning and Zoning Committee, and City Council that their purpose is not required. Driveways shall be constructed from the curb and gutter to the property line or property side of sidewalk. In cases where driveways are constructed after curbing and sidewalk are in place, the sidewalk shall be reconstructed in accordance with driveway specifications to the width of the driveway.
 4. Utilities –
 - a. Sanitary Sewer - Sanitary sewer facilities adequate to serve the subdivision shall be installed in accordance with the latest plans

and specifications of the City Engineer and shall meet the requirements of the master plan for water main extensions of the municipality. All new construction shall be connected to the municipal water system.

- b. Stormwater Facilities - Storm sewer and/or other surface drainage facilities shall be installed as determined to be necessary by the City Engineer for the proper drainage of surface waters.
5. Specifications and Inspections - Unless otherwise stated, all required improvements shall conform to engineering standards and specifications as required by the City Council. Such improvements shall be subject to inspection and approval by, and shall be made in sequence as determined by, the City Engineer.

Subdivision 9. Payment for Installation of Improvements.

- A. General. The required improvements as listed in this Section are to be furnished and installed at the sole expense of the subdivider. However, if the cost of an improvement would by general policy be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision may be made for the payment of a portion of the cost by the City. Further, if any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvements, representing the benefit to such lands, to be assessed against that property. In this situation, the subdivider will be required only to pay for such portion of the whole cost of such improvement as will represent the benefit to the property within that subdivision.
- B. Agreement Providing for the Installation of Improvements.
 1. Prior to the installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a contract in writing with the City requiring the subdivider to furnish and construct said improvements and pay costs for which he is found to be responsible in accordance with plans and specifications and usual contract conditions. This shall include provision for supervision of details of construction by the Engineer and shall grant to the Engineer authority to correlate the work to be done under said contract by any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the community in the vicinity.
 2. No subdivider shall be permitted to start work on any other subdivision without special approval of the City Council if he has previously defaulted on a City contract entered into in accordance with this section.

- C. Financial Guarantee. The contract provided for in Subdivision 9(b) of this Section may require in the City's sole discretion that the subdivider make an escrow deposit, or in lieu thereof furnish a bank letter of credit or performance bond, assuring the performance of the contract. In the event that an escrow deposit, a bank letter of credit or performance bond is required, the City shall be entitled to reimburse itself for any damages, costs and expenses including reasonable attorney's fees incurred by the City resulting from the subdivider breaching the terms and conditions of the contract. If the subdivider defaults on the terms and conditions of the contract with the City, the City may also complete the project referred to in the contract and assess all costs incurred by the City, which shall include but not be limited to all costs incurred by the City as a result of the subdivider's breach of the contract, against the real property being subdivided as a special assessment and collect it in the same manner as a special assessment levied by the City against real property in accordance with Minnesota Statutes Chapter 429.
- D. Construction Plans and Inspection.
1. Construction plans and specifications for the required improvements conforming in all respects with the standards and ordinances of the City shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota, and said plans and specifications shall contain his certificate. Such plans and specifications, together with the quantities of construction items shall be submitted to the City Engineer for his approval and for his estimate of the total costs of the required improvement. Upon approval, such plans and specifications shall become a part of the required contract. The tracings of the plans approved by the City Engineer, plus three (3) prints shall be furnished to the City and be filed as a public record.
 2. All required improvements on the site that are to be installed under the provision of this Section shall be inspected during the course of construction by the City Engineer at the subdivider's expense, and acceptance by the City shall be subject to the City Engineer's certificate of compliance with the contract.
- E. Improvements Completed Prior to Approval of the Plat. Improvements within a subdivision which have been completed prior to application for preliminary or final approval of the plat, or the execution of the contract for installation of the required improvements, shall only be accepted as equivalent improvements if they are in compliance with and conform to applicable City standards, and only if the City Engineer shall certify that he is satisfied that the existing improvements conform to those applicable City standards.

Subd. 10. Other Provisions

- A. **Modifications, Exceptions, and Variances.** The City Council may grant a variance from any of the terms and conditions of this Section upon receiving a report from the Planning and Zoning Committee in any particular case where the subdivider can show by reason of exceptional topography or any other physical condition that strict compliance with this Section would cause undue hardship, provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of this Section. The Planning and Zoning Committee may recommend variations from the requirements of this Section in specific cases which, if in the opinion of the Planning and Zoning Committee it does not affect the Comprehensive Plan or the intent of this Section. Any modifications thus recommended shall be entered in the minutes of the Planning and Zoning Committee in setting forth the reasons which justify the modifications. The City Council may approve variances from this Section in specific cases which in its opinion meet the above requirements and do not adversely affect the purposes of this Section.
- B. **Planned Unit Developments.** Upon receiving a report from the Planning and Zoning Committee, the City Council may grant a variance from any of the provisions of this Section in the case of a planned unit development, provided that the City Council shall find that the proposed development is fully consistent with the purposes and intent of this Section. This provision is intended to provide the necessary flexibility for new land planning and land development trends and techniques.
- C. **Waiver of Formal Subdivision Platting Requirements.**
1. The subdivision of a lot which is a part of a recorded plat or parcel, where the division is to permit the transfer of land from one (1) neighbor to another, and the newly created property line or lines will not cause either lot or lots when transfer is completed to be in violation of the Zoning Ordinance shall be exempt from the terms and conditions of this Section, notwithstanding or contrary to any provisions of this Section.
 2. In the case of a subdivision of unplatted land or a resubdivision of platted land into five (5) parcels or less, situated in a locality where conditions are well defined, and the subdividing will not be detrimental to the public welfare or injurious to other property in the locality in which the property in question is located and newly created, and property lines will not cause any resulting lot to be in violation of this Section or the Zoning Ordinances, the applicant may petition the Planning and Zoning Committee to exempt the subdivider from complying with all or part of the regulations of this Section. The applicant shall be required to submit a petition for waiver of the requirements of this Section upon forms furnished by the City.

- a. The forms shall be accompanied by or contain the following information:
 1. An exhibit showing a dimensioned certificate of survey drawn by a registered land surveyor identifying the original lot or subdivision with an overlay or separate plan showing the proposed lot or subdivision requested.
 2. An accurate dimensioned drawing of the present lot (or lots), arrangements shall include existing lot lines, structures, easements and encroachments, existing and proposed utilities, streets, and other relevant information as needed, as well as the relationship to adjacent lots and buildings.
 3. A legal description of the existing areas and the proposed project area.
 4. Proof of property ownership.
- b. The petition for waiver and eighteen (18) copies of the certificate of survey must be submitted to the Planning and Zoning Committee at least three (3) weeks prior to the next regular scheduled meeting of the Planning and Zoning Committee, and shall be accompanied by the required fee as determined by City Council.
- c. The Planning and Zoning Committee shall thereafter make a recommendation to the City Council concerning the requests.
- d. The City Council, after review by the Planning and Zoning Committee, shall then consider the application and the Planning and Zoning Committee's recommendation, and proceed to act on a resolution approving or denying the request.

A certified copy of the City Council's resolution approving the petition for waiver accompanied by the exhibits required in the petition must be recorded by petitioner at the Office of the Dodge County Recorder and be done within ten (10) days after the Council's approval of the petition. If land, lots, or parcels are subdivided without following these guidelines, the transfer of any lands shall be deemed illegal and in violation of this Section.

Subd. 11. Enforcement.

- A. Remedies. The City may exercise any or all of the following remedies in enforcing this Section:
1. The City may through Civil Proceedings obtain a Court order to enjoin any person from committing an act that is in violation of this Section.
 2. The City may deny the issuance of a building permit or other permits until such time as all provisions of this Section are complied with.
 3. The City may exercise any and all other remedies available to it in law or in equity against anyone who is in violation of this Section.
- B. Penalties. Any person who violates any of the provisions of this Section, or who sells, leases, or offers for sale or lease any lot, block or tract of land herein regulated before all requirements of this Section have been complied with, shall be guilty of a misdemeanor, and upon conviction thereof will be subject to a fine and/or imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

Subd. 12. Miscellaneous.

- A. Separability. The several provisions of this Section are separable in accordance with the following:
1. If any Court of competent jurisdiction shall adjudge any provision of this Section to be invalid, such judgment shall not effect any other provision of this Section not specifically included in said judgment.
 2. If any Court of competent jurisdiction shall adjudge invalid the application of any provision of this Section to a particular property, building, or structure, such judgment shall not affect other property, buildings, or structures.
- B. Building Permits. No building permit shall be issued for any construction, enlargement, alteration or repair, demolition or moving of any building or structure on any lot or parcel until all the requirements of this Section have been fully met.
- C. Repeal. Any previous Ordinance or Code provisions adopted by the City Council regulating the subdivision of land is hereby repealed.

**SECTION 4.80 IN ITS ENTIRETY WAS ADOPTED BY THE CLAREMONT CITY COUNCIL
ON 12-9-2003**

(Sections 4.81 through 4.98, inclusive, reserved for future expansion).

SEC. 4.99. VIOLATION OF CHAPTER 4

Chapter 4 shall be enforced consistent with the procedures set forth in Section 1.20 of this Code.”