

ORDINANCE NO. 99, 2ND SERIES

AN ORDINANCE OF THE CITY OF ADRIAN, MINNESOTA, AMENDING ADRIAN CITY CODE, CHAPTER 11 ENTITLED "LAND USE REGULATION (ZONING)" BY REMOVING SECTIONS 11.01 THROUGH 11.14, REVISING AND UPDATING THE SECTIONS AND RENUMBERING AS SECTIONS 11.01 THROUGH 11.08. ALL RELATING TO LAND USE (ZONING); AND, BY ADOPTING BY REFERENCE, CITY CODE CHAPTER I AND SECTION 11.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF THE CITY OF ADRIAN, MINNESOTA, DOES ORDAIN AS FOLLOWS:

Section I. City Code, Chapter 11, is hereby amended by replacing Section 11.01 through 11.14 and all subdivisions adopted over varying years with the following to-wit:

SEC. 11.01. TITLE, PURPOSE, AND INTERPRETATIONS.

- A. Title. This chapter shall be known and may be referred to as the "Zoning Ordinance" or the "Zoning Chapter" for the City of Adrian. When referred to herein, it shall be known as "this chapter."
- B. Purpose. This chapter is adopted and enacted to promote the public health, safety, and general welfare of the city through the following:
 - a. Planned and orderly development of residential, business, and industrial lands;
 - b. Limitations of congestion in public right-of-way;
 - c. Providing convenience and adequate access to a premises;
 - d. Prevention of overcrowding land with population and/or structures;
 - e. Protecting residents and the public from fire and other hazards;
 - f. Encouraging the development in accordance with the City's future planning;
 - g. Compatible integration of land uses, and ensuring the most appropriate use of land within the city;
 - h. Providing for the administration and enforcement of this chapter and any applicable amendments, defining duties, prescribing fees, and imposing penalties for violations of the provisions of this chapter.
- C. Scope. From and after the effective date of this chapter, the use of all lands and structures erected, altered, enlarged, or relocated, and every use accessory thereto, shall be in conformance with the provisions of this chapter. Any existing use, structure, lot, or development which was legally established, but not in conformance with the provisions of this chapter, shall be regarded as nonconforming and may continue in existence only for such period of time, and under such conditions as is provided for in *Section 11.04* of this Chapter.
- D. Application.
 - a. The provisions of this chapter shall be held to be the minimum requirements;
 - b. Whereas any provision of this chapter is either more or less restrictive than a comparable provision imposed by other code, ordinance, statute, or regulation of any kind, the more restrictive provision shall prevail;
 - c. No land shall be used, and no structure shall be erected, altered, converted, moved, or used for any purpose or manner which does not conform with the provisions of this chapter.

SEC. 11.02. DEFINITIONS. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. Public right-of-way which affords a secondary means of access to abutting property.

ATTACHED DWELLING. A building composed of more than one dwelling unit which share common wall(s).

BASEMENT. The portion of the building wholly or partially below grade.

- BUILDING.** Any structure with a roof that is built to provide shelter or enclosure of or for persons, chattels or property of any kind.
- BUSINESS COMPLEX.** A building or series of connected buildings containing two or more businesses.
- COMMERCIAL USE.** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, or services.
- COMPREHENSIVE PLAN.** Goals, policies, standards, and programs for guiding the physical, social and economic development in the City, used by the City as most recently adopted by City Council.
- DETACHED DWELLING.** Dwelling having open space on all four sides.
- DWELLING Unit.** Any building or structure or portion thereof designed and/or designated for residential purposes and having within it living facilities consisting of sleeping, cooking, living, and sanitary facilities.
- DWELLING, MULTI-FAMILY.** Residential structure composed of three or more dwelling units. May share common walls, floors, ceilings, or any combination thereof. Each unit shall be designated to serve as a single-family dwelling.
- DWELLING, SINGLE-FAMILY.** Dwelling unit designated for not more than one-family.
- DWELLING, TWO-FAMILY.** A residential structure composed of not more than two dwelling units.
- EASEMENT.** A grant by the property owner of the use of land by the public or appurtenant to another property for a specific purpose or purposes.
- EXISTING.** Structures or lands which was in place prior to the adoption of this chapter by the City of Adrian, City Council.
- FENCE.** Any partition, structure, wall, or gate erected to serve as a dividing marker, partition, barrier, or enclosure and located at the boundary of a property, or within a lot.
- FLOOR AREA.** The sum of the gross horizontal areas of all applicable floors of a building measured from exterior surfaces of the exterior walls.
- FRONTAGE.** The boundary of a lot which abuts a street.
- GARAGE.** Accessory structure or portion of a principal building which is primarily used for vehicular storage.
- HEIGHT.** As used for the height of a structure, is the vertical distance between the exterior grade and the highest point of said structure.
- INDUSTRIAL USE.** The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products or other wholesale items.
- LANDSCAPING.** Plantings such as grass, shrubs, and trees.
- LOT.** An area, parcel, or tract of land which was created for the intent of habitation.
- LOT AREA.** The area of the lot on horizontal planes bounded by lot lines.
- LOT LINE.** A line that bounds the size of a lot.
- MANUFACTURED HOME.** A transportable home that comes in one or more sections.
- NONCONFORMITY.** Any use, structure, or parcel of land lawfully existing on the effective date of this chapter which does not comply with all requirements set forth herein.

SETBACK. A minimum horizontal distance between a structure and lot line (or other specified items).

STREET. Public right-of-way affording primary access to abutting properties.

STRUCTURE. Anything constructed, placed, or erected on the ground or attached by any means to the ground, including all buildings, decks, fences and like or similar items, but not including aerial or underground utility lines such as water, sewer, gas, cable, electric, and telephone lines, as well as towers, poles, antennae and related equipment to support such utilities.

USE. The purpose of activity for which the land or structure therein is designated or intended.

USE, ACCESSORY. A use or structure subordinate to and serving the principal use or structure within the same lot/property, which is compatible with an customarily incidental to the principle use.

USE, CONDITIONAL. Those uses, if any, that the ordinance has listed as allowed under certain conditions, and under certain findings, with whatever the council deems reasonable in order to advance public health, safety and welfare.

USE, INTERIM. A temporary use of property until a particular date, occurrence, and/or event happens, or until zoning regulations no longer permit the use.

USE, PERMITTED. Lawfully established use that conforms with all regulations set forth within.

USE, PRINCIPAL. The main use of land or structure.

VARIANCE. Any modification or variation of governing provisions of this chapter where it is determined strict adherence to provisions of this chapter would cause undue hardship or would be found to be unreasonable, impracticable, or unfeasible under certain circumstances.

YARD. Open space surrounding the structures.

SEC. 11.03. ZONING DISTRICTS. The boundaries of the zones established and adopted by the City of Adrian are located on the zoning map. The zoning map and other applicable regulations is kept on file at the City Office.

For the purpose of this Chapter, the city is divided into the following districts:

Subd. 1. COMMERCIAL AND INDUSTRIAL DISTRICT.

- A. Chicago and North Western Railway Company right-of-way from the West line of Indiana Avenue West (formerly Third Avenue West) to the East Corporate limits.
- B. Jones Addition, City of Adrian, in its entirety.
- C. Northwest Jones Addition, City of Adrian, in its entirety.
- D. Platted tract North of Magnolia Street, and West of State Highway 91.
- E. All un-platted land East of State Highway 91, and North of the Chicago and North Western Railway Company right-of-way, to corporate limits.
- F. Lots Eleven (11) and Twelve (12), Block One (1), Lots Eleven (11), Twelve (12), Thirteen (13), and Fourteen (14), Block Two (2), Original Plat. Block Six (6) and Block Seven (7), within Campbell East Side Addition, City of Adrian.
- G. All of Block Thirty (30), and all of Block Two (2), Original Plat of the City of Adrian.
- H. All of Block's A, B, C, D, E, F, and G, Original Plat of the City of Adrian.
- I. East one-half of Blocks Three (3), Six (6), and Eleven (11), and West one-half of Blocks Two (2), Seven (7), and Ten (10), Original Plat of the City of Adrian.
- J. Lots One (1) through Nine (9), Block Five (5), Original Plat of the City of Adrian.

COMMERCIAL AND INDUSTRIAL DISTRICT, CONFORMING USES. In the Commercial and Industrial District, no building or premises shall be used and no building or structure shall be altered, erected, or relocated except for one or more of the following:

- A. All uses as permitted by definitions in sec 11.02
- B. Any use whatsoever which is not in conflict with any provisions of City Code, and for which uses a special permit from the City Council has been received.

Subd. 1.1 **RESIDENTIAL DISTRICT.** All areas not placed in the Commercial and Industrial District shall be included in the Residential District.

RESIDENTIAL DISTRICT, PERMITTED USES. In the Residential District, unless otherwise provided in this or other provisions of the City Code, no building or premises shall be used, and no building shall hereafter be altered, erected, or relocated except for one or more of the following uses:

- A. Single-family, two-family or multiple-family dwellings and their accessory structures.
- B. Plant nurseries and/or greenhouses.
- C. Recreational or Community buildings publicly owned and operated.
- D. Parks and Playgrounds.
- E. Churches, Schools, Libraries, Clinics and Hospitals.
- F. Temporary signage, not more than six feet square pertaining to leasing or sale of a particular premises or building.
- G. Any land added to the City in the future shall be placed in the Residential District unless special action of the City Council shall assign the same to another Use District.

Subd. 1.1.1 **BILLBOARDS AND SIGNS.** Except for such temporary signs as allowed in Sec. 11.03, Subd. 1, subpart F, no billboard signs shall be erected or placed within the Residential District.

Subd. 1.2 **BUSINESS BUILDINGS, MAINE AVENUE.** Any newly erected and/or altered structures on the front of Maine Avenue (formerly Main Street) shall be placed so that the front of said building extends to the inside line of the sidewalk, unless a variance to build otherwise shall be granted by the City Council.

Subd. 1.3 **HERITAGE PRESERVATION, MAINE AVENUE.** The City hereby declares as a matter of public policy that the protection, and preservation of structures, lands, and architectural details having a special historical or cultural interest or value is necessity.

PURPOSE.

- A. To safeguard the heritage of the buildings abutting Maine Avenue;
- B. Maintain and/or enhance architectural history, and aesthetic character;
- C. Promote and preserve the historic landmarks.

DEFINITIONS.

Heritage Preservation District. The "district" shall include the buildings abutting Maine Avenue, between Rice Street and 4th Street West. Buildings in this area have been determined to be historically, culturally, and architecturally significant.

Heritage Preservation Guidelines. Shall refer to the criteria established and adopted by the City Council by which any alterations, additions, and/or modifications to structures within the "district" shall strictly adhere to.

APPLICATION, DESIGN COMPLIANCE PERMIT.

Persons wanting to perform construction activities which include, but not limited to alterations, rehabilitations, additions, demolition within the district must first apply for a Design Compliance Permit. The application shall be accompanied by project details and plans if applicable. Such details and/or plans shall at minimum include:

- A. Site address, description of work performed, and location on the site.

- B. Name and address of Owner, Contractors performing work, and person(s) preparing plans.
- C. Scaled drawings showing site, floor plans, elevations.
- D. Description of materials used and color schematics.
- E. Proposed cost estimate for work being performed.

FEES.

Applicants shall be subject to a base non-refundable filing fee of \$25.00 for administrative services and application review. Thereafter, proposed work is subject to fees as described in **SEC. 11.05, Subd. 1.2 PERMITS, FEES.**

DESIGN STANDARDS.

- A. Acceptable Materials
 - a. Brick and Mortar.
 - b. Natural Stone.
 - c. Pre-cast concrete materials, accents, textures.
 - d. Stucco, EFIS, Accent Panels.
 - e. Glass.
 - f. Preformed metal accents.
- B. Colors
 - a. Colors shall conform with surrounding buildings in the district and are subject to review by the City.

SEC. 11.04. NON-CONFORMING USES.

Subd. 1 CONTINUATION. The lawful use of a building or premises existing at the date this section is made effective may be continued, but if such non-conforming use is discontinued for one year or more, any future use of the building or premises must be in conformity with the provisions of this chapter.

Subd. 1.1 ALTERATIONS AND NORMAL MAINTENANCE. Structural changes may be made only to bring the building or structure into compliance with the Building Code or other governmental regulation. Normal maintenance may be permitted when it includes necessary nonstructural repairs. Such activities should in no way extend, enlarge, or intensify nonconforming use(s). No provision in this chapter shall prevent the improvements of any building for health and safety purposes.

Subd. 1.2 MANUFACTURED HOUSING. No manufactured housing shall be erected, placed, moved, or parked within the City except as set forth within this Chapter. No camping trailer, bus, or recreational vehicle shall be parked on any public street for a period longer than twenty-four (24) hours. Except as allowed by City Council to meet the temporary needs of City residents, no camping trailer, bus, or recreation vehicle shall be parked on any lots within the city for the purpose of habitation. Any such act shall be non-conforming with this chapter.

Subd. 1.2.0 DEFINITIONS FOR THIS SUBDIVISION.

In addition to the definitions set forth in section 11.02, the following words have the following definitions for purposes of this section.

- A. **"Manufactured Home"** shall have the meaning as specified in Minnesota Statutes, Section 327.31, Subd. 6, and shall include all structures formally known as "mobile homes" but shall not be limited to such structures.
- B. **"Structure"** means anything constructed, placed, or erected on the ground or attached by any means to the ground, including all buildings, decks, fences and like or similar items, but not including aerial or underground utility lines such as water, sewer, gas, cable, electric, and telephone lines, as well as towers, poles, antennae and related equipment to support such utilities.

- C. For purposes of this chapter, a “mobile home” is any manufactured and transportable housing designed and designated for year-round occupancy as a single-family dwelling.
- D. For purposes of definition, the term “manufactured home” shall include all transportable housing over 29 feet in length and 16 feet or less in width, and of 5,000 or more pounds in weight and containing the same utilities as immobile housing.
- E. The term “manufactured home” shall include transportable housing but shall exclude housing of modular design and construction where more than one module is required to form an integral housing unit, where the width of the integral unit exceeds 16 feet in width when assembled for occupancy.
- F. The term “manufactured home” shall include transportable which must meet all State or Federal requirements and have affixed a label, identification plate, or sticker identifying the unit to be of “mobile home” design and construction.

Subd. 1.2.1 MANUFACTURED HOUSING. None of the vehicles or manufactured structures identified above shall be erected within the Residential District, except that: One-family manufactured homes built in conformance with Minnesota Statutes, Sections 327.31 through 327.35, as amended through laws of 1994, are permitted provided the following design standards are met to ensure the dwelling provides for reasonable compatibility with neighboring structures to protect property values, and to provide for the health and safety of the occupants of such modular housing:

- A. Permanent foundation consisting of, but not limited to CMU block, Concrete, or wood foundations below the frost line;
- B. Roof lines must be pitched no less than 4:12, flat and/or shed roofs are not permitted;
- C. The minimum width of the structure shall be no less than 24 feet measured across the face of the exterior wall;
- D. Any metal siding shall have horizontal edges and overlap in sections no wider than 12 inches, sheet metal siding is not permitted;
- E. Modular housing must be connected to the City utilities.

Subd. 1.3 MANUFACTURED HOMES, PARKS. All vehicles and manufactured structures that do not conform with the requirements set forth in the chapter, thus do not qualify to be placed in the Residential District shall be permitted in an approved Manufactured Home Park as designated by City Council. The Council may, from time to time, designate one or more areas of the Residential District for Manufactured Home Parks, and may do so without passing a separate ordinance further identifying such parks.

SEC. 11.05. ADMINISTRATION AND ENFORCEMENT.

Subd. 1 ENFORCEMENT OFFICERS (INSPECTORS). The position of Enforcement Officer is hereby established for which the Adrian City Council may appoint such employee(s) of the City as it deems proper. It shall be the duty of such Enforcement Officers to administer and enforce the provisions of this chapter, and all activities undertaken and permits issued under this chapter.

Subd. 1.1 ENFORCEMENT OFFICER DUTIES. Duties shall include, but are not limited to the following:

- A. Administer and process all applications for permits and/or Council approval under this chapter;
- B. Serve as staff advisor to the City Administrator and City Council;
- C. Determine that all permits comply with the terms of this chapter;
- D. Conduct necessary inspection(s) of buildings, and uses of land to ensure compliance with the terms of this chapter and all permits issued under the terms of this chapter;
- E. The Enforcement Officer will report instances of non-compliance to the City Council which will determine proper enforcement proceedings against violators of the provisions of this chapter;
- F. Prepare and submit all records pertaining to the Administration of this chapter to the City Administrator;
- G. Create reports and information for the City Administrator and City Council as requested.

Subd. 1.2 PERMITS, FEES.

A. PERMITS:

- a. No person(s) shall erect or alter any structure of any kind or move and/or relocate any structure or building by moving it from any point outside the city into the city, moving it from within the city to any point, without first procuring from the City Office a permit to do so.
- b. Non-residential occupancies that are erected or altered are subject to a plan review and inspection to ensure compliance with the Minnesota Accessibility Code.

B. ISSUANCE OF PERMITS. The City shall issue permits only after applicable fees have been paid and the application complies with all requirements herein. Permits are valid for a period of twelve months from the date of issuance. Upon receiving the zoning permit, the work may commence.

C. PERMITS GRANTED. Upon application approval, the City will issue a permit that is to be placed in a visible location on the site where work will be commencing and shall remain on-site the duration of the scope of work.

D. WORK COMMENCING WITHOUT PERMIT. Where work for which a permit is required is started or pursued prior to issuance of a permit, the fees shall be doubled and may also be subject to a special investigation/inspection(s) fee.

E. COMPLETION. After the project has been completed, the City may choose to visit the site to verify the project was done in accordance with the application and conditions of the permit granted.

F. FEES. Any fee required by this chapter shall be specified in a fee schedule adopted by the City Council, a copy of which shall be located in the City Office. Fees are payable upon request for permit to perform any procedure regulated by this chapter. No request for permit shall be deemed to be complete until fee(s) have been paid in full. Fees paid in full does not alone grant person(s) requesting a permit approval to proceed with procedures. Upon receipt of fees, application, and any applicable supplemental documents, an Enforcement Officer will perform a review and make a recommendation to the Council to either grant or deny the permit(s). In any event where a permit is not granted, such fees shall be refunded.

Subd. 1.3 NOTICE. Failure to give notice or to give adequate notice of proceedings under this chapter, when such is required by this chapter, shall not invalidate any proceedings; provided, that a good faith attempt has been made to comply with the notice requirement.

Subd. 1.4 PENALTY; CONTINUED VIOLATIONS. Persons violating provisions of this chapter are subject to penalties. Such violations shall include the following:

- A. Performing procedures that are prohibited or declared unlawful, a violation, or misdemeanor by ordinance or by rule or regulation authorized by ordinance.
- B. Failures to perform such acts as deemed necessary by this chapter.
- C. Failure to perform an act if the failure is prohibited by this chapter.

Except as otherwise provided by law or ordinance, a person convicted of a violation of this chapter shall be punished by a fine not to exceed \$1,000.00, by imprisonment for a period not to exceed 90 days, or by both such fine and imprisonment. Except as otherwise provided by law or ordinance, with respect to violations of this chapter that are continuous with respect of time, each day that the violation continues is a separate offense. As to other violations, each violation constitutes a separate offense.

SEC. 11.06. GENERAL REGULATIONS.

Subd. 1 DEVELOPMENT STANDARDS. All houses located in any residential district shall conform to the following minimum requirements in addition to the specific requirements applicable to individual residential districts and other requirements of this chapter.

- A. All houses shall be placed on a permanent foundation which complies with the Minnesota State Building Code.
- B. All dwellings shall have a minimum width and depth of not less than 22 feet, this shall exclude porches, entries, overhangs, or attached accessory units.
- C. All houses shall have a roof pitch of not less than 4:12 and have overhangs not less than 6 inches.
- D. Any structure shall have exterior wall finish materials extend down the foundation or within 12 inches above grade, whichever is less. Wainscoting, if used, shall be a minimum of 36 inches high.
- E. No building shall be used as a dwelling which is located on property which abuts a city water or sanitary sewer main, without being connected thereto and as to any such residence no outhouse, privy, or cesspool shall be constructed on the premises.

Subd. 1.1 ACCESSORY STRUCTURES. Accessory structures are to be constructed, or moved into the city after the principal building, and serve as accessory and subordinate to the principal structure or use on the property. No accessory structure shall be constructed or moved on a residential lot which does not contain a principal building.

The following regulations regulating accessory buildings are established to provide orderly uses by regulating the type, size, and location of accessory structures.

- A. SIZE:
 - a. No accessory structure shall exceed the height of the principal building or 20 feet in a residential area, whichever is less.
 - b. No accessory structure shall exceed 15% of the lot area or exceed 75% of the square footage of the principal building, whichever is less.
 - c. The maximum total footprint of any accessory structure on residential lots less than 10 acres in area shall be 2,000 square-feet.
- B. LOCATION:
 - a. Each accessory structure shall be setback at least at far as the principal building on the lot.
 - b. Garages shall be set back a minimum of 20 feet from the lot line abutting the street or alley where the driveway takes access.
 - c. An accessory structure must not be placed less than five feet from the principal building or another accessory structure.
 - d. An accessory building must not be placed in a required front yard or side yard, or less than 12 feet to the rear property line except one accessory structure less than 200 square-feet in area may be placed not less than five feet to the side or rear property line. For accessory structures larger than 1,000 square-feet, the distance to the rear property line shall be increased by one foot for every 100 square-foot area increase over 1,000 square-feet.
 - e. Accessory structures and projections are not to be located within any utility easements or other such restricted area.
- C. GENERAL:
 - a. All accessory structures shall be constructed in such a matter that complies with all requirements of the building code.
 - b. There is not to be more than two accessory structures place on a single lot.
 - c. No accessory structure shall be used for human habitation or any kind. For each residential dwelling, one travel trailer, camper, motor-home, or recreational vehicle may be used to temporarily house occupants for not more than 15 calendar days per year.

- d. Trailers, semi-trailers, shipping containers, and other like facilities are not allowed to be used as an accessory structure. A single unit as described above may be utilized on a temporary basis, not to exceed 30 consecutive days per calendar year.

Subd. 1.2 **REQUIRED YARDS.** It is required that new residences are to be set back 30 feet from front side of said lot, to the structure, less overhang, and each residence shall have two side yards, each being not less than five feet in width, and subject to approved drainage. Where a lot or plot is located at the intersection of two or more streets there shall be a front yard on each street side of each corner lot. There shall be a rear yard having a depth of not less than 25 percent of the lot or plot depth, or 18 percent of the lot or plot depth for a corner lot. Every lot or plot on which a one-family dwelling or a two-family dwelling is erected shall have a minimum width of not less than 70 feet at the building setback line, and a minimum depth of not less than 110 feet.

Subd. 1.3 **FENCES, ENCLOSURES.** Fences and enclosures within the City are subject to a permit, prior approval, and are to strictly adhere to the regulations set forth herein. It is unlawful for any person(s) to construct or cause to be erected within the City, any fence without making application for and securing a permit.

- A. **MATERIALS:** Fences and enclosures shall be constructed, maintained, and repaired in a professional manner and of substantial materials suitable for the purpose for which the fence is intended.
- B. **MAINTENANCE:** Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair, or constitute a nuisance, public or private. Any Owner of a fence deemed to not comply with this Chapter will be notified by Enforcement Officers to find resolve to violation(s).

C. **GENERAL:**

- a. The Owner of property upon which any fence is proposed to be erected shall be responsible for determining the location of property line and property corners. The City may require that the applicant secure a survey by a registered land surveyor of the property upon which the fence is to be erected, prior to issuance of a fence permit, such survey to be paid for by the Owner/Applicant.
- b. No fence or enclosure shall be installed to block or divert the natural drainage flow onto of off any other land or lot.
- c. Fences within areas of easement are subject to removal without compensation to the Owner if the City or other entity requires access to an area reserved by easement.
- d. Chain link fences shall be required to have a top rail and shall be constructed in such a manner as to not have barber or spiked ends.
- e. Barbed wire fences shall only be permitted in industrial districts. Such fences are prohibited in residential districts.
- f. The finished side of all fences are to face the adjoining property or right-of-way.
- g. Temporary fencing, plastic or otherwise (i.e., snow fencing), is prohibited on residential lots between April 1st and September 30th of each year.

D. **LOCATION(S):**

- a. No fences shall be permitted on any public right-of-way.
- b. Corner Lots; the required front yard of a corner lot shall not contain any fence which may infringe on safe travels of a public road by obscuring views.

E. **BOUNDARY LINE FENCES:**

- a. Boundary line fences may be constructed provided they adhere to the following:
 - i. An agreement must be reached between adjacent property owners for the placement of a boundary line fence. The issue of an agreed line is to encourage a mutual understanding of the line and provide for fence maintenance without trespassing. Such agreement shall be drafted and kept on file at the City Office. If no such agreement can be reached, the fence shall be located a minimum of two feet inside of presumed boundary line. Where the boundary if not clearly defined, the City may require that the

- applicant secure a survey by a registered land surveyor of the property upon which the fence is to be erected, such survey to be paid for by the Owner/Applicant.
- ii. Fences replaced after the effective date of this section must be in compliance with the provisions of this section.
- F. **POOLS AND RECREATIONAL COURTS.** All pools and recreational courts not enclosed with a boundary fence must be enclosed as follows:
- a. All privately owned pools capable of holding water at a depth of more than 24 inches on residential lots shall comply with the following:
 - i. The pool, or surrounding yard, or entire property shall be completely enclosed by a wall or fence not less than four feet in height, which shall be so constructed as to not have openings, holes, or gaps larger than four inches, except for doors and gates.
 - ii. All doors and gates shall be equipped with self-closing devices.
 - iii. Required fencing shall be durable, intended for such use, and not readily climbable by children.
 - iv. Above ground pools with side walls greater than four feet in height shall not be required to be enclosed.
 - v. Spas and hot tubs with a safety cover that is affixed shall not be required to be enclosed.
- G. **RESIDENTIAL DISTRICT FENCES.** In all residential districts no boundary line fence shall be erected or maintained more than seven (7) feet in height, except that:
- a. No fence shall be erected in any required front yard to a height more than four (4) feet.
 - b. Privacy type fences typically of wood construction providing one hundred (100%) opacity.
 - c. In those instances where a fence exists as an enclosure, which restricts access from the front to rear yard, a gate, or other means of recognizable ingress shall be required and shall be a minimum of three feet in width.
- H. **COMMERCIAL AND INDUSTRIAL DISTRICT FENCES.** Fences in Commercial Districts shall not exceed eight (8) feet in height and twelve (12) feet in height for Industrial Districts. Fence construction shall be of post frame construction with steel cover and steel trims, chain link, or wood. Fencing may be required whenever a commercial or industrial use abuts a residential use. Fencing erected when a commercial or industrial use abuts a residential use shall meet a standard of not less than eight percent (80%) opacity, a minimum height of six (6) feet, and a maximum height of eight (8) feet along the property line. Except that:
- a. Fences which are barbed wire may be placed and are erected primarily to secure a particular given area, may have arms at a minimum of twelve (12) inches and not exceed twenty-four (24) inches in length located a minimum of eight (8) and maximum of ten (10) feet above the ground surface.
 - b. Fences shall not be erected within the front yard of a commercially zoned district.
 - c. Fences erected within the front yard of an industrial zone shall not be over four (4) feet in height and shall be of chain link construction permitting maximum visibility. Except that:
 - i. Fences erected for the purpose of storage in an industrial zone and encroaching on the required front yard area may be erected to a maximum of eight (8) feet in height and be built within one-half of the required setback. The remaining front yard setback area, from the fence to the roadway, shall be landscaped as required by this chapter.

Subd. 1.4 **CORNER AND VACANT LOTS.** Corner lots shall have no foliage, fence, signage or other structure that extends or is erected to a height of more than two (2) feet above the elevation of the established grade at the intersection of two street lines, on that part of any lot which is bounded by street lines of the two intersecting streets and a line connecting said street lines 35 feet from their point of intersection.

SEC. 11.07. FIRE ZONES.

- A. That part of the city described as Lots 1 to 12 inclusive in Block 2, Lots 1 to 12 inclusive in Block 3, Lots 1 to 12 inclusive in Block 6, and Lots 1 to 12 inclusive in Block 7.
- B. That part of the city described as the East one-half of Block 11 and the West one-half of Block 10, now or hereafter used for Business purposes.
- C. Any buildings built in the fire zone (described in Subdivision 1 and 2 above) hereafter shall be built of flame-retardant materials.

SEC. 11.08. VARIANCES.

Subd. 1. **AUTHORIZATION.** The council may authorize a variance if the applicant establishes that there are practical difficulties in complying with the terms of the Zoning Ordinance, by establishing they meet the criteria for granting of a variance as set forth in this section.

Subd. 1.1 **PROCEDURE.**

- A. **Application:** Variances may be applied for only on the forms prepared by the City and are available at the City Office. All applications shall be accompanied by a list of names and addresses of the owners of lands within 350 feet of the property described on the application as such information appears on the records of the county.
- B. **Application Fee:** The council may, by resolution, establish a fee for the filing of applications for variances. The fee shall be paid before the application shall be considered and shall not be refundable. An application is not complete until the required fee has been paid and all information required by the application form and any policy, rule or ordinance of the city is provided.
- C. **Procedure:** Application for the issuance of a variance shall be made at the City Office with and from the City Administrator. The City Council may hold such hearings on the proposal as it may consider necessary, but at least one public hearing shall be held pursuant to Minn. Stat. § 462.357, subd. 3. Enforcement Officers are to create a report for the City Council to consider while considering an application for a variance. The council shall decide on the request for the variance. In doing so, the council may impose whatever conditions it deems appropriate and reasonable in order to advance public health, safety and welfare, and may require guarantees in the granting of variances to ensure compliance and to protect adjacent properties from undo effects.

Subd. 1.2. **CRITERIA FOR VARIANCES.** No variance from the terms of this chapter shall be authorized unless all the following facts and conditions are found by the Council to exist:

- A. That the granting of the variance is in harmony with the general purpose and intent of this chapter.
- B. That the granting of the variance is consistent with the comprehensive plan.
- C. That the property owner proposes to use the property in a reasonable manner not permitted under the ongoing ordinance.
- D. That the plight of the landowner is due to circumstances unique to the property not created by the landowner or prior landowners.
- E. That the variance will not alter the essential character of the locality.
- F. That more than economic considerations are involved in the request.
- G. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property, that do not apply generally to other properties in the same zoning district.
- H. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
- I. That the authorizing of such variance will not be of substantial detriment to adjacent property.

SEC. 11.09 thru 11.79 Reserved.

Section 2. City Code Chapter I entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 11.99 entitled "Violation a Misdemeanor" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Passed and adopted by the City Council of the City of Adrian this 24th day of

July 2023.

David Edwards
Mayor

ATTEST:

[Signature]
Administrator/Clerk-Treasurer

(City Seal)



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