

ZONING ORDINANCE
FOR THE
CITY OF NORTHOME, MINNESOTA

NOVEMBER 15, 1978

OFFICE OF COUNTY RECORDER
County of Koochiching, Minn.

I hereby Certify that the within instrument was Filed In this office for Record on the 16th day of Dec A.D., 1978 at 9 o'clock A-M., and was duly Recorded on Microfilm No. 165243

James E. Peltz
County Recorder

By _____ Deputy

PREPARED BY:
NORTHOME PLANNING COMMISSION

ZONING ORDINANCE
FOR THE CITY OF NORTHOME

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ARTICLE I

TITLE

NORTHOME ZONING ORDINANCE

This Ordinance text and Zoning District Map shall be known and may be cited as the Zoning Ordinance of the City of Northome, Minnesota. The Ordinance is authorized under Minnesota Statutes 462.351 through 462.364 as amended and in furtherance of policies declared in Minnesota Statutes 1973, Chapter 379 and 1974, Chapters 105, 115, 116, by the Commissioner of Natural Resources.

ARTICLE II
DEFINITIONS

- 2.00 As used in this ordinance, the following words, terms and phrases shall have the meaning given herein, unless otherwise specifically defined or unless the context clearly requires otherwise. Throughout the text of this ordinance, unless the context clearly requires otherwise, the word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The singular shall include the plural and vice versa; the masculine shall include the feminine and vice versa; the words "shall" or "will" are interpreted to be mandatory; the term "may" is interpreted to be permissive.
- 2.01 Accessory Use or Structure: A use or structure subordinate to the principal use of the land or a building on the same lot and serving a purpose customarily incidental to the principal use or structure.
- 2.02 Alley: A public or private way affording only secondary means of access to abutting property.
- 2.03 Area, Floor: Floor area shall constitute the total floor area occupied by a use and measured to include all space used primarily or incidentally for such use.
- 2.04 Area, Sales: Sales area shall only include that area customarily open and accessible to the public.
- 2.05 Basement: A story having part but not more than one-half ($1\frac{1}{2}$) its height below grade. A basement is counted as a story for the purpose of height regulations, if subdivided and used for business or dwelling purposes by others than a janitor employed on the premises.
- 2.06 Block: A tract of land bordered on all sides by streets, or by one or more streets and a railroad right-of-way, stream, or river or unsubdivided acreage.
- 2.07 Boarding House: A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals and provided for five (5) or more persons, but not exceeding twenty (20) persons.
- 2.08 Building: Any structure for the shelter, support or enclosure of persons, animals, chattels, or property of any kind, and when separated by dividing walls without openings, each portion of such building, so separated, shall be deemed a separate building.

- 2.09 Building Line: A line measured across the width of a lot at a point where a structure is placed in accordance with the minimum setback requirements of this ordinance.
- 2.10 Building, Height of: The vertical distance from the grade at a building line to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.
- 2.11 Church or Synagogue: The term includes the following: church, synagogue, rectory, parish house or similar building incidental to the particular use which is maintained and operated by an organized group of people for religious purposes.
- 2.12 Clinic: A place used for the base, diagnosis and treatment of persons who are not provided with board, or room, nor kept overnight on the premises.
- 2.13 Capital Improvement Program: An itemized program setting forth the schedule and details of specific, contemplated public improvement by fiscal year, together with their estimated cost, the justification for each improvement, the impact that such improvement will have on the current operating expenses of the City of Northome, and such other information on capital improvements as may be pertinent.
- 2.14 Community Facilities Plan: A compilation of policy statements, goals, standards, and maps and action programs for guiding the future development of the public or semi-public facilities of the municipality such as recreational, educational and cultural facilities.
- 2.15 Comprehensive Municipal Plan: A compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the municipality, and of its environment, and may include, but is not limited to the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan, and recommendations for planned execution.
- 2.16 Conditional Use: A use that would not be appropriate generally or without restriction throughout the zone district, but which, if controlled as to number, area, location, or relation to neighborhood, would not be injurious to the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted on listed zone districts upon application to the Planning Commission.
- 2.17 Dwelling: Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or mobile home, boarding or rooming house, hotel or motel.
- 2.18 Dwelling Unit: One room, or a suite or two or more rooms, designed for or used by one family for living and sleeping purposes.

- 2.19 Dwelling Group: A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.
- 2.20 Family: Any person or group of persons, whether or not related by blood or marriage, occupying a single dwelling units.
- 2.21 Floodplain: Lands which are subject to periodic flooding and have been defined by the Soil Conservation Service of the U.S. Department of Agriculture to have allured soil deposits, indicating that such flooding has taken place, or as defined by any technically qualified engineer and accepted by the City Council as such a floodplain, with approval of Minnesota Department of Natural Resources.
- 2.22 Floor Area: Living space of dwelling unit including finished basements measured from the exterior corners.
- 2.23 Garage, Private: An accessory building designed or used for the storage of motor-driven vehicles.
- 2.24 Garage, Public: A building or portion thereof, other than private garage, designed or used primarily for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.
- 2.25 Grade:
- A. For buildings having walls adjoining one street only the elevation of the sidewalk, or if there is no sidewalk, then the elevation of the roadway at the center of the wall adjoining the street.
 - B. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk, or if there is no sidewalk, then the elevation of the roadway at the centers of all walls adjoining streets.
 - C. For buildings having no walls adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.
- 2.26 Home Occupations: Home occupations or professional offices, provided that no such use occupies more than 25% of the total floor area of the dwelling or accessory building. Provided further that not more than one non-resident is employed on the premises. Such use does not include an activity that would create a nuisance or be otherwise incompatible with the surrounding residential area.

- 2.27 Hotel: A building in which lodging with or without meals is provided and offered to transient guests.
- 2.28 Junk or Salvage Yard: Any establishment, place of business or place of storage or deposit, which is maintained, operated or used for storing, keeping, buying or selling junk, wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts, whether maintained in connection with another business or not, where the waste, body or discarded material stored is equal in bulk to five or more motor vehicles, and which are to be sold for used parts or old iron, metal, glass, or other discarded material.
- 2.29 Kennel: Any structure or premises or commercial activity on which two (2) or more dogs over three (3) months of age are owned, boarded, bred or offered for sale.
- 2.30 Loading Space, Off-Street: Space reserved for bulk pickups and deliveries, intended to be used by vehicles when required off-street parking spaces are otherwise unavailable. Required off-street loading space shall not be included as off-street parking space in the computation of required off-street parking spaces.
- 2.31 Lodging House: A building where lodging only is provided for compensation for five (5) or more, but not exceeding twenty (20) persons, in distinction to hotels open to transients.
- 2.32 Lot: Any parcel of land subject to the provisions of this ordinance, and capable of being described with such definiteness that its location and boundaries may be established.
- Lot Frontage: The front of a lot shall be construed to be the portion of the lot nearest the street, road, or a body of water if the lot abuts water. When the lot abuts a body of water, the shoreline shall be considered front yard.
- 2.34 Lot Lines: The lines bounding a lot.
- 2.35 Lot Width: Shall be the distance between the side lot lines, measured at the building line.
- 2.36 Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds.

- 2.37 Motel: A series of sleeping or living units, for the lodging of transient guests, offered to the public for compensation, and with convenient access to off-street parking spaces for the exclusive use of the guests or occupants.
- 2.38 Mobile Home: A transportable single-family dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal and electrical conveniences as immobile housing, and subject to tax or registration, as such, under provisions of Minnesota Statutes, Chapters 168 and 273 and having no permanent foundation other than wheels, jacks or skirting.
- 2.39 Mobile Home Park: Any site, lot, field or tract of land upon which two or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and shall include building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.
- 2.40 Motor Vehicle: Every device which is or is capable of being self-propelled, and upon or by which any person or property is or may be transported upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.
- 2.41 Ordinary High Water Mark: A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence thereof upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.
- 2.42 Parking Space: A surfaced area, enclosed or unenclosed, sufficient in size to store one (1) motor vehicle, together with a paved driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.
- 2.43 Public Waters: A body of water capable of serving a material beneficial purpose as defined in Minnesota Statutes, Section 105.37, Subdivision 6. For the purpose of this ordinance this shall be construed to mean any lake, pond or flowage of ten (10) acres or more in size or any stream or river with a total drainage area of at least two (2) square miles or more, which has the potential to support any type of recreational pursuit or water supply purpose. A body of water created by a private use where there was no previous shoreland as defined herein, for a designated private use authorized by the Minnesota Commissioner of Natural Resources shall be exempt from the provisions of this ordinance as they apply to shoreland management.
- 2.44 Recreational Camping Area: Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more units, consisting of tents, travel trailers, pick-up coaches, motor homes or camping trailers and whether use of such accommodation is granted free of charge or for compensation. Provided that nothing in this definition shall be construed to include children's camps, industrial camps, migrant labor camps, United States Forest Service Camps, state forest service camps, state wildlife management areas, or state owned public access areas which are restricted in use to picnicking and boat landings.

- 2.45 Recreational Camping Vehicles: The words "recreational camping vehicle" shall mean any of the following:
- A. Travel trailer means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "Travel Trailer" by the manufacturer of the trailer.
 - B. Pick-up coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
 - C. Motor home means a portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.
 - D. Camping trailer means a folding structure, mounted on wheels and designed for travel, recreation, and vacation use.
- 2.46 Roadside Stands: Retail outlets with all related structures and designed for travel, recreation, and vacation use.
- 2.47 Setback: Distance from the right-of-way lines of streets to the building line for the purpose of defining limits within which no building or structure, or any part thereof, shall be erected or permanently maintained.
- 2.48 Shopping Centers: A group of groups of three (3) or more commercial establishments developed in accordance to an overall plan and designed and built as an interrelated project.
- 2.49 Shoreland: All lands located within the following distances from public waters:
- A. 1,000 feet from the normal high water mark of a lake, pond or flowage.
 - B. 300 feet from the normal high water mark of a river or stream or the landward extent of a flood plain designated by ordinance on such a river or stream.
- 2.50 Sign: A name, identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, institution, organization, idea or business.

- 2.51 Street: The entire width between property lines of a way or place dedicated, acquired, or intended for the purpose of public use for vehicular traffic or access other than an alley.
- 2.52 Street Lines: A dividing line between a lot, tract, or parcel of land and a contiguous street.
- 2.53 Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground including but not limited to walls, fences, signboards and billboards.
- 2.54 Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.
- 2.55 Trailer: Every vehicle without motor power designed or used for carrying persons or property and for being drawn by a motor vehicle.
- 2.56 Transportation Plan: A compilation of policy statements, goals, standards, maps and action programs for guiding the future development of the various modes of transportation of the municipality and its environs, such as streets and highways, mass transit, railroads, air transportation, trucking and water transportation and includes a major thoroughfare plan.
- 2.57 Tourist Home: A building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, primarily for transients.
- 2.58 Yard, Front: A yard extending between lot lines which intersect a street line, the depth of which is the horizontal distance between the street right-of-way line and a line on the lot which is at all points equidistant from and parallel to the street line.
- 2.59 Yard, Rear: A yard extending across the rear of the lot between inner side yard lines. In the case of through lots there will be no rear yard. In the case of corner lots the rear yard shall extend from the inner side yard line of the side yard adjacent to the interior lot to the rear line of the half-depth front yard.
- 2.60 Yard, Side: A yard extending from the rear line of the required front yard to the rear lot line.

ARTICLE III
GENERAL PROVISIONS

3.01 Compliance: Except as hereinafter provided.

No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

3.02 Area Requirements: No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

3.03 Minimum Requirements: The provisions of this ordinance shall be construed to be minimum requirements. Wherever there exists a conflict between this ordinance and any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive requirement shall govern.

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

3.05 Yard Space Encroachments - - Projections into Yards: No projects may be permitted into any front, rear or side yard setback requirements for any building of the Zone District in which it is located.

3.06 Private Swimming Pools: A private swimming pool shall include a pool, pond, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1½) feet. No such swimming pool shall be allowed in any district unless it complies with the following conditions and requirements:

- A. It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than five (5) feet to any property line of the property to which it is located.
- B. The swimming pool, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties.

C. The pool shall further be screened by, at minimum, a masonry wall, board fence or compact hedge five (5) feet in height and maintained in good condition.

- 3.07 Temporary Buildings: Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but such temporary buildings shall be removed upon completion of the construction work.
- 3.08 Assembly Buildings: Notwithstanding any other ordinance provisions to the contrary, on a lot occupied by a church or other building in which persons congregate, or which is designed, arranged, remodeled, or normally used for the congregation of persons in numbers in excess of twenty-five, the width of each side or rear yard shall be not less than twenty-five (25) feet.
- 3.09 Vision Clearance in Residence Districts: On a corner lot, no fence or other structure more than three and one-half (3½) feet in height above the plane of the established grades of the street shall be erected on any part of the front yard or side yard herein established that is included within the street lines of intersecting streets and a line connecting such street lines at a point which is twenty (20) feet from their point of intersection, measured along such street lines and no planting of foliage shall be placed or maintained within such area that in the judgment of the Zoning Inspector will materially obstruct the view of a driver or a vehicle approaching the street intersection.

No fence which is more than six (6) feet in height above the plane of the finished grade of the lots at the division line between lots shall be erected along such division line unless no part of such fence is within twenty (20) feet of any residence building on such lot or abutting lot, and in no instance shall the fence be nearer than twenty (20) feet to any street line.

- 3.10 Trailers and Cabins: No person shall maintain, install, construct erect or permit, on any property within the City, except as otherwise provided in this ordinance, the parking or standing of a trailer intended for or used for lodging, dwelling or sleeping, or any small houses, known as cabins, for the use of transient or permanent guests for lodging, dwelling or sleeping; except that unoccupied trailers used primarily for living purposes may be stored inside a building and such unoccupied trailers may be temporarily parked outside. The length of time which an unoccupied trailer may be parked outside shall not exceed a total of fifteen (15) days in any three (3) successive months. The storage of unoccupied trailers and other vehicles designed for recreational use and not exceeding twenty-four (24) feet in length is permitted within a building or in the open rear yard.

3.11 Public Sanitary Facilities Not Available: In any Zone District where a public sanitary sewer is not accessible, the Zoning Inspector may require the lot area and frontage requirements to conform to the provisions of the county sanitation code, in lieu of the applicable provisions of this ordinance.

ARTICLE IV

SHORELAND PROVISIONS

4.10 Designation: In order to guide the wise development and utilization of shorelands, (1,000 feet from lakes, ponds and flowage; and 300 feet on each side of streams and rivers) of public waters for preservation of water quality, natural characteristics, economic value and the general health, safety and welfare all public waters in the City of Northome, Minnesota, have been given a public waters classification and use in shoreland in these classes and are hereby designated by land use districts, based on the compatibility of designated types of land use within the public waters classification.

4.20 Classification: The public waters of Northome, Minnesota, have been classified by the Department of Natural Resources as follows:

A. Bartlett Lake - General Development

4.30 The regulations under this section, in addition to the regulations in other sections of this Ordinance, shall apply to all shoreland within the municipality.

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

Definition: Throughout Article IV the term Commissioner refers to the Commissioner of Natural Resources of the State of Minnesota.

A. MINIMUM ZONING PROVISIONS - UNSEWERED SHORELANDS

	<u>General Development</u>
Lot Area (ft. ²)	20,000
Water Frontage & Lot Width at Building Line (ft.)	100
Building Setback from Ordinary High Water Mark (ft.)	75
Building Setback from Roads & Highways (ft.)	20-50
Building Elevation * Above Highest Known Water Level	3
Building Height Limitation (ft.)	35
Total Lot Area Covered by Impervious Surface (%)	30
Sewage System Setback From Ordinary High Water Mark (ft.)	50
Sewage System Elevation Above Highest Groundwater Level or Bedrock (ft.)	4

* Building Elevation refers to the elevation of the lowest floor, including the basement.

B. MINIMUM ZONING PROVISIONS - SEWERED SHORELANDS

	<u>General Development</u>
Lot Area (ft ²)	
Riparian (Waterfront) Lots	15,000
Other Lots	10,000
Water Frontage & Lot Line at Building Line (ft.)	75
Building Setback from Ordinary High Water Mark (ft.)	50
Building Setback from Roads & Highways (ft.)	15-50
Building Elevation * Above Highest Known Water Level (ft.)	3
Building Height Limitation (ft.)	35
Total Lot Area Covered by Impervious Surface (%)	30

- * Building Elevation refers to the elevation of the lowest floor, including the basement.

C. Substandard Lots: Lots of record in the County Registrar of Deeds office prior to the effective date of this ordinance which do not meet the lot area and lot width requirements of Section VI may be allowed as building sites provided. The use is permitted in the zoning district; the lot is in separate ownership from abutting lands; and, all sanitary and dimensional requirements of the county ordinance are complied with insofar as practical. Municipalities may set a minimum size for substandard lots or improve other restrictions on the development of substandard lots, including the prohibition of development until the substandard lot(s) are served by public sewer and water.

4.50 Placement of Structures or Lots: Placement of structures on lots shall be controlled by the ordinance in accordance with the class of public water, high water elevation and location of roads and highways. Refer to Sections 4.40, A and B.

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

4.70 Exceptions: The following are exceptions to the above regulations:

- A. Boathouses may be located landward of the ordinary high water mark as a conditional use provided they are not used for habitation and they do not contain sanitary facilities.
- B. Location of piers and docks shall be controlled by applicable state and local regulations.
- C. Where development exists within 150 feet on both sides of a proposed building site, proposed structural setback may be the average of the setbacks of existing structures.
- D. Commercial, industrial, or permitted open space uses requiring location on public waters may be allowed as conditional uses closer to such waters than the specified setbacks.

4.80 Shoreland Alterations:

- A. Natural vegetation in shoreland areas shall be preserved insofar as practical and reasonable in order to retard surface runoff and soil erosion, and to utilize excess nutrients. The removal of natural vegetation shall be controlled by the municipal shoreland ordinance in accordance with the following criteria:
 - 1. Clearcutting shall be prohibited, except as necessary for placing public roads, utilities, structures, and parking areas.

2. Natural vegetation shall be restored insofar as feasible after any construction project.
 3. Selective cutting of trees and underbrush shall be allowed as long as sufficient cover is left to screen motor vehicles and structures when viewed from the water.
- B. Grading and filling in shoreland areas or any other substantial alteration of the natural topography shall be controlled by the municipal shoreland ordinance in accordance with the following criteria:
1. The smallest amount of bare ground shall be exposed for as short a time as feasible.
 2. Temporary ground cover, such as mulch, shall be used and permanent vegetative cover, such as sod, shall be provided.
 3. Methods to prevent erosion and trap sediment shall be employed.
 4. Fill shall be stabilized to accepted engineering standards.
- C. Alterations of Beds of Public Waters:
1. Any work which will change or diminish the course, current or cross section of a public water shall be approved by the Commissioner of Natural Resources before the work is begun. This includes construction of channels and ditches, lagooning, dredging of lakes or stream bottom for removal of muck, silt, or weeds, and filling in the lake or stream bed. Approval shall be construed to mean the issuance by the Commissioner of Natural Resources of a permit under the procedures of Minnesota Statutes 1974, Section 105.42 and other related statutes.
 2. Excavations on shorelands where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, shall be controlled by the municipal shoreland ordinance. Permission for such excavations may be given only after the Commissioner of Natural Resources has approved the proposed connection to public waters. Approval shall be given only if the proposed work is consistent with applicable state regulations for work in beds of public waters.

4.90 SUBDIVISION PROVISIONS

Land Suitability

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

B. Inconsistent Plats Reviewed by the Commissioner

All plats which are inconsistent with the municipal shoreland ordinance shall be reviewed by the Commissioner of Natural Resources before approval by the municipality may be granted. Such review shall require that the proposed plats be received by the Commissioner at least ten (10) days before a hearing is called by the municipality for consideration of approval of a final plat.

C. Copies of Plats Supplied to Commissioner of Natural Resources

Copies of all plats within shoreland areas shall be submitted to the Commissioner within ten (10) days of final approval by the municipality.

C. Planned Unit Development

Altered zoning standards may be allowed as exceptions to the municipal shoreland ordinance for planned unit developments provided:

1. Preliminary plans shall be approved by the Commissioner prior to their approval by the municipality.
2. Central sewage facilities shall be installed which at least meet the applicable standards, criteria, rules, or regulations of the Minnesota Department of Health and the Pollution Control Agency or the Planned Unit Development is connected to a municipal sanitary sewer.
3. Open space is preserved at a minimum of ten (10) percent of the total site area. This may be accomplished through the use of restrictive deed covenants, public dedications, or other methods.
4. That the following factors are carefully evaluated to ensure that the increased density of development is consistent with the resource limitations of the public water:
 - a. Suitability of the site for the proposed use;
 - b. Physical and aesthetic impact of increased density;
 - c. Level of current development;
 - d. Amount and ownership of undeveloped shoreland;
 - e. Levels and types of water surface use and public access; and
 - f. Possible effects on overall public use.
5. Any commercial, recreational, community, or religious facility allowed as part of the planned unit development shall conform to all applicable federal and state regulations including, but not limited to the following:
 - a. Licensing provisions or procedures;
 - b. Waste disposal regulations;
 - c. Water supply regulations;
 - d. Building codes;
 - e. Safety regulations;
 - f. Regulations concerning the appropriation and use of Public

Waters as defined in Minnesota Statutes 1974, Chapter 105; and
g. Applicable regulations of the Minnesota Environmental
Quality Council.

6. The final plan for a planned unit development shall not be modified, amended, repealed, or otherwise altered unless approved in writing by the developer, the municipality, and the Commissioner.
7. There are centralized shoreline recreation facilities such as beaches, docks and boat launching facilities.

ARTICLE V

ESTABLISHMENTS OF ZONING DISTRICTS: OFFICIAL ZONING MAP

- 5.10 For the purposes of this ordinance the City of Northome is hereby divided into zoning districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby incorporated by reference and declared to be a part of this ordinance. Said districts shall be known as:
- R- Residence District
 - C-1 General Business District
 - M-1 Limited Industrial Manufacturing District
 - AF-1 Agriculture-Forestry District
 - O-1 Open Space District
- 5.20 A certified copy of the Official Zoning Map, together with any amendments thereto, shall be filed with the Register of Deeds. In the case of conflict between said map and the provisions of this ordinance, the latter shall govern.
- 5.30 Major Thoroughfare Plan; Community Facilities Plan: Any major thoroughfare plan or community facilities plan may be adopted by the City Council pursuant to the provisions of Minnesota Statutes, Section 462.359 and if adopted shall be included on the official map. Subsequent to inclusion of such a plan or plans, whenever any street or highway is widened or improved, or any new street is opened or interests in lands for other public purposes are acquired by the municipality, it shall not be required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit within the limits of the mapped street or outside of any building line that may have been established upon the existing street or within any area thus identified for public purposes.
- 5.40 All territories which may hereafter be annexed to the City of Northome shall be subject to the zoning classification of O-1, provided that the annexed area may be subject to such interim zoning requirements as the City Council may approve. The Planning Commission shall immediately begin review of the zoning classification of any annexed land and shall, within six months prepare a report and submit recommendations to the City Council as to the proper classification.
- 5.50 Whenever any street, alley or other public way is vacated by official action of the City Council, the zoning districts adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

ARTICLE VI
RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

- 6.10 Except as otherwise set forth under the provisions, of this ordinance, where a district is bounded by a street, highway, alley, river, stream, or city limit, the center line of such feature shall be the boundary. Boundaries following railroad lines shall be construed to be located midway between the main tracks.
- 6.20 Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- 6.30 Where the actual street or property layout is at variance with that shown on the official zoning map, or in other circumstances not covered by the provisions of this ordinance, the Zoning Administrator shall interpret the district boundaries.

ARTICLE VII

R-RESIDENCE DISTRICT

- 7.10 Purpose: It is the purpose of the "R-" District to encourage the establishment and preservation of medium-high density residential neighborhoods characterized by one and two family buildings, for owner and/or rental occupancy. Non-residential service permitted in this district will provide auxiliary service and/or will contribute to the stability and long term value of the area for residential purposes.
- 7.20 Principal Permitted Uses:
- A. One (1) and two (2) family dwelling groups containing not more than two (2) dwelling units in any one building.
 - B. Essential services and utilities intended to serve the principal permitted uses.
 - C. Customary accessory use provided such uses are clearly incidental to the principal permitted uses.
- 7.30 Conditional Uses: Uses authorized upon issuance of a Conditional Use Permit include, but are not limited to the following:
- A. Churches, synagogues, temples, public and parochial schools, libraries, museums, and art galleries.
 - B. Private parks and recreational areas of at least five (5) acres in area, including picnic areas, softball and baseball diamonds, swimming, boating, ice sports facilities and similar recreation uses and facilities.
 - C. Neighborhood grocery and commercial stores, provide that such uses do not occupy more than twenty-five (25) percent of the total allowable maximum building coverage area, and not more than one such store is located with five thousand (5,000) feet of a similar facility or a commercial business district.
 - D. Home Occupation, provided such use does not occupy more than twenty-five (25) percent of the total floor area of any residence; and that all such business be wholly owned by the residents of the family with not more than one (1) non-resident employee.
 - E. Multiple Family Residential areas provide a complete site plan for such developments are presented to the Planning Commission and City Council and the following are met:
 - 1. An additional one thousand five hundred (1500) square feet of lot is provided for each dwelling unit over two (2).
 - 2. Adequate public facilities such as: sewer, water and electrical utilities are available for the development.

3. Street systems shall be adequate to carry the traffic volumes.
4. Adequate offstreet parking shall be available to service the residents of such area.
5. Adequate fire protection must be available to the proposed buildings and surrounding properties.

7.40 Requirements: The following requirements shall be observed:

- A. Maximum Building Height: Two and one-half (2½) stories or thirty (30) feet in height.
- B. Minimum Lot Area: Ten Thousand (10,000) square feet.
- C. Minimum Lot Frontage: The minimum lot frontage at the building line shall be seventy (70) feet.
- D. Maximum Lot Coverage Including Accessory Buildings: Fifty (50) percent.
- E. Minimum Floor Area: The minimum floor area shall be:

<u>3 or more bedrooms</u>	<u>2 bedrooms</u>	<u>1 bedroom</u>
1,000 sq. feet	900 sq. feet	800 sq. feet
- F. Yard Setbacks: Front, rear, and side yard setbacks shall be:

<u>Front Yard Setback</u>	<u>Rear Yard Setback</u>	<u>Side Yard Setback</u>
20 feet	10 feet	10 feet

ARTICLE VIII

C-1 GENERAL SUBINNESS DISTRICT

- 8.10 Purpose: It is the purpose of the "C-1" District to permit and to encourage the establishment of commercial shopping areas which offer a wide variety of consumer goods and services.
- 8.20 Principal Permitted Uses: Including but not limited to the following types of activities:
- A. Retail and Service: Retail business or service establishment supplying commodities or performing services including but not limited to grocery stores, pharmacies, delicatessen stores, barber shops, beauty parlors, clothes cleaning and laundry establishments, specialty shops such jewelry stores, shoe stores, hardware stores, florist shops, dry goods shops, and other similar stores and shops for the conduct of a retail business or personal service.
 - B. Gasoline Service Stations: Gasoline service stations including repair garages.
 - C. Eating and Drinking Places: Soda fountains, ice cream parlors, tea rooms, restaurants, cafes including entertainment and drive-in restaurants.
 - D. Offices: Business and professional offices.
 - E. Business Services: Post offices and telegraph offices.
 - F. Processing and Printing: Bakery, catering establishment, laundry or dyeing and cleaning works, publishing, job printing and blue printing employing not more than five (5) persons on the premises.
 - G. Ice Storage and Distribution Station: Limited to five (5) ton capacity.
 - H. Minor Fabricating and Repair: Appliance and television repair shop, plumbing shop, painting and decorating shop, tinsmithing shop, automobile service stations including auto repairing, tire repair shop.
 - I. Dwelling Units: Being a part of retail and services structures and occupied by the proprietor of said retail and/or service business.
 - J. Recreation Services: Recreation services including theaters, bowling alleys, pool and billiard rooms, dancing academies and roller and ice skating rinks.

- K. Hotels, motels, private clubs and lodges; wholesale establishments, taverns and night clubs, commercial parking garages; public utility buildings and transformer stations without storage garages.

8.30

Conditional Uses: Uses authorized upon issuance of a Conditional Use Permit include, but are not limited to, the following:

- A. Drive-In Uses: Drive-in banks, buildings, and loan companies and similar financial institutions, provided that the premises shall be enclosed by a solid wall or fence at least six (6) feet high where it adjoins in the rear or on the sides of any Residence District, public park, school or church.
- B. Self-Service Establishments: Self-service laundries, dry cleaners, car washes and similar uses.
- C. Outdoor Commercial Recreation: Any type of commercial recreation, including baseball fields, swimming pools, skating rinks, and similar open air facilities, provided such establishments shall be located not less than one hundred (100) feet from any residential district.
- D. Animal Hospitals, Veterinary Clinics: Kennels for display, boarding, or treatment of pets and other domestic animals; provided that any structure or area used for such purposes, including pens, and exercise yards, shall be located at least one hundred (100) feet from any residential district and that such pens or exercise runs shall be enclosed on four sides by a sight obscuring, unpierced fence or wall at least six (6) feet in height.
- E. Automotive Services, Farm Implements: Automobiles, trucks, trailers, farm implements, for sale or display, trailer lots, repair garages, body and fender shops, paint shops, provided that there shall be a minimum distance of fifty (50) feet between the use and any residential district and that the premises shall be enclosed by a solid wall or fence at least six (6) feet in height where it adjoins in the rear or on the sides of any residential district.

8.40

Requirements: The following requirements shall be observed:

- A. Business in Enclosed Buildings: All business, services or processing shall be conducted wholly within a completely enclosed building, except for the sale of automotive fuel, lubricants and fluids at service stations, and such outdoor display or storage of vehicles, materials and equipment as heretofore specifically authorizes or as may be authorized by the Board of Adjustment.

- B. Maximum Building Height: No principal structure shall exceed three (3) stories or thirty-five (35) feet in height.
- C. Minimum Lot Area Per Dwelling Unit: For residential uses, same as specified for R-Residence District.
- D. Yard Setbacks: Front, rear and side yard setbacks shall be:

Front Yard Setback	Rear Yard Setback	Side Yard Setback
10 ft.	10 ft.	None except when adjoining a residential district in which case there shall be a side yard of not less than <u>ten (10)</u> feet. If an unrequired yard is provided, it shall not be less than <u>five (5)</u> feet.

- E. Buffer Required: Where a C-1 District is located adjacent to a Residential District and not separated therefrom by a street or alley, a buffer strip of trees and shrubs of not less than eight (8) feet in width, shall be provided and maintained along the property line. The Planning Commission may vary these requirements where conditions are such that a buffer strip will not serve a useful purpose.

ARTICLE IX

M-I LIMITED INDUSTRIAL AND MANUFACTURING DISTRICT

- 9.10 Purpose: It is the purpose of the M-I District to create industrial areas that will be acceptable within the City of Northome and will not adversely affect adjacent businesses or residential neighborhoods by permitting industrial manufacturing establishments which are either (a) ones whose operations are relatively free from objectionable influences or (b) ones where objectionable features will be obliterated by design and/or appropriate devices. In the interest of general health and welfare residential and certain other institutional uses are not permitted within this district.
- 9.20 Principal Permitted Uses:
- A. Manufacturing: Any manufacturing use or process including assembling, fabricating, altering, converting, finishing, processing, treating, and packaging, except any use that will be hazardous, offensive, or objectionable by reason of odor, dust, cinders, gas, noise, vibrations, radiation, refuse matter or water carried waste.
 - B. Warehousing Storage and Wholesaling: The storage, handling, assembly and distribution of goods and materials for retail wholesale on on-site use.
- 9.30 Prohibited Uses:
- A. Residential: Dwellings, dwelling units, and residences of any kind, including hotels, motels, rooming houses, and tourist homes.
 - B. Institutional: Schools, child care centers, homes for the aged, and similar institutions for human care, except where they are incidental to a principle permitted use.
 - C. Wrecking and Salvage Yards: Junk yards, including automobile wrecking and industrial metal and waste salvage, but not including refuse or garbage disposal, if located at least one hundred (100) feet from and residential district; provided all operations are conducted within an area enclosed with a solid wall or uniform tight board fence, including gates at least eight (8) feet in height and such enclosures shall be properly maintained.
- 9.40 Conditional Uses: Uses authorized upon issuance of a conditional use permit include, but are not limited to the following:
- A. General: Any use provided that any objectionable features normally associated with these uses, such as hazardous, offensive, or objectionable by reason of dust, odors, cinders, gas, fumes, noise, and waste will be improved, controlled or eliminated through design, mechanical devices, screening, planting, and for walls and other measures designated by the City Council.

B. Storage: The storage of any combustible materials which will be located at least two hundred (200) feet from any residential district and provided that any flammable liquids will be stored in underground tanks, not exceeding twenty-five thousand (25,000) gallons per storage unit and at least two hundred (200) feet from a any residential district.

C. Railroad Yard and Freight Stations: If located not less than two hundred (200) feet from any residential area.

9.50 Requirements: The following requirements shall be observed:

A. Minimum Lot Area: Two (2) acres.

B. Minimum Lot Frontage: The minimum lot frontage at the building line shall be two hundred (200) feet.

C. Maximum Lot Coverage Including Accessory Buildings: fifty (50) percent.

D. Yard Setback: Rear and side yard setback shall be:

Rear Yard Setback:

60 feet

Side Yard Setback:

30 feet

ARTICLE X

AF-1 AGRICULTURE-FORESTRY DISTRICT

- 10.10 Purpose: This district is dedicated to the continuation of forest programs, agricultural pursuits and related uses in those areas best suited for such activities. It is intended to encourage agriculture and forest management programs and also to recognize the value of the forest as a recreational resources by permitting as a special use certain recreational activities which when adequately developed, are not incompatible to the forest.
- 10.20 Permitted Uses:
- A. Year-round residences and farming activities.
 - B. Customary accessory uses provided such uses are clearly incidental to principal permitted use.
 - C. Essential services and utilities intended to serve the principal permitted use.
 - D. Production of forest crops, including tree plantations, portable sawmills, debarking operation, and chipping facilities.
 - E. Harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.
 - F. Hiking trails, wildlife refuges, and snowmobiling trails and game management habitat areas.
- 10.30 Conditional Uses: Uses authorized upon issuance of a Conditional Use Permit include but are not limited to the following:
- A. Public and private parks, playgrounds and winter sports areas.
 - B. Dams, plants for production of electric power and flowage areas.
 - C. Mobilehome and trailer parks.
 - D. Forest-connected industries such as pulp and paper production plants and permanent sawmills.
 - E. Riding Stables.
 - F. Kennels.
 - G. Telephone, telegraph and power transmission towers, poles and lines including transformers, substations, relay and repeater stations, equipment housings, and other necessary appurtenant equipment and structures, radio and television stations and transmission towers, fire towers and microwave radio relay towers.

H. Garbage and refuse disposal sites.

I. Airports.

J. Pipelines.

K. Quarries, mines and gravel pits.

L. Home Occupations.

10.40 Requirements: The following requirements shall be observed:

A. Minimum Lot Area: Ten (10) acres.

B. Minimum Lot Frontage: The minimum lot frontage at the building line shall be three hundred (300) feet.

C. Maximum Percentage of Building Coverage: 10%

D. Setbacks: Rear and side yard setbacks shall be:

Rear Yard Setback - 75 ft.

Side Yard Setback - 50 ft.

Front Yard Setback - 75 ft.

ARTICLE XI

O-1 OPEN SPACE DISTRICT

- 11.10 Open Space District: This district is intended to be used to prevent destruction of natural or man-made resources and to protect water courses including the shorelands of navigable waters, and areas which are not adequately drained, or which are subject to periodic flooding, where developments would result in hazards of health or safety; would deplete or destroy resources; or be otherwise incompatible with the public welfare.
- 11.20 Permitted Uses:
- A. Soil and water conservation programs.
 - B. Forest management programs.
 - C. Wildlife preserves.
- 11.30 Conditional Uses: Uses authorized upon issuance of a Conditional Use Permit include, but are not limited to, the following:
- A. Public, private parks, and cemeteries.
- 11.40 Prohibited Uses: No use shall involve dumping or filling of mineral soil or peat removal that would disturb the natural fauna, flora, water course, water regimen, or topography.

ARTICLE XII

OFF-STREET PARKING AND LOADING REGULATIONS

- 12.10 Purpose: It is the purpose of the Off-Street Parking and Loading regulations to reduce the congestion on streets due to excessive use for parking and loading of motor vehicles. The requirements apply uniformly to all buildings and uses, regardless of the districts in which they are located.
- 12.20 Street automobile storage or parking space shall be provided on any lot on which any of the following uses are hereafter established:
1. Dwelling: one parking space for each dwelling unit.
 2. Tourist accommodations: one parking space for each room offered for tourist accommodations.
 3. Theater, stadium, auditorium, or other places of public assembly: one parking space for each 10 seats, based on maximum seating capacity.
 4. Hotel: one parking space for each four guest sleeping rooms.
 5. Stores and other establishments in commercial business districts: three square feet of parking space for each one square feet of office floor area.
 6. Office building: one parking space for each 300 square feet of office floor area.
 7. Industrial or manufacturing establishments: one parking space for each 400 square feet of gross floor area or for each five workers, based on peak employment, and adequate space for loading and unloading all vehicles used incidental to the operation of the industrial or manufacturing establishment.
- 12.30 Such space shall be provided with vehicular access to street or alley and shall be considered required open space associated with the permitted use. It shall not be reduced or encroached upon in any manner after the use is established. Where such space cannot be reasonably provided on the same lot with the principal use, the council, with the approval of the planning commission, may permit such space to be located on other off-street property if the space is within 500 feet of the permitted use, measured along lines of public access.
- 12.40 In any commercial or industrial district, space for loading of vehicles shall be provided on the same lot for every building used or designed to be used for commercial purposes and any required yard may be used for that purpose. One loading space

at least 10 by 25 feet shall be provided for each 20,000 square feet of floor area in the building. Where such space is completely enclosed within a building by walls and doors which close, a height clearance of at least 12 feet, 9 inches shall be provided. Where such space is located wholly or in part outside of the building and is not completely enclosed, a height clearance of at least 14 feet shall be provided. Where approach ramps are sloped so as to necessitate clearance in addition to that herein specified, this clearance shall be adequate to allow the free passage of a semi-trailer 12 feet, 6 inches in height and with a wheel base of 21 feet. These requirements may be increased, modified, or waived on appeal where conditions or circumstances justify such action.

ARTICLE XIII

SIGNS

- 13.10 Purpose: It is the intent of this ordinance to permit business signs wherever they are moderate in size and design and consistent with the public safety and the welfare of surrounding areas.
- 13.20 Permit required: Except as otherwise specifically authorized, no sign shall be located, erected, moved, reconstructed, extended, enlarged, or structurally altered within the city until a permit has been issued by the city Zoning Administrator. No permit shall be issued for a sign not in conformity with the size, type, number, location and use regulations affecting each zoning district.
- 13.30 Exceptions: A permit shall not be required for the following classes of signs:
- a. Class A signs: Official traffic control signs, and informational notice erected by federal, state, or local units of government.
 - b. Class B Signs: On-premise real estate signs, residential identification, warning and similar signs not greater than 6 square feet in area.
- 13.40 Prohibited Characteristics of Signs:
- a. No sign shall resemble, imitate, or approximate the shape, size, form or color of railroad, or traffic signs, signals or devices.
 - b. No sign shall be so located as to interfere with the visibility of effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
 - c. No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.
 - d. No sign shall contain any rotating or moving parts, and be illuminated by flashing light.
 - e. No sign shall exceed the maximum height limitation of the district in which it is located.
 - f. No sign shall be located on a lot so as to reduce the required dimensional setback and side yard requirements of the district in which it is located.

Classification of Signs Requiring Permit:A. Class C Signs: On premise signs which advertise a business activity or service performed on the property.

1. Type 1: Signs advertising a permitted home occupation or professional office. Such signs shall not exceed six (6) square feet in area, and if illuminated shall be indirectly lighted. No more than one such sign for each use located on the premises shall be permitted.
2. Type 2: Signs or bulletin boards for public, charitable, or religious institutions. Such signs shall not exceed twelve (12) square feet in area, and no more than one such sign for each highway upon which the property faces shall be permitted. Such signs may be placed at the right-of-way of the highway.
3. Type 3: Signs advertising a business activity or a service available in a commercial or industrial area. Such signs shall not exceed 80 square feet in areas when non-lighted, and if illuminated shall not exceed 40 square feet in area. Not more than one such sign for each story may be attached to a building facade, and no sign may project more than 6 feet beyond a building when attached thereto, or be higher than 4 feet above the top roof line. Free standing signs shall not exceed 20 feet in height from the ground.
4. Type 4: Signs advertising the sale of farm products produced on the premises. Such signs shall not exceed 24 square feet in area, and no more than 3 non-lighted signs advertising produce may be erected within 100 feet of the stand.
5. Type 5: Signs advertising a resort or recreational business activity or product available. Such signs shall not exceed 20 square feet in area and no more than one such sign for each highway upon which the property faces shall be permitted.

B. Class D Signs: Signs or billboards which advertise a general brand of product, an area of interest, a business activity or service available which is not in direct relation to the use of the premises on which it is located. Such signs shall not exceed 300 square feet in area. Free standing signs shall be erected outside a line parallel to and 50 feet from the highway right-of-way, shall not exceed 20 feet in height above the ground or be located within 300 feet of an existing residence.

c. Class E Signs: Off premise directory signs in the specific interest of the traveling public which advertise a business activity, an area of interest or a service available at a specific location within 12 air miles of the premises on which it is located.

1. Type 1: Recreational directory signs indicating the direction to a cottage, resort, residence or similar use. Such signs shall not exceed 4 square feet in area. When a common posting is provided all such signs shall be attached thereto. Recreational directory signs may be placed at the right-of-way line of the highway provided they are not within 300 feet of an existing residence. Information on such signs may be of reflective materials.
2. Type 2: Signs advertising a business or activity conducted area of interest, or service available. Such signs shall not exceed 12 square feet in area, and no more than 2 such signs relating to any one use shall be permitted in the approaching direction along any one highway. A larger number of signs and a greater distance from the premises may be permitted by the Planning Commission by a conditional Use Permit finding it necessary for directing the traveling public.

13.60 Class and Type of Signs Permitted in Various Zoning Districts:

<u>Class and Type of Sign</u>	<u>Zoning District</u>
Class A signs	All
Class B signs	All
Class C signs	
Type 1	R-1, AF-1
Type 2	All
Type 3	M-1, C-1
Type 4	AF-1
Type 5	AF-1, C-1
Class D signs	C-1, M-1
Class E signs	
Type 1	All
Type 2	All

13.70 Non-Conforming Signs: Non-conforming signs shall be subject to the provisions of Article VI.

ARTICLE XIV

NON-CONFORMING USES

- 14.10 Intent: It is the intent of this article to regulate non-conforming uses of structures and lots and to provide for their gradual elimination.
- 14.20 Non-Conforming Uses: Any lawful use of a structure or lot existing at the time of adoption of this ordinance may be continued although such use does not conform to the provisions of this ordinance for so long as it remains lawful, subject to the provisions of this article. Provided that no non-conforming use shall be continued unless the owner shall have completed a material amount of construction or shall otherwise have acquired a vested right with respect to the use.
- 14.30 Amortization: The City Council may provide for the termination of non-conforming uses, either by specifying the period or periods within which they shall be acquired to cease or by providing a formula whereby compulsory termination shall be so fixed as to allow a reasonable period for the recovery of the investment in the non-conforming use.
- 14.40 Conditions: The following conditions shall govern the continuance of non-conforming uses:
- A. No non-conforming use shall be enlarged, increased, extended or moved unless the use is changed to one permitted pursuant to the provisions of this ordinance.
 - B. Any non-structural repairs and incidental alternations for normal maintenance may be made. Structural alterations required by law or ordinance shall be allowed.
 - C. Any non-conforming use may be extended throughout any parts of the building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
 - D. If any non-conforming use ceases for any reason for a period of more than ninety (90) days, any subsequent use shall conform to the regulation specified by this ordinance for the district in which the use is located.
 - E. Upon discontinuance or abandonment of any use for a period of six (6) consecutive months, or for eighteen (18) months during any three year period, no use shall be made except as in conformance with the regulations of the district within which it is located.

F. No structure which has been destroyed by any means to an extent of more than 50% of its assessed value at the time of destruction shall be reconstructed except as in conformity with the regulations of the district within which it is located.

14.50 Change of Use: Any non-conforming use may be changed to another non-conforming use provided that no structural alterations are made and provided further that the prior approval shall be obtained from the Planning Commission. The Commission, either by general rule or by making findings in a specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use, and may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.

ARTICLE XV
ADMINISTRATION

CITY OF NORTHOME ZONING ADMINISTRATOR

- 15.10 Designation: The Planning Commission, with the approval of the City Council, shall appoint a Zoning Administrator, whose duty it shall be to administer and enforce the provisions of this ordinance. His administrative functions shall include, but not be limited to, the duty to:
- A. Provide necessary forms and applications;
 - B. Issue land use permits upon demonstration of the applicant's compliance with the provisions of this ordinance;
 - C. Issue Certificates of Compliance;
 - D. Issue any permits authorized by the City Council;
 - E. Identify and record information relative to non-conforming uses and structures;
 - F. Provide assistance in zoning changes and amendments to the ordinance text or map;
 - G. Maintain files of applications, permits and other relevant documents;
 - H. Make an annual report of his activities to the City Council and to the Planning Commission.
- 15.20 The Zoning Administrator shall have all powers and authority conferred by laws, statutes and ordinances to enforce the provisions of this ordinance, including but not limited to the following:
- A. Access to any structure or premise for inspection or enforcement purpose by the permission of the owner or upon issuance of a special inspection warrant.
- 15.30 Land Use Permit: Land use permits shall be issued in accordance with the following provisions:
- A. Applications shall be accompanied by scale maps or drawings showing accurately the location, size and shape of the lot(s) involved and of any proposed structures, including the relation to abutting streets, lakes or streams, and the existing and proposed use of each structure and lot, and the number of families to be accommodated. One copy shall be retained by the Zoning Administrator and one copy shall be returned to the owner when such plans have been approved.

- B. Any permit shall be valid for twelve (12) months after date of issue. When construction has not been started on valid permits within a twelve month period from the date of issue, an extension of time may be granted upon application to the Zoning Administrator.
- C. No permit shall be required for maintenance, repair or remodeling where the building area coverage is not increased.
- D. Permits issued hereunder may be revoked for cause, including but not limited to mistakes or misrepresentation of fact, issuance in violation of the provisions of this ordinance, or in violation of any other applicable law or ordinance and for violation of the terms and conditions of the permit.

ARTICLE XVI
BOARD OF ADJUSTMENT

16.10 There is herewith created a Board of Adjustment consisting of three (3) members appointed by the Mayor with the consent of the City Council. One member shall be a member of the Planning Commission. No elected officer nor any employee of the City Council shall serve on the Board of Adjustment.

Of the members appointed to the first Board, one shall serve a term of one year, one shall serve a term of two years and one shall serve a term of three years. Thereafter, all members shall be appointed for a term of three years. Provided that each member shall serve until his successor is duly appointed.

16.20 Members of the Board shall serve without compensation, except that they shall be reimbursed for expenses incurred in the performance of official duties in an amount that the City Council shall determine.

16.30 Officers: A chairman and vice chairman shall be elected from among the members and a secretary shall be appointed who need not be a member of the Board.

16.40 Powers: The Board shall have the following powers:

- A. To adopt rules of procedure consistent with the provisions of this ordinance.
- B. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative officer in the enforcement of this ordinance.
- C. To hear requests for variances from the literal provisions of this ordinance in instances where their strict enforcement would create undue hardship because of circumstances unique to the individual property under consideration and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. The Board may not permit as a variance any use that is not permitted under the ordinance for property in the district where the affected person's land is located. The Board may permit as a variance the temporary use of a one-family dwelling as a two-family dwelling. The Board may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

- D. All other powers granted to it by law and by the provisions of this ordinance.

16.50

Hearings and Appeals:

- A. Appeals to the Board may be taken by any person aggrieved by a decision of the Zoning Administrator. Such appeal shall be taken within ten (10) calendar days after such decision by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall immediately transmit to the Board all documents and exhibits constituting the record from which the appeal is taken. The appeal shall stay all proceedings pending the decision of the Board.
- B. The Board shall fix a reasonable time for hearing such appeal and shall render a decision within thirty (30) days of the date of hearing. The Board shall give public notice of the hearing and shall further mail written notice to all those personally known to be interested parties by members of the Board. At the hearing, any party may appear in person, by authorized agent or by attorney.
- C. A majority vote of the members of the Board shall be sufficient to reverse or sustain any order, requirement, decision or determination of the Zoning Administrator.
- D. The Board shall keep complete and detailed records of its proceedings which shall include the minutes of its meetings, its findings and actions taken on each matter heard by it including the final order. The Board shall record the vote of each member upon each question or if absent or failing to vote, indicating such fact. All records shall be open to the public and shall immediately be filed in the office of the Zoning Administrator.

16.60

Open Meeting Law: All meetings and hearings of the Board shall be conducted in conformance with the provisions of the Minnesota Open Meeting Law, Minnesota Statutes, Section 471.705, and any additions or amendments thereto.

16.70

Removal: Members of the Board shall be removable for cause by majority vote of the City Council upon the filing of written charges with the City Council. No member shall be removed prior to a public hearing which shall be held within thirty (30) days of the date of filing of the written charges.

16.80

Vacancies: Vacancies occurring on the Board shall be promptly filled by the Mayor with the consent of the City Council and any member so appointed shall serve the balance of the preceding members's term, and shall thereafter be subject to appointment in the manner hereinabove set forth.

- 16.90 The Board shall always act with due consideration toward promoting the public health, safety, convenience and welfare, thereby encouraging the most appropriate use of land consistent with the comprehensive municipal plan and shall permit no structure, building or use detrimental to a neighborhood.
- 16.100 Finality: The decision of the Board shall be final. Any person having an interest affected by this ordinance or any decision made relating to it shall have the right to appeal to the district court on questions of law or fact.
- 16.110 Notification: Notification of the Commissioner of Natural Resource for all variance application made and the final decisions granted on such applications in the shorelands shall be given in accordance with the following:
- A. Copies of all applications and pertinent information shall be submitted so that the Commissioner of Natural Resources receives at least ten (10) days prior notice of the hearing.
 - B. Copies of the final actions taken on such applications shall be submitted to the Commission of Natural Resources within ten (10) days after such actions have taken place.

ARTICLE XVII
CONDITIONAL USE PERMITS

17.10 Procedure:

- A. Application for a Conditional Use Permit shall be made to the Zoning Administrator who shall promptly refer it to the Planning Commission. The application shall contain the information required under Article 15.30A, along with such other data and information as the Planning Commission may deem necessary to properly evaluate the application.
- B. The Planning Commission shall hold a public hearing on the application within thirty (30) days after it is filed. Public notice shall be given in accordance with the applicable provisions of Article 19.40.
- C. The Planning Commission shall report its recommendations to the City Council within ninety (90) days after filing of the application. Recommendations shall include an accurate description of the proposed conditional use, a description of the property upon which the conditional use is sought to be located, along with any other recommendations or proposed conditions of the Planning Commission.

17.20 A Conditional Use Permit shall be granted by a majority vote of the City Council upon written findings of fact that the following conditions have been complied with. Approval may be subject to such further conditions as the City Council may deem necessary.

- A. That the proposed development is likely to be compatible with development permitted under the general provisions of this ordinance on substantially all land in the vicinity of the proposed development.
- B. That the conditional use will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values within the vicinity.
- C. That the proposed use is consistent with the overall comprehensive municipal plan and with the spirit and intent of the provisions of this ordinance.

- 17.30 Denial: In the event that the City Council denies an application for a Conditional Use Permit, the factual basis and reasons for the denial shall be set forth in written findings of fact. Such findings shall be adopted contemporaneously with the action of denial.
- 17.40 Termination: Where a conditional use does not continue in conformity with the conditions of the original approval, the conditional use permit shall be terminated by the City Council. Provided that the permit shall not be revoked unless the permittee has first been granted a public hearing.
- 17.50 Notification: Notification of the Commissioner of Natural Resources shall be given on all applications for Conditional Use Permits made and final decisions granted within shoreland land areas in accordance with the following:
- A. Copies of all applications and pertinent information shall be submitted so that the Commissioner of Natural Resources receives at least ten days prior notice of such hearings.
 - B. Copies of all final actions taken on such applications shall be submitted to the Commissioner of Natural Resources within (10) days after such actions have been taken.

ARTICLE XVIII

AMENDMENTS

- 18.10 Amendments: The regulations, restrictions and boundaries set forth in this ordinance may be amended, supplemented or repealed in accordance with the provisions of this article.
- 18.20 Initiation: Amendments may be initiated by the Planning Commission, the City Council, or by petition of any person owning property within the boundaries of the district subject to the proposed amendment.
- 18.30 Referral to Planning Commission: An amendment not initiated by the Planning Commission shall be referred to the Commission for study and report and may not be acted upon by the City Council until it has received the recommendation of the Commission on the proposed amendment, or until sixty (60) days have elapsed from the date of reference of the amendment without a report being prepared by the Commission.
- 18.40 Hearing: No amendment shall be adopted until a public hearing has been held thereon by the City Council. The notice of the time, place, and purpose of the hearing shall be published in the official City of Northome newspaper at least 10 days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed by the City Council at least ten (10) days before the day of the hearing to each owner of the affected property and property situated wholly or partly within 350 feet of the use to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of the owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings provided a bona fide attempt to comply with this subdivision has been made.
- 18.50 Fees: No action shall be taken on any application by an applicant other than the Planning Commission or the City Council until the applicant shall have paid to the City Clerk an appropriate filing fee as established by the provisions of Article XXXII.

ARTICLE XIX

VIOLATIONS AND PENALTY

Complaints Regarding Violation: Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Zoning Administrator, stating fully the causes and basis thereof. The Zoning Administrator shall maintain a record of such complaints and shall take appropriate action pursuant to the provisions of this ordinance.

Any unauthorized change of the Official Zoning Map shall be considered a violation of the provisions of this ordinance.

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

ARTICLE XX

SEVERABILITY

In any case in which the provisions of this ordinance are declared by the courts to be unconstitutional or invalid, such ruling shall not affect the validity of the remaining provisions of the ordinance and to this end the provisions of this ordinance are declared to be severable.

ARTICLE XXI

REPEAL OF CONFLICTING ORDINANCE

Any Zoning Ordinance existing at the time of adoption of this Zoning Ordinance, together with all amendments and supplements thereto, and all other ordinances promulgated by the City of Northome which are inconsistent with the provisions of this ordinance are, to the extent of such inconsistency and no further, hereby repealed.

ARTICLE XXII

EFFECTIVE DATE

This Ordinance shall take effect and be in force immediately after its adoption and publication.

Public Hearing held Nov. 28th 1978

Recommended by Planning Commission Oct. 4, 1978

Adopted by governing body Oct. 4, 1978

Date of effect _____

Published in Northham Record on the 25th
day of July, 1978.

Earl Skre
Mayor

Attest:

Georgiana Thomas
City Clerk

(City Seal) yes

PRINTER'S AFFIDAVIT OF PUBLICATION

State of Minnesota)
) ss.
County of Koochiching)

Bernard G. Elhard being duly sworn, on oath says he is and during all the times herein stated has been the publisher and printer of the newspaper known as The Northome Record and has full knowledge of the facts herein stated as follows: (1) Said newspaper is printed in English language in newspaper format and in column and sheet form equivalent in printed space to at least 900 square inches. (2) Said newspaper is a weekly and is distributed at least once each week. (3) Said newspaper has 50% of its news columns devoted to news of local interest to the community which it purports to serve and does not wholly duplicate any other publication and is not made up entirely of patents, plate matter and advertisements. (4) Said newspaper is circulated in and near the municipality which it purports to serve, has at least 500 copies regularly delivered to paying subscribers, has an average of at least 75% of it total circulation currently paid or no more than three months in arrears and has entry as second-class matter in its local post-office. (5) Said newspaper purports to serve the City of Northome in the County of Koochiching and it has its known office of issue in the City of Northome in said county, established and open during its regular business hours for the gathering of news, sale of advertisements and sale of subscriptions and maintained by The Publisher of said newspaper or persons in his employ and subject to his direction and control during all such regular business hours and devoted exclusively during such regular business hours to the business of the newspaper and business related thereto. (6) Said newspaper files a copy of each issue immediately with the State Historical Society. (7) Said newspaper is made available at single or subscription prices to any person, corporation, partnership or other unincorporated association requesting the newspaper and making the applicable payment. (8) Said newspaper has complied with all the foregoing conditions for at least one year preceding the day or dates of publication mentioned below. (9) Said newspaper has filed with the Secretary of State of Minnesota prior to January 1, 1966 and each January 1 thereafter an affidavit in the form prescribed by the Secretary of State and signed by the publisher of said newspaper and sworn to before a notary public stating that the newspaper is a legal newspaper.

He further states on oath that the printed Zoning Ordinance

hereto attached as a part hereof was cut from the columns of said newspaper, and was printed

and published therein in the English language, once each week for one successive weeks;

that it was first so published on Wednesday, the 25th day of July

1979, and was thereafter printed and published on every to and

including the the day of 19.....
and that the following is printed copy of the lower case alphabet from A to Z both inclusive, and is hereby acknowledged as being the size and kind of type used in the composition and publication of said notice, to wit:

abcdefghijklmnopqrstuvwxyz — 9 pt.

abcdefghijklmnopqrstuvwxyz — 7 pt.

Bernard G. Elhard
3rd Oct.

Subscribed and sworn to before me this day of

19...
[Signature]

Notary Public, Koochiching County, Minnesota

My Commission Expires Oct 3, 1986

My Commission Expires OCT. 3, 1986

(Notarial Seal)

ZONING ORDINANCE FOR THE CITY OF NORTHOME

PREPARED BY:
NORTHOME PLANNING COMMISSION

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ARTICLE I
TITLE
NORTHOME ZONING ORDINANCE
This Ordinance text and Zoning District Map shall be known and may be cited as the Zoning Ordinance of the City of Northome, Minnesota. The Ordinance is authorized under Minnesota Statutes 462.351 through 462.364 as amended and in furtherance of policies declared in Minnesota Statutes 1979, Chapter 379 and 1974, Chapter 105, 115, 116, by the Commissioner of Natural Resources.

ARTICLE II
DEFINITIONS
2.00 - As used in this ordinance, the following words, terms and phrases shall have the meaning given herein, unless otherwise specifically defined or unless the context clearly requires otherwise. Throughout the text of this ordinance, unless the context clearly requires otherwise, the word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The singular shall include the plural and vice versa; the masculine shall include the feminine and vice versa; the words "shall" or "will" are interpreted to be mandatory; the term "may" is interpreted to be permissive.
2.01 - Accessory Use or Structure: A use or structure subordinate to the principal use of the land or a building on the same lot and serving a purpose customarily incidental to the principal use or structure.

2.02 - Alley: A public or private way affording only secondary means of access to abutting property.
2.03 - Area, Floor: Floor area shall constitute the total floor area occupied by a use and measured to include space used primarily or incidentally for such use.
2.04 - Area, Sales: Sales area shall only include that area customarily open and accessible to the public.

2.05 - Basement: A story having part but not more than one-half (1/2) its height below grade. A basement is counted as a story for the purpose of height regulations. If subdivided and used for business or dwelling purposes by other than a janitor employed on the premises.
2.06 - Block: A tract of land bordered on all sides by streets, or by one or more streets and a railroad right-of-way, stream, or river or unobstructed acreage.
2.07 - Boarding House: A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals and provided for five (5) or more persons, but not exceeding twenty (20) persons.
2.08 - Building: Any structure for the shelter, support or enclosure of persons, animals, chattels, or property of any kind, and when separated by dividing walls without openings, each portion of such building, so separated, shall be deemed a separate building.

2.09 - Building Line: A line extending across the width of a lot at a point where a structure is placed in accordance with the minimum setback requirements of this ordinance.
2.10 - Building, Height of: The vertical distance from the grade at a building line to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.
2.11 - Church or Synagogue: The term includes the following: church, synagogue, rectory, parish house or similar building incidental to the particular use which is maintained and operated by an organized group of people for religious purposes.
2.12 - Clinic: A place used for the base, diagnosis and treatment of persons who are not provided with board, or room, nor kept overnight on the premises.
2.13 - Capital Improvement Program: An itemized program setting forth the schedule and details of specific, contemplated public improvement by fiscal

year, together with their estimated cost, the justification for each improvement, the impact that such improvement will have on the current operating expenses of the City of Northome, and such other information on capital improvements as may be pertinent.

2.14 - Community Facilities Plan: A compilation of policy statements, goals, standards, and maps and action programs for guiding the future development of the public or semi-public facilities of the municipality such as recreational, educational and cultural facilities.

2.15 - Comprehensive Municipal Plan: A compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the municipality, and its environment, and may include, but is not limited to the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan, and recommendations for public facilities.

2.16 - Conditional Use: A use that would not be appropriate generally or without restriction throughout the zone district, but which, if controlled as to number, area, location, or relation to neighbors, would not be injurious to the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted on listed zone districts upon application to the Planning Commission.

2.17 - Dwelling: Any building or portion thereof designed or used exclusively as the residence or sleeping quarters of one or more persons, but not including a tent, trailer, mobile home, mobile house, boarding or rooming house, hotel or motel.

2.18 - Dwelling Unit: One room, or a suite or two or more rooms, designed for or used by one family for living and sleeping purposes.

2.19 - Dwelling Group: A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

2.20 - Family: Any person or group of persons, whether or not related by blood or marriage, occupying a single dwelling unit.

2.21 - Floodplain: Lands which are subject to periodic flooding and have been defined by the Soil Conservation Service of the National Department of Agriculture to have alluvial soil deposits, indicating that such flooding has taken place, or as defined by any technically qualified engineer and accepted by the City Council as such a floodplain, with approval of Minnesota Department of Natural Resources.

2.22 - Floor Area: Living space of dwelling unit including finished basements measured from the exterior corners.

2.23 - Garage, Private: An accessory building designed or used for the storage of motor-driven vehicles.

2.24 - Garage, Public: A building or portion thereof, other than private garage, designed or used primarily for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

2.25 - Grade: A. For building having walls adjoining one street only the elevation of the sidewalk, or if there is no sidewalk, then the elevation of the roadway at the center of the wall adjoining the street. B. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk, or if there is no sidewalk, then the elevation of the roadway at the centers of all walls adjoining streets.
C. For buildings having no walls adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

2.26 - Home Occupations: Home occupations or professional offices, provided that no such use occupies more than 25% of the total floor area of the building or accessory building. Provided further that not more than one non-resident is employed on the premises. Such use does not include an

activity that would create a nuisance or be otherwise incompatible with the surrounding residential area.

2.27 - Hotel: A building in which lodging with or without meals is provided and offered to transient guests.

2.28 Junk or Salvage Yard: Any establishment, place of business or place of storage or deposit, which is maintained, operated or used for storing, keeping, buying or selling junk, wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts, whether maintained in connection with another business or not, where the waste, body or discarded material stored is equal in bulk to five or more motor vehicles, and which are to be sold for use parts or old iron, metal, glass, or other discarded materials.

2.29 - Kennel: Any structure or premises or commercial activity on which two (2) or more dogs over three (3) months of age are owned, boarded, bred or offered for sale.

2.30 - Loading Space, Off-Street: Space reserved for bulk pickups and deliveries, intended to be used by vehicles when required off-street parking spaces are otherwise unavailable. Required off-street loading space shall be included as off-street parking space in the computation of required off-street parking spaces.

2.31 - Lodging House: A building where lodging only is provided for compensation for five (5) or more, but not exceeding twenty (20) persons, in distinction to hotel open to transient.

2.32 - Lot: Any parcel of land subject to the provisions of this ordinance, and capable of being described with such definiteness that its location and boundaries may be established.

2.33 - Lot Easement: The front of a lot shall be construed to be the portion of the lot nearest the street, road, or a body of water if the lot abuts water. When the lot abuts a body of water, the shoreline shall be considered front yard.

2.34 Lot Lines: The lines bounding a lot.
2.35 - Lot Width: Shall be the distance between the side lot lines, measured at the building line.

2.36 - Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds.

2.37 - Motel: A series of sleeping or living units, for the lodging of transient guests, offered to the public for compensation, and with convenient access to other modes of public transportation, organization, idea or business.

2.38 Mobile Home: A single-family dwelling unit suitable for year-round occupancy and containing part of the same water supply, waste disposal and electrical conveniences as in mobile housing, and subject to tax or registration, as such, under provisions of Minnesota Statutes, Chapters 168 and 273 and having no permanent foundation other than wheels, jacks or skirting.

2.39 - Mobile Home Park: Any site, lot, field or tract of land upon which two or more occupied mobile homes are harbored, either free of charge or for reward, and shall include building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.

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

2.41 - Ordinary High Water Mark: A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence thereon upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

2.42 - Parking Space: A surfaced area, enclosed or unenclosed, sufficient in size to store one (1) motor vehicle, together with a paved driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

2.43 Public Waters: A body of water capable of serving a material beneficial purpose as defined in Minnesota Statutes, Section 105.37, Subdivision 2. For the purpose of this ordinance this shall be construed to mean any lake, pond or flowage of ten (10) acres or more in size or any stream or river with a total drainage area of at least two (2) square miles or more, which has the potential to support any type of recreational pursuit or water supply purpose. A body of water defined by a previous shoreline as created by a designated private use authorized by the Minnesota Commissioner of Natural Resources shall be exempt from the provisions of this ordinance as public waters.

2.44 - Recreational Camping Area: A site, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accom-

modation of five or more units, consisting of tents, travel trailers, pick-up coaches, motor homes or camping trailers, whether or not the accommodation is granted free of charge or for compensation. Provided that nothing in this definition shall be construed to include children's camps, educational camps, migrant labor camps, United States Forest Service Camps, state forest service camps, state wildlife management areas, or state owned public access areas which are restricted in use to picnicking and boat landings.

2.45 - Recreational Camping Vehicle: The words "recreational camping vehicle" shall mean any of the following:

A. Travel trailer means a vehicle, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation, and vacation uses, permanently identified "Travel Trailer" by the manufacturer of the trailer.

B. Pick-up coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.

C. Motor home means a portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.

D. Camping trailer means a folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

2.46 - Roadside Stands: Retail outlets with all related structure and designed for travel, recreation, and vacation use.

2.47 Setback: Distance from the right-of-way lines of streets to the building line for the purpose of defining limits within which no building or structure, or any part thereof, shall be erected or permanently maintained.

2.48 - Shopping Centers: A group of groups of three (3) or more commercial establishments developed in accordance to an overall plan and designed and built as an interrelated unit.

2.49 - Shoreland: All lands located within the following distances from public waters:

A. 1,000 feet from the normal high water mark of a lake, pond or flowage.
B. 300 feet from the normal high water mark of a river or stream or the landward extent of a flood plain designated by ordinance on such a river or stream.

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

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

2.52 - Street Lines: A dividing line between a lot, tract, or parcel of land and a contiguous street.

2.53 - Structures: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including but not limited to walls, fences, signs, billboards, and the like.

2.54 - Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or exterior walls.

2.55 - Trailer: Every vehicle without motor power designed or used for carrying persons or property and for being drawn by a motor vehicle.

2.56 - Transportation Plan: A compilation of policy statements, goals, standards, maps and action programs for guiding the future development of the various modes of transportation of the municipality and its environs, such as streets and highways, mass transit, railroads, air transportation, trucking and water transportation and includes a major thoroughfare plan.

2.57 - Tourist Home: A building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family for compensation, primarily for transients.

2.58 - Yard, Front: A yard extending between lot lines which intersect a street line, the depth of which is the horizontal distance between the street right-of-way line and a line on the lot which is at all points equidistant from and parallel to the street line.

2.59 - Yard, Rear: A yard extending across the rear of the lot between inner side yard lines. In the case of through lots there will be no rear yard. In the case of corner lots the rear yard shall extend from the inner side yard line of the side yard adjacent to the interior lot to the rear line of the half-depth front yard.

2.60 - Yard, Side: A yard extending from the rear line of the required front yard to the rear lot line.

ARTICLE III
GENERAL PROVISIONS
3.01 - Compliance: Except as hereinafter provided, the zoning administrator shall enforce the zoning ordinance as hereinafter building, structure or land shall hereafter be used or occupied, and in building or structure or part thereof

shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations hereinafter specified for the district in which it is located.

3.02 - Area Requirements: No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth in this ordinance, created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

3.03 - Minimum Requirements: The provisions of this ordinance shall be construed to be minimum requirements. Wherever there exists a conflict between this ordinance and any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive requirement shall govern.

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

3.05 - Yard Space Encroachments - Projections Into Yards: No projects may be permitted into any front, rear or side yard setback requirements for any building of the Zone District in which it is located.

3.06 - Private Swimming Pools: A private swimming pool shall include a pool, pond, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1 1/2) feet. No such swimming pool shall be allowed in any district unless it complies with the following conditions and requirements:

A. It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than five (5) feet to any property line of the property to which it is located.

B. The swimming pool, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties.

C. The pool shall further be screened by, at minimum, a masonry wall, board fence or compact hedge five (5) feet in height and maintained in good condition.

3.07 - Temporary Buildings: Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period of construction. If a building is constructed, but such temporary buildings shall be removed upon completion of the construction work.

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

3.09 - Vision Clearance in Residence Districts: On a corner lot, no fence or other structure more than three and one-half (3 1/2) feet in height above the plane of the established grades of the street shall be erected on any part of the front yard or side yard herein established that is included within the established grades of intersecting streets and a line connecting such street lines at a point which is twenty (20) feet from their point of intersection, measured along such street lines and no planting of foliage shall be placed or maintained within such area that in the judgment of the Zoning Inspector will materially obstruct the view of a driver or a vehicle approaching the street intersection.

No fence which is more than six (6) feet in height above the plane of the finished grade of the lots at the division line between lots shall be erected along such division line unless no part of any residence building on such lot or abutting lot, and in no instance shall the fence be nearer than twenty (20) feet from the street line.

3.10 - Trailers and Cabins: No person shall maintain, install, construct erect or permit, on any property within the City, except as otherwise provided in this ordinance, the parking or standing of a trailer intended for or used for lodging, dwelling or sleeping, or any small houses, known as cabins, for the use of transient or permanent guests for lodging, dwelling or sleeping; except that unoccupied trailers used primarily for living purposes may be stored inside a building and such unoccupied trailers may be temporarily parked outside. The length of time which an unoccupied trailer may be stored in excess of fifteen (15) days in any three (3) successive months. The storage of unoccupied trailers and other vehicles designed for recreational use and not exceeding twenty-four (24) feet in length is permitted within a building or in the rear yard.

3.11 - Public Sanitary Facilities not Available: In any Zoning District where a public sanitary sewer is not available, the Zoning Administrator may require the lot area and frontage requirements to conform to the provisions of the county sanitation code, in lieu of the applicable provisions of this

ordinance.

ARTICLE IV

SHORELAND PROVISIONS

4.10 - Designation: In order to guide the wise development and utilization of shorelands, (1,000 feet from lakes, ponds and flowage; and 300 feet on each side of streams and rivers) of public waters for preservation of water quality, natural characteristics, economic value and the general health, safety and welfare all public waters in the City of Northome, Minnesota, have been given a public waters classification and use in shoreland in these classes and are hereby designated by land use districts, based on the compatibility of designated types of land use within the public waters classification.

4.20 - Classification: The public waters of Northome, Minnesota, have been classified by the Department of Natural Resources as follows:

A. Bartlett Lake - General Development
4.30 - The regulations under this section, in addition to the regulations in other sections of this Ordinance, shall apply to all shoreland within the municipality.

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

Definition: Throughout Article IV the term Commissioner refers to the Commissioner of Natural Resources of the State of Minnesota.

4.40 - A. MINIMUM ZONING PROVISIONS - UNSEWERED SHORELANDS

	General Development
Lot Area (ft. ²)	20,000
Water Frontage & Lot Width at Building Line (ft.)	100
Building Setback from Ordinary High Water Mark (ft.)	75
Building Setback from Roads & Highways (ft.)	20-50
Building Elevation Above Highest Known Water Level	3
Building Height Limitation (ft.)	35
Total Lot Area Covered by Impervious Surface (%)	30
Sewage System Setback From Ordinary High Water Mark (ft.)	50
Sewage System Elevation Above Highest Groundwater Level or Bedrock (ft.)	4
*Building Elevation refers to the elevation of the lowest floor, including the basement.	

4.40 - B. MINIMUM ZONING PROVISIONS - SEWERED SHORELANDS

	General Development
Lot Area (ft. ²)	15,000
Riparian (Waterfront) Lots	10,000
Other Lots	10,000
Water Frontage & Lot Line at Building Line (ft.)	75
Building Setback from Ordinary High Water Mark (ft.)	75
Building Setback from Roads & Highways (ft.)	15-50
Building Elevation Above Highest Known Water Level (ft.)	3
Building Height Limitation (ft.)	35
Total Lot Area Covered by Impervious Surface (%)	30
*Building Elevation refers to the elevation of the lowest floor, including the basement.	

C. Substandard Lots: Lots of record in the County Register of Deeds office prior to the effective date of this ordinance which do not meet the lot area and lot width requirements of Section IV may be allowed as building sites provided. The use is permitted in the zoning district; the lot is in separate ownership from abutting lands; and, all sanitary and dimensional requirements of the county ordinance are complied with insofar as practical. Municipalities may set a minimum size for substandard lots or improve other restrictions on the development of substandard lots, including the prohibition of development until the substandard lot(s) are served by a public sewer and water.

4.50 - Placement of Structures or Lots: Placement of structures on lots shall be controlled by the ordinance in accordance with the class of public water, high water elevation and location of roads and highways. Refer to Sections 4.40, A and B.

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

4.70 - Exceptions: The following are exceptions to the above regulations: A. Boathouses may be located landward of the ordinary high water level as a conditional use provided they are not used for habitation and they do not contain sanitary facilities.

B. Location of piers and docks shall be controlled by applicable state and local regulations.

C. Where development exists within 150 feet on both sides of a proposed building site, proposed structural setback may be the average of the setbacks of existing structures.

D. Commercial, industrial, or permitted open space use requiring location on public waters may be allowed as conditional use closer to such waters than the specified setbacks.

4.80 Shoreland Alterations:

A. Natural vegetation in shoreland areas shall be preserved insofar as practical and reasonable in order to retard surface runoff and soil erosion, and to utilize excess nutrients. The removal of natural vegetation shall be controlled by the municipal shoreland ordinance in accordance with the following criteria:

1. Clearcutting shall be prohibited, except as necessary for public roads, utilities, structures, and parking areas.

2. Natural vegetation shall be restored insofar as feasible after any construction project.

3. Selective cutting or trees and underbrush shall be allowed as long as sufficient cover is left to screen motor vehicles and structures when viewed from the water.

4. Grading and filling in shoreland areas or any other substantial alteration of the natural topography shall be controlled by the municipal shoreland ordinance in accordance with the following criteria:

1. The smallest amount of bare ground shall be exposed for as short a time as feasible.

2. Temporary ground cover, such as mulch, shall be used and permanent vegetative cover, such as sod, shall be provided.

3. Methods to prevent erosion and trap sediment shall be employed.

4. Fill shall be stabilized to accepted engineering standards.

C. Alterations of Beds of Public Waters:

1. Any work which will change or eliminate the course, current or cross section of a public water shall be approved by the Commissioner of Natural Resources before the work is begun. This includes construction of channels and ditches, groining, dredging of lakes or stream bottom for removal of muck, silt, or weeds, and filling in the lake or stream bed. Approval shall be construed to mean the issuance by the Commissioner of Natural Resources of a permit under the procedures of Minnesota Statutes 1974, Section 105.42 and other related statutes.

2. Excavations on shorelands where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, shall be controlled by the municipal shoreland ordinance. Permits for such excavations may be given only after the Commissioner of Natural Resources has approved the proposed connection to public waters. Approval shall be given only if the proposed work is consistent with applicable state regulations for work in beds of public waters.

4.90 SUBDIVISION PROVISIONS

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

Plats Reviewed by the Commissioner - All plats which are inconsistent with the municipal shoreland ordinance shall be reviewed by the Commissioner of Natural Resources before approval by the municipality may be granted. Such review shall require that the proposed plats be received by the Commissioner at least 10 (ten) days before a hearing is called by the municipality for consideration of approval of a final plat.

Copies of Plats Supplied to Commissioner of Natural Resources - Copies of all plats within shoreland areas shall be submitted to the Commissioner within 10 (ten) days of final approval by the municipality.

Planned Unit Development - Altered zoning standards may be allowed as exceptions to the municipal shoreland ordinance for planned unit developments provided:

1. Preliminary plans shall be approved by the Commissioner prior to their approval by the municipality.

2. Central sewage facilities shall be installed which at least meet the applicable standards, criteria, or regulations of the Minnesota Department of Health and the Pollution Control Agency or the Planned Unit Development is connected to a municipal sanitary sewer.

3. Open space is preserved at a minimum of ten (10) percent of the total site area. This may be accomplished through the use of restrictive deed covenants, public dedications, or other methods.

4. That the following factors are carefully evaluated to ensure that the increased density of development is consistent with the resource limitations of the public water:

a. Suitability of the site for the proposed use; b. Physical and aesthetic impact of increased density; c. Level of

current development; d. Amount and ownership of undeveloped shoreland; e. Levels and types of water resource use; f. Public and private. Possible effects on overall public use.

5. Any commercial, recreational, community, or religious facility allowed as part of the planned unit development shall conform to applicable federal and state regulations including, but not limited to the following: a. Licensing provisions or procedures; b. Waste disposal regulations; c. Water supply regulations; d. Building codes; e. Safety regulations.

6. The final plan for a planned unit development shall not be modified, amended, repeated, or otherwise altered unless approved in writing by the developer, the municipality, and the Commissioner of Natural Resources. 7. There are centralized shoreline recreation facilities such as beaches, docks and boat launching facilities.

ARTICLE V ESTABLISHMENTS OF ZONING DISTRICTS: OFFICIAL ZONING MAP

5.10 For the purposes of this ordinance the City of Northome is hereby divided into zoning districts, as shown on the Official Zoning Map which, together with all explanatory matter therein, is hereby incorporated by reference and declared to be a part of this ordinance. Said districts shall be known as:

R-1 Residential District
C-1 General Business District
M-1 Limited Industrial Manufacturing District

AF-1 Agriculture-Forestry District
O-1 Open Space District

5.20 - A certified copy of the Official Zoning Map, together with any amendments thereto, shall be filed with the Register of Deeds. In the case of conflict between said map and the provisions of this ordinance, the latter shall govern.

5.30 - Major Thoroughfare Plan; Community Facilities Plan; Any major thoroughfare plan or community facilities plan may be adopted by the City Council pursuant to the provisions of Minnesota Statutes, Section 462.359 and if adopted shall be included on the official map. Subsequent to inclusion of such a plan or plans, whenever any street or highway is widened, improved, or any new street is opened or interests in lands for other public purposes are acquired by the municipality, it shall not be required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit within the limits of the mapped street or outside of any building line or other boundary line shown on the existing street or within any area thus identified for public purposes.

5.40 - All territories which may hereafter be annexed to the City of Northome shall be subject to the zoning classification of C-1, provided that the annexed area may be subject to such interim zoning requirements as the City Council may determine. The Planning Commission shall immediately begin review of the zoning classification of any annexed land and shall, within six months prepare a report and submit recommendations to the City Council as to the proper classification.

5.50 - Whenever any street, alley or other public way is vacated by official action of the City Council, the zoning districts adjoining each side of such street, alley or public way shall be altered by annexation to the center of such vacated and all area included in the vacated shall then and henceforth be subject to all appropriate regulations of the extended districts.

**ARTICLE VI
RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**
6.10 - Except as otherwise set forth under the provisions of this ordinance, where a district is bounded by a street, highway, alley, river, or other boundary line, the center line of such feature shall be the boundary. Boundaries following railroad lines shall be construed to be located midway between the main tracks.

6.20 - Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

6.30 - Where the actual street or property layout is at variance with that shown on the official zoning map, the other circumstances not covered by the provisions of this ordinance, the Zoning Administrator shall interpret the district boundaries.

**ARTICLE VII
R-1 RESIDENCE DISTRICT**
7.10 - Purpose: It is the purpose of the "R-1" District to encourage the establishment and preservation of medium-high density residential neighborhoods.

7.20 - The zoning district shall be established for owner and/or rental buildings, for non-residential service permitted in this district will provide auxiliary service and/or will contribute to the stability and long term value of the area for residential purposes.

7.30 - Principal Permitted Uses:
A. One (1) and two (2) family dwelling groups containing not more than two (2) dwelling units in any one building.

B. Essential utility and service facilities intended to serve the principal permitted uses.

C. Customary accessory use provided such uses are clearly incidental to the principal permitted uses.

7.40 - Conditional Uses: User authorized upon issuance of a Conditional Use Permit include, but are not limited to:

A. Drive-in Banks: Drive-in bank buildings and loan companies with similar financial institutions, provided that the premises shall be enclosed by a solid wall or fence at least six (6) feet high where it adjoins the rear or the sides of any Residence District public park, school or church.

B. Self-Service Establishments: Self-service laundries, dry cleaners, washes and similar uses.

C. Outdoor Commercial Recreation: Any type of commercial recreation including baseball fields, swim-

ing pools, skating rinks, and similar open air facilities, provided such establishments shall be located not less than one hundred (100) feet from any residential district.

D. Animal Hospitals, Veterinary Clinics, Kennels for display, boarding, or treatment of pets and other domestic animals; provided that any structure or area used for such purposes, including pens, and exercise yards, shall be located at least one hundred (100) feet from any residential district and that such pens or exercise runs shall be enclosed on four sides by a sight obscuring, unpierced fence or wall at least six (6) feet in height.

E. Automotive Services, Farm Implements, Automobiles, Trucks, Trailers, Trailer Tents, Repair Garages, Body and Fender shops, paint shops, provided that there shall be a minimum distance of fifty (50) feet between the use and any residential district and that the premises shall be enclosed by a solid wall or fence at least six (6) feet in height where it adjoins the rear or the sides of any residential district.

F. Gasoline Service Stations: Gasoline service stations including repair garages, car washing, oil changes, tire repair, and other services, provided that there shall be a minimum distance of fifty (50) feet between the use and any residential district and that the premises shall be enclosed by a solid wall or fence at least six (6) feet in height where it adjoins the rear or the sides of any residential district.

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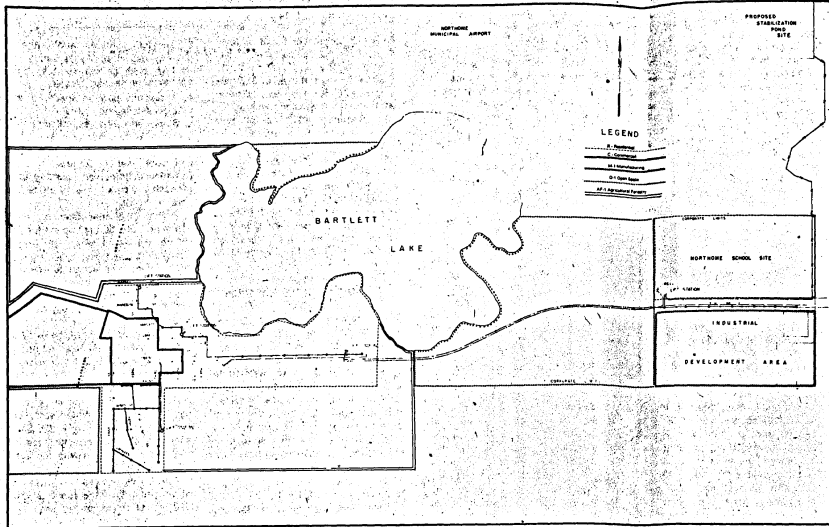
OOO. Gasoline Service Stations: Gasoline service stations including repair garages, car washing, oil changes, tire repair, and other services, provided that there shall be a minimum distance of fifty (50) feet between the use and any residential district and that the premises shall be enclosed by a solid wall or fence at least six (6) feet in height where it adjoins the rear or the sides of any residential district.

PPP. Gasoline Service Stations: Gasoline service stations including repair garages, car washing, oil changes, tire repair, and other services, provided that there shall be a minimum distance of fifty (50) feet between the use and any residential district and that the premises shall be enclosed by a solid wall or fence at least six (6) feet in height where it adjoins the rear or the sides of any residential district.

QQQ. Gasoline Service Stations: Gasoline service stations including repair garages, car washing, oil changes, tire repair, and other services, provided that there shall be a minimum distance of fifty (50) feet between the use and any residential district and that the premises shall be enclosed by a solid wall or fence at least six (6) feet in height where it adjoins the rear or the sides of any residential district.

RRR. Gasoline Service Stations: Gasoline service stations including repair garages, car washing, oil changes, tire repair, and other services, provided that there shall be a minimum distance of fifty (50) feet between the use and any residential district and that the premises shall be enclosed by a solid wall or fence at least six (6) feet in height where it adjoins the rear or the sides of any residential district.

SSS. Gasoline Service Stations: Gasoline service stations including repair garages, car washing, oil changes, tire repair, and other services, provided that there shall be a minimum distance of fifty (50) feet between the use and any residential district and that the premises shall be enclosed by a solid wall or fence at least six (6) feet in height where it adjoins the rear or the sides of any residential district



highway.

3. Type 3: Signs advertising a business activity or a service available in a commercial or industrial area. Such signs shall not exceed 80 square feet in area when non-illuminated, and if illuminated shall not exceed 40 square feet in area. Not more than one such sign for each story may be attached to a building facade, and no sign may project more than 8 feet beyond a building when attached thereto, or be higher than 4 feet above the top roof line. Free standing signs shall not exceed 20 feet in height from the ground.

4. Type 4: Signs advertising the sale of farm products produced on the premises. Such signs shall not exceed 24 square feet in area, and no more than 3 non-illuminated signs advertising produce may be erected within 100 feet of the stand.

5. Type 5: Signs advertising a resort or recreational business activity or product available. Such signs shall not exceed 20 square feet in area and no more than one such sign for each highway upon which the property faces shall be permitted.

6. Class D Signs: Signs or billboards which advertise a general brand of product, an area of interest, a business activity or service available which is not in direct relation to the use of the premises on which it is located. Such signs shall not exceed 300 square feet in area. Free standing signs shall be erected outside a line parallel to and 50 feet from the highway right-of-way, shall not exceed 20 feet in height above the ground or be located within 300 feet of an existing residence.

7. Class E Signs: Off premise directory signs in the vicinity of the traveling public which advertise a business activity, an area of interest or a service available at a specific location within 12 air miles of the premises on which it is located.

1. Type 1: Recreational directory signs indicating the direction to a cottage, resort, residence or similar use. Such signs shall not exceed 4 square feet in area. When a cottage or resort is provided all such signs shall be attached thereto. Recreational directory signs may be placed at the right-of-way line of the highway provided they are not within 30 feet of an existing residence. Information on such signs may be of reflective materials.

2. Type 2: Signs advertising a business or activity conducted area of interest, or service available. Such signs shall not exceed 12 square feet in area, and no more than 2 such signs relating to any one use shall be permitted in the approaching direction along any one highway. A larger number of signs and a greater distance from the premises may be permitted by the Planning Commission by a Conditional Use Permit finding it necessary for directing the traveling public.

13.60 Class and Type of Signs Permitted in Various Zoning Districts

Class and Type of Sign	Zoning District
Class A signs	All
Class B signs	All
Class C signs	All
Type 1	R-1, AF-1
Type 2	M-1, C-1
Type 3	AF-1
Type 4	M-1, C-1
Type 5	C-1, M-1
Class D signs	All
Class E signs	All

13.70 Non-Conforming Signs: Non-conforming signs shall be subject to the provisions of Article VI.

ARTICLE XIV
NON-CONFORMING USES
14.10 - Intent: It is the intent of this article to regulate non-conforming uses of structures and lots and to provide for their gradual elimination.

14.20 - Non-Conforming Uses: Any lawful use of a structure or lot existing at the time of adoption of this ordinance may be continued although such use does not conform to the provisions of this ordinance for so long as it remains lawful, subject to the

provisions of this article. Provided that no non-conforming use shall be continued unless the owner shall have completed a material amount of construction or shall otherwise have acquired a vested right with respect to the use.

14.30 - Amortization: The City Council may provide for the termination of non-conforming uses, either by specifying the period or periods within which they shall be acquired to cease or by providing a formula whereby compulsory termination shall be so fixed as to allow a reasonable period for the recovery of the investment in the non-conforming use.

14.40 - Conditions: The following conditions shall govern the continuance of non-conforming uses:

A. No non-conforming use shall be enlarged, increased, extended or moved unless the use is changed to one permitted pursuant to the provisions of this ordinance.

B. Any non-structural repairs and alterations for normal maintenance may be made. Structural alterations required by law or ordinance shall be allowed.

C. Any non-conforming use may be continued throughout any part of the building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

D. If any non-conforming use ceases for any reason for a period of more than ninety (90) days, any subsequent use shall conform to the regulation specified by this ordinance for the district in which the use is located.

E. Upon discontinuance or abandonment of any use for a period of six (6) consecutive months, or for eighteen (18) months during any three year period, no use shall be made except as in conformance with the regulations of the district within which it is located.

F. No structure which has been destroyed by any means to an extent of more than 50% of its assessed value at the time of destruction shall be reconstructed except as in conformity with the regulations of the district within which it is located.

14.50 Change of Use: Any non-conforming use may be changed to another non-conforming use provided that no structural alterations are made and provided further that the prior approval shall be obtained from the Planning Commission. The Commission, either by general rule or by making findings in a specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use, and may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.

ARTICLE XV
ADMINISTRATION
CITY OF NORTHOME
ZONING ADMINISTRATOR

15.10 Designation: The Planning Commission, with the approval of the City Council, shall appoint a Zoning Administrator, whose duty it shall be to administer and enforce the provisions of this ordinance. His administrative functions shall include, but not be limited to, the duty to:

A. Provide necessary forms and applications.

15.20 The Zoning Administrator shall have all powers and authority conferred by laws, statutes and ordinances to enforce the provisions of this ordinance, including but not limited to the following:

A. Access to any structure or premise for inspection or enforcement purpose by the permission of the owner or upon issuance of a special inspection warrant.

15.30 Land Use Permit: Land use permits shall be issued in accordance with the following provisions:

A. Application shall be accompanied by scale maps or drawings showing accurately the location, size and shape of the lot(s) involved and of any proposed structures, including the relation of abutting streets, lakes or streams, and the existing and proposed use of each structure and lot, and the number of families to be accommodated. One copy shall be retained by the Zoning Administrator and one copy shall be returned to the owner when such plans have been approved.

B. Any permit shall be valid for twelve (12) months after date of issue. When construction has not been started on valid permits within twelve (12) months from the date of issue, an extension of time may be granted by the Zoning Administrator.

C. No permit shall be required for maintenance, repair or remodeling where the building area coverage is not increased.

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

ARTICLE XVI
BOARD OF ADJUSTMENT
16.10 There is hereby created a Board of Adjustment consisting of three (3) members appointed by the Mayor with the consent of the City Council. One member shall be a member of the Planning Commission. No elected officer nor any employee of the City Council shall serve on the Board of Adjustment.

Of the members appointed to the first Board, one shall serve a term of one year, one shall serve a term of two years and one shall serve a term of three years. Thereafter, all members shall be appointed for a term of three years. Provided that each member shall serve until his successor is duly appointed.

16.20 Members of the Board shall serve without compensation, except that they shall be reimbursed for expenses incurred in the performance of official duties in an amount that the City Council shall determine.

16.30 - Officers: A chairman and vice chairman shall be elected from among the members and a secretary shall be appointed who need not be a member of the Board.

16.40 - Powers: The Board shall have the following powers:

A. To adopt rules of procedure consistent with the provisions of this ordinance.

B. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative officer in the enforcement of this ordinance.

C. To hear requests for variances from the literal provisions of this ordinance in instances where the strict enforcement would create undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. The Board may not permit a variance any use that is not permitted under the ordinance for property in the district where the affected property is located.

The Board may permit a variance the temporary use of a one-family dwelling as a two-family dwelling. The Board

may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

D. All other powers granted to it by law and by the provisions of this ordinance.

16.50 Hearings and Appeals:

A. Appeals to the Board may be taken by any person aggrieved by a decision of the Zoning Administrator. Such appeal shall be taken within ten (10) calendar days after such decision by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall immediately transmit to the Board all documents and exhibits constituting the record from which the appeal is taken. The appeal shall stay all proceedings pending the decision of the Board.

B. The Board shall fix a reasonable time for hearing such appeal and shall render a decision within thirty (30) days of the date of hearing. The Board shall give public notice of the hearing and shall further mail written notice to all those personally known to be interested parties by members of the Board. At the hearing, any party may appear in person, by authorized agent or by attorney.

C. A majority vote of the members of the Board shall be sufficient to reverse or sustain any order, requirement, decision or determination of the Zoning Administrator.

D. The Board shall keep complete and detailed records of its proceedings which shall include the minutes of its meetings, its findings and actions taken on each matter heard by it including the final order. The Board shall record the vote of each member upon each question or if absent or failing to vote, indicating such fact. All records shall be open to the public and shall immediately be filed in the office of the Zoning Administrator.

E. Open Meeting Law: All meetings and hearings of the Board shall be conducted in conformance with the provisions of the Minnesota Open Meeting Law, Minnesota Statutes, Section 471.705, and any additions or amendments thereto.

F. Removal: Members of the Board shall be removable for cause by majority vote of the City Council upon the filing of written charges with the City Council. No member shall be removed prior to a public hearing which shall be held within thirty (30) days of the date of filing of the written charges.

G. Vacancies: Vacancies occurring in the Board shall be promptly filled by the Mayor with the consent of the City Council and any member so appointed shall serve the balance of the predecessor member's term, and shall thereafter be subject to appointment in the manner hereinabove set forth.

H. The Board shall always act with consideration toward promoting the public health, safety, convenience and welfare, thereby encouraging the best appropriate use of land consistent with the comprehensive municipal plan and shall permit no structure, building use detrimental to a neighborhood.

I. Finality: The decision of the Board shall be final. Any person having interest affected by this ordinance may appeal to the district court on questions of law or fact.

J. Notification: Notification of the Commissioner of Natural Resources for variance application made and the decisions granted on such applications shall be in accordance with the following:

1. Copies of all applications and pertinent information shall be submitted to the Commissioner of Natural Resources at least ten days prior to the date of the hearing.

2. Copies of all final actions taken on applications shall be submitted to the Commissioner of Natural Resources within ten (10) days after such actions taken place.

ARTICLE XVII
CONDITIONAL USE PERMITS
- Procedure:
Application for a Conditional Use

Permit shall be made to the Zoning Administrator who shall promptly refer it to the Planning Commission. The application shall contain the information required under Article 15.30A, along with such other data and information as the Planning Commission may deem necessary to properly evaluate the application.

B. The Planning Commission shall hold a public hearing on the application within thirty (30) days after it is filed. Public notice shall be given in accordance with the applicable provisions of Article 18.40.

C. The Planning Commission shall report its recommendations to the City Council within ninety (90) days after filing of the application. Recommendations shall include an accurate description of the proposed conditional use, a description of the property upon which the conditional use is sought to be located, along with any other recommendations or proposed conditions of the Planning Commission.

17.20 A Conditional Use Permit shall be granted by a majority vote of the City Council upon written findings of fact that the following conditions have been complied with. Approval may be subject to such further conditions as the City Council may deem necessary.

A. That the proposed development is likely to be compatible with development permitted under the general provisions of this ordinance on substantially all land in the vicinity of the proposed development.

B. That the conditional use will not be injurious to the use and enjoyment of the environment, or detrimental to the health and safety of the community, or substantially diminish or impair property values within the vicinity.

C. That the proposed use is consistent with the overall comprehensive municipal plan and with the spirit and intent of the provisions of this ordinance.

17.30 Denial: In the event that the City Council denies an application for a Conditional Use Permit, the factual basis and reasons for the denial shall be set forth in written findings of fact. Such findings shall be adopted contemporaneously with the action of the City Council.

17.40 Termination: Where a conditional use does not continue in conformance with the conditions of the original approval, the conditional use permit shall be terminated by the City Council. Provided that the permit shall not be revoked unless the permittee has first been granted a public hearing.

17.50 Notification: Notification of the Commissioner of Natural Resources shall be given on all applications for Conditional Use Permits made and final decisions granted within shoreland areas in accordance with the following:

A. Copies of all applications and pertinent information shall be submitted to the Commissioner of Natural Resources at least ten days prior to the date of the hearing.

B. Copies of all final actions taken on applications shall be submitted to the Commissioner of Natural Resources within ten (10) days after such actions have been taken.

ARTICLE XVIII
AMENDMENTS
18.10 Amendments: The regulations, restrictions and boundaries set forth in this ordinance may be amended, supplemented or repealed in accordance with the provisions of this article.

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

18.30 Referral: The Planning Commission: An amendment not initiated by the Planning Commission shall be referred to the Commission for study and report and may not be acted upon by the City Council until it has received the recommendation of the Commission on the proposed amendment, or until sixty (60) days have elapsed from the date of reference of the amendment without a report being prepared by the Commission.

18.40 Hearing: No amendment shall be adopted until a public hearing has been held thereon by the City Council or Planning Commission. The notice of the time, place, and purpose of the hearing shall be published in the official City of Northome newspaper at least ten days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a notice shall be mailed by the City Council at least ten (10) days before the day of the hearing to each owner of the affected property and property situated wholly or partly within 350 feet of the use to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of the owners. A copy of the notice and a list of the names and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings provided a bona fide attempt to comply with this subdivision has been made.

18.50 Fees: No action shall be taken on any application by an applicant other

than the Planning Commission or the City Council until the applicant shall have paid to the City Clerk an appropriate filing fee as established by the provisions of Article XXXII.

18.60 Notification: Notification of the Commissioner of Natural Resources shall be provided for all requests for amendment to the Zoning Ordinance in accordance with the following:

a. Copies of all applications and pertinent information shall be provided to the Commissioner of Natural Resources at least ten (10) days prior to public hearing held on these applications.

b. Copies of all final action taken on such application shall be provided to the Commissioner of Natural Resources within ten (10) days after the actions are taken.

ARTICLE XIX
VIOLATIONS AND PENALTY
Complaints Regarding Violation: Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Zoning Administrator, stating fully the causes and basis thereof. The Zoning Administrator shall maintain a record of such complaints and shall take appropriate action pursuant to the provisions of this ordinance.

Any unauthorized change of the Official Zoning Map shall be considered a violation of the provisions of this ordinance.

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

ARTICLE XX
SEVERABILITY
In any case in which the provisions of this ordinance are declared by the courts to be unconstitutional or invalid, such ruling shall not affect the validity of the remaining provisions of the ordinance and to this end, the provisions of this ordinance are declared to be severable.

ARTICLE XXI
REPEAL OF CONFLICTING ORDINANCE
Any Zoning Ordinance existing at the time of adoption of this Zoning Ordinance, together with all amendments and supplements thereto, and all other ordinances promulgated by the City of Northome which are inconsistent with the provisions of this ordinance are, to the extent of such inconsistency and no further, hereby repealed.

ARTICLE XXII
EFFECTIVE DATE
This Ordinance shall take effect and be in force immediately after its adoption and publication.

Public Hearing Held.....Nov. 25, 1978
Recommended by Planning Commission.....Oct. 4, 1978
Adopted by Governing body.....May 2, 1979
Date of effect.....May 2, 1979

LEGAL NOTICES
Court File No. 8317
STATE OF MINNESOTA
COUNTY OF KOCHICHIW
PROBATE COURT
COUNTY COURT-PROBATE DIVISION
In Re: Estate of
Cortina McKenzie, Deceased
NOTICE OF INFORMAL PROBATE OF WILL AND APPOINTMENT OF PERSONAL REPRESENTATIVE AND NOTICE TO CREDITORS
AND CREDITORS:

Notice is hereby given, that an application for informal probate of the above named decedent's last will, dated April 18, 1979, has been filed with the Registrar herein, and the application has been granted informally probating such will. Any objections may be filed in the above named court and the same will be heard by the Court upon notice of hearing fixed for such purpose.

Notice is hereby further given that informal appointment of Lawrence Gene McKenzie, Jr., whose address is Mizpah, Minnesota, as personal representative of the estate of the above named decedent, has been made. Any heir, devisee or other interested person may be entitled to appointment as personal representative or may object to the appointment of the personal representative and the personal representative is empowered to fully administer the estate including, after 30 days from the date of issuance of the letters, the power to sell, encumber, lease or distribute real estate, unless objections thereto are filed with the Court (pursuant to Section 524.3-607) and the Court otherwise orders.

Notice is further given that ALL CREDITORS having claims against said estate are required to present the same to said personal representative or to the Clerk of the Court within four months after the date of this notice or said claims will be barred.

Dated: July 10, 1979
s/ James E. Palm, Registrar
s/ Mary Mahle, Clerk
SHERMOEN & SHERMOEN
By: Bernice M. Corner, Attorney
P. O. Box 507
Northome, Minnesota 56661
July 18, and July 25, 1979

