

ORDINANCE NO. 1

AN ORDINANCE FOR THE PURPOSE OF PROMOTING HEALTH, SAFETY, ORDER, CONVENIENCE AND GENERAL WELFARE, BY REGULATING THE USE OF LAND, THE LOCATION AND USE OF BUILDINGS AND THE ARRANGEMENT OF BUILDINGS ON LOTS, IN THE TOWNSHIP OF NEWPORT, MINNESOTA

THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF NEWPORT ORDAINS:

Section I. Establishment of Districts.

For the purpose of this ordinance of the Township of Newport, the Township is divided into use Districts as shown on the accompanying map entitled "zoning map of Newport Township, Minnesota" which map is hereby made a part of this Ordinance.

Section II. Prohibitions in Districts.

Except as elsewhere provided in this ordinance, in each district land and structures shall be used only for the purposes listed by this ordinance as permitted in this district.

Section III. Regulations for Residential, Industrial and Agricultural Districts.

Subd. 1. Use regulations - in the residential district, unless otherwise provided in this ordinance, no building or land shall be used, except for one or more of the following uses:

- 1) One or two-family dwellings and their accessory buildings.
- 2) Plant nurseries or greenhouses; farms or truck gardens, but no retail stand for the display or sale of agricultural products or any other commercial structure shall be located thereon without a special use permit.
- 3) Public parks and playgrounds; golf courses or clubs.
- 4) Churches, libraries, museums, schools, memorial buildings, including name plates and bulletin boards placed in back of the prescribed set back lines.
- 5) Home occupations.

Subd. 2. Regulations for industrial districts - in the industrial district, buildings and land may be used for any of the following purposes:

- 1) All uses permitted in Subdivision 1 of this section.
- 2) The following uses, but only upon the securing of a special use permit:
 - a. Undertaking establishments;
 - b. Any drive-in business where people are served in automobiles;
 - c. Outdoor advertising signs and structures.
 - d. Bakery or baking plant.
 - e. Brick, pottery, tile or terra cotta manufacturing.
 - f. Building material storage yard.
 - g. Electric light or power generating station.
 - h. Laundry.
 - i. Creamery or dairy.
 - j. Lumber yard.

- k. Monument works.
 - l. Office buildings.
 - m. All other business uses and industry uses light or heavy which, in the opinion of the Board of Zoning Appeals and the Township Board of Supervisors are of the same general character as the uses enumerated in this subsection and will not be obnoxious or detrimental to the district in which located.
- 3) No building in industrial use districts shall be placed nearer than 200 feet from an presently existing road or highway except that any building be placed nearer such road or highway upon application to the Board of Zoning Appeals and after hearings as provided in Section VII hereof.

Subd. 3. Regulations for agricultural districts -- on any of the districts designated for agricultural purposes there shall be no restriction on the use of land or building, provided said land or buildings continue to be used for agricultural purposes or as provided in Subdivision 1 of this section and conform with the ordinance in all other respects.

Section IV. General Provisions and Exceptions.

The regulations specified in this ordinance shall be subject to the following interpretations and exceptions regarding use:

- a. Nothing in this ordinance shall be deemed to prohibit the construction or maintenance of any stand or structure for the sale of agricultural products produced on the premises.
- b. No filling station, public garage or gasoline distributing station shall be located within 300 feet of a school, church, hospital, or public meeting place.
- c. In the industrial district there shall be automobile storage or parking as follows: 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 establishment.

Section V. Non-conforming Uses.

Any non-conforming use now in operation may be continued indefinitely except that any non-conforming use or building may not be:

- a. Changed to another non-conforming use.
- b. Re-established after discontinuance for one year, if it involves a substantial building; or if it discontinues for any period in other cases.
- c. Rebuilt after damage exceeding seventy-five percent of its value.

Section VI. Adjustments and Appeals.

Subd. 1. A Board of Zoning Appeals is hereby established and vested with such administrative authority as is hereinafter provided. Such Board shall consist of four (4) legal voters appointed by the Township Board of Supervisors, one member to serve for a period of four years, another to serve for a period of three years, another to serve for a period of two years and another to serve for a period of one year, so that there will be appointed one new member to the Board of Zoning Appeals each year. A member may be reappointed without limitation as the number of times. The members of the Board of

Zoning Appeals shall be ex-officio members but shall have no right to vote on matters before the Township Board.

Subd. 2. The Board of Zoning Appeals shall have power to recommend to the Board adjustments in and exceptions to any of the provisions of this ordinance to the extent of the following and no further:

1. To vary or modify the strict application of any of the regulations or provisions contained in this ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application.
2. To permit the extension of a district where the boundary lines thereof divided a lot in one ownership at the time of the passage of this ordinance.
3. To permit public utility or public service uses, or public buildings to be located on any district when found to be necessary for the public health, safety, convenience or welfare.

Before making its decision upon any application for such an adjustment or exception, the Board of Zoning Appeals shall hold a public hearing thereon and shall thereafter make its decision. If the application is denied, no further action shall be taken upon it, but if the Board of Zoning Appeals believes that the application should be granted, it shall recommend such action to the Board. Upon receipt of such recommendation the Board shall by resolution either grant or deny such application, and it may attach to the grant of the application such conditions and guarantees as it deems necessary to carry out the purposes of this ordinance.

Section VII. Amendments.

This ordinance may be amended only by a two-thirds vote of the Township Board of Supervisors after a public hearing on such amendment has been duly advertised and held. Proceedings for such amendment may be initiated by (1) the Township Board of Supervisors, (2) the Board of Zoning Appeals, or (3) the verified petition of not less than fifty percent of those property owners within 500 feet of the proposed change.

Section VIII. Enforcement.

Subd. 1. Hereafter no person shall erect, alter, wreck, or move any building or part thereof without first securing a building permit therefore except that no permit shall be necessary for the construction, reconstruction or alteration of a building not used or to be used for commercial or industrial purposes.

Subd. 2. Application for a building permit shall be made to the Town Clerk on blank forms to be furnished by the Town. Each application for a permit to construct or alter a building shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon and the size and location of the building and accessory buildings to be erected. Applications for any kind of building permit shall contain such other information as may be deemed necessary for the proper enforcement of this ordinance. The fees for building permits shall be fifty (\$.50) cents per thousand dollars of value of the building. The Town Clerk shall issue the building permit only after determining that the building plans, together with the application, comply with the terms of this ordinance.

Section IX. Penalties.

Any person who violates or fails to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed One Hundred (\$100.00) dollars or by imprisonment for not to exceed ninety days for each offense. Each day that the violation is permitted to exist shall constitute a separate offense.

Passed by the Township Board of Supervisors this ____ day of February, 1954.

/s/ Duane E. Bartch, Chairman

Attest: Edward G. Springer, Clerk