

ORDINANCE NO. 102

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE VILLAGE OF CARLTON, MINNESOTA, IN PURSUANCE OF THE AUTHORITY GRANTED BY CHAPTER 670, LAWS OF 1965, MINNESOTA STATUTES, TO PROMOTE THE HEALTH, SAFETY, CONVENIENCE, AND WELFARE OF THE INHABITANTS BY DIVIDING THE VILLAGE INTO ZONES AND REGULATING THEREIN THE USES OF LAND AND THE CONSTRUCTION OF BUILDINGS WITH A VIEW TO ENCOURAGING THE MOST APPROPRIATE USE OF LAND IN THE VILLAGE.

- Sec. I Zone Districts. The Village of Carlton is hereby divided into zone districts as shown on the official Zoning District Map and filed in the office of the Village Clerk. The map and all explanatory matter thereon are hereby made a part of this ordinance.
- Sec. II Uses. In each zone district, land and structures may be used only for purposes specified in the zoning schedule, Sec. 9.
- Sec. III Non-Conforming Uses. Any use or structure existing at the time of enactment or subsequent amendment of this ordinance, but not in conformity with its provisions, may be continued with the following limitations. Any use or building which does not conform to this ordinance may not be:
- (a) Changed to another non-conforming use.
 - (b) Re-established after abandonment. Discontinuance of a non-conforming use for a period of 90 days shall be prima facie evidence of such abandonment.
 - (c) Enlarged, increased, repaired or removed, except in conformity to this ordinance.
 - (d) Rebuilt after damage exceeding fifty percent of its replacement cost immediately prior to damage, or
 - (e) Continued beyond the periods set forth in Section 7.
- Sec. IV Open Space and Height. In each zone district each structure hereafter erected or altered shall be provided with the yards specified, shall be on a lot of the area and width specified in the zoning schedule, Sec. 9. No open space or lot required for a building or structure shall during its life be occupied by or counted as open space for another building or structure.
- Sec. V Group Housing Projects. In the case of a housing project consisting of a group of five or more buildings to be constructed on a plot of ground of at least three (3) acres not subdivided into the customary streets and lots and which will not be so subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual buildings in such housing projects, the application of such requirements to such housing project shall be made by the Zoning Board of Adjustment in a manner that will be in harmony with the character of the neighborhood, will insure a density of land use no higher and a standard of open space at least as high as required by this ordinance in the district in which the proposed project is to be located.
- In no case shall the Board of Adjustment authorize a use prohibited in the district in which the housing project is to be located.
- Sec. VI Off-Street Loading and Parking. Space for off-the-street loading of vehicles shall be provided for every building used or designed for commercial purposes in an amount considered adequate by the Zoning Officer for the proposed use.

Off-street automobile storage or standing space shall be provided on every lot which any new structures are hereafter established; such space shall be provided with vehicular access to a street or alley and shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner:

- (a) Dwelling: one parking space for each unit.
- (b) Tourist accommodations: one parking space for each room or unit.
- (c) Theatre, stadium, auditorium, church, or other places of public assembly, one parking space for each 10 seats, based on maximum seating capacity.
- (d) Stores and other retail business establishments: one parking space for each 100 square feet of total floor area.
- (e) Office building: one parking space for each 200 square feet of office floor area.
- (f) Industrial, manufacturing, or wholesale establishments: one parking space for each 5 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.

Where such space cannot be reasonably provided on the same lot with the principal use, the Board of Adjustment may permit such space to be located on another off-street property provided such space is within 500 feet of the permitted use measured along lines of public access.

Sec. VII Removal of Non-Conforming Signs and Non-Conforming Open Land Uses.

All non-conforming signs, of all types not exempted by the definition thereof, and all non-conforming open land uses such as storage yards, junk yards, etc., shall be removed and made to conform to the provisions of this ordinance within a period of two years after the adoption of this ordinance and the mailing of a notice instructing such removal by the Village Clerk.

Sec. VIII Classification List. On the following table, an open circle o, means that the use is permitted in that district only if a special exception is granted by the Board of Adjustment. A solid circle ●, means that the use is permitted in the zone district subject to the general provisions of the zoning ordinance. For uses not included on this list, application shall be made to the Zoning Board of Adjustment for interpretation.

CLASSIFICATION LIST

	R1	R2	C1	C2	M	P1	P2	O
Abattoir (slaughter house)					0			
Acoustical materials, mfg., storage					0			
Acoustical materials, sales			0	0				
Advertising display mfg.					0			
Agricultural use (except raising of livestock)	0	0	0	0	0	0	0	0
Airport, private and public						0	0	0
Amusement park				0				
Animal hospital, veterinarian				0	0		0	
Apartment	0	0	0					
Apartment hotel	0	0	0					
Art Gallery, Commercial sales			0	0				
Asphalt and asphalt products processing					0			
Association (clubs and lodges, private)		0	0	0				
Asylum, private and public						0		
Athletic Club			0	0				
Athletic Field						0	0	0
Auditorium, assembly hall			0			0	0	0
Automobile and truck sales, parts, repair			0	0	0			
Automobile and truck salvage and scrap yard					0			
Bait sales	0	0	0	0				
Baked goods, mfg., sales (small scale)			0	0				
Baked goods, mfg., sales (large scale)			0	0	0			
Bank, Trust Co., Bonding Co.			0	0				
Bar, tavern, saloon			0	0				
Barber			0	0				
Beauty Shop			0	0				
Beverages, wholesale and storage				0	0			
Bicycle and motorcycle sales and repair			0	0	0			
Billiard Parlor			0	0				
Boat mfg. storage					0			
Bottled gas, storage and distribution					0			
Bowling alley			0	0				
Building materials, storage, sales				0	0			
Bus line depot			0	0				
Cabin, seasonal or recreational	0	0						0
Cafe, restaurant, supper club			0	0				
Carpentry and cabinet shop			0	0	0			
Carpet and rug sales, storage, cleaning			0	0	0			
Cement and concrete products, mfg., sales, storage					0			
Cemetery						0	0	0
Cesspool-septic tank, builders, service, sales					0			
Child care center, playschool	0	0						
Church, synagogue	0	0	0	0				
Clay products, mfg.					0			
Clinic, hospital	0	0	0	0		0		
Clothing store, general, specialty			0	0				
Coin machines, rental, service			0	0	0			
Cold storage, locker plant				0	0			
Community center	0	0	0			0	0	
Contractor (general) equip. and storage yard					0			0
Country club, golf course	0	0				0	0	0
Credit union, loan company			0	0				
Curio and souvenir shop			0	0				0

CLASSIFICATION LIST

	R1	R2	C1	C2	M	P1	P2	O
Dairy products, mfg., sales, distribution			0	0	0			
Department store			0					
Disposal plant, sewage					0	0	0	0
Dog pound					0			
Drive-in restaurant				0				
Drive-in theatre				0				0
Driving range, miniature golf, go-karting				0				0
Dry cleaning and laundry, processing			0	0	0			
Dry cleaning and laundry, pick up only			0	0	0			
Dump, ash, garbage, offal, etc.					0		0	0
Dwelling, single family	0	0						0
Dwelling, two family	0	0						
Dwelling, multiple family			0	0				
Egg processing, distribution					0			0
Electrical appliances, equipment sales			0	0	0			
Electric light and power company yards					0		0	0
Elevators, grain, corn, etc.					0			
Explosives, storage, distribution					0			
Express Co., warehouse, garage				0	0			
Farm implement dealer, distribution, repair, sales				0	0			
Feed-fertilizer (natural, processed) sales, storage					0			
Fire station	0	0	0	0	0	0	0	0
Fish hatchery							0	0
Fish or meat, wholesale, curing, storage					0			
Floor materials, sales, storage			0	0	0			
Florist, greenhouse, nursery			0	0	0			0
Florist, sales			0	0	0			
Freight depot, office, wholesaling					0			
Fuel storage, distribution					0			
Funeral parlor, mortuary			0	0				
Furniture store			0	0				
Gas appliances, sales			0		0			
Gasoline, or filling station			0	0	0			
Grocery store			0	0				
Hardware sales, repair			0	0	0			
Home, old age, children, nursing	0	0						
Hotel			0	0				
Ice, mfg., sales				0	0			
Ice skating rink	0	0	0	0	0	0	0	0
Iron or woodworking					0			
Jail						0	0	
Jeweler, sales, mfg.			0	0				
Junk or salvage yard					0			
Key and lock shop			0	0	0			
Kennel				0	0			0
Knit goods mfg., sales			0	0	0			

CLASSIFICATION LIST

	R1	R2	C1	C2	M	P1	P2	O
Library			0	0		0		
Liquor, off-sale, storage			0	0	0			
Machine shop					0			
Metal fabrication, processing					0			
Mining operations-gravel, quarries, crushing					0			0
Monuments, sales, display			0	0	0			
Motel			0	0				
Motion picture theatre, non drive-in			0	0				
Museum		0	0	0		0		0
Paper and wood products mfg., storage					0			
Park, playground	0	0	0			0	0	0
Parking lot	0	0	0	0	0	0	0	0
Pharmacy			0	0				
Phonograph and record store			0	0	0			
Plumbing fixtures and supplies, sales, shops			0	0	0			
Police Station						0	0	
Post Office			0	0		0	0	
Poultry, product processing					0			
Printing service, lithograph, photo engraving			0	0	0			
Professional office, doctors, lawyers, etc.	0	0	0	0				
Public housing	0	0						
Public or private school	0	0				0		
Public beach						0		0
Public building			0			0	0	0
Public campground						0	0	0
Public utilities and storage area	0	0	0	0	0	0	0	0
Railroad, service and repair					0			
Reservoirs, water tower	0	0		0	0	0	0	0
Retail store, general, specialty			0	0				
Roadside park or wayside				0		0	0	0
Roller skating rink			0	0				0
Rooming house		0	0	0				
Sauna, steam bath, commercial			0	0				
Signs, off-site			0	0	0			
Signs, on-site			0	0	0			
Sporting goods, sales			0	0				
Sporting goods, mfg.,				0	0			
Storage warehouse, unclassified					0			
Storage yard, bulk material, equipment					0			0
Swimming Pool, public, private	0	0	0	0		0	0	0
Tailor	0	0	0	0				
Taxicab stand			0	0				
Taxidermist		0		0				
Tire repairing, equipment, and supplies			0	0	0			
Tourist court, rooms		0		0				
Trailer sales, repair				0	0			
Trailer (mobile home) park		0		0				
Trucking terminal					0			0
Utility structure	0	0	0	0	0	0	0	0
Welding shop					0			

Amendment
of 5/14/84

ZONING DISTRICT SCHEDULE - VILLAGE OF CARLTON

Districts	Basic provisions (see classification list)	Special Exceptions That May be Granted By the Board of Adj.
Residential	<p>R-1 Single and two family dwellings, Churches, Accessory uses or structures.</p> <p>R-2 R-1 uses plus multiple-family dwellings</p>	<p>Utility structures, rest homes, home occupations.</p> <p>Same as R-1 uses plus private clubs of non-commercial types, trailer park, tourist rooms.</p>
Commercial	<p>C-1 General commercial uses, shops, and small services, off-street parking and loading, on-site signs not to exceed 3 units or 25 sq. ft. per 25 ft. of street or avenue</p> <p>C-2 Tourist services, Roadside uses for convenience of travelers, grocery store, limited shopping facilities, off-site signs.</p>	<p>Utility structures, Commercial Recreation, "Drive-Ins" Used Car lots, Auto repair garages, off-site signs, open storage yards, Apts.</p> <p>Same as C-1 uses</p>
Industrial	<p>M General manufacturing, Warehouse and other storage facilities.</p>	<p>Junk or salvage yards. (screened from public view), heavy industry signs.</p>
Public	<p>P-1 Public open space including parks, recreation, public bldgs.</p> <p>P-2 P-1 uses plus Public works, utilities</p>	<p>P-2 uses</p>
Open Space	<p>O Flood plains, swamps and other areas unsuitable for development. Agriculture, Forestry</p>	<p>Single family dwelling, off-site signs, other open uses of land.</p>

Per Unit Floor Area (sq. ft.)	MINIMUM REQUIREMENTS						MAXIMUM REQUIREMENTS	
	Lot Width	Sq. Ft. Lot Area	Front Setback	Side* Yard	Corner Side Yard	Rear* Yard	Total Building Coverage	Height
850 (1st unit) 750 (2nd unit)	50'	8,000 (1st unit) 4,000 (2nd unit)	25'	10'	20'	35'	35%	2 stories 35'
600 for 1st unit 200 for ea. add'l unit	50'	5,000 (1st unit) 2,500 for ea. add'l unit	25'	8'	15'	30'	50%	2 stories 35'
---	---	---	---	---	---	---	90%	2 stories 35'
---	---	---	25'	---	15'	15'	50%	2 stories 35'
---	100'	15,000	35'	35'	35'	35'	35%	2 stories 35'
---	---	---	25'	25'	25'	25'	35%	3 stories 45'
---	---	---	25'	25'	25'	25'	35%	2 stories 35'
---	---	---	---	---	---	---	---	---

*note: Accessory buildings may be constructed within 4 ft. of the side and rear lot lines in any district provided that no portion of the structure shall extend or overhang within 2 ft. of a lot line. The maximum size of any accessory building in an R-1 or R-2 district shall be 30' x 30' with a maximum height of one story not to exceed 12 feet measured from ground level to the average height of the highest gable of a pitch or hip roof.

Sec. X Special Exceptions; Exceptions to the basic provisions of the Zoning District Schedule shall be permitted only for uses listed in Sec. 9 and the complete classification list and only after the issuance of a special permit. An application for a special exception permit shall be filed with the Village Clerk's Office on a form furnished for the purpose. The application shall be accompanied by plans and other data as prescribed on the form together with a fee of \$1.00.

GEN.

Each application for a special exception permit shall be reviewed by the Board of Adjustment and approved by a majority vote before a use permit may be issued. The Board of Adjustment may grant or deny any application for a special exception permit following the policy hereafter set forth. An applicant denied a permit may make application for a hearing before the Village Council. The Village Council may reverse the decision of the Board of Adjustment if a majority of the Village Council deem the issuance of a permit is necessary for the protection of the public interest.

APP

No special exception permit shall be granted unless the Board of Adjustment shall find:

- (a) that the special exception will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity, nor substantially diminish and impair property values within the surrounding neighborhood;
- (b) that the proposed development will not increase local or state expenditures in relation to costs of servicing or maintaining neighboring properties;
- (c) that the establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses predominant in the area; and
- (d) that the location and character of the proposed development are considered to be consistent with a desirable pattern of development for the locality in general.

REQ

Sec. XI Administration. This ordinance shall be administered by the Zoning Officer. No land or structure shall be changed in use and no structure shall be erected, altered, or moved until the Zoning Officer has issued a Building Permit certifying that the plans and intended use of land, buildings, and structures are in conformity with this ordinance. No land or structures hereafter erected, moved, or altered in its use shall be used until the Zoning Officer shall have issued a Certificate of Zoning Compliance stating that such land or structure is found to be in conformity with the provisions of this ordinance.

Sec. XII Board of Adjustment. There shall be a Zoning Board of Adjustment consisting of the appointed members of the Planning Commission. The terms of the members of the Board of Adjustment shall be concurrent with their terms as members of the Planning Commission.

Appeals to the Board of Adjustment may be taken by any person aggrieved. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties of interest, and decide the same within a reasonable time. At any hearing any party may appear in person, or by agent, or by attorney.

The Board of Adjustment shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning officer.
- (2) To hear and decide on special exceptions, variances, and all other matters referred to it or upon which it is required to pass under this ordinance; and
- (3) In passing upon variances, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this ordinance to vary or modify the application of any of the regulations or provisions of this ordinance so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.

EX. POW.
 In exercising the above mentioned powers such Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

VOTE
 The majority vote of the members of the Board shall be sufficient to reverse any order, requirement, decision, or determination of the Zoning Officer, or to decide in favor of the applicant on any manner upon which it is required to pass under this ordinance, or to effect any variation in this ordinance.

ORCAN
 The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

REC.
 The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Village Clerk.

RUL.
 The Board of Adjustment shall always act with due consideration to promoting the public health, safety, convenience, and welfare, encouraging the most appropriate use of land and conserving property value, shall permit no building or use detrimental to a neighborhood, and may prescribe appropriate conditions and safeguards in each case.

COUN. ACT.
 Any special variances or special exceptions granted by the Board of Adjustment shall be subject to appeal to the Village Council but do not require Council action for approval or disapproval.

Sec. XIII Definitions. For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word lot includes the words plot or parcel.

Accessory Use or Structure - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Dwelling, Single-Family - A detached residence designed for or occupied by one family only.

Dwelling, Two-Family - A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

Dwelling, Multiple - Family * A residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities, for each.

Family - One or more persons occupying a single housekeeping unit and using common cooking facilities.

Home Occupation - A use of a non-residential nature conducted entirely within the dwelling or accessory buildings and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes. No article may be sold or offered for sale except as may be produced on the premises by members of the immediate family residing therein. Only one unlighted sign not exceeding three (3) square feet in area may be displayed.

(a) Home occupations shall be limited to catering service, dressmaking, carpentry and cabinet making shop, home bakery, furniture repairing, upholstery, shoe repair shop, real estate office, individual doctor's consultation office, and other restricted business, service or profession which, in the opinion of the Board of Adjustment are of the same general character as the uses enumerated and designed so as not to change the character of the immediate neighborhood.

Lot For zoning purposes, as covered by this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards, and other open spaces as are herein required. Such lot shall have frontage on an improved public street, and provides that in no case of division or continuation shall any residential lot or parcel be created which does not meet the requirements of this ordinance.

Lot Frontage - The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, (through lots being those running from street to street), all portions of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under yards in this section.

Lot Measurements:

- (a) Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- (b) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street right-of-way line), shall not be less than 80 per cent of the required lot width except in the case of lots on the turning circle of cul-de-sac where the 80 per cent requirement shall not apply.

Lot of Record - A lot which is part of a subdivision recorded in the office of the Register of Deeds, or a lot or parcel described by mates and bounds, the description of which has been so recorded.

Parking Space -Off-Street - an Off-street parking space shall comprise not less than 180 square feet of parking stall plus necessary maneuvering space. Space for maneuvering incidental to parking or unparking shall not encroach upon any public way. Every off-street parking space shall be accessible from a public way. Maneuvering shall not be required for one and two family dwellings.

Sign - Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located, provided however, that the following shall not be included in the application of the regulations herein:

- (1) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- (2) Flags and insignias of any government except when displayed in connection with commercial promotion.
- (3) Legal notices; identification, information, or directional signs erected or required by governmental bodies;
- (4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- (5) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Signs, Number and Surface Area * For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

Sign, On-Site: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

Sign, Off-site - A sign other than an on-site sign.

Special Exception - A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions is made in sections 9 and 10. Special exceptions may also be granted for a variance in height, area and size of structures or spaces if all provisions of section 10 are met.

Structure - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

Variance - A variance is the relief from certain requirements of the zoning ordinance as deemed necessary by the Zoning Board of Adjustment when the strict interpretation of the ordinance would create undue hardship because of irregular lot size, topographic, or other characteristics of the land. No variance shall have the effect of allowing in any district uses prohibited in that district.

Yard - A required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided however that fences and walls may be permitted in any yard subject to height limitations as indicated herein.

Yard, Front - A yard extending between the side lot lines across the front of a lot. In any required front yard no fence or wall shall be permitted which materially impedes vision across such yard above the height of 30 inches, and no hedge or other vegetation, on corner lots, shall be permitted which materially impedes vision across such yard between the heights of 30 inches and ten feet.

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

Yard, Rear - A yard extending across the rear of the lot between inner side yard lines.

Sec. IVX Amendments - This ordinance may be amended whenever the public necessity and convenience and the general welfare require such amendment by the following procedure:

- (a) An amendment may be initiated by the Village Council or the Planning Commission, or by the verified petition of not less than fifty percent of the property owners affected by the proposed amendment and fifty percent of those property owners within two hundred feet of the proposed change.
- (b) Before any amendment is adopted the Planning Commission shall hold at least one public hearing thereon after a notice of the hearing has been published in the official newspaper at least ten days before the hearing.
- (c) When an amendment involves changes in district boundaries affecting an area of five acres or less, a notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 200 feet of the property 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 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 provision has been made.

(d) Following the hearing the Planning Commission shall make a report of its findings and recommendations on the proposed amendment and shall file a copy with the Village Clerk within sixty days of the date that the proposed amendment was referred to the Planning Commission. Failure of the Planning Commission to so report shall be deemed to be approval by the Commission of the proposed amendment.

(e) Upon the filing of such report or upon the expiration of such ten days as aforesaid, the Village Council shall hold such public hearings upon the amendment, as it deems advisable. After the conclusion of the hearings, if any, the Council may adopt the amendment or any part, thereof in such form as it deems advisable. The amendment shall be effective only if two-thirds of all the members of the Council concur in its passage.

Sec. ~~XV~~ ^{XVI} Schedule of Fees, Charges and Expenses. The Village Council hereby establishes a schedule of fees and a collection procedure for building permits, certificates of zoning compliances, and special exception permits as required by this ordinance. The schedule of fees listed below shall be posted in the office of the Village Clerk, and may be altered or amended only by the Village Council. *The fees are as follows:*

comp No building, compliance, or special exception permit shall be issued unless or until such application fees, listed below shall have been paid in full to the Village Clerk, nor shall any action be taken on proceedings before the Board of Adjustment unless or until the following application fees have been paid in full.

	<u>Accessory Building Residential or Non-Profit Use</u>	<u>Commercial or Industrial Use</u>
Building Permit and Certificate of Compliance (One form)	\$5.00	\$10.00
Special Exception Permit or Variance Petition,	\$10.00	\$20.00
Petition for Amendment of Ordinance or Zoning Map	\$25.00	\$25.00

Sec. XVI Penalties - Any person violating any provision of this ordinance shall, upon conviction, be guilty of a misdemeanor. Each day such violation continues shall constitute a separate offense.

Sec. XVII Separability - If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Sec. XVIII Effective Date. This ordinance shall take effect and be in force immediately after its adoption and publication, the public welfare demanding it.

Public Hearing Held: Date _____

Adopted and Effective: Date _____