

## Part 3 Zoning Code

### 903.01 Purpose

Pursuant to the authority conferred by the State of Minnesota in Chapter 462 of the State Statutes This Ordinance is adopted to:

1. Protect and promote the public health, safety and general welfare of the community.
2. Classify properties into zones and districts reflecting their peculiar suitability for particular uses.
3. Guide future land development to insure a safer, more pleasant and more economical environment of residential, commercial industrial and public activities.
4. Regulate the location, construction alteration and use of buildings, structures and land.
5. Provide for sequential planned development that will allow the efficient and orderly expansion of utility systems without premature urbanization of existing undeveloped land.
6. Preserve the unique character and individuality of the city's historic growth pattern.
7. Conserve the area's unique natural resources and maintain high standards of environmental quality.
8. Conserve the natural and scenic beauty and attractiveness of the roadside areas.
9. Insure adequate light, air, privacy and convenience of access to property.
10. Facilitate adequate transportation, water, sewage disposal, education, recreation and other public facilities and requirements.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARLTON

### 903.02 Definitions

#### Section 2.1- Purpose

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows. Words used in the present tense include the future tense. The singular number includes the plural. The word "person" includes a corporation, partnership, association, society or agency, as well as an individual. The word "lot" includes the word "plot" or "parcel." The term "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

#### Section 2.2 - Definition of Terms

Accessory Use or Structure: A use, building or structure subordinate and incidental to the principal use of the land or a building on the same lot and serving a purpose customarily incidental to the principal use of land or building.

Alley: A public or private thoroughfare, which affords only secondary means of access to abutting property.

Automotive Service Station: Any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles, and including such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, anti-freeze, motor vehicle accessories and other items customarily associated with the sale of such products; and for the rendering of service and making of adjustments and replacements to motor vehicles; as incidental to other services rendered, washing, waxing, and polishing of motor vehicles and making of repairs to motor vehicles except repairs of a major type.

Bed and Breakfast – A facility where for compensation and by prearrangement for definite periods of time not to exceed one (1) week, morning meal and lodging are provided for not more than eight (8) guest rooms.

Billboard: Any sign pertaining to a business, product or event, which is not carried on or manufactured in or upon the premises, upon which it is located.

Buffer Zone: A landscaped area of land intended to separate two or more uses or structures, which are incomparable with each other because of design, function, uses or operations.

Building – Any structure having a roof, which may provide shelter or enclosure of persons, animals or property.

Building Coverage: That percentage of the total area of a lot that is covered by structures.

Building Height: The vertical distance from the grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, height of the ridge for gable, hip, and gambrel roofs.

Building Line: The edge or side of a building nearest a lot line, including where applicable, the outer edge of overhanging eaves, but not steps.

Building Principal: A structure in which the primary use of the lot is situated.

Town Center Business Center: Central Business district.

Commercial Use: A land use for the purpose of commerce or business.

Commission or Planning Commission: The Planning Commission is the City Council of the City of Carlton. The City Council may, by motion, establish a Planning Commission that consists of one or more persons who are not members of the City Council.

Conditional Use: The use of land in a district where such use requires additional controls and safeguards not required of permitted uses.

Condominium: Means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Any multi-unit dwelling may be held under multiple ownership.

Council: The City Council of the City of Carlton.

District: A section or sections of the City of Carlton within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.

Dwelling Unit: A structure or portion thereof, providing independent cooking, living, sleeping and toilet facilities for one family.

Dwelling, One Family or Single Family: A detached building designed for or occupied exclusively by one family and constituting one dwelling unit.

Dwelling, Two Families: A detached building designed for or occupied exclusively by two families and constituting two dwelling units.

Dwelling, Multiple Family: A detached building or portion thereof, designed for occupancy by three or more families and constituting at least three dwelling units.

Family: One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a rooming house, club, fraternity, or hotel.

Flashing sign: A sign, part or all of whose lights go on and off intermittently.

Garages, Private: Residential accessory buildings principally intended for the storage of automobiles.

Grade (Ground Level): The average of the finished ground level at the center of all walls of a building. In case walls are parallel to within five (5) feet of a sidewalk, the above ground level shall be measured at the sidewalk.

Guest Room: Guestroom is any room or rooms used, or intended to be used, by a guest for sleeping purposes. Every one hundred (100) square feet of superficial floor area in a dormitory is a guest room.

Home Occupation: Any gainful occupation or profession conducted within the dwelling or accessory building, by a resident thereof.

Home occupations shall meet the criteria specified below:

1. Only residents residing on the premises shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the main floor area of the dwelling unit shall be permanently set aside to be used in the conduct of the home occupation.
3. There shall be no change to the outside appearance of the premises that would reflect the presence of a home occupation other than one sign, not to exceed two square feet, non-illuminated, and mounted flat against the wall of the principal building.
4. No equipment shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot or in a neighboring dwelling unit. In the case of electrical interference, no equipment shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
5. No home occupation shall be permitted that creates the need for parking which frequently infringes upon the on-street parking in the neighborhood.
6. For uses within the dwelling unit the entrance to the space devoted to such occupation shall be within the dwelling unit.
7. There shall be no exterior storage of equipment or materials used in the occupation.
8. The home occupation must be conducted entirely within a building.
9. Permissible home occupations include, but are not limited to the following: art studio, catering service, dressmaking, carpenter and cabinet-making, home bakery, furniture repairing, upholstery shop, individual doctor's consultation office, special offices of a clergyman, lawyer, architect, engineer, accountant, beautician, professional offices, real estate agent or appraiser, teaching, day care centers, and miscellaneous services, which in the opinion of the City Council are of the same general character as the uses enumerated and designed so as not to change the character of the immediate neighborhood.

Hotel: Any building containing six or more guest rooms intended or designed to be used or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests, whether rent is paid in money, goods, labor, or otherwise.

Incidental: Directly and immediately pertaining to, or involved in, though not an essential part.

Junkyard: Any area where waste, discarded or salvaged materials are stored, bought, sold, exchanged, baled or packaged, disassembled or handled, including house wrecking yards, used lumber yards, and places or

yards for storage of salvaged house wrecking and structural steel materials and equipment not including the processing of used, discarded or salvaged materials as part of manufacturing operations.

Kennel: Any lot or premises, on which four or more dogs, more than six months of age, are kept.

Lot: A parcel of land at least sufficient size to meet minimum zoning requirements for use, coverage and are 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, Corner: A lot abutting the intersection of two or more streets.

Lot, Depth of: The mean horizontal distance between the front and rear lot lines measured in the direction of its side property lines.

Lot Frontage: The front of a lot shall be constructed 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, Interior: A lot other than a corner lot, with frontage only on one street.

Lot Lines: The lines bounding a lot.

Lot of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Carlton County, Minnesota.

Lot Width: The mean horizontal distance between side lot lines measured parallel to the street line or its chord if curved.

Mayor: The Mayor of the City of Carlton.

Mobile Home: A structure transportable in one or more sections, which is designed to be used for permanent occupancy as a dwelling and which is not constructed to the standards of the uniform building code:

1. Residential Trailer – A mobile home, which was not, constructed in accordance with federal manufactured housing construction and safety standards (HUD), in effect after June 15, 1976.
2. Manufactured Home – A mobile home constructed in accordance with federal manufactured housing construction and safety standards (HUD code) in effect after June 15, 1976.

Motor Vehicle Dealer: A person engaged in the sales of new and/or used motor vehicles.

Motor Vehicle Repair Garage: Any building used for automobile repairs.

Nonconforming Use: Any usage of land lawful as of the date of enactment of this Ordinance, which does not conform to the regulations of this Ordinance.

Nursery School: A home or institution where care and instruction are provided for four or more non-resident children during the day, including a kindergarten.

Nursing Homes: A home for aged, chronically ill or incurable persons in which three or more persons not of the immediate family are received, kept and provided with food, shelter and care, for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment or care of the sick, injured, mentally ill, inebriate or contagious cases.

Ordinance: This ordinance or any subsequent revisions thereto.

Parking Space, off-street: A permanently surfaced area consisting of an aggregate base, Class 5, bituminous, concrete or other acceptable surface, either within a structure, or in the open, exclusive of driveway or access drives, for the temporary parking of a motor vehicle. Every off-street parking space shall be accessible from a public right of way.

Permitted Uses: Uses permitted under this Ordinance, which require no additional action by the planning commission or the City Council.

Planned Unit Development: A tract of land developed as a unit rather than as individual development, wherein two or more principal buildings are developed or to be developed under unified ownership or control and the development of which may be unique and of a substantially different character than that of the surrounding areas.

Screened: Concealed or cut off from view.

Sign: Any face or any lettered or pictorial device or structure designed to inform or attract attention.

Story – That portion of a building included between the upper surface of any floor and the upper surface of the floor above. The top most floor shall be that portion of a building included between the upper surface of the top most floor and the ceiling above.

If the finished floor level directly above a basement or cellar is more than six (6) feet above grade, the basement shall be considered a story.

Structure – Anything placed, constructed or erected with a fixed location on the ground including portable buildings, mobile homes, signs, playing courts (tennis, basketball, etc.) and swimming pools except that fences, utility poles, lawn lights, antennae and related minor equipment shall not be considered structures.

Variance: Any modification or variations of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.

Yard: An open space between building by any lot line, which is open to sky unobstructed by any permanent or temporary uses or structures.

Yard Front: A yard extending across the entire front of the lot and measured between the front line of the lot and the front line of the building, or any projection thereof other than steps, balconies paved terraces, porches or bay windows.

Yard Rear: A yard extending across the entire rear of a lot and measured between the rear lot line and the rear of the building, or any projection thereof other than steps, balconies, paved terraces, porches or bay window. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard Side: A yard between the building and the side line of the lot extending from the front yard to the rear yard and measured between the sideline of the lot and the side of the building, or any projection thereof other than steps, balconies, paved terraces, porches or bay windows.

Zoning Official: The Zoning Official is the City Clerk unless otherwise designated by the City Council.

Additional Definitions: Additional definitions specific to a zoning district may be found included within the specific zoning district section.

**903.03 Official Zoning Map**

Subd.1

The City is hereby divided into districts as shown on the Official Zoning Map, which, together with the matter thereon and the certificate attached thereto, is hereby adopted and declared to be a part of this Ordinance as if described in detail herein. The Official Zoning Map shall be prepared and accurately maintained by the City and be displayed at all times in the Office of the City Clerk.

Subd.2

The Official Zoning Map shall bear a certificate with the signature of the Mayor and the certification of the City Clerk and the date of adoption of this Ordinance. If any changes to the map are made by amendment of this Ordinance, such changes shall be made to the Official Zoning Map and signed and certified upon the map or upon materials attached thereto.

Subd.3

In the event that the Official Zoning Map becomes damaged, lost, or difficult to read or interpret because of the number or nature of changes thereto, a new Official Zoning Map shall be prepared by the City and shall be approved for certification by the Council and signed by the Mayor and certified as the Official Zoning Map by the City Clerk.

Subd.4

Where uncertainty exists as to the boundaries of districts as shown on the official Zoning Map, the boundaries shall be interpreted as following the nearest logical line to that shown--where shown as approximately following platted lot lines, it shall be construed as following such lines, where shown as approximately following the City limits, railroad tracks, street centerlines, stream or water centerlines or shorelines, it shall be construed as following such lines. Boundaries indicated as extension of or parallel to such lines shall be so construed. Where distances are not shown on the map, they shall be determined by scale of the map. Where any boundaries seem to conflict with physical features on the land, the Carlton City Council shall interpret such boundaries.

**903.04 Application of District Regulations**

APPLICATION OF DISTRICT REGULATIONS

Except as hereinafter provided, the regulation set by this Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land in each district, and particularly:

Subd.1

No structure on land shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless it is in conformity with all of the regulations herein specified for the district in which it is located or is in conformity with Section 6.

Subd.2

No part of any yard, other open space, or off street parking or loading space required in connection with any building or use shall be included as part of a yard, open space, loading or parking space of any other building or use.

Subd.3

No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the requirements set forth herein, and all yards or lots created after the effective date of this Ordinance shall meet the minimum requirements of this Ordinance.

Subd.4

No fence, wall, hedge or shrub planting which obstructs sight lines at elevations below eight (8) feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street lines and a line connecting them at points fifteen (15) feet from the intersection of the street lines, or in the case of a rounded corner from the intersection of the street property lines extended on streets having an angle of intersection of ninety (90) degrees or more. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such right lines. The same limitations shall apply on a street having an angle of intersection of less than ninety (90) degrees except that the distance back from the point of intersection of the lot lines shall increase ten (10) feet for every ten (10) degrees below ninety (90) degrees.

Subd.5

No accessory building or use shall be permitted in any required front yard and no separate accessory building shall be erected within ten (10) feet of any principal building.

***Accessory Building:*** A subordinate building or structure on the same lot with a principal or main building, or the part of the main building occupied or devoted exclusively to an accessory use.

*Metal Storage Shipping Containers larger than 120 square feet may not be used as accessory buildings in any Residential or Commercial District. Exception – may be used for a period of six (6) months or less while primary structure is being constructed or repaired.*

Subd.6

Sign regulations shall not apply to signs or lights established by a government body for public warning or direction, for safety or for traffic control.

Subd.7

Outdoor storage of salvaged materials from buildings, roadways, transportation ways or other similar uses in any pile in excess of four (4) feet in height, six (6) feet in width and ten (10) feet in length shall not be permitted for periods exceeding 20 days unless adequate screening is provided or they will be utilized on the property for specific building purposes and for which a zoning permit has been applied. This shall apply to all zoning districts.

Outdoor storage of logs, pulp wood and other timber products shall not be permitted in any zoning district unless a conditional use permit is applied for and receives approval in accordance with the zoning ordinance. Except for firewood stored for personal use.

Subd. 8

**AN ORDINANCE OPTING-OUT OF  
THE REQUIREMENTS OF  
MINNESOTA STATUTES, SECTION 462.3593**

**WHEREAS**, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

**WHEREAS**, subdivision 9 of Minn. Stat. §462.3593 allows cities to “opt out” of those regulations;  
**THE CITY COUNCIL OF THE CITY OF CARLTON, ORDAINS as follows:**

**OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593:**

**NOW, THEREFORE BE IT RESOLVED**, Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Carlton opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

This Ordinance shall be effective immediately upon its passage and publication.

**ADOPTED** this 16th day of August, 2016, by the City Council of the City of Carlton.

**903.05 Non-Residential Off-Street Parking**

Subd.1 - Intent

This section is intended to provide for non-residential off-street parking adequate to each type of development in terms of both amount and location in order to reduce the need for parking on the streets and highways and the traffic congestion and hazards caused thereby.

Subd.2 - Off-Street Parking Design Standards

- a) Required Parking. Off-street parking area of sufficient size to provide parking for residents, patrons, customer’s suppliers, visitors and employees shall be provided on the premises of each use. Off-street parking facilities for separate uses may be provided collectively on a separate lot if the total spaces are not less than the total requirements of the separate uses and if other requirements are met.
- b) Size. An off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length, exclusive of access drive and ramps, and have a vertical clearance of at least seven (7) feet. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles it is designed to serve.
- c) Surfacing. Any off-street parking lot for more than five vehicles shall be graded for proper drainage and shall be permanently surfaced.
- d) Screening. All open parking areas with four (4) or more parking spaces adjoining property in a residential district shall be effectively screened by wall, fence, or landscaping. See Landscaping section for additional regulations.
- e) Lighting. Any lighting used to illuminate an off-street parking area shall be indirect or diffused and shall not be directed upon the public right of way or upon nearby adjacent properties.
- f) Access. Every off-street parking area shall be provided with an access way at least sixteen (16) feet in width.
- g) Signs. No signs shall be located in any parking area except as necessary for orderly operation of traffic movement and such signs shall not be a part of the permitted advertising space.
- h) Accessory Locations. Parking spaces may be located on any lot other than that containing the principal use upon the approval of the City Council.



Subd.3 - Number of Off-Street Parking Spaces Required. Minimums listed below:

**TABLE 1**

**Parking Regulations**

<b>USES</b>	<b>REQUIRED NUMBER OF SPACES</b>
Bingo Halls	1 for each 1.5 maximum seating capacity
Boarding House	1.5 for each 2 persons sleeping rooms are provided
Bowling Alleys	5 for each lane plus spaces for related uses
Business & Professional Offices	1 for each 250 Sq. Ft. of gross floor area
Churches, theaters, auditoriums,	1 for every 4 seats
Clinics	1 for each doctor or dentist plus 1 for each nurse, technician or professional and 1 for each 200 sq. ft. of gross floor area.
Convenience Stores	1 for each 150 sq. f.t of gross retail sales space plus adequate stacking space for gas pumps and car washes if those uses a part of the same operation,
Day Care, Nursery and Pre-school Facility	1 for each teacher or employee plus 1 for 5 individuals receiving care (design capacity).
Dwelling	2 for each dwelling unit
Motels/hotels	1 for each employee plus 1 for each unit/room
Multiple Occupancy Structure	1 for each space required for each separate use
Business and Industry	1 for each employee on major shift plus 1 for each vehicle used in conducting the business or 1 for each 1000 sq. ft. of floor are whichever is greater.
Recreation Facility	1 for each 1.5 persons at design capacity
Residential Facility or Group Home	1 for every 4 residents plus 1 for each employee on major shifts plus 1 for each on-call medical professional.
Restaurants, Bars	1 for every 100 sq. ft. of floor space
Restaurant, Fast food pick-up window	1 for every 15 sq. ft. of floor space.
Retail Sales	1 for each 200 sq. ft. of gross retail sales floor space.
Schools, Elementary and Middle School	1 for each staff member plus 3 per classroom
Service Station	4 plus 2 for each enclosed bay plus 1 for each employee on peak work shift plus parking and stacking space for patrons at pump islands.

**903.06 Nonconformities**

Subd.1 - Intent

Within the districts established by this Ordinance there exist lots, structures and uses that were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or its amendments.

It is the intent of this Ordinance to permit these uses to continue until they are removed, but not to encourage their survival. Such uses are declared to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded, extended or used as grounds for adding other prohibited uses. However, nothing in this Ordinance shall be deemed to require a change in plans, construction or designated uses of a building on which actual lawful construction has been begun prior to the effective date hereof.

### Subd.2 - Nonconforming Lots of Record

In any district in which single family dwellings are permitted, notwithstanding other limitations imposed by this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record on the effective date of this Ordinance. Such lot must be in separate ownership as of the effective date of this Ordinance and not of contiguous frontage with other lots of the same ownership. A lot of record that does not meet lot area or lot width requirements must still meet other requirements of the district in which it is located.

If two or more lots or combinations of lots with contiguous frontage in single ownership are of record at the effective date of this Ordinance, and if all or part of the lots do not meet the requirements for lot area and lot width, the land involved shall be considered to be an undivided parcel and no portion of said parcel shall be used or sold which does not meet lot area and width requirements of the district in which it is located, nor shall any division of the parcel be made which creates lots or portions of lots below such requirements. Shifting of boundary lines between adjacent properties are permitted if they do not create an illegal lot.

### Subd.3 - Nonconforming Uses of Land

A lawful use on the effective date of this Ordinance or its amendments which is made no longer permissible by the terms of this Ordinance may be continued if it remains otherwise lawful, subject to the following provisions:

- a) No such use shall be enlarged, increased or extended to occupy a greater area of land than was occupied by such at the effective date of this Ordinance.
- b) No such use shall be moved in whole or in part to any other portion of the lot or parcel being occupied by such use at the effective date of this Ordinance.
- c) If any such nonconforming use ceases for a period of more than sixty (60) days, any subsequent use of the land shall conform to district regulations for the district in which it is located.

### Subd.4 - Nonconforming Structures

Where a previously lawful structure exists that could not be built under the terms of this Ordinance, such structure may be continued, so long as it remains otherwise lawful, providing that:

- a) No such structure may be enlarged or altered in any way that increases its nonconformity.
- b) Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- c) Should such structure be moved, it shall thereafter conform to the regulations for the district to which it is relocated.

### Subd.5 - Nonconforming Uses of Structures

If a lawful use of a structure or of structures and premises exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, providing that:

- a) No existing structure devoted to a nonconforming use shall be enlarged, extended, reconstructed or structurally altered unless the use is changed to a permitted use.

- b) Any nonconforming use may be extended to any other part of a building designed for such use and in existence of the date of adoption of this Ordinance, but no such use may be extended in any way to occupy land outside the building.
- c) Any structure or structures and land in or on which a nonconforming use is superseded or replaced by a permitted use shall thereafter conform to the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed.
- d) Wherever a nonconforming use of a structure or premise is discontinued or abandoned for six (6) consecutive months or for eighteen (18) non-consecutive months during any three (3) year period, the structure or premises shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- e) Where nonconforming use status applies to both structure and land, the removal or destruction of the structure shall eliminate the nonconforming status of the land.
- f) The non-conforming use itself may not be enlarged.

#### Subd.6 - Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs and fixtures, wiring, plumbing or repair or replacement of nonbearing walls, to an extent not exceeding ten percent (10%) of the replacement value of the building in any one year, provided that such work does not increase the size of the building. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to safe conditions of any buildings or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

#### Subd.7 - Conditional Uses

A conditional use provided for under Section 15 of this Ordinance shall not be deemed a nonconforming use in the district in which it is permitted.

#### Subd.8 - Cessation of Junkyards

Any junkyards are declared to be nuisances, and any such activities in existence at the date of the enactment of this Ordinance shall, at the expiration of one (1) year from such date, become a prohibited and unlawful use and shall immediately be discontinued.

#### Subd.9 – Existing Residential Properties

Existing residential uses in M1, C1 and C2 zoning districts may remain as a non-conforming use upon sale from one owner to another, and may be reconstructed one time by the owner of record at the time of adoption of this Ordinance.