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# CITY OF LITTLE FALLS

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## BOARD OF ADJUSTMENT/ PLANNING COMMISSION

October 10, 2016





**AGENDA**  
**PLANNING COMMISSION**  
 Conference Room, City Hall  
 October 10, 2016, 6:30 p.m.

P	A	Member	P	A	Member
		Kleinschmidt, James			Schulte, Ray
		Esse, Robert			(Vacant Seat)
		Gosiak, Frank			Oleson, Ben (Zoning Administrator)
		Hanfler, Jeremy			Kimman, Greg (City Engineer)
		Schilling, Kara			

**CALL TO ORDER:** Planning Commission Chairperson

**ADOPT THE AGENDA:** October 10, 2016

**APPROVAL OF MINUTES:** September 12, 2016

**PUBLIC HEARINGS:**

- 1) Amendment to City Code, Section 11.03.Q (Fences). The purpose of the amendments are to increase the allowable height of fences in a front yard from 4 feet to 6 feet and to clarify that fences 30 inches or less in height do not require a permit. Applicant: City of Little Falls Planning Commission.
- 2) Amendments to City Code, Section 11.04 (Administration and Enforcement). The purpose of the amendment is to create a new section I (Land Use Permits) that will clarify when a building not subject to the Building Code or requirement for a building permit is required to obtain a land use permit from the City and what setback or other zoning requirements apply.

**OLD BUSINESS:**

**NEW BUSINESS:**

- 1) Comprehensive Plan Update

**NEXT REGULAR MEETING:** Monday, November 14, 2016

**ADJOURNMENT:**



**MINUTES**  
**PLANNING COMMISSION**  
 Conference Room, City Hall  
 September 12, 2016, 6:30 p.m.

P	A	Member	P	A	Member
x		Kleinschmidt, James	x		Schulte, Ray
x		Esse, Robert			(Vacant Seat)
x		Gosiak, Frank	x		Oleson, Ben (Zoning Administrator)
x		Hanfler, Jeremy	x		Kimman, Greg (City Engineer)
	x	Schilling, Kara			

**CALL TO ORDER:** The meeting was called to order by Gosiak at 6:30 pm

**ADOPT THE AGENDA:** Motion was made by Hanfler and seconded by Kleinschmidt to adopt the agenda as presented. Motion carried.

**APPROVAL OF MINUTES:** Motion was made by Hanfler and seconded by Schulte to adopt the agenda as presented. Motion carried.

**PUBLIC HEARINGS:**

- 1) Amendment to City Code, Sections 11.03.B (Nonconforming Uses and Structures), 11.03.D (Accessory Buildings) and 11.04 (Administration and Enforcement). The purpose of the amendments are to eliminate a requirement that certain legal nonconforming uses and structures be ceased within a 36-month time period, to amend size limits related to detached accessory buildings in residential districts, and to introduce new language authorizing the use of interim use permits. Applicant: City of Little Falls Planning Commission.

Public hearing was opened at 6:31 pm. Oleson explained the proposed ordinance amendments. After further discussion by the Commission, the hearing was closed at 6:45 pm. Schulte made a motion to approve the proposed ordinance amendments to Section 11.03.B and 11.03.D as presented in the staff report and to not recommend the proposed amendments in Section 11.04, seconded by Esse. Motion passed unanimously.

**OLD BUSINESS:**

**NEW BUSINESS:**

- 1) Comprehensive Plan Update – General discussion.
- 2) Reminder: Upcoming GTS Training Session: Beyond the Basics of Planning & Zoning – Little Falls (Initiative Foundation, September 22 (8:30-4:30))

**NEXT REGULAR MEETING:** Monday, October 10, 2016

**ADJOURNMENT:** Motion was made by Schulte and seconded by Esse to adjourn at 7:24 pm. Motion Carried



## STAFF REPORT

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**Public Hearing:** Amendment to City Code, Sections 11.03.Q (Fences) and 11.04 (Administration and Enforcement). The purpose of the amendments are to increase the allowable height of fences in a front yard from 4 feet to 6 feet, to clarify that fences 30 inches or less in height do not require a permit and to clarify when a building not subject to the Building Code or requirement for a building permit is required to obtain a land use permit from the City and what setback or other zoning requirements apply.

**Applicant:** City of Little Falls Planning Commission

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### **Background Information:**

**Fence height:** At several recent meetings, the Planning Commission has discussed amendments to fence regulations – primarily related to the “sight triangle” at intersections. Another change briefly discussed was whether the maximum allowable height of a fence in the front yard (not within a required sight triangle) should be increased from 4 feet to 6 feet.

Tonight represents a public hearing to gather input on that subject and determine if the Planning Commission would like to make a recommendation to the Council on the matter.

Staff’s research indicates that limiting the height of fences to 4 feet or less in front yards is common across at least a sample of city ordinances (ordinances for townships and counties tend to be less restrictive and allow typically a 6 ft fence in any yard). However, when researching the reasons for why fences should be limited to the lower heights in front yards, it appears to be primarily related to aesthetic preferences and a feeling that it helps improve the value of properties/neighborhoods and/or reduces the potential for devaluation of property. There is also some mention of public safety being a reason to keep fence heights lower (i.e. it allows public safety officials to see house number more easily and/or the front yards of properties in the case that they are pursuing a suspect. Staff’s consultation with the Little Falls Police Chief and Fire Chief indicated that they did not have any particular concerns about higher fences (6 ft) in a front yard.

The reasons that people tend to give for wanting higher fences (Staff has had several requests in recent months) is usually to provide them privacy or to allow them to screen out what they see as unattractive yards or buildings on neighboring or nearby properties.

The proposal to not require permits for fences less than 30 inches in height is in recognition that such “fences” do not pose the types of concerns that might occur with fences of a taller nature and would not require permits or a need to meet setbacks so long as they are located entirely on the landowner’s property (i.e. not within a right of way or on a neighboring property).

**Permit required:** The second proposed change is intended to clarify when a building is required to obtain a permit and when setbacks are required to be met. The question arises primarily when a building permit is not required (residential accessory buildings

less than 200 sq ft generally do not require a building permit). The proposal is to require that setbacks be met for buildings and structures less than 200 sq ft in certain circumstances. The specific circumstances are a starting point for discussion only and should be changed based on public input and Planning Commission discussion as appropriate.

**Previous recommendations sent back to the Planning Commission by the City Council:** Last month, the Planning Commission recommended changes to how the size of detached accessory buildings are regulated. The recommended changes were to limit the total square footage of accessory buildings based on a sliding scale of lot size, and to eliminate a limitation on the size of any one detached accessory building. The Council reviewed those recommendations at its October 3, 2016 meeting (along with a number of other changes recommended over the past couple months) and the motion to adopt those changes failed. The direction from the Council was to have the Commission discuss regulating the size of detached accessory buildings by eliminating the sliding scale and instead to limit the footprint of all detached accessory buildings (combined or individually) to no greater than the footprint of the primary building on the property.

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**Planning Commission Action:** The Commission can recommend approval of the proposed amendments to the City Council or table the item for more revisions and review.

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**Staff Comments:** If the Commission wishes to pass the above proposed changes, it can recommend doing so tonight. The actual proposed amended language is attached (highlighted in yellow; changes marked in red/underlined/crossed out are previous recommendations the Commission has made to the Council that have not yet been adopted).

USE: The purpose of activity for which the land or building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity or defined by the performance standards of this chapter.

VEGETATIVE BUFFER: A strip of well rooted, natural, chemically untreated vegetation, the width of which is set forth in this chapter, consisting of a mixture of grasses, shrubs and trees, immediately adjacent to the ordinary high water level.

VETERINARY: Those uses concerned with the diagnosis, treatment and care of animals, including animal or pet hospitals.

WAREHOUSING: The storage of materials or equipment within an enclosed building as a principal use.

WETLANDS: Lands in transition between terrestrial and aquatic systems where the water table is at or near the surface or the land is covered by shallow water. "Wetlands" are characterized by hydric soils, saturated or inundated with surface water, have a frequency or duration of hydrophytic vegetation, or support a prevalence of such vegetation under normal circumstances. Wetlands may be counted toward green space in a planned unit development.

WHOLESALE: The selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

YARD: A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this chapter. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

ZONING DISTRICT: An area or areas within the limits of the zoning jurisdiction for which the regulations and requirements governing use are uniform. (Ord. 801, eff. 6-3-1974; amd. Ord. 34, 2nd Series, eff. 3-15-1979; Ord. 132, 2nd Series, eff. 10-29-1984; Ord. 48, 3rd Series, eff. 4-18-1988; Ord. 58, 3rd Series, eff. 12-12-1988; Ord. 61, 3rd Series, eff. 12-5-1988; Ord. 52, 4th Series, eff. 2-13-1995; Ord. 125, 4th Series, eff. 9-14-1998; Ord. 126, 4th Series, eff. 5-17-1999; Ord. 141, 4th Series, eff. 7-12-1999; Ord. 22, 5th Series, eff. 11-6-2000; Ord. 38, 5th Series, eff. 12-3-2001; Ord. 123, 5th Series, eff. 7-10-2006; Ord. 22, 6th Series, eff. 4-5-2010; Ord. 49, 6th Series, eff. 9-16-2013; Ord. 56, 6th Series, eff. 5-5-2014; Ord. 69, 6th Series, eff. 1-5-2015)

### **11.03: GENERAL PROVISIONS:**

A. Application: In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare. Where the conditions imposed by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of

any kind, the regulations which are more restrictive, or which impose higher standards or requirements, shall prevail. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose, nor in any manner, which is not in conformity with the provisions of this chapter.

B. Nonconforming Uses And Structures:

1. Any structure or use lawfully existing upon the effective date hereof may be continued at the size and in a manner of operation existing upon such date, except as hereinafter specified.
2. Nothing in this chapter shall prevent the placing of a structure in safe condition when such structure is declared unsafe by the building inspector. (Ord. 801, eff. 6-3-1974)
3. When any unlawful nonconforming structure, or use of any structure or land, in any district, is discontinued for a period of more than one year, or is changed to a conforming use, any future use of said structure or land shall be in conformity with the provisions of this chapter.
4. When any nonconforming structure is destroyed by fire or other peril, such as collapse, explosion, public enemy, act of war or act of God to the extent of greater than fifty percent (50%) of its market value, is in need of replacement or substantial remodeling, and no building permit has been applied for within one hundred eighty (180) days of when the property is damaged, in this case, the city may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property. (Ord. 124, 5th Series, eff. 7-17-2006)

~~5. Any lawful nonconforming use of land not involving a structure and any lawful nonconforming use involving a structure with an assessor's market valuation upon the effective date hereof of one thousand dollars (\$1,000.00), or less, may be continued for a period of thirty six (36) months after the effective date hereof, whereupon such nonconforming use shall cease. All nonconforming signs that are in existence upon the effective date hereof may remain as a nonconforming use. After this date, no existing sign shall be relocated, reconstructed or altered, except in accordance with the provisions of this chapter and sign regulations in the construction chapter of this code.~~

~~6~~5. Any structure which will, under this chapter, become nonconforming but for which a building permit has been lawfully granted prior to the effective date hereof, or of amendments thereto, may be completed in accordance with the approved plans; provided construction is started within sixty (60) days of the effective date hereof, or amendment thereof, and continues to completion within one year. Such structure shall thereafter be a legally existing nonconforming structure. (Ord. 801, eff. 6-3-1974)

~~7~~6. A lawful nonconforming use of a structure or parcel of land may be changed to a similar nonconforming use or to a less intense nonconforming use. (Ord. 124, 5th Series, eff. 7-17-2006)

~~8~~7. Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use. (Ord. 801, eff. 6-3-1974)

~~9~~8. ~~As of the date of adoption hereof, onetime~~Any alterations and additions ~~may be~~ made to a nonconforming structure or to a building located on a nonconforming lot that contains lawful residential

~~units which are not specifically allowed by MN Statutes 462.357, Subd. 1e when it will improve the livability thereof. A conditional use permit may be issued, provided the alterations/additions meet all of the following items, and the property owner applies for and is granted a conditional use permit: shall require a variance.~~

~~a. No other owner has previously used the onetime addition. Nonconforming structures are only allowed one occasion to expand during the lifetime of the structure and not one occasion per owner.~~

~~b. Any alteration or addition must meet the setback requirements of the zoning district that the nonconforming lot is located in.~~

~~c. The nonimpervious surface percentage must be equal to or greater than the abutting property's nonimpervious surface percentage average after the completion of the addition. Abutting properties are those properties that are zoned as residential and are within a one hundred foot (100') radius of the property in question.~~

~~d. The size of the addition is less than fifty percent (50%) of the principal structure, as measured in square feet of the outside dimensions of the principal structure.~~

~~e. Any alteration or addition cannot create new nonconformities or increase the parking requirements.~~

~~10. In addition to the onetime addition or alteration of the principal structure, an accessory structure may be added. A conditional use permit may be issued, provided the accessory structure meets the following items and the property owner(s) applies for and is granted a conditional use permit:~~

~~a. Any accessory structure must meet the setback requirements of the zoning district that the nonconforming lot is in.~~

~~b. The nonimpervious surface percentage must be equal to or greater than the abutting properties' nonimpervious surface percentage average, after the completion of the accessory structure. Abutting properties are those properties that are zoned as residential and are within a one hundred foot (100') radius of the property in question.~~

~~c. The type of accessory structure must match the style, type and appearance of the principal structure located on the lot.~~

~~d. The enlargement or replacement does not create new nonconformities or increase in parking requirements. (Ord. 151, 5th Series, eff. 12-3-2007)~~

### C. Lot Provisions:

1. A lot of record existing upon the effective date hereof in an R residential district, which does not meet the requirements of this chapter as to area or width, may be utilized for single-family detached dwelling purposes, provided the measurements of such area and width are within seventy percent (70%) of the requirements of this chapter, but said lot of record shall not be more intensively developed unless combined with one or more abutting lots or portions thereof so as to create a lot meeting the requirements of this chapter. (Ord. 801, eff. 6-3-1974)

2. Except in the case of planned unit developments as provided for herein, or in zoning district B-3 noncentral business district by conditional use permit, not more than one principal building shall be located on a zoning lot. (Ord. 117, 5th Series, eff. 2-13-2006)

D. Accessory Buildings:

1. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

2. No accessory building shall exceed the height of the principal building. However, in no case shall such accessory building exceed eighteen feet (18') in height in any residential (R) district.

3. In all residential (R) districts ~~no accessory building or buildings shall exceed one thousand four hundred (1,400) square feet~~ the maximum of combined floor area size of detached accessory structures (individually or combined), as measured by the footprint of the structure, shall be no greater than the footprint of the primary structure or building on the same lot ~~except by conditional use permit.~~

<b>Lot Size:</b>	<b>Maximum combined floor area:</b>
0-12,000 square feet	1,400 sq ft
12,001 – 21,780 square feet (1/2 acre)	1,800 sq ft
21,781 – 43,560 square feet (1 acre)	2,400 sq ft
Greater than 43,560 square feet (1 acre)	3,000 sq ft

4. No detached garages or other accessory buildings shall be located other than within the principal or accessory setback within any residential (R) district.

5. All accessory buildings on through lots located in all residential (R) districts shall require a conditional use permit.

6. No cellar, basement, tent, recreational vehicle, mobile home or accessory building shall at any time be used as an occupied dwelling, except mobile homes located in an approved mobile home park or as otherwise allowed by the City Code.

7. Accessory buildings in the limited business district B-1, general business district B-2, noncentral business district B-3, industrial district I-1 (light) and industrial district I-2 (heavy), may be located any place to the rear of the principal building, subject to the building code and the fire zone regulations. Accessory buildings in the noncentral business district B-3 may be located beside or in front of the principal building by conditional use permit.

8. In all residential (R) districts accessory structures or buildings of a factory painted or vinyl coated corrugated metal siding and/or roofing are permitted, but shall include boxed eaves if they are greater than 200 square feet in total floor area.

E. Required Yards And Open Space:

1. No yard or other open space shall be reduced in area or dimension so as to make such yard or other open space less than the minimum required by this chapter, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced.

2. No required yard or other open space allocated to a building or dwelling group shall be used to satisfy yard, other open space or minimum lot area requirement for any other building.

3. The following shall not be considered to be encroachments on yard requirements:

a. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, mechanical devices, cornices, eaves, gutters and the like, provided they do not extend more than two and one-half feet ( $2\frac{1}{2}'$ ), and off street parking, except as hereinafter regulated.

b. Yard lights and nameplate signs for one- and two-family dwellings, lights for illuminating parking areas, loading areas or yards for safety and security purposes, provided the direct source of light is not visible from the public right of way or adjacent residential property, may be located to within five feet (5') of the front lot line. (Ord. 56, 6th Series, eff. 5-5-2014)

c. Terraces, steps, uncovered porches, decks, stoops or similar structures, which do not extend above the height of the ground floor level of the principal building and maintain a two foot (2') minimum side yard and fifteen foot (15') street or avenue setback.

d. In side or rear yards only, bays not to exceed a depth of two feet (2') nor contain an area of more than twenty (20) square feet, fire escapes not to exceed a width of three feet (3') and open off street parking. (Ord. 67, 6th Series, eff. 11-17-2014)

e. Rear yard only, balconies, accessory structures, except that no structure shall be closer than ten feet (10') from the rear lot line, breezeways, detached outdoor picnic shelters and recreational equipment, except as regulated hereinafter.

f. In side yards only, accessory structures, except that no accessory structure shall be closer than five feet (5') from any interior side lot line and on a corner lot in all residential (R) districts, shall not be closer than fifteen feet (15') from a side lot line adjacent to a street or avenue.

4. On a corner lot, nothing shall be placed or allowed to grow in such a manner as ~~materially~~ to ~~materially~~ impede vision between a height of two and one-half feet ( $2\frac{1}{2}'$ ) and ten feet (10') above the centerline grades of the intersecting streets. For uncontrolled intersections, the regulated area shall extend to the triangle created by connecting the end points of the lines within twenty five feet (25') of the street intersecting right of way lines and for controlled intersections within ten feet (10') of the street intersecting right of way lines.

5. In no event shall off street parking spaces, driveways, structures of any type, buildings or other impervious features in any residential district where the use of the lot is for between one and four (1-4) residential units cover more than ~~seventy five percent (75%)~~ thirty-three percent (33%) of up to the first 12,000 sq ft of lot area and an additional ten percent (10%) of any square footage above 12,000 sq ft. ~~resulting in less than twenty five percent (25%) landscaped area in residential districts.~~ For all other uses, impervious coverage shall be limited to seventy five percent (75%) provided that all requirements of Section 11.20 of the City Code are met.

least three thousand six hundred (3,600) square feet of lot area; and provided, that the following minimum specifications are met:

1. Front yard setback of thirty feet (30');
2. Rear yard setback of thirty feet (30');
3. Interior side yard setback of zero feet (0');
4. Corner side yard setback of fifteen feet (15');
5. Exterior side yard setback of five feet (5');
6. Floor area per unit of eight hundred sixteen (816) square feet; and
7. Lot width of twenty four feet (24'). (Ord. 72, 2nd Series, eff. 1-24-1983)

P. Single-Family Homes: Single-family homes may be excluded from lot area and setback requirements, provided a special use permit is issued under terms of the "planned development" provisions of this chapter. Density zoning shall be interpreted to mean the permission of lower density (lot area) standards under conditions whereby the number of dwelling units permitted is not greater than permitted by the application of the regular provision of the district, but with all land excluded from the lot area requirements added onto public open space (park, playground, school site, walkway or other approved open green space). (Ord. 801, eff. 6-3-1974)

Q. Fences: Fences shall be permitted in all yards, subject to the following:

1. Fences in residential districts must comply with the height and setback requirements as listed below:

**FENCE HEIGHT IN RESIDENTIAL DISTRICTS**

<b>Location</b>	<b>Maximum Height (As Measured From 6" Above The Adjacent Ground Level)</b>	<b>Distance From Lot Line <u>(does not apply to a lot line which is also a public right-of-way)</u></b>
Front yard	<del>6' 4' (perpendicular to street)</del> <del>4' (parallel to street)</del>	2', unless fence can be maintained entirely from 1 side, then 0'
Interior or street side yard	6'	2', unless fence can be maintained entirely from 1 side, then 0'

Rear yard (nonshoreland)	6', unless the rear yard is common with the front yard of an abutting lot, then 4'	2', unless fence can be maintained entirely from 1 side, then 0'. If the property abuts an alley, then 8'
Shoreland	6' (perpendicular to shore) 4' (parallel to shore) Not allowed (in floodplain)	No setback required to riverbank, except that fences shall not all be allowed within a floodplain, unless they are farm fences which do not obstruct debris or water
Buildable area	8'	Not applicable
Any property line adjoining a business or industrial zoned property	6', unless otherwise allowed by conditional use permit	2', unless fence can be maintained entirely from 1 side, then 0'

2. Fences in business and industrial districts must comply with the height and setback requirements as listed below:

#### FENCE HEIGHT IN BUSINESS AND INDUSTRIAL DISTRICTS

Location	Maximum Height (As Measured From 6" Above The Adjacent Ground Level)	Distance From Lot Line
Any lot line	6', unless otherwise allowed by conditional use	2', unless fence can be maintained entirely from 1 side, then 0'

3. Fences over thirty (30) inches in height shall require a permit approved by the zoning administrator regardless of where on a property they are located, except that temporary fencing not exceeding six feet (6') in height may be installed to secure the perimeter of a construction site, provided that any such fencing is removed upon completion of the construction project. Such fencing shall not be limited to the approved fencing materials noted below.

4. Approved fencing materials include stone, brick, finished wood, rigid plastic, chainlink, split rail fences or other materials commonly used for fencing. Other materials may only be approved by conditional use permit, except that the following types of fences are prohibited unless specifically allowed otherwise: barbed wire, electrical fencing, razor wire, creosote lumber, chicken wire (unless used for the enclosure of gardens), concrete block or poured concrete, plastic webbing, plywood or pressed wood.

council, constitutes a hazard to the public safety, shall discontinue operations within five (5) years following enactment of this chapter.

S. Zoning And Comprehensive Plan: Any change in zoning granted by the council shall automatically amend the comprehensive plan in accordance with said zoning change.

T. Apartments: In recommending the granting of special use permits for structures containing three (3) or more dwelling units, the council shall find that the proposed development plan is in substantial compliance with the apartment policy statements on file with the planning commission as approved. (Ord. 801, eff. 6-3-1974)

U. (Rep. by Ord. 47B, 2nd Series, eff. 4-7-1980)

V. Residential Structures: Unless located in a mobile home park, all residential dwelling structures used for living purposes shall be at least twenty four feet (24') in width and at least thirty feet (30') long, and placed on a permanent foundation. (Ord. 132, 2nd Series, eff. 10-29-1984)

W. Building Numbers: One principal building on each property shall display numbers on the street or avenue side of the building according to their address and shall be readable from the street or avenue by emergency vehicles. Numbers shall be a minimum of four inches (4") in height. (Ord. 22, 5th Series, eff. 11-6-2000)

#### **11.04: ADMINISTRATION AND ENFORCEMENT:**

A. Administrator: Zoning provisions of this chapter shall be administered and enforced by the zoning administrator, who shall be appointed by the council, and may have other municipal duties. His duties, among others, shall be to:

1. Determine that all building permits comply with the terms of this chapter.
2. Conduct inspections of buildings and use of land to determine compliance with the terms of this chapter.
3. Maintain permanent and current records of this chapter, including, but not limited to, all maps, amendments and special uses, variances, appeals and applications therefor.
4. Receive, file and forward all applications for appeals, variances, special uses or other matters to the designated official bodies.
5. Serve as an ex officio nonvoting member of the planning commission.

G. Conditional Use Permits And Variances Recorded: A certified copy of every conditional use permit and variance granted shall be recorded with the county recorder.

H. Revocation, Suspension Or Amendment Of Previously Approved Variances And Conditional Use Permits:

1. Jurisdiction: Upon obtaining information that indicates a basis for revocation, suspension or amendment, the zoning administrator or his/her designee may initiate proceedings for revocation, suspension, or amendment if a warning or other corrective action is deemed to be inappropriate or ineffective. If so, the matter shall be heard by the authority that originally granted the applicable variance or permit. A decision on whether to revoke, suspend or amend a permit that was originally issued by the zoning administrator shall be made by the zoning administrator. All other revocations, suspensions or amendments shall be submitted for hearing as indicated herein.

2. Hearing: The issuing authority shall establish a time, date and location for a hearing for revocation, suspension, or amendment, at the request of the zoning administrator or the administrator's designee. The administrator or designee shall serve notice of the date of the hearing to the permit or variance holder no less than ten (10) days prior to the date of the hearing using the same process as is required for civil actions at law. Other interested parties may be notified by first class mail or other appropriate means. At the hearing, the issuing entity will take such evidence as it deems appropriate. In all cases, the holder shall be entitled to present such evidence as that party deems appropriate either personally or through an attorney. Should the holder fail to appear in person or through counsel, the issuing entity shall still have the authority to take evidence and make a decision upon the request for revocation, suspension or amendment.

3. Findings At Hearing: Should the issuing authority find, by a preponderance of the evidence, that the holder has failed to comply with the conditions set forth on the variance or permit, the issuing party shall make that finding and state the reasons for its determination.

4. Remedies: Upon finding that the holder has failed to comply with the conditions set forth in the variance, conditional use permit or other permit, the issuing entity may then determine appropriate sanctions, if any, to impose. Sanctions may include, but not be limited to, revocation, suspension or amendment to the previously imposed conditions. A variance, conditional use permit or other permit may be suspended until such time as the holder comes into compliance with the terms of their original approval. The criteria for determining the appropriate sanctions shall include, but are not limited to, the length of time of the violation, the severity of the violation, and risk to the health, welfare, and safety of the neighboring residents and/or community as a whole. (Ord. 59, 6th Series, eff. 7-21-2014)

**I. Setbacks Required: Regardless of whether a building permit is required under Chapter 5.02 or any other section of the City Code, and unless specifically stated otherwise, all buildings and other structures over 30 inches in height and with a footprint of more than 48 square feet shall meet any and all setbacks required under Chapter 11. In no case shall a building or structure of any size or height be located closer than 10 feet from a rear property line that abuts an alley.**

**11.05: ZONING DISTRICTS AND MAP:**  