

NOBLES COUNTY

JOINT JURISDICTIONAL ZONING ORDINANCE

March 26, 2008

607 Joint Jurisdictional Area

607.01 Intent and Purpose

This district is established within the County for the purpose of regulating the use of land within a one half mile radius of the City of Worthington including the regulation of the location of size, use and height of buildings, the arrangement of buildings on lots and the density of population for the purpose of:

- A. To regulate development within this area according to a system of uniform procedural standards.
- B. Protecting the public health, safety, order, convenience and general welfare.
- C. Promoting orderly development and redevelopment of the residential, commercial, industrial, and public areas as well as the preservation of agricultural areas.
- D. Conserving the natural and scenic beauty and attractiveness of Worthington and Nobles County.
- E. Providing for the compatibility of different land uses and the most appropriate use of land throughout the jurisdictional area.
- F. Providing the encouragement of cooperation among governmental agencies to help achieve land use policy goals.
- G. To encourage the provision of fair and efficient means for enforcement of land development regulations.
- H. Promoting orderly development of the community to provide adequate levels of service in areas of public safety, utilities, service, transportation and administration in a financially responsible manner.
- I. Insure the efficient and effective use of financial, physical and human resources of both Nobles County and the City of Worthington.

607.02 Relation to Land Use Plan

The County recognizes the Land Use Plans of this Jurisdictional Area as the policy to regulate land use and development in accordance with the policies and purpose herein set forth.

607.03 Standard Requirements

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety and welfare unless otherwise noted.
- B. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statutes, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

- C. Except as herein provided, 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 this Ordinance.
- D. Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance.
- E. This Ordinance is not intended to abrogate any easement, restrictions, covenants, relating to the use of land or imposed on lands within the Joint Jurisdictional Area by private declaration or agreement, but where the provisions of this Ordinance are more restrictive than any easement, restriction, or covenant, or the provision of any private agreement, the provisions of this Ordinance shall prevail.

607.04 Uses Not Provided for Within Zoning Districts

Whenever in any zoning district a use is neither specifically permitted or denied, the use shall be considered prohibited. In such cases, the Joint Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable and if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use with or without conditions. The Joint Planning Commission or property owner, upon receipt of the study, shall if appropriate, initiate an amendment to the zoning regulations to provide for the particular use under consideration or shall find that the use is not compatible for development within the Jurisdictional area.

607.05 Monuments

For the purpose of this Ordinance, all international, federal, state, county and other official monuments, benchmarks, triangulation points and stations shall be preserved in their precise locations; and it shall be the responsibility of the applicant to insure that these markers are maintained in good condition during and following construction and development. All section, one-quarter (1/4) section and one-sixteenth (1/16) section corners shall be duly described and tied.

607.06 Separability

Every section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance is declared separable from every other section, provision or part thereof to the extent that if any section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision or part thereof.

607.10 Rules and Definitions

607.11 Rules

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural and the plural the singular.
- B. The present tense includes the past and future tenses, and the future the present.
- C. The word "shall" is mandatory, and the word "may" is permissive.
- D. The masculine gender includes the feminine and neuter.
- E. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be constructed as set for in such definition.
- F. All measured distances expressed in feet shall be to the nearest one-hundredth of a foot.
- G. Whenever a calculation is made based upon the provisions herein, if a fraction of a number results, the more restrictive rounding to the whole number shall apply.

607.12 Definitions

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure," the word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased" or "intended to be used," the word "may" is permissive and the word "shall" is mandatory and not discretionary.

ACCESSORY USE OF STRUCTURE - A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same parcel serving a purpose customarily incidental to the use of the principal building or land use. Accessory uses in residential districts shall not involve the conduct of any business, trade or industry, except as defined under HOME OCCUPATION, or any private way or walk giving access to such activity and shall not include the boarding of animals or the keeping of fowl or farm animals. Accessory uses or structures to residential principal uses may include:

1. Garages, carports, other parking spaces, swimming pools, tennis courts, and tool sheds for the exclusive use of residents of the premises and their guests; and

2. Gardening and the keeping of a limited number of household pets exclusively for the personal enjoyment of residents of the premises and not for commercial purposes.

BASEMENT - A story partly underground, having at least one-half-of its height below the ground.

BEGINNING OF CONSTRUCTION - The incorporation of labor and material into the foundations or walls of the building or buildings.

BOARDING HOUSE - A dwelling or part thereof occupied by a single housekeeping unit where meals and lodging are provided for three or more persons for compensation by previous arrangement, excluding transients.

BUILDING - Anything, temporary or permanent, which is built or constructed for the shelter, support or enclosure of persons, animals, or property of any kind.

BUILDING, HEIGHT OF - The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

BUILDING LINE - An imaginary line separating BUILDABLE LOT AREA and required YARDS.

BUILDABLE LOT AREA - That part of the lot not included within the open areas required by this title.

CHAIRPERSON - The Chairperson of the Joint Planning Commission.

CITY - The incorporated City of Worthington, Nobles County, State of Minnesota.

COMPREHENSIVE GUIDE PLAN - The long-range plan (Master Plan) for the desirable use of land in the city/county as officially adopted and as amended from time to time by the City Council or County Board; the purpose of such plan being, among other things to serve as a guide in the zoning and progressive changes in the zoning of land to meet changing needs, in the subdividing and use of undeveloped land, and in the acquisition of rights-of-way or sites for public purposes. This plan establishes the goals, objectives, and policies of the community.

CONDITIONAL USE - A use or development that conforms to the comprehensive land use plan of the County/City and is classified as conditional generally because it is appropriate or desirable in a specified zone, but requires special approval because if not carefully located or designed it may create special problems such as excessive height or bulk or abnormal traffic congestion.

CONDITIONAL USE PERMIT - A document signed by the Planning Administrator specifying the requirements under which a conditional use may be permitted within a

zoning unit. A conditional use is a use permitted within a district other than a principally permitted use or accessory use.

CONVALESCENT (REST) HOME - Home designed and licensed to provide care for aged or infirm persons requiring or receiving personal care or custodial care complying with the standards established by the State Board of Health.

COUNTY BOARD - The County Board of the County of Nobles, Minnesota.

DAY (CHILD) CARE CENTER - Facilities organized to provide all day care for six or more children under state license and operated in accord with state and federal standards.

DENSITY - A unit of measurement: The number of dwelling units per acre of land. As used in this ordinance, the acreage involved includes only the land devoted to residential uses (NET DENSITY). GROSS DENSITY is the number of units per acre of the total land to be developed.

DEVELOPMENT - Except where the context otherwise requires, and in the absence of a more limiting provision in this title, DEVELOPMENT means the performance of any building or mining operation, the making of any material change in the use or appearance of any structure or land, the division of land into two or more parcels, and the creation or termination of rights or access or riparian rights.

The following activities or uses shall be taken to involve DEVELOPMENT unless expressly excluded by this title:

- a. A change in type or use of a structure or land, a change from one class of use to a use in another class or designated in this title.
- b. A reconstruction, alteration of the size, or material change in the external appearance, of a structure or land.
- c. A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
- d. Commencement of mining or excavation of a parcel of land.
- e. Demolition or moving of a structure or removal of trees.
- f. Deposit of refuse, solid or liquid waste or fill on a parcel of land.
- g. In connection with the use of land, the making of any material change in noise levels, thermal conditions, or emissions of waste material.
- h. Commencement or change in the location of an advertising structure or use of land, and the commencement or change in location of advertising on the external part of a structure.

- i. Alteration of a shore, bank or flood plain of a waterfront, river, stream, lake, pond, or artificial body of water.
 - j. Reestablishment of a use which has been abandoned for one year.
 - k. Departure from the normal use for which development permission has been granted, or failure to comply with the conditions of this title granting the development permission under which the development was commenced or is continued.
 - l. Curb cuts along a public right-of-way.
 - m. Work for the maintenance, renewal, improvement or alteration of any structure if: the work affects the interior or the color of the structure, or affects the decoration of the exterior of the structure; and, the work has a cost or value of \$5,000 or more.
 - n. Installation, alteration, or extension of any private well or private sewage disposal facility.
2. The following operations or uses do not constitute DEVELOPMENT for the purposes of this ordinance:
- a. The maintenance or improvement of a public road or railroad track not involving substantial engineering redesign if the work is carried out on land within the boundaries of the right-of-way.
 - b. Work by any utility not involving substantial engineering redesign for the purpose of inspection, repair, renewal or construction on established right-of-way of any sewer, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks or the like.
 - c. Work for the maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or decoration of the exterior of the structure (but does not otherwise materially affect the external appearance of the structure, and has a cost or value of less than \$5,000).
 - d. The use of any structure or land devoted to dwelling uses for any purposes customarily incidental to enjoyment of the dwelling.
 - e. The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products other agricultural purposes except the growing or storage of livestock.
 - f. A change in use of land or structure from a use within a class specified in this ordinance to another use in the same class.
 - g. A transfer of title to land not involving the division of land into parcels.

- h. The creation of time units in existing parcels of land.
 - i. The creation or termination of easements, covenants concerning development of land, or other rights in land not otherwise involving development.
3. Development as designated in the ordinance or development permit includes all other development customarily associated with it unless otherwise specified. Activities which may result in development as defined herein include erection, construction, redevelopment, alteration, or repair when appropriate to the result of development. Reference to any specific operation as not involving development is not intended to mean that the operation or activity when part of other operations or activities is not development. Reference to particular operations is not intended to limit the generality of this definition.

DEVELOPMENT CONTRACT - A written agreement made prior to the issuance of a development permit between the county and a developer, detailing the responsibilities of the county and the developer regarding a development and executed by the developer and County.

DEVELOPMENT PERMIT - A document issued by the Planning Administrator authorizing development consistent with the terms of this title and for the purpose of carrying out or enforcing its provisions.

DWELLING - Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, excluding a tent, cabin, mobile home, trailer, or other temporary or portable housing.

DWELLING, MULTI-FAMILY - A building or portion thereof, designed for or used by three or more families living independently of each other.

DWELLING, SINGLE FAMILY. A building designed for and exclusively used for residence purposes by one family.

DWELLING, TOWNHOUSE - A dwelling joined to other dwellings by party wall or party walls.

DWELLING, TWO-FAMILY - A building designed for and exclusively used for residence purposes by two families living independently of each other.

DWELLING UNIT - One room, or suite of private or interconnecting rooms, designed for occupancy by one family for living and sleeping purposes and having cooking, toilet, and bathing facilities.

EQUAL DEGREE OF ENCROACHMENT (FLOOD) - A method of determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to flood plain encroachments.

ESSENTIAL SERVICES - The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipe, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or governmental agencies or for the public health or safety or general welfare, but not including buildings.

FAMILY - A person living alone, or two or more persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, motel or hotel, fraternity or sorority house, provided that unless all members are related by blood, adoption, marriage, or are legally cared for, no such family shall contain over five persons.

FLOOD - A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

FLOOD FREQUENCY - The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

FLOOD FRINGE - That portion of the flood plain outside of the floodway.

FLOOD PLAIN - The areas adjoining a watercourse which have been or hereafter may be covered with the regional flood.

FLOOD PROOFING - A combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages.

FLOODWAY - The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.

FLOOR AREA. For the purpose of determining the floor area ratio the FLOOR AREA of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.

FLOOR AREA - of a building shall include basement floor area (but not cellar floor area), elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except when located on the roof, penthouses, attic space having headroom of seven feet or more, interior balconies and mezzanines, enclosed porches and floor area devoted to accessory uses. However, any space devoted to parking and loading shall not be included in FLOOR AREA. The FLOOR AREA for enclosed space having a floor to ceiling height in excess of 20 feet shall be computed on the basis that each 15 feet of height shall be equal to one floor for purposes of computation. Space intended for recreational use in apartment buildings may be excluded from these calculations if the

Planning Administrator finds that said recreational uses are suitable for the size and use of the proposed structure.

FLOOR AREA RATIO - The floor area of the building or buildings on a lot divided by the area of such lot. The FLOOR AREA RATIO requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory building) in direct ratio to the gross area of the lot.

FRONTAGE - All the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or city boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

HOME OCCUPATION - Any occupation or profession carried on by a member of the immediate family residing on the premises as an accessory use, provided no exterior storage of equipment or materials is used in connection with the home occupation; the use occupies no more than one-quarter of the area of one floor; that no structural alterations or construction involving features not customarily found in dwellings are required, and the entrance to the space devoted to such use shall be from within the dwelling. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other annoyance resulting from the home occupation.

JOINT JURISTICAL AREA - The land area that is designated as part of the land use map. Said area falls within a one-half (1/2) mile radius from the incorporated city boundary of the City of Worthington.

PLANNING ADMINISTRATOR - Enforcement officer and development administrator of this title, staffed by the County.

JOINT PLANNING COMMISSION - An advisory body that reviews land use decisions, development applications and amendments. The Joint Planning Commission shall be made up of eight (8) voting members. Two from each of the following local units of government: Lorain Township, Worthington Township, Nobles County and City of Worthington.

JUNK YARD - An open area where waste or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, used lumber and bottles. A junk yard includes automobile wrecking yards, and used implement storage yard, and includes any area of more than 200 square feet for storage, keeping or abandonment of junk but excludes uses established entirely within enclosed buildings in nonresidential districts. It also excludes establishments for the sale or purchase of used operable automobile, and the processing of used, discarded or salvage materials as part of those manufacturing operations which conform to this title.

LOADING SPACE - An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

LOT - A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open space as required by this title, and having frontage on a street.

LOT, CORNER - A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.

LOT DEPTH - The mean horizontal distance between the front and the rear lot lines.

LOT, INTERIOR - A lot other than a corner lot.

LOT LINE, FRONT - The line separating the lot from a street.

LOT LINE, REAR - The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE - Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

LOT, THROUGH - A lot having frontage on two parallel or approximately parallel streets.

LOT WIDTH - The mean width of the lot measured at right angles to its depth.

MAJOR STREET - An officially designated federal or state numbered highway or county or other road or street designated on the official Thoroughfare (or Major Streets) Plan of the County or City of Worthington.

MOBILE HOME - A manufactured re-locatable unit designated for long-term human occupancy which is 30 feet or more in overall length.

MOBILE HOME PARK - Any tract of land under single ownership which has been planned, improved and approved by the city for the placement of two or more mobile homes for non-transient use.

NON-CONFORMING LOT - A lot which does not comply with the minimum lot area or width requirements of the district in which it is located.

NON-CONFORMING STRUCTURE - A structure which does not comply with the bulk, yard, setback or height regulations of the district in which it is located, and does not comply with all other applicable regulations of this title.

NON-CONFORMING USE OF LAND - Any use of a lot which does not conform to the applicable use regulations of the district in which it is located.

NON-CONFORMING USE OF STRUCTURES -A use of a structure which does not conform to the applicable use regulations of the district in which it is located.

OBJECTIONABLE ELEMENT - Any use operated in the manner described under the performance standards of this title.

OBSTRUCTION (FLOOD) - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

PARCEL - A parcel of land means any contiguous quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit. Parcel includes an easement supporting or related to a primary parcel, and a condominium unit.

PARKING SPACE - A permanently surfaced area of not less than 200 square feet, either within a structure or in the open, exclusive of driveways or access drives for the parking of a motor vehicle.

PERFORMANCE STANDARD - A standard established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases and other objectionable and dangerous elements, which are generated by and inherent in or incidental to land use.

PLANNED UNIT DEVELOPMENT DISTRICT - A district which is established by the County in order to encourage more efficient use of land and public services, and to encourage greater amenity by allowing - under certain circumstances - a more flexible means of land development and redevelopment than is otherwise permissible under the lot by lot restrictions of each use district. A Planned Unit Development District may be located in any existing zone district or districts.

PUBLIC WATERS - Any waters of the state which serve a beneficial public purpose, as defined in M.S. § 105.37(6). However, no lake, pond or flowage of less than ten acres in size and no river or stream having a total drainage area less than two square miles shall be regulated for the purposes of these regulations. A body of water created by a private user where there was no previous shoreland, as defined herein, for a designated private

use authorized by the Commissioner of Natural Resources shall be exempt from the provisions of these regulations.

REACH (FLOOD) - A hydraulic engineering term to describe longitudinal segments of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a REACH.

REGIONAL FLOOD - A flood which is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval.

REGULATORY FLOOD PROTECTION ELEVATION - The elevation of the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this ordinance are required to be elevated or flood proofed.

SHOPPING CENTER - A preplanned group of retail stores with common use areas for access, pedestrian, auto and service circulation, common parking and landscaping.

SHORELAND - Land located within the following distances from public waters:

1. 1,000 feet from the ordinary high water mark of a lake, pond, or flowage; and
2. 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater.
3. The practical limits of shorelands may be less than the statutory limits where such limits are designated by natural drainage divides at lesser distances, as shown on the official zoning map of the municipality.

SIGN, AREA OF - The total area enclosed by a single continuous perimeter enclosing the extreme limits of the sign structure computed in square feet for:

A sign having but one exposed exterior surface and

One-half the total of the exposed exterior surface computed in square feet of a sign having more than one such surface intended for display.

SLOPE - An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude. (That is a 3:1 slope is a three feet horizontal and one foot vertical.)

STREET - A public or private right-of-way more than 30 feet in width, approved or accepted by public authority or user, which provides a primary means of public access to abutting property. The term STREET shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

STRUCTURE - Any building; or any piece of work artificially built up or composed of parts joined together in some definite manner, the use of which requires permanent

location on the ground or attachment to something having a permanent location on the ground.

TOWNHOUSE - Any one of two or more attached dwellings in a continuous row, each such dwelling designed and erected as a townhouse unit on a separate lot and separated from one another by an approved wall or walls.

TRAILER - Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation or used for storage or conveyance for merchandise, tools, equipment, machinery, or other personal property, and so designed that it is or may be mounted on wheels and used as a. conveyance on highways and streets. Any trailer less than 30 feet in overall length is defined as a travel trailer and any re-locatable unit over 30 feet in overall length is defined as a MOBILE HOME.

USE - The purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is, or may be, occupied or maintained.

YARD - An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided in this title.

YARD, FRONT - A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot. Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line); provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan or on the Official Map of the City of Worthington or Nobles County differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on said Thoroughfare Plan or Official Map.

YARD, REAR - A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot.

YARD, SIDE - A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

YARD, SIDE, LEAST WIDTH, HOW MEASURED - Such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan or on the "Official Map of the City of Worthington or Nobles County" differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as designated on the Thoroughfare Plan or Official Map.

607.13 General Performance Standards

As may be applicable, the evaluation of any proposed conditional use permit request shall be subject to and include, but not limited to, the following general performance standards and criteria:

- A. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated.
- B. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.
- C. Adequate off-street parking and off-street loading shall be provided in compliance with Title XV, Section 155.042 of the City of Worthington Ordinance.
- D. Loading docks and drive-up facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any abutting residential use or district, and are in compliance with Title XV, Section 155.042 of the City of Worthington Ordinance.
- E. General appearance and buffering shall be provided in compliance with Title XV, Section 155.044 the City of Worthington Ordinance.
- F. All exterior lighting shall be so directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts, and shall be in compliance with Title XV, Section 155.044(A)(3) of the City of Worthington Ordinance.
- G. The site drainage system shall be subject to the review and approval of the City/County Engineer.
- H. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing or potential buildings and area so as to cause impairment of property values or a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
- I. Provisions shall be made for an interior location for recycling and trash handling and storage or an outdoor, enclosed receptacle area shall be provided in compliance with Title XV, Section 155 or the City of Worthington Ordinance.
- J. The use and site shall be in compliance with any federal or state laws or regulations which are applicable and any related permits are obtained and documented to the County.
- K. Any applicable business licenses mandated by Nobles County that fall within regulations are approved and obtained.
- L. The hours of operation may be restricted when there is potential negative impact upon a residential use or district.
- M. The use complies with all applicable performance standards of the zoning district in which it is located.

607.14 Lapse of Conditional Use Permit by Non-Use

Whenever within one (1) year after granting a conditional use permit, the use as allowed by the permit shall not have been initiated or utilized, then such permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use that has been granted by the County. Such extension shall be requested in writing and filed with the Planning Administrator at least thirty (30) days before the expiration of the original conditional use permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the conditional use permit. Such petition shall be presented to the Joint Planning Commission for a recommendation.

607.15 Conditional Use Permits - Initiation

The Joint Planning Commission may, upon their own motion, initiate a request for a conditional use permit in conformance with the provisions of this Ordinance. Any person owning real estate or having documented interest therein, within the jurisdictional area may initiate a request for a conditional use permit for real estate in conformance with the provisions of this Ordinance.

607.20 Administration Interim Use Permits

607.21 Purpose and Intent

The purpose and intent of allowing interim uses is:

- A. To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.
- B. To allow a use that is presently judged acceptable by the Joint Planning Commission but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.
- C. To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

607.22 Procedure

Uses defined as interim uses which do not presently exist within a respective zoning district shall be processed according to the standards and procedures for a conditional use permit as established by Section 505 of this Ordinance.

607.23 General Standards

An interim use shall comply with the following:

- A. Meet the standards of a conditional use permit set forth in Section 505 of this Ordinance.
- B. Conform to the applicable general performance standards of Section 505 of this Ordinance.
- C. The date or event that will terminate the use can be identified with certainty.
- D. The use will not impose additional unreasonable costs on the public.
- E. The user agrees to any conditions that the County deems appropriate for permission of the use.

607.24 Termination

An interim use shall terminate on the happening of any of the following events, whichever occurs first:

- A. The date stated in the permit.
- B. Upon violation of conditions, as determined by the Joint Planning Commission and under which the permit was issued.
- C. Upon changing in the County's zoning regulations which renders the use non-conforming.
- D. The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.

607.30 Administration Variances

607.31 Purpose

The purpose of this section is to provide for deviations from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of physical circumstance unique to the individual property under consideration, and to grant such variance only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Ordinance.

607.32 General provisions and Standards

The Nobles County Board of Adjustment shall serve as the Board of Adjustment and Appeals. The Joint Planning Commission may make recommendations to the Nobles County Board of Adjustment.

Conditions governing considerations of variance requests:

1. In considering all requests for variance and in taking subsequent action, the Planning Administrator and the Board of Adjustment shall make a finding of fact that the proposed action will not:
 - a. Impair an adequate supply of light and air to adjacent property.
 - b. Unreasonably increase the congestion in the Public Street or county roads.
 - c. Increase the danger of fire or endanger the public safety.
 - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Ordinance.
 - e. Violate the intent and purpose of this ordinance.
 - f. A variance from the terms of this Ordinance shall not be granted unless it can be demonstrated that:
 - i. Undue hardship will result if the variance is denied due to the existence of special conditions and circumstance which are peculiar to the land, structure or building involved.
 - ii. Special conditions may include exceptional topographic or water conditions or, in the case of an existing lot or parcel of record, narrowness, shallowness, insufficient area or shape of the property.
 - iii. Undue hardship caused by the special conditions and circumstances may not be solely economic in nature, if a

reasonable use of the property exists under the terms of this Ordinance.

- g. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance, or deny the applicant the ability to put the property in question to a reasonable use.
 - h. The special conditions and circumstances causing the undue hardship do not result from the actions of the applicant.
 - i. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.
 - j. The request is not a use variance.
 - k. Variance requested is the minimum variance necessary to accomplish the intended purpose of the applicant.
- 2. Application for a variance shall set forth reasons that the variance is justified in order to make reasonable use of the land, structure or building.
 - 3. The County may grant a variance from the strict application of this Ordinance so as to relieve such difficulties or hardships to the degree considered reasonable, provided such relief may be granted without impairing the intent of this Ordinance.

607.33 Procedure

The procedure for variance shall follow Section 506 of this Ordinance. Additional procedural requirements are as follows:

- A. Variances:
 - 1. Processing:
 - a. Request for variances, as provided within this Ordinance, shall be filed with the Planning Administrator. Such application shall be accompanied by a fee as provided for by the County Fee Schedule. Such application shall also be accompanied by fifteen (15) copies of detailed written and graphic materials fully explaining the proposed change, development, or use and a list of property owners located within 500 feet of the subject property. The request for variance shall be placed on the agenda of the first possible Joint Planning Commission meeting. The request shall be considered as being officially submitted when all the information requirements are complied with.
 - b. Upon receipt of said application, the Planning Administrator shall set a public hearing following proper hearing notification. The Joint Planning Commission may conduct a hearing, and report its finding and recommendations to the Nobles County Board of Adjustment.

- c. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance.
- d. The Planning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the Joint Planning Commission.
- e. The Joint Planning Commission and Planning Administrator shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of an applicant to supply all necessary supportive information may be grounds for denial of the request.
- f. The applicant or representative thereof shall appear before the Joint Planning Commission to answer questions concerning the proposed variance.
- g. The Joint Planning Commission may makes findings of fact and recommend approval or denial of the request to the Nobles County Board of Adjustment. The Nobles County Board of Adjustment shall reach a decision within sixty (60) days after the first regular meeting at which the variance request was considered by the Commission.
- h. Upon receiving the report and recommendation of the Joint Planning Commission, the Planning Administrator shall place the report and recommendation on the agenda for the next Board of Adjustment meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the meeting.
- i. All decisions by the Board of Adjustment involving a variance request shall be final except that an aggrieved person or persons shall have the right to appeal within thirty (30) days of the decision to the Nobles County District Court.

607.34 Lapse of Variance

If within one (1) year after granting a variance the use as allowed by the variance shall not have been initiated or utilized, then such a variance shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the Planning Commission Administrator.

607.40 Appeals

607.41 Joint Jurisdictional Designation

The County's Board of Adjustment shall hear all Appeals.

607.42 Applicability

An appeal shall only be applicable to an interpretation of legislative intent of provisions of this Ordinance. City and County staff and/or hired consultants opinions and evaluations as they pertain to the impact or result of a request are not subject to the appeal procedure.

607.43 Procedures

- A. An appeal from the ruling of an administrative officer of the Planning Commission shall be made by the property owner or their agent within thirty (30) days after the making of the order being appealed.
- B. The property owner or their agent shall file with the Planning Administrator a notice of appeal stating the specific grounds upon which the appeal is made.
- C. Any appeal filed shall be comprehensive and include all matters subject to question. Subsequent appeals filed by the same individual or group which are intended to cause unjustifiable delay in the decision-making process shall not be accepted by the County.
- D. The filing of an appeal shall be accompanied by a fee as provided for by the County.
- E. The Board of Appeals shall make a finding of fact and its decision by resolution within thirty (30) days from the date at which the County first considered the appeal.

607.50 Site Plan Review

607.51 Purpose

The purpose of this section is to establish a formal site plan review procedure and provide regulations pertaining to the enforcement of site design standards consistent with the requirements of this Ordinance.

607.52 Exceptions to Review

The following shall be excluded from the foregoing requirements:

- A. Agricultural developments in the A-1 Zoning District.
- B. Single family detached dwellings in the R-1 Zoning District.

607.53 Procedures

Pursuant to Minnesota Statutes §15.99, an application for site plan approval shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the applicant. If applicable, processing of the application through required state or federal agencies shall extend the review and decision-making period an additional sixty (60) days unless this limitation is waived by the applicant. Additional requirements are as follows:

- A. Application: An application for site plan approval shall be filed with the County for all developments (except for agricultural developments in A-1 Districts and R-1 single family detached dwellings within the Joint Jurisdictional Area). Such application shall be filed with the Planning Administrator on an official application form and shall be accompanied by a fee as provided for by the County. The proposed site plan shall be placed on the agenda of the Joint Planning Commission. The plan shall be considered as officially submitted only when all of the information and fee requirements are complied with.
- B. Site Plan:
 - 1. Purpose. The purpose of the site plan is to provide a specific and particular plan upon which the Joint Planning Commission will base its recommendation to County and with which substantial compliance is necessary for the preparation of the final plan.
 - 2. Schedule.
 - a. The developer shall meet with the Planning Administrator to discuss the proposed development.
 - b. The developer shall submit to the Planning Administrator the necessary application data in site plan form as required herein, and filing fee at least

fourteen (14) days prior to the Joint Jurisdictional Commission meeting on which the proposal is tentatively scheduled to be heard.

- c. The Planning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate and provide general assistance in preparing a recommendation on the action to the County.
- d. The Joint Planning Commission and staff shall have the authority to request additional information from the applicant concerning operational factors or to obtain expert testimony with the consent and at the expense of the applicant concerning operational factors; said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance.
- e. The applicant or a representative thereof shall appear before the Joint Planning Commission to present the proposal and answer any questions concerning the proposed development.
- f. Whenever an application for site plan review has been considered and denied by the Joint Planning Commission and County, a similar application affecting substantially the same property shall not be considered again by the Joint Planning Commission or County Board for at least twelve (12) months from the date of its denial.

C. Final Site Plan:

- 1. Purpose. The final site plan is to serve as a complete, thorough, and permanent public record of the manner in which the subject site is to be developed. It shall incorporate all prior approved plan revisions resulting from the site plan review process.
 - 2. Schedule. Upon receiving all required final approvals through the site plan review process, the developer shall prepare a final site plan reflecting all revisions and conditions of approval. Three (3) copies of this final site plan shall be submitted to the Planning Administrator for review and approval.
 - 3. Planning Administrator shall review the final site plan for consistency with the conditions of approval outlined by the Joint Planning Commission. If all conditions for approval have been met, the Planning Administrator shall grant final site plan approval. Failure to meet the specific conditions shall result in denial of final site plan approval.
 - 4. Any modifications of the proposal, not specified as a condition for approval by the County Board, shall result in review of the proposal by the Joint Planning Commission and County Board pursuant to the procedures outlined in multiple places in Sections 3, 4 and 5 of this Ordinance.
- D. If, after one (1) year from being granted site plan approval, the plan as permitted by the approval shall not have been initiated, then such approval shall become null and void unless a request by petition for an extension of time has been made to and granted by the County Board

- E. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the site plan approval. Such petition shall be presented to the County Board for a decision.

607.54 Evaluation Criteria

The Joint Planning Commission and the County shall evaluate the effects of the proposed site plans. This review shall be based upon, but not be limited to, compliance with the Land Use Plan and provisions within this Ordinance.

607.55 Information Requirement

The information required for all site plan applications generally consists of the following items and shall be submitted when requested and specified by the Planning Administrator.

A. Site Plan:

1. Name and address of developer/owner.
2. Name and address of architect/designer.
3. Date of plan preparation.
4. Dates and description of all revisions.
5. Name of project or development.
6. Scale of plan (engineering scale only, at one (1) inch equals fifty (50) feet or less).
7. North point indication.
8. Lot dimension and area.
9. Required and proposed setbacks.
10. Location, setback and dimension of all buildings on the lot including both existing and proposed structures.
11. Location of all adjacent buildings, wells and septic systems located within one hundred (100) feet of the exterior boundaries of the property in question.
12. Location, number, and dimensions of existing and proposed parking spaces.
13. Location, number, and dimensions of existing and proposed loading spaces.
14. Curb cuts, driveways.
15. Vehicular circulation.
16. Sidewalks, walkways.
17. Location and type of all proposed exterior lighting.
18. Location of recreational and service areas.
19. Location of rooftop equipment and proposed screening.
20. Provisions for storage and disposal of waste, garbage, and recyclables.
21. Location of proposed well and sewage treatment systems.

- B. Grading/Storm Water Drainage Plan:
1. Existing contours at two (2) foot intervals.
 2. Proposed grade elevations, two (2) foot maximum intervals.
 3. Drainage plan including configuration of drainage areas and calculations.
 4. Storm sewer, catch basins, invert elevations, type of castings, and type of materials.
 5. Spot elevations.
 6. Proposed driveway grades.
 7. Surface water ponding and treatment areas.
 8. Erosion control measures.
 9. Wetland boundaries.
- C. Other Plans and Information: (May be submitted in combination pursuant to approval by the Planning Administrator)
1. Legal description of property under consideration.
 2. Proof of ownership of the land for which a site plan approval has been requested.
 3. Architectural elevations of all principal and accessory buildings (type, color, and materials used in all external surfaces).
 4. "Typical" floor plan and "typical" room plan.
 5. Extent of and any proposed modifications to land within the Shoreland, Wetland, or Floodplain Overlay Districts as needed.
 6. Type, location and size (area and height) of all signs to be erected upon the property in question.
 7. Restrictive covenants.

607.56 Lapse of Approval

- A. Unless otherwise specified by the Planning Administrator or County Board as may be applicable, the site plan approval shall become null and void one (1) year after the date of approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the approved plan. The property owner or applicant shall have the right to submit an application for time extension in accordance with this section.
- B. An application to extend the approval of a site plan for up to an additional one (1) year shall be submitted to the Planning Administrator not less than thirty (30) days before the expiration of said approval. Such an application shall state the facts of the request, showing a good faith attempt to utilize the site plan approval, and it shall state the additional time being requested to begin the proposed construction. The request shall be heard by the Joint Planning Commission with a recommendation being forwarded to the County Board. The County Board shall have final decision.

- C. In making its determination on whether an applicant has made a good faith attempt to utilize the site plan approval, the Planning Administrator or the County Board, as applicable, shall consider such factors as the type, design, and size of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay.

607.57 Building and Other Permits

Except as otherwise expressly provided herein, upon receiving notice from the Planning Administrator that the final site plan has been approved and a properly executed performance agreement has been received, and upon application of the applicant pursuant to the applicable ordinances of the County, all appropriate officials for the County may issue building and other permits to the applicant for development, construction, and other work in the area encompassed by the final site plan provided, however, that no such permit shall be issued unless the appropriate official is first satisfied that the requirements of all codes and ordinances which are applicable to the permit sought, have been satisfied.

607.58 Inspection During Development

- A. Compliance with Overall Plan: Following final plan approval of a site plan, or a stage thereof, the Planning Administrator shall, periodically until the completion of the development, review all permits issued, and construction undertaken and compare actual development with the approved site plan.
 - 1. If the Building Official finds that development is not proceeding in accordance with the approved plan, he or she shall immediately notify the County Board.
 - 2. Within thirty (30) days of such notice, the County Board shall either by the provisions of the Ordinance revoke the site plan approval or shall take such steps as it shall deem necessary to compel compliance with the final site plan as approved; or shall require the landowner or applicant to seek an amendment of the final site plan.

607.60 Flood Hazard District

Where land located within the Flood Hazard District, the applicant shall be required to submit certification by a registered engineer or architect that the finished fill or building elevation, flood proofing or other flood protection measures were accomplished in compliance with the provisions of the County Floodplain Regulation. A registered land surveyor shall certify fill and building excavations.

607.70 Administration Enforcement and Penalties

607.71 Administration

This Ordinance shall be administered and enforced by the Planning Administrator who is appointed by the County Board.

607.72 Violations

Any person who violates any of the provisions of this Ordinance shall, upon conviction thereof, be fined not more than the maximum penalty for a misdemeanor prescribed under state law. Each day that a violation is permitted to exist shall constitute a separate offense.

607.73 Enforcement Procedures

- A. Upon receipt of complaint, identification of a violation of this Ordinance, or by the direction of the Joint Planning Commission or County Board, the Planning Administrator shall investigate said violation to determine its validity.
- B. If it is determined that a condition or provision of this Ordinance or a permit issued pursuant to this Ordinance has been violated, the investigator shall submit a report to the Joint Planning Commission identifying the violation, the location, and the property owner(s) responsible for the violation.
- C. Upon submission of the report, the Planning Administrator shall, on behalf of the County, send the property owner(s) a letter of citation informing them of said violation and ordering compliance with the provisions of this Ordinance. The letter of citation shall include a time frame in which the property owner(s) must bring the property in compliance with this Ordinance.

607.80 Non-Conforming Buildings, Structures, Uses and Lots

607.81 Purpose

It is the purpose of this section to provide for the regulation of non-conforming buildings, structures, uses, and lots, and to specify those requirements, circumstance, and conditions under which non-conforming buildings structures, uses and lots will be operated, maintained, and regulated. It is necessary and consistent with the establishment of this Ordinance that the non-conforming buildings, structures, uses, and lots will be operated maintained, and regulated. It is necessary and consistent with the establishment of this Ordinance that the non-conforming buildings, structures, uses and lot not be allowed to continue without restriction. Furthermore, it is the intent of this section that all non-conformities shall be eventually brought into conformity.

607.82 General Provisions

- A. Conditional Uses: Any established use, building or lot legally existing prior to January 1, 2008 and which is herein classified by this Ordinance as requiring a conditional use permit may be continued in like fashion and activity and shall automatically be considered as having received conditional use permit approval. Any change to such a use or building shall however require a new conditional use permit be processed according to this Ordinance.
- B. Interim Uses: Any established use, building or lot legally existing prior to January 1, 2008, and which is herein classified by this Ordinance as requiring an interim use permit may be continued in like fashion and activity and shall automatically be considered as having received interim use permit approval. Any change to such a use or building shall, however, require a new interim use permit be processed according to this Ordinance.
- C. Threats to General Welfare: Non-conforming buildings, structures, and/or uses, which based upon documented study and evidence, pose a danger and/or threat to the health, safety, and general welfare of the community, shall:
 - 1. Be legally declared a nuisance by the County.
 - 2. Upon being identified by the County and upon the owner being notified in writing by the Planning Administrator, the owner shall provide to the County a documented time schedule and program with rationale to support the proposed amortization of the building, structure, or use investments which will result in the termination or correction of the non-conformity.
 - a. The termination/correction time schedule shall be based upon, but not be limited to factors such as the initial investment and the degree of threat or danger being posed.
 - b. The acceptability of the time schedule shall be recommended by the Joint Planning Commission to the County Board.
 - c. In no case shall a time schedule exceed two (2) years.

607.83 Non-Conforming Uses

- A. **Effective Date:** The lawful use of building, structure or land existing at the effective date of this Ordinance which does not conform to the provisions of this Ordinance may be continued; provided, however, that no such non-conforming use of land shall be enlarged or increased, nor shall any such non-conforming use be expanded to occupy a greater area of land than that occupied by such use at the time of the adoption of this Ordinance, nor shall any such non-conforming use be moved to any other part of the parcel of land upon which the same was conducted at the time of the adoption of this Ordinance.
- B. **Continued Use:** A lawful, non-conforming use shall not be enlarged (except for existing residences), but may be continued at the same size and in the same manner of operation as it existed on the date it became legally non-conforming except as hereinafter specified.
- C. **Changes to Non-Conforming Uses:**
 - 1. When a lawful non-conforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.
 - 2. A lawful non-conforming use of a structure or parcel of land may be changed to lessen the non-conformity of use. Once a non-conforming structure or parcel of land has been changed, it shall not be so altered to increase the non-conformity.
- D. **Discontinuance:** In the event that a nonconforming use of any building or premises is discontinued for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the district in which it is located.
- E. **Normal Maintenance:** Maintenance of a building or other structure containing or used by a non-conforming use will be permitted when it includes necessary non-structural repair and incidental alterations which do not extend or intensify the non-conforming use.
- F. Residences of record in B-1 Highway Business and I-1 Industry Zones may be increased in size up to 50%.

607.84 Non-Conforming Buildings and Structures

- A. **Restoration:** No lawful non-conforming building or structure which has been damaged by fire, explosion, act of God or a public enemy, to the extent of more than fifty (50) percent of its value shall be restored, except in conformity with the regulations of this Ordinance.
- B. **Alterations:** Alteration and normal maintenance to a lawful non-conforming building or structure may be made provided:
 - 1. The alterations do not expand the building size.
 - 2. The alterations do not change the building occupancy capacity or parking demand.
 - 3. The alteration does not increase the non-conformity of the building or the use.

607.85 Non Conforming Lots

A. Vacant or Redeveloped Lots:

1. Lot Combination: If an owner has an interest in more than one (1) lot of record contiguous to other lots of record, all such lots shall be combined to meet the requirements of this section or the applicable zoning district standards. If sufficient contiguous property is held in one ownership to comply with the standard of the applicable zoning district, then those more restrictive provisions will apply. In no circumstances will there be approval of any proposal for multiple lot developments based upon lots of record, and not conforming with the provisions of the existing zoning district.
2. Developed Lots: An existing conforming use on a lot of substandard size and/or width may be expanded or enlarged if such expansion or enlargement meets all other provisions of this Ordinance.

607.90 General Building, Parking, Loading, and Performance Requirements

607.91

For the purposes of this Ordinance, any building, redevelopment or development that occurs within the Joint Jurisdictional area shall conform to the General Zoning District Provisions found in Section 6 of this Ordinance. The Planning Administrator and Joint Planning Commission shall have the authority to recommend additional requirements, as needed. These requirements shall be found within Title XV, Section 155.041 (Height and bulk), Title XV, Section 155.042 (Parking and Loading), Title XV, Section 155.043 (Appearance and buffering) and Title XV, Section 155.044 (Performance standards) of the City of Worthington.

607.100 General Zoning District Provisions

607.101 Establishment of Districts

In order to classify, regulate and restrict the location of trade and industry and the location of buildings designated for specific uses, to protect residential and agricultural uses, and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas, the Joint Jurisdictional Area is hereby divided into the following zoning districts:

A. Agricultural Districts

1. A-1 Agricultural Jurisdictional District

B. Residential Districts

1. R-1 Rural Residential Jurisdictional District
2. R-3 Medium Density Jurisdictional District

C. Business Districts

1. B-1 Highway Commercial Jurisdictional District

D. Industrial Districts

1. I-1 Industrial Jurisdictional District

E. Special Districts

1. Airport District

607.102 Zoning Map

The location and boundaries of the districts established by this text are hereby set forth on the Zoning Map entitled “Joint Jurisdictional Map of Worthington and Nobles County.” Said map shall be on file with the Zoning Authority and hereinafter referred to as the “Zoning Map.” Said map and all the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this Ordinance by reference.

607.110 R-3 Medium Density Jurisdictional District

Multi-family Special Review

No site plan approval shall be issued for a multi-family use until the Joint Jurisdictional Commission has made a determination that:

- A. Adequate facilities have been made for on-site private recreation use for all ages to occupy the building.
- B. Trash storage will not adversely affect the occupants enjoyment of the dwelling units, nor occupants of surrounding uses.
- C. Parking areas are separated physically from designated recreation areas and have a minimum impact on surrounding uses.
- D. Hard surfacing of alleys is planned if access to required parking is via the alley.

All requests for Medium Density Zoning shall be in conformance with Title XV, Section 155.070, 155.071(e), 155.072, 155.073, and 155.075 of the City of Worthington Zoning Ordinance.

607.120 Performance Standards

17. General Regulations

Other regulations related to signs, parking, etc., shall be defined in Title XV, Section 155.042, 155.043 and 155.044 of the City of Worthington Zoning Ordinance.

607.130 Special District Airport

As defined in Title XV, Section 156: Airport Zoning of the City of Worthington Zoning Ordinance.