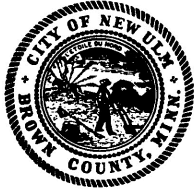


City of New Ulm

General Regulations—Section 9.14 Zoning Fact Sheet

Sign Regulation Section 9.14.1.

1. Sign regulations. All signs hereafter erected or maintained, except 32 official traffic and street signs, shall conform to the provisions of this subdivision and any 33 other ordinances or regulations of the City.
 - A. Signs in R-A, R-1, R-2, and R-3 Residence Districts.**
 1. In all classes of residence districts, no sign, business sign, name plate sign, or advertising sign except the following shall be erected on any lot:
 - a. A name plate sign or professional name plate sign identifying the owner or occupant of a building or dwelling unit, provided the surface area of such sign does not exceed two square feet. Such sign may be placed in any front yard, but in no case may it be placed in any side yard. Such sign may be illuminated.
 - b. A sign pertaining to the lease or sale of a building or property, provided such sign shall not exceed 12 square feet in surface area. Such sign shall not be illuminated.
 - c. Temporary signs advertising a new subdivision or development may be placed in any front yard; in no case shall such sign be placed in any side yard, nor shall such sign be illuminated. Each subdivision or development shall be allowed the following signs:
 - i. One sign not to exceed 96 square feet in surface area, no more than 15 feet in height nor less than two feet above ground.
 - ii. One sign not to exceed 12 square feet in surface area, no more than 15 feet in height nor less than two feet above the ground.
 - iii. Directional signs not to exceed two square feet in surface area, provided that each subdivision shall be limited to one such sign per major street approach to the subdivision or development. No such sign shall be allowed on minor residential streets.
 - d. Temporary signs identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building, provided such signs shall not exceed 12 square feet each in surface area and shall be no more than 15 feet in height nor less than two feet above ground, and provided such signs are removed prior to occupancy of the building. Such signs may be placed in any front yard, but in no case may they be placed in any side yard. Such signs shall not be illuminated.



City of New Ulm

General Regulations—Section 9.14 Zoning Fact Sheet

Sign Regulations Section 9.14.1.

- e. One identification sign, not to exceed 30 square feet in area, for the following uses: church, school, hospital, sanitarium, club, library, or similar uses. Such signs shall be solely for the purpose of displaying the name of the institution and its activities or services. Such sign may be illuminated. Such sign may be placed in any front yard, but in no case
- f. Directional non-illuminated signs not to exceed two square feet in surface area for the following uses: church, school, hospital, sanitarium, club, library, or similar uses, provided that each shall be limited to one such sign per major street approach. No such sign shall be allowed on minor residential streets.
- g. One name plate sign for a dwelling group of five or more units, not exceeding five square feet in surface area. Such signs may indicate the names and addresses of the buildings, or it may be a directory for occupants. Such sign may be placed in any front yard, but in no case may it be placed in any side yard. Such sign may be illuminated.
- h. Directional signs in any parking area necessary for the orderly movement of traffic, provided that such sign shall not be used as advertising space and shall not be illuminated.

B. Signs in B-1 Limited Business Districts.

1. In B-1 Limited Business Districts, business signs and name plate signs are permitted, subject to the following regulations:
 - a. Signs as permitted and regulated in residence districts.
 - b. One identification sign, not to exceed 30 square feet in area, for private educational institutions, community centers, rest homes, nursing homes, and medical and dental offices. Such sign may be illuminated but not flashing.
 - c. One business sign for business and professional office buildings. Such sign shall not exceed 30 square feet in area or 5% of the wall area upon which it is placed, whichever is greater, and shall display only the name and address of the building, occupant, or management. For corner lots, two such signs, one facing each street, shall be permitted. Such signs may be illuminated.
2. Advertising signs (billboards) shall not be a permitted use in B-1 Limited Business Districts.
3. Rotating and flashing signs shall not be a permitted use in B-1 Limited Business Districts.
4. No sign shall project higher than the height of the building or 24 feet above average grade at the building line, whichever is greater.



City of New Ulm

General Regulations—Section 9.14

Zoning Fact Sheet

Sign Regulation Section 9.14.1.

C. Signs in B-2 Service Business Districts and B-3 General Business Districts.

1. In the B-2 and B-3 Business Districts, business signs, name plate signs, and advertising signs are permitted, subject to the following regulations:
 - a. The total surface area of all business signs on a lot shall not exceed the sum of two square feet per lineal foot of lot frontage, or 10% of the building facing area, or 75 square feet in area, whichever is greater; nor shall two or more smaller signs be so arranged and integrated as to create a surface area in excess of these limitations. In the case of corner lots, the least width of a corner lot shall be the front for purposes of this chapter. Such signs may be illuminated.
 - b. Advertising sign structures shall be limited to not more than one for a lot of 100 foot frontage or less, and to only one per each additional 100 feet of additional lot frontage. Such structure may not contain more than two signs per facing, nor exceed 55 feet in total length. No advertising sign may be erected within 100 feet of an adjoining residence district. Such signs may be illuminated.
2. No sign shall project higher than 6 feet above the height of the building, or 32 feet above average grade at the building line, whichever is greater.
3. Rotating signs or flashing signs shall not be permitted in the B-2 and B-3 Business Districts.
4. Signs lettered on the glass of windows or doors shall be exempt from the sign area restrictions of the respective district.

D. Signs in I-1 Planned Industrial Districts and I-2 General Industrial Districts.

1. Within I-1 and I-2 Industrial Districts, business signs, name plate signs, and advertising signs are permitted, subject to the following regulations:
 - a. The total surface area of all business signs on a lot shall not exceed three square feet for each lineal foot of lot frontage, or 20% of the building facing area, or 300 square feet in area, whichever is greater; nor shall two or more smaller signs be so arranged and integrated as to create a surface area in excess of these limitations. In the case of corner lots, the least width of such a corner lot shall be the front, for purposes of this chapter. Such signs may be illuminated.



City of New Ulm

General Regulations—Section 9.14 Zoning Fact Sheet

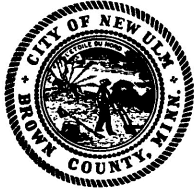
Sign Regulation Section 9.14.1.

b. Advertising signs shall be permitted as regulated in the B-3 General Business District

2. The height, illumination, rotating, and flashing sign provisions of the B-3 General Business District shall apply in I-1 and I-2 Industrial Districts.

E. General provisions. The following regulations shall apply to all signs herein after permitted in all districts.

1. Signs shall not be erected within the public right of way or easements, except that the City Council may, after a report from the Planning Commission, grant a conditional use permit for a period not to exceed one year to allow advertising on newspaper sale stands and special permits for temporary signs and decorations to be strung across the right of way.
2. Illuminated signs giving off intermittent or rotating beams shall not be permitted in any district.
3. Signs painted on a building shall be governed by the square footage limitations specified in the appropriate zoning districts. These shall be repainted when required to be kept in good condition, and shall be repainted, removed or painted out when, in the opinion of the City Council, they are not so maintained.
4. No sign shall project more than 36 inches over a public sidewalk, except business signs that are placed on an awning, canopy, or marquee. Such business signs shall be governed by the allowable sign area requirements of the respective district and shall be not less than eight feet from the walk or ground grade line.
5. No sign shall project more than 24 inches across a required front or side yard, except as allowed in this subdivision and except:
 - a. In a B-1 Limited Business District, no signs may be located within 20 feet of any property line.
 - b. In B-2 and B-3 Business Districts, signs may not be located closer than 15 feet of any property line that abuts any of the classes of residence districts.
 - c. In an I-1 Planned Industrial District, signs may not be located in any front yard or in any side yard or rear yard that abuts any of the classes of residence districts, and in no instance shall signs be located within 15 feet of a front, side or rear property line.
 - d. In an I-2 General Industrial District, signs may not be located within 15 feet of any property line that abuts any of the classes of residence districts.



City of New Ulm

General Regulations—Section 9.14 **Zoning Fact Sheet**

Sign Regulation **Section 9.14.1.**

6. No sign shall be placed that resembles any official marker erected by a governmental agency or that displays such words as "stop" or "danger".
7. No sign shall be permitted to obstruct any door, fire escape, stairway, or opening intended to provide light, air, ingress, or egress for any building or structure.
8. Political signs may be permitted for a period of not more than 45 days before and 10 days after an election.
9. The owner, lessee, or manager of a sign close to the ground, and the owner of land on which the same is located, shall keep grass or weeds and other growth cut, and debris and rubbish cleaned up and removed from the lot on which sign is located.
10. Advertising signs, business signs, and name plate signs which may be or may hereafter become rotted, unsafe, or unsightly shall be repaired or removed by the owner, lessee, or manager of the property upon which the sign stands, upon notice of the City Manager.
11. Where a sign is illuminated, the source of light shall not shine upon any part of a residence or into any of the classes of residence districts.
12. Billboards shall not be permitted in any zoning district.

F. Licenses and permit fees.

1. At the effective date of this chapter, the owner or other person having control of any sign, except those otherwise provided for the subparagraphs F(2) and F(3) below, shall be required to obtain from the City a permit for the erection and maintenance of such sign. Application for such permit shall be accompanied by detailed plans and such other information as may be necessary to determine the sign location and compliance with all applicable regulations. All such applications shall be accompanied by payment of a permit fee determined by the City Council.
2. No sign permit shall be required for any residential, professional, or institutional plate sign not exceeding two square feet in surface area.
3. No sign permit shall be required for the erection of standard real estate "for sale" signs approved by the Planning Commission and not exceeding three square feet in area.



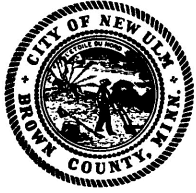
City of New Ulm

General Regulations—Section 9.14 Zoning Fact Sheet

Off-street parking and loading regulations Section 9.14.2

Subd. 2. Off-street parking and loading regulations.

- A. **Minimum size regulations.** Each space shall contain a minimum area of not less than 300 square feet including access drives, a width of not less than eight and one-half feet, and a depth of not less than 20 feet. Each space shall be adequately served by access drives. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles they are designed to serve.
- B. **Reduction and use of parking and loading space.** Except in the B-3 General Business District, off-street parking facilities existing at the effective date of this chapter shall not subsequently be reduced to an amount less than that required under this chapter for a similar new building or use. Off-street parking facilities provided to comply with the provisions of this chapter shall not subsequently be reduced below the requirements of this chapter. Such required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.
- C. **Computing requirements.** In computing the number of such parking spaces required, the following rules shall govern:
1. Floor space shall mean the gross floor area of the specific use.
 2. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
 3. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the City Planning Commission.
- D. **Yards.** Off-street parking and loading facilities shall be subject to the front yard, side yard, and rear yard regulations for the use district in which the parking is located, except that:
1. In B-1, B-2, and B-3 Business Districts, parking or loading space shall be located not less than 15 feet from any property line that abuts or is across a street from any of the classes of residence districts.
 2. In an I-1 Planned Industrial District, no parking or loading space shall be located in any front yard or in any side yard or rear yard that abuts any of the classes of residence districts, and in no instance shall parking or loading space be located within 15 feet of a side or rear property line, except for railroad loading areas.
 3. In an I-2 General Industrial District, parking or loading space shall be located not less than five feet from any property line that abuts any of the classes of residence districts, except for railroad loading areas.



City of New Ulm

General Regulations—Section 9.14 Zoning Fact Sheet

Off-street parking and loading regulations Continued Section 9.14.2

E. Buffer fences and planting screens. Off-street parking and loading areas near or adjoining residence districts shall be screened by a buffer fence of adequate design or a planting buffer screen. Plans of such screen or fence shall be submitted for approval as a part of the required site or plot plan, and such fence or landscaping shall be installed as a part of the initial construction.

F. Access.

1. Parking and loading spaces shall have proper access from a public right of way.
2. The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazard.
3. In B-1, B-2, and B-3 Business Districts, direct access shall be provided by a street or by a related service road.
4. Vehicular access for business or industrial uses across property in R-A, R-1, R-2, and R-3 Residence Districts shall be prohibited.

G. Location of parking facilities. Required off-street parking space shall be provided on the same property ownership as the principal building or use, except as provided by this subdivision.

H. Combined facilities. Combined or joint parking facilities may be provided for one or more buildings or uses in R-3 Residence Districts, in B-1, B-2, and B-3 Business Districts, and in I-1 and I-2 Industrial Districts, provided that the total number of spaces shall equal the sum of the requirements for each building or use.

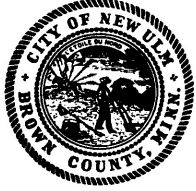
I. Exemption from parking regulations.

1. In any business or industrial district, establishments that pay or have paid an assessment for the provisions of off-street City parking lots shall be exempt from the provisions of the subdivisions that refer to off-street parking.
2. The B-3 General Business District shall be exempt from the provisions of the subdivisions that refer to off-street parking.

J. Construction and maintenance.

1. In R-3 Residence Districts, in B-1, B-2, and B-3 Business Districts, and in I-1 and I-30 2 Industrial Districts, parking areas and access drives shall be covered with a dust-free, all-weather surface, with proper surface drainage as required by the City Engineering Department.
2. The operator of the principal building or use shall maintain parking and loading areas, access drives, and yard areas in neat and adequate manner.

K. Lighting. Lighting shall be reflected away from the public right of way and nearby or adjacent residence districts.



City of New Ulm

General Regulations—Section 9.14 **Zoning Fact Sheet**

**Off-street parking
and loading
regulations
Continued
Section 9.14.2**

L. Required site plan. Any application for a building permit or for a certificate of occupancy shall include a site plan or plot plan, drawn to scale and dimensioned, showing off-street parking and loading space to be provided in compliance with this chapter.

M. Application of parking and loading regulations. Off-street parking and loading regulations shall apply to all buildings and uses of land established after the effective date of this chapter.

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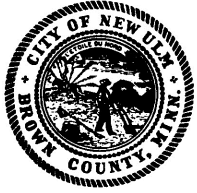
City of New Ulm

General Regulations—Section 9.14 Zoning Fact Sheet

Off-street parking and loading regulations. Section 9.14.2

N. Required number of off-street parking spaces. Off-street parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors, and employees shall be provided on the premises of each use. The minimum number of required off-street parking spaces for the following uses shall be as follows:

1. Single family dwelling: One parking space. No garage shall be converted into living space unless other acceptable off-street parking space is provided.
2. Two family dwelling: One parking space for each family or dwelling unit.
3. Multiple family dwelling or community unit project: One and one-half parking spaces per dwelling unit or apartment unit.
4. Boarding and lodging house: One parking space for each two persons for whom sleeping accommodations are provided.
5. Convalescent or nursing home: One parking space for each four beds for which accommodations are offered.
6. Public park and recreation area: Five parking spaces for each acre of park, playground or play field over two acres. Where a public recreation area has one or more non-recreational uses, off-street parking shall be provided for each use.
7. Hospitals: One parking space for each two hospital beds, plus one parking space for each employee on the major shift.
8. Churches: One parking space for each six seats, based on the design capacity of the main seating area.
9. Public senior high school or private high school: One parking space for each classroom, plus one parking space for each 10 students, based upon design capacity.
10. Public elementary, junior high school, or similar private school: Two parking spaces for each classroom.
11. Municipal administration buildings, community center, public library, museum, art galleries, post offices, and other municipal service buildings: Ten parking spaces, plus one parking space for each 500 square feet of floor area in the principal structure.
12. Golf course, golf clubhouse, country club, swimming club, tennis club, public swimming pool: Twenty spaces plus one space for each 500 square feet of floor area in the principal building.
13. Professional offices, medical and dental clinics, and animal hospital: Four parking spaces, plus one parking space for each 500 square feet of floor area over 1,000 square feet of floor area.

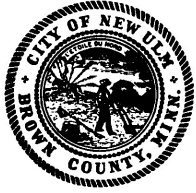


City of New Ulm

General Regulations—Section 9.14 Zoning Fact Sheet

Off-street parking and loading regulations. Section 9.14.2

14. Office buildings: Ten parking spaces, plus one parking space for each 500 square feet of floor area over 1,000 square feet of floor area.
15. Shopping center: Where several business uses are grouped together according to a general development plan, off-street automobile parking shall be provided in a ratio of not less than three square feet of gross parking area for each one square foot of gross floor area. Separate off-street parking space shall be provided for loading and unloading.
16. Automobile service station: Four parking spaces, plus two parking spaces for each service stall. Such parking spaces shall be in addition to parking space required for gas pump areas.
17. Auto sales, trailer sales, marine and boat sales, implement sales, garden supply stores, building materials sale (principal building), auto repair: Six parking spaces, plus one parking space for each 500 square feet of floor area over 1,000 square feet.
18. Bowling center: Five parking spaces for each bowling lane.
19. Drive-in restaurant: Twenty parking spaces, or one space for each 20 square feet of floor area whichever is greater.
20. Motel or motor hotel: One parking space for each rental room or suite.
21. Miniature golf course, archery range, or golf driving range: Ten parking spaces.
22. Assembly or exhibition hall, auditorium, theater, or sports area: One parking space for each four seats, based upon design capacity.
23. Restaurant, cafe, nightclub, tavern, or bar: One parking space for each 100 square feet of floor area.
24. Skating rink or dance hall: One parking space for each 200 square feet of floor area.
25. Retail stores and service establishments: Five off-street parking spaces for each 1,000 square feet of floor area.
26. Research, experimental or testing stations: One off-street parking space for each employee on the major shift, or one off-street parking space for each 500 square feet of gross floor area within the building, whichever is the greater.
27. Wholesale business establishments: One off-street parking space for each employee on the major shift, or one space for each 2,000 square feet of gross floor area, whichever is greater, plus one off-street parking space for each company motor vehicle when customarily kept on the premises.



City of New Ulm

General Regulations—Section 9.14

Zoning Fact Sheet

Off Street Parking Regulations Cont. Section 9.14.2

28. Storage or warehouse establishments: One off-street parking space for each two employees on the major shift, or one space for each 2,000 square feet of floor area, whichever is larger, plus one space for each company motor vehicle when customarily kept on the premises.

29. Manufacturing or processing plant: One off-street parking space for each employee on the major shift, or one off-street parking space for each 350 square feet of gross floor area within the building, whichever is the greater, plus one space for each company motor vehicle when customarily kept on the premises.

Additional Requirements Section 9.14.3

O. Required loading areas. Loading and unloading areas for goods, supplies, and services shall be sufficient to meet the requirements of each use.

Subd. 3. Additional requirements, exceptions, and modifications.

A. Height regulations.

1. Where the average slope of a lot is greater than one foot rise or fall in 7 feet of horizontal distance from the established street elevation at the property line, one story in addition to the number permitted in the district in which the lot is situated shall be permitted on the down-hill side of any building.
2. For the following structures, height limitations set forth elsewhere in this chapter may be increased by 100% where they will not conflict with airport requirements:
 - a. Monuments.
 - b. Flag poles.
 - c. Cooling towers.
 - d. Elevator penthouses.
3. For the following structures, height limitations set forth elsewhere in this chapter may be increased with no limitation except airport requirements:
 - a. Church spires, belfries, or domes which do not contain usable space.
 - b. Water towers.
 - c. Chimneys or smokestacks.
4. Height limitations set forth in the R-3 and B-1 Districts may be increased to six stories or 75 feet in height where the lot is not adjacent or closer than 300 feet to any lot in any R-A, R-1, or R-2 District, and provided a conditional use permit is issued for such height increase, as required by this chapter.



City of New Ulm

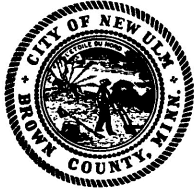
General Regulations—Section 9.14 Zoning Fact Sheet

Sign Regulation Section 9.14.3

B. Yard regulations. Measurements shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:

1. Cornices, canopies, or eaves may extend into the required front yard a distance not exceeding 4 feet, 6 inches.
2. Fire escapes may extend into the required front or rear yard a distance not exceeding 4 feet, 6 inches.
3. A landing place or uncovered porch may extend into the required front or rear yard to a distance not exceeding 6 feet or into the required side yard to a distance not exceeding three feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than 3 feet, 6 inches may be placed around such place.
4. On double frontage lots, the required front yard shall be provided on both streets.
5. The required front yard of a corner lot shall not contain any wall, fence, or other structure, tree, shrub, or other growth that may cause danger to traffic on a street or public road by obscuring the view.
6. For each corner lot there shall be a triangular area formed by the side lines of the two intersection streets and a third line crossing the first two at points 40 feet from their intersection, in which areas shrubs, hedges, and bushes shall not be permitted higher than three feet above curb level, and trees shall be pruned from the ground to a height of 8 feet above curb level.
7. In determining the depth of rear yard for any building where the rear yard opens onto an alley, one-half the width of the alley, but not exceeding 10 feet, may be considered as a portion of the rear yard, subject to the following qualifications:
 - A. If the door of any building or improvement, except a fence, opens toward an alley, it shall not be erected or established closer to the center line of an alley than a distance of 15 feet.

C. Yard landscaping. In all classes of Business Districts and in I-1 and I-2 Industrial Districts, all required yards shall either be open landscaped and green areas or be left in a natural state, except as provided by subdivision 2, subparagraph D of this section. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition. Non-residential yards adjoining any of the classes of residence districts shall be landscaped with planting buffer screens. Plans for such screens shall be submitted as a part of the plans for the initial construction.



City of New Ulm

General Regulations—Section 9.14 Zoning Fact Sheet

Sign Regulation Section 9.14.3

D. Storage of materials. In all classes of Business Districts and all classes of Industrial Districts, open storage of materials in any required front, side, or rear yard shall be prohibited. Any other outside storage shall be located or screened so as not to be visible from any of the classes of residence districts.

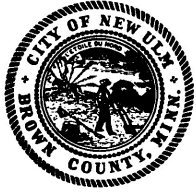
E. Area regulations. No lot shall be so reduced that the area of the lot or dimensions of the open spaces shall be smaller than herein prescribed.

F. Accessory uses. The following accessory uses, in addition to those herein-before specified, shall be permitted in any residential district if the accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in the 11 district.

1. The renting of rooms or the providing of table board in a dwelling as an incidental use to that of its occupancy as a dwelling of the character permitted in the respective district, but not to the extent of constituting a hotel as defined in this chapter, unless permitted in the district.
2. The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals, and other institutions permitted in the district.
3. News and refreshments stands and restaurants in connection with railroad stations, airports, bus stations, or passenger stations of other common carriers.
4. Recreation, refreshment, and service buildings in public parks and playgrounds.
5. Fallout shelters.

G. Accessory buildings.

1. In case an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this chapter applicable to the main building. An accessory building, unless attached to and made a part of the main building, shall not be closer than five feet to the main building, except as otherwise provided in this chapter.
2. A detached accessory building shall not be located in any required front or side yard.
3. A detached accessory building not over one story and not exceeding 16 feet in height shall occupy not more than 30% of the area of any rear yard, and shall comply with the definition of “private garage” in Section 9.03, providing further that no detached accessory building shall be located within 10 feet of any rear lot line.



City of New Ulm

General Regulations—Section 9.14 Zoning Fact Sheet

Add. Regulations Continued Section 9.14.3

H. Awnings, canopies, marquees. In the B-1 Limited Business District, B-2 Service Business District, and B-3 General Business District, canopies or marquees may extend over the public right of way for a distance not to exceed 36 inches. Such structures shall not be less than eight feet from the sidewalk or ground grade line. A fully retractable awning supported entirely from the exterior wall of a building may extend over public property not more than seven feet from the face of a supporting building nor within two feet of the curb line, measured horizontally. Structural portions of such awning shall be at least seven feet above the public sidewalk.

Add. Residential Design Standards. Section 9.14.4

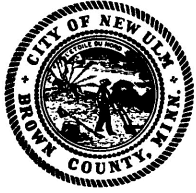
Subd. 4. Additional residential design standards. All houses located in any residential district shall conform to the following minimum requirements in addition to the specific requirements applicable to the individual residential districts:

- A. All houses shall be placed on a permanent foundation which complies with the Minnesota State Building Code, and which are solid for the complete circumference of the house.
- B. All houses shall have a minimum width and depth of 20 feet, exclusive of porches, entryways, or attached storage sheds.
- C. All houses shall have a pitched roof of 3 inches of rise per 12 inches of run, which is covered by shingles or tile and shall have eaves of not less than 6 inches.
- D. In addition to standards applicable to all houses in residential districts, manufactured homes, as defined by Minn. Statutes section 327.31, subdivision 6, shall be built in compliance with the Minnesota Manufactured Homes Building Code, Minn. Statutes sections 327.31-327.35. Violation of the provisions of this section shall be a misdemeanor.

Fence Regulations Section 9.14.6

Subd. 6. Fence regulations.

- A. Purpose. The purpose of this subdivision is to regulate the materials, location, height, and maintenance of fences to ensure a compatible relationship between abutting properties and the community at large, and to safeguard public health, safety, and welfare.
- B. Applicability.
 1. In general. Unless exempted in accordance with subparagraph 2 below, the provisions of this subdivision shall apply to the construction, reconstruction, or replacement of all fences located within the City.



City of New Ulm

General Regulations—Section 9.14 Zoning Fact Sheet

Fence Regulations Continued Section 9.14.6

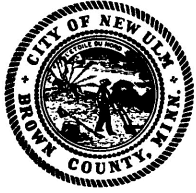
- a. Fences constructed before January 1, 1997. A nonconforming fence that existed as of January 1, 1997, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, and shall be subject to the conditions and provisions of Minnesota Statutes 462.357, subdivision 1e.
- a. Fences that are located entirely outside of a setback area.
- b. Fences that are less than 30 inches in height and less than 20 feet in length.
- c. Fences that are a part of a permitted tennis court, athletic field or other recreational facility and do not exceed 96 inches in height.
- d. Temporary fencing:
 - i. Established around construction sites, demolitions or other site conditions unsafe for pedestrians or vehicles, provided it is consistent with the building code.
 - ii. To protect existing trees, limit sedimentation or control erosion.
- f. Within the R-A (Agricultural Residence District) zoning district only, fences that are 90 percent open (barb wire, chain link, woven wire and other similar type fences) and are used to contain non-domestic animals.

C. Permit required.

1. A Fence Permit issued by the City is required prior to erection, Construction, or replacement of any fence, other than a fence exempted in paragraph B(2) above.
2. An application for a Fence Permit:
 - a. Shall be accompanied by a site plan providing lot dimensions, the location of existing buildings, structures, and easements on the lot, and the location of the proposed fence.
 - b. Shall be prepared and submitted to the City on such forms as the City may prescribe, and shall be accompanied by the fee for such permit as established by ordinance or resolution of the City Council.

D. General fence requirements.

1. Materials. All fences shall be constructed, maintained, and repaired in a professional manner and of substantial materials reasonably suitable for the purpose for which the fence is intended. The materials and design shall be compatible with other structures in the area in which the fence is located. Property owners shall maintain fences regularly and shall not allow a fence to become or remain in a condition of disrepair, or to constitute a nuisance.



City of New Ulm

General Regulations—Section 9.14 Zoning Fact Sheet

Fence Regulations Continued Section 9.14.6

2. Location.

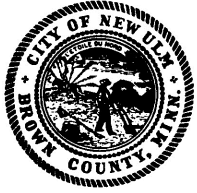
- a. The owner of property upon which any fence is proposed to be erected shall be solely responsible for:
 - i. Determining the location of property lines and property corner locations.
 - ii. Conformance of the proposed fence with the terms of this subdivision.

- b. Prior to the issuance of a Fence Permit, the City may require that the applicant secure a survey by a registered land surveyor of the property upon which the fence is to be erected, such survey to be paid for by the applicant. Such a survey shall be required if the fence is proposed to be located within 12 inches of an adjoining property or right-of-way. Provided, however, that no such survey shall be required if the owners of the property upon which such fence is to be located and the owners of the adjoining property or right-of-way have entered into a written agreement approving the proposed location of the fence, and such agreement has been recorded in the office of the Brown County Recorder.

3. No fence shall be installed so as to block or divert a natural drainage flow onto or off of any other land.
4. Fences within areas in which the City holds an easement are subject to removal without compensation to the property owner if the City determines that access to the area is needed for any purpose for which the easement was granted or reserved.
5. Chain link fences must have a top rail, and barbed ends must be placed at the bottom of the fence.
6. The finished side of all fences shall face the adjoining property or right-of-way.
7. Electric, barbed wire, special purpose fences, and fences taller than the height limitations established in this subdivision shall be permitted only with a Conditional Use Permit.
8. In all cases, heights are measured from the finished grade of the proposed location of the fence at each post point.

E. Requirements for fences by zoning district type.

1. All zoning districts.
 - a. A fence not exceeding 48 inches in height may be located within a front yard setback area subject to the following:



City of New Ulm

General Regulations—Section 9.14 Zoning Fact Sheet

Fence Regulations Continued Section 9.14.6

- i. A fence located within a front yard area of a corner lot shall not exceed 24 inches in height within a triangle formed by the two side lines of the two intersecting streets at the face of the curb and a third line crossing the first two at points 40 feet from their intersection. This requirement shall not apply to a split rail fence.
- ii. A fence with less than 50 percent transparency that is located within a front yard setback area shall not be located within 25 feet, when measured at right angles, of a parallel, or substantially parallel, public right-of-way or private driveway.
- iii. A fence with transparency of 50 percent or more may be located in a front yard setback area subject to other requirements in this subdivision.
- iv. A diagonal fence within a front yard setback area which does not obstruct the sight lines provided for in this subdivision shall be permitted.
- v. Subject to the other restrictions of this subdivision, a fence may be located within a public right-of-way adjoining a front yard area, so long as such fence is not closer than 12 inches to the edge of any sidewalk within such right-of-way closest to the property. This provision shall apply only to properties adjoining a right-of-way upon which is located a sidewalk on the side of the right-of-way closest to the property.

Notwithstanding the foregoing, a fence not exceeding 96 inches in height may be located in a front, side, or rear yard of major utilities, wireless communications towers, government facilities, and other public safety uses.

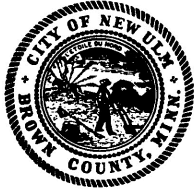
b. No fence in a rear yard area shall be located closer than 5 feet to an alley right-of-way.

2. Residential districts.

- a. A fence located within a side or rear yard setback area may not exceed 78 inches in height.
- b. A fence within a side or rear yard setback area may not exceed 48 inches in height if:
 - i. It is located closer than 3 feet to an existing permanent dwelling structure on an adjoining lot; and
 - ii. The fence will be constructed parallel to, or substantially parallel to, the property line. This provision shall not apply to a fence to be constructed perpendicular to, or substantially perpendicular to, the property line.

c. Notwithstanding the above provisions, a fence not exceeding 96 inches in height may be located along a property line directly abutting a commercial or industrial use or zoning district, but not in a front yard setback area.

d. Temporary plastic fencing (i.e., snow fencing) is prohibited on residentially zoned lots between April 1 and October 31 of each year.



City of New Ulm

General Regulations—Section 9.14 Zoning Fact Sheet

Fence Regulations Continued Section 9.14.6

3. Business districts.
 - a. A fence located within a side or rear yard setback area may not exceed 78 inches in height.
4. Industrial districts.
 - a. A fence not exceeding 96 inches in height may be located in the rear yard area and in the side yard setback area, so long as such fence does not extend further - 183 - toward the front yard area than the majority of the building front located on such property.

F. Public health and safety. Notwithstanding any other provision in this subdivision, upon a determination by the Safety Commission that a fence constitutes a potential threat to public health or safety, and after notice to and opportunity for the owner of property upon which such fence is located to be heard, the City Council may order the removal of such fence at the expense of the property owner. Such a determination and order may be made without regard to whether the fence was in existence prior to January 1, 1997.

Commercial Kennel Regulations Section 9.14.7

Subd 7. Commercial kennel regulations.

- A. All buildings occupied by a commercial kennel shall be located at least one thousand (1,000) feet from the boundary of any residential zoning district except the R-A (Agricultural Residence) zoning district.
- B. The commercial kennel shall be sufficiently insulated so that no unreasonable noise or odor can be detected off the premises.
- C. Accessory use to a commercial kennel may include retail sales of products for or related to household pets, as long as the accessory use does not occupy more than 25 percent of the total gross floor area of the principal building.