

ORDINANCE No. 484

**AN ORDINANCE AMENDING CHAPTER 150 (ZONING) OF THE MORA CITY CODE
ADDING AND AMENDING LANGUAGE REGARDING RESIDENTIAL
AND NON-RESIDENTIAL DAY CARE FACILITIES.**

THE CITY OF MORA, KANABEC COUNTY, MINNESOTA ORDAINS:

Section 1. That Section 150.002 (Definitions) of Chapter 150 of the Mora City Code is hereby amended to change the following definitions to read as follows:

Day Care Facility – Residential. A dwelling in which a permanent occupant of the dwelling provides care, protection and supervision to one or more persons for periods of less than twenty-four (24) hours per day for gain or otherwise. The size of the outdoor play area and the number and qualifications of required care givers are set forth in Minnesota Statutes which may be amended from time to time. This use may be licensed by other agencies.

Day Care Facility – Non-Residential. A non-residential facility, public or private, which for gain or otherwise provides one or more persons with care, training, supervision, habitation, rehabilitation, or developmental guidance, for periods of less than twenty-four (24) hours per day. Non-residential day care facilities include, but are not limited to: day care centers, day nurseries, nursery schools, daytime activity centers, and structures previously used for residential purposes but now used for day care purposes without occupancy.

Section 2. That Section 150.061 (R-1 Permitted Uses) of Chapter 150 of the Mora City Code is hereby amended to read as follows:

Within the R-1 Single Family Residential District, no structure or land shall be used except for one (1) or more of the following uses:

- (A) Single-family dwellings. One (1) family detached dwellings.
- (B) Parks and playgrounds. Public parks and playgrounds, community centers and other recreational facilities operated by governmental agencies.
- (C) Horticultural uses. Truck gardening, produce stands and other horticultural activities provided that only those products grown on the premises be sold or offered for sale.
- (D) Day care facilities - Residential. Facility serving up to fourteen (14) persons.
- (E) Day care facilities – Non-Residential. Facility serving up to fourteen (14) persons.
- (F) Uses not listed. Other residential and commercial uses determined by the Planning Commission and City Council to be of the same general character as identified permitted and conditional uses and found not to be detrimental to the general public's health, safety, and welfare. The use will be placed in the category based upon its compatibility to those uses listed.

Section 3. That Section 150.064 (R-1 Accessory Uses) of Chapter 150 of the Mora City Code is hereby amended to read as follows:

Within any R-1 Single Family Residential District, the following uses shall be permitted accessory uses, provided, that only one (1) accessory building one thousand (1,000) square feet per principal structure be allowed on lots up to twenty thousand (20,000) square feet. If the lot is over twenty thousand (20,000) square feet, you can add five percent (5%) of the lot area over twenty thousand (20,000) square feet to the garage, up to a maximum of one thousand six hundred (1,600) square feet. (See also § 150.011) One utility/storage building up to a maximum of one hundred forty-four (144) square feet is allowed.

- (A) Garages. Private garage, carport or parking space for passenger cars and for not more than one (1) one and one-half (1½) ton truck.
- (B) Boarders. The keeping of not more than two (2) boarders by resident family.
- (C) Pools and similar recreational facilities. Private swimming pools, tennis courts and other recreational facilities necessary to conduct a home sporting event.
- (D) Home occupations as defined by this Zoning Code.
- (E) Signs as permitted by this Zoning Code.
- (F) Utility and storage buildings. Lawn, garden and other buildings used for private storage purposes provided that not more than one (1) building is located per dwelling unit and the maximum floor area of the building does not exceed one hundred forty-four (144) square feet.
- (G) Decorative landscape features. Decorative landscape features including but not limited to arbors, hedges, walls, shrubs, trees, and similar features.
- (H) Essential services. Local service, electrical power lines, gas utilities, telephone lines and similar essential services.
- (I) Day care facility – Non-Residential. Facility accessory to legal conforming church, school, or health care facility.

Section 4. That Section 150.077 (R-2 Conditional Uses) of Chapter 150 of the Mora City Code is hereby amended to read as follows:

Within any R-2 Manufactured Home Park District, no structure or land shall be used for the following uses, except by conditional use permit:

- (A) Permanent residential structures. Includes residence connected with management offices.
- (B) Essential service structures. Essential service structures including, but not limited to, buildings such as telephone substation, pumping station and elevated water storage tanks.
- (C) Manufactured home sales. Sales office and display area.
- (D) Parking. Off-street parking when the proposed site of the off-street parking abuts on a lot which is in the B or I districts and in the same ownership as the B or I district.
- (E) Service buildings. Laundry facilities, management offices, repair shops, and storage areas.
- (F) Recreation facilities. For exclusive use of mobile home park residents, indoor and outdoor swimming pools, community center, etc.
- (G) Land reclamation. See § 150.015.
- (H) Mining. See § 150.016.

- (I) Day care facilities – Residential. Facility serving up to fourteen (14) persons.
- (J) Day care facilities – Non-Residential. Facility serving up to fourteen (14) persons.

Section 5. That Section 150.091 (R-3 Permitted Uses) of Chapter 150 of the Mora City Code is hereby amended to read as follows:

Within the R-3 Multiple Dwelling District, no structure or land shall be used except for one (1) or more of the following uses:

- (A) Single and two-family dwellings. Single-family detached dwelling and two-family dwelling structures.
- (B) Multiple dwelling structures. Structures containing not more than eight (8) dwelling units.
- (C) Two-family dwellings with a zero (0) lot line. When dwelling units of a two-family structure are to be under separate ownership, a zero (0) lot line may be permitted between the units. State Building Code and Fire Code requirements shall be complied with. Also, minimum lot frontage and lot area requirements shall be met.
- (D) Day care facilities - Residential. Facility serving up to fourteen (14) persons.
- (E) Day care facilities – Non-Residential. Facility serving up to fourteen (14) persons.

Section 6. That Section 150.092 (R-3 Conditional Uses) of Chapter 150 of the Mora City Code is hereby amended to read as follows:

Within any R-3 Multiple Dwelling District, no structure or land shall be used for the following uses except by conditional use permit.

- (A) Multiple dwelling structures. Structures containing nine (9) or more dwelling units.
- (B) Clubs. Private clubs and lodges which are not operated for a profit.
- (C) Churches and other places of worship. Church buildings and areas, schools of religion and similar institutions.
- (D) Day care facilities - Non-Residential. Facility serving fifteen (15) or more persons.
- (E) Day care facilities - Residential. Facility serving fifteen (15) or more persons.
- (F) Nursing homes, rest homes, or homes for the aged. Provided the site shall contain at least one thousand (1,000) square feet for each person to be served.
- (G) Professional offices. Offices of persons in the professions: clinics for human health care, funeral homes, mortuaries and office of civic, religious or charitable institutions.
- (H) Studios. Art studios, interior decoration studios, photo studios, music studios, and similar activities.
- (I) Public buildings and essential service structures. Municipal and other public buildings used for office purposes, museums, libraries, and structures containing or providing essential public services.
- (J) Outdoor furnaces and boilers, provided the following conditions are met:

(1) The applicant shall submit a site plan, drawn to scale, showing the location of the proposed outdoor furnace or boiler in relation to existing structures and property lines as well as proposed screening or enclosure.

(2) Outdoor furnaces and boilers shall only be allowed on lots five (5) acres in size or greater. If the lot is divided in the future, so as to be less than five (5) acres, the outdoor furnace shall be removed.

(3) Outdoor furnaces and boilers shall be set back a minimum of fifty (50) feet from all property lines when abutting a residential district. When the property does not abut a residential district, the furnace shall comply with minimum setback requirements of the zoning district it is within.

(4) No burning materials shall be stored within five (5) feet of the principle structure and materials shall be stored in an orderly fashion.

(5) The outdoor furnace or boiler must be enclosed in a structure or screened with fencing and/or other materials as approved by the City Council.

(6) When the outdoor furnace or boiler is enclosed in a structure, the structure shall generally match the exterior of the principle structure.

(7) When the outdoor furnace or boiler is enclosed in a structure, the structure shall not count against the allowable square footage for future accessory structures, as long as it strictly serves as an enclosure for the furnace or boiler and the structure does not exceed one hundred (100) square feet in size.

(8) If the outdoor furnace or boiler is to be replaced, it shall meet the city and/or state requirements in place at that time.

(9) The outdoor furnace or boiler shall be UL Listed, or certified per the State Building Code, and the applicant shall follow all manufacturer specifications.

(10) If the outdoor furnace or boiler is taken out of service for a period of one (1) year or more, the permit shall become null and void and the unit and enclosure shall be removed from the property.

(L) Bed and breakfast inn, provided the following are adhered to:

(1) Off-street parking shall be provided in accordance with the parking requirements of § 150.500 et seq. A minimum of one (1) off-street parking space per guest room shall be provided in addition to the parking requirements for the zoning district in which the facility is located. Off-street parking is to be screened from the surrounding residences.

(2) Signs shall be in accordance with the sign requirements in § 150.213 and meet the requirements for the zoning district that the business is located within. (Identifying signs to be not more than four (4) square feet in total, located on the building and consistent with the character of the building).

(3) The maximum of five (5) units may be established in a structure.

(4) A bed and breakfast establishment shall show proof of inspection or proof of proper operating licenses by the state and/or country.

(5) All guest rooms shall be contained within the principal structure.

(6) Dining and other facilities shall not be open to the public, but shall be used exclusively

by the residents and registered guests.

(7) The maximum stay for guests shall be fourteen (14) days within a thirty (30) day period.

(8) The inn shall comply with all applicable laws, rules, and regulations governing its existence and operation, including, but not limited to, the State Building Code, the State Fire Code, and the State Health Code.

(9) A conditional use permit shall be terminated upon occurrence for the following:

(a) Non-compliance with the provisions of these provisions.

(b) Transfer of ownership of said property from the owner/operator.

(c) The creation of a condition which adversely affects the health, safety, or general welfare of the city or its residents.

(10) The owner or operator shall reside on the property or submit a management plan for approval as part of the conditional use permit.

(L) Multiple garages and/or accessory buildings in excess of those that are allowed by the code.

(M) Schools.

(N) Self-service storage facility. The storage facility cannot result in an adverse impact on adjacent properties by reason of parking demand, traffic generation, lighting, outdoor activities, fire hazard, safety hazard, visual blight, incompatibility to the surrounding neighborhood, or any other adverse impact as determined by the City Council.

(1) No on-site sales shall be conducted, other than the rental of storage spaces.

(2) All storage shall be fully enclosed within the storage structure.

(3) No containers of flammable or hazardous materials other than normal household quantities shall be stored on-site. Quantities shall be stored per local code requirements. Exception: Quantities over the normal household amounts can be stored if stored per local code and reported and registered with the local fire department.

(O) Land reclamation. See § 150.015.

(P) Mining. See § 150.016.

(Q) Residential facilities serving more than six (6) unrelated persons.

Section 7. That Section 150.094 (R-3 Accessory Uses) of Chapter 150 of the Mora City Code is hereby amended to read as follows:

Within any R-3 Multiple Dwelling District, the following uses shall be permitted accessory uses:

(A) Garages and parking. Private garages, and off-street parking space for passenger cars and trucks up to one and one-half (1-1/2) ton capacity. More than one (1) garage structure requires a conditional use permit. (See § 150.092(N))

(B) Pools and similar recreational facilities. Swimming pools provided such pools are fenced so as to control access, tennis courts, and other similar recreational facilities which are part of a

residential development and are located not less than fifteen (15) feet from any other lot in an R district.

(C) Utility and storage buildings for one- and two-family dwellings. Lawn, garden and other buildings used for private storage purposes provided that not more than one (1) building is located per dwelling unit and the maximum floor area of the building does not exceed one hundred forty-four (144) square feet.

(D) Utility and storage buildings for multiple dwellings. One (1) building as described in division (C) of this section will be permitted for each apartment building that is under separate ownership. More than two (2) utility/storage buildings requires a conditional use permit. (See § 150.092(N))

(E) Day care facility – Non-Residential. Facility accessory to legal conforming church, school or health care facility.

Section 8. That Section 150.116 (R-4 Permitted Uses) of Chapter 150 of the Mora City Code is hereby amended to read as follows:

Within the R-4 Low Density Residential District, no structure or land shall be used except for one (1) of the following uses:

- (A) Single-family detached dwelling.
- (B) Residential facilities serving six (6) or fewer unrelated persons.
- (C) Parks and playgrounds. Public parks and playgrounds, community centers and other recreational facilities operated by governmental agencies.
- (D) Public buildings.
- (E) Horticultural uses. Truck gardening, produce stands and other horticultural activities provided that only those products grown on the premises be sold or offered for sale.
- (F) Day care facilities - Residential. Facility serving up to fourteen (14) persons.
- (G) Day care facilities – Non-Residential. Facility serving up to fourteen (14) persons.
- (H) Uses not listed. Other residential and commercial uses as determined by the Planning Commission and City Council to be of the same general character as other identified permitted uses and found not to be detrimental to the general public's health, safety and welfare.

Section 9. That Section 150.117 (R-4 Conditional Uses) of Chapter 150 of the Mora City Code is hereby amended to read as follows:

Within the R-4 Low Density Residential District, no structure or land shall be used for the following uses except by conditional use permit:

- (A) Churches and other places of worship.
- (B) Duplex structures.
- (C) Residential facilities serving seven (7) to sixteen (16) unrelated persons.
- (D) Private recreation facilities. Country clubs, golf courses, swimming pools and other private non-commercial recreation areas and facilities provided that any principal structure or

swimming pool is located not less than fifty (50) feet from any other property line in a residential district.

(E) Cemeteries. Cemeteries adjacent to or in extension of an existing cemetery.

(F) Museums.

(G) Health care facilities. Including hospitals, nursing homes and other similar health care facilities.

(H) Essential service structure. Including structures such as telephone exchanges, substations, wells, pumping stations and elevated water storage tanks.

(I) Commercial or residential stables. Stables and riding academies provided the property upon which the use is located is a minimum of five (5) acres. One horse is allowed upon the first five (5) acres and an additional two (2) acres are required for each additional horse.

(J) Kennels. Any lot or premises or portion thereof on which four (4) or more dogs and/or cats over six (6) months old are owned, boarded, bred or offered for sale. No more than five (5) dogs and/or cats shall be allowed by conditional use permit. (See also Chapter 90.)

(K) Agricultural uses. Agricultural activities including the keeping of farm animals or fowl provided no building having farm animals or fowl be nearer than one hundred (100) feet of a property line. Chickens numbering three (3) or fewer are excluded from agricultural uses and subject to the provisions of §§ 150.400-150.403.

(L) Schools. Public or private schools which have a curriculum equivalent to a public elementary or secondary school, provided no building is less than fifty (50) feet from any abutting residential lot.

(M) Day care facilities - Residential. Facility serving fifteen (15) or more persons.

(N) Day care facilities – Non-Residential. Facility serving fifteen (15) or more persons.

(O) Outdoor furnaces and boilers, subject to the following conditions:

(1) The applicant shall submit a site plan, drawn to scale, showing the location of the proposed outdoor furnace or boiler in relation to existing structures and property lines as well as proposed screening or enclosure.

(2) Outdoor furnaces and boilers shall only be allowed on lots five (5) acres in size or greater. If the lot is divided in the future, so as to be less than five (5) acres, the outdoor furnace shall be removed.

(3) Outdoor furnaces and boilers shall be set back a minimum of fifty (50) feet from all property lines when abutting a residential district. When the property does not abut a residential district, the furnace shall comply with minimum setback requirements of the zoning district it is within.

(4) No burning materials shall be stored within five (5) feet of the principle structure and materials shall be stored in an orderly fashion.

(5) The outdoor furnace or boiler must be enclosed in a structure or screened with fencing and/or other materials as approved by the City Council.

(6) When the outdoor furnace or boiler is enclosed in a structure, the structure shall generally match the exterior of the principle structure.

(7) When the outdoor furnace or boiler is enclosed in a structure, the structure shall not count against the allowable square footage for future accessory structures, as long as it strictly serves as an enclosure for the furnace or boiler and the structure does not exceed one hundred (100) square feet in size.

(8) If the outdoor furnace or boiler is to be replaced, it shall meet the city and/or state requirements in place at that time.

(9) The outdoor furnace or boiler shall be UL Listed, or certified per the State Building Code, and the applicant shall follow all manufacturer specifications.

(10) If the outdoor furnace or boiler is taken out of service for a period of one (1) year or more, the permit shall become null and void and the unit and enclosure shall be removed from the property.

(P) Bed and breakfast, subject to the following conditions:

(1) Off-street parking shall be provided in accordance with the parking requirements of § 150.500. A minimum of one (1) off-street parking space per guest room shall be provided in addition to the parking requirements for the zoning district in which the facility is located. Off-street parking is to be screened from the surrounding residences;

(2) Signs shall be installed in accordance with § 150.213 and shall meet all other requirements of the zoning district which the business is located in. (Identifying signs to be not more than four (4) square feet in total and shall be located on the structure consistent with the character of the structure);

(3) A maximum of five (5) units may be established in the structure;

(4) A bed and breakfast establishment shall show proof of inspection or proof of proper operating licenses by the state and/or county;

(5) All guest rooms shall be contained within the principal structure;

(6) Dining and other facilities shall not be open to the public, but shall be used exclusively by the residents and registered guests;

(7) The maximum stay for guests shall be fourteen (14) days within a thirty (30) day period;

(8) The bed and breakfast shall comply with all applicable laws, rules and regulations governing its existence and operation, including, but not limited to, the State Building Code, the State Fire Code and the State Health Code;

(9) A conditional use permit shall be terminated upon occurrence of the following:

(a) Non-compliance with the provisions of this Zoning Code;

(b) Transfer of ownership of said property;

(c) The creation of a condition which adversely affects the health, safety or general welfare of the city or its residents.

(10) The owner or operator shall reside on the property or submit a management plan for approval as part of the conditional use permit.

(Q) Produce sales. Produce stand for the sale of agricultural products, other than that raised on the site, provided that the display is located a minimum of ten (10) feet from the front property line.

(R) Uses not listed. Other residential and commercial uses as determined by the Planning Commission and City Council to be of the same general character as other identified conditional uses and found not to be detrimental to the general public's health, safety and welfare.

(S) Land reclamation. See § 150.015.

(T) Mining. See § 150.016.

Section 10. That Section 150.119 (R-4 Accessory Uses) of Chapter 150 of the Mora City Code is hereby amended to read as follows:

Within the R-4 Low Density Residential District, the following uses shall be permitted accessory uses provided, however, that only one (1) accessory building one thousand six hundred (1,600) square feet in size be permitted per principal structure in addition to one (1) utility/storage building with a maximum size of one hundred forty-four (144) square feet. The size of the accessory structure shall not exceed the footprint of the principal structure and the exterior shall match the exterior of the principal structure.

(A) Garages. Private garage, car port or parking space for passenger vehicles.

(B) Boarders. The keeping of not more than two (2) boarders by resident family.

(C) Pools and similar recreational facilities. Including private swimming pools, tennis courts and other recreational facilities necessary to conduct a home sporting event.

(D) Home occupations as defined in § 150.002.

(E) Signs as permitted by the Zoning Code.

(F) Utility and storage buildings. Lawn, garden and other buildings used for private storage purposes provided that not more than one (1) building is located per dwelling unit and the maximum floor area of the building does not exceed one hundred forty-four (144) square feet.

(G) Decorative landscape features. Including, but not limited to, pools, arbors, hedges, walls, shrubs, trees and similar features.

(H) Essential services. Local service, electrical power lines, gas utilities, telephone lines and similar essential services.

(I) Day care facility – Non-Residential. Facility accessory to legal conforming church, school, or health care facility.

Section 11. That Section 150.503 (R-4 Minimum Parking Requirements) of Chapter 150 of the Mora City Code is hereby amended to read as follows:

(A) Residential uses.

USE	MINIMUM PARKING REQUIRED
Single family, townhouse, condo, two family, manufactured/mobile	Two (2) spaces per dwelling unit
Group home, state licensed residential facility	Two (2) spaces for each five (5) beds offered for residence purposes
Boarding house, bed & breakfast	Two (2) spaces plus one (1) for each guest room

Day care facility - Residential	No spaces required when the facility serves no more than fourteen (14) persons. The dwelling is still subject to the minimum parking requirements provided in this section.
Day care facility – Non-Residential (serving no more than fourteen (14) persons)	No additional spaces required when facility serves no more than fourteen (14) persons.
Day care facility – Non-Residential (serving fifteen (15) or more persons)	One (1) space per five (5) persons served based on the facility’s licensed capacity plus one (1) space for each employee or volunteer on the largest shift plus one (1) space for each business vehicle.
Multi-family structure (excluding senior housing)	Two (2) spaces for each unit, one (1) parking space for each efficiency unit
Senior housing	One (1) space per dwelling unit
Apartments attached to businesses	Two (2) spaces per unit

Section 12. Savings Clause. If any provision of this Ordinance shall be less restrictive than applicable state statutes or in conflict with such statutes, as they exist at passage hereof or as they may hereafter be amended, then, in such case, the state statute shall supersede the provision hereof to the extent applicable.

Section 13. Severability. If any provision of this Ordinance is found to be unconstitutional or otherwise contrary to law, then such provision shall be deemed void and severed from the Ordinance and the remainder of this Ordinance shall continue in full force and effect.

Section 14. That this ordinance shall become effective upon its passage and publication.

The foregoing ordinance was introduced and moved for adoption by Council Member Mathison, and seconded by Council Member Anderson.

Voting for the Ordinance..... Mayor Skramstad, Anderson, Braekemeier, Mathison, & Shepard
 Voting Against the Ordinance... none
 Abstained from Voting..... none
 Absent..... none

Motion carried and ordinance adopted by the City Council of Mora, Minnesota this 21st day of December, 2021.



Alan Skramstad, Mayor

ATTEST:



Natasha Segelstrom, City Clerk