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# CHAPTER 1: PURPOSE & INTENT

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## 1.01 TITLE & EFFECTIVE DATE

The official title of this Ordinance is the *Zoning Ordinance of the City of Glyndon, Minnesota*. This zoning ordinance shall become effective on June 22, 2016 and is referred to within this document as either the “Zoning Ordinance” or “Ordinance”. The City Council hereby expresses that neither this Zoning Ordinance, nor any decision under it, may be challenged on the basis of any alleged nonconformity with any other planning documents, including the Glyndon Comprehensive Plan dated August 2010.

## 1.02 PURPOSE

This is an Ordinance for the purpose of promoting the public health, safety, and general welfare, and to implement the Comprehensive Plan. This is achieved by regulating the location and size of buildings and other structures; the percentage of each lot which may be occupied; the size of yards and other open spaces; the density and distribution of population; the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes; and the use of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, conservation of shore lands, flood control or other purposes, and establishing standards and procedures regulating such uses. As residential development is considered the cornerstone of development in the City, this Zoning Ordinance will ensure the availability of an ample supply of land to meet the diverse housing needs of all residents in a compact and orderly manner. As housing growth occurs, the opportunity for commercial and light industrial development must also be accommodated.

## 1.03 INTENT

To protect the public such provisions are intended to provide for adequate light and air, safety from fire and other danger; prevent unhealthy concentrations of population; provide ample parking facilities; regulate the location and operation of businesses, industries, dwellings and buildings for other specified purposes; preserve and stabilize property values by providing for orderly and compatible development of the various land uses; provide for administration of the Ordinance; provide for amendments hereto; provide for official recording of the Ordinance and all amendments hereto.

## 1.04 INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and welfare and to implement the Comprehensive Plan.

## 1.05 EXISTING LAW & CONFLICTING PROVISIONS

- A. **GENERAL.** This Zoning Ordinance is intended to compliment other local, state and federal regulations that affect zoning and land use. This Ordinance is not

intended to revoke or repeal any other public law, ordinance, regulation or permit. However, where conditions, standards or requirements imposed by any provision of this Ordinance are either more or less restrictive than comparable standards imposed by other public law, ordinance or regulation, the provisions that are more restrictive or that impose higher standards or requirements, as determined by the City of Glyndon, shall govern.

- B. PRIVATE AGREEMENTS.** This Zoning Ordinance is not intended to revoke or repeal any easement, covenant or other private agreement. However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant or other private agreement, then the requirements of this Ordinance shall govern. Regulations within this Ordinance shall not be construed to modify or repeal any private covenant, deed restriction or agreement; however, such private covenant, restriction or agreement shall not provide a means to avoid compliance with this Ordinance. The City of Glyndon is not obligated in any manner to enforce or administer provisions established within private covenants, agreements or restrictions.

#### **1.06 SEVERABILITY**

- A.** If any section or provision of this Ordinance is declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part, thereof, other than the part so declared to be unconstitutional or invalid.
- B.** If any court of competent jurisdiction invalidates the application of any provision of this Zoning Ordinance, then such judgment shall not affect the application of that provision to any other building, structure or use not specifically included in that judgment.
- C.** If any court of competent jurisdiction invalidates any condition attached to the approval of a development application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

#### **1.07 REPEAL OF CONFLICTING ORDINANCES**

All ordinances or parts of ordinances in conflict with this Zoning Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

#### **1.08 RELATION TO THE ADOPTED COMPREHENSIVE PLAN**

Enforcement, amendment, and administration of this Ordinance will be accomplished with due consideration of the recommendations contained in the Comprehensive Plan for the City of Glyndon, Minnesota, as adopted and periodically amended by the Planning and Zoning Commission and City Council. The City Council recognizes the Comprehensive Plan as the principle guidance for regulating land use and development

in accordance with the policies and purpose set forth in this Ordinance.

**1.09 AUTHORITY**

This Ordinance is enacted pursuant to authority granted by the Municipal Planning Act, Minnesota Statutes, Section 462.351 - Section 462.363.

## **CHAPTER 2: APPLICATION OF DISTRICT REGULATIONS**

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### **2.01 TERRITORIAL APPLICABILITY**

As of the effective date of this Ordinance, the use of all land and every structure within the incorporated limits of the City of Glyndon shall be subject to the provisions within this Ordinance. Additionally, any properties identified joint powers agreements and/or orderly annexation agreements may be subject to regulations established within this Ordinance or subdivision regulations as adopted by the City of Glyndon.

### **2.02 OFFICIAL ZONING MAP**

According to the provisions of this Ordinance, the City is hereby divided into districts as shown on the Official Zoning Map, which together with all related and supporting information is hereby adopted by reference and declared to be part of this Zoning Ordinance. The Official Zoning Map shall be posted and made available for examination at the Glyndon City Hall. The Official Zoning Map shall be the final authority as to the current zoning status of land, buildings, and other structures located in the city.

Zoning districts are identified on the Official Zoning Map for the City of Glyndon. The district designations are established within this Ordinance and are duly coordinated with boundaries as shown on the Official Zoning Map

It shall be the responsibility of the Zoning Officer to maintain and update the Official Zoning Map and to record each amendment thereto within thirty (30) days after the official publication of an ordinance approving an amendment. No unauthorized changes shall be made to the Official Zoning Map or information shown thereon except in conformity with the procedures set forth in this Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City of Glyndon under the following words: "This is the Official Zoning Map of the City of Glyndon, Minnesota", together with the date of adoption of this Ordinance.

### **2.03 ZONING UPON ANNEXATION**

All territory which may hereafter be annexed to the City shall be considered to be zoned Agricultural (A) until such time as the zoning designation is changed by action of the City Council.

### **2.04 COMPLIANCE REQUIRED**

- A.** No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, converted, enlarged, constructed, reconstructed, moved, or structurally altered, and no land shall be used for any purpose nor in any manner, unless in conformity with all of

the regulations herein specified for the district in which it is located and without a permit being issued when required by this Ordinance.

- B.** No lot of record (platted property) that did not exist on the effective date of this Ordinance shall be created, by subdivision, deed or otherwise, that does not conform to the applicable requirements of this Zoning Ordinance and any other subdivision regulations or other provisions as established by the City of Glyndon. Additionally, no lot shall be reduced in size or otherwise altered below the minimum requirements set forth within this Ordinance.
- C.** Any permit issued by the City that directly violates any provision within this code, whether erroneously issued or not, is deemed void.

## CHAPTER 3: RULES & DEFINITIONS

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### 3.01 RULES

For the purpose of this Ordinance, certain words and terms used shall be interpreted as defined herein:

- A. The word “person” includes an owner or representative of the owner, firm, association, organization, partnership, trust, company or corporation as well as an individual.
- B. The present tense includes the future tense, the singular includes the plural and the plural includes the singular.
- C. The word “shall” is mandatory; the word “may” is permissive.

### 3.02 DEFINITIONS

Wherever the following words and terms occur in this Ordinance they shall be interpreted as herein defined:

**Abutting:** Making contact with another property

**Accessory Use or Structure:** A building or use which, at minimum, meets the following: (1) is subordinate to and serves an existing principle building or principle use; (2) is subordinate in area, extent or purpose to the principal building or use; and (3) is located on the same legal lot, parcel or property as the principle use. Examples of accessory uses are private garages, carports (shall be considered temporary accessory buildings/uses), storage sheds, play houses and swimming pools. For additional requirements on Accessory Uses and Accessory Structures, see Chapter 19 or district specific regulations.

**Accessory Dwelling Unit:** A dwelling unit either attached to a single-family principle dwelling unit or located on the same lot and having an independent means of access.

**Addition:** A physical enlargement of an existing structure.

**Agriculture:** The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

**Alley:** A public right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principle frontage is on the street.

**Animal Shelter:** Any lot or premises, not a kennel, in which strayed or abandoned



animals are cared for on a temporary basis until claimed, adopted or euthanized.

**Antenna:** Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and omni-directional antennas, such as whip antennas.

**Apartment:** A portion of a building consisting of a room or suite of rooms which is designed for, intended for, or used as a residence by a single family or an individual, and is equipped with cooking facilities. Includes dwelling unit and efficiency unit.

**Apartment Building:** Three (3) or more dwelling units or apartments grouped in one building; see 'Dwelling, Multiple Family'.

**Applicant:** The owner, their agent or person having legal control, ownership and/or interest in land for whom the provisions of this ordinance are being considered or reviewed.

**Assisted Living Facility:** A facility which offers a service or package of services pursuant to Minnesota Statutes 144G that meets the minimum requirements set forth within Minnesota Statutes 144G.03. These services may include assistance with self-administration of medication, assistance with daily living activities (bathing, grooming, dressing, eating, transferring, continence care or toileting), 24-hour access to health professionals and other specific requirements established under law.

**Automobile Service Station:** An area used for retail sales of gasoline, other fuels, automobile accessories and incidental services. Incidental services include minor repairs, the replacement of parts, motor services to passenger automobiles and one-stall car washes provided they accommodate at least three (3) stacking spaces for cars.

**Automobile or Motor Vehicle Repair (Minor):** Minor repairs, incidental body and fender work, replacement of parts or any work to passenger automobiles not exceeding twelve thousand (12,000) pounds gross weight, but not including any operation specified under 'Automobile Repair (Major)'. Motor vehicles not licensed/registered to a patron of the business shall not number more than four (4) vehicles and shall not remain on the premises for more than four (4) days. See 'Salvage Yard' for additional information.

**Automobile Repair (Major):** Repairs that include rebuilding/reconditioning engines, frame or fender straightening/repair, collision services, overall automobile paint services and any service provided under Automobile or Motor Vehicle Repair (Minor). See 'Salvage Yard' for additional information. Motor vehicles not licensed/registered to a patron of the business shall not number more than four (4) vehicles and shall not remain on the premises for more than four (4) days. See 'Salvage Yard' for additional information.

**Automobile Sales & Rentals:** An establishment engaged in the display, sale, leasing or rental of new or used motor vehicles. Vehicles included, but not limited to: automobiles, light trucks, vans, trailers, recreational vehicles, motorcycles, personal

watercraft, utility trailers, all-terrain vehicles and mobile/manufactured homes.

**Basement:** That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. See “Cellar” and “Story”.

**Bay:** Cantilevered area of a room.

**Bed and Breakfast Establishment:** A single family dwelling in which 4 or fewer transient guest rooms are rented on a nightly basis for periods of time less than a week and where at least one meal is offered in connection with the provision of sleeping accommodations only.

**Board of Adjustment:** The local body appointed by the City Council of Glyndon, whose responsibility is set forth within Chapter 9 of this Ordinance.

**Boarder:** One who receives regular meals and/or regular meals and lodging for pay.

**Boarding (House) Home-Foster Children:** A family dwelling where parental care is provided by a family for children not related by blood or legal ties.

**Boarding (Lodging) House:** A building other than a hotel where, for compensation and by prearrangement for definite periods meals and/or lodging are provided to three (3) or more persons, not of the principle family therein, pursuant to previous arrangements and not to anyone who may apply, but not including a building providing these services for more than ten (10) persons.

**Boundary Lines:** Any line indicating the bounds or limits of any tract or parcel of land; also a line separating the various use districts as shown on the Zoning Map of the City of Glyndon.

**Buffer:** The use of land, topography, difference in elevation, space, fences or landscape plantings to screen or partially screen a use or property from the vision of another use or property.

**Buildable Area:** The space remaining on a lot after the minimum setback and open space requirements of this Ordinance have been met and minus any easements covering the remaining space.

**Building:** Any structure built for the support, shelter or enclosure of persons, animals, chattel or movable property of any kind, and includes any structure.

**Building Code:** The building code adopted by the State of Minnesota.

**Building Height:** The vertical distance measured from:

- A. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or

ground surface is not more than ten (10) feet above lowest grade; or

- B.** An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in A of this definition, is more than ten (10) feet above the lowest grade up to the highest point of the parapet surrounding a flat surface of a flat roof with a parapet less than one foot in height, to the deck lines of a mansard roof, or to the mean height level between eaves and ridge of a gable, hip or gambrel roof.
- C.** The height of a stepped or terrace building is the maximum height of any segment of the building.

**Building Line:** A line parallel to the street right-of-way at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way.

**Building Official:** Representatives of the City who have been appointed by the City Council and/or assigned the responsibility of enforcing provisions of this Ordinance.

**Building Setback:** The minimum horizontal distance between the building and the lot line.

**Business:** Any establishment, occupation, employment, or enterprise where merchandise is manufactured, exhibited, or sold, or where services are offered for compensation.

**Campground:** An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

**Carport:** A canopy supported by posts either ornamental or solid and completely open on one or more sides.

**Cellar:** That portion of a building between the floor and ceiling which is wholly or partly below grade and is so located that the vertical distance from grade to the floor is equal or greater than the vertical distance from grade to ceiling.

**Cemetery:** A site or property set apart for the burial or interment of the dead.

**Certified Massage Therapist:** An individual or person over the age of eighteen (18) who practices or administers massage and has completed a course of study at a school of massage that is approved by the American Massage Therapy Association and is a member of the American Massage Therapy Association.

**Channel:** A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.

**Child Care Center:** A facility licensed by the Department of Human Services under Minnesota Administrative Rules, part 9503 and Minnesota Statutes 245A in which children receive care, maintenance and supervision for less than twenty-four (24) hours per day (see permitted use chart).

**Church:** A building, together with its accessory buildings and used, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**City:** City of Glyndon.

**City Council:** City Council of Glyndon, Minnesota.

**Clinic:** Any establishment where human patients are examined and treated by doctors or dentists but not hospitalized overnight.

**Club or Lodge:** A nonprofit association of persons who are bona fide members paying annual dues, with the use of the premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises, provided that adequate dining space and kitchen facilities are available.

**Cluster Development:** The development patterns and technique whereby structures are arranged in closely related groups to make the most efficient use of the land as accomplished through a planned unit development.

**Commercial Recreation:** Bowling alley, cart track, jump center, golf, billiards (pool) hall, vehicle racing or amusement, dance hall, skating, trampoline, fire arms range, campgrounds, park, and similar uses.

**Commercial Wireless Telecommunication Services:** Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

**Common Open Space:** Any open space including private parks, nature areas, playgrounds, trails, and recreational buildings and structures, which is an integral part of a development and is not owned on an individual basis by each owner of the dwelling unit.

**Comprehensive Plan:** A general plan for land use, housing, transportation, and community facilities prepared and maintained by the City Council for the municipality.

**Concept Plan:** A report in map and text form submitted as the first phase of a Planned Unit Development (PUD) proposal, depicting the location, general purpose, general type of land use and circulation patterns, primary relationships between site elements and between the proposed development, proposed general schedule of development and information on the applicant.

**Conditional Use:** A use other than those permitted which must meet certain conditions to insure compatibility with the land uses in a district before such a use may be approved and permitted by the City Council.

**Conditional Use Permit:** A permit issued by the City Council in accordance with procedures specified in this Ordinance, as a flexibility device to enable the City Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

**Concept Plan:** A report in map and text form submitted as the first phase of a Planned Unit Development (PUD) proposal, depicting the location, general purpose, general type of land use and circulation patterns, primary relationships between site elements and between the proposed development, proposed general schedule of development and information on the applicant.

**Condominium:** A development or a structure housing two or more dwelling units which are individually owned and which have jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, Section 515.A1-101 to 515.A.4-118.

**Cooperative (Housing):** A multiple-family dwelling owned and maintained by the residents and subject to the provisions of Minnesota Statutes 290.09 and 290.13. The entire structure and real property are under common ownership as contrasted to a condominium dwelling where individual units are under separate individual ownership.

**Court:** An unoccupied open space other than a yard which is bounded on three (3) or more sides by the walls of buildings.

**Curb Level:** The elevation of the established curb in front of a building measured at the center of such front. Where no curb has been established, the City Engineer shall determine a curb level or its equivalent for the purposes of this Ordinance.

**Day Care:** A residence licensed by the Department of Human Services under Minnesota Administrative Rules, part 9502 and Minnesota Statutes 245A in which children/adults receive care, maintenance and supervision for less than twenty-four (24) hours per day (see district permitted use chart(s)). Minnesota Administrative Rules, part 9502 is inclusive of family day care (Subp. 11), group family day care (Subp. 13) and Minnesota Statutes (245A.02) is inclusive of adult day care or family adult care services (Subd. 2A).

**Density, Residential:** A number expressing the relationship of the number of dwellings to an acre of land.

**Diversions:** A channel that intercepts surface water runoff and that changes the accustomed course of all or part of a stream.

**Draining:** The removal of surface water or groundwater from land.

**Dredging:** To enlarge or clean out a waterbody, watercourse, or wetland.

**Drive-In-Restaurant:** Any place or premises used for sale, dispensing or serving of food, refreshments, or beverages on the premises, typically in the customer's vehicle, however, including those establishments where customers may consume food and beverages on the premises.

**Dwelling:** A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family, and multiple-family dwellings, but not including hotels, motels or boarding houses.

**Dwelling, Multiple-Family:** A residence designed for or occupied by three (3) or more families living independently of each other, with separate housekeeping and cooking facilities for each unit.

**Dwelling, Single-Family:** A residence designed for or occupied by one (1) family only.

**Dwelling, Twin Home:** A single-family dwelling attached to one other single-family dwelling by a common wall, and each dwelling located on a separate lot.

**Dwelling, Two-Family:** A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each. This would include single-family homes with an apartment in the basement. A two-family dwelling with a rooming unit(s) shall be considered and classified as a multi-family dwelling.

**Dwelling Unit:** A residential building or portion thereof intended for occupancy by one (1) or more persons with facilities for living, sleeping, cooking and eating, but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, tourist homes or trailers.

**Dwelling Unit, Efficiency:** Any one room unit having cooking facilities and used for combined living, dining, and sleeping purposes.

**Dwelling Unit Occupancy:** Occupancy of a dwelling unit for the purpose of enforcing provisions of this Ordinance shall be limited by restrictions as included in the definition of this Ordinance.

**Easement:** A grant by an owner of land for a specific use by persons other than the owner.

**Elderly (Senior Citizen) Housing:** A multiple dwelling built with open occupancy limited to persons over fifty-five (55) years of age, or where not more than ten percent (10%) of the occupants may be persons under the age of fifty-five (55).

**Engineer of City or City Engineer:** The registered engineer employed or retained by the City, unless otherwise stated.

**Erosion:** The wearing away of land surface by the action of natural elements.

**Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead communication, gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

**Essential Service Structures:** Structures and buildings necessary for the operation of essential services, including but not limited to: telephone buildings, telephone booths, gas regulator stations, substations, electrical stations, water tanks and lift stations.

**Exterior Storage:** The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

**Family:** An individual or two (2) or more persons related by blood, marriage, adoption or a group of not more than four (4) persons who need not be related by blood or marriage living together in a dwelling unit.

**Farm:** An unplatted tract of land having one quarter-quarter section containing ten acres or more, or two or more abutting parcels under the same ownership having an area of approximately ten acres, measured from the centerline of abutting roads, for purposes of residential density usually with a house and barn and other buildings on which crops and often livestock are raised for a source of livelihood.

**Farm; Hobby:** An unplatted of land generally consisting of ten (10) or less acres in size with a house and accessory buildings on which crops and often livestock are raised but not as a principal source of income. A hobby farm shall not qualify for exemptions provided in this Ordinance for farms.

**Farming:** Process of operating a farm for the growing and harvesting of crops which shall include those necessary buildings, related to operating the farm, and keeping of common domestic farm animals.

**Farmstead:** A dwelling unit surrounded by or connected to farm buildings, all under single ownership.

**Fence:** A fence is defined for the purpose of this Ordinance as any partition, structure, wall or gate erected as a dividing mark, barrier or enclosure.

**Flood Related:**

- A. Equal Degree of Encroachment: Method of determining the location of encroachment lines so that the hydraulic capacity of floodplain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to floodplain encroachments.

- B. FEMA:** Federal Emergency Management Agency
- C. Flood:** A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.
- D. Flood Frequency:** The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equally or exceeded.
- E. Flood Fringe:** That portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for the City.
- F. Flood Hazard Areas:** The areas included in the floodway and flood fringe as indicated on the official Zoning Map and the Flood Insurance Study and Flood Insurance Rate Map which have been officially adopted by the City.
- G. Flood Insurance Rate Map:** The Flood Insurance Rate Map prepared by the Federal Emergency Management Agency for the City.
- H. Flood Insurance Study:** The Flood Insurance Study prepared for the City by the Federal Emergency Management Agency and dated May 19, 1981, and, as applicable and allowed by law, the Flood Insurance Study prepared by the Federal Emergency Management Agency for the County of Clay and dated April 16, 1984.
- I. Flood Plain:** The areas adjoining a watercourse which has been or hereafter may be covered by the 100-year flood as determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study.
- J. Floodproofing:** A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area in accordance with the Minnesota State Building Code.
- K. Floodway:** The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study.
- L. Obstruction:** 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 of regulatory flood hazard area which might impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by the water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.



- M. 100-Year Flood:** A flood which is representative of a large regional flood known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval as determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study.
- N. Reach:** A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by the 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.
- O. Regulatory Flood Projection Elevation:** A point not less than one foot (1') above the water surface profile associated with the 100-year flood as determined by the use of the 100-year flood profile and supporting technical data from the Flood Insurance Study plus any increase in flood height attributed to encroachments on the floodplain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.

**Floor Area, Gross:** The sum of the gross horizontal area of all the floors of a building utilized for principal and accessory uses.

**Garage, Private:** An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles and noncommercial trucks not exceeding twelve thousand (12,000) pounds gross weight, of the family or families residing upon the premises, and which no business service or industry is carried on except for home occupations.

**Garage, Storage:** Any premises, except those described as a private or public garage, used exclusively for the storage of motor vehicles.

**Grade (Adjacent Ground Elevation):** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and the line five (5) feet from the building.

**Grading:** Changing the natural or existing topography of land.

**Home Occupation:** Any occupation or profession engaged in by the occupant of a residential dwelling unit, which is clearly incidental and secondary to the residential use of the premises and does not change the character of said premises. See Chapter 24 for allowable uses.

**Hotel:** Any building or portion thereof occupied as the more or less temporary abiding place of individuals and containing six (6) or more guest rooms, used, designated, or intended to be used, let or hired out to be occupied, or which are occupied by six (6) or more individuals for compensation, whether the compensation be paid directly or indirectly.

**Impervious Surface:** An artificial or natural surface through which water, air, or roots cannot penetrate.

**Impound Lot:** A place where impound vehicles are stored or kept, including both open space and within buildings

**Kennel:** Any lot, premises, dwelling or dwelling unit in which three (3) or more dogs over the age of six (6) months are kept, harbored, owned or otherwise possessed, either on a commercial basis or scale for boarding or breeding, or on a private basis for personal use, enjoyment or profit. Kennel shall also include the commercial boarding of any permitted animal in the City other than veterinary clinics or animal shelters.

**Landscaping:** Planting, such as trees, flowers, grass, shrubs, and may include the reshaping of the land by moving earth or other physical improvements.

**Loading Space:** A 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 parcel or portion of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area; and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street.

**Lot Area:** The total horizontal area within the lot lines, exclusive of any portion of the right-of-way of any public roadway.

**Lot, Base:** Lots meeting all specifications in the zoning district prior to being subdivided into a two-family dwelling.

**Lot Coverage:** Those areas covered by principal buildings, accessory buildings, and garages but does not include areas used for walkways, access drives, parking spaces, open patios, swimming pools, tennis courts, and landscaping elements.

**Lot Depth:** Lot depths shall be considered to be the distance between the midpoint of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

**Lot, Front:** The front of a lot shall be considered to be that boundary abutting a public right-of-way having the least width. In a through lot where the lot abuts a limited access street, the front of the lot will be on the street opposite from the limited access street.

**Lot Improvement:** Any building, structure, place, work of art or other object, or improvement of the land on which it is situated, a physical betterment of real property, or any part of such betterment.

**Lot Line:** A property boundary line of any lot held in single or separate ownership;

except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

**Lot Line, Front:** That boundary of a lot which abuts an existing or dedicated public street. In the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the owner and filed with the Building Official.

**Lot Line, Rear:** That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line of ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

**Lot Line, Side:** Any boundary of a lot which is not a front lot line or rear lot line.

**Lot of Record:** Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an auditor's outlot or a registered land survey, or a parcel of land not so platted, subdivided or registered but for which a deed, auditor's subdivision or registered land survey has been recorded in the Office of the Register of Deeds or Registrar of Ordinances for Clay County, Minnesota, prior to the effective date of this Ordinance.

**Lot, Substandard:** A lot or parcel of land for which a deed has been recorded in the Office of the Clay County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.

**Lot Unit:** Lots created from the subdivision of a two-family dwelling having different minimum lot size requirements than the conventional base lots within the zoning district.

**Lot Width:** The distance between the side lot lines, measured along the setback line as established by this Ordinance, or if no setback line is established, the distance between the side lot lines along the measured street line.

**Manufactured Building:** A manufactured building (or prefabricated structure) is any structure manufactured in accordance with the requirements of the Minnesota Prefabricated Structures and Manufactured Building Code promulgated in accordance with Minnesota Statutes Section 16.852 and 16B.61 (State Building Code)

**Manufactured Home (Mobile Home):** A structure, transportable in one or more sections, which in the traveling mode is eight (8) feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and included the plumbing, heating, air conditioning, and electrical systems contained therein, except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily filed a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under this Ordinance.

**Manufactured Housing:** A factory-built, single-family, detached housing unit that is manufactured according to the National Manufactured Housing Construction and Safety Standards Act of 1974 and shall include manufactured homes or mobile homes.

**Manufactured Home Lot:** A section of ground in a manufactured home park designated as the location of one housing unit, and all other necessary improvements required by this Ordinance.

**Mobile Home Park:** Any park, court, lot, parcel, or tract of land, designed, improved, maintained or intended for the purpose of supplying a location for manufactured home units or upon which any manufactured homes are parked. It shall include all buildings used or intended for use as part of the equipment thereof, whether a charge is made for the use of the manufactured home park or not. Also referred to as mobile home park or trailer park.

**Medical and Dental Clinics:** A structure intended for providing medical and dental examinations and service available to the public. This service is provided without overnight care available.

**Motel/Motor Hotel:** A building or group of detached, semi-detached or attached buildings containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, with garage or parking space conveniently located next to each unit, and used or intended to be used primarily for the accommodation of transient guests traveling by automobile.

**Motor Freight Terminal:** A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate or interstate shipment by motor truck.

**Nonconforming Structure, Use or Lot; Illegal:** A building, structure, premise, lot or use unlawfully established and in violation of regulations applicable at the time of development or initiation.

**Nonconforming Structure, Use or Lot; Legal:** A building, structure, premise, lot or use lawfully established prior to the adoption of this Ordinance or any amendment thereto which does not now conform with the applicable conditions or provisions of this Ordinance for the district in which the structure or use is located.

**Nursery, Landscape:** A business growing and selling trees, flowering and decorative plants and shrubs.

**Nursing Home:** A private building with facilities for the care of children, the aged, infirm, or a place of rest for those suffering bodily disorders, but not containing equipment for surgical care or for the treatment of disease or injury. The nursing home shall be licensed by the State Board of Health as provided for in Minnesota State Statutes.

**Occupancy:** The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not

intended to include change of tenants or proprietors.

**Open Sales Lot:** Land devoted to the display of goods for purchase, sale, rent, lease or trade where such goods are not enclosed within a building, and for the storage of the same prior to sale.

**Open Space:** Any open area not covered by structures, but not limited to the following uses: required or established yard areas, parking areas, sidewalks, trails, recreation areas, water bodies, shorelands, watercourses, wetlands, groundwater recharge areas, floodplain, floodway, flood fringe, erodible slopes, woodland and soils with severe limitation for development.

**Outlot:** A lot remnant or parcel of land left over after platting, which is intended as open space or other future use, for which no building permit shall be issued.

**Owner:** An individual, association, syndicate, partnership, corporation, trust or any other legal ownership interest in land buildings, structures, dwelling unit(s) or other property.

**Parcel:** An individual lot or tract of land.

**Parking Space, Off-street:** An off-street parking space as specified in the Off-Street Parking Requirements Section of this Ordinance. Space for maneuvering incidental to parking or unparking shall not encroach upon any public way. Every off-street parking space shall be accessible from a public way.

**Party Wall:** A common wall which divides two (2) independent structures by a fire wall.

**Performance Standard:** Criterion established for setbacks, fencing, landscaping, screening, drainage, accessory buildings, outside storage and to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat or other nuisance elements generated by or inherent in uses of land or buildings.

**Permitted Use:** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards (if any) of such districts.

**Person:** Any individual or legal entity.

**Planning Commission:** The Glyndon Planning Commission.

**Pole Buildings:** Any structure possessing the following characteristics: structural wood poles or timbers buried in ground on individual footings; metal wall coverings hung vertically of less than twenty-eight gauge. Such definition shall not include or apply to decks, sign supports, earth retention structures, playground equipment, electric utilities or any similar structure not covering or enclosing a specific area.

**Prefabricated Home:** See 'Manufactured Home' definition for additional information.

**Prefabricated Structure:** See 'Manufactured Building' definition for additional information.

**Principal Structure:** The structure in which the primary use of the lot on which the structure is located is conducted.

**Principal Use:** The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.

**Protective Covenants:** Contracts entered into between owners and holders of mortgages constituting a restriction on the use of property within a subdivision for the benefit of the property owners.

**Public:** Pertaining to municipal, school district, county, state or other governmental units.

**Public Uses:** Uses owned or operated by municipal, school districts, county, state or other governmental units.

**Public Waters:** Any waters of the State which serve a beneficial public purpose, as defined in Minnesota Statutes 1974, Section 105.37, subdivision 6, not including, however, a lake, pond or flowage of less than 10 acres in size or a river stream having a total drainage area less than two (2) square miles. In addition, bodies of water created by private users, where there was not previous shoreland (for a designated private use authorized by the Commissioner of Natural Resources) shall also not be considered public waters. The official determination of the size and physical limits of the drainage areas of rivers and streams shall be made by the Commissioner of Natural Resources. The official size of lakes, ponds or flowage shall be the area listed in the Division of Waters, Soils and Minerals Bulletin 25, An Inventory of Minnesota Lakes, or in the event that lakes, ponds or flowage are not listed therein, official determination of size and physical limits shall be made by the Commissioner in cooperation with the City of Glyndon.

**Publication:** Notice placed in the official City of Glyndon newspaper stating time, location and date of meeting and description of topic.

**Recreation Field or Building:** An area of land, water or any building in which amusement, recreation or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theater, whether provision is made for the accommodation of an assembly or not. A golf course, arena, baseball park, stadium, circus or gymnasium is a recreation field or building for the purpose of this Ordinance.

**Recreational Vehicle:** Manufactured homes less than thirty (30) feet in overall length, including those with telescope or fold down, chassis, mounted campers, house cars, motor homes, tent trailers, slip-in-campers (those mounted in a pickup truck or similar vehicle), converted buses and converted vans used primarily for recreational purposes. Cars used for racing shall not be included within this definition. See "Travel Trailer"

**Recycling Facility:** A facility in which recoverable resources, such as newspaper, glass, and metal are collected, separated and processed prior to shipment to others who will use those materials to manufacture new products.

**Residential Facility/Program:** A program that provides twenty-four (24) hour a day care, supervision, food, lodging, rehabilitation, training, education, habilitation or treatment outside a person's own home, including home and community services that are provided in or outside of a person's own home licensed under Minnesota Statutes Chapter 245.

**Restaurant:** An establishment which serves food to be consumed primarily while seated at tables or booths within the building.

**Retail:** The sale of items directly to the consumer.

**Retirement Home:** A retirement facility for the elderly who are generally in good health and able to care for themselves. Such facilities are characterized as having separate dwelling units or sleeping rooms with or without central eating facilities. Such facilities do not contain health facilities for the care of occupants. This definition shall include public housing for the elderly.

**Salvage Yard:** A parcel where used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled; including, but not limited to: scrap iron, rubber, tires, lumber, parts, automobiles and automobile parts. Any parcel that contains four (4) or more vehicles, which for a period exceeding four (4) days have not been in operating condition and/or not licensed shall constitute evidence and classification of a salvage yard. Any motor vehicle, which for a period exceeding four (4) days is inoperable and/or not licensed, shall hereby be deemed a junk vehicle. Salvage yards do not include uses established entirely within closed buildings or sanitary landfills. See Ordinance No. 77 'Nuisance Ordinance' for additional information.

**School:** A building used for the purpose of elementary or secondary education, which meets all the requirements of compulsory education laws of the State of Minnesota, and not providing residential accommodations.

**Semi-public Use:** Uses owned by private or private nonprofit organizations which are open to some, but not all of the public, such as denominational cemeteries, private schools, clubs, lodges, recreational facilities, churches, etc.

**Setback:** The minimum horizontal distances between a structure and the property line nearest thereto. For purposes of earth shelter buildings only, above grade portions shall be used in determining setback requirements. Distances are to be measured from the most outwardly extended portion of the structure at ground level, except as provided herein after.

**Shopping Center:** An integrated grouping of commercial stores, under single ownership or control.

**Sign:** Any letter, word, symbol, device, poster, picture, statuary, reading matter of representation in the nature of an advertisement, announcement, message or visual communication whether painted, pasted, printed, affixed or constructed which is displayed outdoors for informational purposes. It shall include, but not be limited to, the following types and purposes of signs: advertising, area identification, business, directional, flashing, free-standing, illuminated, institutional, nameplate, pylon, rotating, swinging, temporary, portable and traffic control.

**Signs, Off-Site:** A sign other than an on-site sign.

**Signs, On-Site:** A sign relating in its subject matter to the premises on which it is located, or to the products, accommodations, service or activities on the premises. Not to include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

**Site Plan:** A map drawn to scale depicting the development of a tract of land, including, but not limited to, the location and relationship of structures, streets, driveways, recreation areas, utilities, landscaping and walkways, as related to a proposed development.

**Slope:** Means the degree of deviation of a surface from the horizontal, usually expressed in percent of degrees.

**Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, including below ground portions of earth sheltered buildings, except that the topmost story shall be that portion of a building included between the uppermost surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, or unused underfloor space is more than 6 feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than twelve (12\_ feet above such grade as defined herein at any point, such as basement or unused underfloor space shall be considered as a story.

**Street:** A public right-of-way for vehicular traffic, whether designated as a highway, thoroughfare, arterial, parkway, collector, through way, road, avenue, boulevard, lane, place, drive, court or otherwise designated, which has been dedicated to the public for public use and which affords principal means of access to abutting property.

**Street Line:** The right-of-way line of a street.

**Street Pavement:** The wearing or exposed surface of a street or roadway used by vehicular traffic.

**Street Width:** The shortest distance between the curb lines of a street.

**Structure:** Anything which is built, constructed or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character. Among other



things, structures including buildings, manufactured homes, walls, fences, towers, antennas, swimming pools, billboards and poster panels.

**Structural Alteration:** Any change, other than incidental repairs, which would prolong, or modify the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

**Supply Yards:** A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

**Surveyor:** A land surveyor registered under Minnesota State laws.

**Swimming Pool:** A structure designed to be used for swimming which has the capacity of five thousand (5,000) gallons or more which has a depth of over twenty-four (24) inches.

**Tower:** Any ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen (15) feet, including supporting lines, cables, wires, braces and masts, intended primarily for the purpose of mounting an antenna, meteorological device or similar apparatus above grade.

**Town Houses:** Structures housing two (2) or more dwelling units contiguous with each other only by the sharing of one common wall between units and occupying its own lot.

**Travel Trailer:** Any vehicle or structure designed and used for human living quarters which meets all of the following qualifications.

- A. Is not used as the permanent residence of the owner or occupant;
- B. Is used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities;
- C. Is towed or otherwise transported, by its own or by other motive power on the public streets or highways incidental to such recreational or vacation activity.

The term trailer shall not include mobile home. The term trailer shall include, but not be limited to campers, camper tents, house trailers, camping trailers, travel trailers, tent trailers, motor homes, and any self-propelled vehicle constructed to provide living accommodations.

**Trailer Parks:** A park, court, camp site, lot, parcel or tract of land designed, maintained, or intended for the purpose of supplying the location or accommodations for any trailers, as defined herein, and upon which said trailers are parked. The term trailer park shall include all buildings used or intended for use as a part of the equipment thereof whether a charge is made for the use of the park and its facilities or not. "Trailer Park" shall not include automobile, mobile home or trailer sales lots on which

unoccupied trailers or mobile homes are parked for purposes of inspection and sale.

**Usable Open Space:** A required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for recreational purpose. Roofs, driveways and parking areas shall not constitute usable open space.

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

**Variance:** A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for area, size of structure, size of yards, setback and side yard requirements, and parking requirements; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.

**Veterinary Clinic:** The uses concerned with the diagnosis, treatment, and care of animals, including animal or pet hospitals.

**Warehousing:** The storage of materials or equipment within an enclosed building.

**Watershed:** The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

**Wetlands:** An area where water stands near, at or above the soil surface during a significant portion of most years, saturating the soil and supporting a predominately aquatic form of vegetation, and which may have the following characteristics:

- A. Vegetation belonging to the marsh (emergent aquatic), bog, fen, sedge meadow, shrubland, southern lowland forest (lowland hardwood), and northern lowland forest (conifer swamp) communities. (These communities correspond roughly to wetland types 1,2,3,4,6,7 and 8 described by the United States Fish and Wildlife Services, Circular 39, Wetlands of the U.S. 1956).
- B. Mineral soils with gley horizons or organic soils belonging to the Histosol order (peat and muck).
- C. Soil which is water logged or covered with water at least three (3) months of the year.

Swamps, bogs, marshes, potholes, wet meadows and sloughs are wetlands, and such property, may be shallow waterbodies, the waters of which are stagnant or actuated by very feeble currents, and may at times be sufficiently dry to permit tillage, but would require drainage to be made arable. The edge of a wetland is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

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

**Yard:** An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the mean horizontal distance between the lot line and the main building shall be used.

**Yard, Depth of:** The mean horizontal distance between the line of a building and the lot line.

**Yard, Required:** That distance specified in the yard requirements pertaining to setbacks. Setbacks and required yards are used interchangeably.

**Yard Type:**

- A. Front Yard:** The space extending between side lot lines from the front property line and the building setback line.
- B. Rear Yard:** A space extending between the rear line of the principal structure and the rear line of the lot and extending the full width of the lot.
- C. Side Yard:** A space between the building and the side line of the lot and extending from the lot line to the rear yard. In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of corner lots with normal frontage, there will be only one side yard, adjacent to the interior lot. In the case of the corner lots with reversed frontage, the yards remaining after the full and half-depth front yards have been established shall be considered to be side yards. Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established.

**Zero Lot Line:** The reduction of side yard setback requirements to zero, permitting the placement of a structure near or adjacent to the side yard lot line. With zero lot line, no portion of the structure or accessory appurtenance shall project over the lot line, unless easements are provided.

**Zoning Administrator:** The duly appointed officer charged with the administration and enforcement of this Ordinance.

**Zoning Amendment:** A change authorized by the City either in the allowed use within a district or in the boundaries of the district.

**Zoning District:** An area or areas of the City (as delineated on the Zoning Map) set aside for specific uses with specific regulations and provisions for use and development as defined by this Ordinance.

**Zoning Map:** The map incorporated into this Ordinance as part thereof, designating the zoning districts.

## **CHAPTER 4: ADMINISTRATION, ENFORCEMENT & FEES**

### **4.01 ZONING ADMINISTRATOR ADMINISTRATIVE OFFICIAL**

The Zoning Administrator has authority granted by the City Council, and is responsible for enforcement, maintenance, and administration of the Zoning Ordinance. The City Clerk may serve in this capacity and may be provided with the assistance of such other persons as authorized by the City Council. Specific duties include the following:

- A. Process applications for zoning permits and building permits;
- B. Process applications for zoning changes, zoning amendments, and conditional use permits;
- C. Process applications for variances;
- D. Update the zoning map periodically to reflect zoning changes;
- E. Prepare findings of the Board of Adjustment to be submitted to the City Council.

### **4.02 BUILDING OFFICIAL**

The Building Official designated by the City Council shall administer this Ordinance and may be provided with the assistance of other persons as authorized by the City Council.

The Building Official reviews construction plans and inspects construction for compliance with the Building Code. If the building official finds that any of the provisions of this Ordinance are being violated, he/she shall notify the person responsible for such violation in writing, indicating the nature of the violation and ordering the action necessary to correct it. The Building Official shall order discontinuance of the illegal use of land, buildings, or structures; removal of illegal buildings or structures, or of the additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

### **4.03 ZONING PERMIT REQUIRED**

A zoning permit must be completed to ensure that all provisions of the Zoning Ordinance are met when the applicant proposes to construct a new structure, or to construct an expansion or addition to an existing structure, or to construct an accessory building of one hundred twenty (120) square feet or larger (non-temporary), or to move a structure onto a lot. When a building is to be moved, it must also comply with the provisions of this Ordinance. Zoning permits are available upon request at the City Hall.

### **4.04 BUILDING PERMIT REQUIRED**

No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Building Official authorizing the action. No building permit shall be issued except in conformity with the provisions of this Ordinance.

#### **4.05 ESTABLISHMENT OF FEES, CHARGES & EXPENSES**

The City Council shall establish, by resolution, a schedule of fees, charges, and expenses, and a collection procedure for zoning permits, building permits, rezoning applications, variances, conditional uses, appeals, planned unit developments, subdivisions, and other matters pertaining to this Ordinance. The schedule of fees shall be available at the office of the Zoning Administrator. In addition, the applicant shall be responsible for any fees associated with the recording of any permits with the County. It shall be the responsibility of the Zoning Administrator to record any permit with the County.

#### **4.06 PENALTIES, VIOLATIONS & ENFORCEMENT**

Any person who violates this Ordinance or fails to comply with any of its requirements after written notice by the Zoning Administrator allowing reasonable time to comply, shall be subject in accordance with the provisions of Minnesota Statutes Sections 412.231 and 609.034 to a fine not to exceed one thousand dollars (\$1,000.00). Each act of violation and every day upon which a violation continues or occurs constitutes a separate offense and may be prosecuted as such. Said penalty provisions shall be automatically amended, supplemented, or replaced by any amendment, supplement, or replacement to the penalty provisions of Minnesota Statutes Sections 412.231 and 609.034.

The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and suffer the penalties herein provided of the provisions of this Ordinance.

Nothing herein contained shall prevent the City from taking such other lawful action, as is necessary, to prevent or remedy any violation or penalize the violator.

#### **4.07 APPLICATION FOR BUILDING PERMIT**

Application forms are available at City Hall. All applications for building permits shall be accompanied by plans in duplicate when required by the building official and properly signed zoning certificate from the Zoning Administrator. Plans shall be drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required, including existing or proposed buildings or alterations; existing or proposed uses of structures and land; existing or proposed parking; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine the conformance with, and provide for the enforcement of, this Ordinance.

One copy of the plans shall be returned to the applicant, after such copy has been marked either approved or unapproved and attested to same by the Zoning

Administrator's signature on such copy. The second copy of the plans, similarly marked, shall be retained by the Zoning Administrator.

#### **4.08 EXPIRATION OF BUILDING PERMIT**

If the work described in any building permit has not begun within one hundred eighty (180) days from the date of issuance, or such work described ceases for a period of one hundred eighty (180) days, said permit shall expire, unless otherwise extended pursuant to the adopted building code. The Building Official shall have the authority to cancel permits given written notice is provided to persons affected, together with notice that further work as described in the canceled permit shall not proceed unless, and until, a new building permit has been obtained.

#### **4.09 CONSTRUCTION AND USE PURSUANT TO PLANS/PERMITS**

Building permits issued on the basis of plans and applications approved by the Building Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction which is inconsistent with the approved building permit shall be a violation of this Ordinance.

## CHAPTER 5: NONCONFORMING LOTS, USES & STRUCTURES

### 5.01 PURPOSE & INTENT

It shall be deemed nonconforming when, within the districts established by this Ordinance or amendments that may later be adopted, there exists lots, structures, and uses of land which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments. This Ordinance permits these nonconformities to continue until they are removed, modified/alterd (other than repair, replacement, restoration, maintenance or improvement activities) or otherwise discontinued. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses not permitted in the district in which it is located; consistent with Minnesota Statute. Furthermore, this Ordinance does not recognize and/or allow expansion of a nonconforming use by ordinance pursuant to 'discretion' authorized to municipalities within Minnesota Statute Section 462.357, subdivision 1e.

Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued to prior to the effective date of this Ordinance, provided however, that the entire building shall be completed according to such plans as filed within one hundred eighty (180) days from the date of issuance of said permit.

### 5.02 NONCONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory building(s) may be erected on any single lot of record at the effective date of this Ordinance provided that it fronts on a public right-of-way and provided, further, that the width and area measurements are at least seventy-five percent (75%) of the minimum requirements of this Ordinance. This provision shall apply provided that side yards and front yard setbacks shall conform to the regulations for the district in which such lot is located.

### 5.03 NONCONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

#### A. GENERAL PROVISIONS.

- a. No such nonconforming use shall be enlarged or extended to occupy a greater area of land than was occupied at the effective date of this



ordinance;

- b. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel;
- c. If any such nonconforming use of land ceases for any reason for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

## **5.04 NONCONFORMING STRUCTURES**

Where a lawful structure exists at the effective date of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, elevation or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

### **A. GENERAL PROVISIONS.**

- a. No such structure may be enlarged, expanded or otherwise altered in a way that increases its nonconformity, non-inclusive of repair, replacement, restoration, maintenance or improvement activities as allowed under Minnesota State Statute Section 462.357, subdivision 1e;
- b. Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its estimated market value at time of destruction, and no building permit has been applied for within one hundred eighty (180) days of when the property was damaged, the municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body(ies);
- c. Should such structure be moved for any reason, for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved;
- d. When a nonconforming use is discontinued or abandoned for twelve (12) months, the nonconforming use shall not be resumed unless otherwise authorized under this Ordinance;
- e. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoration of a structure to a safe condition. Any structure or component thereof declared unsafe by any official charged with protecting the public's safety, shall be addressed by the owner in a timely manner.

## CHAPTER 6: CONDITIONAL USE PERMIT

### 6.01 PURPOSE & INTENT

The purpose of a conditional use permit is to provide a discretionary approval process, for proposed uses which have unique or widely varying operating characteristics. The procedure is intended to ensure that proposed conditional uses will not have a significant adverse impact on surrounding uses or on the general welfare, public health and safety of the community.

### 6.02 INITIATING A REQUEST

The Planning Commission may, upon their own motion, initiate a conditional use permit request in accordance with the provisions of this Ordinance.

Any person owning property, or having documented interest therein, may initiate a request for a conditional use permit for that property in conformance with the provisions of this Ordinance. The property owner or designated representative shall complete the required application for a conditional use permit which may be obtained from the Zoning Administrator.

### 6.03 FILING AN APPLICATION

The application shall be filed with the Zoning Administrator who shall refer the application together with comments thereon to the Planning Commission. Such application shall be accompanied by a fee as established by a City Council resolution. The City, after receipt and review of the application, may request additional information from the applicant which it deems necessary for a proper review by the Planning Commission. The request for a conditional use permit shall be placed on the agenda of a regular or special meeting of the Planning Commission in a timely manner, and in accordance with state statute.

### 6.04 PUBLIC HEARING

Upon receipt of an application for a conditional use permit, the Zoning Administrator shall set the time and date for a public hearing. Notice of said hearing shall consist of a legal property description and/or a summary description of the request, and be published in a newspaper of general circulation at least ten (10) days prior to the hearing. In the case of zoning amendments involving changes in district boundaries affecting an area of five (5) acres or less, a written notice of said hearing shall be mailed at least ten (10) days prior to the hearing to all owners of land within three hundred fifty feet (350') of the property to which the amendment relates. A copy of the hearing notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the record of the proceeding. Failure of a property owner to receive said notice, or failure to provide mailed notice to individual property owners, or defects in the notice shall not invalidate any such proceedings as set forth within this Ordinance provided a bona fide attempt has been made to comply with the notice requirements of this Ordinance.

## **6.05 CONSIDERATION OF REQUEST**

Providing the applicant has furnished all information, as requested by the Zoning Administrator, and provided the prescribed notification requirements can be met, the Planning Commission shall consider the application at its next meeting.

The City Council must take action on the application within sixty (60) days from the date an application is received and deemed complete by the city. An application for a conditional use permit may be granted by a majority vote of the Council.

If the City council grants the conditional use permit, they may impose such conditions, as may be deemed necessary for, or appropriate to serve the purposes, of the Comprehensive Plan, the Zoning Ordinance, and to protect the public health, safety, and welfare.

## **6.06 ISSUANCE OF A PERMIT**

In the issuance of a conditional use permit, the Planning Commission, may for good reason, recommend approval and the City Council may approve a use that does not meet all the minimum standards and requirements of the zoned district. Any standards not met shall be so noted as part of the conditional use permit.

## **6.07 CANCELLATION, TERMINATION, OR EXPIRATION**

Where applicable, unless otherwise specified by the City Council at the time it is authorized, a conditional use permit shall expire if the applicant fails to utilize such conditional use permit within one hundred eighty (180) days from the date of its issuance.

## **6.08 APPEAL**

Any person, taxpayer, department, board, or bureau of the City aggrieved by the decision of the City Council shall have the right to seek review within forty-five (45) days of the decision with a court of record of such decision in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462 as such statute may be from time to time amended, supplemented, or replaced.

## **CHAPTER 7: REZONE REQUESTS & ORDINANCE AMENDMENTS**

### **7.01 PURPOSE & INTENT**

The regulations, restrictions, and zoning districts in this Ordinance may, from time to time, be amended, supplemented, changed, modified or repealed; provided that no action be taken until after a public hearing in relation thereto, at which parties with interest and citizens shall have an opportunity to be heard. These changes may be to the text, zoning map, or any other component of this Ordinance.

### **7.02 INITIATING A REQUEST**

The Planning Commission may, upon their own motion, initiate a zoning amendment request in accordance with the provisions of this Ordinance.

Any person owning property, or having documented interest therein, may initiate a request for a zoning amendment for that property in conformance with the provisions of this Ordinance. The property owner or designated representative shall complete the required application for a zoning amendment which may be obtained from the Zoning Administrator.

### **7.03 FILING AN APPLICATION**

The application shall be filed with the Zoning Administrator who shall refer the application together with comments thereon to the Planning Commission. Such application shall be accompanied by a fee as established by a City Council resolution. The Zoning Administrator, after receipt and review of the application, may request additional information from the applicant which is deemed necessary for a proper review by the Planning Commission. The request for a zoning amendment shall be placed on the agenda of a regular or special meeting of the Planning Commission in a timely manner, and in accordance with state statute.

### **7.04 PUBLIC HEARING**

Upon receipt of an application for a zoning amendment, the Zoning Administrator shall set the time and date for a public hearing. Notice of said hearing shall consist of a legal property description and/or a summary description of the request, and be published in a newspaper of general circulation at least ten (10) days prior to the hearing. In the case of zoning amendments involving changes in district boundaries affecting an area of five (5) acres or less, a written notice of said hearing shall be mailed at least ten (10) days prior to the hearing to all owners of land within three hundred fifty feet (350') of the property to which the amendment relates. A copy of the hearing notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the record of the proceeding. Failure of a property owner to receive said

notice, or failure to provide mailed notice to individual property owners, or defects in the notice shall not invalidate any such proceedings as set forth within this Ordinance provided a bona fide attempt has been made to comply with the notice requirements of this Ordinance.

#### **7.05 CONSIDERATION OF REQUEST**

Providing the applicant has furnished all information, as requested by the Zoning Administrator, and provided the prescribed notification requirements can be met, the Planning Commission shall consider the application at its next meeting.

The City Council must take action on the zoning amendment request within sixty (60) days from the date an application is received and deemed complete by the city. Approval of a proposed amendment shall require a three-fifths (3/5) vote of the City Council.

#### **7.06 EFFECTIVE DATE**

The amendment shall not become effective until such time as the City Council approves an ordinance reflecting said amendment and after said ordinance is published in a newspaper of general circulation.

#### **7.07 APPEALS**

Any person, taxpayer, department, board, or bureau of the City aggrieved by the decision of the City Council shall have the right to seek review within forty-five (45) days of the decision with a court of record of such decision in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462 as such statute may be from time to time amended, supplemented, or replaced.

## CHAPTER 8: VARIANCE

### 8.01 PURPOSE & INTENT

The variance process is intended to provide limited relief from the requirements of this Ordinance in those circumstances where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance. It is not intended that variances be granted for the establishment or expansion of a use within a zone district where it is not permitted.

### 8.02 INITIATING A REQUEST

Any person owning property, or having documented interest therein, may initiate a request for a variance for that property in conformance with the provisions of this Ordinance. The property owner or designated representative shall complete the required application for a variance which may be obtained from the Zoning Administrator.

### 8.03 FILING AN APPLICATION

The property owner or designated representative shall complete the required application for a variance which may be obtained from the Zoning Administrator. Such application shall be accompanied by a fee as established by a City Council resolution. The application for a variance shall be filed with the Zoning Administrator. The Zoning Administrator, after review of the application, shall have the authority to request additional information from the applicant which is deemed necessary for a proper review by the Board of Adjustment. The request for a variance shall be placed on the agenda of the Board of Adjustment to occur no later than sixty (60) days from the date of submission.

Variance requests for the same property, of similar intent, shall not be heard within one hundred eighty (180) days of a previous request unless it can be demonstrated to the Zoning Administrator that the conditions for the variance have changed.

### 8.04 PUBLIC HEARING

Upon receipt of an application for a variance, the Zoning Administrator shall set the time and date for the public hearing. Notice of said hearing shall consist of a legal property description and a summary description of the request, published in a newspaper of general circulation at least ten (10) days prior to the hearing. In the case of variances affecting an area of five (5) acres or less, a written notice of said hearing shall be mailed at least ten (10) days prior to the hearing to all owners of land within three hundred fifty feet (350') of the property to which the variance relates. A copy of the hearing notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the record of the proceeding. Failure of a property owner to receive said notice, or failure to provide mailed notice to individual property owners, or defects in the notice shall not invalidate any such proceedings as set forth within this

Ordinance provided a bona fide attempt has been made to comply with the notice requirements of this Ordinance.

#### **8.05 CONSIDERATION OF REQUEST BY BOARD OF ADJUSTMENT**

The Board of Adjustment shall make findings of fact and shall decide whether to approve, conditionally approve or deny the request for variance within sixty (60) days from the date an application is received and deemed complete by the city. A variance to this Ordinance shall not be granted unless approved by a majority of the members of the Board of Adjustment.

A variance from any provision(s) within this Ordinance shall not be granted unless the Board of Adjustment makes findings, based upon competent material and substantial evidence that the request complies with the following factors that must be satisfied in constituting an undue hardship:

- A. The property cannot be put to a reasonable use if used under conditions allowed by this Ordinance;
- B. The plight of the landowner is due to circumstances unique to the property and not created by the landowner; and
- C. The variance, if granted, will not alter the essential character of locality.

#### **8.06 CONDITIONS OF APPROVAL**

In authorizing a variance, the board may, in addition to the specific conditions of approval called for in this Ordinance, attach such other conditions regarding the location, character, landscaping, or treatment reasonably necessary to further the intent and spirit of this Ordinance and the protection of the public interest.

#### **8.07 CANCELLATION, TERMINATION, OR EXPIRATION**

Unless otherwise specified by the Board of Adjustment at the time it is authorized, a variance shall expire if the applicant fails to utilize such variance within one hundred eighty (180) days from the date of its issuance.

#### **8.08 APPEALS**

To appeal a decision of the Board of Adjustment, a written notice of appeal must be filed with the City within forty-five (45) days of the decision of the Board of Adjustment. Appeals to the City Council and appeals from the City Council's decision shall be in accordance with the procedures for appeals from the Board of Adjustment set forth in this Ordinance.

Any person, taxpayer, department, board, or bureau of the City aggrieved by the decision of the City Council shall have the right to seek review within forty-five (45) days

of the decision with a court of record of such decision in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462 as such statute may be from time to time amended, supplemented, or replaced.



## CHAPTER 9: DECISION-MAKING BODIES & APPEALS

### 9.01 PLANNING COMMISSION

The Planning Commission is established pursuant to authority granted to the City under Minnesota Statutes. The Planning Commission shall have the review and recommendation authority as established in this Ordinance.

- A. MEMBERS & TERMS.** The Planning Commission shall consist of the five (5) elected members of the City Council. All members shall be bona fide residents of the City. Members of the Planning Commission shall serve in such capacity without compensation of any manner. The term of office shall be four (4) years and coincide with the terms of City Council members.
- B. QUORUM & VOTING.** A quorum of the Planning Commission shall consist of three-fifths (3/5) members of the regular membership. A quorum must exist before this board can take any official action on behalf of the City. All actions of the Planning Commission require a majority vote by a quorum of the board, unless otherwise set forth in this Ordinance. A member of the board shall be excused from voting on a particular issue if it has been determined that the member would have a conflict of interest or would be violating any codes of ethics.
- C. RECORDS.** The City shall keep files, records, and notices of all meetings; which shall be available for public inspection.

### 9.02 BOARD OF ADJUSTMENT

The Board of Adjustment ~~is hereby~~ may be established by the City Council pursuant to authority granted to the City under Minnesota Statutes. The Board of Adjustment shall have the review and decision-making authority as established in this Ordinance.

- A. MEMBERS & TERMS.** The Board of Adjustment shall consist of three (3) members whom shall be appointed by the City Council. All members of the Board of Adjustment shall be bona fide residents of the City. Members of the Board of Adjustment shall serve in such capacity without compensation of any manner. The term of office shall be three (3) years and staggered so that one (1) member is appointed each year. The City Council shall fill vacancies and may additionally remove members without cause by four-fifths (4/5) vote. Vacancies shall be filled for the unexpired term only and members may be appointed for successive terms without limitation.
- B. QUORUM & VOTING.** A quorum of the Board of Adjustment shall consist of two (2) members of the regular membership. A quorum must exist before this board can take any official action on behalf of the City. All actions of the Board of

Adjustment require a majority vote by a quorum of the board, unless otherwise set forth in this Ordinance. A member of the board may only be excused from voting on a particular issue if it has been determined that the member would have a conflict of interest or would be violating any codes of ethics.

**C. RECORDS.** The City shall keep files, record and notice of all meetings; which shall be available for public inspection.

**D. CHAIRPERSON.** The Board of Adjustment shall elect a chairperson from among its appointed members for the term of one (1) year, starting in January.

**E. MEETINGS.** The Board of Adjustment shall meet as needed, based on the availability of agenda items.

### **9.03 APPEALS - APPLICABILITY**

An appeal shall only be applicable to an interpretation of legislative intent of provisions of this Ordinance. Opinions and evaluations as it pertains to the impact or result of a request are not subject to the appeal procedure

### **9.04 PROCEEDINGS**

The Board of Adjustment may adopt rules necessary to the conduct and processing of appeals, while maintaining consistency with the provisions of this Ordinance. Meetings shall be scheduled as determined necessary by the Zoning Administrator or Chairperson and shall be duly coordinated with the Board of Adjustments agendas, as applicable.

### **9.05 FILING AN APPEAL**

Appeals forwarded to the Board of Adjustment concerning interpretation or administration of this Ordinance must be filed with the City by the property owner or their agent within forty-five (45) days of the rendered decision.

Any appeal filed shall be comprehensive and include all matters subject to question. Such appeals must be filed with the Zoning Administrator and shall specifically identify the framework of the appeal, including Ordinance citations, as applicable. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. Subsequent appeals filed by the same person which are intended to cause unjustifiable delay shall not be accepted by the City.

### **9.06 SPECIFIC RESPONSIBILITIES**

It is the intent of this Ordinance that all questions or interpretation and enforcement shall be first presented to the Zoning Administrator and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board of Adjustment shall be forwarded to the City Council and, if necessary, to the Courts as provided by law and

particularly by Chapter 462, Minnesota Statutes.

**SUMMARY TABLE OF PROCEDURES**

| <b>PROCEDURE</b>  | <b>SECTION</b> | <b>CITY COUNCIL</b> | <b>PLANNING COMM.</b> | <b>BOARD OF ADJUSTMENT</b> | <b>CITY STAFF</b> | <b>ZONING CERTIFICATE</b> |
|---|----------------|---------------------|-----------------------|----------------------------|-------------------|---------------------------|
| <b>PLANNING &amp; ZONING</b>  |                |                     |                       |                            |                   |                           |
| Code Interpretation   | 9.03           |                     |                       | A                          | D                 |                           |
| Rezone  | 7.01           | D                   | R-H                   |                            | R                 | YES                       |
| Zoning Amendment  | 7.01           | D                   | R-H                   |                            | R                 | YES                       |
| <b>PERMITS &amp; APPROVALS</b>  |                |                     |                       |                            |                   |                           |
| Conditional Use Permit  | 6.01           | D                   | R-H                   |                            | R                 | YES                       |
| Variance  | 8.01           | A-H                 |                       | D-H                        | R                 |                           |
| Sign Permit (On-site & Off-premise)   | 23.01          |                     |                       | A                          | D                 | YES                       |
| Moving Permits  | 26.01          | D                   | R-H                   |                            | R                 | YES                       |
| Moving Permits (accessory structures or single story garages outside the city limits) | 26.01          |                     |                       | A                          | D                 | YES                       |
| Home Occupation   | 24.01          |                     |                       | A                          | D                 |                           |

**R – REVIEW (RESPONSIBLE FOR REVIEW AND/OR RECOMMENDATION)**  
**D – DECISION (RESPONSIBLE FOR FINAL DECISION)**  
**H – HEARING (PUBLIC HEARING REQUIRED)**  
**A – APPEAL (AUTHORITY TO HEAR/DECIDE APPEALS)**

# CHAPTER 10: ZONING DISTRICTS

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## 10.01 ZONING DISTRICTS

For the purpose of this Ordinance, the City of Glyndon is hereby divided into eight (8) zoning districts as shown on the Zoning Map and as provided hereinafter. This chapter and subsequent chapters set forth information pertaining to the districts, including: (a) statements of purpose; and (b) permitted uses and dimensional standards. Land use regulations, building regulations and development standards set forth within this Ordinance shall be enforced uniformly within each district.

Statements of Purpose:

- A. AGRICULTURAL DISTRICT (A).** This district identifies land that is presently agricultural in use and will be limited to this specific use type until such time that development occurs. Prior to the development of this land or concurrent with any development application a rezoning process consistent with Chapter 7 shall be required.
- B. LOW DENSITY RESIDENTIAL DISTRICT (R-1).** This district is established to provide predominantly single-family neighborhoods of lower density.
- C. MODERATE DENSITY RESIDENTIAL DISTRICT (R-2).** This district is established to provide an area where there will be a compatible variety in residential densities. The intent of this district is to provide appropriate transitions between single-family residences and higher density residences.
- D. HIGH DENSITY RESIDENTIAL DISTRICT (R-3).** This district is established to provide high-density residential development within municipal limits. Non-residential uses permitted in this district will be limited to those uses and buildings that will provide stability and dignity to the area as a residential neighborhood.
- E. MANUFACTURED HOUSING RESIDENTIAL DISTRICT (R-4).** This district is established to set aside areas within municipal limits for the exclusive use of manufactured home parks with certain restrictions to provide residents a safe, healthful environment.
- F. GENERAL COMMERCIAL DISTRICT (C-1).** This district is established to provide a core area of civic and high-quality commercial uses to the community of Glyndon. The intent of this district is to support commercial uses that provide economic activity within city limits and to provide adequate/safe access to transportation infrastructure.
- G. COMMERCIAL/AGRICULTURE DISTRICT (C-2).** This district is established to provide suitable areas to be retained and utilized in open space and/or agricultural uses.

**H. INDUSTRIAL DISTRICT (I).** This district is established to permit warehousing, storage, and light industrial uses that are free from objectionable influence upon adjacent urban development.

## CHAPTER 11: AGRICULTURAL DISTRICT (A)

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### 11.01 PURPOSE & INTENT

The Agricultural (A) District is established primarily for those annexed, unplatted areas within the City that have not been zoned for development or are undergoing a transition from agricultural to urban uses. The urban transition is contingent upon development plans, proper timing, availability of public utilities and services, and compatibility with the City of Glyndon Comprehensive Plan and Future Land Use Plan. As these conditions for development are met, a more conventional urban zoning district will replace the Agricultural District.

### 11.02 PERMITTED USES

The following are permitted uses in the Agricultural (A) District:

#### A. RESIDENTIAL USES.

- a. Single-family dwellings;
- b. Home occupation.

#### B. NON-RESIDENTIAL USES.

- a. Farming (includes crop, trees, hobby farms, etc.) and agricultural-related uses, but not including livestock operations;
- b. Essential services;
- c. Nurseries, greenhouses, and landscape material operations including retail and wholesale operations;

#### C. PUBLIC, INSTITUTIONAL, AND CIVIC USES.

- a. Open space, athletic fields, parks, and playgrounds.

### 11.03 CONDITIONAL USES

The following are conditional uses in the Agricultural (A) District:

#### A. NON-RESIDENTIAL USES.

- a. Recreational areas which includes, but not limited to the following: golf courses, country clubs, swimming pools, ice arena/ice rink, driving range, and similar facilities;
- b. Kennels, animal hospitals (with overnight care), and similar uses/facilities;

- c. Cemeteries;
- d. Non-farm related open and outdoor storage as a principal or accessory use;
- e. Non-farm related open or outdoor service, sale and rental as a principal or accessory use.

#### **11.04 LOT REQUIREMENTS & SETBACKS**

The following minimum requirements shall be observed in the Agricultural (A) District subject to the additional requirements, exceptions, and modifications set forth in this Ordinance.

##### **A. LOT REQUIREMENTS.**

- a. Lot area: Ten (10) acres.
- b. Lot width: One hundred fifty feet (150').
- c. Lot depth: Three hundred feet (300').

##### **B. SETBACKS.**

- a. Front yard: Not less than twenty-five feet (25').
- b. Side yard:
  - i. Single and two-family:
    - 1. Interior Lots: Eight feet (8');
    - 2. Corner Lots: Twelve feet (12').
  - ii. All other permitted and conditional uses: Ten feet (10').
- c. Rear yard:
  - i. Principle building: Twenty-five feet (25');
  - ii. Accessory building or use: Five feet (5'), except on corner lots, which shall not be less than twelve feet (12') on the side abutting the street.

#### **11.05 MAXIMUM BUILDING HEIGHT**

##### **A. BUILDING HEIGHT.**

- a. Dwelling units: Thirty-five feet (35');
- b. Accessory buildings: As governed by Chapter 19 of this Ordinance;
- c. Farm buildings: None

## **11.06 MAXIMUM LOT COVERAGE**

No structure or combination of structures shall occupy more than ten percent (10%) of the lot area unless otherwise permitted within this Ordinance.



## **CHAPTER 12: LOW DENSITY RESIDENTIAL DISTRICT (R-1)**

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### **12.01 PURPOSE & INTENT**

The Low Density Residential (R-1) District is established to encourage the preservation of residential neighborhoods characterized primarily by single-family dwellings of lower density and to preserve undeveloped lands for similar types of residential development.

### **12.02 PERMITTED USES**

The following are permitted uses in the Low Density Residential (R-1) District:

#### **A. RESIDENTIAL USES.**

- a. Single-family dwellings.

#### **B. NON-RESIDENTIAL USES.**

- a. Essential services.

#### **C. PUBLIC, INSTITUTIONAL, AND CIVIC USES.**

- a. Library;
- b. Primary and secondary schools;
- c. Open space, athletic fields, parks, and playgrounds;
- d. Public swimming pools;
- e. Public assembly.

### **12.03 ACCESSORY USES**

The following are permitted accessory uses in the Low Density Residential (R-1) District:

#### **A. ACCESSORY USES.**

- a. Private garages, parking spaces and car ports;
- b. The storage of recreational vehicles and related equipment;
- c. Home occupations as regulated by this Ordinance;
- d. Non-commercial greenhouses and conservatories;
- e. Private swimming pool, tennis courts, and other recreational facilities;
- f. Tool sheds, structures, and similar buildings for storage of domestic

- supplies and non-commercial recreational equipment;
- g. Boarding or renting of rooms to not more than two (2) persons.

## **12.04      CONDITIONAL USES**

The following are conditional uses in the Low Density Residential (R-1) District:

### **A. NON-RESIDENTIAL USES.**

- a. Governmental and public regulated utility buildings necessary for the health, safety, and general welfare of the City.

## **12.05      LOT REQUIREMENTS & SETBACKS**

The following minimum requirements shall be observed in the Low Density Residential (R-1) District subject to the additional requirements, exceptions, and modifications set forth in this Ordinance.

### **A. LOT REQUIREMENTS.**

- a. Lot area:
  - i. Single-family: Seven thousand (7,000) square feet.
- b. Lot width: Seventy feet (70').
- c. Lot depth: One hundred feet (100').

### **B. SETBACKS.**

- a. Front yard: Not less than twenty-five feet (25').
- b. Side yard:
  - i. All permitted or conditional uses:
    - 1. Interior Lots: Eight feet (8');
    - 2. Corner Lots: Twelve feet (12').
  - ii. Accessory structures: Five feet (5') minimum unless a garage entrance faces into a street in which case the setback will be eighteen feet (18') to accommodate a vehicle from encroaching into public right-of-way.
- c. Rear yard:
  - i. Principle building: Twenty-five feet (25');
  - ii. Accessory building or use: Five feet (5'), except on corner lots, which shall not be less than twelve feet (12') on the side abutting the street. If a garage entrance faces onto a street the minimum setback will be eighteen feet (18') to accommodate a vehicle from

encroaching onto the public right-of-way.

## **12.06 MAXIMUM BUILDING HEIGHT**

### **A. BUILDING HEIGHT.**

- a. Dwelling units or principal buildings: Thirty-five feet (35');
- b. Accessory buildings: As governed by Chapter 19 of this Ordinance.

## **12.07 MAXIMUM LOT COVERAGE**

No structure or combination of structures shall occupy more than thirty-three percent (33%) of the lot area unless otherwise permitted within this Ordinance.

## CHAPTER 13: MODERATE DENSITY RESIDENTIAL DISTRICT (R-2)

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### 13.01 PURPOSE & INTENT

The Moderate Density Residential (R-2) District is established to provide for an area where there will be a compatible variety of residential densities/dwelling units by encouraging single-family residences, two-family units, and twin homes/townhouses.

### 13.02 PERMITTED USES

The following are permitted uses in the Moderate Density Residential (R-2) District:

#### A. RESIDENTIAL USES.

- a. Single-family dwellings.
- b. Two (2) unit single-family attached dwellings.
- c. Twin homes.
- d. Townhome dwellings of more than two (2) units but less than eight (8) units;

#### B. NON-RESIDENTIAL USES.

- a. Essential services.

### 13.03 ACCESSORY USES

The following are permitted accessory uses in the Moderate Density Residential (R-2) District:

#### A. ACCESSORY USES.

- a. Private garages, parking spaces and car ports;
- b. The storage of recreational vehicles and related equipment;
- c. Home occupations as regulated by this Ordinance;
- d. Non-commercial greenhouses and conservatories;
- e. Private swimming pool, tennis courts, and other recreational facilities;
- f. Tool sheds, structures, and similar buildings for storage of domestic supplies and non-commercial recreational equipment;

- g. Boarding or renting of rooms to not more than two (2) persons.

### **13.04      CONDITIONAL USES**

The following are conditional uses in the Moderate Density Residential (R-2) District:

#### **A. RESIDENTIAL USES.**

- a. Multiple-family dwellings or attached single-family dwelling structures with more than two (2) units but less than eight (8) units, provided that adequate off-street parking is provided.

#### **B. NON-RESIDENTIAL USES.**

- a. Governmental and public regulated utility buildings necessary for the health, safety, and general welfare of the City.

### **13.05      LOT REQUIREMENTS & SETBACKS**

The following minimum requirements shall be observed in the Moderate Density Residential (R-2) District subject to the additional requirements, exceptions, and modifications set forth in this Ordinance.

#### **A. LOT REQUIREMENTS.**

- a. Lot area:
  - i. Single-family: Five thousand (5,000) square feet.
  - ii. Two-family: Seven thousand (7,000) square feet.
  - iii. Twin home/Townhomes: Thirty-five hundred (3,500) square feet.
- b. Lot width:
  - i. Single-family: Fifty feet (50’).
  - ii. Two-family: Seventy feet (70’).
  - iii. Twin home/Townhouses: Thirty-five feet (35’).
- c. Lot depth: One hundred feet (100’).

#### **B. SETBACKS.**

- a. Front yard: Not less than twenty-five feet (25’).
- b. Side yard:
  - i. Single-family:
    - 1. Interior Lots: Five feet (5’);
    - 2. Corner Lots: Twelve feet (12’) on the side yards abutting a

public way.

- ii. Two-family, twin homes, and townhouses:
    - 1. Interior Lots: Seven feet (7');
    - 2. Corner Lots: Twelve feet (12') on the side yards abutting a public way;
    - 3. Townhouses: No setback required on internal common walls or party walls.
  - iii. Accessory structures: Five feet (5') minimum unless a garage entrance faces into a street in which case the setback will be eighteen feet (18') to accommodate a vehicle from encroaching into public right-of-way.
- c. Rear yard:
- i. Principle building: Twenty-five feet (25');
  - ii. Accessory building or use: Five feet (5'), except on corner lots, which shall not be less than twelve feet (12') on the side abutting the street. If a garage entrance faces onto a street the minimum setback will be eighteen feet (18') to accommodate a vehicle from encroaching onto the public right-of-way.

## **13.06 MAXIMUM BUILDING HEIGHT**

### **A. BUILDING HEIGHT.**

- a. Dwelling units or principal buildings: Thirty-five feet (35');
- b. Accessory buildings: As governed by Chapter 19 of this Ordinance.

## **13.07 MAXIMUM LOT COVERAGE**

The following maximum lot coverage will apply to the Moderate Density Residential (R-2) District:

### **A. LOT COVERAGE.**

- a. One-family, two-family, and twin homes: No structure or combination of structures shall occupy more than thirty-three percent (33%) of the lot area.
- b. Townhouses: No structure or combination of structures shall occupy more than forty percent (40%) of the lot area.

## **CHAPTER 14: HIGH DENSITY RESIDENTIAL DISTRICT (R-3)**

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### **14.01 PURPOSE & INTENT**

The High Density Residential (R-3) District is established to provide higher density residential development within municipal limits. Non-residential uses permitted in this district will be limited to those uses and buildings that will provide stability and dignity to the area as a residential neighborhood.

### **14.02 PERMITTED USES**

The following are permitted uses in the High Density Residential (R-3) District:

#### **A. RESIDENTIAL USES.**

- a. Single-family dwellings.
- b. Two (2) unit single-family attached dwellings.
- c. Twin homes.
- d. Townhome dwellings of more than two (2) units but less than twelve (12) units;
- e. Multiple-family dwellings of more than two (2) units but less than eight (8) units;

#### **B. NON-RESIDENTIAL USES.**

- a. Essential services;
- b. Retirement, nursing, assisted living, or similar uses.

### **14.03 ACCESSORY USES**

The following are permitted accessory uses in the High Density Residential (R-3) District:

#### **A. ACCESSORY USES.**

- a. Private garages, parking spaces and car ports;
- b. The storage of recreational vehicles and related equipment;
- c. Home occupations as regulated by this Ordinance;
- d. Non-commercial greenhouses and conservatories;
- e. Private swimming pool, tennis courts, and other recreational facilities;
- f. Tool sheds, structures, and similar buildings for storage of domestic supplies and non-commercial recreational equipment;

- g. Boarding or renting of rooms to not more than two (2) persons.

#### **14.04      CONDITIONAL USES**

The following are conditional uses in the High Density Residential (R-3) District:

##### **A. RESIDENTIAL USES.**

- a. Multiple-family dwellings with more than eight (8) units, provided that adequate off-street parking is provided.

##### **B. NON-RESIDENTIAL USES.**

- a. Governmental and public regulated utility buildings necessary for the health, safety, and general welfare of the City.

#### **14.05      LOT REQUIREMENTS & SETBACKS**

The following minimum requirements shall be observed in the High Density Residential (R-3) District subject to the additional requirements, exceptions, and modifications set forth in this Ordinance.

##### **A. LOT REQUIREMENTS.**

- a. Lot area:
  - i. Single-family: Thirty-seven hundred and fifty (3,750) square feet.
  - ii. Two-family: Six thousand (6,000) square feet.
  - iii. Twin home/Townhouses: Three thousand (3,000) square feet.
  - iv. Multiple-family: One thousand five hundred (1,500) square feet per dwelling unit up to four (4) units; seven hundred fifty (750) square feet per additional dwelling unit.
- b. Lot width:
  - i. Single-family: Thirty-seven and a half feet (37.5’).
  - ii. Two-family and multiple-family: Sixty feet (60’).
  - iii. Twin home/Townhouses: Thirty feet (30’).
- c. Lot depth: One hundred feet (100’).

##### **B. SETBACKS.**

- a. Front yard: Not less than twenty-five feet (25’).
- b. Side yard:
  - i. Single-family:
    - 1. Interior Lots: Five feet (5’);



2. Corner Lots: Twelve feet (12') on the side yards abutting a public way.
- ii. Two-family, twin homes, and townhouses:
  1. Interior Lots: Five feet (5');
  2. Corner Lots: Twelve feet (12') on the side yards abutting a public way;
  3. Townhouses: No setback required on internal common walls or party walls.
- iii. Multi-family:
  1. Twelve percent (12%) of the lot with a minimum of six feet (6');
- iv. Accessory structures: Five feet (5') minimum unless a garage entrance faces into a street in which case the setback will be eighteen feet (18') to accommodate a vehicle from encroaching into public right-of-way.
- c. Rear yard:
  - i. Principle building: Twenty-five feet (25');
  - ii. Accessory building or use: Five feet (5'), except on corner lots, which shall not be less than twelve feet (12') on the side abutting the street. If a garage entrance faces onto a street the minimum setback will be eighteen feet (18') to accommodate a vehicle from encroaching onto the public right-of-way.

## **14.06 MAXIMUM BUILDING HEIGHT**

### **A. BUILDING HEIGHT.**

- a. Dwelling units or principal buildings: Thirty-five feet (35');
- b. Accessory buildings: As governed by Chapter 19 of this Ordinance.

## **14.07 MAXIMUM LOT COVERAGE**

No structure or combination of structures shall occupy more than forty-five percent (45%) of the lot area.

## **CHAPTER 15: MANUFACTURED HOUSING RESIDENTIAL DISTRICT (R-4)**

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### **15.01 PURPOSE & INTENT**

The Manufactured Housing Residential (R-4) District is established to set aside areas within municipal limits for the exclusive use of manufactured home parks with certain restrictions to provide residents in that district a safe, healthful environment.

### **15.02 PERMITTED USES**

Single-family, detached, manufactured housing, and manufactured home park offices shall be permitted uses within the R-4 District unless otherwise specified in the provisions of this Ordinance. Existing mobile home parks may not be expanded or modified (acreage, parcels, lots, etc.) unless zoned Manufactured Housing Residential (R-4) District.

### **15.03 ACCESSORY USES**

The following are permitted accessory uses in the Manufactured Housing Residential (R-4) District:

#### **A. ACCESSORY USES.**

- a. Private garages, parking spaces and car ports;
- b. The storage of recreational vehicles and related equipment;
- c. Home occupations as regulated by this Ordinance;
- d. Non-commercial greenhouses and conservatories;
- e. Private swimming pool, tennis courts, and other recreational facilities;
- f. Tool sheds, structures, and similar buildings for storage of domestic supplies and non-commercial recreational equipment;
- g. Boarding or renting of rooms to not more than two (2) persons;
- h. Community laundry facilities, storm shelters, and park offices.

### **15.04 CONDITIONAL USES**

The following are conditional uses in the Manufactured Housing Residential (R-4) District:

## **A. NON-RESIDENTIAL USES.**

- a. Governmental and public regulated utility buildings necessary for the health, safety, and general welfare of the City;
- b. Overnight travel trailer park facilities.

## **15.05 GENERAL PROVISIONS**

### **A. GENERAL PROVISIONS.**

- a. Drainage and landscaping: All land area shall be adequately drained and landscaped to control dust; and clean and free from refuse, garbage, rubbish or debris;
- b. Tents: No tents shall be used for residential housing purposes; however, tents may be used for recreational purposes;
- c. Outdoor camping: There shall be no outdoor camping anywhere in a manufactured housing park;
- d. Access approval: Access to manufactured housing parks to/from public right-of-way shall be approved by the City;
- e. Structures: Permits must be obtained for construction of buildings or structures when required by the Building Code;
- f. Enclosure of lower areas: The area beneath a manufactured housing unit shall be enclosed with a compatible material except that such enclosure must have access for inspection;
- g. Clothes lines: Laundry and clothing shall be hung out to dry only on lines indicated in City approved areas established and maintained exclusively for that purpose, as identified on the manufactured housing park site plan;
- h. Central community buildings: A manufactured housing park shall have an adequate central community building with the following features, as applicable:
  - i. Laundry drying areas and machines;
  - ii. Public toilets and lavatories;
  - iii. Storm shelter;
  - iv. Such buildings shall have adequate heating in all areas and be maintained in a safe, clean, and sanitary condition.
- i. Length of rental: No space shall be rented except for periods of thirty (30) days or more;
- j. Tie-down and blocking requirements: Blocking, anchors, and tie-downs shall be placed in accordance with Minnesota State Law and the adopted Building Code;
- k. Inspection: All manufactured homes shall comply with State and local fire,

health, and building regulations;

- I. Refuse Disposal: Procedures for garbage, waste and trash disposal must be approved by the City and must conform to all State and local health and pollution control regulations;
- m. Manufactured housing parks must provide and maintain adequate park/street lighting throughout the entirety of the park.

#### **15.06 SITE PLAN REQUIREMENTS**

At such time an application is submitted to rezone property to a Manufactured Housing Residential (R-4) District, the applicant must submit a site plan to the City. The applicant shall be bound by said site plan after the rezone application is processed and acted upon by the City. The site plan shall be processed contemporaneous with the rezone application. Thereafter, no building permit shall be issued unless compliance is determined and deemed consistent with any approval issued by the City Council.

#### **15.07 REGISTRATION**

It shall be the duty of the operator of the manufactured housing park to keep a record of all homeowners and occupants located within the park.

#### **15.08 MAINTENANCE**

The operator and/or owner of any manufactured housing park, or a duly authorized attendant and/or caretaker shall be responsible at all times for keeping the park, its facilities and equipment, parking areas, recreational areas/equipment, street lighting, park lighting, dumpsters, refuse disposal and storage facilities. The attendant or caretaker shall be held accountable along with said operator/owner, for the violation of any provisions of these regulations to which said owner/operator is subject.

## **CHAPTER 16: GENERAL COMMERCIAL DISTRICT (C-1)**

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### **16.01 PURPOSE & INTENT**

The General Commercial (C-1) District is established to provide a core area of civic and high-quality commercial uses to the community of Glyndon. The intent of this district is to support commercial uses that provide economic activity within city limits and to provide adequate and safe access to transportation infrastructure.

### **16.02 PERMITTED USES**

The following are permitted uses in the General Commercial (C-1) District:

#### **A. NON-RESIDENTIAL USES.**

- a. Agricultural-related uses:
  - i. Farm supply store;
  - ii. Implement dealer/services.
- b. Animal-related services:
  - i. Pet stores (no outside pens, kennels, or exercise yards);
  - ii. Veterinary clinics, hospitals, and shelters (no overnight care, no outside pens).
- c. Auto-related uses:
  - i. Auto and truck body repair shops;
  - ii. Auto detailing;
  - iii. Auto sales, rental, service, and repair;
  - iv. Automotive service station (gasoline/repair/service facility);
  - v. Car wash;
  - vi. Parking surface (as principal use);
  - vii. Recreational vehicles and boat sales or rental;
  - viii. Truck stops/truck parking.
- d. Entertainment and recreational activities:
  - i. Bars, taverns, and nightclubs;
  - ii. Billiards;

- iii. Bowling alleys;
  - iv. Clubs/lodges;
  - v. Community center/recreation center;
  - vi. Galleries;
  - vii. Physical fitness center/spa;
  - viii. Studios/dance;
  - ix. Theaters.
- e. Personal services:
- i. Barber/beauty shop/salon;
  - ii. Chiropractic;
  - iii. Drug/pharmaceuticals;
  - iv. Dry cleaning;
  - v. Health clubs;
  - vi. Mortuaries/funeral;
  - vii. Laundromat;
  - viii. Massage;
  - ix. Mortuaries/funeral;
  - x. Sewing/tailor;
  - xi. Shoe repair/sales;
  - xii. Tanning salon.
- f. Professional services and commercial offices:
- i. Accounting;
  - ii. Architecture/design;
  - iii. Contracting;
  - iv. Dental/hygienic;
  - v. Electrical/heating/air conditioning/masonry/refrigeration/roofing
  - vi. Engineering;
  - vii. Locksmith;
  - viii. Medical/clinics/hospitals
  - ix. Plumbing/heating/electrical shop/sales
  - x. Real estate
- g. General retail:
- i. Antique/boutique store;

- ii. Apparel/clothing and other dry goods;
  - iii. Appliance sales;
  - iv. Bakery (on-site baking and retail);
  - v. Bicycle sales and repair;
  - vi. Bookstore;
  - vii. Café/coffeehouses;
  - viii. Camera and photographic supply equipment and photo studio;
  - ix. Catering;
  - x. Convenience store (with or without fuel sales);
  - xi. Department/discount;
  - xii. Florists;
  - xiii. General sales/repair;
  - xiv. Gift store/novelties;
  - xv. Hardware;
  - xvi. Health food/products;
  - xvii. Hobby store;
  - xviii. Hunting goods/firearms (with other merchandise sales);
  - xix. Music/record stores (including instruments);
  - xx. Nurseries/landscape/garden centers;
  - xxi. Pawn shop;
  - xxii. Sporting goods;
  - xxiii. Tattoo shop;
  - xxiv. Tobacco shop;
  - xxv. Toy/game store;
  - xxvi. Variety store.
- h. Food and beverage services:
- i. Bars/liquor sales;
  - ii. Bakery (goods/retail);
  - iii. Dairy product retail;
  - iv. Delicatessen/prepared food sales;
  - v. Grocery/supermarket/fruit and vegetable store;
  - vi. Ice cream/candy/frozen desserts;
  - vii. Liquor stores;

- viii. Restaurants;
  - ix. Truck stop/drive-thru restaurants.
- i. Lodging facilities:
  - i. Motels/motor hotels;
  - ii. Hotels.
- j. Production and light assembly:
  - i. Assembly/processing of non-offensive materials (appliances, electrical equipment; dental, scientific, or other similar uses);
  - ii. Building material sales;
  - iii. Carpentry/cabinets;
  - iv. Furniture refinishing;
  - v. Furniture sales/assembly;
  - vi. Lumber yards;
  - vii. Modular (factory-built) home sales.

**B. PUBLIC, INSTITUTIONAL, AND CIVIC USES.**

- a. Library;
- b. Primary and secondary schools;
- c. Open space, athletic fields, parks, and playgrounds;
- d. Public swimming pools;
- e. Public assembly.

**16.03 ACCESSORY USES**

The following are permitted accessory uses in the General Commercial (C-1) District:

**A. ACCESSORY USES.**

- a. Commercial uses within a building/structure that are accessory to the principal use but such use shall not exceed thirty (30%) of the gross floor space as utilized by the principal use;
- b. Off-street parking as regulated by this Ordinance;
- c. Off-street loading facilities as regulated by this Ordinance;
- d. Outdoor storage, sales, rental, and service subject to this Ordinance;
- e. The stockpiling of black dirt and landscaping rock and materials accessory to nurseries, landscape centers, and garden centers.



#### **16.04      CONDITIONAL USES**

The following are conditional uses in the General Commercial (C-1) District:

##### **A. RESIDENTIAL USES.**

- a. Single-family, two-family, twin homes, townhouses, and multi-family dwellings.

##### **B. NON-RESIDENTIAL USES.**

- a. Kennels and veterinary clinics, animal hospitals, animal shelters, and pet stores with outside pens or exercise yards which provide overnight stays.

#### **16.05      LOT REQUIREMENTS & SETBACKS**

The following minimum requirements shall be observed in the General Commercial (C-1) District subject to the additional requirements, exceptions, and modifications set forth in this Ordinance.

##### **A. LOT REQUIREMENTS.** None.

##### **B. SETBACKS.**

- a. Front yard: None or as required per building codes.
- b. Side yard: None or as required per building codes.
- c. Rear yard: None or as required per building codes.

#### **16.06      MAXIMUM BUILDING HEIGHT**

##### **A. BUILDING HEIGHT.**

- a. Principle building: None
- b. Accessory buildings: As governed by Chapter 19 of this Ordinance.

## **CHAPTER 17: AGRICULTURE/COMMERCIAL DISTRICT (C-2)**

### **17.01 PURPOSE & INTENT**

The Agricultural/Commercial (C-2) District is established to provide suitable areas to be retained and utilized in open space and/or agricultural uses.

### **17.02 PERMITTED USES**

The following are permitted uses in the Agricultural/Commercial (C-2) District:

#### **A. NON-RESIDENTIAL USES.**

- a. Agriculture and agricultural related buildings and structures, but not including commercial feed lots or meat processing facilities;
- b. Animal husbandry or horticultural services, including businesses performing harvesting or agricultural land preparation, farm equipment sales and service, and agricultural produce stands.

### **17.03 ACCESSORY USES**

The following are permitted accessory uses in the Agricultural/Commercial (C-2) District:

#### **A. ACCESSORY USES.**

- a. Commercial uses within a building/structure that are accessory to the principal use but such use shall not exceed thirty (30%) of the gross floor space as utilized by the principal use.
- b. Off-street parking as regulated by this Ordinance,
- c. Off-street loading facilities as regulated by this Ordinance;
- d. Outdoor storage, sales, rental, and service subject to this Ordinance.

### **17.04 CONDITIONAL USES**

The following are conditional uses in the Agricultural/Commercial (C-2) District:

#### **A. NON-RESIDENTIAL USES.**

- a. Library;
- b. Primary and secondary schools;
- c. Open space, athletic fields, parks, and playgrounds;
- d. Public swimming pools;
- e. Public assembly;

- f. Cemeteries; and
- g. Governmental and public regulated utility buildings necessary for the health, safety, and general welfare of the City.

#### **17.05 LOT REQUIREMENTS & SETBACKS**

The following minimum requirements shall be observed in the Agricultural/Commercial (C-2) District subject to the additional requirements, exceptions, and modifications set forth in this Ordinance.

**A. LOT REQUIREMENTS.** None.

**B. SETBACKS.**

- a. Front yard: None or as required per building codes.
- b. Side yard: None or as required per building codes.
- c. Rear yard: None or as required per building codes.

#### **17.06 MAXIMUM BUILDING HEIGHT**

**A. BUILDING HEIGHT.**

- a. Principle building: None
- b. Accessory buildings: As governed by Chapter 19 of this Ordinance.

## CHAPTER 18: INDUSTRIAL DISTRICT (I)

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### 18.01 PURPOSE & INTENT

The Industrial (I) District is established to permit warehousing, storage, and light industrial uses that are free from objectionable influence upon adjacent urban development.

### 18.02 PERMITTED USES

The following are permitted uses in the Industrial (I) District:

#### A. NON-RESIDENTIAL USES.

- a. Manufacturing, production (light assembly), warehouse, storage, and waste:
  - i. Assembly/processing of non-offensive materials (appliances, electrical equipment; dental, scientific, or other similar uses);
  - ii. Batch plant;
  - iii. Building material sales;
  - iv. Bulk fuel sales;
  - v. Carpentry/cabinets;
  - vi. Concrete plant;
  - vii. Fabrication, machining, processing, packing/packaging, freight, or general light industrial uses;
  - viii. Furniture refinishing;
  - ix. Furniture sales/assembly;
  - x. Grain elevators;
  - xi. Lumber yards;
  - xii. Mini-storage/warehouse/rental facilities;
  - xiii. Modular (factory-built) home sales.

### 18.03 ACCESSORY USES

The following are permitted accessory uses in the Industrial (I) District:

#### A. ACCESSORY USES.

- a. Commercial uses within a building/structure that are accessory to the principal use but such use shall not exceed thirty (30%) of the gross floor space as utilized by the principal use;
- b. Off-street parking as regulated by this Ordinance;
- c. Off-street loading facilities as regulated by this Ordinance;
- d. Outdoor storage, sales, rental, and service subject to this Ordinance.

#### **18.04      CONDITIONAL USES**

The following are conditional uses in the Industrial (I) District:

##### **A. NON-RESIDENTIAL USES.**

- a. Kennels and veterinary clinics, animal hospitals, animal shelters, and pet stores with outside pens or exercise yards which provide overnight stays.

#### **18.05      LOT REQUIREMENTS & SETBACKS**

The following minimum requirements shall be observed in the Industrial (I) District subject to the additional requirements, exceptions, and modifications set forth in this Ordinance.

##### **A. LOT REQUIREMENTS.** None.

##### **B. SETBACKS.**

- a. Front yard: None or as required per building codes.
- b. Side yard: None or as required per building codes.
- c. Rear yard: None or as required per building codes.

#### **18.06      MAXIMUM BUILDING HEIGHT**

##### **A. BUILDING HEIGHT.**

- a. Principle building: None
- b. Accessory buildings: As governed by Chapter 19 of this Ordinance.

## CHAPTER 19: ACCESSORY USES & STRUCTURES

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### 19.01 ACCESSORY USES & STRUCTURES WITHIN RESIDENTIAL AREAS

#### A. GENERAL PROVISIONS.

- a. With the exception of a garage or driveway, no accessory structure, use or equipment, may be placed within a front yard;
- b. A storage shed, tool shed, hobby shed, carport or similar building (accessory building) that is one hundred twenty (120) square feet or less in size does not require a building permit; however, the structure is subject to the any other applicable provision(s) within this Ordinance;
- c. In addition to a garage, (attached or detached) not more than one (1) accessory structure may be permitted on any single parcel (including manufactured housing parks), except by conditional use permit. Buildings such as gazebos, outdoor living rooms, pool enclosures and similar buildings may be constructed in addition to garages, carports, storage sheds, tool and hobby sheds but subject to the lot coverage requirements for the district in which located;
- d. A garage (attached or detached) or accessory building or any combination thereof shall not exceed the ground coverage of the dwelling unit, unless otherwise authorized through the issuance of a conditional use permit;
- e. No structure or combination of structures shall occupy more than thirty-three percent (33%) of the total lot area;
- f. Encroachment: Accessory buildings including those of less than one hundred twenty (120) square feet may not encroach into any setback (side or rear) or within any easement. Accessory buildings placed in a side yard must comply with the minimum setback for the principal structure;
- g. Setback Requirements: All garages and accessory buildings shall conform to the setback requirements specified for the respective zoning district in which they are located;
- h. Subdivisions, planned unit developments, developments or associations with private covenants may have additional requirements respective to accessory buildings/uses within certain areas (see Section 1.05 for additional information);
- i. When a garage, storage building, or other accessory structure contains a loft, attic, or second story, only the footprint of the main floor of the building shall be used to determine its size;

- j. Since accessory buildings are subordinate to principal buildings (see Section 3.02, definition for Accessory Building or Use); if a principal building is removed from the property for any reason and not replaced with another permitted principal structure, all accessory buildings or structures remaining that result in a nonconformity or increase the properties non-conformance with this Ordinance shall be removed if a building permit is not issued for the principle structure within one hundred eighty (180) days.

## **19.02      CONDITIONAL USE PERMIT CRITERIA**

Application for a conditional use permit under this section shall be regulated by Chapter 6 of this Ordinance. Such a conditional use permit may be granted provided that:

### **A. CRITERIA FOR ISSUANCE.**

- a. There is a demonstrated need and potential for continued use of the structure and the purpose stated;
- b. In the case of residential zone districts, no commercial or home occupation activities are conducted on the property, unless otherwise authorized under this Ordinance;
- c. The building has an evident function/use specifically related to the principal use;
- d. Accessory buildings shall be maintained in a manner that is compatible with the adjacent uses and does not present a hazard to public health, safety and general welfare;
- e. The provisions of Chapter 6 of this Ordinance shall be considered and a determination made that the proposed activity is in compliance with such criteria.

## CHAPTER 20: OFF-STREET PARKING REQUIREMENTS & STANDARDS

### 20.01 PURPOSE & INTENT

The regulation of off-street parking spaces in this Zoning Ordinance is to alleviate and/or prevent congestion within the public right-of-way. The regulations are intended to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking (motorized vehicles) in accordance with the utilization of various parcels of land. The regulations and requirements set forth herein shall apply to all off-street parking facilities in all of the zoning districts within City limits.

### 20.02 OFF-STREET PARKING SCHEDULE

The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for the life of the respective uses herein set forth. Uses not specifically mentioned herein or unique cases shall be determined on an individual basis by the Board of Adjustment. Factors to be considered in such determination shall include (without limitation) size of buildings, type of use, number of employees, expected volume and turnover of customer traffic, and expected frequency and number of delivery or service vehicles. Off-Street parking is not required for existing structures in the C-1 General Commercial District. New or enlarged structures must be provided with off-street parking as required by this Ordinance.

### SUMMARY TABLE OF PARKING REQUIREMENTS

| OFF-STREET PARKING SCHEDULE  |  |  |
|--|--|--|
| ("du" = dwelling unit; "sf" = square feet; "gfa" = gross floor area) |  |  |
| USE CATEGORY   | USE TYPE   | NUMBER OF SPACES REQ.  |
| <b>RESIDENTIAL USES</b>  |  |  |
| Household Living   | All Use Types Not Listed Below                           | 2/du   |
|  | Multi-Family   | 2/du for one and two bedroom units<br>2.5/du for three or more bedroom units<br>- if fee is charged for a parking space above and beyond the rent it does not count towards parking space requirements |
|  | Efficiency Unit  | 1.5/du   |
| Group Living   | Elderly (Senior Citizen Housing)                         | 1 space per unit or as determined in coordination with the City  |
|  | Nursing Home / Assisted Living Facilities / Similar Uses | 1 space for every four residents/patients plus 1 space for every two employees   |



|                              |   |  |
|------------------------------|---|--|
|                              |   | - adequate space shall be provided for emergency response vehicles/equipment                     |
| Child Care Center/Facilities | Child Care Centers/Facilities, Residential Facilities/Programs or Day Care Facilities within Commercially/Industrial Zone Districts | 1/400 sf gfa and 1 space reserved for the pickup/delivery of children per every 800 sq ft of gfa |

| <b>COMMERCIAL USES</b>                        |  |  |
|---|--|--|
| Financial                                     | Financial Institutions   | 3 spaces per 1000 square feet of gross floor area  |
|   | Financial Institution with Drive-Thru Service  | 1 space for each two drive-in units plus drive aisle stacking space of 50 feet for each drive-in unit  |
| Food & Beverage Services                      | All Use Types Not Listed Below   | 1/200 square feet of gross floor area  |
|   | Restaurant with Drive-thru   | 1/300 square feet of gross floor area  |
| Lodging Facilities                            | All Use Types Not Listed Below   | 1 space for each guest plus 2 spaces for any owner/manager or residents that live on the premises.   |
|   | Hotels, Motels, Lodges and Cabins  | 1 space per room/suite plus 2 spaces for every five employees  |
| Professional Offices, Businesses              | All Use Types  | 3 spaces per 1,000 square feet of gross floor area   |
| Health Care Facilities                        | Medical Clinics/Dental Offices or Similar Uses   | 1/300 square feet of gross floor area  |
|   | Hospitals  | 1 space for every 2 patient beds, plus 1 additional space for each doctor including visiting doctors, plus 1 space for every 2 employees (including nurses) and loading/unloading space as applicable or required under this Ordinance |
| Retail Sales, Service                         | Use Types Not Listed Below   | 5 spaces per 1,000 square feet of gross floor area   |
|   | Retail Sales/Service Business w/ 50% or more gfa devoted to storage, warehouse or industry | 3 spaces per 1,000 sq ft gfa for area devoted to sales/retail and 1 space per 1,000 sq ft gfa for storage/warehouse uses   |
|   | Shopping Centers   | 3 spaces per 1,000 sq ft gfa (non inclusive of common areas or unleaseable gross floor area)   |
| Vehicles & Equipment                          | Auto Service Station   | 4 off-street spaces (minimum) plus an additional 3 spaces for each service (repair) stall.<br>- Convenience stores, auto part stores or retail space shall be calculated pursuant to the Retail 'Use Category'                         |
|   | Auto Repair (Minor & Major), Auto Sales & Rental   | 3 spaces per repair stall plus 1 space per employee  |
|   | Car Wash (drive-thru and self-service)   | 1 space per employee on shift, minimum 1 space required  |
| Recreational & Entertainment                  | Bowling Alleys   | 3 spaces per alley, plus 1 space per every two employees   |
|   | Theatres, Civic Centers, Stadiums, Sports Arenas or Similar Uses                           | 1 space for every 4 seats, plus 1 space for every 2 employees  |
| <b>PUBLIC, INSTITUTIONAL &amp; CIVIC USES</b> |  |  |
|   | Public Assembly (all use types not listed below)   | 1 space for every 4 seats, plus 1 space per employee   |

|                                 |   |   |
|---------------------------------|---|---|
| Community & Cultural Facilities | Community Centers, Library, Museums or similar uses | 1/250 square feet of gross floor area   |
| Government                      | Post Office   | 1/400 square feet of gross floor area   |
| Educational Institutions        | Elementary, Junior High (public or private)         | 1 space per classroom plus an additional space for every 50 students (capacity)                   |
|                                 | High School, Secondary, Trade, Vocational           | 1 space for every 7 students or per design capacity plus 1 space per classroom                    |
| Transportation                  | Transportation Terminals                            | 8 off-street spaces (minimum) plus 1 space per 800 sq ft of gfa over an initial 1,000 sq ft limit |

| <b>INDUSTRIAL USES</b> |   |  |
|------------------------|---|--|
|                        | Industrial/Manufacturing                    | 1 space per every 1 ½ employees on shift (based on largest shift) plus 1 truck/loading space per every 7,500 sq. ft gfa (or as determined appropriate)   |
|                        | Warehouse, Storage/Handling of Bulk Freight | Any office/retail space shall comply with the applicable 'Use Category'; additionally, 1 space per employee on shift (based on largest shift) and 1 space per company truck (if stored externally) |
|                        | Warehouse/Wholesale                         | 1 space per employee on shift (based on largest shift) plus 1 truck space for every 7,500 sq ft gfa (or as deemed appropriate)   |

## CHAPTER 21: FENCES & SCREENING

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### 21.01 LOCATION

All fences shall be located entirely within the private property of the person, firm, or corporation responsible for the structure.

### 21.02 CONSTRUCTION & MAINTENANCE

Every fence shall be constructed in a substantial workmanlike manner and of substantial material reasonably suitable for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become or remain in a condition of disrepair or danger, or constitute a nuisance. Any fence which is deemed dangerous to public safety, health or welfare, is a public nuisance, and the Building Official is hereby authorized to commence proper proceedings for the abatement thereof.

### 21.03 RESIDENTIAL DISTRICT FENCES

All residential fences shall be placed strictly confined to the subject property and shall conform to the following:

#### A. FENCES – RESIDENTIAL DISTRICTS.

- a. Fences within two (2) feet of side property lines, from the rear lot line to the required front setback, shall not be more than six (6) feet in height;
- b. Fences within two (2) feet of rear property line shall not exceed six (6) feet in height. Fences in excess of six (6) feet in height will require a conditional use permit;
- c. Fences located in front yards shall not exceed forty-eight (48) inches in height;
- d. The screening provisions for residential districts shall supersede, where applicable, the provisions of this section;
- e. All posts or similar supporting instruments used in the construction of fences, shall be faced inward towards the property being fenced, unless otherwise determined by the Planning Commission;
- f. All fences shall not obstruct natural drainage;
- g. Swimming pool, spa and hot tub fencing shall be in conformance with Appendix G, 2006 International Residential Code, as may be amended.

## **21.04 COMMERCIAL & INDUSTRIAL DISTRICT FENCES**

The following provisions shall apply respective to fences constructed within commercial or industrial zoned districts:

### **A. REQUIREMENTS.**

- a. Business and industrial fences may be erected up to eight (8) feet in height. Fences in excess of eight (8) feet shall require a conditional use permit;
- b. Fences which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire can be fastened commencing at a point at least seven (7) feet above the ground;
- c. The screening provisions for business and industrial districts shall supersede, where applicable, the provisions of this section.

## **21.05 REQUIRED FENCING & SCREENING**

### **A. COMMERCIAL/INDUSTRIAL, MULTI-FAMILY.**

- a. Where any business, industrial use or multi-family building of four (4) or more units (i.e., structure, parking or storage) abuts property zoned for residential use, that business, industry or multi-family building shall provide screening along the shared boundary line. Screening shall also be provided where a business, industry or multi-family building of four (4) or more units is across the street from a residential zone, but not on that side of a business, industry or multi-family building considered to be the front elevation/yard. Provided, however, that the provisions of this Section will not apply where a multi-family building abuts property also zoned for multi-family use. All fencing and screening specifically required by this Ordinance shall be subject to Section 22.06 of this Chapter and shall consist of either a fence or a green belt planting strip as provided for below:
  - i. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants. The strip shall be sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide substantial visual screening to a minimum height of six (6) feet. Earth mounding or berms may be used but shall not be used to achieve more than three (3) feet of the required screen. The planting plan and type of plantings shall require approval of the City;
  - ii. Required screening fence(s) shall be constructed of masonry, brick, wood or metal. Such fence shall provide a solid screening effect six (6) feet in height for multi-family uses and at least six (6) feet for

business and industrial uses. The design and materials used in constructing a required screening fence shall be subject to the approval of the City. Fences in excess of eight (8) feet in height shall require a conditional use permit;

- iii. This ordinance encourages the use and combination of various screening methods and is not intended to imply or recommend a continual buffer strip of one type/use/technique.

## **21.06 TRAFFIC VISIBILITY**

The following provisions shall apply:

### **A. REQUIREMENTS.**

- a. **Visibility at Intersections in Residential Districts:** On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height two (2) feet and eight (8) feet and within thirty (30) feet from the intersecting curb lines, or within (20) feet from the intersecting property lines if there is no curb;
- b. **Fences, Walls, and Hedges:** No fence, wall or hedge shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of two (2) feet and eight (8) feet where it will interfere with traffic or pedestrian visibility from a driveway or alley to a public way. In required front yards, fences, walls, hedges or structures shall be at least seventy-five percent (75%) open space for passage of air and light. No fence exceeding twenty-four (24) inches in height may be erected within ten (10) feet of a driveway in a required side yard abutting a street corner lot unless such fence is at least seventy-five percent (75%) open.

## CHAPTER 22: DAY CARE FACILITIES

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### 22.01 PURPOSE & INTENT

The regulation of day care facilities in this Ordinance is to establish standards and procedures by which day care facilities can be conducted within the City without jeopardizing the health, safety, and general welfare of the day care participants and/or the surrounding neighborhood. This Chapter establishes the City's minimum requirements for the establishment of day care facilities, whether identified as a permitted use (see zoning district 'use charts') or as a conditional use and of which are not operated within the confines of a single-family dwelling (see dwelling, single-family definition). To note, day care facilities other than those defined as permitted uses which operate in a single-family dwelling as an accessory use shall be subject to Chapter 24 of this Ordinance and processed as a home occupation.

### 22.02 DECLARATION OF CONDITIONS

The Zoning Administrator may impose conditions on the granting of a day care facility conditional use permit as may be necessary to carry out the purpose and provisions of this Chapter.

### 22.03 GENERAL PROVISIONS

Day care facilities shall be allowed as a principal use or as an accessory use, provided that the day care facilities meet all of the applicable provisions:

#### A. GENERAL PROVISIONS.

- a. Lot Requirements and Setbacks: The proposed site for a day care facility must have a minimum lot area as determined by the Minnesota Department of Health and Human Services.
- b. Lot Requirements and Setbacks; Accessory Use: The site of the proposed day care facility as an accessory use shall meet all area and setback provisions of the respective zoning district in which the facility is to be located;
- c. Sewer and Water: All day care facilities shall be served by municipal sewer and water;
- d. Screening: Any day care facility that is contained within a commercial or industrial zone district and/or abuts property that has existing commercial/industrial uses shall provide adequate screening along the shared boundary(ies). All required fencing and screening shall comply with the fencing and screening requirements of Chapter 21 of this Ordinance;

- e. Parking:
  - i. For day care facilities as a principal use, there shall be adequate off-street parking which shall be located separately from any outdoor play area and shall be in compliance with Chapter 20 of this Ordinance. Parking Areas shall be screened from view of surrounding and abutting residential uses in compliance with Chapter 21 of this Ordinance;
  - ii. When a day care facility is an accessory use within a structure containing another principal use, each use shall be calculated separately for determining the total off-street parking spaces required.
- f. Loading: For day care facilities as a principal use, at minimum, one (1) off-street loading space shall be provided;
- g. Signage: All signing and informational or visual communication devices shall be in compliance with the provisions of this Ordinance relating to signs;
- h. Compliance with State Requirements: The structure and operation shall be in compliance with State of Minnesota, Department of Health and Human Service Regulations and be licensed accordingly.

#### **22.04 NON-CONFORMING USE**

Existing day care facilities lawfully existing on the effective date of this Ordinance may continue as nonconforming uses. Any existing day care facility that is discontinued for a period of more than one hundred eighty (180) days, or is in violation of the provisions of this Ordinance under which it was initially established, shall be brought into conformity with the provisions of this Chapter.

#### **22.05 INSPECTION**

The City reserves the right to inspect day care facilities to ensure conformance with provisions within this Ordinance, other city policies, and other applicable regulations.

## CHAPTER 23: SIGNS

### 23.01 SIGNS IN RESIDENTIAL DISTRICTS

The following signs shall be permitted in residential districts provided they are illuminated by reflector methods only:

- A. One non-illuminated sign not exceeding four (4) square feet in area and bearing only property numbers, post box numbers and names of occupants of the premises;
- B. Legal notices, identification, information, or directional signs erected or required by governmental bodies;
- C. A sign advertising the sale, rental or lease of the building or premises;
- D. Temporary signs connected with and prior to political elections; and
- E. Signs as permitted for home occupations, See Chapter 24.

All commercial advertising signs in residential districts are prohibited.

### 23.02 SIGNS IN COMMERCIAL & INDUSTRIAL DISTRICTS

On-site signs directing attention to a business, profession, product, service, activity or entertainment and where the activity is conducted, sold or offered on the same premises upon which the sign is located are permitted provided:

- A. A plan be submitted and a building permit issued prior to installation of any commercial signs, with the exception of signs mounted flat against a building. The plan must show the location of the sign on the site and include sign dimensions, height above the ground and show footing and foundation base criteria. The foundation base and posts of all signs must be on private property or the premises.
- B. The foundation base and posts of all signs may not be located upon City property or rights-of-way unless approved by the City Council;
- C. No part of any sign or projection may protrude over the public right-of-way with six feet (6') of the actual or proposed curb line. Signs may project over the right-of-way a maximum of six feet (6') provided no part is within six feet (6') of the curb line and that it is over eight feet (8') above the sidewalk or the average grade oat property line when no sidewalk is in place. If in the future the street is widened, the sign shall be removed at the owner's expense to maintain the six foot (6') distance of the curb regulation;
- D. All sources of artificial light other than street lights shall be fixed, directed or



designed so as not to measurably increase the amount of light toward abutting residential lots

- E. All sign installations shall also conform to Minnesota Department of Transportation and Federal Aviation authorities wherever applicable;
- F. It is the obligation of the installer to check for any or all underground utilities or services before excavating for sign foundations.

### **23.03 OFF-PREMISE SIGNS**

Off-Premises signs shall be permitted upon verification of compliance with the following provisions:

- A. A sign permit must be obtained prior to installation of any off-premises signs;
- B. The foundation base and posts of all signs may not be located upon City property or rights-of-way unless approved by the City Council;
- C. Off premises signs must be set back from residential zoning district boundaries a distance of one hundred feet (100'). Setback dimensions will be a straight line measurement from the residential district boundary to the center line of the sign standard;
- D. The off-premises sign measures no more than seven hundred fifty (750) square feet in area, inclusive of the border and trim, but exclusive of the base or apron, supports, or other structural members;
- E. The height of any off-premise sign, including support structures measured from the highest centerline grade of any adjacent street, may not exceed thirty-five (35) feet when located closer than one hundred feet (100') from a property line and not more than fifty feet (50') when located more than one hundred feet (100') from a property line. Height measurement will be taken from the highest centerline grade of any adjacent street;
- F. No off-premises signs may be located closer than two hundred fifty feet (250') apart, unless separated by an interstate highway or principal arterial. Separation will be a straight line measurement from the center line of the sign standards;
- G. It is the obligation of the installer to check for any or all underground utilities or services before excavating for sign foundations;
- H. All sign installations shall also conform to Minnesota Department of Transportation and Federal Aviation authorities wherever applicable;
- I. All sources of artificial light other than street lights shall have a fixed direction and shall be designed so that the source of light is directed away from adjoining residences, streets, or sidewalks.

## **23.04 PORTABLE SIGNS**

Any sign which is constructed so as to be movable, either by skids, wheels, truck or other conveyance; any sign which does not have a permanent foundation or is not otherwise permanently fastened to the ground, and cloth signs or banners (of any material) shall be considered portable signs. When on a trailer, the removal of wheels or undercarriage does not place the sign in another category, nor does the anchoring of the sign by means of concrete blocks, sandbags or other types of temporary anchors.

Portable signs are permitted provided:

- A.** That the portable sign is located in a commercial or industrial district;
- B.** Portable signs located in a commercial district can only be used for directing attention to a business, profession, product, service, activity or entertainment conducted, sold or offered on the same premises upon which the sign is located. Provided however, portable signs advertising special events or fundraisers for non-profit organizations are permitted for a period not to exceed thirty (30) days at a time for each special event;
- C.** That no portable sign may exceed sixty-four (64) square feet in area or eight feet (8') in height;
- D.** That no portable sign may be placed upon public right-of-way without consent of the City Council;
- E.** No portable sign placed within one hundred feet (100') of an area zoned for residential use may have blinking, flashing or fluttering lights or other illuminating devices which have a changing intensity, brightness, or color;
- F.** That only one portable sign may be placed upon a parcel at any given time, except in the case of multiple business structures, where two (2) portable signs will be allowed on the parcel at any given time.

## **23.05 SIGN MAINTENANCE**

All signs and sign structures must be kept in good repair and in a proper state of maintenance, including, but not limited to, replacing lamps, replacing ballast in freestanding signs, replacing transformers in building identification signs, painting the pole of freestanding signs and the cabinet of freestanding or wall-mounted signs, replacing or repairing the sign face, replacing trim, and the replacement of sign fasteners. If the zoning administrator finds that a sign is not in a proper state of repair, the city may after thirty (30) days written notification, repair, modify or remove the sign and special assess the charges for said work against the property owner.

## CHAPTER 24: HOME OCCUPATIONS

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### 24.01 PURPOSE & INTENT

The purpose of this Chapter is to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety, and general welfare of the surrounding neighborhood.

### 24.02 APPLICABILITY

Subject to the nonconforming use provisions of this Ordinance, all occupations conducted in the home shall comply with the provisions of this Ordinance. This Chapter shall not be construed, however, to apply to home occupations accessory to farming.

### 24.03 GENERAL PROVISIONS

All home occupations shall comply with the following general provisions:

#### A. GENERAL PROVISIONS.

- a. No home occupation shall produce light glare, noise, fumes, odor or vibration that will in any way have an objectionable effect upon adjacent or neighboring properties;
- b. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties. No equipment shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in the voltage off the premises;
- c. Any home occupation shall be clearly incidental and secondary to the residential use of the premises. Not more than twenty-five percent (25%) of the main floor of the dwelling unit shall be permanently set aside to be used in the conduct of the home occupation. It should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses;
- d. No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and State fire and police recommendations;
- e. There shall be no exterior storage of equipment or material used in the home occupation, except personal automobiles used in the home occupation may be parked on the site;
- f. The home occupation shall meet all applicable ordinances, fire and

building codes;

- g. There shall be no exterior display or exterior signs or interior display or interior signs which are visible from outside the dwelling unit with the exception of directional and identification/business signs to the extent authorized by the provisions of Chapter 23 of this Ordinance relating to signs;
- h. No home occupation shall be conducted between the hours of 10:00 P.M. and 7:00 A.M. unless said occupation is contained entirely within the principal building and will not require any on-street parking facilities;
- i. Home occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway, where no vehicle is parked closer than fifteen (15) feet from the curb line or edge of paved surface;
- j. Not more than one person other than those who customarily reside on the premises shall be employed;
- k. The home or occupation shall not involve any of the following: small engine or auto repair or reconditioning or manufacturing;
- l. All permitted home occupations must be conducted entirely within a building and must comply with the requirements of this Ordinance.

## CHAPTER 25: PLANNED UNIT DEVELOPMENT (PUD)

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### 25.01 PURPOSE & INTENT

A Planned Unit Development (PUD) may be established in any residential district under the conditional use process described under Chapter 6 of this Ordinance. A PUD is a designated parcel of land that encourages a creative approach to the use of land by allowing considerable flexibility in the design of the site and buildings. Specific aspects of flexibility (including permitted uses, dimensional requirements, densities, dedication requirements, etc.) shall be contingent upon review and approval by the Planning Commission and the City Council, pursuant to the conditional use permit process, and upon such approval, shall prevail over conflicting requirements listed elsewhere within this Ordinance or within the Glyndon Subdivision Ordinance.

The intent of the PUD regulations is to permit greater flexibility and, consequently, more creative and imaginative design for the development of residential areas than under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities, and preservation of natural scenic qualities of open spaces.

### 25.02 COORDINATING REGULATORY DOCUMENTS

#### A. COORDINATION WITH SUBDIVISION ORDINANCE REGULATIONS.

- a. It is the intent of this Ordinance that subdivision review, under the current Subdivision Ordinance, be carried out simultaneously with the review of a Planned Unit Development under this section of the Zoning Ordinance;
- b. The development plans submitted under this section must be submitted in a form which will satisfy the requirements of the Subdivision Ordinance for preliminary and final plats;
- c. The requirements for both this Section of the Zoning Ordinance and those of the Subdivision Ordinance shall apply to all Planned Unit Developments, and all actions of the City Council pertaining to Planned Unit Developments shall be based upon a recommendation by the Planning Commission.

### 25.03 ADMINISTRATION

An application for approval of a PUD shall be filed with the Zoning Administrator. The PUD applications shall be filed in the name or names of the recorded owner or owners of property included in the development and/or the applications may be filed by

holder(s) of an equitable interest in such property.

**A. APPLICATION PROCESS.**

- a. Fee: An application for approval shall be accompanied by a fee to be established by the city council and available at City Hall;
- b. Review Process: The review process shall follow the conditional use application procedure as described in Chapter 6 of this Ordinance and the subdivision review process as outlined in the Glyndon Subdivision Ordinance. Applications shall be processed concurrently.

**25.04 LOT REQUIREMENTS**

**A. GENERAL REQUIREMENTS.**

- a. Harmony: The Planned Unit Development shall be planned, designed and landscaped in such a manner as to blend and harmonize with the surrounding adjacent areas;
- b. Yard Requirements: Minimal specifications for yard requirements are imposed to allow design flexibility. However, side yard and backyard requirements shall conform along the developments outermost lot line to the side yard and backyard requirements of the adjacent district. Except in the case of higher density, multi-family, or non-residential development where there must be a minimum thirty (30) foot buffer zone along adjacent, low-density residential districts. The buffer zone must be kept free of buildings or structures and must be landscaped, screened or protected by natural features, so that adverse effects on surrounding areas are minimized;
- c. Front Yard: Minimum front yard setback requirements are intended to provide privacy and usable yard area for residents. Front yard setbacks may be reduced at the discretion of the city through the PUD process if the applicant can implement/accommodate appropriate screening, plantings, traffic reduction, building orientation or other acceptable mitigation methods;
- d. Lot Width: Minimum lot widths are intended to prevent the construction of long, narrow buildings with inadequate privacy, light, and air. Within the constraints of the PUD process, lot width standards may be reduced if the project design implements/accommodates provisions that allow light, air and privacy for all living spaces in an appropriate manner;
- e. Building Spacing: Requirements for side yard setbacks are based on several related factors:
  - i. Privacy: Minimum building space requirements are intended to

provide privacy for dwelling units. Where applicants seek reduced side yard setbacks it shall be necessary that site plans and building elevations locate windows and any necessary screening to ensure adequate privacy between units;

- ii. Light and Air: Building spacing shall provide adequate access to light and air to all dwelling units;
  - iii. Building Configuration: Where building configuration is irregular so that the needs expressed in the above items are met by the building configuration, reduced building space is permissible, as appropriate;
  - iv. Open Space: Common open space shall comprise at least twenty-five percent (25%) of the gross area of the Planned Unit Development to be used for recreational, park or environmental amenities for the collective enjoyment by occupants of the development. Open space dedications are non-inclusive of public or private streets, driveways, or utility easements, provided, however, that up to seventy-five percent (75%) of the required open space may be composed of open space on privately owned properties dedicated by easement to assure that the open space will be permanent;
  - v. Recreation facilities, recreational structures and any accessory uses located in common recreation areas shall be considered open space under the provision that total impervious surfaces (paving, roofs, etc.) constitute no more than five percent (5%) of the total open space.
- f. All land shown on the final development plan as common open space must be conveyed under one of the following options:
- i. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it;
  - ii. It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which shall restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continued use for its intended purpose;
- g. Existing trees shall be preserved, where possible. The location of trees

must be considered when planning the common open space, location of buildings, underground services, walks, paved area, playgrounds, parking areas, and finished grade levels.

## **25.05 FINDINGS REQUIRED**

The Planning Commission and City Council shall come to the following facts/conclusions prior to the issuance of any approval for a PUD within city limits; to ensure the interests of the public:

### **A. FINDINGS.**

- a. The plan conforms to the City's Comprehensive Plan and Future Land Use Plan;
- b. The plan is designed to form a desirable and unified development within its boundaries;
- c. The proposed uses will not be detrimental to present or future land uses in the surrounding area;
- d. Any exceptions to the standard requirements of the Zoning and Subdivision Ordinances are justified by the design of the development;
- e. The plan will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the PUD;
- f. The PUD will not have a unique or adverse impact on the reasonable enjoyment of the neighboring property.



## CHAPTER 26: MOVING & RELOCATION OF BUILDINGS

### 26.01 STATE LICENSURE REQUIREMENTS

No person, except a State licensed house mover, shall remove, raise or support a building or structure free of its foundation within the limits of the City. The above shall not be construed as a measure to prevent the owners of a building or structure from personally raising, moving or supporting such building or structure upon their own premises.

### 26.02 PERMIT REQUIREMENTS & APPLICATION PROCESS

#### A. PERMIT REQUIREMENTS & APPLICATION PROCESS.

- a. Permit Required: Every licensed house mover or building owner shall, before raising, moving or supporting free of its foundation any building or structure, obtain a permit therefore from the City;
- b. A person seeking a permit shall contact the Building Official to receive an application for inspecting the property and must file the completed application form with the Zoning Administrator. The applicant shall present plans to the Building Official which at minimum, shall indicate lot size, orientation of the structure on the property respective to setback requirements and lot coverage requirements. The Building Official shall physically inspect all buildings to be moved within/into the City (unless the building/structure is new construction and an inspection report from a building official is provided declaring the building/structure consistent with applicable codes);
- c. Upon receipt of a completed moving permit application, which shall include an inspection report from the Building Official (including filing fee), the Zoning Administrator shall schedule a hearing before the Planning Commission to consider the permit application, and mail notices to neighboring landowners within three hundred fifty feet (350) feet of the boundary of the property to which the structure is proposed to be located. Such written notice shall be mailed at least ten (10) days prior to the hearing and a copy of the hearing notice and list of the property owners and addresses to which the notice was sent shall be attested and made a part of the record of the proceeding. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Chapter, provided a bona fide attempt has been made to comply with the notice requirements in this Section;
- d. Any application for a permit shall be accompanied by a permit fee, which

shall be in an amount equal to the fee charged for a conditional use permit. Such fee shall not be refundable if the permit is denied;

- e. The Planning Commission, in determining whether or not to recommend approval of the moving permit, shall consider the same criteria that apply to the issuance of conditional use permits. In addition, they shall consider the following factors:
  - i. Whether the building/structure is potentially structurally unsafe and could endanger persons or property within the city if moved;
  - ii. Whether the structure is structurally sound and capable of meeting building code requirements subsequent to the move;
  - iii. To note, the Building Official may require code compliance work to be completed before the structure is allowed to be re-located.
- f. The Planning Commission, in recommending approval of a permit, may institute conditions upon the permit which may include, but not limited to the following:
  - i. The route to be followed in moving the structure;
  - ii. The date and time limits in which the building may be moved;
  - iii. The amount of time in which an association or corporation owning, operating or controlling wires or cable that must be moved or displaced to accommodate the move has to remove or displace wires or cables after receipt of notice of the time of the move;
  - iv. The amount of cash deposit, performance bond or completion bond that should be required by the City Council, if any;
  - v. The amount of a cash deposit or letter of credit for estimated costs that may be incurred on behalf of the City, as required by the City Council;
  - vi. Alterations or repairs that must be made to the structure to comply with Building Code requirements and/or to upgrade the building to maintain neighborhood integrity and appearance.
- g. After recommendation by the Planning Commission, the matter shall be placed on the agenda of the next City Council meeting. A favorable vote of a majority of the Council members present shall be required to approve the permit;
- h. If a permit is approved, a cash deposit, performance bond or completion bond in an amount set in the permit (if any) shall be filed with the Zoning

Administrator prior to the issuance of the permit, and be signed by a good and sufficient surety, setting forth the completion date therein. Such bond, if required, is for the purpose of ensuring that alterations and repairs to the structure as required within the building code or as required as a condition of the permit, are accomplished. The date of completion shall be set by the City Council and the Building Official;

- i. In cases where a building is being moved outside the City limits of Glyndon, or in the case where an accessory building or single story garage are to be moved, the application and application fee shall be filed with the Zoning Administrator, but no hearing or approval of the Planning Commission or City Council is required unless otherwise deemed necessary by the Zoning Administrator.

**26.03 CONDITIONS OF PERMIT**

The following conditions shall apply to each moving permit as issued by the City of Glyndon:

- A. Moving Buildings Across Railway Tracks: No house, building or structure shall be moved across any railway track except at such time as permitted by the persons, associations or corporations owning or controlling such tracks;
- B. Lighting Required on Buildings/Structures: When any building or structure is being moved across or through any street or alley, a red light must be illuminated at each corner of such building or structure from sunset to sunrise. All ropes, blocks, winches, windlasses or other equipment used in the moving of said building or structure must, when obstructing the free use of a street or alley, be protected by suitable lights from sunset to sunrise.

**EFFECTIVE DATE**

This Ordinance shall become effective upon publication.

Passed by the Council this 22<sup>nd</sup> day of June, 2016.

Attested:

\_\_\_\_\_  
Cecil Johnson - Mayor

\_\_\_\_\_  
Denise L. Anderson - City Clerk/Treasurer

1st Reading – April 27, 2016  
2nd Reading – May 11, 2016  
3rd Reading – June 22, 2016  
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