

CITY OF GLYNDON
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ZONING ORDINANCE NO. 107

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AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF GLYNDON, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 462, MINNESOTA STATUTES, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

Z-1.00 CHAPTER 1 - PLANNING AND ZONING COMMISSION

Z-1.01 Planning Commission created for the City of Glyndon:

There is hereby created a Planning Commission consisting of the five members of the city council. The city engineer and city attorney shall be ex-officio members thereof.

Z-1.02 Terms, Compensations, Meetings:

The terms of the members of the Planning Commission shall coincide with the terms of the council members, and compensation and meetings shall be as provided by existing city legislation.

Z-1.03 Zoning Commission created for the City of Glyndon:

The Planning Commission shall also serve as the Zoning Commission of the City to hold hearings, make reports and recommendations as to the boundaries of the various original districts and appropriate regulations to be enforced therein, and for changes in or supplements thereto.

Z-2.00 CHAPTER 2 - RULES AND DEFINITIONS

For the purposes of this Ordinance, certain terms or words used shall be interpreted as defined herein. For terminology not defined herein, the most current Webster dictionary shall be used to define such terms.

Z-2.01 Accessory Building:

A detached building on the same lot with and of a nature customarily incidental and subordinate to, the principle structure on the lot.

Z-2.02 Accessory Use:

A use subordinate to and exclusively for a purpose incidental to the principle use on the lot.

Z-2.03 Basement:

That portion of the building located partially underground.

Z-2.04 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.

Z-2.05 Building:

Any structure for the shelter, support, or enclosure of persons, animals or property of any kind.

Z-2.06 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.

Z-2.07 Dwelling, Multiple Family:

A residence designed for or occupied by three or more families, with separate housekeeping, cooking and sanitation facilities for each.

Z-2.08 Dwelling, Single Family:

A residence designed for or occupied by one family only.

Z-2.09 Dwelling 2 Family:

A residence designed for or occupied by two families only, with separate housekeeping, cooking and sanitation facilities for each.

Z-2.10 Dwelling Unit:

A single unit providing complete and independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation facilities.

Z-2.11 Efficiency Dwelling Unit:

Any one room unit having cooking and sanitation facilities for combined living, dining and sleeping purposes.

Z-2.12 Family:

An individual of two or more persons related by blood or marriage or a group of not more than five persons who need not be related by blood or marriage living together in a dwelling unit.

Z-2.13 Flood Related:

See Flood District Article for related definitions and regulations.

Z-2.14 Garage, Private:

A building detached or attached to a main building and generally providing for the storage of automobiles and in which no occupation or business for profit is carried on.

Z-2.15 Garage Parking:

A building or portion of a building, except any defined as a private garage or as an automotive repair garage, used for the storage of motor vehicles or where any such vehicles are kept for hire and in which any sale of gasoline, oil and accessories is only incidental to the principle use.

Z-2.16 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 over five (5) feet from the building, between the building and a line five (5) feet from the building.

Z-2.17 Habitable Space (Room):

Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

Z-2.18 Home Occupation:

Any gainful occupation or profession conducted within a dwelling or attached accessory building by a resident thereof.

Z-2.19 Impound Lot:

A place where impound vehicles are stored or kept, including both open space and within buildings.

Z-2.20 Impound Vehicles:

- a.) Any motor vehicle, trailer, motorcycle or other vehicle which constitutes an "abandoned motor vehicle" within the meaning of Minnesota Statutes chapter 168B.
- b.) Any motor vehicle, trailer, motorcycle or other vehicle which has been towed or hauled at the direction of the Glyndon City Council, the Glyndon Police Department or any other law enforcement agency as a result of a criminal, traffic or parking violation occurring with the City of Glyndon.

- c.) Any motor vehicle, trailer, motorcycle or other vehicle towed or hauled at the request of the owner or person in possession of private property because of improper parking or parking without permission upon such premises.

Z-2.21 Kennel:

Any lot or premises where three (3) or more dogs are boarded for compensation, or where dogs are bred, raised or sold commercially.

Z-2.22 Lot:

A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yard and other open spaces as are herein required. such lot shall have frontage on an improved public street, and may consist of:

- a.) a single lot of record
- b.) a portion of a lot record;
- c.) a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of portions of lots of record;
- d.) a parcel of land described by metes and bounds;

Provided that in no case of division or combination shall any residual lot be created which does not meet the requirements of the Ordinance.

Z-2.23 Lot Area:

The area of a horizontal plain within the lot lines.

Z-2.24 Lot Coverage:

Includes those areas covered by principle buildings, accessory buildings and garages, but does not include open areas used for walkways, access drives, parking spaces, open patios, swimming pools, tennis courts and landscaping elements, and solar energy systems which are not included in the area of the building.

Z-2.25 Lot Depth:

Lot depths shall be considered to be the distance between the midpoints 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.

Z-2.26 Lot Frontage:

The front of a lot shall be construed to be the portion nearest the street or avenue at the required setback line of the principle building. A degree of flexibility may be used in determining the front in the case of corner lots.

Z-2.27 Lot Lines:

A property boundary line of any described lot.

Z-2.28 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 County Recorder or Registrar of Titles for Clay County, Minnesota, prior to the effective date of this Ordinance.

Z-2.29 Lot Width:

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

Z-2.30 Manufactured Building/Prefabricated Structure:

A prefabricated structure is any structure manufactured in accordance with the requirements of the Minnesota Prefabricated Structures and Manufactured Buildings Code promulgated in accordance with Minnesota Statutes 16.852 and 16.85 (State Building Code).

Z-2.31 Manufactured Home/Mobile Home:

A manufactured home (mobile home) means a dwelling manufactured in accordance with the requirements of Minnesota Statutes Sections 327.31 through 327.35 inclusive.

Z-2.32 Manufactured (Mobile) Home Park:

A site, lot or tract of land which harbors manufactured/mobile homes and any building, structure, or enclosure used or intended for use as part of the equipment of such park or court.

Z-2.33 Manufactured (Mobile) Home Stand:

That part of a mobile home park or court which has been designated at the lot or space reserved for the placement of the manufactured home and its appurtenant structures or additions.

Z-2.34 Nonconforming Use:

A building structure or use of land existing at the time of the adoption of this Ordinance and which does not conform to the provision of this Ordinance for the zoned district in which the use is located.

Z-2.35 Nursing Home:

A healthcare institution licensed to serve aged or infirm persons who require care and related assistance. Types of nursing care provided in a nursing home include giving medications, applying dressings and bandages, and providing bedside care and other physician prescribed treatments which require the technical knowledge, skill and judgment possessed by registered nurses. Most of the people who receive care in a nursing home are aged, but there are exceptions. A younger person with severe long term illness or a crippling disease might also be cared for in a nursing home.

Z-2.36 Parking Space, Off Street:

A designated off street parking space of approximately 170 square feet per stall plus off street space necessary for maneuvering incidental to parking and unparking in conjunction with the use of a property.

Z-2.37 Principle Structure or Use:

A use which determines the predominant use as contrasted to an accessory use or building.

Z-2.38 Public:

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

Z-2.39 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 central eating facilities. Such facilities do not contain health facilities for the care of occupants.

Z-2.40 Setback:

The distance a structure must be located away from the front, rear or side property lines.

Z-2.41 Signs, Off-Site:

A sign advertising goods or products not available on the premises on which the sign is located.

Z-2.42 Signs, On-Site:

A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, service, or activities available or offered on the premises.

Z-2.43 Structure:

Anything constructed or erected on the ground or attached to something having a fixed location on the ground, including signs and billboards, manufactured homes/mobile homes, but not including fences or walls used as fences.

Z-2.44 Use:

The purposes for which land or a building is designed or intended or for which either land or a building is or may be occupied or maintained.

Z-2.45 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, unless specifically stated, a variance is authorized only for area, size of structure, size of yards, setback and side yard requirements and parking requirements. Establishments or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance granted because of the presence of nonconformity's in the zoning district or adjoining zoning districts. A variance is not required for a non-conforming use in a zoning district to be changed to a lesser non-conforming use if specifically approved by the Glyndon City Council.

Z-2.46 Yard:

An open space on a lot unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

Z-2.47 Yard, Front:

The space extended between the side lot lines from the front property line and the building setback line. For corner lots, a degree of flexibility may be used in determining setback requirements from the street or avenue.

Z-2.48 Zoning Administrator:

Representative of the City who has been assigned the responsibility of enforcing this Ordinance.

Z-3.00

CHAPTER 3 - APPLICATIONS OF DISTRICT REGULATIONS

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as specifically hereinafter provided.

Z-3.01 Conformity of Building and Land:

No building, structure, or premises shall be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified for the district, as shown on the Official Zoning Map, in which it is located.

Z-3.02 Conformity of Open Space:

No yard court or open space, or part thereof, shall be included as a part of the yard, court, or open space similarly required for any other building, structure, or dwelling under this Ordinance.

Z-3.03 Non-reduction of Yards or Lots:

No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Z-3.04 Zoning Upon Annexation:

All territory which may hereafter be annexed to the City of Glyndon shall be considered to be zoned R-1 until such time that the zoning is duly changed by action of the Glyndon City Council.

Z-4.00

CHAPTER 4 - NON-CONFORMING LOTS AND USES

Z-4.01 It shall be deemed nonconforming when, within the zoned districts established by this Ordinance or amendments that may later be adopted, there exists lots, structures and uses of land and structures 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 nonconformity's to continue until they are removed or discontinued, but not to encourage their survival.

Z-4.02 Expanding Nonconforming Structures or Uses:

It shall be deemed unlawful for nonconformity's to 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.

Z-4.03 Discontinued Nonconformists:

If any such nonconforming use of land or building ceases for any reason for a period of more than twelve months, any subsequent use of such land or building shall conform to

the regulations specified by this Ordinance for the district in which such nonconformity is located.

Z-4.04 Alterations to Nonconforming Building:

- A.) For the purpose of protecting public safety, it shall be considered lawful to strengthen or restore to a structurally or non-structurally safe condition, any building or part thereof when so required and approved by the City Council.
- B.) Interior alterations of any nature may be done.
- C.) Should any nonconforming structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction. It shall not be reconstructed except in conformity with the provisions of this Ordinance without approval from the City Council.

Z-4.05 Permitted Nonconforming Use Changes:

A nonconforming use may be changed to a lesser nonconforming use by City Council action provided that upon findings in the specific case, it can be reasonably determined that the proposed change would be at least equal or more compatible for the zoned district than the existing nonconforming use.

Z-4.06 District Changes:

Whenever the boundaries of a zoned district shall be changed so as to transfer an area from one district to another zoned district of a different classification, the provisions of Chapter 4.00 of this Ordinance shall apply to any nonconforming uses that may be existing therein.

Z-4.07 Status of Variances or Conditional Use Permits:

If a Conditional Use Permit or a Variance has been granted as provided in this Ordinance, it shall not be deemed a nonconformity, but shall without further action be deemed permitted in such district.

Z-4.08 Nonconforming Lots of Record Platted Prior to 1960:

For the purpose of orderly development of older areas of the community, dwellings and customary accessory buildings may be erected on nonconforming (undersized) lots of record at the effective date of this Ordinance provided that the frontage, depth, area and side lot setback measurements are at least sixty (70) percent of the minimum requirements of the district where the use is permitted. These provisions shall apply provided that the front yard setback minimum of 24 feet is met or that the front yard setback is established as at least the average setback of the house on either side in areas where irregular setbacks are prevalent.

Z-5.00

CHAPTER 5 - OFFICIAL ZONING MAP

Z-5.01 Zoned Districts

The City of Glyndon is hereby divided into the following zones or districts as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be apart of this Ordinance:

- R - 1 One or Two Family Dwellings
- R - 2 Manufactured Home/Mobile Home Park District
- R - 3 Multiple Dwelling District
- P Public/Semi-Public
- C Commercial
- I Industrial
- F Flood Plain

Z-5.02 Official Zoning Map:

The Official Zoning Map shall be dated and be identified by the signatures of the Mayor with attesting by the City Clerk, and bearing the seal of the City of Glyndon.

Z-5.03 Zoning Map Changes:

If, in accordance with the provisions of this Ordinance and Chapter 462, Minnesota Statutes, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council certifying such change. The amending Ordinance shall provide that such changes or amendments shall not become effective until they have been duly published. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance.

Z-5.04 Zoning Map Copies:

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the City Clerk shall be the final authority as the current zoning status of land and water areas, buildings and other structures in the City.

Z-5.05 Replacement of Official Zoning Map:

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes or additions, the City Council may, by resolution, adopt a new one which shall supersede the prior map. The Official Zoning Map may correct drafting or other errors or omissions in the prior map. The new Official Zoning Map shall be dated and be identified by the signature of the Mayor and attested by the City Clerk.

Z-6.00

CHAPTER 6 - ADMINISTRATION AND ENFORCEMENT

Z-6.01 Administrative Official:

A Zoning Administrator shall be designated by the City Council. The City Clerk may serve in this capacity, and he may be provided with the assistance of such other persons as the City Council assigns.

Z-6.02 Enforcement:

any Except as otherwise provided herein, the Zoning Administrator shall administer and enforce the provisions of this Ordinance. If the Zoning Administrator shall find that provisions of this Ordinance are being violated, he shall notify in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, building or structure; removal of illegal buildings or additions, alterations or structural changes thereto or shall take any action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

Z-6.03 Zoning and Building Permits Required:

No structure shall be erected, added to, or structurally altered until a permit has been issued by the Administrative Official. No Zoning or Building Permit shall be issued except in conformity with the provisions of this Ordinance. Permit Fees are payable at the City Clerk's office.

Z-6.04 Applications for Zoning or Building Permits:

All applications for proposed alterations, additions or new structures shall be accompanied with a complete set of plans clearly indicating all aspects of work contained in the proposal. For new additions or structures, a site plan shall accompany the plan which clearly shows the dimensions and shape of the lot, along with the size and dimensions of the proposed structures shown on the plan and indicating the distances the proposed structures will be located from all property lines. Also, submission of other such information with the proposal as may be necessary to determine conformance with all Ordinances and requirements in the City of Glyndon.

Z-6.05 Expirations of Zoning Building Permits:

If the work described in any zoning or building permit has not begun within six (6) calendar months from date of issuance thereof, or such work described ceases for a period of six (6) months, said permits shall expire and no work shall commence or recommence without applying for and obtaining new permits.