

## CHAPTER FIVE

### LAND USE CONTROL

#### 500 BUILDING CODE

**500.01** Application, Administration and Enforcement. The application, administration, and enforcement of the code shall be in accordance with Minnesota Rule Chapter 1300. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 16B.62, subdivision 1, when so established by this ordinance.

The code enforcement agency of this municipality is called the Contracted Building Inspections Department of Waldron and Associates. This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code (Minnesota statute 16B.65) subdivision 1.

**500.02.** Permits and Fees. The issuance of permits and the collection of fees shall be authorized in Minnesota Statutes, 16B.62, subdivision 1 Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality in (i.e. City Code #, Ordinance # etc. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota statute 16B.70.

**500.03.** Violations and Penalties. A violation of the code is a misdemeanor (Minnesota Statutes, 16B.69) and Minnesota Rules, Chapter 1300.

**500.04.** Building Code. The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75 is hereby adopted as the building code for this Municipality. The code is hereby incorporated in this ordinance as if fully set out herein.

**A.** The Minnesota State Building Code includes the following chapters of Minnesota Rules:

1. 1300, Administration of the Minnesota State Building Code;
2. 1301, Building Official Certification;
3. 1302, State Building Code Construction Approvals;
4. 1303, Minnesota Provisions;
5. 1305, Adoption of the 2006 International Building Code;
6. 1307, Elevators and Related Devices;
7. 1309, Adoption of the 2006 International Residential Code;
8. 1311, Adoption of the 2000 Guidelines for the Rehabilitation of Existing Buildings;
9. 1315, Adoption of the 2005 National Electrical Codes;
10. 1325, Solar Energy Systems;
11. 1330, Fallout Shelters;
12. 1335, Flood-proofing Regulations;
13. 1341, Minnesota Accessibility Code;
14. 1346, Adoption of the Minnesota State Mechanical Code;
15. 1350, Manufactured Homes;
16. 1360, Prefabricated Structures;

- 17. 1361, Industrialized/Modular Buildings;
- 18. 1370, Storm Shelters (Manufactured Home Parks);
- 19. 4715, Minnesota Plumbing Code;
- 20. 7670, 7672, 7674, 7676, and 7678, Minnesota Energy Code.

**B.** This municipality may adopt by reference any or all of the following optional chapters of Minnesota Rules: Chapter 1306, Special Fire Protection Systems (with locally designated options); and Chapter 1335, Flood-proofing Regulations, parts 1335.0600 to 1335.1200.

**C.** This municipality may adopt by reference Appendix Chapter J (Grading), of the 2006 International Building Code. The following optional provisions identified in Section 4, Subp. B and C are hereby adopted and incorporated as part of the building code for this municipality.

500.05 The Glencoe City Council will from time to time amend fee schedules for building permits by resolution.

**BUILDING PERMIT FEES**

- \$20.00 - Minimum Fee
- \$20.00 - First \$500.00 plus \$2.00 for each additional \$100.00
- \$45.00 - First \$2,000.00 plus \$9.00 for each additional \$1,000.00
- \$252.00 - First \$25,000.00 plus \$6.50 for each additional \$1,000.00
- \$414.50 - First \$50,000.00 plus \$4.50 for each additional \$1,000.00
- \$639.50 - First \$100,000.00 plus \$3.50 for each additional \$1,000.00
- \$2,039.50 - First \$500,000.00 plus \$3.00 for each additional \$1,000.00
- \$3,539.50 - First \$1 million plus \$2.00 for each additional \$1,000.00

FLAT RATE FEES:	Reroofing	\$ 35.00
	Residing	\$ 35.00
	Replacing Windows	\$ 35.00
	Fences	\$ 35.00
	Furnace & Air Conditioner	\$ 38.00

MOBILE HOME PERMIT - \$100.00

BUILDING PERMIT EXTENSIONS - Half of Bldg. Permit Fee plus \$.50 Surcharge

BUILDING DEMOLITIONS - Minimum Fee \$20.00 plus \$.50 Surcharge except when replaced with another building.

STATE SURCHARGE - .0005 times construction cost or 50 cents minimum

ENGINEER STAKING FEES:	House w/Attached Garage	\$210.00
	House w/Detached Garage	\$310.00
	House Addition	\$ 90.00
	Detached Garage	\$120.00
	Attached Garage	\$ 90.00
	Fence	\$210.00
	Curb Grade	\$120.00
	Set Flood Plain Separate	
	From Permit	\$145.00

PLAN CHECK FEE - 65% of Building Permit for Commercial Buildings, 50% for residential buildings, etc. (Any buildings with plans)

**(Source:** Ordinance No. 345 adopted November 17, 1986, amended January 1, 1987, amended by Ordinance No. 383 dated April 15, 1991; Sections 500.01, 500.02, 500.03, and 500.04 amended by Ordinance No. 416 approved June 5, 1995. Sections 500.01 through 500.04 amended by Ordinance No. 464 and approved May 1, 2000. Sections 500.01 through 500.04 amended by Ordinance No. 501 and approved January 20, 2004; Sections 500.01 and 500.05 amended by Ordinance No. 531 and approved February 5, 2007. Sections 500.01 through 500.04 amended by Ordinance 536 adopted August 20, 2007)

505 ZONING CODE

505 PURPOSE

505.01 Protecting and promoting the public health, safety, morals, comfort, convenience and general welfare.

505.02 Dividing the City into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration and use of structures and land.

505.03 Promoting orderly development of the residential, business, industrial, recreational and public areas.

505.04 Providing adequate light, air and convenience of access to property.

505.05 Limiting congestion in the public right-of-way.

505.06 Preventing overcrowding of land and undue concentration of structures by regulating the use of land and buildings and the bulk of buildings in relation to the land and buildings surrounding them.

505.07 Providing for the compatibility of different land uses and the most appropriate use of land throughout the City.

506 RULES AND DEFINITIONS

506.01 Rules. The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules of construction.

- a. The singular number includes the plural, and the plural the singular.
- b. The present tense includes the past and the future tenses, and the future the present.
- c. The word "shall" is mandatory while the word "may" is permissive.
- d. The masculine gender includes the feminine and neuter.
- e. All measured distances shall be to the nearest integral foot. If a fraction is one-half (1/2) foot or less, the integral foot next below shall be taken.

507 DEFINITIONS The following words and terms, wherever they occur in this ordinance shall be interpreted as herein defined:

507.01 Accessory Use or Structure. The use or structure subordinate to the principal use or building on the same lot and serving a purpose customarily incidental thereto.

- 507.02 Agriculture Uses. Those uses commonly associated with the growing of produce on farms. These include: Field crop farming; fruit growing; tree, shrub, plant, or flower nursery without building; truck gardening; roadside stand for sale in season of products grown on premises, and livestock raising and feeding, but not including for farms, commercial animal feed lots and kennels.
- 507.03 Alley. A public right-of-way which affords secondary access to abutting property.
- 507.04 Apartment. A room or suite of rooms with cooking facilities available which is occupied as a residence by single family. Includes dwelling unit and efficiency unit.
- 507.05 Automobile Service Uses. Those uses catering to the motorist traveling along the highway. These include: auto laundry; eating establishments; motels (tourist courts); refreshment drive-ins; public garages; repair garages; seasonal produce stands; service stations, motor vehicle sales, trailer sales and rental, boat sales, rental services.
- 507.06 Auto-wrecking or Reduction Yard. An open space where three or more inoperative vehicles are stored which are not registered and which do not possess current state auto license.
- 507.07 Basement. A portion of a building located partially underground but having less than one-half (1/2) its floor to ceiling height below the average land grade.
- 507.08 Boarding Home (Rooming of Lodging). A building containing lodging room accommodating, for compensation, three (3) or more persons, but not exceeding twelve (12), who are not of the keeper's family. Lodging may be provided with or without meals.
- 507.09 Building. Any structure which is built for the support, shelter or enclosures of persons, animals, chattels or movable property of any kind which is permanently affixed to the land.
- 507.10 Building Height. A distance to be measured from the mean ground level to the top of a flat roof, to the mean distance of the highest gable on a pitched or hip roof, to the deck line of a mansard roof, to the upper most point on all other roof types.
- 507.11 Business. Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.
- 507.12 Collar. That portion of a building having more than one-half (1/2) of the floor to ceiling height below the average land grade.
- 507.13 Church. A building, together with its accessory buildings and uses, 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.

507.14 City Plan. A set of maps, data, reports, documents and other material maintained by the Planning Commission which combine to form the General Development Plan of the City of Glencoe.

507.15 Club or Lodge. A club or lodge is a non-profit association of persons, who are bona fide members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed, providing such serving is secondary and incidental to the operation of the dining room for the purpose of serving food and meals and providing further that such serving of alcoholic beverages is in compliance with the applicable federal, state and municipal laws.

507.16 Commercial Recreation. Bowling alley, cart track, jump center, golf, pool hall, vehicle racing or amusement, dance hall, skating, tavern, theater, firearms range, boat rental, amusement rides, campgrounds, deer park, and similar uses.

507.17 Dog Kennel. Any place where four (3) or more dogs over six (6) months of age are boarded, bred and/or offered for sale, except a veterinary clinic. The dogs (puppies) less than six (6) months of age must be sired or born by one of the dogs owned by the property owner.

507.18 Dwelling Unit. A residential building or portion thereof intended for occupancy by a family but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, tourist homes or trailers.

507.19 Dwelling Unit - Attached. A dwelling unit which is joined at one (1) or more sides by a party wall or walls.

507.20 Dwelling Unit - Detached. A dwelling unit which is entirely surrounded by open space on the same lot.

507.21 Dwelling Unit - Efficiency. A dwelling unit in which eating, kitchen, living and sleeping space is combined in a single room.

507.22 Family. A family is:

- a. An individual, or two (2) or more persons related by blood, marriage or adoption living together, or
- b. A group of not more than five (5) persons who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit, exclusive or usual servants.

507.23 Floor Area. The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor areas shall not include: basement floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices. The floor areas of a residence shall include fifty (50) percent of the area of attached garage and twenty-five (25) percent of enclosed breezeways or porches, but shall not include basement area.

507.24 Garage - Private. An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on; provided that not more than one-half (1/2) of the space may be rented for the private vehicles or persons not resident on the premises, except that all the space is a garage of one (1) or two (2) car capacity may be so rented. Such a garage shall not be used for more than one (1) commercial vehicle. The load capacity of such commercial vehicle shall not exceed one (1) ton.

507.25 Garage - Public. A building or portion of a building, except any herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire and in which any sale of gasoline, oil and accessories is only incidental to the principal use.

507.26 Garage - Repair. A building or space for the repair or maintenance of motor vehicles but not including factory assembly of such vehicles, auto wrecking establishments or junk yards.

507.27 Home Occupation. Any gainful occupation or profession engaged in by the occupant of a dwelling at or from the dwelling when carried on within a dwelling unit and not in an accessory building provided that no signs other than those normally utilized in a residential district are present, no stock in trade is stored on the premises, over-the-counter retail sales are not involved, and entrance to the home occupation is gained from within the structure. Such uses include professional offices, minor repair services, photo or art studio, dressmaking, or teaching and similar uses; however, a home occupation shall not be interpreted to include barber shops, beauty shops without council approval, tourist homes, restaurants, or similar uses. Teaching shall be limited to four (4) students at any given time. A home occupation may include one person employed other than the occupant; however, no home occupation shall be permitted that results in the need for more than two (2) parking spaces at any given time in addition to spaces required by the occupant of the home.

507.28 Hotel. A building which provides a common entrance, lobby, halls and stairway and in which lodging is offered with or without meals to thirteen (13) or more guests.

507.29 Junk Yard. An open area where waste, used, or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. A junk yard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings.

507.30 Lakeshore Uses. Boat docks and storage, fish house, fish cleaning, water recreation equipment and other uses normally incidental to a lakeshore or river residence provided such uses are for the exclusive use of the occupants and guests.

507.31 Lodging Room. A room rented as sleeping and living quarters but without cooking facilities and with or without an individual bathroom. In a suite or rooms without cooking facilities, each room which provides sleeping accommodation shall be counted as one (1) lodging room.

507.32 Lot (of record). A parcel of land, whether subdivided or otherwise legally described, as of the effective date of this ordinance, or approved by the City as a lot subsequent to such data and which is occupied or intended for occupancy by one (1) principal building or principal use together with any accessory buildings and such open spaces as required by this ordinance and having its principal frontage upon a street.

507.33 Lot - Corner. A lot situated at the junction of and abutting on two (2) or more intersection streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred and thirty-five (135) degrees or less.

507.34 Lot - Front of. The front of a lot shall be, for the purposes of complying with this ordinance, that boundary abutting a public right-of-way having the least width. The owner of a corner lot may select either street lot line as the front lot line subject to approval by the Building Inspector.

507.35 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 line.

507.36 Lot, Through. A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot, on a through lot, both street lines shall be front lot lines for applying this ordinance.

507.37 Lot Width. The mean horizontal distance between the side lot lines at the front set-back line.

- a. In "I-1" and "B-1" Districts: All uses which include the compounding, processing, packaging, treatment or assembly of products and materials provided such use will not generate offensive odors, glare, smoke, dust, noise, vibration, or other objectionable influences that extend beyond the lot on which the use is located. Generally, these are industries dependent upon raw materials refined elsewhere.

Such uses include, but are not limited to, the following: lumber or timber yard; machine shops; products assembly; sheet metal shops; plastics; electronics; general vehicle repair; body work; and painting; contractors shop and storage yard; food and non-alcoholic beverages; signs and displays; printing; publishing; fabricated metal parts; appliances, textiles; used auto parts.

- b. In "I-2" Districts: All manufacturers, compounding, processing, packaging, treatment or assembly of products and materials that may emit objectionable and offensive influences beyond the lot on which the use is located. Such uses include but are not limited to the following: sawmill; wood products; refineries; commercial feed lots; acid; cement; explosives; floor, feed and grain milling or storage; meat packaging; slaughter houses; coal or tar asphalt distillation; rendering of fat, grease, lard or tallow; alcoholic beverages; poisons; exterminating agents; glue or size; lime; gypsum, plaster of paris; bricks, tanneries; automobile parts; paper and paper products including bulk storage for wholesale; electric power generation facilities; vinegar works; junk yard; auto reduction yard; foundry, forge, casting of metal products; rock, stone, cement products and including all uses permitted in "I-1" Districts.

507.38 Medical Uses. Those uses concerned with the diagnosis, treatment, and care of human beings; these include: hospitals, dental services, medical services or clinics; nursing, convalescent home; orphan home; rest home, sanitarium, doctor or dentist office.

507.39 Miscellaneous Business. Commercial docking and storage facilities for water craft; used auto parts; bait, boat fuel and other uses commonly associated with water oriented recreation, art and photo studio, interior decorating studio, music studio, business and musical school, radio and television studios.

507.40 Miscellaneous Industry. Manufacture, warehousing, and wholesaling of food, clothing, non-alcoholic beverages; lumber yard; sign and display work; printing and publishing; boat and marine sales.

507.40A Mobile Home Park "R-3" District An approved area for the parking of occupied mobile homes (trailers).

507.41 Motel (Tourist Court). A building or group of detached, semi-detached, or attached buildings containing guest room or dwellings each of which has a separate outside entrance leading directly from the outside of the building, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.

507.42 Multiple Residence. Three (3) or more dwelling units in one (1) structure.

507.43 Non-Conforming Use. Any building, structure or land lawfully occupied by a use or lawfully established at the time of the passage of this ordinance or amendments thereto which does not conform, after the passage of this ordinance or amendments thereto, with the use regulations therein.

- 507.44 Office Uses. Those commercial activities that take place in office buildings, where goods are not produced, sold or repaired. These include: banks; general offices; governmental offices, insurance office; personal loan agency; professional office; real estate office; taxi-cab office, but not taxi stand; travel agency or transportation ticket office; telephone exchange; utility office, radio broadcasting; and similar uses.
- 507.45 Off-Street Loading Space. A space accessible from a street, alley, or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) vehicle of the type typically used in the particular business.
- 507.46 Open Sales Lot. Any land used or occupied for the purpose of buying and selling any goods, materials or merchandise and for the storing of same under the open sky prior to sale.
- 507.47 Parking Space. A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one (1) standard automobile.
- 507.48 Planned Unit Development. An urban development having two (2) or more principal uses or structures on a single lot and developed according to an approved plan.
- 507.49 Principal Structure or Use. One which determined the predominant use as contrasted to accessory use or structure.
- 507.50 Public. Uses owned or operated by municipal, school district, county, state or other governmental units.
- 507.51 Public Utility Uses (Essential Services). Overhead or underground transmission facilities of electric power, gas, water, telephone and railroad companies. These include: Electric power transmission lines, gas pipe lines, telephone lines, water pumping, reservoir, and distribution facilities including poles, wires, mains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or similar equipment; railroad trackage, but not including buildings, storage, and switching yards.
- 507.51A Repair Services, Minor. Home occupations that include repair of household appliances, toys, television sets, radios, and similar item; however, such repair service shall not include trucks, automobiles, commercial machinery, and similar items that may cause a nuisance.
- 507.52 Research. Medical, chemical, electrical, metallurgical or other scientific research. Research shall not include the manufacture or processing of materials or goods for sale. Research uses shall conform to all performance standards contained in this Ordinance governing the emission of smoke, odors, noise and other such standards and shall submit evidence indicating that any proposed use will be able to comply

with said standards.

507.53 Resort. Any structure or group of structures containing more than two (2) dwelling units or separate sleeping quarters designed or intended to serve as a seasonal or temporary dwelling on a rental or lease basis for profit; the primary purpose of the structure or structures being recreational in nature. Accessory uses may include: A grocery for guests only, fish cleaning house, marine services, boat landing, recreational acres and equipment, and similar uses normally associated with and incidental to resort operation.

507.54 Rest Home (Nursing Home). A private home for the care of children or the aged or infirm or place of rest for those suffering bodily disorders. Such a home does not contain equipment for surgical care or for the treatment of disease or injury, nor does it include maternity care or care for mental illnesses or infirmities.

507.55 Retail Shopping Uses. Stores and shops selling the personal services or goods over a counter. These include: antiques; art and school supplies; auto accessories; bakeries; barber shop; beauty parlor; bicycles; books and stationary; candy; cameras and photographic supplies; carpets and rugs; catering establishments; china and glassware; Christmas tree sales; clothes pressing; clothing and costume rental; custom dressmaking; department stores and junior department stores; drugs; dry goods; electrical and household appliances; sales and repair florist; food; furniture; furrier shops; garden supplies (year-round operation only); gifts; hardware; hats; hobby shops for retail of items to be assembled or used away from the premises; household appliances; hotels and apartment hotels; interior decorating; jewelry; including repair; laboratories, medical and dental research and testing; laundry and dry cleaning pick-up, processing to be done elsewhere; laundromat; leather goods and luggage; locksmith shops; musical instruments; office supply equipment; optometrist; paint and wallpaper; phonograph records; photography studios; service station; restaurants, when no entertainment or dancing is provided; shoes; sporting goods, tailoring; theater, except open air drive-in; tobacco; toys; variety stores; wearing apparel and similar uses.

507.56 Service Station. A place where gasoline, kerosene, or other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles. Includes greasing and oiling and the sale of automobile accessories on the premises. Also includes minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor services to passenger automobiles and trucks not exceeding one and one-half (1-1/2) tons capacity. It shall not include general repair, rebuilding or reconditioning of engines, motor vehicles or trailers, collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning.

507.57 Set-Back. The minimum horizontal distance between a building and street or lot line. Distances are to be measured from the most outwardly extended portion of the structure at ground level.

507.58 Structure. Anything erected, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. This shall include signs.

507.59 Transportation Terminal. Barge (river), truck, bus terminal and storage area, including motor freight (solid and liquid) terminal.

507.60 Used Auto Parts. The processing, storage, and sale of second hand or used automobile or other vehicle parts provided such use is established entirely within enclosed buildings.

507.61 Veterinary Clinic. Those uses concerned with the diagnosis, treatment and care of animals, including animal or pet hospitals.

507.62 Warehousing. The storage of materials or equipment within an enclosed building as a principal use.

507.63 Waterfront Uses. Uses dependent upon access to large quantities of raw water for condensing, cooling, washing or other mill or manufacturing purposes or uses dependent upon direct access to water transportation for receipt, transfer, or shipment of fuel, supplies, goods, materials or commodities.

507.64 Wholesaling. The selling goods, equipment and materials by bulk to another business that in turn sells to the final customer.

507.65 Yard (Setback). A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Ordinance. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the set-back regulations for the zoning district in which such lot is located.

507.66 Yard-Rear. The portion of the yard on the same lot within the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.

507.67 Yard - Side. The yard extending along the side lot line between the front and rear yards to a depth or width required by set-back regulations for the zoning district in which such lot is located.

507.68 Yard - Front. A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to depth required in the set-back regulations for the zoning district in which such lot is located.

## 508 GENERAL PROVISIONS

508.01 Application.

- a. In their interpretation and application, the provisions of this ordinance shall be held to the minimum requirements for the promotion of the public health, safety, morals convenience and welfare.
- b. Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall prevail.
- c. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose not in any manner which is not in conformity with the provisions of this ordinance.

508.02 Separability. It is hereby declared to be the intention of the Mayor and City Council that the several provisions of this ordinance are separable in accordance with the following:

- a. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
- b. If any court of competent jurisdiction shall adjust invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

508.03 Non-Conforming Uses and Structures.

- a. Any structure or use lawfully existing upon the effective date of this ordinance may be continued at the size and in a manner of operation existing upon such date except as hereinafter specified.
- b. Nothing in this ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Building Inspector.
- c. When any lawful nonconforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.
- d. Whenever an unlawful nonconforming structure shall have been damaged by fire, flood, explosion, earthquake, war, riot or act of God, it may be reconstructed and used as before if it be reconstructed within 12 months of such calamity, unless the damage to the building structure is 50% or more of its fair market value, as determined by the building inspector and approved by the City Council. In which

case the reconstruction shall be for use in accordance with the provisions of this ordinance. Notwithstanding, this provision shall not apply to residential structures which are located in B-1, I-1 or I-2 zones, but only provided such residential structure is at the time of the calamity covered by a policy of insurance which provides for the replacement of the structure.

- e. Whenever a legal non-conforming use of a structure or land is discontinued for a period of twelve (12) months, any future use of said structure or land shall be in conformity with the provisions of this ordinance.
- f. Such non-conforming use shall not be moved to any other part of the parcel of land upon which the same was conducted at the time of the adoption of this ordinance.
- g. Any structure which will, under this ordinance, become nonconforming but for which a building permit has been lawfully granted prior to the effective date of this ordinance or of amendments thereto, may be completed in accordance with the approved plans; provided construction is started within six (6) months of the effective date of this ordinance or amendment thereof and continues to completion within two (2) years. Such structure shall thereafter be a legally existing non-conforming structure.
- h. A lawful non-conforming use of a structure or parcel of land may be changed to a similar non-conforming use or to a more restrictive non-conforming use. Once a structure or parcel of land has been placed in a more restrictive non-conforming use, it shall not return to a less restrictive non-conforming use.
- i. Normal maintenance of a building or other similar structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.
- j. Alterations made to a building containing lawful non-conforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units or bulk of the building, without consent of the City Council.

#### 508.04 Lot Provisions.

- a. A lot of record existing upon the effective date of this Ordinance is a Residential District, which does not meet the requirements of this Ordinance as to area of width may be utilized for single family detached dwelling purposes provided the measurements of each area or width are within seventy percent (70%) of the requirements of this Ordinance, but said lot of record shall not be more intensively developed unless combined with one (1) or more abutting lots or portions thereof so as to create a lot meeting the requirements of this Ordinance.
- b. Except in the case of planned unit developments as provided for hereinafter, not more than one (1) principal building shall be located on a zoning lot.

#### 508.05 Accessory Building.

- a. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- b. No accessory building or structure, unless an integral part of the principal building, shall be erected, altered, or moved within five (5) feet of the principal building. No accessory building shall exceed fifteen (15) feet in height except as hereinafter provided.
- c. No accessory building shall exceed the height of the principal building. However, in no case, shall such accessory building exceed fifteen (15) feet in height, in the "R" District.
- d. In all "R" Districts no accessory building shall exceed one thousand (1,000) square feet of floor area.
- e. No detached garages or other accessory building shall be located nearer the front lot line than the principal building on that lot.
- f. An accessory building may be located within the rear yard set-back provided that the lot is not a through lot and said accessory building does not occupy more than twenty-five percent (25%) of a required rear yard. An accessory building may be considered as part of a principal building if it is located less than five (5) feet from the principal building. No accessory building shall be located less than eight (8) feet from a rear lot line. Accessory structures on a through lot shall require a special use permit.
- g. No accessory building which is longer in any dimension than twelve (12) feet, or exceeds one hundred forty-four (144) square feet of floor area, measured from the exterior shall be placed upon any premises unless it is attached to a permanent foundation or cement slab following inspection and issuance of a building permit.

508.06 Required Yards and Open Space.

- a. No yard or other open space shall be reduced, in area or dimension so as to make such yard or other open space less than the minimum required by this ordinance, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced.
- b. No required yard or other open space allocated to a building or dwelling group shall be used to satisfy yard, other open spaces or minimum lot area requirements for any other buildings.
- c. The following shall not be considered to be encroachments on yard and set-back requirements:
  - i. In Any Yards. Posts, off-street open parking spaces, yard lights, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, open terraces, awnings, open canopies, steps, chimneys, flag poles, open fire escapes, sidewalks.
  - ii. In Side and Rear Yards. Walls 42 inches high or less, and hedges six feet in height or less. On a corner lot, nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2-1/2) and ten (10) feet above the centerline grades of the intersecting streets within fifteen (15) feet off the street intersecting right-of-way lines.
  - iii. Front Yards. Service station pump islands and fences not more than thirty (30) inches high.
  - iv. In Rear Yards. Recreational and laundry drying equipment, open arbors and trellises, balconies, breezeways, porches, detached outdoor living rooms, and outdoor eating facilities.
  - v. Height Limitations. Height limitations shall not apply to barns, silos and other structures on farms; to church spires, belfries, cupolas and domes; monuments; chimneys and smokestacks; flag poles; public and private utility facilities; transmission towers of commercial and private radio broadcasting station; television antenna, and parapet walls extending not more than four (4) feet above the limiting height of the building except as hereinafter amended.
  - vi. Land Grade No building occupied for apartments, boarding homes, multi or single dwelling units shall be remodeled, altered, moved in or built upon any lot where the land grade is to be altered and will not be uniform with adjacent lots and others in the neighborhood. The grade slope or elevation shall not

be increased from top of curb line to the dwelling so as to cancel an unusual height of basement or cellar and to distract, make lower or reduce average height of other property or create unusual drainage problems. An average finished land grade shall not exceed one-half (1/2) inches per foot of front yard requirements, from top of curb line established or which must be established, then that now established or existing for adjacent properties on either side.

508.07 Traffic Visibility. Except in the Central Business District, no fences, structures or planting shall be permitted within any yard areas on a corner lot which shall interfere with the visibility across the corner within fifteen (15) feet of the intersecting street right-of-way lines.

508.08 Essential Services (Public Utility Uses). Essential services shall be permitted as authorized and regulated by state law and ordinances of the City of Glencoe, it being the intention that such are exempt from the application of this ordinance.

508.09 Annexed Territory. The following provisions shall apply to the zoning designation of annexed territories:

- a. Voluntary Annexations. Prior to an ordinance annexing territory pursuant to a petition for voluntary annexation by all of the property owners, the owner(s) shall agree with the City as to a designation of the proper zoning district of the property and within the general development plan of the City. This process may include the granting of a variance and/or special use permits as may be required.
- b. Other Annexations. In the case of property annexed by other than a voluntary annexation by a petition of all of the owners of the property, the property shall be placed in a "R-1 Zoning District", provided the property's previous use is agricultural, R-1 Residential, or otherwise unused and undeveloped land. If the land is put to some other use upon the adoption of the annexation ordinance, the issue of zoning of the property so annexed shall be referred to the Planning Commission and the Planning Commission shall make a determination of zoning pursuant to the provisions of 512.02 of the Glencoe Municipal Code (applicable to rezoning) for the purpose of determining the appropriate zoning district of the property. Any use of the premises shall not be considered "grandfathered" as a pre-existing nonconforming use, however the Planning Commission shall give due and full consideration to the existing uses of the property as one of the factors considering the proper zoning designation for the premises in conjunction with all other consideration when determining the appropriate zoning district for the property.

508.10 Farming Operations. All farms currently in existence will be permitted to continue operation subject to the following conditions:

- a. Agriculture, excepting commercial animal farms, fur farms, kennels and poultry farms, but including truck gardening and other horticultural uses, is a permitted use

in the district in which an existing operation is located, provided that any new private stable or other new building in which farm animals are kept shall be a distance of one hundred (100) feet or more from any other occupied lot in an "R" District.

- b. Limited sales of products produced may be conducted on the premises from a roadside stand but such stand shall not exceed twelve (12) feet in height or five hundred (500) sq. ft. in floor area, and no portion of any such stand shall be located or erected nearer than fifty feet from any street line. The owner of any roadside stand may be required to apply for a special use permit if the City Council considers it necessary to protect the public health, safety or general welfare.

508.11 Land Reclamation. Under this ordinance Land Reclamation is the reclaiming of land by depositing of material so as to elevate the grade. Land reclamation shall be permitted only by special use permit in all districts. Any lot or parcel upon which four hundred (400) cubic yards or more of fill is to be deposited shall be land reclamation. The permit shall include as a condition thereof a finished grade plan which will not adversely affect the adjacent land, and as conditions thereof shall regulate the type of fill permitted, program for rodent control, plan for fire control and general maintenance of the site, controls of vehicular ingress and egress, and for control of material disbursed from wind or hauling of material to or from the site.

508.12 Mining. The extraction of sand, gravel, or other material from the land in the amount of four hundred (400) cubic yards or more and removal thereof from the site without processing shall be mining. In all districts the conduct of mining shall be permitted only upon issuance of a special use permit. Such permit shall include, as a condition thereof, a plan for a finished grade which will not adversely affect the surrounding land or the development of the site on which the mining is being conducted, and the route of trucks moving to and from the site.

508.13 Soil Processing. The operation of processing sand, gravel, or other material mined from the land shall be permitted only by special use permit. Such special use permit shall include a site plan where the processing is to be done, showing the location of the plant, disposal of water, route of trucks moving to and from the site in removing processed material from the site, and such permit shall be granted for a specified period.

508.14 Relocated Structures. Before any house or other structure is moved onto a vacant lot, a Special Use Permit must be secured. The Planning Commission shall report to the Council whether the structure will be compatible with other development in the area. If the Council concurs with the decision of the Planning Commission that a structure would depreciate the area into which it is to be moved, the Council may withhold issuance of a permit for such relocation. The Building Inspector shall submit a report concerning structural soundness and improvements that should be made if the building is relocated, and applicant shall reimburse the City for all cost of inspection and report. The applicant shall submit photographs taken from two (2) or more angles of the structure to be moved, including both front and rear view photos, and

photos of the lot on which the structure is to be located together with adjacent lots and structures. These requirements do not apply to construction sheds or other temporary structures to be located on a lot for eighteen months or less.

508.15 Vacated Streets. Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such proceeding.

508.16 Platting. All buildings hereafter erected upon unplatted land shall be so placed that they will not obstruct proper street extensions or other features of proper subdivision and land planning. Any lot or lots of two and one-half (2-1/2) acres or less created by any means for purposes of erecting a structure must be as approved by the City Council. The plan for such subdivision shall be reviewed by the Planning Commission which shall submit a report to the Council.

508.17 Dwelling Units. No cellar, basement of unfinished home, garage, tent, trailer or accessory building shall at anytime be used as a dwelling unit except trailers located in an approved mobile home park. Basements shall not be used as dwelling units except where specifically designed for such use through proper damp-proofing, fire protection walls and other requirements as may be imposed by the building and housing codes.

508.18 Side and Setbacks. Buildings may be excluded from side and rear set-back requirements if party walls are used and if the adjacent buildings are planned to be constructed as an integral structure.

508.19 Set-backs Adjacent to Residential Areas. Where a business district is adjacent to a residential district, the minimum building set-back from the front lot line shall be thirty (30) feet. In the case of industrial districts, such minimum set-back shall be thirty-five (35) feet.

508.20 Set-Backs Along Thoroughfares. Except in the Central Business District, along streets designated as "thoroughfares" in the City Plan, the minimum set-back for a single family residence shall be one hundred and fifteen (115) feet from the centerline of the street or thirty-five (35) feet from the right-of-way line, whichever is the greater set-back.

508.21 Height. In residential districts, multiple dwellings and places of public assembly, such as churches and schools, are exempt from height limitations except that the set-back from any residential lot shall be at least equal to the height, and the distance between any two principal structures must be no less than one-half (1/2) the sum of the heights of the two (2) structures, except as hereinafter amended. Buildings proposed to exceed the height limits in "B" and "I" Districts shall require a Special Use Permit.

508.22 Shopping Centers. Any new structures in a Retail Business District must be shown to fit into an over-all plan for the shopping center. Before any new area is zoned into

Retail Business, the following conditions must be met:

- a. The area will be located adjacent to a thoroughfare or collector street as shown on the Planning Commission's Land Use Plan or is indicated as a potential shopping center site on the City Plan.
- b. Submission of a plat plan showing structures, parking, driveways, landscaping and screening.
- c. Demonstration that the developers are financially able to carry out the project and that they will begin construction within eighteen (18) months after Council action on the proposal.
- d. The area zoned shall include at least one (1) acre, although there is no minimum lot size for individual businesses located within a Retail Business District.

508.23 Street Frontage Required. No lot shall contain any building used as a dwelling unless it abuts at least twenty (20) feet on a public street.

508.24 Front Set-Backs. Where adjoining structures existing at the time of adoption of this ordinance have a different set-back from that required, the front set-back of a new structure shall conform to the prevailing set-back in the immediate vicinity. The Planning Commission shall determine the necessary front yard set-back in such cases subject to approval by the City Council. However, in no case shall a building be required to set-back more than sixty (60) feet, except where an industrial district is adjacent to a residential district.

508.25 Interpretation. In any case where there is doubt as to the meaning or intent of this ordinance as applied to any proposed use, the Building Inspector shall submit the application for a building permit or proposal for open land use to the Planning Commission who shall make a report to the City Council; the City Council shall determine if a building permit shall be issued or if the open land use may be permitted.

508.26 Planned Unit Developments. Planned unit developments may be excluded from certain requirements of this Ordinance providing:

- a. A complete, detailed site plan is submitted, showing location of all proposed structures, traffic ways, parking facilities, landscaping, screening, and other planned features.
- b. The Council, upon review and recommendation of the Planning Commission shall find that the proposed development is fully consistent with the purpose of this ordinance and in conformity to the City Plan.
- c. The development shall conform to the plan as filed with the City.
- d. A Special Use Permit is granted.

508.27 Permitted Uses. Except as provided for, no building or premises may be devoted to uses other than those indicated, a permitted uses according to provisions of this ordinance.

508.28 Fences. All fences shall be subject to the following regulations:

- a. Fences exceeding 78” in height shall require a special use permit (ground to top to fence).
- b. All fences over 30” in height shall require a building permit.
- c. The set-back for a fence shall be 2 ft on the side yard unless the side yard abuts an alley, then the set back shall be 5 ft, and 5 ft on the back yard, unless a variance is granted. (front yard can be on the property line)
- d. All fences must include an access gate reasonable positioned to permit utility personnel access to any meter which is enclosed by any fence. The gate may have a latching device which is manually operable and without the necessity of a key.

508.29 Bulk Storage (Liquid). All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals, and similar liquids shall require a special use permit in order that the City Council may have assurance that fire, explosion, or water contamination hazards are not present that would be detrimental to the public health, safety and general welfare. All existing above ground liquid storage tanks having a capacity in excess of two hundred and seventy (270) gallons shall secure a special use permit within twelve (12) months following enactment of this ordinance; the Council may require the development of diking around said tanks, suitably sealed, to hold a leakage capacity equal to one hundred and fifteen (115) percent of the tank capacity. Any existing storage tank that, in the opinion of the Council, constitutes a hazard to the public safety shall discontinue operations within five (5) years following enactment of this ordinance.

509 DISTRICT PROVISIONS

509.01 Districts. For purposes of this ordinance, the City of Glencoe is hereby divided into the following zoning districts:

a. Residence Districts

"R-1" Medium Density  
"R-2" Multiple Family  
"R-3" Mobile Home Park

b. Business Districts

"B-1" Business Districts

c. Industrial Districts

"I-1" Limited Industry District  
"I-2" General Industry District

509.02 Zoning District Map. The boundaries of the Districts as established by this ordinance are as shown on the map accompanying and made a part of this ordinance which is designated as the "Zoning District Map", which is properly approved and filed with the City Clerk. The district boundary lines on said map are intended to follow street right-of-way lines, street centerlines, or lot lines unless such boundary line is otherwise indicated on the map. In the case of unsubdivided property or in any case where street or lot lines are not used as boundaries, the district boundary lines shall be determined by use of dimensions or the scale appearing on the map.

509.03 Minimum Requirements.

	ZONING DISTRICTS				
	R-1	R-2	R-3	B-1	I-1 I-2
<u>Lot Area Per Dwelling Unit</u> (Square Feet)					
1 Family Structure	8,700	8,700	*		
2 Family Structure	4,350	5,000	*		
3 or 4 Family Structure	2,900	3,000	*		
<u>Apartment Buildings with</u> <u>5 or more families</u>					
Efficiency Units	1,000	1,000	*		
1 Bedroom Units	1,500	1,500	*		
2 or More Bedroom Units	2,000	2,000	*		
<u>Floor Area for Dwelling Unit</u>					
1 Family Structure					
1 story	960	850	*		
2 story	1,000	800	*		
2 Family Structures	800	550	*		
3 or More Family Structures					
Efficiency Units	500	500	*	400	
1 Bedroom Units	600	600	*	500	
2 Bedroom Units	750	750	*	600	
Non-Residential Lot Area	8,700	8,700			8,700
Non-Residential Floor Area					2,500
Lot Width at Front Set-back Line					
	66	60			66
Side Yard Set-Back From Street in Case of Corner Lot					
	15	15		15	15

ZONING DISTRICTS

	R-1	R-2	R-3	B-1	I-1	I-2
Residential Garage from Interior Lot Line	5	5				
Other	5	5				
Rear Yard Set-Back	8	8				
Height (Maximum Feet Permitted)	35	35		45	45	45
Land Coverage by Structure (Percent) (Maximum Permitted)	35	50	100	100	100	
Lot Depth (Feet)	130	120				
Front Yard Set-Back (Feet)	30	30				
Width of Shortest Side of Dwelling Unit (Feet)	24	24		24	24	24

\* ACCORDING TO STATE REGULATIONS FOR MOBILE HOME PARKS

The following set-backs apply in B-1 zones in case of an R-2 use to a special use permit:

Side Yard Setback from Street in case of Corner Lot	15 feet
Residential Garage from interior lot line	3 feet
Other	5 feet
Rear Yard set back	8 feet
Front Yard set back	30 feet

Permitted Uses	Residential Districts			Business Districts	Industrial		
	R-1	R-2	R-3		B-1	I-1	I-2
Agriculture	P	P	O	O		P	P
Automobile Service	O	O	O	P		O	P
Misc. Industry O	O	O	P	P		P	
Home Occupation	P	P	P	P		O	O
Water Front Uses	O	O	O	O		P	P
Manufacturing	O	O	O	P		P	P
Medical	O	O	O	P		P	O
Offices	O	O	O	P		P	P
Misc. Business	O	O	O	P		P	P
Public	P	P	PP	P	P		
Public Utility Uses	P	P	PP	P	P		
Research	O	O	O	P		P	P
1 Family Residence	P	P	P	O		O	O
2 Family Residence	O	O	O	O		O	O
Multiple Residence	O	P	O	P		O	O
Retail Shopping	O	O	O	P		O	O
Transp. Terminal	O	O	O	P		P	P
Warehousing	O	O	OP	P	P		
Wholesale Business	O	O	OP	P	P		
Public Utility Buildings & Storage	O	O	OP	P	P		

Key: P = Permitted uses

O = Not permitted or requires special use permit

Note: Definitions of general use categories listed above are to be found under Rules and Definitions. Where question arises as to whether a proposed use falls within one of the above categories, the Planning Commission shall make the determination. (Subject to Council approval)

#### 509.05 Special Uses.

- a. General Statement Certain uses, while generally not suitable in a particular zoning district, may under some circumstances, be suitable. When such circumstances exist, a special use permit may be granted. Conditions may be applied to issuance of the permit and a periodic review of the permit may be required. The Permit shall be granted for a particular use and not for a particular person or fire. The cancellation of a special use permit shall be considered equivalent to a rezoning, and the same requirements and procedures shall apply. Special Use Permits may be granted or

denied in any district by action of the City Council and time limits may be imposed as a condition to the granting of a permit.

- b. Criteria for Granting Special Use Permits. In granting a Special Use Permit, the Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals, convenience, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, and the effect on values of property in the surrounding area, and the effect of the proposed use on the City Plan. If it shall determine by resolution that the proposed use will not be detrimental to the health, safety, convenience, morals, or general welfare of the community nor will cause serious traffic congestion nor hazards, nor will seriously depreciate surrounding property values, and that said use is in harmony with the general purpose and intent of this ordinance and the City Plan, the Council may grant such permits.
- c. Listing of Special Use. Special Use Permits for uses not listed herein shall not be granted except where the Council determines that said uses are similar in character to those listed in this ordinance.
  - i. In All Residential Districts:
    - Fraternal organizations.
    - Accessory structures other than those listed as permitted.
    - Cemeteries.
    - Churches, private schools and other institutions.
    - Greenhouses and seasonal business.
    - Hospitals, sanitariums, rest homes, boarding homes, lodging houses, tourist homes, day nurseries, nursery schools.
    - Off-street parking for adjacent commercial or industrial uses, provided the parking is restricted to passenger automobiles.
    - Residential garage (corner lot).
    - Fences across front yards that exceed 30 inches in height.
    - Golf Course.
    - Swimming Pools (over 5000 gallons capacity).
    - Public utility buildings and storage.

In R-1 District only two Family Residences.

In R-2 District only Multi-Family residences.

Wildlife sanctuary provided the operation of the same complies with all state regulations.

ii. Business Districts "B-1" will include the following:

In "B-1" Districts - Motels and motor hotels if located on property having frontage on a state or federal highway, provided the number of units is limited to one (1) for each 1,000 square feet of lot area.

Open sales lot or outdoor sales.

Clubs and lodges, non-profit.

Mortuaries and funeral homes.

Private colleges and institutions, nursing homes, rest homes, retirement homes.

Seasonal businesses.

Historical buildings, museums, art institutions.

Advertising signs.

Open (exterior) storage.

Service station.

Commercial recreation.

Fuel sales.

Mortuaries.

Restaurants with live entertainment and dancing.

Veterinary clinic or offices.

Motel.

Parking Lots.

Dwelling units provided that no dwelling units shall be permitted at the ground floor level.

Theaters.

Dog Kennels.

iii. In Industrial Districts:

Commercial recreation.

Storage, utilization, or manufacture of explosives.

Open storage (exterior storage).

Railroad storage and switching yards.

Service stations.

Restaurants.

Advertising signs.

Refuse, trash or garbage disposal, incineration, or reduction.

iv. In Business and Industrial Districts:

Housing development signs.

Black-top or crushing plant for highway materials.

Carnivals or circus for period not to exceed 21 days.

Christmas tree sales.

Excavating businesses - sand, gravel, black dirt, rock or sod.

Stockpiling of materials for use in highway construction.

Religious meeting or tent or other similar structure for a period not to exceed 60 days.

Cemeteries.

Airports.

Land reclamation (Mining and Soil Processing).

Golf courses and country club.

Public and parochial schools (including site expansion).

Armories, convention halls, ice rinks (indoor and outdoor).

Sports arenas and stadiums.

Drive-In Theater.

Broadcasting and reception antenna or towers over 45 feet in height.

Utility substation.

v. In Business and Industrial Districts:

One dwelling per principal structure for watchman and family.

"d: Hazardous Waste Facilities: " All hazardous waste of every type, including all property real or personal, and including negative and positive easements and water and air rights, which is or may be needed for the purpose of disposal and/or storage of hazardous waste, facilitate to use, but not limited to the transfer and storage stations processing facilities and disposal sights and facility, shall be strictly governed pursuant to the provision of this section. Hazardous waste facility shall not include drop off centers which are necessary to allowable uses and which are operated by a governmental unit, civic organization or similar non-profit group expressly for the collection of recyclable wastes, including paper, clean glass and metal containers and other eligible household wastes from individuals which are not classified as hazardous.

(i) The provision of this subsection d are intended to provide the guidelines and requirements for the development and operation of hazardous waste facilities which the City Council by resolution may authorize as a special use and such facilities are allowable by this ordinance to protect health, safety and welfare of the community and ensure the harmony with the comprehensive plan of the City.

(ii) Applications for hazardous waste facility special use permit shall be made by the owner or owners of the property and shall be filed with the City Administrator. Owners may designate, in writing, an agent, such as the prospective developer or operator, the owners must, in all cases, sign the application. All applications shall be accompanied by an administrative fee as prescribed and established by the City Council from time to time and

containing such information upon an application to be developed by the City Administrator and approved by the City Council by resolution and amended from time to time.

(iii) Before any hazardous waste facility may be approved, the complete application shall be evaluated.

(iv) The development and operation of a hazardous waste facility shall be subject to the applicable following special standards and criteria:

1. No outside storage of materials, containers, or trash disposal facilities involving hazardous waste;
2. All unloading or unloading of hazardous waste materials within buildings;
3. Current inventory of hazardous waste materials, by type and location, posted at the main entrance to the sight. All hazardous waste material shall be clearly designated.

(v) General regulations. All applications shall be accompanied by an administrative fee established by the City Council from time to time by resolution and shall include the following provisions with regard to application:

- a. A description of the proposed use of the premises in detail.
- b. A legal description of the site, including McLeod County Property Identification Number (s).
- c. A map showing the site and all property within 1,000 feet of the boundaries of the site.
- d. The names and addresses of self-adhesive mailing labels of the owners of record of all property within 1,320 feet of the boundaries of the site as the same appear on the records of the McLeod County Auditor. The certified list from the County shall be submitted.
- e. A complete site plan, to include the following data:
  - (1) Site and Environmental Characteristics for the property and land within 1,000 ft. of the Site.
    - (a) Existing Vegetation.
    - (b) Hydrology/Hydraulics' seasonal high water table; and proximity to aquifer(s).
    - (c) Physiography and Topography, and slopes (2 foot intervals).
    - (d) Existing land uses.
    - (e) Microclimate (a description of wind impact upon terrain and

slopes).

(2) Transportation

- (a) A route plan to and from site including hours of use.
- (b) Road and rail (on and off-site) security and turnaround.
- (c) Method of construction and financing of road or other transportation facilities.

(3) City Utilities

- (a) Availability of City sanitary sewer and water.
- (b) Method of utility construction and financing, if applicable.

(4) Building Design and Special Equipment

- (a) Floor plan layout for all levels identifying use and occupancy of all defined areas and rooms.
- (b) Location and description of equipment utilized in handling, processing and containment of wastes.
- (c) Description of automatic shut-down system and controls, if applicable.
- (d) Description of standby power and fuel sources and supplies.
- (e) Equipment inspection and replacement plans.
- (f) Location and description of any proposed accessory equipment external to the building.

(5) Development and Operation Schedule

- (a) Schedule of site development and building construction.
- (b) Schedule of commencement of operation.
- (c) Schedule of compliance with the applicable State and Federal requirements.

f. Description of Facility Management and Operations, including, but not limited to the following:

(1) Operation of Facility

- (a) A description of the process (incineration, chemical processing, disposal, transfer, storage, and/or physical separation).
- (b) Plan for handling ruptures, spills, and the like (on-site and

- enroute to and from site for roadways and railroads).
  - (c) Hours of operation.
  - (d) Number of employees (total and at maximum shift).
  - (e) Site maintenance plan.
  - (f) Operations monitoring plan (standards, procedures, personnel and the like).
- (2) Emergency Preparedness Plans
- (a) List of available emergency equipment with location identified.
  - (b) Evacuation and emergency alert plan for the facility and for the surrounding area.
  - (c) Emergency training plan for facility employees at time of initial hiring and during continued employment; and, for public safety personnel of the City and area communities which provide support services through Mutual Aid Agreements.
  - (d) Coordination plans with applicable area public safety and health care agencies.
  - (e) Waste containment plan.
- (3) Pollution Control. Mitigative measures for odor, noise, surface and ground water, and air pollution.
- (4) Reclamation Plan.
- (a) A long-term site and building maintenance plan for facility should operation cease.
  - (b) Plan identifying how site and facility could be utilized by and converted to other allowable land uses.
- (5) Operator Credentials.
- (a) Operator's management experience with comparable waste facility.
  - (b) Operator's net worth, and bonding capacity; demonstrating compliance with applicable Federal standards as set forth in Code of Federal Regulations such, as but not limited to (CFR) 40, Parts 123, 264, and 265.
  - (c) References from persons familiar with operator's waste facility management experience.
  - (d) Evidence of permit application submittal to applicable State and/or Federal agencies.
- (6) Environmental Assessment Worksheet - as defined by and on forms

provided by State Environmental Quality Board.

(vi) Procedure

Before any hazardous waste facility may be approved, the complete application shall be evaluated in the following manner:

- (a) The complete applications shall be referred to qualified consultants selected by the City for evaluation as to compliance with applicable State and Federal regulations; and as to consistency with accepted standards of the particular activity or industry represented and proposed. All costs incurred for this review shall be paid by the petitioner who shall execute a written agreement therefor, and shall provide a cash escrow, to be determined by the City, to pay all consultant review and analysis fees as set forth in the agreement.
- (b) Upon receipt of the consultant's report, the findings of the Environmental Assessment review process and upon preparation of the City Staff Report, the application shall be referred to the Planning Commission for:
  - (1) Evaluation as to compliance with the standards for Conditional Use Permits
  - (2) Evaluation as to compliance with the standards set forth in this Subdivision;
  - (3) Consideration of public hearing testimony;
  - (4) Development of a recommendation to the City Council, which shall make the final determination as to approval or denial.

(vii) Development Standards and Performance Criteria.

The Development and operation of a hazardous waste facility shall be subject to the applicable following special standards and criteria:

- (a) Pollution Control Agency (PCA) Permit(s).
- (b) Federal Environmental Protection Agency (EPA) Permit(s).
- (c) Department of Natural Resources (DNR) Permit(s).
- (d) Environmental Assessment Worksheet (EAW) and Environmental Impact Statement (E.I.S.), if required.
- (e) Submittal and maintenance of performance agreements and financial guarantees as required by this Ordinance and City Council policy and conditions. The performance agreements and supporting financial guarantees shall, at a minimum, cover the following: completion of required site improvements; emergency clean-up and correction activities specifying a minimum time for the commencement of such activities by the operator, after which the City may initiate and

complete appropriate clean-up and corrective activities, and, closure and post-closure activities.

- (f) Compliance with approved monitoring and reporting procedures.
- (g) Conditional Use Permit renewal requirements.
- (h) Utilization of principal arterial roadways for access routes.
- (i) Two independent emergency access/escape routes through other than residential areas.
- (j) Minimum 1,000 ft. setback to stormwater holding areas, natural drainage facilities, and wetlands.
- (k) All storm water run-off shall be held in on-site ponding prior to release into natural drainageways or the municipal storm drainage system.
- (l) No outside storage of materials, containers, or trash disposal facilities involving hazardous wastes; and outside facilities involving other wastes shall be enclosed and/or screened per approved plans.
- (m) All loading or unloading of waste materials within buildings.
- (n) Compliance with applicable policies and regulations relating to development, operation and closure/conversion.
- (o) Current inventory of waste materials, by type and location, posted at main entrance of site. All hazardous waste materials shall be clearly designated.
- (p) Maintenance and continued implementation of approved emergency training programs for all employees at the time of initial hiring, and during continued employment; the training programs shall be reviewed at least quarterly as to whether they are current in terms of state-of-the-art emergency procedures and techniques; training programs shall also be maintained and implemented for public safety personnel of the City and of area communities who provided supplemental services to the City by Mutual Aid Agreements.
- (q) Maintenance of approved emergency preparedness plans to include provisions for alerting applicable agencies and area property owners; and provisions for emergency evacuation of the facility and of the surrounding area.
- (r) Required emergency clean-up and corrective operations shall be promptly undertaken and completed; the City Council may establish, as a condition of the permit, a specific reasonable time frame for the commencement and completion of such activities; in the event of noncompliance, the City may initiate appropriate procedures as set forth in performance agreements and financial guarantees to initiate and complete the required work at the operator's expense.

(viii) Miscellaneous Regulations

- (a) Rules and Regulations:

The Planning Commission and City Council may from time to time

amend or vary the application and review procedures and the quantity and type of documents to be presented.

(b) Plan Changes:

The Zoning Administrator may authorize minor changes in the location, placement and height of structures after the Final Site Plan has been adopted; however, any change in use and any major change shall be made only after public hearing by the Planning Commission and approval by the City Council. The Zoning Administrator shall determine what constitutes a major change.

(c) Certification of Plans:

All architectural and engineering plans shall be designed and certified by a professional architect or engineer registered in the State of Minnesota. The site plans may be prepared by a professional site planner, but must be certified by a registered engineer or architect.

(d) Review:

If the development is not progressing reasonably well, according to schedule, the owner may be required to submit a statement to the Zoning Administrator setting forth the reasons for the lack of progress. If the Council finds that the development has not occurred according to the established development schedule or if not otherwise reasonable in the view of the Council, the Council may evoke the Conditional Use Permit and all development shall cease until a revised schedule is approved.

(e) Withdrawal:

The application for a Hazardous Waste Facility Conditional Use Permit may be withdrawn by the applicant at any time during the approval process.

(f) Other:

Signs, parking facilities and any other provisions not specifically discussed in this Section shall be governed by regulations contained elsewhere in this Ordinance or in other applicable ordinances, laws, or regulations.

(ix) Enforcement.

The Zoning Administrator shall be responsible for assuring that Waste

Facilities authorized by the City Council are in compliance with conditions assigned by the permit, this Ordinance and City Codes, and other applicable regulations.

(x) Review and Renewal.

Hazardous Waste Facilities which have been authorized by the City Council are subject to periodic review by the City. Those permits which specify periods of review and renewal as a condition of the permit shall be administered in the manner set forth in this Section.

(xi) Revocation.

The Planning Commission may recommend, and the City Council may direct the revocation of any Hazardous Waste Facility Conditional Use permit for cause, upon determination that the authorized conditional use is not in conformance with the conditions of the permit or is in continued violation of this Ordinance, City Codes, and other applicable regulations.

(xii) Permit Amendment.

Persons to whom Conditional Use Permits for Hazardous Waste Facilities have been issued may propose amendments to the permit at any time subject to the requirements and procedures for permit amendment.

(xiii) Expiration.

- a. Permits which have been issued under the provisions of this Section shall expire without further action by the Planning Commission or the City Council, unless the applicant commences the authorized use within one year of the date the Conditional Use Permit is issued; or, unless before the expiration of the one year period, the applicant shall apply for an extension thereof by completing and submitting a request for extension, including the renewal fee as set forth in the City Code.
- b. In any instance, where an existing and established Hazardous Waste Facility is abandoned or closed for a period of six months, the Conditional Use Permit related thereto shall expire six months following the date of abandonment or closure as determined by the City.
- c. In the case of abandonment or closure, the terms of required agreements related to closure and post-closure, including related financial guarantees, shall be implemented and enforced in accordance with applicable policies, codes, and regulations as

directed by the City Council.

509.06 Permitted Accessory Uses.

- a. "R" Residential Districts. Private garages and parking space; home occupations; gardening and other horticultural uses where no sale of products is conducted in a building; decorative landscape features; permitted signs; the keeping of domestic animals for non-commercial purposes.
- b. "B" and "I" Districts.

Any use or structure customarily incidental to a permitted principal use or structure.

Accessory uses permitted in residential districts.

Buildings temporarily (24 months or less) located for purposes of construction on the premises.

Any incidental repair or processing necessary to conduct a permitted principal use provided such accessory use does not exceed 30 percent (30%) of the floor space of the principal building.

- 510 Performance Standards The performance standards established in this section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are also designed to prevent and eliminate those conditions that cause urban blight. All future development shall be required to meet these standards. The standards shall also apply to existing development where so stated. The City Council shall be responsible for enforcing the standards.

Before any building permit is approved, the Building Inspector shall determine whether the proposed use will conform to the performance standards. Such data may include description of equipment to be used, hours of operation, method of refuse disposal, type and location of exterior storage, etc. It may occasionally be necessary for a developer or business to employ specialized consultants to demonstrate that a given use will not exceed the performance standards.

- 510.01 Exterior Storage. In residential districts, all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying and recreational equipment, construction and landscaping materials and equipment currently (within period of 12 months) being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off street parking of passenger automobiles and pick-up trucks. Boats and unoccupied trailers, less than 20 feet in length, are permissible if stored in the rear yard more than five (5) feet distant from the property

line. Existing uses shall comply with this provision within 12 months following enactment of this ordinance.

510.02 Refuse. In all districts, all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse and weeds. Existing uses shall comply with this provision within six months following enactment of this ordinance.

Passenger vehicles and trucks in an inoperative state shall not be parked in residential districts for a period exceeding seven (7) days; inoperative shall mean incapable of movement under their own power and in need of repairs or junk yard. All exterior storage not included as a permitted accessory use, a permitted use, or included as part of a special use permit, or otherwise permitted by provisions of this ordinance shall be considered as refuse.

510.03 Screening. Where any business or industrial use (structure, parking or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot, or industry is across the street from a residential zone, but not on that side of a business or industry considered to be the front (as determined by the Building Inspector).

- a. All exterior storage shall be screened. The exceptions are: (1) merchandise being displayed for sale; (2) materials and equipment being used for construction on the premises; (3) merchandise located on service station pump islands.
- b. The screening required in this section shall consist of a fence or wall not less than 5 feet high but shall not extend within 15 feet of any street or driveway. The screening shall be placed along property lines or in case of screening along a street, 15 feet from the street right-of-way with landscaping between the screening and the pavement. A fence shall block direct vision. Planting of a type approved by the Planning Commission may also be required in addition to or in lieu of fencing.

510.04 Landscaping. In residential districts, all developed uses shall provide a landscaped yard along all streets. This yard shall be kept clear of all structures, storage, and off-street parking. Except for driveways, the yard shall extend along the entire frontage of the lot, and along both streets in the case of a corner lot, such yard shall have a depth of at least 20 feet.

510.05 Maintenance. In all districts, all structures, required landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

510.06 Glare. In all districts, any lighting used to illuminate an off-street parking area, sign or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, where from floodlights or from high-temperature processes such as combustion or welding, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property.

510.07 Parking.

Surfacing and Drainage. Off-street parking areas shall be improved with a durable and dustless surface. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the area. These requirements shall also apply to open sales lots. Durable and dustless surface may include crushed rock and similar treatment for parking or open sales lots.

Location. All accessory off-street parking facilities required herein shall be located as follows:

- a. Spaces accessory to one and two-family dwellings on the same lot as the principal

use served.

- b. Spaces accessory to multiple-family dwellings on the same lot as the principal use served or within 200 feet of the main entrance to the principal building served.
- c. Spaces accessory to uses located in a Business or Industrial District; within 800 feet of a main entrance to the principal building served.
- d. There shall be no off-street parking space within five feet of any street right-of-way.
- e. No off-street parking area containing more than four (4) parking spaces shall be located closer than five (5) feet from an adjacent lot zoned or used for residential purposes.
- f. Access All off-street parking spaces shall have access off driveways and not directly off the public street.
- g. Determination of Areas A parking space shall be not less than 300 square feet per vehicle of standing and maneuvering area.
- h. Truck Parking in Residential Areas No motor vehicle over one ton capacity bearing a commercial license and no commercially licensed trailer shall be parked or stored in a platted residential district except when loading, unloading or rendering a service.
- i. Other Parking in Residential Area Parking in residential areas (off-street and on-street) shall be limited to the use of the residence of those homes. Except for short-term parking (six hours or less) and guest parking, the number of vehicles parked on or in front of a residential lot shall not exceed double the number of persons residing on the premises and having automobile driver's licenses.
- j. Reduction of Parking Areas Off-street parking spaces shall not be reduced in number unless said number exceeds the requirements set forth herein.
- k. Number of Parking Spaces Required. All multifamily housing units constructed from and after February 1, 1997 shall provide 2.5 offstreet parking stalls per unit.

510.08 Traffic Control. The traffic generated by any use shall be channelized and controlled in a manner that will avoid: (a) congestion on the public streets, (b) traffic hazards, and (c) excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic into and out of business and industrial areas shall in all cases be forward moving with no backing into streets.

On corner lots, nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2-1/2) and ten (10) feet above the center line grades of the intersecting streets within fifteen (15) feet of the intersecting street

right-of-way lines. This restriction shall also apply to yard grades that result in elevations that impede vision within fifteen feet of any intersecting street right-of-way lines.

#### 510.09 Drainage

No land shall be developed and no use shall be permitted that results in water run-off causing flooding, or erosion on adjacent properties. Such run-off shall be properly channeled into a storm drain, water course, ponding area, or other public facility. All finished lot grades shall be as approved by the City Engineer.

#### 510.10 Explosives

No activities involving the storage, utilization or manufacture of materials or products such as TNT or dynamite which could decompose by detonation shall be permitted except such as are specifically licensed by the Council.

#### 510.11 Radiation and Electrical Emissions.

No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation at any point of any equipment other than that of the creator of such disturbances.

#### 510.12 Aesthetics and Safety.

It is hereby affirmed as essential municipal policy that the appearance of this municipality is a proper matter for public concern and that all open spaces, buildings, signs, plantings, surfaces, and structures which may be seen from the public ways are subject to the provisions of this ordinance.

On any building visible from a public street, the following materials shall not be permitted on exterior wall surfaces: Sheet metal either corrugated or plain, unfinished structural clay tile, common concrete masonry units, concrete brick, or similar materials. Such materials, however, may be used in a proper arrangement, or combination with other materials of a permanent nature with good architectural design and appeal.

Vertical steel siding will not be allowed in any residential district, except in the gable end of the roof.

The application for a building permit shall be accompanied by exterior elevations of the proposed building which will adequately and accurately indicate the height size, bulk, design and the appearance of all elevations and a description of the construction and materials proposed to be used therein. A complete site plan showing landscaping, off-street parking, structure locations, grades, and access drives shall also be shown.

#### 510.13 Floor Area Ratios.

All buildings proposed that exceed the height limits imposed by provisions of this ordinance and requiring a Special Use Permit shall be governed as follows:

Buildings of greater height than expressly permitted by the ordinance may be permitted by Special Use Permit provided:

- a. It is determined that:
  - i. Adequate fire protection and other safety features are provided; and
  - ii. The height and bulk of the building will not destroy a scenic or other appropriate view, will not shut off light and air from surrounding properties, or otherwise be detrimental to the public.
- b. Said high-rise buildings shall be in accordance with floor area ratios standards (a formula that regulates the maximum amount of floor space on any lot in terms of a multiple of the area of the lot) as follows:

##### In Residential Districts:

FAR of 0.5 for buildings up to and including six (6) stories in height; FAR of one (1) for buildings over six (6) stories in height.



In Non-Residential Districts:

FAR of one (1)

The FAR shall be interpreted to mean:  $\frac{\text{Floor Area}}{\text{Lot Area}} = \text{FAR}$

In no event, however, shall any building occupy more than the permitted percentage of lot areas as provided in this ordinance.

EXAMPLE:

510.14 Maximum Density, Minimum Space, Use And Location Requirements.

No person shall occupy or permit the use of or occupancy of any dwelling or dwelling unit in any zone for the purpose of living therein, which does not comply with the requirements of this section. With the exception of owners occupying a particular dwelling unit prior to May 18, 1998, the maximum permissible occupancy of any dwelling unit shall be determined as follows:

- a. For the first occupant, 150 square feet of habitual room floor space and for every additional occupant thereof, at least 100 square feet of habitable room floor space;
- b. In no event will the total number of occupants exceed two times the number of habitual rooms, less kitchen, in the dwelling unit."

511 ADMINISTRATION

511.01 Amendments. In accordance with the provisions of Minnesota statutes, the City Council may, from time to time, adopt amendments. All proposed amendments shall be referred to the Planning Commission prior to adoption.

511.02 Rezoning. The procedure for changing zoning district boundaries (rezoning) shall be as follows:

- a. The Planning Commission, Council or property owner may initiate a rezoning. Persons wishing to initiate a rezoning of property shall fill out a "Zoning Form". The Zoning Form shall be accompanied by a fee of \$100 to be used for the costs of processing the application. The Zoning Form shall be filed with the City Clerk.
- b. Property owners within 500 feet of the property in question shall be notified in writing ten (10) days prior to the hearing, although failure by any property owner to receive such notification shall not invalidate the proceedings.
- c. The Public hearing on the rezoning and application shall be held by the Planning Commission. The City Clerk shall set the date for the hearing and notify the Planning Commission immediately. The date of the hearing shall be a regular meeting of the Planning Commission. Notice of said hearing shall be published once in the official newspaper.
- d. The Planning Commission shall make its report to the City Council on or before the next regular meeting of the Council following the date of the hearing.
- e. The Council must take action on the applications within sixty (60) days following referral by the Planning Commission. The person making the application shall be notified on the Council's action.
- f. If deemed appropriate by the Planning Commission Chairman, the Clerk may set the hearing at a date other than the regular meeting date.

511.03 Special Use Permits.

The procedure for issuance of special use permits is as follows:

- a. The person applying for a special use permit shall fill out and submit to the City Clerk a "Zoning Form" together with a fee of \$100.
- b. The Clerk shall set the date for the hearing and notify the Planning Commission immediately. The date of the hearing shall be a regular meeting of the Commission. Property owners within 500 feet of the property in question shall be notified in writing ten (10) days prior to the hearing, although failure of any property owner to receive such notification shall not invalidate the proceedings.

- c. If deemed appropriate by the Planning Commission Chairman, the Clerk may set a hearing at a date other than the regular meeting date.
- d. The petitioner or his representative shall appear before the Planning Commission in order to answer questions concerning the proposed special use.
- e. The report of the Planning Commission shall be placed on the agenda of the City Council at its next regular meeting following referral from the Planning Commission, but no more than ninety (90) days after the application has been submitted by the applicant.
- f. The Council must take action on the application within 60 days after receiving the report of the Planning Commission. If it grants the special use permit, the Council may impose conditions it considered necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.

511.04 Variances and Appeals. Where there are practical difficulties of unnecessary hardships in any way of carrying out the strict letter of the provisions of this ordinance, a variance may be granted. The hardships or difficulties must have to do with the characteristics of the land and not of the property owner. The procedure for granting variances is as follows:

- a. A person desiring a variance shall fill out and submit to the City Clerk as "Zoning Form" together with a fee of \$50.
- b. The application shall be referred to the Planning Commission which shall submit a report to the City Council.
- c. The petitioner shall appear before the Planning Commission in order to answer questions.
- d. The City Council may grant the variance if it finds that a hardship has been created by the shape or condition of the parcel in question; granting the variance is necessary to the reasonable use of the land and granting the variance will not adversely affect the existing or potential use of adjacent land.

512 BUILDING PERMITS No person shall erect, alter, wreck or move any building or part thereof without first securing a building permit therefore. Building permit fees shall be fixed by the City Council and same can be amended from time to time.

513 VALIDITY AND DATE EFFECTIVE

513.01 Ordinance Number 121 and all other ordinances or parts of ordinances of the City of

Glencoe in conflict with the provisions of this ordinance are hereby repealed.

513.02 If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

513.03 This ordinance shall become effective upon its adoption and publication according to law.

(See Uniform Misdemeanor Violation penalties in General Regulations Section and also appropriate state statute.)

514 PENALTIES

514.01 That each day of violation of the foregoing provisions by any person, firm or corporation, shall be a separate violation of the foregoing ordinance and shall constitute a misdemeanor, punishable by a fine of \$500, or a jail term of 90 days, or both. (See Uniform Misdemeanor Violation Penalties in General Regulation Section of Code.)

514.02 The City of Glencoe may seek enforcement of the within ordinance through the courts of jurisdiction by requesting injunctive relief; criminal prosecution pursuant to part 9.1 shall not preclude such request for injunctive relief.

**(Source:** Ordinance No. 256 adopted April 24, 1975, Section 509.057 added by Ordinance No. 305 adopted July 6, 1982; Section 510.03 amended by Ordinance No. 305 adopted July 6, 1982; and Ordinance No. 321 adopted June 6, 1985; Section 510.053(a) amended by Ordinance No. 335 adopted January 6, 1986; Section 512.022, Section 512.023, Section 512.026, Section 512.032 and Section 512.033 amended by Ordinance No. 312 adopted March 21, 1985; Section 515.01 and 515.02 added by ordinance adopted June 1, 1981, amended by Ordinance No. 388 adopted September 16, 1991; Section 508.09 amended by Ordinance No. 393 adopted March 2, 1992. Section 510.07 amended by Ordinance No. 431 adopted January 6, 1997. Sections 508.06 and 508.28 amended by Ordinance No. 444 adopted April 20, 1998; Sections 511.02, 511.03 and 511.04 amended by Ordinance No. 432 adopted February 3, 1997. Section 510.14 adopted by Ordinance No. 451 August 6, 1998. Section 508.06(c)(i)(ii)(iii) amended by Ordinance No. 466 adopted October 16, 2000; Section 508.03(d) amended by Ordinance No.. 494 August 4, 2003; Section 508.28 amended by Ordinance No. 538 September 4, 2007, Section 510.12 amended by Ordinance No. 535 June 18, 2007, Section 509.05(C) (i) amended by Ordinance No. 554 adopted November 16, 2009, Section 507.17 amended by Ordinance No. 555 adopted November 16, 2009)

520 SUBDIVISION CODE

521 GENERAL PROVISIONS

521.01 Short Title. This ordinance shall be known as the "Subdivision Regulations of the City of Glencoe, Minnesota."

521.02 Purpose. Each new subdivision becomes a permanent unit in the basic physical structure of the future community, a unit to which the future community will of necessity be forced to adhere. Piecemeal planning of such subdivisions, without correlation to the community's plans and planning standards, will bring a disastrous, disconnected patchwork of plats and poor circulation of traffic. In order that new subdivisions will contribute toward an attractive, orderly, stable and wholesome community environment, adequate municipal services, and safe streets, all subdivisions hereafter platted shall fully comply with the regulations hereinafter set forth in this ordinance.

521.03 Interpretation. In their interpretation and application, the provisions of this ordinance shall be the minimum requirements adopted for the protection of the public health, safety and general welfare.

521.04 Scope. This ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the Register of Deeds prior to the effective date of this ordinance. Nor is it intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions or other laws or ordinances except those specifically repealed by, or in conflict with, this ordinance, or with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants running with the land to which the City is a party. Where this ordinance imposes a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this ordinance shall control.

522 DEFINITIONS For the purpose of this ordinance, certain words and terms used herein are defined as follows and shall have these meanings unless it shall be apparent from the context that different meanings are intended:

522.01 Collector Street. A street that carries traffic from minor streets to thoroughfares. It includes the principal entrance streets of a residential development and principal streets for circulation within such development.

522.02 Easement. A grant by an owner of land for the specific use of said land by the public generally, or to a person or persons.

522.03 Final Plat. The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the City Council for approval and which, if approved, will be submitted to the County Registrar of Deeds.

- 522.04 Lot. A parcel of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or by metes and bounds, for the purpose of sale or lease of separate use thereof.
- 522.05 Marginal Access Street. A service drive or minor street that is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.
- 522.06 Minor Street. A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.
- 522.07 Owner. Any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this ordinance.
- 522.08 Alleys. Minor ways which are used primarily for vehicular service access to the back or the side of properties, otherwise, abutting on street or avenue.
- 522.09 Person. Any individual, firm, association, syndicate or partnership, corporation, trust or any other legal entity.
- 522.10 Planning Commission. The City of Glencoe Planning Commission.
- 522.11 Preliminary Plan. The preliminary map, drawing or chart indicating the proposed layout of the subdivision.
- 522.12 Street. A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, lane, place or however otherwise designated.
- 522.13 Street Width. The shortest distance between the lines delineating the right-of-way of a street.
- 522.14 Subdivider. Any person commencing proceedings under this ordinance to affect a subdivision of land hereunder for himself or for another.
- 522.15 Subdivision. The division of a parcel of land into two or more lots or parcels, for the purpose of transfer of ownership or building development. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.
- 522.16 Thoroughfare. A fast or heavy traffic street of considerable continuity and used primarily as a traffic artery for inter-communication among large areas, including highways and arterial streets.

523 PRELIMINARY PLAN

523.01 Any proposed subdivider shall make an application to the City of Glencoe to subdivide property which shall include the preparation of a preliminary plan. Preparation of the preliminary plan shall include discussions by the subdivider with the Planning Commission, the City Engineer, the Superintendent of the School District having jurisdiction of the area to be subdivided.

523.02 The subdivider shall submit to the City Clerk:

- a. Four copies of the preliminary plan.
- b. A cash fee of \$100.00 plus \$5.00 for each lot to a maximum of \$500.00. This fee will be used by the City of Glencoe to defray expenses including engineering fees of the City of Glencoe in connection with the approval and disapproval of the plans. This sum, however, is a minimum fee which shall be due upon a particular subdivision; in no event shall be construed as a maximum sum. Any and all other expenses and engineering fees which are incurred by the City of Glencoe shall be paid in full by the subdivider as here provided. The City Administrator may determine a deposit be made against anticipated engineering and other expenses be delivered to, and held by, the City. In such case the City Administrator shall provide a letter setting forth the required deposit including an explanation for the required amount to be deposited.

523.03 The City Clerk shall upon receipt of preliminary plan:

- a. Refer one copy of the same to the City Engineer to ascertain whether the preliminary plan includes the data required by this ordinance.
- b. If the Engineer determines that all the necessary data is included, he shall notify the Clerk who shall then refer one copy to the Planning Commission and one copy to the School District Superintendent.
- c. If the Engineer determines that all the necessary data is not included, he shall notify the subdivider, who shall then supply the required data before further action can be taken.

523.04 The City Engineer shall within 15 days submit his report to the Planning Commission. This report shall be on the feasibility of street location and construction and on any drainage problems that might be encountered.

523.05 The Planning Commission shall study the preliminary plan. The primary function of the Planning Commission in reviewing a preliminary plan is to determine whether such plan conforms to the design standards set forth in this ordinance. The Planning Commission may recommend approval of a preliminary plan subject to certain

revisions and may delegate its staff or one of its members to see that the further revisions conform to the intent of the Planning Commission.

523.06 The Council shall hold a public hearing on the proposed preliminary plan and shall have notice of such hearing published in the official paper at least ten days prior to the hearing. The subdivider shall certify that owners of the unsubdivided property adjacent to the area being subdivided have been notified of the hearing by mail. The Council shall act on the preliminary plan with 60 days of the date on which it was filed with the City Clerk. If the report of the Planning Commission has not been received in time to meet this requirement, the Council may act without such report.

Approval of a preliminary plan by the Council is tentative only, involving merely the general acceptability of the layout. Subsequent approval will be required of the engineering proposals, pertaining to water supply, storm drainage sewerage and sewage disposal, gas and electric service, grading, gradients and roadway widths and the surfacing of streets.

If the preliminary plan is not approved by the Council, the reasons for such action shall be recorded in the proceedings of the Council and transmitted to the applicant, within ten days thereafter.

523.07 Date Required for the Preliminary Plan

a. Scale of Map:

1 inch to 100 feet, if possible, otherwise 1 inch to 50 feet or 200 feet.

b. Identification and Descriptions:

i. Proposed name of subdivision, which name shall not duplicate or be alike pronunciation of the name of any plat theretofore recorded in the County.

ii. Location by section, town, range or by other legal description.

iii. Names and addresses of the owner, subdivider, surveyor and designer of the plan. The subdivider shall submit a statement that he has the area being subdivided under ownership or control.

iv. Graphic Scale.

v. North-Point.

vi. Date of preparation.

c. Existing Conditions in tract and in surrounding area to a distance of 100 feet:

i. Boundary line of proposed subdivision, clearly indicated.

- ii. Any non-residential zoning districts.
  - iii. Total approximate acreage.
  - iv. Platted streets, railroad right-of-way and utility easements.
  - v. Boundary lines and ownership of adjoining unsubdivided land.
  - vi. Permanent Buildings and structures.
  - vii. Sewers, Water mains, culverts or other underground facilities.
  - viii. Topography, showing lakes, watercourses, marsh areas and contours at vertical intervals of not more than two feet, except that contour lines shall be no more than one hundred feet apart. Contour lines shall be shown by means of dashed lines on the preliminary plan.
  - ix. Wooded areas.
  - x. Other information, such as soil tests, if requested by Engineer.
- d. Subdivision Design Features:
- i. Layout of proposed streets showing approximate grades and gradients right of way widths and names of streets. The name of any street heretofore used in the municipality, or its environs shall not be used unless the proposed street is an extension of an already named street, in which event the name shall be used. The street layout shall include all contiguous land owned or controlled by the subdivider.
  - ii. Location and widths of proposed pedestrian ways and utility easements.
  - iii. Layout, numbers and minimum dimensions of lots.
  - iv. Areas, other than streets, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
  - v. Proposed used of all parcels, and if zoning change is contemplated, proposed rezoning.
  - vi. All proposed devices for drainage, including any necessary retaining ponds to mitigate rapid runoff and other accommodations necessary to avoid flooding.

Following the approval of the preliminary plan the subdivider shall negotiate a development agreement with the City with respect to all aspects of the property to be subdivided, including the payment of costs associated and other related matters regarding the performance and enforcement of the Subdivision and all other ordinances of the City. The development agreement may require a security deposit or letters of credit when reasonably necessary at the City=s discretion to insure performance by the subdivider. The preliminary plan submitted to the City shall not be deemed approved by the City until the City and the subdivider have executed the development agreement.@

## 524 FINAL PLAT

524.01 Unless an extension of time is requested by the subdivider and granted by the Council, the subdivider shall within six (6) months following approval of the preliminary plan, submit to the Clerk:

- a. Five (5) copies of the Final Plat. This Final Plat shall incorporate all changes required by the Council. Otherwise it shall conform to the preliminary plan. The Final Plat may constitute only that portion of the preliminary plan which the subdivider proposes to record and develop at the time. If the Final Plat is not submitted within six (6) months, the approval of the preliminary plan shall be considered void.
- b. An up-to-date certified abstract of title or registered property report and such other evidence as the City Attorney may require showing title or control in the applicant.

524.02 The Clerk shall refer one copy of the Final Plat to the City Engineer and one copy each to the telephone and power companies. The Clerk shall refer the abstract of title or registered property report to the City Attorney for his examination and report.

524.03 The report of the City Attorney and Engineer shall be submitted to the Council within fifteen days after filing of the Final Plat. The Engineer shall state whether the Final Plat and the proposed improvements conform to the engineering standards and specifications established in this ordinance. He shall also state whether the Final Plat conforms to the preliminary plan.

524.04 The Council shall act on the Final Plat within sixty (60) days of the date on which it was filed with the Clerk. It shall not approve a Final Plat unless it:

- a. Conforms to the preliminary plan.
- b. Meets the design standards and engineering specifications set forth in this ordinance.

524.05 If the Final Plat is approved by the Council, the subdivider shall record it with the County Register of Deeds within ninety (90) days after the date of approval; otherwise the

approval shall be considered void.

524.06 The subdivider shall immediately upon recording, furnish the Clerk with one completed cloth print of the final plat showing evidence of the recording, and shall furnish to the City Engineer a form of permanent tracing acceptable to the City Engineer.

524.07 Plans for water supply, sewage disposal, drainage and flood control.

524.08 Soil borings as required by the City Engineer.

524.09 Evidence that ground water control is at level established by Engineer for solving ground water problems.

524.10 Any supplementary engineering data required by the City Engineer.

524.11 Data required under regulation of County, Surveyor, accurate angular and lineal dimensions for all lines, angles and curvatures used to describe boundaries, streets, easements, areas to be reserved for public use, and other important features. Dimensions of lot lines shall be shown in feet and hundredths.

524.12 When lots are located on a curve or when side lot lines are at angles other than ninety (90) degrees, the width of the building setback line shall be shown.

524.13 An identification system for all lots and blocks.

524.14 The size (in square feet) and dimensions of all lots.

524.15 True angles and distances tied to the nearest established street lines or official monuments (not less than three) which shall be accurately described in the plat.

524.16 Municipal, township, county or section lines accurately tied to the lines of the subdivision by distances and angles.

524.17 Complete curve data, including radii, internal angles, points and curvatures, tangent bearings, and lengths of all areas.

524.18 Accurate location of all monuments.

524.19 Certification by a registered land surveyor to the effect that the plat represents a survey made by him and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct.

524.20 Notarized certification by Owner, and by any mortgage holder of record of the adoption of the plat and the dedication of streets and other public areas.

524.21 Certifications showing that all taxes currently due on the property to be subdivided have

been paid in full.

524.22 Form for approval. Approved by the City of Glencoe, Minnesota this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

## 525 DESIGN STANDARDS

### 525A Streets

525A.01 General Design The design of all streets shall be considered in their relation to: public safety; existing and planned streets; efficient circulation of traffic; topographical conditions; runoff of storm water; and proposed use of land to be served by such streets.

The arrangement of streets in new subdivision shall make provisions for the appropriate continuation of existing streets in adjoining areas.

Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provisions for the proper projection of streets. When a new subdivision adjoins unsubdivided land susceptible to being divided, then the new streets shall be carried to the boundaries of such unsubdivided land.

525A.02 Width. All right-of-way widths shall conform to the following minimum dimensions: Except that all extensions shall conform to existing widths.

Thoroughfares	80 feet
Collector Streets	66 feet
Minor Streets	66 feet
Marginal Access Streets	50 feet

525A.03 Reserve Curves. Tangents of at least 50 feet in length shall be introduced between reverse curves or collector streets.

525A.04 Street Grades. All center line gradients shall be at least 0.5 percent and shall not exceed the following:

Collector Streets	6 percent
Minor Streets	8 percent

525A.05 Minor Streets. Minor streets shall be so aligned that their use by through traffic will be discouraged.

525A.06 Street Jogs. Street jogs with center-line offsets of less than 125 feet shall be avoided.

- 525A.07 Safe Intersections. It must be evidenced that all street intersections encourage safe and efficient traffic flow.
- 525A.08 Alleys. One 20 foot alley may be provided through each block.
- 525A.09 Half-Streets. Half-streets shall be prohibited, except where essential to the reasonable development of the subdivision and adjoining unsubdivided area.
- 525A.10 Reserve Strips. Reserve strips controlling access to streets shall be prohibited except under conditions approved by the Council.
- 525A.11 Hardship to Owners adjoining Property. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- 525A.12 Private Streets. Private streets shall not be approved nor shall public improvements be approved for any previously existing private street.
- 525A.13 Street Interval. General provisions shall be made at intervals not exceeding one-half mile for through streets (streets running through the subdivision in a fairly direct manner).
- 525A.14 Intersections. In general, streets shall intersect at right angles.
- 525A.15 Corners. Property line at residential street corners shall be rounded on a radius of not less than 10 feet and curb lines on a radius of not less than 20 feet.

525B Easements

- 525B.01 Utilities. Easements at least 15 feet wide, centered on rear and other lot lines, may be provided for utilities, where necessary. They shall have continuity of alignment from block to block. At deflection points, easements for pole-line anchors shall be provided where necessary. Where utilities are to be developed on a radius the easement shall be sufficiently wider.
- The owner of any land being subdivided pursuant to this ordinance shall establish the grade under which any underground utilities are to be placed. The owner shall install permanent benchmarks at all locations to identify the grades which shall be documented upon the plat. In no case shall the area established for underground electrical utilities be used as a waterway or drainage area of any kind or designed to retain any surface waters whatsoever. Further, the area established for any underground water electrical utilities shall not be covered by any buildings, expenses, gardens or other improvements whatsoever, except for lawn grass and shall at all times be freely excessable for excavation and servicing. Prior to the acceptance by the City of any subdivision, the Owner shall provide the City the following

covenant:

"In consideration of the approval by the City of Glencoe of (name of subdivision), I agree to establish grades upon all the utility easements under which underground utilities are to be placed. I further agree that the City of Glencoe, by the Light and Power Commission, shall have no obligation to provide electrical services to the land subdivided until such grades are established, and said easements are placed to that grade at my expense. I further understand that if any underground services are not installed or are installed in the future and I desire a change in the use of my premises or request a change in zoning which permits another use, either by special use permit or rezoning, I understand that the cost of the installation of additional or different electrical lines or equipment shall be my responsibility or that of the owner and not a cost borne by the City of Glencoe or the Glencoe Light and Power Commission."

525B.02 Drainage. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm-water easement or drainage right-of-way conforming substantially with the lines of such water course together with such further width or construction or both, as will be adequate for storm-water run-off. The easement shall include not only the stream channel, but also adjoining areas that have been subject to flooding in years of heavy run-off. In all cases adequate facilities shall be provided to prevent rapid runoff of surface water, including the providing of retention ponds where necessary, all of which shall comply with the regulations of the Buffalo Creek Watershed District, the Department of Natural Resources, the Army Corps of Engineers, and other regulatory authorities.

525B.03 Structures. No structure shall be erected on assigned easements without written approval from the City Council.

#### 525C Blocks

525C.01 Length. Block lengths shall not exceed 1500 feet, and, if possible, should not be less than 280-1/2 feet in length.

525C.02 Arrangement. A block shall be so designed, as to provide two tiers of lots, unless it adjoins a railroad or limited access highway and unless topographic conditions necessitate a single tier of lots.

525C.03 Pedestrian Ways. In blocks over 1200 feet long, a pedestrian way or easement may be required in locations deemed necessary to public health, convenience and necessity. Such an easement shall not be less than 15 feet in width.

#### 525D Lots

- 525D.01      Location All lots shall abut by their full frontage on a publicly dedicated street.
- 525D.02      Corner Lots Corner lots shall be platted at least 15 feet wider than the minimum lot size required.
- 525D.03      Side Lot Lines Side lines of lots shall be substantially at right angles or radial to the street line.
- 525D.04      Water Course Lots abutting upon a water course, drainage way, channel or stream shall have an additional depth or width, as required, to assure house sites that are not subject to flooding.
- 525D.05      Features In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions, which if preserved will add attractiveness and stability to the proposed development.
- 525D.06      Lot Remnants All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels. However, outlots may be used if there is a reasonable likelihood that future subdivision of adjoining land will absorb these outlots into standard lots.
- 525D.07      Lots Along Thoroughfares There shall be no direct vehicular access from residential lots to a major thoroughfare and residential lots shall be separated from major thoroughfares and railroad rights-of-way by a 25 foot buffer strip which may be in the form of added depth or width of lots backing on or siding on the thoroughfare or railroad right-of-way. A screen planting easement shall be granted to the City for the 25 foot buffer strip if it adjoins a major thoroughfare.
- 525E          General
- 525E.01      Each subdivision shall, in all respects, conform with the city comprehensive plan, and shall meet all city engineering specifications.
- 525E.02      Installation of all public utilities and public rights-of-way shall conform to city specifications and shall be specifically subject to the review of the City=s engineer, including approval of all plans and specifications prior to installation, as well as inspection by the city=s engineer personnel prior to the closure of any trench.
- 525E.03      All private utilities and connections to the city utility lines, being at a point in the public right-of-way from the water and/or sewer main to the point in the structure at which the State Building and/or Plumbing Codes apply, shall be constructed according to city specification and approval by the city=s engineers as to design and material. The city=s engineer shall review all plans for private utility line installation and all lines shall be inspected by the city engineer=s personnel prior to the closure of any trench.

525E.04 The installation of all public and private utilities by the owner shall be pursuant to written plans and specifications, approved by the city and its engineer, and meet all city standards and specifications as may be adopted or used from time to time. In all cases the owner shall provide to the city As built@ plans with full detail as to location, depth, material, connection point and other relevant information as regard to the city=s engineer for a permanent keeping by the city for future reference.

526 PUBLIC LAND

Because a new subdivision creates a need for recreation areas, green space, as well as streets, the City Council shall require an area to be dedicated for public use. Streets and alleys as are reasonably required shall be dedicated to the public to be held in trust for the City of Glencoe, in the manner provided by law. There shall also be dedicated land areas for parks and recreation in an amount equal to seven percent (7%) of the area developed, not including the streets and alleys dedicated. Upon the Park Board recommendation and at the discretion of the City Council, cash in lieu of dedicated land, in an amount is determined to be appropriate by the City Council, and is to be paid at the time of the acceptance of the plat by the City paid into the City Park Fund for capital expenditures. In addition, a park recovery fee for future park expansion shall be paid at the time of issuance of building permits and place in the City Park Fund for future capital expenditures as follows:

R-1 Per Lot	\$1,600.00
Twin Home Per Unit	\$1,600.00
Multiple Dwellings of Three or More Per Unit	\$ 800.00
R-3 Per Lot	\$ 800.00

The foregoing charges shall be phased in so that one-half of the charge (\$800.00 or \$400.00) shall be imposed as of the effective date of this ordinance, an additional one-quarter of the charge (\$400.00 or \$200.00) shall be imposed one year from the effective date of this ordinance and the final one-quarter (\$400.00 or \$200.00) shall be imposed two years from the effective date of this ordinance. In addition, wherever the City plans show a proposed public site larger than the area to be dedicated in the preliminary plan of the final plat, the final plat shall show such a projected site, and the City shall have one year in which to purchase an additional area. If such purchase has not been made within one year, the subdivider may proceed to subdivide the additional area.

527 REQUIRED IMPROVEMENTS Before the Council approves a final plat, the subdivider shall give satisfactory assurance of the installation of the following improvements:

527.01 Monuments Monuments shall be placed at all intersections of street center-lines, angle points, points of curves and streets, and at intermediate points as shown on the final plat and as required by the Engineer. These monuments shall be of such materials,

size and length as may be determined and approved by the City Engineer. All U.S., State, County or other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise positions.

527.02 Streets All the streets shall be improved in accordance with the engineering specifications established by the City.

527.03 Curb & Gutter These shall be provided along all streets.

527.04 Sidewalks Sidewalks shall be installed in pedestrian ways, along both sides of collector and thoroughfare streets.

527.05 Water Mains Where connection with the municipal water system is feasible, the public water facilities shall be used, and service lines extended to each lot.

527.06 Sanitary Sewer In all cases where trunk line sanitary sewer facilities are available, the subdivider shall be required to install sanitary sewers and connect the same to such trunk line sewers, and service lines extended to each lot.

527.07 Drainage Facilities Such facilities and easements shall be installed as will adequately provide for the drainage of surface waters. Such facilities may require retention ponds to prevent the rapid runoff of surface waters which could cause flooding, all of which shall be in compliance with the regulations of the Buffalo Watershed District, the Department of Natural Resources, the Army Corps of Engineers, and other regulatory authorities.

527.08 Trunk Facilities Where a water main, sanitary sewer, or storm drain facility should, according to utility plans, be constructed at a larger size to serve areas outside the subdivision, the larger facility should be constructed, the additional cost to be borne by the City.

527.09 Specifications All of the required improvements shall conform to engineering standards and specifications as required by the City Engineer.

527.10 Financing Before a final plat is approved by the Council, the subdivider shall submit an agreement and performance bond or cash escrow agreement to assure the following:

- a. The cost of all improvements required herein shall be borne by the subdivider. In addition to said costs, the agreement shall also provide for the payment of the subdivider's share of the costs of trunk facilities which must be extended to the subdivision. Such costs to be determined under provisions of Section II hereof.
- b. Guaranteed completion of the required improvements within a two (2) year period.
- c. The subdivider shall pay to the City of Glencoe all costs for the City's review, inspection and other expenses incurred by reason of the submission of a plat for

approval by the City of Glencoe including the City Engineer's cost, City Attorney's cost or any other cost and expense. The amounts due hereunder shall be paid to the City having first given credit for the amount previously paid to the City under the provisions of Section III of this ordinance. The amount due by the subdivider to the City of Glencoe in this provision shall be paid prior to the City Officials signing the final plat allowing approval by the City. In the event of disapproval by the City of any final plat the subdividers shall pay to the City of Glencoe its costs and charges within thirty (30) days from the date of disapproval; upon failure of which the City is entitled to proceed under Court of law to recover and collect the same.

- d. The City may elect to install any of the required improvements under the terms of a cash escrow agreement or on an assessment basis. If the City should decide to so proceed, the improvements shall be installed on the basis of public competitive bidding, and the subdivider shall be a qualified contractor and entitled to submitting bids for the installation of said improvements.
- e. The performance bond or cash escrow agreement shall be equal to one and one-10th times the subdividers share of the total cost of the required improvements as estimated by the City Engineer.
- f. If the required improvements are not completed within the two-year period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the City and applied to the cost of the required improvements. Any balance remaining after such improvements have been made, shall be returned to the owner or subdivider.

## 528 OTHER

528.01 Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this ordinance, the Council, upon the recommendation of the Planning Commission shall have the power to vary the requirements of this ordinance in harmony with the general purpose and intent thereof, so that the public health, safety and general welfare may be secured and substantial justice done, in particular, small subdivisions, where one lot is divided into two or three lots, the submission of topographic maps, soil tests, other data and fee may not be necessary, if the Council upon the recommendation of the Planning Commission, so determines. Minor subdivisions of larger areas, where a tract of land over five acres is divided into two parcels, shall be exempted from all the provisions of this ordinance. However, a dimensioned map of such a subdivision shall be filed with the City Clerk, within 30 days after the subdivision has been made.

### 528.02 Building Permits

No building permits shall be issued by any governing official for the construction of any building, structures or improvement on any land henceforth subdivided until all

requirements of this ordinance have been fully complied with.

#### 528.03 Validity

If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

#### 528.04 Violations

Any person violating any provision of this ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than one hundred dollars or by imprisonment not exceeding 90 days. (See Uniform Misdemeanor Violation penalties in General Regulations Section and also appropriate state statute.)

**(Source:** Ordinance No. 193 adopted November 5, 1962; Section 522.02(b) amended by Ordinance No. 286 adopted November 5, 1979; Section 525.01 amended by Ordinance No. 324 adopted July 15, 1985; Section 526 amended by Ordinance No. 278 adopted February 6, 1978; Section 527.103 amended by Ordinance No. 286 adopted November 5, 1979; Sections 523.07, 525B.02, and 527.07 amended by Ordinance No. 401 adopted December 7, 1992; Section 525E amended by Ordinance No. 483 adopted September 3, 2002; Section 526 amended by Ordinance No. 488 adopted November 4, 2002; Sections 523.01, 523.02 (b), Section 523.8 amended by Ordinance No. 490 adopted April 7, 2003; Section 526 amended by Ordinance No. 504 adopted May 3, 2004.)

## **SEDIMENT AND EROSION CONTROL**

The City Council of the City of Glencoe ordains:

Section 1: That the following Chapter 529 is added to the Glencoe Municipal Code and shall read as follows:

**“Purpose:** This ordinance is adopted for the purpose of 1) regulating the movement of sediment and the installation/maintenance of approved Best Management Practices (BMP’s) as well as 2) regulating uncontained debris, at building and construction sites within the jurisdiction of the City of Glencoe. The objective of the City in adopting this ordinance is to provide for a uniform method of regulating the runoff of soil, dirt or other organic or inorganic material into Waters of the State as well as regulating wind borne or otherwise uncontrolled construction debris.

**Scope:** These standards are derived from and in agreement with National Pollutant Discharge Elimination System (NPDES) standards and other local Water Resource Management Rules. The provisions of this ordinance shall be in effect from the first land disturbance to the establishment of permanent yard or ground cover.

## Section 1. DEFINITIONS.

**CONSTRUCTION ENTRANCE** - A strictly construction related access to a construction site or property not considered a driveway due to it not being in front of a house or garage.

**APPROVED METHOD** - A practice or widely used process that is recognized and accepted throughout the industry or, an acceptable alternative able to achieve or exceed the standards of the prescribed method.

**BEST MANAGEMENT PRACTICE (BMP)** - Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water.

**BOARD OF APPEALS** - The Planning and Industrial Commission.

**CITY** - City of Glencoe.

**CODE OFFICIAL** - The Sediment and Erosion Control Inspector, Building Official, Code Enforcement officer, or other designated authority charged by the Glencoe City Council, County or State with the duties of administration and enforcement of this ordinance, or a duly authorized representative.

**DAY**- Any calendar day or portion thereof.

**EROSION CONTROL** - Measures employed to prevent erosion including but not limited to: soil stabilization practices, limited grading, mulch, temporary or permanent cover, and construction phasing. See also sediment control.

**JURISDICTION** - Municipal limits of the City of Glencoe.

**MPCA** - The Minnesota Pollution Control Agency.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)** - The program for issuing, modifying, revoking, terminating, monitoring, and enforcing permits under the Clean Water Act as administered by the MPCA.

**PERMANENT YARD or GROUND COVER** - 70% density vegetation or permanent ground cover over 100% of the pervious area.

**E.S.C.** - Erosion and Sediment Control.

**SEDIMENT CONTROL** - Methods employed to prevent sediment from leaving the site including but not limited to: silt fence, sediment traps, earth dikes, storm drain inlet protection. See also erosion control.

THIS ORDINANCE - All the provisions of this document as adopted, signed and dated.

WATERS of the STATE (As defined in Minn. Stat. 115.01, subd. 22) All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulation of water, surface or underground, natural or artificial, public or private, which are contained in, flow through, or border upon the state or any portion thereof.

## Section 2. PENALTIES.

- 2.1 Any responsible party who shall violate any of the provisions of this Ordinance or fails to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall fail to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed herein or therein, shall be guilty of a Civil offense. If upon subsequent warnings and prescribed and documented communication, the violation remains substantially unresolved, the violator shall be guilty of a misdemeanor and subject to the provisions of State Statute regulating the administration thereof.

2.2 The sequence of violations and penalties:

2.2.1 When a violation is noted, the responsible party will be given notice of the violation in writing at the place of business, and will be notified by phone, fax, or e-mail. A reasonable amount of time, not to exceed 24 hours, will be given to abate the violation.

2.2.2. If the violation noted is not abated or addressed upon re-inspection, a STOP WORK ORDER WILL BE posted, and a \$50 fine will be levied for each day of the violation including the day of first notification through the day of satisfactory follow-up inspection. The responsible party shall remedy the violation, and call for a follow-up inspection. Upon satisfactory re-inspection, the responsible party will be required to pay the fine prior to the removal of the Stop Work Order.

2.2.3 If the violation continues, the Stop Work Order shall remain on the premises and the fine will continue to accrue for each calendar day the violation is present. After seven (7) days of non-compliance, the City will have the option of correcting the violation and assessing all costs to the responsible party. All fines and costs must be paid prior to the removal of the Stop Work Order. At this time all of the prior civil judgments will be due and the City will have the option of filing Criminal charges. Criminal Charges being defined as a misdemeanor and subject to State Statute regulating the enforcement of such penalties.

Section 3. ENFORCEMENT.

3.1 The E.S.C. Inspector, Building Official, Code Enforcement Official or their representatives or other authority designated by the city is authorized to administer and enforce the provisions of this ordinance.

3.2 The authority for enforcement of this ordinance rests exclusively with the City of Glencoe.

In addition to the requirements of this ordinance, projects meeting the thresholds with the NPDES construction storm water permit shall obtain permit coverage from MPCA and have proof of covering on-site at all times, and fully comply with the requirement of the permit.

Section 4. SEDIMENT CONTROL MEASURES

4.1 Silt Fences: Silt fences shall be inspected and maintained to these standards:

4.1.1 Silt Fences shall be established at down slope perimeters prior to disturbing upslope areas, shall be maintained to the standards of this ordinance and shall not be removed until the site has been permanently re-established with lawn or 70% permanent vegetative growth or other approved permanent ground cover.

4.1.2 Be entrenched a minimum of six (6) inches unless such trenching will substantially

damage tree roots or other natural resources. Alternatives such as berming the silt fence shall be used to prevent such damage.

- 4.1.3 Be of construction substantial enough to hold all sheet flow run-off generated at an individual site until it can either infiltrate or seep through silt fence pores.
- 4.1.4 Receive maintenance within 24 hours when silt has filled 1/3 of silt fence height.
- 4.1.5 Shall be re-stretched or re-established within 24 hours when allowed to sag more than 1/3 its intended height.
- 4.1.6 Silt fencing damaged or removed due to construction practices shall be repaired or re-installed within 24 hours of the conclusion of the practice.

4.2 Alternative Sediment Control Methods:

Alternative Sediment Control Methods such as shredded wood mulch or compost shall be temporarily allowed when conditions make it infeasible or impractical to erect silt fences. Silt Fences or an approved Sediment Control method shall be installed prior to disturbing upslope areas, and maintained according to this ordinance.

Section 5. EROSION CONTROL MEASURES

5.1 Ground Cover

- 5.1.1 Time frames for temporary and permanent vegetation for all exposed pervious areas shall be as follows: 21 days for slopes 10:1 and flatter, 14 days for slopes between 10:1 and 3:1, and 7 days for slopes 3:1 and steeper. If sod or permanent seed and mulch cannot be applied within the given time frame, temporary ground cover of type one mulch (straw/hay) shall be applied within the given time frame until permanent cover/vegetation is established.

Temporary driveways or site construction entrances shall be established and maintained throughout the construction process or until a permanent driveway is established. Driveways and construction entrances shall meet and be maintained according to the following standards:

6.1 Design:

- 6.1.1 The temporary driveway and/or site access avenue(s) shall be constructed to eliminate the passage or tracking of mud or other material from the site to a public road, street, sidewalk or right of way.

- 6.1.2 The drive shall be constructed of aggregate 1” to 3” in diameter and shall be a minimum of 6” thick. The aggregate shall extend the full width of the entrance/exit. The E.S.C. inspector or other code official shall have the authority to increase the required width as necessary on a case by case basis.
- 6.1.3 The utilization of an alternative method shall meet or exceed the requirements and intent of the 1” to 3” aggregate method described in 6.1.2 and shall meet the definition of “Approved Methods” as described in the definitions section of this ordinance.
- 6.2 Maintenance:
- 6.2.1 The temporary driveway shall be maintained in such a way that vehicles will not rut the area and that mud, dirt, clay or other material will not be conveyed to the street, road, sidewalk or right of way. This may include regular maintenance and topdressing of the material as it accumulates sediment from traffic.
- 6.2.2 Streets, sidewalks, and curbs shall be swept or scraped whenever sediment tracking occurs and at the completion of each work day.
- 6.2.3 Curbs, gutters and sidewalks shall be protected from damage due to construction related activities.

## Section 7. GENERAL SITE MAINTENANCE

- 7.1 Debris Containment: It shall be the responsibility of the contractor to maintain the construction site in a such manner that it does not detract from or interfere with the adjoining neighborhood.
- 7.1.1 All construction sites shall have an adequate and approved method for the containment of construction debris.
- 7.1.2 Dumpsters and trailers shall be sized appropriately for the project and shall be emptied at intervals that do not allow for the accumulation of debris above the recommended limit of the container.
- 7.1.3 Fenced areas used as debris containment shall be permitted so long as they are properly maintained and emptied as needed. The Inspector shall have the authority, after sufficient warning, to require the removal of the fenced area and require a dumpster or other means of commercial debris removal should the fenced area not be maintained adequately and regularly.
- 7.1.4 Dumpsters, trailers or other approved containers shall be maintained in such a way as to prevent the contents from becoming wind borne. Any debris blown out of the container or otherwise blown from the construction site shall be immediately retrieved and secured properly.

7.2 Storage of Construction Debris or Byproducts:

7.2.1 Construction debris or byproducts shall not be allowed to accumulate on construction sites or adjacent lots. Items such as pallets, used lumber, discarded excess concrete or other material shall be properly disposed of in a timely manner according to state and local laws.

7.3 Weeds or Underbrush

7.3.1 Weeds or underbrush shall not be allowed to propagate on a construction site. Measures shall be taken to mitigate tall weeds or underbrush that may harbor rats, mice or other animals.

Section 8. APPEALS.

8.1 When it is claimed that the provisions of this ordinance have been wrongly applied or interpreted by the E.S.C. Inspector, Building Official or Code Enforcement Officer, the aggrieved person may appeal the decision of the code official as provided in this section.

8.2 The aggrieved person must first request the code official to reconsider his decision. The request to reconsider must be made within ten (10) days from the date of the code official's initial decision and must submit in writing the reasons for the request for reconsideration.

8.3 A person aggrieved by the final decision of the code official may appeal the decision to the Planning and Industrial Commission. The appeal must be in writing and made within ten (10) days of the date of the final decision of the code official.

8.4 All requests and appeals specified in this section shall be made in writing. An aggrieved party who does not appeal within the time limits specified shall be deemed to have waived his right to appeal and shall be bound by the latest decision in the appeal process.”

Section 2: This Ordinance shall be in full force and effect from and after the date of its passage and publication according to law.

(Source: Ordinance No. 532 adopted March 6, 2007)

530 FLOOD PLAIN MANAGEMENT CODE

531 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

531.01 Statutory Authorization. The Legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Glencoe, Minnesota does ordain as follows:

532.02 Establishment of Official Zoning Map. The Official Zoning Map, together with all materials attached thereto is hereby adopted by reference and declared to be a part of this ordinance. The attached material shall include the Flood Insurance Studies for the City of Glencoe and for McLeod County prepared by the Federal Emergency Management Agency dated August 18, 1992, and the Flood Insurance Rate Map for the City of Glencoe dated August 18, 1992, and panels #270616 0090 C and 270616 0095C of the Flood Insurance Rate Map for McLeod County dated August 18, 1992. The Official Zoning Map shall be on file in the office of the City Administrator.

531.02 Findings of Fact.

- a. The flood hazard areas of Glencoe, Minnesota are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- b. Methods Used to Analyze Flood Hazards. This ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

531.03 Statement of Purpose It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 1.21 by provisions contained herein.

532 GENERAL PROVISIONS

532.01 Lands to Which Ordinance Applies. This ordinance shall apply to all lands within the jurisdiction of Glencoe within the the jurisdiction of the City of Glencoe shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway or Flood Fringe Districts.

532.02 Establishment of Official Zoning Map. The Official Zoning Map, together with all materials attached thereto is hereby adopted by reference and declared to be a part of this ordinance. The attached material shall include the Flood Insurance Studies for the City of Glencoe and for McLeod County prepared by the Federal Emergency Management Agency dated August 18, 1992, and the Flood Insurance Rate Map for the City of Glencoe dated August 18, 1992, and panels #270616 0090 C and 270616 0095C of the Flood Insurance Rate Map for McLeod County dated August 18, 1992. The Official Zoning Map shall be on file in the office of the City Administrator.

532.03 Regulatory Flood Protection Elevation. The Regulatory Flood Protection Elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

532.04 Interpretation.

- a. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.
- b. The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board and to submit technical evidence.
- c. Abrogation and Creator Restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- d. Warning and Disclaimer of Liability. This ordinance does not imply that areas

outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Glencoe or any officer or employee thereof for any flood damages that result from reliance on this Ordinance of any administrative decision lawfully made thereunder.

- e. Severability. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- f. Definitions. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.
  - i. Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
  - ii. Basement - means any area of a structure, including crawl spaces, having its floor of base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
  - iii. Conditional Use - means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that: (1) certain conditions as detailed in the zoning ordinance exist and (2) the structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.
  - iv. Equal Degree of Encroachment - a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
  - v. Flood - a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
  - vi. Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equalled or exceeded.
  - vii. Flood Fringe - that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for the City of Glencoe.
  - viii. Flood Plain - the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional

flood.

- ix. Flood-Proofing - a combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- x. Floodway - the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.
- xi. Obstruction - any dam, well, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- xiii. Principal Use or Structure - means all uses or structures that are not accessory uses or structures.
- xiv. Reach - a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- xv. Regional Flood - a flood which is representative of large floods 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. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.
- xvi. Regulatory Flood Protection Elevation - the Regulatory Flood Protection Elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- xvii. Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in Section 9.31 of the ordinance and other similar items.
- xviii. Variance - means a modification of a specific permitted development standard required in an official control including this ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of

alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

### 533 ESTABLISHMENT OF ZONING DISTRICTS

#### 533.01 Districts

- a. Floodway District. The Floodway District shall include those areas designated as floodway in the Flood Boundary and Floodway Map adopted in Section 2.2.
- b. Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe on the Flood Boundary and Floodway Map adopted in Section 2.2.

533.02 Compliance. No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway and Flood Fringe Districts, all uses not listed as permitted uses or conditional uses in Section 4.0, 5.0 and 6.0 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

- a. New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically Section 9.0;
- b. Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structure or land are regulated by the general provisions of this Ordinance and specifically Section 11.0; and
- c. As-built elevations for elevated or floodproofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Section 10.0 of this Ordinance.

### 534 FLOODWAY DISTRICT (FW)

#### 534.01 Permitted Uses

- a. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- b. Industrial-commercial loading areas, parking areas, and airport landing strips.
- c. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic

ground, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

- d. Residential lawns, gardens, parking areas and play areas.

#### 534.02 Standards for Floodway Permitted Uses

- a. The use shall have a low flood damage potential.
- b. The use shall be permissible in the underlying zoning district if one exists.
- c. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

#### 534.03 Conditional Uses.

- a. Structures accessory to the uses listed 534.01 above and the uses listed in b-f below.
- b. Extraction and storage of sand, gravel, and other materials.
- c. Marinas, boat rentals, docks, piers, wharves and water control structures.
- d. Railroads, streets, bridges, utility transmission lines and pipelines.
- e. Storage yards for equipment, machinery, or materials.
- f. Placement of fill.
- g. Travel trailers and travel vehicles either on individuals lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Section 539 of this Code.

#### 534.03 Standards for Floodway Conditional Uses

- a. All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a Conditional Use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.
- b. All floodway Conditional Uses shall be subject to the procedures and standards contained in Section 540.18 of this Code.
- c. The conditional use shall be permissible in the underlying zoning district if one

exists.

d. Fill.

- i. Fill, dredge spoil and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
- ii. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
- iii. As an alternative, and consistent with Subsection (ii) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Governing Body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The Conditional Use Permit must be title registered with the property in the Office of the County Recorder.

c. Accessory Structures.

- i. Accessory structures shall not be designed for human habitation.
- ii. Accessory structures if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
  1. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and
  2. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- iii. Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards, as appropriate:
  1. The structure must be adequately anchored to prevent flotation,

collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and

2. Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed.
- d. Storage of Materials and Equipment.
    - i. The storage or processing of materials that are, in time of flooding, flammable, buoyant, explosive or potentially injurious to human, animal or plant life is prohibited.
    - ii. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.
  - e. Structural Works for flood control that will change the course, current or cross-section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 105. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.
  - f. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

## 535 FLOOD FRINGE DISTRICT (FF)

535.01 Permitted Uses. Permitted Uses shall be those uses of land or structures listed as Permitted Uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non residential structure or use of a structure or land shall be a Permitted use in the Flood Fringe provided such use does not constitute a public nuisance. All Permitted Uses shall comply with the standards for Flood Fringe "Permitted Uses" listed in Section 535.02 and the standards for all Flood Fringe "Permitted and Conditional Uses" listed in Section 535.05.

### 535.02 Standards for Flood Fringe Permitted Uses.

- a. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.

- b. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet for the outside dimension at ground level may be internally flood proofed in accordance with Section 4.45(c).
- c. The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a Conditional Use, unless said fill is specifically intended to elevate a structure in accordance with Section 535.02(a) of this Code.
- d. The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.
- e. The provisions of Section 535.05 of this Code shall apply.

#### 535.03 Conditional Uses.

- a. Any structure that is not elevated on fill or flood proofed in accordance with Section 535.02 (a) and (b) or any use of land that does not comply with the standards in Section 535.02 (c) and (d) shall only be allowable as a Conditional Use. An application for a Conditional Use shall be subject to the standards and criteria and evaluation procedures specified in Sections 535.04 and 535.05 and 540.18 of this Code.

#### 535.04 Standards for Flood Fringe Conditional Uses.

- a. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) if the enclosed area is above-grade on at least one side of the structure; 2) is designed to internally flood and is constructed with flood resistant materials; and 3) is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards.
  - i. Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding. (b) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

1. The minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one-foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
  2. That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.
- b. Basements, as defined by Section 532.04 (f)(ii) of this Code, shall be subject to the following:
  1. Residential basement construction shall not be allowed below the Regulatory Flood Protection Elevation.
  2. Non-residential basements may be allowed below the Regulatory Flood Protection Elevation provided the basement is structurally dry flood proofed in accordance with Section 535.04 (c) of this Code.
- c. All areas of non residential structures including basements to be placed below the Regulatory Flood Protection Elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.
- d. When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Governing Body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

- e. Storage of Materials and Equipment.
  - (i) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
  - (ii) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.
- f. The provisions of Section 535.05 of this Ordinance shall also apply.

535.05 Standards for All Flood Fringe Uses:

- a. All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the Regulatory Flood Protection Elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.
- b. Commercial Uses - accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two feet or be subject to flood velocities greater than four feet per second upon occurrence of the regional flood.
- c. Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 535.05 (b) above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.
- d. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
- e. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.
- f. Standards for travel trailers and travel vehicles are contained in Section 539.04.
- g. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

537 SUBDIVISIONS 2

- a. Review Criteria: No land shall be subdivided which is unsuitable for reason of floodings, inadequate drainage, water supply or sewer treatment facilities. All lots within the flood plain districts shall contain a building site at or above the Regulatory Flood Protection Elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe boundaries, the Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labelled on all required subdivision drawings and platting documents.
- b. Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

538 PUBLIC UTILITIES, RAILROADS, ROADS AND BRIDGES

538.01 Public Utilities. All public utilities and facilities such as gas, electrical, sewer and water supply systems to be located in the flood plain shall be flood-proofed in accordance with the State Building Code or elevated to above the Regulatory Flood Protection Elevation.

538.02 Public Transportation Facilities. Railroad tracks, roads and bridges to be located within the flood plain shall comply with Chapters 4 and 5 of this Code. Elevation to the Regulatory Flood Protection Elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

This Section is not intended as a substitute for a comprehensive city or county subdivision ordinance. It can, however, be used as an interim control until the comprehensive subdivision ordinance can be amended to include necessary flood plain management provisions.

538.03 On-site Sewage Treatment and Water Supply Systems. Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of

flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

539 MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF TRAVEL TRAILERS AND TRAVEL VEHICLES.

539.01 New manufactured home parks and expansions to existing mobile manufactured home parks shall be subject to the provisions placed on subdivisions by Chapter 7 of this Code.

539.02 The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Chapter 5 of this Code. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Section 535.05(a), then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Governing Body.

539.03 All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

539.04 Travel trailers and travel vehicles that do not meet the exemption criteria specified in Section 539.05 below shall be subject to the provisions of this Ordinance and as specifically spelled out in Sections 539.07-539.08 below.

539.05 Exemption - Travel trailers and travel vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section 539.06 below and further they meet the following criteria:

- a. Have current licenses required for highway use.
- b. Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it.
- c. The travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

539.06 Areas exempted for placement of Travel/Recreational Vehicles:

- a. Individual lots or parcels of record.
- b. Existing commercial recreational vehicle parks or campgrounds.
- c. Existing condominium type associations.

539.07 Travel trailers and travel vehicles exempted in Section 539.05 lose this exemption when development occurs on the parcel exceeding \$500.00 for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Chapters 4 and 5 of this Code.

539.08 New commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similarly use exceeding five (5) units or dwelling sites shall be subject to the following:

- a. Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe Districts provided said trailer or vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation and proper elevated road access to the site exists in accordance with 535.05(a) of this Code. Any fill placed in a floodway for the purpose of elevating a travel trailer shall be subject to the requirements of Chapter 4.
- b. All new or replacement travel trailers or travel vehicles not meeting the criteria of (a) above may, as an alternative, be allowed as a Conditional Use if in accordance with the following provisions and the provisions of 540.18 of the Code. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 538.03 of this Code.

## 540 ADMINISTRATION

540.01 Zoning Administrator. A Zoning Administrator designated by the City Council shall administer and enforce this ordinance. If he/she finds a violation of the provisions of this ordinance he/she shall notify the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it.

540.02 Permit Requirements.

- a. Permit Required. A Permit issued by the Zoning Administrator in conformity with the provisions of this ordinance shall be secured prior to the erection, addition, or alteration of any building, structure or portion thereof; prior to the use or change of use of a building, structure or land; prior to the change or extension of a nonconforming use; and prior to the placement of fill, excavation of materials, or storage of materials or equipment within the flood plain.
- b. Application for Use Permit. Application for a Permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions and elevations of the lot; existing or proposed structures, fill or storage or materials; and the location of the foregoing in relation to the stream channel.
- c. State and Federal Permits. Prior to granting a Permit or processing an application for a Conditional Use Permit or Variance, the Zoning Administrator shall determine that the applicant has obtained all necessary State and Federal Permits.
- d. Certificate of Zoning Compliance for a New, Altered or Non-conforming Use. It shall be unlawful to use, occupy or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.
- e. Construction and Use to be as Provided on Applications. Permits, Conditional Use Permits, or Certificates of Zoning Compliance issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangements or construction. Any use, arrangement or construction at variance with that authorized shall be deemed violation of this Code and punishable as provided by Section 543 of this Code.
- f. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.
- g. Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures and alterations or additions to structures are flood-proofed.

#### 540.03 Board of Adjustment.

- a. Rules. The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by State law.
- b. Administrative Review. The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Code.
- c. Variances. The Board may authorize upon appeal in specific cases such relief or variance from the terms of this Code as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation which justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by State law.
- d. Hearings. Upon filing with the Board of Adjustment of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Board shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed Variances sufficiently in advance so that the Commissioner will receive at least ten (10) days notice of the hearing.
- e. Decisions. The Board shall arrive at a decision on such appeal or Variance within sixty (60) days. In passing upon an appeal the Board may, so long as such action is in conformity with the provisions of this Code, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a Variance the Board may prescribe appropriate conditions and safeguards such as those specified in Section 542, which are in conformity with the purposes of this Code. Violations of such conditions and safeguards, when made a part of the terms under which the Variance is granted, shall be deemed a violation of this Code punishable Section 541. A copy of all decisions granting Variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
- f. Appeals. Appeals from any decision of the Board may be made, and as specified in this Community's Official Controls and also Minnesota Statutes.
- g. Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood

insurance up to amounts as high as \$25 for \$100 or insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

541 Conditional Uses. The City of Glencoe shall hear and decide applications for Conditional Use permissible under this Code. Applications shall be submitted to the Zoning Administrator who shall forward the application to the Planning & Industrial Commission for consideration.

a. Hearings. Upon filing with the Planning & Industrial Commission an application for a Conditional Use Permit, the Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed Conditional Uses sufficiently in advance so that the Commissioner will receive at least ten (10) days notice of the hearing.

b. Decisions. The Planning & Industrial Commission shall arrive at a decision on a Conditional Use within sixty (60) days. In granting a Conditional Use Permit the Planning & Industrial Commission shall prescribe appropriate conditions and safeguards, in addition to those specified in Section 541(f) which are in conformity with the purposes of this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the Conditional Use Permit is granted, shall be deemed a violation of this Code punishable under Section 543. A copy of all decisions granting Conditional Use Permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

c. Procedures to be followed by the Planning & Industrial Commission in Passing on Conditional Use Permit Applications within all Flood Plain Districts.

i. Require the applicant to furnish such of the following information and additional information as deemed necessary by the Planning & Zoning Commission for determining the suitability of the particular site for the proposed uses:

1. Plans in triplicate drawn to scale showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the stream channel.
2. Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

ii. Transmit one copy of the information described in subsection (i) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood

heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

- iii. Based upon the technical evaluation of the designated engineer or expert, the Planning & Industrial Commission shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

d. Factors Upon Which the Decisions of the Planning & Industrial Commission Shall be Based. In passing upon Conditional Use applications, the Planning & Industrial Commission shall consider all relevant factors specified in other sections of this Code, and

- i. The danger to life and property due to increased flood heights or velocities caused by encroachments.
- ii. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
- iii. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- iv. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- v. The importance of the services provided by the proposed facility to the community.
- vi. The requirements of the facility for a waterfront location.
- vii. The availability of alternative locations not subject to flooding for the proposed use.
- viii. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- ix. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- x. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- xi. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

- xii. Such other factors which are relevant to the purpose of this Code.
  
- e. Time for Acting on Application. The Planning & Industrial Commission shall act on an application in the manner described above within sixty (60) days from receiving the application, except that where additional information is required pursuant to Section 541(d) of this ordinance. The Planning & Industrial Commission shall render a written decision within thirty (30) days from the receipt of such additional information.
  
- f. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purposes of this ordinance, the Planning & Industrial Commission may attach such conditions to the granting of Conditional Use Permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include but are not limited to, the following:
  - i. Modifications of waste treatment and water supply facilities.
  - ii. Limitations on period of use, occupancy and operation.
  - iii. Imposition of operational controls, sureties and deed restrictions.
  - iv. Requirements for construction of channel modifications, compensatory storage, dikes, levees and other protective measures.
  - v. Flood-proofing measures, in accordance with the State Building Code and this Code. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood-proofing measures are consistent with the Regulatory Flood Protection Elevation and associated flood factors for the particular area.

#### 542 NONCONFORMING USES

A structure or the use of a structure or premises which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:

- a. No such use shall be expanded, changed, enlarged or altered in a way which increases its non-conformity.
  
- b. No structural alteration or addition to any non-conforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proof techniques (i.e. FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 542.02 below.

- c. The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the Community's initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50 percent of the current market value of the structure, then the structure must meet the standards of Section 534 or 535 of this Code for new structures depending upon whether the structure is in the Floodway or Flood Fringe, respectively.
- d. If any non-conforming use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this Code. The assessor shall notify the Zoning Administrator in writing of instances of non-conforming uses which have been discontinued for a period of twelve (12) months.
- e. If any non-conforming use is destroyed by any means, including floods, to an extent of fifty (50%) percent or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code. The applicable provisions for establishing new uses or new structures in Sections 534 or 535 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe District, respectively.

#### 543 PENALTIES FOR VIOLATION

543.01 Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of Variances or Conditional Uses) shall constitute a misdemeanor and shall be punishable as defined by law.

543.02 Nothing herein contained shall prevent the City of Glencoe from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:

- a. In responding to a suspected ordinance violation, the Zoning Administrator and local government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
- b. When an ordinance violation is either discovered by or brought to the attention of the

Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.

- c. The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Zoning Administrator may either (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls, or (2) notify the responsible party to apply to an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.
- d. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this ordinance.

#### 544 AMENDMENTS

The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and its contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

All amendments to this ordinance, including amendments to the Official Zoning Map must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must also meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the ordinance amendment or technical study under consideration.

**(Source:** Amended by Ordinance No. 374 adopted March 15, 1990; Section 532.02 amended by Ordinance No. 400 adopted November 2, 1992; Sections 531.01 and 532.02

amended by Ordinance No. 485 adopted September 3, 2002.)

545 OCCUPANCY REGULATIONS

545.01 Applicability. The provisions of this chapter shall apply to all buildings or portions thereof used, or deigned or intended to be let for human habitation, except rest homes, convalescent homes, nursing homes, hotels and motels. Additions, alterations, or repairs shall be done in accordance with applicable sections of the City Building Code.

Certified rental units, in existence at the time of the adoption of this code may have their existing use or occupancy continued, if such use or occupancy was legal at the time of the adoption of this ordinance, providing such continued use is not dangerous to life, health, property or public welfare and such use shall be reinspected, whether or not they have been inspected prior to this ordinance. All structures however, regardless of their existence at the time of the adoption of this code, shall be in full compliance by January 1, 1995.

545.02 Definitions. For the purposes of this chapter, the following terms shall have the meanings given them:

- a. Building Code Standards. Standards required by the Minnesota State Building Code including all appendices sub-codes, attachments and related codes as have been adopted and promulgated by the state of Minnesota and in force and effect in the City of Glencoe.
- b. Dwelling. A building wholly or partly used or intended to be used for living, sleeping, cooking or eating purposes by human occupants; but not including hotels and motels.
- c. Dwelling Unit. A room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating purposes.
- d. Egress. Shall mean an arrangement of exist facilities to assure a safe means of exist from buildings.
- e. Extermination. The control and elimination of insects, rodents, or other pests by elimination of their harborage places; by removing or making inaccessible, materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination method approved by the Occupancy Inspector; and to remove all signs of extermination thereafter.
- f. Floor area. The net floor area within the enclosing walls of a room in which the ceiling height is not less than seven (7) feet, excluding areas occupied by closets and built-in equipment, such as cabinets, kitchen units, fixtures and appliances.
- g. Habitable Room. A room or enclosed floor space, used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet

compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.

- h. Infestation. The presence of insects, rodents or other pests within or around a dwelling on the premises.
- i. Let. The giving of the use of a dwelling, dwelling unit or rooming unit by an owner to a tenant in return for rent.
- j. Multiple dwelling. Any dwelling of more than two (2) dwelling units.
- k. Occupant. Any person living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.
- l. Operator. A person who has charge, care of control. of a building or part thereof, in which dwelling units or rooming units are let.
- m. Owner. A person, firm or corporation who, alone, jointly or severally with others own or has an ownership interest in a dwelling, dwelling unit or rooming unit within the City.
- n. Plumbing. Includes the following supplied facilities and equipment; water pipes, waste pipes, water closets, sinks, lavatories, bath tubs, showers, vents, sump pumps and any other similar supplied fixtures, together with all connections to water and sewer lines.
- o. Premises. The dwelling and its land and all buildings thereon and areas thereof.
- p. Refuse. All putrescible and non-putrescible waste solids including, but not limited to, garbage and rubbish.
- q. Rent. A stated return or payment for the temporary possession of a dwelling, dwelling unit or rooming unit. The return or payment may be money or service or property.
- r. Rooming Unit. A room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes, along with private or shared sanitation facilities.
- s. Safety. Shall mean the condition of being reasonably free from danger and hazards which may cause injury or illness.
- t. Variance. A difference between that which is required or specified and that which is permitted.
- u. Water Closet. Shall mean a toilet, with a bowl and trap made in one piece, which is

connected to the city water and sewer system or other approved water supply and sewer system.

- v. Meanings of Certain Words. Whenever the words dwelling, dwelling unit, rooming unit, or premises are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof".

545.03 Modifications. Whenever there is a practical difficulty involved in carrying out a provision of this chapter, the Occupancy Inspector shall grant a modification, provided the Occupancy Inspector shall first find a particular reason which makes strict application of the provision impractical, and that such modification will not lessen the life safety, structural, stability or environmental health requirements.

545.04 Appeals. Where a requirement of this chapter would cause undue hardship of any kind, the owner, or his representative, or any person affected, may appeal a compliance order as prescribed herein.

545.05 Right of Entry. The Occupancy Inspector is hereby authorized and directed to enforce all provisions of this chapter. Whenever it is necessary to make an inspection to enforce any provision of this chapter, or whenever there is cause to believe that there exists any violation, the Occupancy Inspector is authorized to enter the building or premises at all reasonable times to perform any duties imposed upon the Occupancy Inspector by the chapter. The inspector shall present proper credentials and request entry. The inspector shall make a reasonable effort to contact the owner or other persons having charge or control of the building to request entry. If entry is refused the inspector shall have recourse to every remedy provided by law to secure entry, including the commencement of an action in District Court with necessary temporary motions and proceedings thereon to secure such entry. When the Occupancy Inspector shall have obtained a proper remedy by law to enter a building, no owner or occupant or operator of a building or premises, shall fail or neglect to permit entry for the purpose of inspection pursuant to the chapter.

545.06 Responsibilities.

- a. Owner. An owner shall be responsible for maintaining his building in a sound, sanitary and safe condition, including the shared or public areas. An owner shall comply with the provisions of this chapter. An owner shall furnish and maintain such approved sanitary facilities as are required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and where infestation has taken place shall be responsible for extermination. An owner shall provide adequate refuse containers and be responsible for refuse removal from the premises; the owner may by contract delegate this responsibility to the tenant, but the owner shall remain ultimately responsible.
- b. Occupant. An occupant of a dwelling, dwelling unit or rooming unit shall be

responsible for keeping it safe and sanitary and an occupant shall properly dispose of all refuse.

545.07 Inspection. The Occupancy Inspector shall inspect a unit upon receiving a legitimate complaint. That being a complaint in which the complainant provides the complainant's name and address and specifies the complaint. Upon receipt of this complaint, the inspector shall notify the owner or tenant to correct the problem which prompted the complaint. A complaint could show cause for a complete inspection of a unit. Anonymous complaints shall not be handled. An owner may request an advisory inspection of a unit.

545.08 Housing Certificate.

- a. Application. An owner of a dwelling in which one or more dwelling units or rooming units are let or are intended to be let, shall make application for a housing certificate, unless such unit has been previously certified. An owner of such a unit shall not allow occupancy of the unit unless and until a housing certificate has been issued. The Occupancy Inspector may issue a temporary housing certificate not exceeding six months in duration in order to bring the unit into compliance with this code.
- b. Issuance. The Occupancy Inspector shall issue a certificate for each dwelling, dwelling unit or rooming unit when upon inspection the Occupancy Inspector finds such unit meets or exceeds the minimum requirements set by this chapter; also a housing certificate shall be issued for each dwelling, dwelling unit or rooming unit, when a variance has been granted by the Board of Adjustment; provided, however, it is found that no prohibited condition or practice exists in a shared or public area of the building or in any other part of the unit, which could endanger the health or safety of the occupants of such unit or of the public. Such certificate shall show the number of occupants for which the dwelling, dwelling unit or rooming unit is approved and once issued shall remain valid until expiration of the certificate or until such time as the Occupancy Inspector determines that the dwelling, dwelling unit or rooming unit does not meet the minimum requirements set by this chapter.
- c. Renewals. A housing certificate shall expire two (2) years after the date of issuance. Reinspection of all dwellings, dwelling units or rooming units shall be required prior to issuance of a new certificate.
- d. Revocation. A housing certificate may be suspended or revoked if failure to comply in accordance with this chapter.
- e. Certificate Fee. A fee of \$50.00 shall be charged for each dwelling unit or rooming unit of any rental property to be paid at the time of the application for any housing certificate. This fee shall be imposed for all new applications or in the case of renewal of certificates upon reapplication.

545.09 Space and Occupancy Requirements. No dwelling or dwelling unit shall be let for occupancy to another which does not comply with the following requirements:

- a. Ceiling height. At least one half of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet, including halls, excluding bathrooms and toilet compartments, measured to the lowest projection from the ceiling. No portion of the floor area where the ceiling height is less than seven (7) feet may be considered as part of the floor area when computing for maximum permissible occupancy.
- b. Floor Area.
  - i. Every dwelling or dwelling unit shall contain at least 150 square feet of floor space for the first occupant and at least 100 additional square feet of floor space for each additional occupant; the total floor space to be calculated on the basis of total habitable room area. Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor area. Every room occupied for sleeping purposes by two or more persons shall contain at least 40 square feet of floor area for each occupant thereof.
  - ii. Every rooming unit occupied for sleeping purposes by one person shall contain at least 70 square feet of floor area. Every rooming unit occupied for sleeping purposes by two or more persons shall contain at least 40 square feet of floor area for each occupant thereof.

545.10 Light and Ventilation.

- a. Natural Light and Ventilation. All habitable rooms within a dwelling unit shall be provided with natural light by means of exterior glazed openings with an area not less than 8 percent of the floor area of such rooms with a minimum of 8 square feet. Ventilation shall be provided by openable exterior openings with an area of 4 percent of the floor area, with a minimum of 4 square feet. Bathroom, water closet rooms and similar rooms shall be provided with natural ventilation by means of possible exterior openings with an area not less than 4 percent of the floor area of such rooms with a minimum of 1-1/2 square feet.
- b. Source of Light and Ventilation. Required exterior openings for natural light and ventilation shall open directly onto a street or alley or a yard or court or onto a roofed porch located on the same lot as the building. For the purpose of determining light and ventilation requirements, any room may be considered as a portion of an adjoining room when one half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or 25 square feet, whichever is greater.
- c. Mechanical Ventilation. In lieu of required exterior openings for natural ventilation, a mechanical ventilation system may be provided. In bathrooms, water closet

compartments and similar rooms without required natural ventilation, a mechanical ventilation system shall be provided which is capable of providing five air changes per hour.

545.11 Sanitation Requirements. Sanitation facilities shall be installed and maintained in a safe and sanitary condition and shall be provided as hereinafter required.

- a. Dwelling Unit. Each dwelling unit shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory and bathtub or shower.
- b. Rooming Unit. Where private water closet, lavatory and bathtub or shower are not provided at least one bathroom accessible from a public hallway. These facilities shall be provided for each multiple of eight (8) persons or fractions thereof. When rooming units are provided in a private, owner occupied dwelling, including the owner's family, they may share the use of such facility, provided the facilities are shared by no more than the maximum number of persons allowed herein.
- c. Kitchen. Each dwelling unit shall be provided with a kitchen which shall be equipped with a sink of an approved non-absorbent material.
- d. Fixtures. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water except water closets shall be provided with cold water only. All waste lines shall be connected to a sanitary sewer or an approved private sewage disposal system. All fixtures shall meet the applicable building code standards.
- e. Room Separations. Each water closet, bathtub or shower required by this chapter shall be installed in a room which will afford privacy to the user. A room in which a water closet is provided shall be separated from food-preparation rooms by a tight-fitting door.
- f. Bathroom Accessibility. Where both facilities are shared by two or more rooming units, the bath shall not be so located that any occupant must pass through another occupant's room to use the facility.

545.12 Mechanical Requirements.

- a. Heating. Every dwelling unit or rooming unit shall be provided with operating heating facilities capable of maintaining a room temperature of 68 degrees F. at three feet above the floor in the center of a habitable room and in bathrooms and water closet compartments. Such facilities shall meet the applicable building code standards and shall be installed and maintained accordingly to meet the applicable building code standards. Unvented fuel burning heaters shall not be installed or used.
- b. Ventilation. Ventilation for rooms and areas and for fuel burning equipment shall be

provided as required by the applicable building code standards. Where mechanical ventilation is provided in lieu of the natural ventilation required by the applicable building code standards. Such mechanical ventilation system shall be maintained in operation during the occupancy of any building or portion thereof.

#### 545.13 Electrical Requirements.

- a. All electrical wiring and appliances shall be of an approved type and shall be installed and maintained in a safe manner in accordance with applicable building code standards. Where additional lighting or outlets are required, installation shall meet the requirements of the applicable building code standards.
- b. Each habitable room shall be provided with not less than one ceiling or wall light or one switched outlet plus one duplex convenience outlet; or two duplex convenience outlets.
- c. Each bathroom, water closet compartment, laundry room and furnace shall be provided with no less than one electric light fixture or one convenience outlet.
- d. Public hallways, public stairs and other exit facilities shall be adequately lights and shall meet the applicable building code standards.

#### 545.14 Exits.

- a. Each dwelling or rooming unit shall have egress directly to the outside or to a common hallway with egress to the outside.
- b. Each sleeping room below the fourth floor shall have at least one operable window or exterior door approved for emergency egress. The window or door shall be operable from the inside to provide a clear opening without the use of tools.
- c. An egress window from a sleeping room shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height shall be 24 inches. The minimum net clear opening width shall be 20 inches. Where a window is provided as a means of egress it shall have a finished sill height of not more than 48 inches. If necessary to add or replace an opening, the minimum requirements shall be the same as above except the minimum net clear opening shall be 5.7 square feet.
- d. An exit shall not pass through a hazardous area. This shall include an area such as a furnace room, boiler room or storage area.

#### 545.15 Fire Protection.

- a. Smoke detectors shall be installed in accordance with the State Building Code. The Occupancy Inspector may require additional smoke detectors where additional protection may be required.

- b. Doors located in a common hallway, not within a dwelling unit, shall be reasonably smoke and draft tight.

545.16 Security Locks. When the exit door from a dwelling or rooming unit is required to provide security from unlawful entry, the door shall be provided with a dead-bolt lock which is operable from the inside without the use of a key, special knowledge or extraordinary effort.

545.17 Buildings Not in Compliance. Whenever the Occupancy Inspector has inspected any dwelling or dwelling unit and has found and determined that it is not in compliance with this chapter, he/she shall proceed as follows: He/She shall serve a written notice on the owner in person or by certified mail. The notice shall describe the property, the nature of the violation, the time in which compliance must be effected, and a copy of the section or sections of this ordinance which prescribes the standards to be met. The notice shall also state that an appeal may be taken to the Board of Adjustment herein after established. The notice may contain such other and different information as the Occupancy Inspector believes will help the owner to remedy the violation. If the owner is dissatisfied with the decision of the Board of Adjustment the owner shall have ten (10) days thereafter to appeal to the City Council.

545.18 Injunctions Against Illegal Use. In case any basement, cellar, dwelling, or dwelling unit, premises, rooming unit or rooming house is maintained or used or is proposed to be used in violation of this chapter or any amendment or supplement thereto or contrary to any provision of any rule or regulation adopted by ordinance as herein provided the city in addition to other remedies provided by law, may take appropriate action or proceedings to prevent such maintenance or use to restrain, correct or abate such violation.

545.19 Unfit Dwellings and Condemnation. The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

- a. Any dwelling or dwelling unit which shall be found to be so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants shall be condemned as unfit for human habitation and shall be so designated and placarded by the Occupancy Inspector.
- b. Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Occupancy Inspector, shall be vacated within a reasonable time as ordered by the Occupancy Inspector.
- c. No dwelling or dwelling unit condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by the Occupancy Inspector. The Occupancy Inspector

shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

- d. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in subparagraph (c) of this section.
- e. Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter.

545.20 Disputes. With respect to disputes between tenants and landlord, and except as otherwise specifically provided by the terms of this ordinance, it is not the intention of the City Council to intrude upon the accepted contractual relationship between tenant and landlord. The City Council does not intend to intervene as an advocate of either party, nor to act as an advocate of either party, nor to act as an arbiter, nor to be receptive to complaints from tenant or landlord which are not specifically or clearly relevant to the provisions of this ordinance. In absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise such legal sanctions as are available to them without the intervention of city government. In enacting this ordinance it is not the intention of the City Council to interfere or permit interference with legal rights to personal property.

545.21 Board of Adjustment and Transcripts of Proceedings.

- a. Board of Adjustment is hereby established for the purpose of hearing any appeal from the decision of the Occupancy Inspector. The Board of Adjustment shall consist of the Planning Commission meeting specially as the Board of Adjustment for this ordinance. The Board shall meet only for the purposes of hearing the appeals as required in this ordinance. The members of the Board of Adjustment shall be compensated as determined by resolution by the City Council from time to time. The Board of Adjustment shall keep minutes as to its activities and shall prepare written findings of any of its appeals.
- b. The Board of Adjustments shall tape record all testimony and evidence given to it in the course of appeals and shall retain a copy of such tape for a period of 120 days following its decision. Any interested parties shall be entitled to a transcript of these proceedings made from tape recording which will be transcribed by the City Clerk, however provided that such person requesting such transcript shall pay to the City Clerk the cost of such transcription as determined by the City Clerk. To determine such cost the City Clerk shall charge a sum equal to 140% the wage of the person making such transcription applicable to the number of hours required to prepare such transcript.

545.22 Appeals.

- a. All appeals heard by the Board of Adjustment and shall be conducted in open proceedings with full opportunity of all parties to be heard including cross examination of any witness. The Board of Adjustment may hear and consider any evidence it deems appropriate whether or not such evidence may properly be admitted in a Court of Law. Any part to the proceedings may be represented by an Attorney.
- b. Appeals shall be commenced by filing a written request with the City Clerk no later than 30 days from the date of the issuance of any order or citation by the Occupancy Inspector. The City Clerk shall give notice of the time and date the appeal is to be heard to the appellant and the appellant's attorney, if any, in writing at least 10 days prior to the hearing. The hearing shall be held within 45 days of the filing of the notice of appeal, and may be adjourned or continued from time to time in the discretion of the chairperson of the Board of Adjustment.
- c. The Chairperson of the Board of Adjustment shall be in charge of the conduct of all hearings and shall have the power to insure that such hearings are conducted in an orderly fashion. It shall be the obligation of the Occupancy Inspector to set forth all of the facts and particulars of the Occupancy Inspector's determination at said hearing and thereafter such interested parties may present such evidence and information as is relevant. The Board of Adjustment shall then determine whether or not the decision of the Occupancy Inspector was justified under the circumstances.
- d. Upon obtaining the evidence and information presented through the board of Adjustment, and no later than 60 days of the filing of the Notice of Appeal (unless waived in writing by the person making the appeal) the Board of Adjustment shall issue a written decision including stated Findings of Fact supporting their decision.
- e. Any party being aggrieved by such decision they make a further appeal to the City Council by filing with the City Clerk a written notice of their intention to appeal. Such party shall be responsible for the cost of the preparation of a transcript of the original hearing and shall place on deposit with the City Clerk such sum sufficient by the City Clerk's judgment to defray the cost of said transcript. The City Council shall hear such appeal upon the record as established without further evidence or hearing. The City Council may reverse the Board of Adjustment's decision only upon a finding that the Board of Adjustment has acted arbitrarily, capriciously or unreasonably under the circumstances. The City Council shall render its decision within 30 days next following receipt by it of the transcript of the hearing. The City Clerk shall give notice of such decision to all interested parties.

**545.23 Violations.** The first violation by any owner of any of the provisions of this ordinance within any 24 month period shall be considered a petty-misdemeanor. Any subsequent conviction of an owner for any violation hereof, provided that it occurred within 24 months of any previous violation, shall be considered a misdemeanor.

**(Source:** Ordinance No. 352 adopted April 4, 1988. Section 545.08 c and e amended by

Ordinance No. 502 and approved March 1, 2004.)

550 BLIGHT CONTROL

550.01 Causes of Blight or Blighting Factors. It is hereby determined that the uses, structures, and activities and causes of blight or blighting factors described herein, if allowed to exist, will tend to result in blighted and undesirable neighborhoods so as to be harmful to the public welfare, health and safety. On and after the effective date of this ordinance no person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the City of Glencoe owned, leased, rented or occupied by such person, firm or corporation;

- a. In any area, the storage upon any property of junk automobiles. For the purpose of this ordinance, the term "junk automobiles" shall include any motor vehicle, part of a motor vehicle or former motor vehicle, stored in the open, which is not currently licensed for use upon the highways of the State of Minnesota, and is either (1) unusable or inoperable because of lack of, or defects in component parts; or (2) unusable or inoperable because of damage from collision, deterioration, or having been cannibalized; or (3) beyond repair and therefore not intended for future use as a motor vehicle; or (4) being retained on the property for possible use of salvageable parts.
- b. In any area the storage or accumulation of junk, trash, rubbish or refuse of any kind, except refuse stored in such a manner as not to create a nuisance for a period not to exceed thirty (30) days. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open; remnants of wood; decayed, weathered or broken construction materials no longer suitable for sale, approved building materials; metal or any other material or cast off material of any kind whether or not the same could be put to any reasonable use.
- c. In any area the existence of any structure or part of any structure which because of fire, wind or other natural disaster, or physical deterioration is no longer habitable as a dwelling nor useful for any other purpose for which it may have been intended.
- d. In any area the existence of any vacant dwelling, garage, or other out-building, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.
- e. In any area the existence of any noxious or poisonous vegetation such as poison ivy, ragweed or other poisonous plants, or any weeds, grass, brush or plants, which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood.
- f. In any area the existence of any delapidated garage, shed or other outbuilding evidenced by broken windows, missing wall parts, broken or partially broken doors, lack of roof parts such as shingles, seriously deteriorated painted surfaces or other conditions which renders the building unsightly, unsafe or structurally unsound, whether or not such structure is presently used for any purpose.@

## 550.02 Enforcement and Penalties.

- a. The owner and the occupant of any property upon which any of the causes of blight or blighted factors set forth in Section 1 hereof is found to exist shall be notified by writing by the City Clerk and Chief of Police to remove or eliminate such causes of blight or blighting factors from such property within ten (10) days after service of the notice upon him. Such notice may be served personally or by mail the same by registered mail, return receipt requested, to the last known address of the owner and, if the premises are occupied, to the premises. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.
- b. Failure to comply with such notice within the time allowed shall constitute a violation of this ordinance.
- c. Violation of this ordinance shall be a misdemeanor. (See Uniform Misdemeanor Violation penalties in General Regulations Section and also appropriate state statute.)
- d. In case of failure to remove any blight is defined in Section 550.01, the City Council may remediate the blight by following remedies:
  - i. Order the weed inspector to cut down, remove, or otherwise destroy all noxious, flammable, or detrimental vegetation.
  - ii. Order that all rubbish, debris, junk, trash, or other blighting factors as described in Section 550.01 be removed either by a contractor, or day labor, or the City's own employee.
  - iii. Order that any dilapidated structure, dwelling, garage, or outbuilding no longer inhabitable, or is abandoned, be removed, raised, or destroyed by fire.
  - iv. Order that any items which are recyclable as useful salvage be delivered to the appropriate companies or agencies for salvage or recycling.

Upon completion of the removal of all blighting factors pursuant to this subdivision, the City Administrator shall tabulate all costs incurred and certify such costs to the County Auditor as a special assessment in the same manner as special assessments are certified under M.S. 492 to be collected with the real estate taxes against the property in the same manner as other special assessments. As an additional cumulative remedy the owners of any interest in said lands or any occupants thereof shall be jointly and severally liable for any such costs incurred by the City, which may be recoverable in any action brought against them in the name of the City not-standing the same having been certified for assessment. In the event the City is able to collect any such costs from the owner/occupant thereof either by voluntary payment or enforcement of suit or judgment, the same, after the payment of all costs and expenses of suit, shall be deemed a payment of special assessments so levied, if any, in the

amount of payment, and the City Administrator shall abate such sums by certificate to the County Auditor.

This ordinance shall be adopted as an emergency ordinance under the provisions of Glencoe Charter Section 3.03 together with adoption of the normal and customary procedure ordinance adoption as provided and within twelve (12) weeks of the adoption of the emergency ordinance.

**(Source:** Ordinance No. 239 adopted April 2, 1973, Section 550.021 amended by Ordinance No. 304 adopted June 7, 1982; Section 550.02(d) amended by Ordinance No. 425 adopted July 15, 1996; Section 550.01(f) adopted by Ordinance No. 498 November 3, 2003.)

555 BEAUTIFICATION OF BUSINESS DISTRICT

555.01 That owners of property located in certain sections of the business district of the City of Glencoe as hereinafter specified shall be permitted to make the improvements set forth herein upon compliance with the procedures established in paragraph 4 of this ordinance.

555.02 That this ordinance shall apply only to the owners of property adjacent to either side of the following streets:

- a. That portion of Franklin Avenue situated between Ford Avenue and Ives Avenue.
- b. That portion of Greeley Avenue situated between 10th Street and 13th Street.
- c. That portion of Hennepin Avenue situated between 10th Street and 13th Street.
- d. That portion of Ford Avenue situated between 10th Street and 13th Street.
- e. That portion of 10th Street situated between Ford Avenue and Ives Avenue.
- f. That portion of 13th Street situated between Ford Avenue and Ives Avenue.

555.03 That the permissible improvements to the sidewalk area fronting on the above described streets shall consist of the following:

- a. In lieu of other sidewalk surfaces consisting of concrete or other acceptable materials, a surface consisting of brick pavers may be installed. Such pavers shall be reasonably identical to the type specified in the architectural specifications set forth in Appendix A attached hereto. (Appendix available in City Clerk's Office not included in Code.) The installation of the pavers shall be done in such a manner that a smooth surface is created, suitable for pedestrian travel.
- b. Trees of locust species or such other species as may be approved by the Planning Commission may be planted at intervals no closer than 15 feet. All such trees shall be planted in the manner and according to the specifications set forth in Appendix A.

555.04 All landowners desiring to make the improvements specified in this ordinance shall conform to the following procedure:

- a. The consent of at least 2/3 of the landowners along the area to which improvements are proposed shall first be obtained in writing, in the form of a Petition to the Planning Commission requesting approval of the proposed improvements, and containing an agreement to be bound by the terms of this ordinance. The area proposed to be improved should consist of one half of the entire side of a block or such lesser portion as the Council shall approve.
- b. The petitioners shall contact the Superintendent of Water and Sewer and the

Superintendent of the Light and Power Commission of the City of Glencoe and the managers at the Gas and Telephone Companies and obtain from them all available information concerning the location of water, sewer, electric, gas and telephone lines in the area to be improved. A sketch showing the location of such lines shall be prepared, and the location of proposed tree plantings shall be indicated on said sketch.

- c. The landowners shall then present the petition and the sketch of proposed improvements to the Planning Commission, which shall review the same to determine that the following have complied with:
  - i. The proposed improvements reasonably comply with the specifications set forth in this ordinance.
  - ii. The location of proposed tree planting eliminates interference with existing water, sewer, electric, gas and telephone lines.

Upon being satisfied that the above standards have been complied with, the Planning Commission shall approve the proposed improvements, and thereupon the improvements may be installed as proposed, if the Petition was signed by all of the affected landowners. If the Petition was not signed by all of the affected landowners, following approval by the Planning Commission, the Petition shall be presented to the City Council, which shall either grant or deny the Petition according to whether it deems it to be in the public interest that the improvements be made. The Planning Commission decision on the proposed improvements shall be subject to review by the City Council.

555.05 The cost of installing any such improvements shall be borne by the landowners as they shall determine by agreement between themselves. In the absence of any such agreement, the cost shall be assessed by the City to the affected landowners according to the ratio of the front footage of each landowner to the total front footage of the area improved and payable in one installment. Provided, however, that unless otherwise agreed between the landowners, subsequent maintenance, repairs or replacements of the improvements, shall be borne solely by the landowner fronting on the area where such maintenance and repairs or replacements are made. Any such subsequent maintenance, replacements or repairs shall conform as nearly as practicable to the original improvements.

555.06 Upon approval of the Petition, the affected landowners shall become liable to the City of Glencoe for any additional expense incurred by the City in the maintenance, replacement and repair of sidewalk, sewer and water lines, telephone and power lines, gas mains, etc. which is caused by reason of such improvements.

555.07 It shall be permissible for affected landowners to make any part of the improvements specified in this ordinance, without any requirement that all such improvements be made, upon approval of the Planning Commission.

(Source: Ordinance No. 268 adopted March 21, 1977.)

560 FAIR HOUSING CODE

560.01 Declarations of Fair Housing Policy: Status with regard to public assistance. Discrimination with regard to housing on the basis of race, sex, creed, religion, marital status of the community. Persons subject to such discrimination suffer depressed living conditions, and create conditions which endanger the public peace and order. The public policy of the City of Glencoe is declared to be to foster equal opportunity for all to obtain decent, safe and sanitary housing without regard to their race, creed, color, national origin, marital status, disability status, sex and strictly in accord with their individual merits as human beings. It is also the policy of the City to protect all persons from all unfounded charges of discrimination.

560.02 Definitions: For the purposes of this ordinance the following terms, phrases, words and their deviations, shall have the meaning given herein unless the context otherwise indicates:

- a. Discriminate or discrimination includes segregate or separate.
- b. Disability means a mental or physical condition which constitutes a handicap. Nothing in this ordinance shall be construed to prohibit any program, service, facility or privilege afforded to a person with a disability which is intended to habitate, rehabilitate or accommodate that person.
- c. Marital Status means the standing, state or condition of one as a single or married person.

560.03 Prohibited Acts in Regard to Housing: It shall be an unlawful discriminatory practice and misdemeanor offense:

- a. For any person to discriminate on grounds of race, creed, religion, color, sex, marital status, statute with regard to public assistance, national origin, age or disability, in the sale, lease or rental of any housing unit or units.
- b. For any broker, agent, salesman or other person acting in behalf of another to so discriminate in the sale, lease or rental of any housing unit or units belonging to such other person.
- c. For any person engaged in the business of financing the purchase, rehabilitation, remodeling or repair of housing units or in the business of selling insurance with respect to housing units to refuse to provide such financing or insurance or to discriminate with regard to the terms of conditions thereof by reason of the race, color, sex, religion, creed, national origin, marital status, status with regard to public

assistance, age or disability of the applicant or because of the location of the unit or units in areas of the City occupied by persons of a particular race, color, sex, religion, creed, national origin, marital status, status with regard to public assistance, age or disability; or to discriminate by treating differently any person or group of persons who desire to purchase, lease, acquire, construct, rehabilitate, repair or maintain real property in a specific urban area because of social, economic or environmental conditions of the area in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions or privileges of any such financial assistance or in the extension of services in connection therewith.

The bona fide programs of federal, state or local governmental unit or agencies, however, structured or authorized to upgrade or improve in any manner a specific urban area shall not be deemed to be a violation of this section.

- d. For any person, having sold, leased, or rented a housing unit or units to any person, discriminate with respect to facilities, services, or privileges of occupancy by reason of race, color, sex, creed, religion, national origin, age or disability, marital status, or status with regard to public assistance.
- e. For any person to make or publish any statement evidencing an intent to discriminate, on grounds of race, color, sex, national origin or ancestry, marital status, status with regard to public assistance, age or disability, in the sale, lease, or rental of a housing unit or units.
- f. For any person to make any inquiry regarding race, color, sex, creed, religion, national origin, marital status, status with regard to public assistance, age or disability, or to keep any record or use any form of application, designed to elicit such information, in connection with the sale, lease, rental or financing of a housing unit or units.
- g. For any person, for the purpose of inducing a real estate transaction from which he may benefit financially.
  - i. To represent that a change has occurred or will or may occur in the composition of the block, neighborhood, or area in which the property is located in respect of the race, color, sex, creed, religion, national origin, marital status, status with regard to public assistance, age, or disability of those living there; or
  - ii. To represent that this change will or may result in the lowering of property values, an increase in crime, or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area concerned.
- h. Nothing in this ordinance shall be construed to require any person or group of persons selling, renting or leasing property to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person

who does not have a disability; nor shall this chapter be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract or purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of such lease, agreement or contract.

- i. The provisions of this ordinance shall not apply to:
  - i. The rental of a portion of a dwelling containing accommodations for two (2) families, one of which is occupied by the owner; or
  - ii. The rental by an owner or occupier of a one-family accommodation in which he resides of a room or rooms in such accommodation to another person or persons if the discrimination is by sex, marital status, status with regard to public assistance or disability. Nothing in this ordinance shall be construed to require any person or group of persons selling, renting or leasing property to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this ordinance be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinction based on the inability to fulfill the terms and conditions, including financial obligations, of such lease, agreement or contract.

560.04 Enforcement Procedures: The Housing and Redevelopment Authority of Glencoe in and for the City of Glencoe, Minnesota (HRA) is designated as the enforcement agency for this ordinance and shall have the power to receive, hear and determine complaints as provided herein.

The Housing and Redevelopment Authority of Glencoe shall promptly investigate, upon complaint or upon his own motion, any violations of this ordinance. If after investigation, he shall have reason to believe a violation has occurred, they may refer the matter to the City Attorney for criminal prosecution, initiate civil enforcement procedures as herein provided, or enter into a settlement agreement which, when approved by the Housing and Redevelopment Authority of Glencoe shall have the same force as a City order.

560.05 Statute of Limitations: No action may be brought for civil enforcement or criminal prosecution unless the charge of alleged discriminatory practice was filed with the City within 180 days from the occurrence of the practice.

560.06 Civil Enforcement Procedure: Civil enforcement procedures shall be prosecuted by the City Attorney before the County or District Court following the below procedures:

- a. The City Attorney shall serve upon the respondent by certified mail a complaint, signed by him, which shall set forth a clear and concise statement of facts constituting the violation, set a time and place for hearing, and advise the respondent

of his right to file an answer to appear in person or by an attorney and to examine and cross-examine witnesses.

- b. The hearing shall not be less than 20 days after service of the complaint. At any time prior to the hearing the respondent may file an answer. Facts not denied by answer shall be deemed admitted. If the answer sets out new matter, it shall be deemed denied by the Housing and Redevelopment Authority of Glencoe.
- c. The complaint or answer may be amended at any given time prior to the hearing with the consent of the opposing party.
- d. Hearing shall be before the Housing and Redevelopment Authority of Glencoe.
- e. The Housing and Redevelopment Authority of Glencoe may obtain subpoenas from the District Court to compel the attendance of witnesses and the production of documents at any hearing.
- f. If, after hearing, the panel shall conclude that a violation has occurred, it shall prepare an order which may contain any provision deemed desirable to do justice to the complainant or to prevent further violations. It may include provisions which require the respondent to rent, sell or lease particular housing to the complainant or to do any other things as may be just. The panel's findings of fact and order shall be served on the respondent and each member of the City Council (herewith referred to as the "City") by mail shall become the findings and order of the City unless, within ten days after mailing of the findings and order, the City shall revoke or amend the order, but any order of a panel may be modified by the City at any time.

**(Source:** Ordinance No. 285 adopted September 17, 1979.)

## 570 SIGNS

570.01 Purpose. The purpose of this section is to provide standards for the use and display of signs. It is recognized that signs serve an important function. It is also recognized that we need to protect the health, safety, and public welfare through the control of all signs so as to achieve the following:

1. To control signs that violate privacy or which increases the likelihood of accidents by distracting attention or obstructing vision;
2. To preserve and protect property values and civic beauty;
3. To establish standards that permit businesses a reasonable and equitable opportunity to advertise; and
4. To provide signs that are compatible with their surroundings and appropriate to the type of activity to which they pertain.

570.02 Permit. All signs will require a permit if total square footage of the sign is over four (4) feet. A permit must first be obtained before any installation, erection, renovation, relocation or modification to the sign is done. The City Administrator shall prepare and make available to the public a permit application form. All signs shall be placed within 90 days of the issuance of the permit, or the permit shall expire and require reapplication.

570.03 Inspection. All signs for which a permit is required shall be subject to inspection once a year by the City Administrator or designee to ensure that the signs comply with this code.

570.04 Maintenance. All signs shall be maintained by the sign owner. A sign shall be repainted or repaired whenever it begins to fade, chip, or discolor resulting in illegibility, missing parts, words, or other dilapidation.

- (1) Signs shall be removed from the building and property within 14 days after the business use has terminated unless a new owner has been acquired.
- (2) If the City Administrator finds that any sign is unsafe, a detriment to the public, or not constructed, erected, or maintained according to this code, the sign owner shall be notified of the violation in writing.
- (3) If the sign owner fails to comply with this code within twenty (20) days after notification, the City Administrator shall advise the City Council and if the Council agrees the sign is in violation it shall order its removal.
  - (1) Recovery of Costs. The owner of the sign shall be personally liable for the costs to the city for removal, including legal and administrative costs. As soon as the work has been completed and the costs determined, the city shall prepare a bill for the cost and mail it to the owner. The amount shall be immediately due and payable at Glencoe City Hall. The city may recover such costs by civil action against the owner for all costs and expenditures, including attorney=s fees, incurred by the city in removing the sign.
  - (2) Assessment. If the city is not fully reimbursed for all its

reasonable costs incurred in the removal of a sign, it may be assessed in the manner of a special assessment under Minnesota Statutes Chapter 429 against the lot or property to which the costs, charges, and fees are attributed. The City Council shall certify the assessment to McLeod County Auditor for collection along with the real estate taxes for the following year or in annual installments, not exceeding three years, as the City Council may determine in each case.

570.05 Revocation of Permit. The City Administrator shall advise the City Council of any violation of this code and the Council is hereby authorized to revoke a sign permit upon failure of the holder to comply with any provision of this code. The owner of the sign may appeal the action to the City within fifteen (15) days after the revocation. The City Council shall hold a hearing to consider all facts presented and may affirm or overturn its decision.

570.06 Definitions. For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given here:

- (1) Advertising sign means a sign which directs attention to a business, profession, product, service, or entertainment is sold or offered upon the premises where such sign is located or to which it is attached.
- (2) Aggregate signs area means the total square footage of all businesses and outdoor advertising signs on any specific lot.
- (3) Area identification sign means a sign to identify a common area containing a group of structures, or a single structure on a minimum of five acres, such as a residential subdivision, apartment complex, industrial park, or shopping center, located at the entrance or entrances of the area.
- (4) Architectural monument means a decorative monument, which may include changeable copy, placed on public or quasi-public land for the purpose of providing information.
- (5) Banner means any sign of fabric, paper, vinyl or similar material that is mounted to a pole or a building at one or more edges. National flags, state or municipal flags, or the official flag of any country are not considered a banner.
- (6) Billboard means a large-scale, outdoor sign board exceeding sixty-four (64) square feet that directs attention to a business, profession, product, service, or entertainment not necessarily sold or offered upon the premises where the sign is located or to which it is attached.
- (7) Canopy sign means any sign that is a part of or attached to any awning, canopy, marquee, or other fabric, plastic, or structural protective cover

over a door, window, entrance, or outdoor service area.

- (8) Erect means to build, construct, attach, hang, place, suspend, or affix, and shall include the painting of wall signs.
- (9) Flashing means an illuminated sign on which artificial light is not maintained stationary and/or constant in intensity and color.
- (10) Freestanding means a sign which is supported by one or more uprights, poles, or braces in or upon the ground.
- (11) Garage/yard sale means a private sale of personal property used to dispose of personal household possessions; not for the use of any commercial venture.
- (12) Illuminated means any sign which has characters, letters, fixtures, designs, or outlines illuminated by electric lights or tubes.
- (13) Lightening (indirect or diffused) means lighting designed so that the direct source of light is not visible, and is screened through plastic, neon tube, or similar design.
- (14) Lot means a parcel identified by a single real estate tax parcel number or a platted lot of record in the County Recorder's Office, which even is more logical in any context.
- (15) Multi-faced means a two sided sign which is the same on both sides. The single structural component is counted as one sign. As long as both sides are identical it shall be counted as one side for size requirements.
- (16) Nonconforming sign means a sign existing at the effective date of adoption of this code.
- (17) Portable sign means a sign designed to be movable from one place to another, it is not affixed to the ground or a structure; the sign can have changeable lettering; also called a portable billboards or mobile sign.
- (18) Projecting means a sign which is attached to a wall of a building and extends outward from the building wall.
- (19) Real estate means a sign offering property (land and/or buildings) for sale, lease, or rent.
- (20) Roof Sign means a sign erected or attached in whole or in part upon the roof of a building.
- (21) Setback means the minimum horizontal distance between the front line of the building or structure (excluding steps, unroofed porches, and

overhangs) and the front lot line (unless specifically designated otherwise).

- (22) Sign means a name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.
- (23) Temporary area identification means a temporary sign with the name of the project, architect, engineer, planner, or financing agency related to a construction project.
- (24) Wall means any sign which is attached flat against the building.
- (25) Window means any sign, pictures, symbol, or combination designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or on the window.

570.07 General Requirements. The following general regulations shall apply:

- (1) Address Signs: One address sign is required for each residential and commercial building in all districts. No permit is required.
- (2) The following signs shall be considered temporary.
  - (1) Construction Signs: One non-illuminated sign facing each bordering street, identifying all parties involved in the construction of a building, provided that the sign does not exceed forty (40) square feet in area, does not obstruct the vision in the public right-of-way, and is removed thirty (30) days following occupancy of the building.
  - (2) Real Estate Signs: One non-illuminated sign not to exceed fifteen (15) percent of the wall to which it is attached advertising, the sale, rental, or lease of only the building or premises on which it is located, or up to sixteen (16) square feet per side if frames or posts are used to erect the sign.
  - (3) Political Signs: Political campaign sign or signs shall be permitted on each lot for a period of forty-five (45) days prior to and ten (10) days after an election. The sign shall not exceed sixteen (16) square feet.
  - (4) Portable Signs: Portable signs may not be flashing. Portable signs may not be placed in or extended over the required setback in any district. Portable signs may not be fastened to any pylon or light pole. Portable signs may not be erected or placed for more than thirty (30) days at a time.

- (3) The following require a conditional or special use permit.
  - (1) Billboards.
  - (2) Off-Premises signs.
  - (3) Revolving and flashing signs: Signs which revolve or flash or consist of lights which revolve or flash are prohibited with the exception of devices which inform the public of time and/or temperature. Moving message type signs shall be permitted as an exception.
  - (4) Signs imitating official signs: Signs which imitate an official traffic sign or signal or which contain the words *astop*, *ago slow*, *acaution*, *adanger*, *awarning*, or similar words.
  - (5) Signs advertising terminated businesses: Business signs which advertise an activity, business, or service no longer produced or conducted on the premises upon which the sign is located.
  - (6) Murals.
  - (7) Roof signs above the roof or parapet wall line of a building.

The application for condition or special use permit shall be made in the form and manner for a special use permit under the Glencoe Municipal Code Provisions relating to zone under Sections 505-514.

- (4) The following signs shall not be permitted under any circumstances:
  - (1) Confusing Signs: Signs which are of a size, location, movement, content, or manner of illumination which may be confused with or constructed as a traffic control device, or which hide from view any traffic or street sign or signal; or which obstruct the view in any direction at a street or road intersection.
  - (2) Right-of-Way: Business or advertising signs which are placed on a municipal, county, or state right-of-way.
  - (3) Other Temporary Signs: Signs which are pasted or attached to utility poles, trees, fences, or other signs are prohibited. No temporary sign shall be attached to a light standard or supporting pylon of a freestanding sign.
- (5) Except as otherwise stated, signs shall comply with the following:
  - a. Location: No sign shall be placed in or extended over any public

right-of-way in any District except the Business Districts. Signs in street right of way shall be 8 feet above sidewalk or parking lot. In no case shall signs create any traffic sight hazards. No sign attached flat against the face of the building shall extend more than twenty-four (24) inches from the face of the building.

- (1) Measurement: Within the B-1 District, name and business signs are permitted, provided the total square footage of sign per lot shall not exceed the sum of two (2) square feet per lineal foot of building. On the corner lots, the allowable square footage on the side exposure will be the same as the front, provided that side contains a major building entrance. Where the signs consists of any combination of individual letters, panels, numbers, figures, illustrations, logos, or any of a line to form a display or sign, the area of the sign shall be computed using the outside dimensions of the entire signs. For multi-faced signs, one side shall be measured, as long as the two (2) sides are identical.
- (2) Illumination: External illumination of signs is permitted. Lights signs shall emit a continuous light that prevents direct light from shining onto the street. Backlit plastic panels signs are permitted if they are designed in character with the original building construction. The light from any illuminated sign or from any light source, including interior of a building, shall be shaded, shielded, or directed so the brightness of the light shall not adversely affect the surrounding residential districts, or adversely affect safe vision of operators of vehicles moving on public or private road, highways, or parking areas. Light shall not shine or reflect on or into residential structures. Exposed external bare wiring is not permitted.
- (3) Placement: Signs shall be positioned so that they are an integral design feature of the building which means that signs shall help define and enhance the architectural features of the building and shall be placed so that they do not destroy architectural details such as but not limited to stone arches, glass transoms panels, or decorative brickwork. Signs may be placed within the windows or on the awnings. Signs should be placed no higher than thirty-six (36) inches above the building openings.
- (6) Awnings, Canopies, and Marquees: Awnings shall have a minimum clearance of eight (8) feet above a public sidewalk or right-of-way. Signs attached to a marquee shall not extend beyond the fascia or vertical surface of the marquee. No sign or sign structure shall be placed on the roof of a marquee. No advertising shall be placed on any awning or canopy except the name of the owner and/or business conducted on the premises.

- (7) Freestanding Signs: At the time of a permit application for Freestanding sign a drawing shall be presented to the City Administrator which demonstrates that the sign is structurally sound.
  - (1) Freestanding signs shall not exceed forty-five (45) feet in height above the ground on which they rest. No part of any sign may be within five (5) feet of any property line.
  - (2) Tenant Lists on Freestanding Signs: If a freestanding business center signs lists the names of three or more individual tenants:
    - (1) The total area of the business center name and logo, plus the tenants= names and logos, can not exceed the total allowable area of a freestanding sign.
    - (2) The business center may display the logotypes of its tenants on its sign.
    - (3) The tenant logotypes and business center name must be displayed on a single sign structure.
- (8) Other Identification Signs in a Business Center:
  - (1) If a canopy or other building overhang is used, each business may have an under canopy identification sign not exceeding four (4) square feet.
  - (2) Each business may have an identification sign on its door not exceeding four (4) square feet.
- (1) Monument Signs: A monument sign needs to have a drawing presented to the City Administrator for review of the sign structure so as to be structurally sound.
  - (1) Monument signs shall not exceed fifteen (15) feet above ground level. Monument signs greater than eight (8) feet in height shall be constructed with the entire bottom two (2) feet of the sign structure in contact with the ground.
  - (2) The bottom of the signs shall consist of stone, precast concrete, brick, or landscaping masonry blocks that are earth tone colors. The ground area around the base of a monument sign shall be landscaped with shrubs and ground cover. Landscape materials shall be selected to withstand the environmental conditions of the site.
- J. Wall Signs: Wall signs placed or painted on the exterior walls of buildings shall not cover more than fifteen (15) percent of that business= wall.

- K. Projecting Wall Signs: One projecting sign is permitted per store front. Signs may extend over public property not more than 7 feet from the face of a supporting building, but no portion shall extend nearer than 2 feet to the face of the nearest curb line measured horizontally. In no case shall the awning extend over public property greater than two thirds of the distance from the property line to the nearest curb in front of the building site. The sign must have a minimum clearance of eight (8) feet above a sidewalk or fifteen (15) feet above driveways or alleys.
- L. Home Occupation Sign: One non-illuminated identification sign, not to exceed eight (8) square feet per sign side in area, for the following permitted uses: resident, professional offices, home occupations, and boarding-lodging houses.
- M. Owner Occupant Sign: One residential name sign not to exceed six (6) square feet per sign per side in area, identifying only the name of the owner or occupant of a residential building. One address sign will be required indicating street address.
- N. Subdivision Plat Signs: Temporary signs advertising a new subdivision plat provided such signs do not exceed sixty-four (64) square feet in total surface area per sign side, identifying only the plat in which they are located, are non-illuminated, and are erected only at dedicated street entrances to the plat. Such signs shall be removed if construction of subdivision improvements is not in progress on the plat within sixty (60) days following the date of the sign erection or as soon as eighty (80) percent of the lots are developed and sold.
- O. Window Signs: Signs may be placed in the window area of business operations subject to a limitation of forty (40) percent coverage of the total glass area.
- P. Vacancy Signs: Vacancy signs within residential districts are limited to four (4) square feet.
- Q. Banner Signs: One or more banners not exceeding two square feet per front linear foot of building shall not be allowed on the building for no more than 45 days at one time.

570.07 Non-Conforming Signs. Certain signs existing at the time of the enactment of this code and not conforming to this code are considered to be non-conforming. Non-conforming signs which are structurally altered, relocated, replaced, or when ownership of property is changed, shall comply immediately with this sign code.

570.08 Penalties. In addition to civil remedies as provided in this code,

violations of the ordinance shall constitute a petty misdemeanor and punishable as a petty misdemeanor as provided under Minnesota State Statutes. Each day of violation shall be considered a separate penalty. Any owner who has been cited and convicted under this ordinance for an event occurring within two (2) years of subsequent violation shall be subject to a penalty of a misdemeanor as provided under State Statute.

(**Source:** Ordinance No. 486 adopted October 7, 2002)

## **575 ALARM ORDINANCE**

WHEREAS, the purpose of this ordinance, finds that excessive false alarms unduly burden the Glencoe Police Department's limited law enforcement resources. The purpose of this ordinance is to establish reasonable expectations of alarm users and to ensure that alarm users are held responsible for their use of alarm systems.

### 575.01 SECTION 1: DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

***Alarm Administrator*** means a person or persons designated by the City to administer, control and review false alarm reduction efforts and administers the provisions of this ordinance.

***Alarm company*** means a person subject to the licensing requirements, and/or a company engaged in selling, leasing, installing, servicing or monitoring alarm systems; this person shall be licensed in compliance with City, County and State laws.

***Alarm permit*** means a permit issued by the City allowing the operation of an alarm system within the City.

***Alarm signal*** means a detectable signal; audible or visual, generated by an alarm system, to which law enforcement is requested to respond.

***Alarm system*** means any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other activity requiring immediate attention and to which law enforcement is requested to respond, but does not include motor vehicle or boat alarms, fire alarms, domestic violence alarms, or alarms designed to elicit a medical response.

***Alarm user*** means any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing or operating an alarm system, or on whose premises an

alarm system is maintained for the protection of such premises.

**Alarm User Awareness Class** means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

**Automatic dial protection device** means an automatic dialing device or an automatic telephone dialing alarm system and shall include any system which, upon being activated, automatically initiates to the Glencoe Police Department a recorded message or code signal indicating a need for law enforcement response.

**Cancellation** means the process where response is terminated when the alarm company (designated by the alarm user) notifies the Glencoe Police Department that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request. If cancellation occurs prior to police arriving at the scene, this is not a false alarm for the purpose of civil penalty, and no penalty will be assessed.

**City** means the City of Glencoe or its agent.

**False alarm** means the activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user, his/her employees or agents, and signals activated to summon law enforcement personnel unless law enforcement response was cancelled by the alarm user or his/her agent before law enforcement personnel arrive at the alarm location. An alarm is false within the meaning of this article when, upon inspection by the Glencoe Police Department, evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user.

**Local alarm** means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an alarm company or user.

**Permit year** means a 12-month period beginning on the day and month on which an alarm permit is issued.

**Runaway alarm** means an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action. The Glencoe Police Department may in its discretion discontinue police responses to alarm signals from what appears to be a runaway alarm.

**SM Control Panel Standard CP-O1** means the American National Standard Institute (ANSI) approved Security Industry Association (SIA) CP-O1 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce false alarms. Control panels built and tested

to this standard by a nationally recognized testing organization, will be marked to state: “Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction”.

**Verify** means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this ordinance, telephone verification shall require, as a minimum that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch.

#### 575.02 SECTION 2: ALARM PERMIT

(a) **Permit required.** No person shall use an alarm system without first obtaining a permit for such alarm system from the City. A fee may be required for the initial registration and annual renewals. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate law enforcement dispatch.

(b) **Application.** The permit shall be requested on an application form provided by the City. An alarm user has the duty to obtain an application from the City.

(c) **Transfer of possession.** When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within 30 days of obtaining possession of the property. Alarm permits are not transferable.

(d) **Reporting updated information.** Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the City within 30 days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the City a form requesting updated information. The permit holder shall complete and return this form to the City when any of the requested information has changed; failure to comply will constitute a violation and may result in a civil penalty.

(e) **Multiple alarm systems.** If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.

#### 575.03 SECTION 3: DUTIES OF THE ALARM USER

(a) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms.

(b) Provide the alarm company the permit number, (the number must be provided to the communications center by the alarm company to insure dispatch).

(c) Must respond or cause a representative to respond to the alarm system's location within thirty (30) minutes when notified by the Glencoe Police Department to deactivate a malfunctioning alarm system.

(d) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report or to perform routine maintenance as prescribed by alarm system provider.

(e) An alarm user must obtain a new permit and pay any associated fees if there is a change in address or ownership of a business or residence.

#### 575.04 SECTION 4: DUTIES OF THE ALARM COMPANY

(a) Any person engaged in the alarm business in the city, shall comply with the following:

- 1) Obtain and maintain the required state, county and/or city license(s).
- 2) Be able to provide name, address, and telephone number of the license holder or a designee, who can be called in an emergency, 24 hours a day; and be able to respond to an alarm call, when notified, within 2 hours.
- 3) Be able to provide the most current contact information for the alarm user.

(b) Ninety (90) days after enactment of this Ordinance the alarm installation companies shall, on all new installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-0 1.

(c) Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user.

(d) Provide written information of how to obtain service from the alarm company for the alarm system.

(e) An alarm company performing monitoring services shall:

- 1) Attempt to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, as a minimum that a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, EXCEPT in the case of a panic or robbery-in-progress alarm, or in cases where a crime-in-progress has been verified by video and/or audible means.
- 2) Provide alarm user registration number to the communications center to facilitate dispatch and/or cancellations.
- 3) Communicate any available information about the alarm.

4) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.

#### 575.05 SECTION 5: PROHIBITED ACTS

(a) It is a violation of this ordinance to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.

(b) It is a violation of this ordinance to install, maintain, or use an audible alarm system which can sound continually for more than 10 minutes.

(c) It is a violation of this ordinance to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the Glencoe Police Department.

#### 575.06 SECTION 6: ENFORCEMENT OF PROVISIONS

(a) **Excessive false alarms/Failure to register.** It is hereby found and determined that three or more false alarms within a permit year is excessive, constitutes a public nuisance, and is a violation of this ordinance. Civil penalties for false alarms within a permit year may be assessed against an alarm user as follows:

Third, fourth and fifth false alarm	\$50.00
Sixth and seventh false alarm	\$100.00
Eighth and ninth false alarm	\$250.00
Tenth and over false alarms	\$500.00
Failure to Register	\$100.00

(b) **Other Civil Penalty(ies).** Violations will be enforced through the assessment of civil penalty(ies) in the amount of \$100.00 per violation.

(c) **Payment of Civil Penalty(ies).** Civil penalty(ies) shall be paid within (30) days from the date of the invoice.

(d) **Civil Non criminal violation.** A violation of any of the provisions of this ordinance shall be a civil violation and shall not constitute a misdemeanor or infraction.

#### 575.07 SECTION 7: ALARM USER AWARENESS CLASS.

(a) **Alarm User Awareness Class.** The City may create and implement an Alarm User Awareness Class and may request the assistance of the area alarm companies to assist in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false alarms. The City may grant the option of attending a class in lieu of paying one assessed fine.

#### 575.08 SECTION 8: APPEALS

(a) **Appeals process.** Assessments of civil penalty(ies) and other enforcement decisions made under this ordinance may be appealed by filing a written notice of appeal with the Glencoe City Administrator within 10 days after the date of notification of the assessment of civil penalty(ies) or other enforcement decision. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalty (ies) or other enforcement decision. Appeals shall be heard through an administrative process established by the City. The hearing officer's decision is subject to review in the district court by proceedings in the nature of certiorari.

(b) **Appeal standard.** The hearing officer shall review an appeal from the assessment of civil penalty(ies) or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalty(ies) or other enforcement decision, the hearing officer shall have the discretion to dismiss or reduce civil penalty(ies) or reverse any other enforcement decision where warranted.

#### 575.09 SECTION 9: CONFIDENTIALITY

In the interest of public safety, all information contained in and gathered through the alarm registration applications, no response records, applications for appeals and any other alarm records shall be held in confidence by all employees and/or representatives of the City.

#### 575.10 SECTION 10: GOVERNMENT IMMUNITY

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the Glencoe Police Department response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

#### 575.11 SECTION 11: SEVERABILITY

The provisions of this ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

This ordinance shall take effect and be in force from and after its passage and publication.

(**Source:** Ordinance No. 546 Adopted February 2, 2009).