

## ORDINANCE NO. 632

### AN ORDINANCE AMENDING CHAPTER 632- ZONING CODE OF THE CITY CODE IN IT'S ENTIRETY

**WHEREAS**, the City of Glencoe is amending the Zoning Code in its entirety to be conform with the City's Comprehensive Plan, including the future land uses identified therein ; and

**The City Council of Glencoe, Minnesota ordains:**

**Section 1.** Ordinance No. 632 titled "Zoning Code" shall replace in its entirety City Code Section 506-514 and shall read:

#### **506 DEFINITIONS**

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

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

**506.02 Agricultural 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 a building; truck gardening; roadside stand for the sale, in season, of products grown on the premises; and livestock raising and feeding. This does not include fur farms, commercial animal feed lots, or kennels.

**506.03 Alley.** A public right-of-way which affords secondary access to abutting property.

**506.04 Apartment.** A room or suite of rooms with cooking facilities available, occupied as a residence by a single family. Includes "dwelling unit" and "efficiency unit."

**506.05 Automobile Service Uses.** 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; and boat sales and rental services.

**506.06 Auto-Wrecking or Reduction Yard.** An open space where three or more inoperative vehicles are stored which are not registered and do not possess current state automobile licenses.

**506.07 Basement.** A portion of a building located partially underground but having less than one-half (½) of its floor-to-ceiling height below the average land grade.

**506.08 Boarding Home (Rooming or Lodging).** A building containing lodging rooms 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.

**506.09 Building.** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, which is permanently affixed to the land.

**506.10 Building Height.** The distance measured from the mean ground level to: the top of a flat roof; the mean distance to the highest gable on a pitched or hip roof; the deck line of a mansard roof; or the uppermost point on all other roof types.

**506.11 Business.** Any occupation, employment, or enterprise wherein merchandise is exhibited or sold, which occupies time, attention, labor, and materials, or where services are offered for compensation.

**506.12 Cellar.** That portion of a building having more than one-half (½) of the floor-to-ceiling height below the average land grade.

**Note:** The original text said “Collar,” which appears to be a typographical error. Corrected to “Cellar.”

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

**506.14 City Plan.** The City’s comprehensive plan.

**506.15 Club or Lodge.** A non-profit association of persons who are bona fide members paying annual dues, with use of premises restricted to members and their guests. Serving food and meals on such premises is permissible, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be served to members and their guests, provided such service is secondary and incidental to the operation of the dining room for serving food and meals, and further provided that such service complies with applicable federal, state, and municipal laws.

**506.16 Commercial Recreation.** Uses such as bowling alleys, cart tracks, jump centers, golf courses, pool halls, vehicle racing or amusement facilities, dance halls, skating rinks, taverns, theaters, firearms ranges, boat rentals, amusement rides, campgrounds, deer parks, and similar uses.

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

**Note:** Original said “four (3) or more dogs” — corrected to “three (3) or more dogs” for consistency.

**506.18 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.

**506.19 Dwelling Unit – Attached.** A dwelling unit joined at one (1) or more sides by a party wall or walls.

**506.20 Dwelling Unit – Detached.** A dwelling unit entirely surrounded by open space on the same lot.

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

**506.22 Family.**

- 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 of usual servants.

**506.23 Floor Area.** The sum of the gross horizontal areas of the several floors of a building or portion thereof devoted to a particular use, including accessory storage areas within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, the production or processing of goods, or to business or professional offices. Basement floor area not devoted to such uses is excluded. The floor area of a residence includes fifty percent (50%) of the area of an attached garage and twenty-five percent (25%) of enclosed breezeways or porches, but excludes basement area.

**506.24 Garage – Private.** An accessory building or accessory portion of the principal building intended for and used to store the private passenger vehicles of the family or families residing on the premises, and in which no business service or industry is carried on. Not more than one-half (½) of the space may be rented for the private vehicles of persons not resident on the premises, except that all of the space in a one (1) or two (2) car garage may be rented. Such a garage shall not be used for more than one (1) commercial vehicle, with a load capacity not exceeding one (1) ton.

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

**506.26 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.

**506.27 Home Occupation.** Any gainful occupation or profession engaged in by the occupant of a dwelling, conducted at or from the dwelling, and 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 studios, dressmaking, teaching, and similar uses. However, a home occupation shall not 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. One person other than the occupant may be employed, but no home occupation shall require more than two (2) additional parking spaces beyond those required by the occupant.

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

**506.29 Junk Yard.** An open area where waste, used, or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled. Includes, but is not limited to, scrap iron, 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.

**506.30 Lakeshore Uses.** Uses such as boat docks and storage, fish houses, fish cleaning facilities, 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.

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

**506.32 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 thereafter, 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.

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

**506.34 Lot – Front of.** For purposes of complying with this ordinance, the front of a lot shall be the 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.

**506.35 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.

**506.36 Lot – Through.** A lot having 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 purposes of this ordinance.

**506.37 Lot Width.** The mean horizontal distance between the side lot lines at the front setback line.

**506.38 Medical Uses.** Uses concerned with the diagnosis, treatment, and care of human beings, including hospitals, dental services, medical services or clinics, nursing or convalescent homes, orphan homes, rest homes, sanitariums, and doctors' or dentists' offices.

**506.40A Manufactured Home Park.** An approved area for the parking of occupied mobile homes (trailers) shall be considered temporary housing. Manufactured home parks licensed by the State Department of Health are conditional uses in any zoning district that allows construction or placement of a building used or intended to be used by two or more families. In addition to state requirements, all manufactured home parks shall meet the following:

- (A) Manufactured homes shall comply with all zoning regulations for the district in which they are located.
- (B) A building permit and any other required permits shall be obtained for manufactured homes.
- (C) All such manufactured homes shall comply with applicable Minnesota Statutes regulating manufactured homes.
- (D) Connection to City utilities, if available, shall be required.

**506.39 Motel (Tourist Court).** A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, each with a separate outside entrance, with garage or parking space conveniently located to each unit, and designed primarily for the accommodation of automobile transients.

**506.40 Multiple Residence or Multiple-Family Dwelling.** Three (3) or more dwelling units in one (1) structure.

**506.41 Non-Conforming Use.** Any building, structure, or land lawfully occupied by a use, or lawfully established at the time of adoption of this ordinance or amendments thereto, which does not conform thereafter to the applicable use regulations.

**506.42 Office Uses.** Commercial activities in office buildings where goods are not produced, sold, or repaired, including banks; general offices; governmental offices; insurance offices; personal loan agencies; professional offices; real estate offices; taxi-cab offices (not taxi stands);

travel agencies; transportation ticket offices; telephone exchanges; utility offices; radio broadcasting; and similar uses.

**506.43 Off-Street Loading Space.** A space accessible from a street, alley, or driveway for use by trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of a size adequate to accommodate one (1) vehicle of the type typically used in the business.

**506.44 Open Sales Lot.** Land used or occupied for buying and selling goods, materials, or merchandise, and for storing the same under the open sky prior to sale.

**506.45 Parking Space.** A suitably surfaced and permanently maintained area on privately owned property, either within or outside a building, of sufficient size to store one (1) standard automobile.

**506.46 Planned Unit Development.** An urban development having two (2) or more principal uses or structures on a single lot, developed according to an approved plan.

**506.47 Principal Structure or Use.** The predominant use of a lot, as contrasted to an accessory use or structure.

**506.48 Public.** Uses owned or operated by a municipality, school district, county, state, or other governmental unit.

**506.49 Public Utility Uses (Essential Services).** Overhead or underground transmission facilities of electric power, gas, water, telephone, and railroad companies, including electric power transmission lines, gas pipelines, telephone lines, water pumping, reservoir, and distribution facilities, poles, wires, mains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, and similar equipment; and railroad trackage, but not including buildings, storage, or switching yards.

**506.51A Repair Services, Minor.** Home occupations including repair of household appliances, toys, televisions, radios, and similar items. Does not include repair of trucks, automobiles, commercial machinery, or similar items that may cause a nuisance.

**506.50 Research.** Medical, chemical, electrical, metallurgical, or other scientific research, excluding the manufacture or processing of materials or goods for sale. Research uses must conform to all performance standards in this ordinance regarding smoke, odors, noise, and similar emissions, and must submit evidence of compliance before approval.

**506.51 Resort.** Any structure or group of structures containing more than two (2) dwelling units or separate sleeping quarters designed or intended for seasonal or temporary rental for profit, the primary purpose being recreational in nature. Accessory uses may include a grocery for guests only, fish cleaning house, marine services, boat landing, recreational areas and equipment, and similar uses incidental to resort operation.

**506.52 Rest Home (Nursing Home).** A private home for the care of children or the aged or infirm, or a place of rest for those suffering from bodily disorders. Such a home does not contain

equipment for surgical care or treatment of disease or injury, nor does it include maternity care or care for mental illnesses or infirmities.

**506.53 Retail Shopping Uses.** Stores and shops selling personal services or goods over a counter, including: antiques; art and school supplies; auto accessories; bakeries; barber shops; beauty parlors; bicycles; books and stationery; 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); florists; food; furniture; furrier shops; garden supplies (year-round only); gifts; hardware; hats; hobby shops for items to be assembled or used off-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 done elsewhere); laundromats; leather goods and luggage; locksmith shops; musical instruments; office supply equipment; optometrists; paint and wallpaper; phonograph records; photography studios; service stations; restaurants (when no entertainment or dancing is provided); shoes; sporting goods; tailoring; theaters (except drive-ins); tobacco; toys; variety stores; wearing apparel; and similar uses.

**506.54 Service Station.** A place where gasoline, kerosene, motor fuel, lubricating oil, or grease for motor vehicles is sold to the public, with deliveries made directly into motor vehicles. Includes greasing and oiling, sale of auto accessories, 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 (1½) tons capacity. Does not include general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision service; overall painting; or vehicle steam cleaning.

**506.55 Setback.** The minimum horizontal distance between a building and a street or lot line, measured from the most outwardly extended portion of the structure at ground level.

**506.56 Structure.** Anything erected, the use of which requires a permanent or semi-permanent location on the ground, or which is attached to something having a permanent location on the ground. Includes signs.

**506.57 Transportation Terminal.** A barge (river), truck, or bus terminal and storage area, including motor freight (solid and liquid) terminals.

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

**506.59 Veterinary Clinic.** Uses concerned with the diagnosis, treatment, and care of animals, including animal or pet hospitals.

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

**506.61 Waterfront Uses.** Uses dependent upon access to large quantities of raw water for industrial purposes, or dependent upon direct access to water transportation for receiving, transferring, or shipping fuel, supplies, goods, materials, or commodities.

**506.62 Wholesaling.** The selling of goods, equipment, and materials in bulk to another business that sells to the final customer.

**506.63 Yard (Setback).** A required open space on a lot, unoccupied and unobstructed by any structure from the ground to the sky, except as permitted in this ordinance. The yard extends along the lot line at right angles to such lot line to the depth or width specified in setback regulations for the zoning district in which the lot is located.

**506.64 Yard – Rear.** The portion of the yard on the same lot as the principal building, located between the rear line of the building and the rear lot line, extending for the full width of the lot.

**506.65 Yard – Side.** The yard extending along the side lot line between the front and rear yards, to the depth or width required by setback regulations for the zoning district in which the lot is located.

**506.66 Yard – Front.** A yard extending along the full width of the front lot line between the side lot lines, and extending from the abutting front street right-of-way line to the depth required in the setback regulations for the zoning district in which the lot is located.

## **507 GENERAL PROVISIONS**

### **507.01 Application.**

- a. In their interpretation and application, the provisions of this ordinance shall be held to be 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, or in any manner, which is not in conformity with the provisions of this ordinance.

**507.02 Separability.** It is hereby declared to be the intention of the Mayor and City Council that the 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 adjudge 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.

**507.03 [Omitted.]**

**507.04 Lot Provisions.**

a. A lot of record existing upon the effective date of this ordinance in a Residential District, which does not meet the requirements of this ordinance as to area or width, may be utilized for single-family detached dwelling purposes, provided the measurements of such area or width are within seventy percent (70%) of the requirements of this ordinance. Said lot of record shall not be more intensively developed unless combined with one (1) or more abutting lots or portions thereof to create a lot meeting the requirements of this ordinance.

b. Except in the case of planned unit developments as provided hereinafter, not more than one (1) principal building shall be located on a zoning lot.

**507.05 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 garage 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 setback, 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 with a floor area not exceeding two hundred (200) square feet, 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.

h. No accessory building shall be a pre-fabricated shipping container.

#### **507.06 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 open space less than the minimum required by this ordinance. If the existing yard or open space 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, open space, or minimum lot area requirements for any other building.

c. The following shall not be considered encroachments on yard and setback 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, flagpoles, open fire escapes, sidewalks.

ii. **In side and rear yards:** Walls forty-two (42) inches high or less, and hedges six (6) feet high or less. On a corner lot, nothing shall be placed or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2½) feet and ten (10) feet above the centerline grades of the intersecting streets within fifteen (15) feet of the street-intersecting right-of-way lines.

iii. **In 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.

d. **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; flagpoles; public and private utility facilities; transmission towers of commercial and private radio broadcasting stations; television antennas; and parapet walls extending not more than four (4) feet above the limiting height of the building, except as hereinafter amended.

e. **Land grade:** No building occupied for apartments, boarding homes, or multi- or single-dwelling units shall be remodeled, altered, moved in, or built upon any lot where the land grade is altered so that it will not be uniform with adjacent lots and others in the neighborhood. The

grade slope or elevation shall not be increased from the top of curb line to the dwelling so as to create unusual basement heights, lower the average height of surrounding properties, or create unusual drainage problems. An average finished land grade shall not exceed one-half (½) inch per foot of front yard requirements, from top of curb line established (or required to be established) to match adjacent properties.

**507.07 Traffic Visibility.**

Except in the Central Business District, no fences, structures, or plantings shall be permitted within any yard area on a corner lot that would interfere with visibility across the corner within fifteen (15) feet of the intersecting street right-of-way lines.

**507.08 Essential Services (Public Utility Uses).**

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

**507.09 Annexed Territory.**

The following provisions apply to the zoning designation of annexed territories:

- a. Any land hereafter annexed to the City shall be considered to be in the district delineated on the adjacent areas designated for orderly annexation, unless otherwise reclassified pursuant to the City’s Comprehensive Plan.

**507.10 Farming Operations.**

All farms currently in existence are 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 the existing operation is located, provided that any new private stable or other new building in which farm animals are kept shall be at least one hundred (100) feet 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, provided such stand does not exceed twelve (12) feet in height or five hundred (500) square feet in floor area, and no portion of such stand is located nearer than fifty (50) 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 deems it necessary to protect the public health, safety, or general welfare.

**507.11 Land Reclamation.**

Land reclamation, defined as the depositing of material to elevate the grade, 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 constitutes land reclamation. The permit shall require a finished grade plan that will not adversely affect adjacent land, and shall regulate the type of fill permitted, rodent control, fire control, site maintenance, vehicular ingress and egress, and control of material dispersal from wind or hauling.

**507.12 Mining.**

The extraction of sand, gravel, or other material from the land in an amount of four hundred (400) cubic yards or more, and removal thereof from the site without processing, shall be considered mining. Mining is permitted in all districts only upon issuance of a special use permit. Such permit shall include a finished grade plan that will not adversely affect surrounding land or the development of the site, and shall designate the truck routes to and from the site.

**507.13 Soil Processing.**

Processing of sand, gravel, or other material mined from the land is permitted only by special use permit. The permit shall include a site plan showing plant location, water disposal, and truck routes to and from the site for removing processed material, and shall be granted for a specified period.

**507.14 Relocated Structures.**

Before any house or other structure is moved onto a vacant lot, a special use permit must be obtained. The Planning Commission shall report to the Council on the compatibility of the structure with other developments in the area. If the Council concurs with the Planning Commission that the structure would depreciate the area into which it is to be moved, the Council may withhold issuance of a permit.

The Building Inspector shall submit a report on structural soundness and necessary improvements, and the applicant shall reimburse the City for inspection and report costs. The applicant shall submit photographs from two (2) or more angles showing the structure (front and rear views) and photographs of the lot and adjacent lots/structures. These requirements do not apply to construction sheds or other temporary structures located on a lot for eighteen (18) months or less.

**507.15 Vacated Streets.**

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

**507.16 Platting.**

All buildings erected upon unplatted land shall be placed so as not to obstruct proper street extensions or other features of proper subdivision and land planning. Any lot or lots of two and one-half (2½) acres or less created for the purpose of erecting a structure must be approved by the City Council. The plan for such subdivision shall be reviewed by the Planning Commission and a report submitted to the Council.

**507.17 Dwelling Units.**

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

**507.18 Side and Setbacks.**

Buildings may be excluded from side and rear setback requirements if party walls are used and the adjacent buildings are planned to be constructed as an integral structure.

**507.19 Setbacks Adjacent to Residential Areas.**

Where a business district is adjacent to a residential district, the minimum building setback from the front lot line shall be thirty (30) feet. In industrial districts, the minimum setback shall be thirty-five (35) feet.

**507.20 Setbacks Along Thoroughfares.**

Except in the C-1 Central Business District, along streets designated as “thoroughfares” in the City Plan, the minimum setback for a single-family residence shall be one hundred fifteen (115) feet from the street centerline or thirty-five (35) feet from the right-of-way line, whichever is greater.

**507.21 Height.**

In residential districts, multiple dwellings and places of public assembly, such as churches and schools, are exempt from height limitations, except that the setback from any residential lot shall be at least equal to the building height, and the distance between any two principal structures shall be no less than one-half (½) the sum of their heights. Buildings proposed to exceed height limits in “C” and “I” Districts shall require a special use permit.

**507.22 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.

**507.23 Front Setbacks.**

Where adjoining structures existing at the time of adoption of this ordinance have a different setback from that required, the front setback of a new structure shall conform to the prevailing setback in the immediate vicinity, as determined by the Planning Commission and approved by the City Council. However, no building shall be required to set back more than sixty (60) feet, except where an industrial district is adjacent to a residential district.

**507.24 Interpretation.**

In any case where there is doubt as to the meaning or intent of this ordinance as applied to a proposed use, the Building Inspector shall submit the application or proposal to the Planning Commission, which shall report to the City Council. The City Council shall determine whether the use is permitted.

**507.25 Planned Unit Developments.**

Planned unit developments may be excluded from certain requirements of this ordinance, provided:

- a. The developer submits all required information.
- b. The Council, upon review and recommendation of the Planning Commission, finds the proposed development is fully consistent with the purpose of this ordinance and conforms to the City Plan.

- c. The development conforms to the plan as filed with the City.
- d. A special use permit is granted.

**507.26 Permitted Uses.**

Except as provided herein, no building or premises may be devoted to uses other than those indicated as permitted uses under this ordinance.

**507.27 Fences.**

- a. Fences exceeding seventy-eight (78) inches in height shall require a special use permit.
- b. Fences over thirty (30) inches in height shall require a building permit.
- c. No setback shall be required from the lot line if the applicant provides a boundary survey depicting the exact property lines. Without such survey, the setback for a fence shall be two (2) feet in the side yard (five [5] feet if abutting an alley) and five (5) feet in the back yard, unless a variance is granted. Front yard fences may be located on the property line.
- d. All fences must include an access gate positioned to allow utility personnel access to any enclosed meter. Gates may have a manual latch but shall not require a key.

**507.28 Bulk Storage (Liquid).**

All uses involving the bulk storage of oil, gasoline, liquid fertilizer, chemicals, and similar liquids shall require a special use permit to ensure there are no hazards of fire, explosion, or water contamination detrimental to public health, safety, or welfare.

All existing above-ground liquid storage tanks with a capacity greater than two hundred seventy (270) gallons shall obtain a special use permit within twelve (12) months following enactment of this ordinance. The Council may require diking around tanks, suitably sealed, to hold leakage equal to one hundred fifteen percent (115%) of the tank capacity. Any existing storage tank deemed hazardous by the Council shall discontinue operations within five (5) years of enactment.

508 OMITTED

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 Low Density Residential
  - R-2 Medium Density Residential Multiple
  - T Temporary Housing
- b. Commercial Districts
  - C-1 Central Commercial

C-2 Neighborhood Commercial  
C-3 General Commercial

c. Industrial/Other Districts

I-1 Light Industry  
I-2 General Industry  
P-I Public or Institutional  
P-OS Open Space, Natural Preserve, or Parks  
AG Agriculture

**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,” properly approved and filed with the City Clerk. 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, district boundary lines shall be determined by use of dimensions or the scale appearing on the map.

509.03 OMITTED

509.04 Zoning Districts.

**R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.**

(A) Purpose. To provide for moderate-density one- and two-family dwelling units and directly related, complementary uses.

(B) Permitted uses and structures.

- (1) One- and two-family dwelling units.
- (2) Public, government-owned uses, including but not limited to parks, playgrounds, athletic fields, other public recreational uses, and essential services such as water, sewer, telephone, and electric utilities.
- (3) Churches and places of religious assembly, public and private schools, and government-owned buildings and facilities.
- (4) Agricultural gardens and forestry.
- (5) As required by Minn. Stat. § 462.357, subd. 7, a state-licensed residential facility or a housing-with-services establishment registered under Minn. Stat. ch. 144D serving six or fewer persons; a licensed day-care facility serving 12 or fewer persons; and a group family day-care facility licensed under Minn. R. 9502.0315 to 9502.0445 to serve 14 or fewer children, shall be considered a permitted single-family residential use for zoning purposes, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be a permitted use.

(C) Accessory uses.

Customary accessory uses incidental to the principal uses, such as gardens, private garages, screen porches, play equipment, signs, one storage shed not exceeding 12 feet in height or 500 square feet or covering more than 30% of the area of the side or rear yard in which it is located, satellite dishes and antennas, solar equipment, greenhouses not exceeding 12 feet in height or 500 square feet or covering more than 30% of the area of the side or rear yard in which they are located, and swimming pools intended for single-family use.

(D) Conditional uses (by conditional use permit and in conformance with this section).

- (1) Home occupations in a residence.
- (2) Hospitals and nursing homes; licensed day-care centers serving 12 or more persons; and cemeteries.
- (3) Accessory buildings other than those listed in (C)(1), including storage sheds and greenhouses over 12 feet in height or 500 square feet or covering more than 30% of the area of the side or rear yard in which they are located.
- (4) Private recreational facilities as a principal use, excluding accessory play equipment and swimming pools intended for single-family use.
- (5) Golf course.
- (6) Swimming pools over 5,000-gallon capacity.
- (7) Public-utility buildings and storage.
- (8) Wildlife sanctuary, provided operation complies with all state regulations.
- (9) Archery facility.
- (10) BMX facility.
- (11) Planned Unit Development.

(E) Lot requirements and setbacks.

- (1) Lot area: 8,700 sq. ft.
- (2) Lot width: 66 ft.
- (3) Setbacks:
  - (a) Front yard: not less than 15 ft.
  - (b) Side yards: 15 ft.
  - (c) Corner-lot side yard (street side): 15 ft.
  - (d) Rear yard: 8 ft.
- (4) Detached accessory buildings: not less than 5 ft. from the rear lot line and not less than 4 ft. from side lot lines in the rear yard. On corner lots, not less than 25 ft. from the adjacent street, and in no case less than the setback of an adjacent lot having its front yard on the same street.
- (5) Access: all lots shall front on, and have ingress and egress by means of, a public right-of-way.

(F) Building height. No structure shall exceed two stories or 35 feet, whichever is less.

(G) Height limitations. Height limits do not apply to water towers, chimneys, flagpoles, antennas, wind energy conversion systems, church spires, church belfries, or church domes not containing habitable space.

(H) Conditional use permit standards—R-1.

(1) Purpose. To ensure conditional uses are consistent with this chapter and the comprehensive plan, if any. The Planning Commission, if any, may recommend and the City Council may impose conditions.

(2) General standards. The City Council must find:

- (a) Consistency with this chapter;
- (b) Consistency with the comprehensive plan, if any;
- (c) No undue adverse impact on governmental facilities, utilities, services, or existing/proposed improvements; and
- (d) No undue adverse impact on public health, safety, or welfare.

(3) Specific standards. In addition:

(a) Licensed day-care facilities for 15+ persons:

- 1. Buildings set back 50 ft. from all property lines; parking set back 15 ft. from streets and nonresidential property and 25 ft. from residential property;
- 2. Pick-up/drop-off outside parking setback area;
- 3. Outdoor recreation areas set back 15 ft. from all property lines and screened;
- 4. One parking space per six children based on licensed capacity.

(b) Storage sheds/greenhouses exceeding 500 sq. ft., 12 ft. height, or 30% of the side/rear yard:

- 1. Side/rear setbacks equal to structure height or 15 ft., whichever greater;
- 2. No commercial activity;
- 3. Architectural consistency with principal structure;
- 4. Landscaping to buffer views when highly visible;
- 5. Minimum lot size: 4 acres;
- 6. Must be in a side or rear yard

(c) Home occupations:

- 1. Conducted in the main building;
- 2. Not more than 25% of floor area;
- 3. No articles for sale displayed to be visible from the street;
- 4. No exterior change other than one non-illuminated wall sign not exceeding 1 sq. ft.;
- 5. No traffic in greater volume than normally expected in a residential neighborhood;
- 6. Only limited retail sales activity;
- 7. Maximum of one outside employee;
- 8. Adequate off-street parking based on employees/customers per day;

9. No outside storage;
10. No significant noise, air, or other pollution;
11. Business hours limited to 8:00 a.m.–9:00 p.m.

(d) Private recreational facilities (principal use):

1. Direct access limited to a collector or arterial roadway identified in the comprehensive plan, if any, or otherwise located to avoid significant traffic on local residential streets;
2. Buildings set back 50 ft. from all property lines;
3. Maximum 70% impervious coverage; remainder suitably landscaped;
4. Signs consistent with the principal use;
5. Adequate off-street parking based on employees/customers per day;
6. Parking and waste-management areas screened from off-site views;
7. No outside storage;
8. No significant noise, air, or other pollution.

(e) Hospitals or nursing homes:

9. Direct access limited to a collector or arterial roadway as above;
10. Buildings set back 50 ft. from all property lines;
11. Maximum 70% impervious coverage; remainder suitably landscaped;
12. Signs consistent with the principal use;
13. Adequate off-street parking based on employees/customers per day;
14. Parking and waste-management areas screened from off-site views;
15. No outside storage;
16. No significant noise, air, or other pollution and compliance with performance standards herein.

(f) Swimming pools. Privacy fence enclosing and securing the entire pool, including surrounding concrete or decking.

**R-2 MEDIUM DENSITY RESIDENTIAL MULTIPLE.**

(A) Purpose. To provide for medium-density housing in multiple-family structures and directly related complementary uses.

(B) Permitted uses and structures.

- (1) Any permitted use in the R-1 District.
- (2) Multiple-family dwellings.

(C) Accessory uses. Any accessory use permitted in the R-1 District.

(D) Conditional uses.

- (1) Any conditional use permitted in the R-1 District.
- (2) As required by Minn. Stat. § 462.357, subd. 8, a state-licensed residential facility serving 7 through 16 persons under Minn. Stat. ch. 144D, or a licensed day-care facility serving 13 through 16 persons.

(E) Lot requirements and setbacks.

(1) Lot area: 8,700 sq. ft. for one-family dwellings; 10,000 sq. ft. for two-family dwellings.

For multiple-family dwellings:

- (a) Efficiency units: 1,000 sq. ft. per dwelling unit;
- (b) One-bedroom units: 1,500 sq. ft. per dwelling unit;
- (c) Two-plus-bedroom units: 2,000 sq. ft. per dwelling unit.

(2) Lot width: 66 ft. for one- and two-family dwellings; 60 ft. for multiple-family dwellings.

(3) Setbacks:

- (a) Front yard: not less than 15 ft.;
- (b) Side yards: 15 ft.;
- (c) Corner-lot side yard (street side): 15 ft., but in no case less than the setback of an adjacent lot having its front yard on the same street;
- (d) Rear yard: 8 ft.

(4) Detached accessory buildings: not less than 5 ft. from the rear lot line and not less than 4 ft. from side lot lines in the rear yard. On corner lots, not less than 25 ft. from the adjacent street, and in no case less than the setback of an adjacent lot having its front yard on the same street.

(5) Access: all lots shall front on, and have ingress and egress by means of, a public right-of-way.

(F) Height limitations. Height limits do not apply to water towers, chimneys, flagpoles, antennas, wind energy conversion systems, church spires, church belfries, or church domes not containing habitable space.

(H) Conditional use permit standards—R-2.

- (1) Purpose. Same as in R-1.
- (2) General standards. Same as in R-1.
- (3) Specific standards.

(a) State-licensed residential facility (7–16 persons) or licensed day-care facility (13–16 persons):

- 1. Only on a collector or arterial roadway as designated in the comprehensive plan, if any, or otherwise located to avoid significant traffic on local residential streets;
  - 2. Buildings set back 50 ft. from all property lines; parking set back 15 ft. from streets and nonresidential property and 25 ft. from residential property;
  - 3. Pick-up/drop-off outside parking setback area;
  - 4. Outdoor recreation areas set back 15 ft. from all property lines and screened;
  - 5. One parking space per six attendees based on licensed capacity;
  - 6. Meets the performance standards of § 151.30.
- (b) Storage sheds/greenhouses exceeding thresholds in (C):

7. Side/rear setbacks equal to structure height or 15 ft., whichever greater;
8. No commercial activities;
9. Architectural consistency with principal structure;
10. Landscaping to buffer views when highly visible;
11. Minimum lot size: 4 acres;
12. Must be located in a side or rear yard.
  - (c) Home occupations: standards as in R-1(H)(3)(c).
  - (d) Private recreational facilities (principal use): standards as in R-1(H)(3)(d).
  - (e) Hospitals or nursing homes: standards as in R-1(H)(3)(e).
  - (f) Swimming pools. Privacy fence enclosing and securing the entire pool, including surrounding concrete or decking.

#### T TEMPORARY HOUSING.

(A) General. The Temporary Housing District shall exclusively include manufactured-home parks licensed by the Minnesota Department of Health. Manufactured-home parks are conditional uses in any zoning district that allows the construction or placement of a building used or intended to be used by two or more families. All manufactured-home parks shall, in addition to any state requirements, meet the following performance standards and any conditions placed on them by the conditional use permit.

(B) Permitted uses and structures.

- (1) Manufactured homes.
- (2) Public, government-owned uses, including but not limited to parks, playgrounds, athletic fields, other public recreational uses, and essential services such as water, sewer, telephone, and electric utilities.

(C) Accessory uses.

- (1) Recreational vehicles and equipment.
- (2) Recreational facilities, gardens, commons, and open space operated for the residents and their guests (e.g., tennis courts, swimming pools).
- (3) Building for storage of maintenance equipment incidental to the principal use.
- (4) Solar panels and equipment.

(D) Conditional use. Customary home occupations as set forth herein.

(E) Lot requirements and setbacks (per individual manufactured-home site).

- (1) Lot area: at least 5,000 sq. ft. for exclusive use of the occupant.
- (2) Lot width: at least 50 ft.
- (3) Setbacks: front 15 ft.; side 5 ft.; rear 8 ft.
- (4) Detached accessory buildings: not less than 5 ft. from rear lot line and not less than 4 ft. from side lot lines in the rear yard.

## **C-1 CENTRAL COMMERCIAL DISTRICT.**

(A) Purpose. To recognize the existing downtown business and commercial district and the need for its future expansion, rehabilitation, and redevelopment. The City's downtown area is characterized by small lot sizes with no setbacks, historic buildings, and pedestrian orientation, and includes small businesses, retail, restaurants, and apartment housing. C-1 is a preferred location for mixed-use commercial/residential development and multi-family housing.

(B) Permitted uses and structures.

(1) Business and commercial establishments, including:

- (a) Retail establishments (e.g., grocery, hardware, drug, clothing, variety, and furniture stores); eating and drinking places; auto dealers; automobile service stations; farm implement dealerships; farm supply stores; seasonal evergreen sales; and meat-locker shops;
- (b) Personal services (e.g., laundries, beauty shops, barbershops, funeral homes, shoe-repair shops, printing and publishing shops, photographic studios);
- (c) Professional services (e.g., medical and dental clinics, attorneys' offices);
- (d) Repair services (e.g., automobile, jewelry, radio/television, appliance, farm and implement repair; plumbing and electrical contractors' shops);
- (e) Entertainment and amusement services (e.g., motion-picture theaters, recreation halls, bowling alleys);
- (f) Lodging services (hotels and motels);
- (g) Finance, insurance, real estate, and tax services;
- (h) Public and semi-public buildings (e.g., post office, fire hall, city hall);
- (i) Theater.

(2) Private clubs.

(3) Apartments located above the first-floor level.

(4) Automobile parking lots.

(5) Essential services (sewer, water, telephone, electric utility facilities).

(6) Churches and places of religious assembly.

(7) Private colleges and institutions; nursing, rest, and retirement homes.

(C) Accessory uses. Uses incidental to principal uses, such as off-street parking and loading areas; signs; indoor storage of merchandise; wholesaling and manufacturing when incidental to a permitted use; solar panels; satellite dishes and antennas.

(D) Conditional uses (by CUP and in conformance with division (H)).

- (1) One- and two-family dwellings; multiple-family dwellings; and manufactured-home parks licensed by the state.

- (2) Nonresidential licensed day-care facilities.
- (3) Outdoor storage incidental to a principal use.
- (4) Drive-through or drive-up windows accessory to a principal use.
- (5) Sidewalk cafés and outdoor eating/dining areas accessory to a principal use.

(E) Lot requirements and setbacks.

- (1) Lot area: 8,700 sq. ft.
- (2) Lot width: none.
- (3) Setbacks: front none; side none; rear none.
- (4) Access: all lots shall front on, and have ingress and egress by means of, a public right-of-way.

(F) Building height. No structure shall exceed five stories or 75 feet, whichever is less.

(G) Height limitations. Height limits do not apply to water towers, chimneys, flagpoles, antennas, wind energy conversion systems, church spires, church belfries, or church domes not containing habitable space, and support towers permitted by § 150.04.

(H) Conditional use permit standards—C-1.

- (1) Purpose. As above.
- (2) General standards. As above, and the use meets the performance standards of § 151.30.
- (3) Specific standards.
  - (a) One- and two-family dwellings and multiple-family dwellings:
    1. Building/site design provides a quality residential environment compatible with permitted uses;
    2. At least two off-street parking spaces per residential unit, in a garage, carport, or paved area intended for that purpose;
    3. Dwelling unit complies with all applicable codes;
    4. No undue adverse impact on adjacent properties or substantial alteration of neighborhood character;
    5. City may require buffering or screening.
      - (b) Nonresidential licensed day-care facilities:
        6. Loading/drop-off designed to avoid interference with traffic and pedestrian movement and to promote child safety;
        7. Outdoor play areas fenced and located/designed to mitigate visual and noise impacts on adjoining residential areas (if any);
        8. One parking space per six attendees based on licensed capacity;

9. All applicable licenses obtained.
  - (c) Outdoor storage incidental to a principal use:
    10. Not within 100 ft. of any residential parcel;
    11. Screened by suitable materials, such as fencing or natural landscaping (trees, shrubbery, berms), as determined by the City Council; screening at least equal to the height of the tallest item stored;
    12. Located in a rear or side yard;
    13. Kept in a neat and orderly fashion;
    14. No unlicensed or inoperable motor vehicles;
    15. Not operated so as to constitute a blighted property, nuisance, or harborage of rodents or other wild animals.
      - (d) Drive-through/drive-up windows:
        16. Not adjacent to any residential parcel;
        17. Stacking areas to accommodate a minimum of six cars per aisle;
        18. Public-address system not audible from any residential parcel;
        19. Drive-up windows and stacking areas screened with suitable materials from adjacent parcels;
        20. Designed to avoid interference with traffic and pedestrian movements.
          - (e) Sidewalk cafés/outdoor dining:
            21. Located in a controlled or cordoned area with at least one opening to an acceptable pedestrian walk; if a liquor license is involved, an enclosure is required, continuous, and access shall be only through the principal building;
            22. Not within 200 ft. of any residential parcel and separated from residential parcels by the principal structure or other screening acceptable to the city;
            23. Located and designed so as not to interfere with pedestrian and vehicular circulation;
            24. Not located to obstruct parking spaces;
            25. Located adjacent to an entrance to the principal use;
            26. Equipped with refuse containers and periodically patrolled for litter pick-up;

27. No speakers or audio equipment audible from adjacent parcels.

## **C-2 NEIGHBORHOOD COMMERCIAL DISTRICT.**

### **(A) Purpose.**

- a. To provide varied commercial uses—including lot configurations not permitted in the Central Business District—while retaining neighborhood scale and pedestrian orientation;
- b. To allow a wide variety of commercial uses catering to the needs of the entire community and surrounding areas.

### **(B) Permitted uses and structures.**

All commercial uses, including retail, light industrial, wholesale, service, office, financial, recreational, professional, and lodging; all uses permitted in C-1; and other commercial uses not considered industrial.

### **(C) Accessory uses. Those accessory uses permitted in C-1.**

### **(D) Conditional uses.**

All conditional uses permitted in C-1.

### **(E) Lot requirements and setbacks.**

- (1) Lot area: none.
- (2) Lot width: none.
- (3) Setbacks: front 5 ft.; side 5 ft.; rear 5 ft., unless a conditional use allows a 0-ft. setback.
- (4) Access: all lots shall front on, and have ingress and egress by means of, a public right-of-way.

### **(F) Building height. No structure shall exceed three stories or 45 feet, whichever is less.**

(G) Height limitations. Height limits do not apply to water towers, chimneys, flagpoles, antennas, church spires, church belfries, or church domes not containing habitable space, and support towers permitted by § 150.04.

## **C-3 GENERAL COMMERCIAL DISTRICT.**

### **(A) Purpose.**

1. To provide for a variety of larger commercial uses, including uses not otherwise permitted in the C-1 or C-2 districts;
2. To include larger-scale commercial uses catering to the community and surrounding areas, and highway-oriented retail goods and services.

(B) Permitted uses and structures.

All commercial uses, including retail, light industrial, wholesale, service, office, financial, recreational, professional, and lodging; all uses permitted in C-1; and other commercial uses not considered industrial.

(C) Accessory uses. Those accessory uses permitted in C-1.

(D) Conditional uses.

All conditional uses permitted in C-1.

(E) Lot requirements and setbacks.

(1) Lot area: none.

(2) Lot width: none.

(3) Setbacks: front none; side none; rear 15 ft.

(4) Access: all lots shall front on, and have ingress and egress by means of, a public right-of-way.

(F) Building height. No structure shall exceed three stories or 45 feet, whichever is less.

(G) Height limitations. Height limits do not apply to water towers, chimneys, flagpoles, antennas, wind energy conversion systems, church spires, church belfries, or church domes not containing habitable space.

#### I-1 LIGHT INDUSTRIAL DISTRICT.

(A) Purpose. To provide for industrial development outside other districts. Development shall be regulated through performance standards to promote sensitive site design and mitigate external impacts. The district shall:

1. Create industrial areas acceptable to the City that do not adversely affect adjacent and surrounding businesses or residences;
2. Allow uses that do not create, or that mitigate, offensive noise, dust, smoke, odor, or other objectionable influences to adjacent property owners;
3. Prohibit residential uses in the interest of public health.

(B) Permitted uses and structures (within enclosed buildings).

Warehouse; storage; manufacturing; processing; office; wholesale; research; government buildings; and other industrial uses which, in the City Council's determination and as formally documented, are compatible and not detrimental to uses allowed in this or contiguous districts.

(C) Accessory structures and uses.

(1) Living quarters for security personnel located within the principal structure;

(2) Overnight outside storage of vehicles associated with the business, screened from residential or public views;

- (3) Outside storage, including fuel storage, screened from general public view;
- (4) Retail or service uses not exceeding 25% of the principal structure's gross floor area;
- (5) Other uses customarily associated with, and subordinate to, a permitted use, as determined by the city;
- (6) Solar panels and equipment, satellite dishes and antennas.

(D) Conditional uses (by CUP and per performance standards).

- (1) Retail or service uses occupying between 25% and 50% of the principal structure's gross floor area.
- (2) Cannabis-oriented businesses, including cannabis retail facilities.
- (3) Wind energy conversion systems (windmills).
- (4) Workforce housing.

(E) District standards.

- (1) Building height: maximum 75 ft. or five stories, whichever less.
- (2) Front yard setback: minimum 35 ft. from local and neighborhood collector streets as identified in the comprehensive plan, if any, or the zoning map if no comprehensive plan exists; or a minimum of 50 ft. from railroad lines and from major collector or arterial roadways as designated in the comprehensive plan, if any, or the zoning map if no comprehensive plan exists.
- (3) Side and rear yard setbacks, measured from land designated accordingly in the comprehensive plan, if any, or the zoning map if no comprehensive plan exists:
  - (a) 70 ft. from R-1 and R-2 residential uses;
  - (b) 30 ft. from C-1 and C-2 commercial uses;
  - (c) 20 ft. from I District uses.
- (4) Lot coverage: maximum 100%, calculated to include building footprints; parking areas; driveways; loading, storage, and trash areas; and other impervious surfaces.
- (5) Access from a collector or arterial roadway as designated in the comprehensive plan, if any, or a street specifically designed to accommodate industrial traffic.
- (6) Trash enclosures or accessory buildings (max 600 sq. ft.) shall be located behind the principal building's front building line and not in any required setback.

(F) Conditional use permit standards—Industrial.

- (1) Purpose. As above.
- (2) General standards. The City Council must find:
  - (a) Consistency with this chapter;
  - (b) Consistency with the comprehensive plan, if any;
  - (c) No undue adverse impact on governmental facilities, utilities, services, or existing/proposed improvements;
  - (d) Compliance with § 151.30 performance standards; and
  - (e) No undue adverse impact on public health, safety, or welfare.
- (3) Specific standards.
  - (a) Retail or service uses occupying 25%–50% of gross area of the principal structure (including cannabis-oriented businesses):

1. No exterior modifications to the building;

2. No outside storage or display and no accessory structures for retail sales purposes;
3. Sufficient parking to accommodate additional retail traffic.

## **I-2 GENERAL INDUSTRY.**

(A) Purpose. To provide for industrial development outside other districts, accommodating a wide variety of industry operating to their maximum advantage. Residential uses are not permitted.

(B) Permitted uses and structures (within enclosed buildings).

Warehouse; storage; manufacturing; processing; office; wholesale; research; government buildings; and other industrial uses which, in the City Council's determination and as formally documented, are compatible and not detrimental to uses allowed in this or contiguous districts.

(C) Accessory structures and uses.

- (1) Living quarters for security personnel within the principal structure;
- (2) Overnight outside storage of vehicles associated with the business, screened from residential or public views;
- (3) Outside storage, including fuel storage, screened from general public view;
- (4) Retail or service uses not exceeding 25% of the principal structure's gross floor area;
- (5) Other uses customarily associated with, and subordinate to, a permitted use, as determined by the city;
- (6) Solar panels and equipment, satellite dishes and antennas;
- (7) Workforce housing.

(D) Conditional uses (by CUP and per performance standards).

- (1) Retail or service uses occupying between 25% and 50% of the principal structure's gross floor area.
- (2) Cannabis-oriented businesses, including cannabis retail facilities.

(E) District standards.

- (1) Building height: maximum 75 ft. or five stories, whichever less.
- (2) Front yard setback: minimum 35 ft. from local and neighborhood collector streets as identified in the comprehensive plan, if any, or the zoning map if no comprehensive plan exists; or 50 ft. from railroad lines and from major collector or arterial roadways as designated in the comprehensive plan, if any, or the zoning map if no comprehensive plan exists.
- (3) Side and rear yard setbacks (measured as in I-1):
  - (a) 70 ft. from R-1 and R-2 residential uses;
  - (b) 30 ft. from C-1 and C-2 commercial uses;
  - (c) 20 ft. from I District uses.
- (4) Lot coverage: maximum 100%.
- (5) Access from a collector or arterial roadway as designated in the comprehensive plan, if any, or a street specifically designed to accommodate industrial traffic.

(6) Trash enclosures or accessory buildings (max 600 sq. ft.) located behind the principal building's front building line and not in any required setback.

(F) Conditional use permit standards—Industrial.

(1) Purpose. As above.

(2) General standards. As in I-1(F)(2).

(3) Specific standards.

(a) Retail or service uses occupying 25%–50% of gross area (including cannabis-oriented businesses):

1. No exterior modifications to the building;
2. No outside storage or display and no accessory structures for retail sales purposes;
3. Sufficient parking to accommodate additional retail traffic.

#### **P-I PUBLIC OR INSTITUTIONAL.**

(A) Purpose. To provide land areas within the City for public services, utilities, city, federal, state, school district, and religious uses.

(B) Permitted uses and structures.

Public, government-owned uses, including but not limited to parks, playgrounds, athletic fields, cemeteries, other public recreational uses, and essential services such as water, sewer, telephone, and electric utilities.

(C) Accessory uses. Uses incidental to the foregoing principal uses.

#### **P-OS OPEN SPACE, NATURAL PRESERVE, OR PARKS.**

(A) Purpose. To provide land areas within the City for natural resource areas, including floodplains, historic areas, wetlands, existing natural prairies, animal habitats, hunting reserves, conservation areas, environmentally sensitive areas, parks, and open spaces.

(B) Permitted uses and structures.

Natural resource areas as listed above, parks and open spaces, and golf courses.

(C) Accessory uses. Uses incidental to the foregoing principal uses.

#### **AG AGRICULTURE.**

(A) Purpose. To allow suitable areas of the City to be retained and utilized in open space and/or agricultural uses.

(B) Permitted uses.

- (1) Agriculture, including farm dwellings and agricultural-related buildings and structures subject to state pollution-control standards, but not including commercial feedlots or other commercial operations.
- (2) One-family dwelling units.
- (3) Public, government-owned parks, playgrounds, wildlife areas and game refuges, athletic fields, and other public recreational uses.
- (4) Churches and places of religious assembly, public and private schools, and government-owned buildings and facilities.
- (5) As required by Minn. Stat. § 462.357, subd. 7, facilities listed in R-1(B)(5) shall be considered a permitted single-family residential use, except as otherwise provided therein.

(C) Accessory uses.

- (1) Operation and storage of vehicles, equipment, and machinery incidental to permitted or conditional uses in this district.
- (2) Boathouses, piers, and docks serving a single-family residence.
- (3) Private garages, screen porches, play equipment, solar-panel equipment, satellite dishes, and antennas.

(D) Conditional uses (by CUP).

- (1) Bed-and-breakfast inns.
- (2) Wind energy conversion systems (windmills).
- (3) Home occupations.

(E) Lot requirements and setbacks.

- (1) Lot area: minimum 2.5 acres of upland (land above the 100-year flood elevation or non-wetland).
- (2) Lot width: minimum 200 ft.
- (3) Lot depth: minimum 300 ft.
- (4) Setbacks:
  - (a) Front yard: minimum 40 ft.
  - (b) Side yards: minimum 10 ft.;
  - (c) Corner-lot side yard (street side): minimum 30 ft., but in no case less than the setback of an adjacent lot having its front yard on the same street;
  - (d) Rear yard: minimum 30 ft.;
  - (e) Corner-lot rear yard (street side): minimum 15 ft., but in no case less than the setback of an adjacent lot having its rear yard on the same street.
- (5) Detached accessory buildings: not less than 5 ft. from the rear lot line and not less than 4 ft. from side lot lines in the rear yard. On corner lots, not less than 25 ft. from the

adjacent street, and in no case less than the setback of an adjacent lot having its front yard on the same street.

(6) Access: all lots shall front on, and have ingress and egress by means of, a public right-of-way.

(F) Building height. No structure shall exceed two stories or 35 feet, whichever is less.

(G) Parking. See §§ 151.35–151.39.

(H) Height limitations. Height limits do not apply to water towers, chimneys, flagpoles, antennas, wind energy conversion systems, church spires, church belfries, or church domes not containing habitable space, and support towers permitted by § 150.04.

(I) Conditional use permit standards—AG.

(1) Purpose. As above.

(2) General standards. As above.

(3) Specific standards.

(a) Home occupations: standards as in R-1(H)(3)(c).

(b) Bed-and-breakfast inns:

1. No exterior change other than one non-illuminated wall sign not exceeding 1 sq. ft.;
2. No traffic in greater volume than normally expected in a residential neighborhood.

## **HAZARDOUS WASTE FACILITIES.**

(A) Scope. Hazardous-waste facilities—including, without limitation, transfer and storage stations, processing facilities, and disposal sites—and all real and personal property (including negative and positive easements and water and air rights) needed for the disposal, storage, processing, transfer, or handling of hazardous waste are strictly governed by this section. “Hazardous-waste facility” does not include drop-off centers necessary to allowable uses that are operated by a governmental unit, civic organization, or similar non-profit group expressly for the collection of recyclable wastes (e.g., paper, clean glass, metal containers) and other eligible household wastes not classified as hazardous.

(i) Purpose. The provisions of this subsection are intended to provide guidelines and requirements for the development and operation of hazardous-waste facilities which the City Council may authorize by special/conditional use to protect health, safety, and welfare and ensure harmony with the City’s comprehensive plan.

(ii) Application. Applications for a hazardous-waste-facility conditional use permit shall be made by the property owner(s) (an agent may be designated in writing). Owners must sign the application. Applications shall include the administrative fee set by City Council

and the information required on an application form approved by resolution, as amended from time to time.

(iii) Evaluation. A complete application shall be evaluated before any hazardous-waste facility may be approved.

(iv) Minimum operational standards.

1. No outside storage of materials, containers, or trash-disposal facilities involving hazardous waste.
2. All loading and unloading of hazardous-waste materials shall occur within buildings.
3. A current inventory of hazardous-waste materials, by type and location, shall be posted at the site's main entrance. All hazardous-waste materials shall be clearly labeled.

(v) General application requirements. Applications shall include:

- a. Detailed description of the proposed use;
- b. Legal description, including McLeod County PID(s);
- c. A map showing the site and all property within 1,000 ft. of site boundaries;
- d. Names/addresses and self-adhesive mailing labels for owners of record of all property within 1,320 ft. of site boundaries per the McLeod County Auditor's certified list;
- e. Complete site plan including:
  - (1) Site/environmental characteristics within 1,000 ft.:
    - (a) Existing vegetation;
    - (b) Hydrology/hydraulics (seasonal high water table; proximity to aquifers);
    - (c) Physiography and topography (2-ft. contours);
    - (d) Existing land uses;
    - (e) Microclimate (wind impacts upon terrain and slopes).

(2) Transportation:

- (a) Route plan to/from site, including hours of use;
- (b) Road and rail (on- and off-site) security and turnaround;
- (c) Method of construction and financing of 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/occupancy;
- (b) Location/description of waste-handling, processing, and containment equipment;
- (c) Description of automatic shut-down systems and controls, if applicable;
- (d) Description of standby power and fuel sources/supplies;
- (e) Equipment inspection and replacement plans;
- (f) Location/description of proposed external accessory equipment.

(5) Development and operation schedule:

- (a) Schedule of site development/building construction;
- (b) Schedule for commencement of operations;
- (c) Schedule for compliance with applicable state/federal requirements.

f. Facility management and operations:

(1) Operations:

- (a) Description of processes (incineration, chemical processing, disposal, transfer, storage, physical separation);
- (b) Plans for handling ruptures/spills on-site and en route (road/rail);
- (c) Hours of operation;
- (d) Employees (total and maximum shift);
- (e) Site-maintenance plan;
- (f) Operations-monitoring plan (standards, procedures, personnel).

(2) Emergency preparedness:

- (a) List and location of emergency equipment;
- (b) Evacuation and emergency-alert plans for the facility and surrounding area;
- (c) Emergency-training plan for facility employees at hiring and ongoing, and for public-safety personnel of the City and area communities providing support services via mutual-aid agreements;
- (d) Coordination plans with applicable public-safety and health-care agencies;
- (e) Waste-containment plan.

(3) Pollution control. Mitigative measures for odor, noise, surface and groundwater, and air pollution.

(4) Reclamation plan:

- (a) Long-term site/building maintenance plan should operations cease;
- (b) Plan for conversion to other allowable land uses.

(5) Operator credentials:

- (a) Operator's management experience with comparable facilities;
  - (b) Operator's net worth and bonding capacity demonstrating compliance with applicable federal standards (e.g., 40 C.F.R. pts. 123, 264, 265);
  - (c) References;
  - (d) Evidence of permit applications to applicable state/federal agencies.
- (6) Environmental Assessment Worksheet as defined by, and on forms provided by, the State Environmental Quality Board.

(vi) Procedure.

- (a) The complete application shall be referred to qualified consultants selected by the City to evaluate compliance with applicable state/federal regulations and consistency with accepted industry standards. All review costs shall be paid by the petitioner pursuant to a written agreement and cash escrow.
- (b) Upon receipt of the consultant's report, the findings of the environmental-assessment review, and preparation of staff's report, the application shall be referred to the Planning Commission for:
  - (1) Evaluation of CUP standards;
  - (2) Evaluation of this subsection's standards;
  - (3) Consideration of public-hearing testimony; and
  - (4) Recommendation to the City Council, which shall make the final determination.

(vii) Development standards and performance criteria.

- (a) Minnesota Pollution Control Agency permit(s).
- (b) U.S. Environmental Protection Agency permit(s).
- (c) Department of Natural Resources permit(s).
- (d) EAW and, if required, EIS.
- (e) Performance agreements and financial guarantees as required by ordinance and City policy, covering at minimum completion of required site improvements, emergency clean-up/correction activities (with specified commencement times after which the City may act), and closure/post-closure activities.
- (f) Compliance with approved monitoring and reporting procedures.
- (g) CUP renewal requirements.
- (h) Use of principal arterial roadways for access routes.
- (i) Two independent emergency access/escape routes that do not traverse residential areas.
- (j) Minimum 1,000-ft. setback to stormwater holding areas, natural drainage facilities,

and wetlands.

(k) On-site stormwater management meeting City design standards.

(l) No outside storage of materials, containers, or trash-disposal facilities involving hazardous wastes; outside facilities involving other wastes shall be enclosed and/or screened per approved plans.

(m) All loading/unloading of waste materials within buildings.

(n) Compliance with applicable policies/regulations relating to development, operation, and closure/conversion.

(o) Current inventory of waste materials, by type and location, posted at the site's main entrance; all hazardous-waste materials clearly labeled.

(p) Maintenance and continued implementation of approved emergency-training programs for all employees at hiring and ongoing; programs reviewed at least quarterly to ensure currency; similar training for public-safety personnel of the City and mutual-aid communities.

(q) Maintenance of approved emergency-preparedness plans, including provisions for alerting applicable agencies and area property owners, and for emergency evacuation of the facility and surrounding area.

(r) Required emergency clean-up/corrective operations shall be promptly undertaken and completed; the City Council may impose specific reasonable time frames; upon noncompliance, the City may proceed under performance agreements/financial guarantees to complete the work at the operator's expense.

(viii) Miscellaneous regulations.

(a) Rules and regulations. The Planning Commission and City Council may amend or vary application/review procedures and required documents.

(b) Plan changes. The Zoning Administrator may authorize minor changes in location, placement, and height of structures after Final Site Plan adoption; any change in use or major change requires public hearing and City Council approval. The Zoning Administrator shall determine what constitutes a major change.

(c) Certification of plans. All architectural/engineering plans shall be designed and certified by a professional architect or engineer registered in Minnesota. Site plans may be prepared by a professional site planner but must be certified by a registered engineer or architect.

(d) Review. If development is not progressing reasonably according to schedule, the owner may be required to submit a statement explaining the lack of progress. If the Council finds development has not occurred according to schedule, or is otherwise unreasonable, the Council may revoke the CUP and all development shall cease until a revised schedule is approved.

(e) Withdrawal. An application may be withdrawn at any time during the approval process.

(f) Other. Signs, parking, and any provisions not specifically addressed herein are governed by other applicable ordinances, laws, or regulations.

(ix) Enforcement. The Zoning Administrator is responsible for assuring compliance with permit conditions, this ordinance, City Code, and other applicable regulations.

(x) Review and renewal. Facilities authorized by the City Council are subject to periodic City review; permits with specified review/renewal periods shall be administered as set forth in this section.

(xi) Revocation. The Planning Commission may recommend, and the City Council may direct, revocation of any hazardous-waste-facility CUP for cause upon determination that the authorized use is not in conformance with permit conditions or is in continued violation of this ordinance, City Code, or other applicable regulations.

(xii) Permit amendment. Permit holders may propose amendments subject to applicable requirements and procedures.

(xiii) Expiration.

- a. A CUP expires unless the authorized use commences within one year of issuance, unless an extension is requested before expiration with the renewal fee set in City Code.
- b. If an existing facility is abandoned or closed for six months, the CUP expires six months after the date of abandonment or closure as determined by the City.
- c. Upon abandonment or closure, required closure/post-closure agreements (including financial guarantees) shall be implemented and enforced per applicable policies, codes, and regulations as directed by the City Council.

#### 509.10 Temporary Family Health Care Dwellings.

Minn. Stat. § 462.3593 permits and regulates temporary family health care dwellings and, in subdivision 9, allows a city to opt out of its requirements.

509.10(1) Opt-Out. The City of Glencoe hereby opts out of the requirements of Minn. Stat. § 462.3593.

#### Section 510

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 a 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 all 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 a period of 12 months) being used on the premises; agricultural equipment and materials if these are used or intended for use on the premises; and off-street parking of passenger automobiles and pickup 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 in junkyard condition. All exterior storage not included as a permitted accessory use, a permitted use, included as part of a special use permit, or otherwise permitted by the provisions of this ordinance, shall be considered refuse.

510.03 Screening and Fencing.

510.031 PERMITTED.

Fences shall be permitted in all yards, subject to the conditions of this Section.

510.032 PERMIT REQUIRED.

It is unlawful for any person to construct or cause to be constructed or erected within the City any fence without first making an application for and securing a zoning permit.

510.033 LOCATIONS.

All fences shall be located entirely upon the private property of the person constructing, or causing the construction of, such fence and may have a zero (0) foot setback from all lot lines, except as described in Subd. 5 of this Section. The Zoning Administrator may require the owner of the property upon which a fence now exists, or may require any applicant for a zoning permit for a new fence, to establish the boundary lines of his or her property by a certificate of survey made by a registered land surveyor.

510.034 CONSTRUCTION AND MAINTENANCE.

- a. Every fence shall be constructed in a substantial, professional-like manner and of substantial material reasonably suited for the purpose for which the fence is to be used.
- b. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger or constitute a nuisance. Any such fence that is, or has become, dangerous to the public safety, health, or welfare is a public nuisance, and the Zoning Administrator shall commence proper proceedings for the abatement thereof.
- c. Link fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top, except where permitted in industrial districts.

d. That side of any fence considered to be its evident finished side or face (i.e., the finished side having no structural supports) shall face abutting property. If the fence is located in a commercial or industrial district and visible to the public from both sides, as determined by the Zoning Administrator, it shall contain finished surfaces on both the interior and exterior of the fence.

e. Fences shall not obstruct natural drainage.

f. A fence may be located within the rear yard and side yard to a maximum height of eight (8) feet up to the point where it is parallel with the front edge of the building. Fences located within the front yard or side-street yard to the right-of-way shall have no more than fifty (50) percent opacity and shall not exceed four (4) feet in height as measured from grade.

#### 510.053 FENCING CONFORMITY.

Fencing in all districts shall conform to the following:

1. Fences in all districts shall be maintained so that the exposed outer/inner surface is uniformly painted or stained in a neat and aesthetically acceptable condition.
2. The side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property.
3. No fence shall be permitted on a public right-of-way or boulevard area.
4. No fence shall be erected on a corner lot that will obstruct or impede the clear view of an intersection by approaching traffic within a sight triangle defined by measuring thirty (30) feet from intersecting streets.
5. Snow-stop fencing may be used from November 1 to April 30. No permit shall be required for temporary fencing.
6. All fencing shall be constructed straight, true, and plumb.
7. All fences shall have a gate or opening to allow access from the exterior of the lot.
8. All fences shall be constructed of durable materials such as treated or painted wood, cedar, chain link, aluminum, wrought iron, and similar materials intended to be used for fencing in urban areas. Agricultural fences, woven wire, electric wire, plastic, and fences made of flimsy or non-traditional materials/items are prohibited.

#### 510.054 SCREENING, COMMERCIAL AND INDUSTRIAL.

All commercial and industrial uses abutting and/or adjacent to a residential district shall be required to provide screening according to this Section. All fencing and screening specifically required shall consist of either a fence or a greenbelt planting strip as provided for below:

- a. A greenbelt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide complete visual screening to a minimum height of four (4) feet. Earth mounding or berms may be used but shall not be used to achieve more than three (3) feet of the required screening. The planting plan and type of plantings shall require the approval of the City Council.
- b. Planting in excess of six (6) feet in height shall require approval of the Zoning Administrator.
- c. A required screening fence shall be constructed of masonry, brick, or wood. Such fence shall provide a solid screening effect eight (8) feet in height. The design and materials used in constructing a required screening fence shall be subject to the approval of the

City Council. Fences exceeding eight (8) feet in height, or a variation from the requirements of this Section, shall require a conditional use permit.

510.055 LOCATION AND SCREENING OF REFUSE.

a. All refuse and refuse-handling equipment, including but not limited to garbage containers and dumpsters, shall be stored within the principal structure, within an accessory building, or totally screened from eye-level view for all uses, except for residential structures with four (4) dwelling units or fewer.

b. Screening shall be at least six (6) feet in height, constructed of brick, block, or wood, and compatible with the principal structure. Accessory structures shall comply with minimum setback requirements. All dumpsters and trash-handling containers shall be kept in a good state of repair with tight-fitting lids to prevent spilling of debris.

510.06 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, and such yard shall have a depth of at least twenty (20) feet.

510.07 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.

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

510.09 Parking, Surfacing, and Drainage. Off-street parking areas shall be improved with a durable and dustless surface. Such areas shall be graded and drained to properly manage storm water in accordance with the City of Glencoe's Construction and Postconstruction Storm Water ordinance and Storm Water Management Design Standards document.

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

- a. Spaces accessory to one- and two-family dwellings shall be on the same lot as the principal use served.
- b. Spaces accessory to multiple-family dwellings shall be on the same lot as the principal use served or within two hundred (200) feet of the main entrance to the principal building served.
- c. Spaces accessory to uses located in a Business or Industrial District shall be within eight hundred (800) feet of a main entrance to the principal building served.
- d. There shall be no off-street parking space within five (5) 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 on driveways and not directly off the public street.

g. Determination of Areas. A parking space shall be not less than three hundred (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 Areas. Parking in residential areas (off-street and on-street) shall be limited to the use of the residents 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 drivers' 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 two and one-half (2.5) off-street parking stalls per unit.

510.10 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 regulated so as to ensure its safe and orderly flow. Traffic into and out of business and industrial areas shall in all cases be moving forward 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) feet and ten (10) feet above the centerline 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 (15) feet of any intersecting street right-of-way lines.

510.11 Drainage. No land shall be developed and no use shall be permitted that results in water run-off causing flooding or erosion of adjacent properties. Storm water runoff shall be properly managed as identified within the City of Glencoe's Storm Water Management Standards document. In the case of all residential subdivisions, multiple-family, business, and industrial developments, the drainage plans shall be submitted to the City Engineer for review, and the final drainage plan shall be subject to written approval. In the case of such uses, no modifications in grade or drainage flow through fill, erection of retaining walls, or other such actions shall be permitted until such plans have been reviewed and have received written approval from the City Engineer.

510.12 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.

510.13 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.

510.14 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 in 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.

510.15 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 ratio 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:  $FAR = \text{Floor Area} \div \text{Lot Area}$ .  
In no event, however, shall any building occupy more than the permitted percentage of lot area as provided in this ordinance.

510.16 Maximum Density, Minimum Space, Use, and Location Requirements. No person shall occupy or permit the use 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, one hundred fifty (150) square feet of habitable room floor space, and for every additional occupant thereof, at least one hundred (100) square feet of habitable room floor space;
- b. In no event will the total number of occupants exceed two (2) times the number of habitable rooms, less the kitchen, in the dwelling unit.

## 511 PLANNED UNIT DEVELOPMENT

511.01 Purpose. This section is established to provide comprehensive procedures and standards designed to allow greater flexibility in the development of neighborhoods or areas by incorporating a mixture of densities, intensities, or use types when applied to a Planned Unit Development (PUD) District. The PUD process, by allowing deviation from the strict provisions of this ordinance related to setbacks, height, lot area, width and depth, yards, etc., and by the mix of uses permitted by PUD zoning, is intended to encourage:

- a. Innovations in development so that the growing demands for various forms of economic expansion may be met by greater variety in the type, design, and siting of structures and by the conservation and more efficient use of land in such developments.
- b. Higher standards of site and building design through the use of trained and experienced land planners, architects, and landscape architects.
- c. More convenience in the location and design of development and service facilities.
- d. The preservation and enhancement of desirable site characteristics, such as natural topography and geologic features, and the prevention of soil erosion.
- e. A creative use of land and related physical development that allows a phased and orderly transition of land from rural to urban uses.
- f. An efficient use of land resulting in smaller networks of utilities and streets, thereby lowering development costs and public investments.
- g. A development pattern in harmony with the objectives of the Comprehensive Plan (PUD is not intended to vary applicable planning and zoning principles).
- h. A more desirable and creative environment than might be possible through the strict application of the City's zoning and subdivision regulations.
- i. Clustered developments that respect the overall planned density for the area and that minimize the impact of development on the environment and significant natural features.

511.02 General Requirements and Standards.

511.021 Ownership. An application for PUD must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approved final plan shall be binding on all owners.

511.022 Comprehensive Plan Consistency. The proposed PUD shall be consistent with the City Comprehensive Plan.

511.023 Standards for Common Open Space. No open area may be accepted as common open space under the provisions of this ordinance unless it meets the following standards:

- a. The location, shape, size, and character of the common open space must be suitable for the planned development.
- b. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering the size, density, expected population, topography, and the number and type of dwellings to be provided.
- c. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space, having regard to its topography and unimproved condition.
- d. Wetlands, floodplains, and other such lands designated as undevelopable shall not be considered as common open space.

511.024 Conveyance and Maintenance of Common Open Space.

- a. All land shown on the final development plan as common open space must be conveyed under one of the following methods, at the discretion of the City:
- b. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
- c. It may be conveyed to a corporation, developer, homeowners association (incorporated or unincorporated), or trustee, provided an indenture establishes an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the party involved, subject to covenants approved by the City Council, which restrict the common open space to the uses specified on the final development plan and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.
- d. If the common open space is conveyed to a private party and is not maintained properly to standards established by the City, the City shall have the authority to maintain the property and assess the costs incurred back to the land benefited by the improvement.

511.025 Density. The maximum allowable density in a PUD zoning district shall be determined by standards negotiated and agreed upon between the applicant and the City. In all cases the

negotiated standards shall be consistent with the development policies contained in the Comprehensive Plan.

511.026 Utilities. In any PUD, all utilities, including telephone, electricity, gas, and cable communications, shall be installed underground and shall be the responsibility of the developer.

511.027 Roadways. All streets shall conform to the design standards contained in the subdivision regulations, unless otherwise approved by the City Council.

511.028 Landscaping. In any PUD, landscaping shall be provided according to a plan approved by the City Council, which shall include a detailed planting list with sizes and species indicated as part of the final plan. In assessing the landscaping plan, the Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structures, and the overall scheme of the PUD plan.

511.029 Urban/Rural Servicing Requirements. All development will be carefully phased so as to ensure that all developable land will be accorded a present vested right to develop at such time as services and facilities are available. Lands which have the necessary available municipal facilities and services may be granted approval in accordance with existing City Code provisions and development techniques. Lands which lack the available public facilities and services may be granted approval for development, provided that all applicable provisions of this ordinance, the City Code, and state regulations are complied with.

511.0291 Setbacks. The yard setbacks of the PUD shall be the same as imposed in the base zoning districts, unless otherwise approved by the City Council.

511.03 Procedure for Processing a Planned Unit Development.

511.030 Application Conference. Upon filing of an application for PUD, the applicant is encouraged to arrange for and attend a conference with the Zoning Administrator. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the applicant's proposal for the area for which it is proposed and its conformity to the provisions of this section before incurring substantial expense in the preparation of plans, surveys, and other data.

511.031 General Concept.

- a. Plan Purpose. The General Concept Plan provides an opportunity for the applicant to submit a plan to the City showing the basic intent and the general nature of the entire development without incurring substantial cost. The following elements of the proposed General Concept Plan represent the significant elements for City review and comment.
  1. Overall maximum PUD density range.
  2. General location of major streets and pedestrian ways.
  3. General location and extent of public and common open space.
  4. General location of residential and non-residential land uses with approximate type and intensities of development.
  5. Staging and time schedule of development.

6. Other special criteria for development as requested by the Zoning Administrator, Planning & Zoning Commission, or City Council.

- b. Review and Action by City Staff and Planning & Zoning Commission. The Zoning Administrator shall refer the Concept Plan and other supporting documents to the following City staff and/or official bodies for the indicated action:
1. The City Attorney for legal review of all documents, to include the agreement.
  2. The City Engineer for review of all engineering data, to include, but not limited to, streets; water, sanitary sewer, and storm sewer system plans; wetlands identification/mitigation; sidewalk/trail installation; grading plan; landscaping plan; and street-lighting plan.
  3. The Building Official for review of all building plans.
  4. The Planning & Zoning Commission shall review the plan and make its recommendation to the City Council. Within the time frame provided by Minnesota Statutes Section 15.99 following receipt of the completed application, the City Council shall render its decision granting or denying the report and plans. Such plans and specifications shall remain a part of the permanent records of the City.
  5. When appropriate, as determined by the Zoning Administrator, to other special review agencies such as watershed districts, Soil Conservation Service, highway departments, or other affected agencies.

c. Schedule.

1. The developer shall meet with the Zoning Administrator to discuss the proposed development.
2. The applicant shall file the concept-stage application, together with all supporting data and the filing fee as established by the City Council.
3. After verification by the staff that the required plan and supporting data are adequate, the Planning & Zoning Commission shall hold a public hearing.
4. The Planning & Zoning Commission shall conduct a public hearing and report its findings and make recommendations to the City Council.
5. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate and provide general assistance in preparing a recommendation on the action to the City Council.
6. The Zoning Administrator and the Planning & Zoning Commission shall have the authority to request additional information from the applicant concerning operational factors, or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this ordinance.
7. The applicant, or a representative thereof, shall appear before the Planning & Zoning Commission in order to answer questions concerning the proposed development.
8. Within the time frame provided by Minnesota Statutes Section 15.99 following receipt of the completed application, the City Council shall render its decision granting or denying the report and plans. Such plans and specifications shall remain a part of the permanent records of the City.

d. Effect of Concept Plan Approval. Unless the applicant fails to meet time schedules for filing the Development Final Plan, fails to proceed with development in accordance with the plans as approved, or otherwise fails to comply with any condition of this ordinance or of any approval granted pursuant to it, the approved General Concept Plan shall not be modified, revoked, or otherwise impaired pending the application of Development Final Plans by any action of the City without the consent of the applicant.

e. Limitation on General Concept Plan Approval. Unless a Final Plan covering the area designated in the General Concept Plan as the first stage of the PUD has been filed within one (1) year from the date the City Council grants General Concept Plan approval, or in any case where the applicant fails to file Development Final Plans to proceed with the development in accordance with the provisions of this ordinance and of an approved General Concept Plan, the approval may be revoked by City Council action. In such case, the City Council shall forthwith adopt a resolution repealing the General Concept Plan approval for that portion of the PUD that has not received final approval and re-establishing the zoning and other City Code provisions that would otherwise be applicable. The time limit established may, upon approval of the City Council, be extended for up to one (1) year.

#### 511.04 Final Plan.

a. Purpose. The Final Plan is to serve as a complete, thorough, and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve, in conjunction with other City Code provisions, as the land-use regulation applicable to the PUD. The Final Plan is intended only to add detail to, and to put in final form, the information contained in the Concept Plan and shall conform to the Concept Plan in all respects.

b. Schedule. The Planning & Zoning Commission shall review the plan and make its recommendation to the City Council. Within the time frame provided by Minnesota Statutes Section 15.99 following receipt of the completed application, the City Council shall render its decision granting or denying the report and plans. Such decision shall be accompanied by findings of fact and shall refer to any exhibits containing plans and specifications for the proposed plan. Such plans and specifications shall remain a part of the permanent records of the City.

c. Building and Other Permits. Except as otherwise expressly provided herein, upon receiving notice from the Zoning Administrator that the approved final plat has been recorded and upon application of the applicant pursuant to the applicable City Code provisions, all appropriate officials of the City may issue building and other permits to the applicant for development, construction, and other work in the area encompassed by the approved final plat; provided, however, no such permit shall be issued unless the appropriate official is first satisfied that the requirements of all codes and City Code provisions which are applicable to the permit sought have been satisfied.

d. Limitation on Final Plan Approval. Within one (1) year after the approval of a Final Plan for a PUD, or such shorter time as may be established by the approved development

schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension has been granted by the City Council as hereinafter provided, automatically render void the PUD permit and all approvals of the PUD plan, and the area encompassed within the PUD shall thereafter be subject to those provisions of this ordinance, and other City Code provisions, applicable in the district in which it is located. In such cases, the City Council shall forthwith adopt a resolution repealing the PUD permit and all PUD approvals and re-establishing the zoning and other City Code provisions that would otherwise be applicable. The time limit established may, upon approval of the City Council, be extended for up to one (1) year.

#### 511.05 Concept Plan Application Submission Requirements.

Ten (10) copies, or fewer as determined by the Zoning Administrator, of all exhibits.

General Concept.

##### a. Application Information:

1. The landowner's name, address, other contact information, and the landowner's interest in the subject property. The landowner's signature shall be required on the application.
2. The applicant's name and address, if different from the landowner.
3. The names, addresses, and other contact information of all professional consultants who have contributed to the development of the PUD plan being submitted, including the attorney, land planner, engineer, and surveyor.
4. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy, and contractual interests held in or affecting the subject property; an up-to-date certified abstract of title or registered property report; and such other evidence as the City Attorney may require as proof of the status of title or control of the subject property.
5. The complete legal description of the subject property.
6. The existing zoning classification and present use of the subject property and a map depicting the existing development.

b. **Written Statement.** A written statement generally describing the proposed PUD and the market which it is intended to serve, and its demand, showing its relationship to the Comprehensive Plan and how the proposed PUD is to be designed, arranged, and operated to permit the development and use of neighboring property in accordance with the applicable regulations of the City.

c. **Site Conditions.** Graphic reproductions of the existing site conditions at a scale of one hundred (100) feet.

1. Contours shown at minimum two (2) foot intervals.
2. Location, type, and extent of tree cover.
3. Slope and grade analysis.
4. Location and extent of water bodies, wetlands, etc., within three hundred (300) feet of the subject property.

5. Significant rock outcroppings.
6. Existing drainage patterns.
7. Vistas and significant views.
8. Soil conditions as they affect development.

All of the graphics should be the same scale as the final plan to allow easy cross-reference. The use of overlays is recommended for clear reference.

d. Schematic Drawing. A schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, fire lanes, public and common open space, residential uses, and other land uses.

e. Number of Dwelling Units. A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use, expressed in acres and as a percent of the total project area, which shall include at least the following:

1. Area devoted to uses.
2. Area devoted to use by building type.
3. Area devoted to common open space.
4. Area devoted to public open space.
5. Area devoted to streets.
6. Area devoted to, and number of, off-street parking and loading spaces and related access.

f. Schedule of Development. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such stage, and the overall chronology of development to be followed from stage to stage.

g. Common Space Provisions. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.

h. Restrictive Covenants. The general intents of any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.

i. Utility Plans. Schematic utility plans indicating placement of water, sanitary and storm sewers, and lighting.

j. Exceptions. The Zoning Administrator may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

k. Submittal of Additional Information. The Zoning Administrator, Planning & Zoning Commission, or City Council may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD or any aspect or stage thereof.

1. Public Hearing. The Zoning Administrator, upon receipt of a completed application and required supporting documents, will schedule a public hearing to be held by the Planning & Zoning Commission.

#### 511.06 Final Development Plan Application Submission Requirements.

Final Development Plan submissions should depict and outline the proposed implementation of the general concept stage for the PUD. Information from the general concept stage may be included for background and to provide a basis for the submitted plan. The final development plan submission shall include, but not be limited to:

- a. Zoning classification required for final development plan submission and any other public decisions necessary for implementation of the proposed plan.
- b. Ten (10) sets of final plans, or fewer as determined by the Zoning Administrator, drawn to a scale of not less than one (1) inch equals one hundred (100) feet (or such other scale as requested by the Zoning Administrator), containing at least the following information:
  1. Proposed name of the development, which shall not duplicate nor be similar in pronunciation to the name of any plat theretofore recorded in Sibley County.
  2. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property.
  3. The location, size, use, and arrangement—including height in stories and feet and total square feet of ground area coverage and floor area—of proposed buildings, and existing buildings which will remain, if any.
  4. Location and dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces, and access aisles; all other circulation elements, including bicycle and pedestrian circulation; and the total site coverage of all elements.
  5. Location, designation, and total area of all common open space.
  6. Location, designation, and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites, and recreational facilities.
  7. Proposed lots and blocks.
  8. The location, use, and size of structures and other land uses on adjacent properties.
  9. Detailed sketches and provisions of proposed landscaping.
  10. Grading and drainage plans for the developed PUD.
  11. Any other information that may be required by the Zoning Administrator, Planning & Zoning Commission, and City Council in conjunction with the approval of the General Concept Plan.
- c. An accurate legal description of the entire area within the PUD for which the final development plan approval is sought.
- d. A tabulation indicating the number of residential dwelling units.

e. A detailed site plan, suitable for recording, showing the physical layout, design, and purpose of all streets, easements, rights-of-way, utility lines and facilities, lots, blocks, public and common open space, general landscaping plan, structures (including mobile homes), and uses.

f. A grading and site-alteration plan illustrating changes to existing topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan.

g. A preliminary plat prepared in accordance with the subdivision regulations.

h. As required, a soil erosion control plan acceptable to watershed districts, the Department of Natural Resources, Soil Conservation Service, or any other agency with review authority, clearly illustrating erosion-control measures to be used during construction and as permanent measures.

i. A statement summarizing all changes which have been made in any document, plan data, or information previously submitted, together with revised copies of any such document, plan, or data.

j. Such other information as the Zoning Administrator, Planning & Zoning Commission, or City Council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.

k. The City Council may excuse an applicant from submitting any specific item of information or document required in this section which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

511.07 Final Plan Stage. After approval of a General Concept Plan for the PUD and approval of a Final Plan for a section of the proposed PUD, the applicant shall submit the following material for review by City staff prior to issuance of a building permit:

a. Proof of recording any easements and restrictive covenants prior to the sale of any land or dwelling unit within the PUD and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility.

b. All certificates, seals, and signatures required for the dedication of land and recording of documents.

c. Final architectural working drawings of all structures.

d. A final plat and final engineering plans and specifications for streets, utilities, and other public improvements, together with a City/Developer Agreement for the installation of such improvements and financial guarantees for the completion of such improvements.

e. Any other plans, agreements, or specifications necessary for City staff to review the proposed construction. All work must be in conformance with the Minnesota State Uniform Building Code.

512 DRAINAGE PLANS. a. No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion, or deposit of minerals on adjacent properties. Such runoff shall be properly channeled into a storm drain, watercourse, ponding area, or other public facilities, subject to the review and approval of the City Engineer. b. In the case of all residential subdivisions, multiple-family, business, and industrial developments, the drainage plans shall be submitted to the City Engineer for review, and the final drainage plan shall be subject to written approval. In the case of such uses, no modifications in grade or drainage flow through fill, erection of retaining walls, or other such actions shall be permitted until such plans have been reviewed and have received written approval from the City Engineer.

513 BULK STORAGE (LIQUID). All uses associated with the bulk storage of gasoline, liquid fertilizer, chemicals, flammables, and similar liquids shall comply with the requirements of the Minnesota State Fire Marshal and the Minnesota Department of Agriculture and shall have documentation from those offices stating the use is in compliance.

514 512.08 WASTE MATERIAL. Waste material resulting from or used in industrial or commercial manufacturing, fabricating, servicing, processing, or trimming shall not be washed into the public storm sewer system nor the sanitary sewer system or any public water body but shall be disposed of in a manner approved by the Minnesota State Fire Marshal, the Pollution Control Agency, and the Department of Natural Resources.

## 516 ANTENNAS AND TOWERS

### 516.01 PURPOSE AND INTENT.

The purpose of this Section is to manage the placement, construction, and modification of telecommunication towers, antennas, and related facilities in order to protect the public health, safety, and welfare while accommodating the communications needs of the public, residents, and businesses.

### 516.02 DEFINITIONS.

Antenna: Any device that is designed to transmit or receive electromagnetic, microwave, radio, television, or other frequency energy waves including but not limited to directional and omni-directional antennas such as microwave dishes, satellite dishes, and whip antennas.

Antenna support structure: A building, water tower, or other structure, other than a telecommunications tower, which can be used for location of telecommunications facilities.

Applicant: A person who applies for a permit to develop, construct, build, modify, or erect a tower or antenna under this Section.

Application: The process by which the owner of a plot of land within the City, or other person, submits a request to develop, construct, build, modify, or erect a tower or antenna upon that land.

Commercial wireless telecommunication services: Licensed commercial wireless

telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and television or similar services that are marketed to the general public.

Telecommunications facilities: Cables, wires, lines, waveguides, antennas, or any other equipment or facilities associated with the transmission or reception of telecommunications located or installed on or adjacent to a tower or antenna support structure.

Tower: Any ground- or roof-mounted pole, spire, structure, or combination thereof exceeding twenty (20) feet in height, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna or similar apparatus above grade.

Wireless Service Provider: A direct provider of wireless services to end users.

#### 516.03 EXCEPTIONS.

The following are exempt from permit requirements contained in this Section.

- a. Household television antennas extending less than twenty (20) feet above the highest point of the roof of a residential structure.
- b. Satellite dish receiving antennas two (2) meters or less in diameter.
- c. Adjustment, repair, or replacement of an antenna or the elements of an antenna, provided that such work does not constitute an increase in the height of the tower structure.
- d. Placement of additional antennas on existing towers, provided that such work does not constitute an increase in the height of the tower structure.
- e. Antennas and antenna support structures used by the City for City purposes.
- f. Antennas mounted on water towers or on the sides or roof of existing structures.
- g. Antennas placed in public rights-of-way that are owned and operated by a wireless service provider, provided the antenna is placed on an existing structure.
- h. Emergency or routine repairs, reconstruction, or routine maintenance of previously approved facilities, or replacement of transmitters, antennas, or other components of previously approved facilities that do not create a significant change in visual impact or an increase in radio-frequency emission levels, and provided that such work does not constitute a clear safety hazard.
- i. Two-way communication transmitters used on a temporary basis by “911” emergency services, including fire, police, and emergency aid or ambulance service.

#### 516.04 PROHIBITED TOWERS.

Towers, antennas, and support facilities not specifically provided for herein are prohibited.

#### 516.05 ZONING DISTRICT STANDARDS.

- a. Towers over twenty (20) feet in height specifically and solely designed to support amateur radio operations and antennas are allowed in the side or rear yards in residential districts, provided a conditional use permit is issued.
  
- b. Telecommunications towers, antennas, and support facilities are allowed in industrial zoning districts, provided a conditional use permit is issued and the subject parcel does not abut a Minnesota trunk highway.

#### 516.06 PERFORMANCE AND DESIGN STANDARDS.

- a. Tower or Antenna Height.
- b. Antennas, towers, and related equipment attached to existing structures shall not be more than ten (10) feet in height above the highest point of the existing structure.
- c. Antennas, towers, and related equipment supporting amateur radio operations shall not exceed seventy (70) feet in height.
- d. All other towers, including commercial towers, shall not exceed one hundred seventy-five (175) feet in height.

#### 516.07 SETBACKS.

- a) Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel on which it is located.
- b) Amateur radio towers, when not rigidly attached to a building, shall be set back from all property lines a minimum distance equal to the height of the antenna and tower. Setbacks for amateur radio towers rigidly attached to a building may be reduced by an amount equal to the distance from the point of attachment to the ground.
- c) All other towers shall have a minimum setback from any property line equal to the height of the tower plus ten (10) feet, except that towers located adjacent to a residential zone shall have a setback equal to the height of the tower plus one hundred (100) feet.

#### 516.08 CO-LOCATION REQUIRED.

- a) Any proposed tower over sixty (60) feet in height shall be designed for co-location of at least one (1) additional antenna.
- b) Any proposed tower over one hundred (100) feet in height shall be designed for co-location of at least two (2) additional antennas.

#### 516.09 DESIGN STANDARDS.

- a) Towers shall be designed and certified by a licensed and qualified professional engineer to conform to the latest structural standards and all requirements of the State Building Code, the Electronics Industry Association, and the National Electrical Code.
- b) Towers shall be designed to ensure that visual intrusiveness and impacts on nearby properties are mitigated to the greatest extent possible.
- c) Every tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons.
- d) Towers may not be artificially lit except as required by the Federal Aviation Administration.
- e) Towers not requiring Federal Aviation Administration painting or marking must have durable exterior finishes and shall be light blue, gray, or another similar color that minimizes visibility.
- f) Towers shall be designed to allow for future rearrangement of equipment upon the structure and to accept attachments mounted at varying heights.
- g) The use of any portion of a tower or antenna for signs other than warning, identification, emergency contact information, or equipment information is prohibited.
- h) Freestanding towers must be self-supporting without the use of wires, cables, beams, or other means. The suggested design is a monopole configuration or open framework that collapses on

itself in the event of structural damage.

i) To prevent unauthorized entry, towers shall be provided with security fencing as needed or when required by the City.

j) Transmitting, receiving, and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary for transmitting, receiving, and switching equipment, it shall meet setback requirements contained in the underlying zoning classification and be designed, constructed, and screened to blend into the surrounding environment and adjacent land uses.

k) Towers and antennas should be located in areas that provide natural or existing structural screening for off-site views of the facility when feasible. Existing on-site vegetation that provides screening shall be preserved to the extent possible. Vegetative screening at the perimeter of the tower is encouraged.

#### 516.10 ABANDONED OR UNUSED TOWERS.

Abandoned or unused towers or antennas shall be removed within twelve (12) months of the cessation of operations at the site.

#### 516.11 INTERFERENCE.

No new or existing tower, antenna, or related equipment shall interfere with public safety communications. Before the introduction of a new service or a change in existing services, equipment providers shall notify the City at least ten (10) calendar days in advance of such changes and allow the City to monitor interference levels during the testing process.

#### 516.12 RADIATION.

Towers, antennas, and related equipment placed within the City shall be subject to state and federal regulations, as amended. The cost of verification of compliance shall be borne by the owner and operator of the communications facilities and equipment.

### 518 SWIMMING POOLS

#### 518.01 SWIMMING POOLS STANDARDS.

The following standards shall apply to swimming pools:

a. No swimming pool may be constructed without a building permit when required by the Building Official.

b. No swimming pool may be constructed beneath overhead utility lines of any type or above underground utility lines of any type.

c. No swimming pool may be built within ten (10) feet of any side or rear lot line, within six (6) feet of any principal structure, or within any front yard.

d. All in-ground swimming pools shall be completely covered with an ASTM F1346 (as may be amended) approved power safety cover, fencing, other enclosure, or any combination thereof with sufficient density as to be inaccessible.

e. If a fence is utilized, it shall be a minimum of four (4) feet high. The bottom of the fence shall not be more than four (4) inches from the ground.

f. Fences shall be of non-corrosive material. If lumber is used, it shall be treated, redwood, or cedar.

g. Fences shall be constructed so as not to be easily climbed. All fence opening points of entry into the pool area shall be equipped with gates or doors. All gates or doors shall be

equipped with self-closing and self-latching devices placed at a sufficient height to be non-accessible to small children.

h. The fence or safeguard used shall be completely installed before filling the pool.

i. Ladders used to access swimming pools shall be removed and stored indoors when the pool is not in use.

j. Drainage. To the extent feasible, backflush water or water from the pool drainage shall be directed onto the owner's property or onto approved public drainage ways.

k. Damages. The property owner shall be liable for any damages to public or private property caused by the swimming pool construction.

l. Lighting. Any pool lighting above ground shall be directed toward the pool and not adjacent properties.

## 519 MOVING OF BUILDINGS INTO OR OUT OF CITY

### 519.01 PERMIT REQUIRED.

a. No person shall move a building into the City of Glencoe city limits or relocate a building within the City without an approved City permit and without having the building inspected by the City's Building Official prior to moving.

b. No licensed person shall move any building over, along, or across any highway or street in the City without first obtaining a permit from the City and, as required, the Minnesota Department of Transportation.

c. Any improvements to the building to be moved, as identified by the City's Building Official, shall be completed prior to the building being moved into the City or relocated within the City.

### 519.02 REVOCATION OF PERMIT.

Upon presentation to the City Council of satisfactory proof that any such licensee has proven incompetent to properly carry on such work of moving, raising, or holding up buildings or has proceeded with such work in such manner as to endanger people or property, or upon conviction for failure to comply with this article or related ordinances or for other good cause, the City Council may revoke the Building Moving Permit.

### 519.03 APPLICABILITY.

The permit requirements of this Section shall apply to manufactured homes and modular homes, including new construction built and moved to a location other than the original site. Proof of ownership of the property may be required with the permit application.

### 519.04 DEPOSIT FOR CITY EXPENSES.

Upon receipt of the application, the City shall estimate the expenses associated with the removing and replacing of street signs, streetlamps or poles, or other property belonging to the City, if any, together with the cost of materials necessary to be used in making such removals or replacements. Prior to issuance of the permit, the applicant shall deposit a sum of money equal to twice the amount of the estimated expense.

### 519.05 APPROVAL PROCESS.

a. Building Inspector Review and Report: The Building Inspector shall inspect the building, wherever located, and determine whether the standards for issuance of the permit are met.

Prior to inspection, the applicant shall deposit a sum of money equal to the amount for the Building Official's inspection fees.

b. The Building Inspector shall refuse to issue a permit if he or she finds any of the following:

1. That the building is too large to move without endangering persons or property in the City;

2. That the building is in such a state of deterioration or disrepair, or is otherwise so structurally unsafe, that it could not be moved without endangering persons or property in the City;

3. That the building is structurally unsafe or unfit for the purpose for which it is to be moved, if the relocation site is in the City;

4. That the applicant's equipment is unsafe and that persons or property would be endangered by its use;

5. That this Ordinance or other ordinances of the City would be violated by the building in its relocation site;

6. The Chief of Police and Public Works Director shall review the permit application and note over which streets the building may be moved. In making their determinations, the Chief of Police and Public Works Director shall act to assure maximum safety to persons and property in the City and to minimize congestion and traffic hazards on public streets.

## 520 ARCHITECTURAL STANDARDS

### (A) Commercial and industrial.

(1) Purpose. The City recognizes that the visual character of the City is an important attribute of its quality of life. The City intends that all commercial and industrial development within the City should strive toward the highest level of quality in both design and construction. The architectural standards and design guidelines have been established to guide the quality, character, and compatibility of new development and redevelopment within the City.

(2) Applicability. The provisions of this section shall apply to all new construction of commercial, industrial, office/institutional, and multi-family development. Within each zoning district, the standards shall be in addition to the underlying requirements. The following activities are exempt from design review unless staff determines that the project creates a significant change in the design characteristics of the development:

a. Internal alteration to buildings that does not result in a change to the building height, roof line, or footprint.

b. Replacement or repair of existing materials.

c. The standards shall apply only to the building or site elements being developed or altered.

### (3) Industrial Zoned Architectural Standards:

a. All structures erected shall be a type of construction as defined in the State Building Code as adopted by the City.

b. Exterior wall surfaces shall be constructed of a vertical finish made of non-combustible, non-degradable, and low-maintenance construction material, and may be a combination of materials comparable in grade and quality to the following:

- i. Face brick.
- ii. Precast concrete panel.
- iii. Decorative concrete panel.
- iv. Architectural concrete block.
- v. Cast-in-place concrete.
- vi. Stone or glass with metal panels encompassing no more than sixty (60) percent of all elevations of the structure combined.
- vii. Natural stone.
- viii. Wood, provided the surfaces are finished for exterior use and wood of proven exterior durability is used, such as cedar, redwood, or cypress.
- ix. Curtain wall panels of steel, fiberglass, and aluminum (nonstructural, non-load-bearing), provided such panels are factory fabricated and finished with a durable, no-fade surface and their fasteners are of a corrosion-resistant design.
- x. Stucco, specially designed pre-cast concrete, or synthetic stucco or comparable material (e.g., Dryvit) units, provided the surfaces have been integrally treated with an applied decorative material or texture.
- xi. Smooth, painted, or decorative concrete block provided each block is scored at least twice.

c. No galvanized or unfinished steel, Galvalume, or unfinished aluminum structures (walls or roofs), except those specifically intended to have a corrosive design finish such as corten steel, shall be permitted.

d. Structures shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the property values of the abutting properties or adversely impact the community's public health, safety, and general welfare.

e. All structures constructed of curtain wall panels of finished steel, aluminum, or fiberglass shall be required to be faced with brick, wood, stone, architectural concrete cast in place, or pre-cast concrete panels on wall surfaces abutting the public right-of-way, residential uses, or public areas. The required wall surface treatment may allow a maximum of fifty (50) percent of the metal or fiberglass wall to remain exposed if it is coordinated into the architectural design.

f. Exceptions to the provisions of subdivision (8) of this Ordinance may be granted as a conditional use permit by the City Council, provided that:

- i. The proposed structure maintains the quality and value intended by the Ordinance.
- ii. The proposed structure is compatible and in harmony with other structures within the district.

(4) Commercial District Zoned Architectural Standards:

a. The exteriors of all structures located in the General Commercial (GC) district shall consist of brick, stone, glass, stucco, fiber-cement (e.g., Hardie board), or any combination thereof, or a decorative material approved by the City Council, including but not limited to decorative masonry, but not including such things as plain basement block or metal. The City Council shall be responsible for reviewing structure designs and exterior materials and for making recommendations regarding structure designs and exterior materials with regard to all structures governed by this subsection and shall be responsible for reviewing and making recommendations concerning alternate exterior materials.

## 521 ADMINISTRATION

### 521.01 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.

### 521.02 Rezoning.

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

a. Proposed amendments or rezonings may be initiated by the Planning Commission, Council, property owners in the area to be affected by the amendment or rezoning, or by the owner of an enforceable option or contract to purchase property in the area affected. Persons wishing to initiate a rezoning of property shall fill out a "Zoning Form." The Zoning Form shall be accompanied by a non-refundable fee, as set by City Council in its annual fee schedule, to be used for the costs of processing the application. The Zoning Form shall be filed with the City Clerk.

The application shall be in such form and contain such information as shall be prescribed from time to time by the Planning & Zoning Commission, but shall in all instances contain the following information:

- A. The applicant's name and address; and
- B. The precise wording of any proposed amendment to the text of this Ordinance; and
- C. In the case of a rezoning:

1. A legal description and street address of the property proposed to be reclassified.
2. The name and address of the property owner or owners of the said property.

3. The present zoning classification and existing uses of the property to be reclassified.

4. The area of the property proposed to be reclassified, stated in square feet or acres, or fraction thereof; and

5. A map, drawn to scale, clearly showing the property proposed to be rezoned, its present zoning classification, existing uses, and its initial use under the proposed zoning and, if deemed necessary by the Zoning Administrator, a land survey will be required.

b. Property owners within five hundred (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.

The Planning Commission shall consider possible adverse effects of the proposed amendment. Its judgment shall be based upon, but not limited to, the following factors:

A. The proposed action has been considered in relation to the specific policies and provisions of, and has been found to be consistent with, the official City Comprehensive Plan.

B. The proposed use is or will be compatible with present and future land uses of the area.

C. The proposed use conforms with all performance standards contained herein and will not create a nonconforming use.

D. The proposed use will not tend to or actually depreciate the property values in the area in which it is proposed.

E. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.

F. Traffic generation by the proposed use is within the capabilities of streets serving the property.

G. The rezoning is consistent with the goals, policies, and objectives of the Comprehensive Plan.

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 of the Council's action.

f. If deemed appropriate by the Planning Commission Chair, the Clerk may set the hearing at a date other than the regular meeting date.

### 521.03 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 non-refundable fee, as set in the City’s fee schedule.
- 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 five hundred (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 Chair, the Clerk may set a hearing at a date other than the regular meeting date.
- d. The applicant shall file the completed application form together with the required exhibits and filing fee with the Zoning Administrator. As applicable, the application shall contain the following information and any such additional information as requested by the Zoning Administrator:

#### 1) Site Development Plan:

- A) Location of all buildings on lots, including both existing and proposed structures.
- B) Location of all adjacent buildings located within three hundred fifty (350) feet of the exterior boundaries of the property in question.
- C) Location and number of existing and proposed parking spaces.
- D) Vehicular circulation.
- E) Architectural elevations (type and materials used in all external surfaces).
- F) Location and type of all proposed lights.
- G) Curb cuts, driveways, and number of parking spaces.

#### 2) Dimension Plan:

- A) Lot dimensions and area.
- B) Dimensions of proposed and existing structures.
- C) “Typical” floor plan and “typical” room plan.
- D) Setbacks of all buildings located on the property in question.
- E) Proposed setbacks.
- F) Sanitary sewer and water plan with estimated use per day.

#### 3) Grading Plan:

- A) Existing contours.
- B) Proposed grading elevations.
- C) Drainage configuration.
- D) Storm sewer catch basins and invert elevations.
- E) Spot elevations.
- F) Proposed road profile.

4) Landscape Plan:

- A) Location of all existing trees, including the type, diameter, and potential removal.
- B) Location, type, and diameter of all proposed plantings.
- C) Location and material used for all screening devices.

5) Legal description of property under consideration.

6) Proof of ownership of the land for which a Conditional Use Permit is requested, or written permission from the property owner.

e. The petitioner or the petitioner's representative shall appear before the Planning Commission in order to answer questions concerning the proposed special use.

f. 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 thirty (30) days after the application has been submitted by the applicant.

g. The Council must take action on the application within sixty (60) days after receiving the report of the Planning Commission. If it grants the special use permit, the Council may impose conditions it considers necessary to protect the public health, safety, and welfare, and such conditions may include a time limit for the use to exist or operate.

h. 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. 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.

i. 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; whether the use will impede the normal and orderly development and improvement of surrounding property for uses permitted in the district; whether there are adequate utilities, drainage, and necessary facilities or whether they will be provided; whether the use meets all specific performance criteria requirements as established in this section; whether the use shall in all other respects conform to the applicable regulations of the district in which it is located; and whether the use is consistent with the goals, policies, and objectives of the Comprehensive Plan. If it is determined 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 or 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 Comprehensive Plan, the Council may grant such permits.

#### 521.04 Variances and Appeals.

Pursuant to M.S. § 462.357, Subd. 6, as it may be amended from time to time, the City Council, acting as the Board of Adjustments, may issue variances from the provisions of the Zoning Code. A VARIANCE is a modification or variation of the provisions of this Zoning Code as applied to a specific piece of property. The procedure for granting variances is as follows:

- a. A person desiring a variance shall fill out and submit to the City Clerk a “Zoning Form,” together with a nonrefundable fee, per the City’s fee schedule.
- 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. Variances shall only be permitted:
  - 1) When they are in harmony with the general purposes and intent of the Zoning Code;
  - 2) When the variance is consistent with the Comprehensive Plan;
  - 3) When the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Code; and
  - 4) Practical Difficulties, as used in connection with the granting of a variance, means that:

- a. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Code;
- b. The plight of the landowner is due to circumstances unique to the property not created by the landowner;
- c. The variance, if granted, will not alter the essential character of the locality; and
- d. Economic considerations alone do not constitute Practical Difficulties.
- e. Use Variances Prohibited. The City Council may not permit as a variance any use that is not permitted under the Zoning Code for property in the district where

the affected person's land is located. The City Council may permit as a variance the temporary use of a one-family dwelling as a two-family dwelling. The City Council may impose conditions in the granting of a variance to ensure compliance and to protect adjacent properties. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance.

f. 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 five hundred (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.

g. Whenever an application for a variance has been considered and denied by the City Council, a similar application and proposal for the variance affecting the same property shall not be considered again by the Planning and Zoning Commission and City Council for at least six (6) months from the date of its denial, unless a decision to reconsider such matter is made by not less than a two-thirds (2/3) vote of the full City Council.

h. If, within one (1) year after granting a variance, the use, as allowed by the variance, has not been initiated or utilized, then such variance shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original variance. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good-faith attempt to complete the use permitted in the variance. Such petition shall be presented to the Council for decision.

i. Site Plan Review

1. REQUIREMENTS.

The City Council declares it necessary and appropriate to require site plan approval of development in certain zoning districts to preserve and promote attractive, well-planned, stable urban conditions. This includes all proposed residential developments, commercial developments, and industrial developments. Site plan approval must be obtained before a building permit is issued. True and accurate representation of the following requirements is the responsibility of the applicant.

2. EXCEPTIONS:

A. Detached single-family dwellings.

B. Attached single-family dwellings with four (4) or fewer units per structure.

C. Multiple-family dwellings with four (4) or fewer units per structure.

D. A one-time alteration to existing multiple-family, commercial, or industrial structures totaling twenty (20) percent or less of the gross floor area of the existing structure, provided the enlargement is ten thousand (10,000) square feet or less in gross floor area.

E. Changes to interior spaces where the change does not intensify the use, require additional parking, or otherwise result in an inability to maintain required performance standards.

### 3. APPLICATION FOR SITE PLAN APPROVAL.

Applications for Site Plan Approval shall be on an official application form provided by the Zoning Administrator and shall include the fee as set by City Council resolution. Such application shall be accompanied by detailed written and graphic materials, the number and size as prescribed by the Zoning Administrator, fully explaining the proposed change, development, or use. In all cases, unless waived by the Zoning Administrator, the Site Plan shall contain:

- A. Name of project.
- B. Location of project, including a vicinity map.
- C. Name and mailing address of developer/owner.
- D. Name, telephone number, and mailing address of the project engineer and/or architect.
- E. Date of plan preparation.
- F. North point and graphic scale.
- G. Boundary line of project site with dimensions. All site plans shall be drawn at an engineering scale (e.g., 1" = 40').
- H. A Registered Land Survey, if deemed necessary by the Zoning Administrator.
- I. Proof of Ownership or Authorization. The applicant shall supply proof of ownership (ownership and encumbrances report) and the legal description of the property for which the site plan approval is requested.
- J. The site plan shall also contain the following features, both existing and proposed, drawn by a Registered Engineer, Architect, Landscape Architect, and/or Land Surveyor:

- 1. Topographic contours at a minimum interval of two (2) feet.
- 2. Adjacent and on-site streets and street rights-of-way. Any access onto County or State roads must be approved by such authority prior to City Council approval.
- 3. Location, size, and type of existing and proposed water and sewer system mains and proposed service connections; utility right-of-way easements; manhole rim elevations; and pipe elevations and sizes.
- 4. Existing and proposed buildings, elevations, signs, and light poles.
- 5. Location, setback, surfacing, and curb height for all parking and loading facilities, curb cuts, and driveways.
- 6. For projects involving more than five (5) acres or projects totaling one (1) acre or more of impervious surface: grading, drainage, and storm water pollution prevention plans including: i) existing contours and proposed elevations; ii) spot elevations; iii) configuration of drainage areas and calculations; iv) storm sewer, catch basins, invert elevations, type of castings, and type of materials; v) proposed driveway grades; vi) existing and proposed surface water ponding and treatment areas, collection and conveyance features including arrows indicating the direction of surface water flow over the map of proposed contours; vii) erosion control measures.
- 7. Surface water ponds, ditches, and wetlands.

8. Sidewalks and trails.
9. The location of tree cover, including the designation of trees of fifteen (15) inches in diameter or more.
10. Fences and retaining walls.
11. Shielded exterior refuse collection areas.
12. Landscaping, including species and minimum size.
13. Traffic flow and vehicular and pedestrian circulation on- and off-site.
14. Height above mean sea level of buildings.
15. Project data including square footage of buildings and number of parking spaces.
16. A description and/or illustration of proposed exterior finish materials (type, color, and materials used in all external surfaces) and, if requested, architectural elevations for all surfaces.
17. The current zoning of the property and a listing of all required federal, state, and City permits and the status of such applications.
18. Lighting plan, if applicable.
19. Location of recreation and service areas, if applicable.
20. Location of rooftop equipment and proposed screening.
21. Fire protection plan.
22. Typical floor plan and typical room plan drawn to scale with a summary of square footage for each use or activity.
23. Vicinity map showing the subject property in reference to nearby properties and features.
24. The Zoning Administrator may require the developer to submit the following items if important for adequate understanding of the project:
  - a. Aerial photograph(s) of the site.
  - b. Cross-section drawings.
  - c. Perspective sketch(es).
  - d. A professional analysis of traffic impact or other infrastructure impact (e.g., storm sewer, water, sanitary sewer).
  - e. Information sufficient to objectively determine compliance with the standards of Section 1109.00 of the Code related to Land and Water Preservation, as may be amended.
  - f. A sound source control plan.
  - g. Traffic study.
  - h. Other relevant information necessary for complete review of the proposed application.

#### 4. PROCEDURE

A. Pursuant to Minnesota Statutes § 15.99, an application for site plan approval shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended by the City pursuant to statute or a time waiver is granted by the applicant.

B. Filing of Request. Request for site plan approval shall be filed with the Zoning Administrator

in accordance with Section 1103.07, Subd. 1(1). An application shall be considered as being officially submitted and complete when the applicant has complied with all specified information requirements. In cases where an application is judged to be incomplete, the Zoning Administrator or designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days of the date of submission.

C. Technical Reports. The Zoning Administrator or designee shall instruct the appropriate staff persons to prepare technical reports where appropriate and provide general assistance in conducting an evaluation of the request.

D. Additional Information. City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert assistance with the consent and at the expense of the applicant concerning operational factors. Said information is to be declared necessary to evaluate the request and/or to establish performance conditions in relation to all pertinent sections of the Code. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.

E. Meeting with Zoning Administrator and/or Staff. The applicant and/or applicant representative(s) shall meet with the Zoning Administrator and/or staff as requested by the Zoning Administrator or designee to present information and answer questions concerning the proposed site plan.

F. In considering applications for Site Plan Approval under this Section, the Zoning Administrator and, where applicable, the Design Review Committee shall consider the following:

1. How the site plan relates to conditions both on and off the site.
2. Conformance with the Comprehensive Plan.
3. The impact of the site plan on the existing and anticipated traffic and parking conditions.
4. Building location and height.
5. Sanitary sewer, water, and drainage conditions; landscaping; lighting; open space; signage; setbacks; and related matters.
6. Provisions of this Section and other applicable Chapters of the City Code.

G. Decision. The Zoning Administrator shall reach a decision on the request and provide written notification to the applicant. The Planning & Zoning Commission shall review and make recommendation to the City Council, who may approve the site plan, deny the site plan, or approve the site plan with specific reasonable conditions.

#### 5. DEVELOPER'S/BUILDER'S AGREEMENT.

Prior to issuing a building permit, the Zoning Administrator may require the developer/builder to sign an agreement with the City which assures that particular elements of the Site Plan approval application, either proposed by the applicant or imposed by the City Council, shall be carried out.

The City Council may require the applicant to provide a performance bond or irrevocable letter of credit to ensure that certain improvements are implemented.

#### SUBD. 5. CERTIFICATION OF TAXES PAID.

Prior to approving an application for a site plan review, the applicant shall provide evidence to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the site plan review application relates.

#### 6. PLAN AGREEMENTS.

All site and construction plans officially submitted to the City shall be treated as a formal agreement between the applicant and the City. Once approved, no changes, modifications, or alterations shall be made to any plan detail, standard, or specifications without prior submission of a plan modification request to the Zoning Administrator.

#### 7. SITE PLAN MODIFICATIONS.

An amended site plan involving major changes, as determined by the Zoning Administrator, shall be applied for and administered as required for a new site plan.

#### 8. BUILDING CODES.

The review and approval of site improvements pursuant to the requirements of City-adopted building and fire codes shall be in addition to the site plan review process established under this Section. The site plan approval process does not imply compliance with the requirements of these building and fire codes.

#### 9. PLAN REFERRAL.

The Zoning Administrator or the site plan applicant shall have the authority to refer a site plan to the Planning & Zoning Commission and/or City Council for discussion, review, and informal comment. Any opinions or comments provided to the applicant by the Zoning Administrator, Planning & Zoning Commission, or City Council shall be considered advisory only and shall not constitute a binding decision on the request.

#### 521.05 NONCONFORMING LOTS, USES, AND STRUCTURES.

##### 1. INTENT.

A. As required by M.S. § 462.357, as it may be amended from time to time, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of these zoning regulations, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless the nonconformity or occupancy is discontinued for a period of more than one (1) year, or any nonconforming use is destroyed by fire or other peril to the extent of greater than fifty (50) percent of its market value, and no building permit has been applied for within one hundred eighty (180) days of when the property is damaged. In this case, the City Council may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property. A subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

B. Notwithstanding division (A), the City may regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction of flood flows in the floodway.

C. Nonconforming shoreland lots of record are subject to the provisions of M.S. § 462.357, as it may be amended from time to time.

D. Lots, structures, and uses of land that were lawful when established, but which would be prohibited under the terms of this Ordinance, or future amendments, shall be deemed legal nonconforming and regulated in accordance with this Section. It is the intent of this Ordinance to phase out such nonconforming uses within a reasonable time period while retaining full economic value. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded, or extended, and shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except in compliance with provisions of this Section.

E. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land may only be extended or expanded, including by expansion of a building or structure, attachment or placement of additional signs or display devices to a building, or on the land outside the building, upon issuance of an expansion permit. Additional uses that would be prohibited generally in the district involved may not be allowed by an expansion permit. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun and upon which actual building construction has been diligently continued. "Actual construction" is defined to include the placing of construction materials in permanent position and fastening in a permanent manner, and demolition, elimination, and removal of an existing structure in connection with such construction; provided that actual construction work shall be diligently continued until the completion of the building involved.

## 2. NONCONFORMITIES.

A. Any nonconformity, including the lawful use or occupation of land or premises legally existing at the time of establishment, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

1. The nonconformity or occupancy is discontinued for a period of more than one (1) year; or

2. The nonconformity is destroyed by fire or other peril to the extent of greater than fifty (50) percent of its market value, and no building permit has been applied for within one hundred eighty (180) days of when the property is damaged. In this case, the City may impose reasonable conditions upon a building permit to mitigate any newly created

impact on adjacent property. The City may impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

### 3. EXPANSION PERMIT, NONCONFORMING USE OR STRUCTURE.

A. An expansion of a nonconforming use may not be done without first obtaining a variance or an expansion permit.

1. A variance is required if the expansion will intrude into one or more setback areas beyond the distance of the existing structure or will exceed the height or size limitations in this Section by a distance or amount greater than the existing structure.

2. An expansion permit is also required if:

a. The proposed expansion will occupy any space within a nonconforming area that was previously not occupied both vertically and horizontally. For example, an expansion permit would be required if a second-floor area is expanded into the nonconforming setback over an existing nonconforming first floor, even though the nonconformity of the first-floor setback dimension stays the same or is reduced; or

b. The nonconforming aspect of a use or structure is reduced but still does not comply with current ordinance standards.

### 4. PROCEDURE.

1. Application. Application for a nonconforming use or structure expansion permit must be made to the Zoning Administrator. The application must be on forms provided by the City and must be accompanied by the following:

A. A survey of the property that shows, at a minimum, all lot lines; existing and proposed structures; driveways and parking areas; significant topographical features; and mature trees.

B. Evidence of ownership or an interest in the property.

C. The fee set by the annual fee schedule.

D. Such other information as may be required by the City.

2. Public Hearing. Upon receipt of a completed application, a date will be set for a public hearing before the Planning and Zoning Commission. The variance procedures shall be followed as identified in Section 153-23.

3. Decisions. An expansion permit for a nonconforming use or structure may be granted, but is not mandated, when the applicant meets the burden of proving that the proposed expansion is a reasonable use of the property, considering such things as:

- A. Functional and aesthetic justifications for the expansion;
- B. Adequacy of off-street parking for the expansion;
- C. Absence of adverse off-site impacts such as traffic, noise, dust, odors, and parking;
- D. Improvement to the appearance and stability of the property and neighborhood;
- E. Will not endanger public safety;
- F. Will not interfere with adopted City plans or regulations requiring additional right-of-way width; and
- G. Is not an expansion of a nonconformity previously allowed through the nonconformity variance process.

The City Council may impose conditions in granting an expansion permit to effect the intent of this Ordinance and to protect adjacent properties. The City Council must accompany its decision to approve or deny an expansion permit with a statement of its findings and must serve a copy of its decision upon the applicant.

4. **Term of Expansion Permit.** An expansion permit granted by the City will run with the land and will be perpetual unless no building permit has been issued or substantial work performed within one (1) year following the approval, in which case the permit will be null and void. The City Council may extend the period for construction upon finding that the interests of the owners of neighboring properties will not be adversely affected by such extension. If the expansion permit is part of an approved site and building plan, extension of the time period for construction will be contingent upon similar extension of the time period for the site and building plan by the Planning and Zoning Commission. Once the project is completed as approved, the expansion permit becomes perpetual.

5. **Specific Period.** An expansion permit is valid only for the project for which it was granted. Construction of any project must be in substantial compliance with the building plans and specifications reviewed and approved by the Planning and Zoning Commission and City Council.

#### 5. RECORDING.

A certified copy of the approved expansion permit will be filed with the McLeod County Recorder. The expansion permit must contain a full legal description of the property affected.

#### 6. VIOLATIONS.

A person who violates, fails to comply with, or assists, directs, or permits the violation of the terms or conditions of an expansion permit is guilty of a misdemeanor. A violation of the expansion permit renders the permit null and void. A violation also constitutes a public nuisance that may be abated in accordance with City Code.

#### 522 BUILDING PERMITS

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

523 VALIDITY AND DATE EFFECTIVE

523.01 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.

523.02 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.

523.03 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.)

The remaining portions of Chapter 5, Section 520 to 576 shall be renumbered in succession as appropriate.

**Section 2.** The City hereby repeals the City's current zoning map and designates the Future Land Use Map in the City's Comprehensive Plan to be the City's Zoning Map.

Passed by the City Council of Glencoe, Minnesota this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Mark Hueser, Mayor

Attested:

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Mark Larson, City Administrator