

City of Grasston,
Minnesota

**ZONING
ORDINANCE**

GRABSTON ZONING ORDINANCE

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CITY OF GRASSTON ZONING ORDINANCE

AN ORDINANCE REGULATING THE USE OF LAND AND THE USE AND LOCATION OF BUILDINGS AND STRUCTURES; THE HEIGHT AND BULK OF BUILDINGS AND STRUCTURES AND THE DETERMINATION OF YARDS; THE DENSITY OF POPULATION WITHIN THE CITY OF GRASSTON, MINNESOTA, PURSUANT TO THE AUTHORITY GRANTED BY MINNESOTA STATUTES SECTION 462.257

The City of Grasstons does ordain as follows:

SECTION 1. TITLE, PURPOSE, INTERPRETATION

Subd. 1. **Title.** This Ordinance shall be known, cited and referred to as the CITY OF GRASSTON ZONING ORDINANCE except as referred to herein, where it shall be known as "this Ordinance".

The provisions of this Ordinance shall apply to all lands, properties, buildings and other structures or use of land within the incorporated area of the City of Grasstons.

Subd. 2. **Intent and Purpose.** The intent of this Ordinance is to protect the public health, safety and general welfare of the City and its people through the establishment of minimum regulations governing land development and use. This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land. Such regulations are established to provide adequate light, air and convenience of access to property; to prevent congestion in the public right-of-way; to prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards and density of population; to provide for compatibility of different land uses; to provide for administration of this Ordinance; to provide for amendments; to prescribe penalties for violation of such regulations; to define powers and duties of the City Staff, the Board of Adjustment and Appeals, the Planning Commission, and the City Council in relation to the Zoning Ordinance.

Subd. 3. **Jurisdiction.** The regulations herein governing zoning shall apply to all areas within the corporate limits of the City of Grasstons.

Subd. 4. **Relation to Comprehensive Plan.** It is the policy of the City of Grasstons that the enforcement, amendment, and

administration of this Ordinance be accomplished with due consideration of the recommendations contained in the City's Comprehensive Plan as the policy for responsibility to regulate land use and development.

- Subd. 5. Standard Requirement. Where the conditions imposed by any provisions of this Ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule or regulation of the State or Federal government, the ordinance, rule or regulation which imposes the more restrictive condition standard or requirements shall prevail. In the event of any conflict between this Ordinance with any private restrictions, protections and covenants, the provisions of this Ordinance shall apply.
- Subd. 6. Minimum Requirements. In their interpretation and application, the provisions of this Ordinance shall be held at least to the minimum requirements for the promotion of the public health, safety and welfare.
- Subd. 7. Conformity with Provisions. No structure shall be erected, converted, enlarged, reconstructed, altered or placed, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.
- Subd. 8. Building Permits. Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance.
- Subd. 9. Conditional Uses, Variances, Amendments. Nothing within this Ordinance shall be construed so to deny any property owner his right to apply for a conditional use permit, variance, or amendment to this Ordinance.
- Subd. 10. Uses Not Provided for Within Zoning Districts. Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case the City Council or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable, and if so, determine the appropriate zoning district and conditions and standards for the development of the use. The City Council, Planning Commission or property owner shall, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

Subd. 11. Separability. It is hereby declared to be the intention of the City that the several provisions of this Ordinance are separable in accordance with the following:

If any court of competent jurisdiction shall judge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.

If any court of competent jurisdiction shall judge invalid the application of any provision of the Ordinance to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

Subd. 12. Rules. The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction.

The singular number includes the plural, and the plural the singular.

The present tense includes the past and the future tenses, and the future the present.

The word "shall" is mandatory while the word "may" is permissive.

The masculine gender includes the feminine and neuter.

Subd. 13. Effective Date. The effective date of this Ordinance shall be the date on which the same is approved by the City Council. Any application for a variance, conditional use permit, special use permit, or rezoning which was submitted to the City prior to the effective date of this Ordinance, and which is currently pending approval by the City, shall be governed and shall proceed pursuant to all conditions and requirements of the prior zoning ordinance, and any development contract, then in effect. The existence of a development contract entered into by and between the City and any individual or other legal entity prior to the effective date of this Ordinance, and which involves the issuance of a variance, conditional use permit, special use permit, or rezoning request, shall be an affirmative showing that said application is currently pending approval by the City.

SECTION 2. DEFINITION OF TERMS

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

Subd. 1.

Accessory Building or Use. A subordinate building, structure or use which is located on the same lot on which the main building or use is situated and is reasonably necessary and incidental to the conduct of the primary or principal use of such building or main use.

Subd. 2.

Agriculture Uses. Those uses commonly associated with the growing and storage of produce and raising of livestock on farms. These uses include: field crop farming; pasture; the production of hay, fruit, trees, plants, shrubs or flower nursery without building; truck gardening; roadside produce stands in season; and livestock raising and feeding.

Subd. 3.

Basement. A portion of a building located partially underground but having more than one-half (1/2) its floor to ceiling height below the average land grade.

Subd. 4.

Bluff Impact Zone. A bluff and land located within 20 feet from the top of a bluff.

Subd. 5.

Bluffline. A line along the top of a slope connecting the points at which the slope becomes less than 13%. This applies to those slopes within the land use district which are beyond the setback provision from the ordinary high water level.

Subd. 6.

Buildable Area. The portion of a lot remaining after required yards have been provided, which is capable of supporting the proposed structure(s).

Subd. 7.

Building Height. The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped

roof.

Subd. 8.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Subd. 9.

Building Line. That line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

Subd. 10.

Building Setback. The minimum horizontal distance between the building and the specified lot line as prescribed in this Ordinance.

Subd. 11.

Campground. An area containing campsites or camping spurs for tent and trailer camping.

Subd. 12.

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

Subd. 13.

Clear cutting. The removal of an entire stand of vegetation.

Subd. 14.

Commercial Recreation. Bowling alley, cart track, golf course, pool hall, vehicle racing or amusement, dance hall, skating, swimming, tavern, theater, firearms range, gun clubs, hunting preserves, boat rental, amusement rides, campgrounds, deer park, and similar uses for which fees are charged for admission or use of the facility.

Subd. 15.

Commercial Uses. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Subd. 16.

Commissioner. The Commissioner of the Department of Natural Resources.

Subd. 17.

Conditional use. A use of land which is permitted only when allowed after a public hearing, if certain conditions are met which eliminate or minimize the incompatibility with other permitted uses of the district. X

Subd. 18.

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

Subd. 19.

Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

Subd. 20.

Dwelling site. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Subd. 21.

District. A section or sections of the City for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted herein.

Subd. 22.

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

Subd. 23.

Dwelling, Multiple (Apartment). A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or X

more families living independently of each other but sharing hallways, main entrances and exits. X

Subd. 24.

Dwelling, Single Family. A detached dwelling unit designed for occupancy of one (1) family.

Subd. 25.

Dwelling, Two-Family. A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

Subd. 26.

Earth Sheltered Buildings. Buildings constructed so that more than fifty percent (50%) of the exterior surface area of the buildings, excluding garages and other accessory buildings, is covered with earth. Partially completed buildings shall not be considered earth sheltered.

Subd. 27.

Essential Services. Underground or overhead gas, electrical, steam or water distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings or transmission services.

Subd. 28.

Family. An individual or two or more persons related by blood or marriage or a group of not more than five unrelated persons living together on the premises or in a single housekeeping unit.

Subd. 29.

Farm. A tract of land which is principally used for commercial agriculture, all of which is owned and/or operated by a single family, farm corporation, individual or corporation.

Subd. 30.

Fence. A barrier forming a boundary to, or enclosing some area.

Subd. 31.

Floor Area. The sum of the gross horizontal area of the several floors of the building, measured from the exterior faces of the exterior walls.

Subd. 32.

Forestry. The use and management including logging of a forest, woodland, or plantation, and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidroads, landings, and fences.

Subd. 33.

Forest Land Conversion. The clear cutting of forest lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Subd. 34.

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

Subd. 35.

Hardship - Undue. The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his property not created by the landowners.

Subd. 36.

Home Occupation. Any occupation or profession carried on by a member(s) of the family residing on the premises, provided that the use is clearly incidental and secondary to the main use of the premises for dwelling purposes and does not change the character thereof.

Subd. 37.

Industrial Use. Any use of land or buildings where the manufacturing, commercial salvaging, commercial recycling, storage, or warehousing of goods, products, commodities or materials occur.

Subd. 38.

Intensive Vegetative Clearing. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

lines measured at the right angles at the building line and front lot line.

Subd. 47.

Manufacturing. All uses which include the compounding, processing, packaging, treatment, or assembly of products and materials.

Subd. 47.

Manufacturing, Light. All uses which include the compounding, processing, packaging, treatment, or assembly of products and materials and such operations do not generate external impacts such as visual, noise, smoke, and exterior storage which is incompatible with other commercial uses.

Subd. 48.

Mining Operation - Commercial. The removal from the land and sale of five hundred (500) cubic yards of stone, sand, gravel, coal, salt, iron, copper, nickel, granite, peat, petroleum products or other material for commercial, industrial, or governmental purposes.

Subd. 49.

Nonconforming Structure or Use. Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

Subd. 50.

Off-Street Loading Space. A space accessible from a public road, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) truck of the type typically used in the particular business.

Subd. 51.

Ordinary High Water Level. The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominately aquatic to predominately terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For resevoirs and flowages, the ordinary high water level is the

operating elevation of the normal summer pool.

Subd. 52.

Parking Space. An area of not less than nine (9) feet in width and nineteen (19) feet in length, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) automobile which has adequate access to a public road and permitting satisfactory ingress and egress of an automobile. X

Subd. 53.

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

Subd. 54.

Planning Commission. The planning body created by resolution of the City of Council.

Subd. 55.

Principal Use. The primary or main use of land or buildings as distinguished from subordinate, incidental or accessory uses.

Subd. 56.

Public Road. For the purpose of this Ordinance public roads shall include only those roads which are owned by the township, county, state, or federal government, and dedicated for public use.

Subd. 57.

Public Uses. Uses owned or operated by a municipality, school district, town, county, state or other governmental units.

Subd. 58.

Protected Waters. Any waters of the State which serve a beneficial public purpose, as defined in Minnesota Statutes, Section 103G.201. A body of water created by a private user where there was no previous shoreland, as defined herein, for a designated private use authorized by the State of Minnesota shall be exempt from the provisions of these regulations.

Subd. 59.

Recreational Uses. Recreational use particularly oriented to and utilizing the outdoor character of an area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks

and recreation areas.

Subd. 60.

Selective cutting. The removal of single scattered trees.

Subd. 61.

Sewage treatment system. Any system for the collection, treatment and dispersion of sewage including but not limited to septic tanks, soil absorption systems and drain fields.

Subd. 62.

Setback. The minimum horizontal distance between a structure or sanitary facility and a road or highway right-of-way or property lot line, or between a structure or sanitary facility and the ordinary high water mark or bluffline.

Subd. 63.

Shoreland. Land located within the following distances from public water: (i) 1,000 feet from the ordinary high water mark of a lake, pond, or flowage; and (ii) 300 feet from a river or stream; or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

Subd. 64.

Sign. A structure or device designed or intended to convey information to the public in written or pictorial form.

Subd. 65.

Sign area. The entire area within a continuous perimeter enclosing the extreme limits of sign display, including any frame or border.

Subd. 66.

Sign, awning, canopy, or marquee. A sign applied to the valance of awning, canopy, or marquee.

Subd. 67.

Sign, freestanding. A sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

Subd. 68.

Sign, off-premises. A sign for which the message does not apply to the premises or any use of the premises where it is displayed or located.

Subd. 69.

Sign, wall. A sign applied to the outside of a building, parallel to the face of a building and supported throughout its length by such building.

Subd. 70.

Sign, window. A sign applied on a window, which is visible from a right-of-way.

Subd. 71.

Significant historic site. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Subd. 72.

Slope. The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

Subd. 73.

Steep slope. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Subd. 74.

Structure. Anything which is built, constructed or erected on the ground or attached to the ground; an edifice or building of any

kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character, including decks and signs.

Subd. 75.

Subdivision. Improved or unimproved land or lands which are divided for the purpose of ready sale or lease, or divided successively within a five year period for the purpose of sale or lease, into three or more lots or parcels of less than five acres each, contiguous in area and which are under common ownership or control.

Subd. 76.

Substandard Use. Any use existing prior to the date of this Ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area, frontage, setbacks, water frontage length, or other dimensional standards of this Ordinance.

Subd. 77.

Toe of the Bluff. The lower point of a 50 foot segment with an average slope exceeding 18 percent.

Subd. 78.

Top of the Bluff. The higher point of a 50 foot segment with an average slope exceeding 18 percent.

Subd. 79.

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

Subd. 80.

Variance. The waiving action of the literal provisions of the Zoning Ordinance in instances where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property under consideration.

Subd. 81.

Water-oriented accessory structure or facility. A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses,

gazebos, screen houses, fish houses, pump houses, and detached decks.

Subd. 82.

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

- A. Vegetation belonging to the marsh (emergent aquatic) bog, fen, sedge meadow, shrubland, southern lowland forest (lowland hardwood), and northern lowland forest (conifer swamp) communities. (These communities correspond roughly to wetland types 1, 2, 3, 4, 5, 6, 7 and 8 described by the United States Fish and Wildlife Service, Circular 39, "Wetlands of the U.S.", 1956).
- B. Mineral soils with grey horizons or organic solids belonging to the Histosol order (peat and muck).
- C. Soil which is water logged or covered with water at least three months of the year. Swamps, bogs, marshes, potholes, wet meadows, and sloughs are wetlands, and properly, may be shallow water bodies, the waters of which are stagnant or actuated by very feeble currents, and may at times be sufficiently dry to permit tillage but would require drainage to be made arable. The edge of a wetland is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Subd. 83.

Yard. An open space on the lot which does not contain structures. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

Subd. 84.

Yard - Front. A yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and the nearest line of the building.

Subd. 85.

Yard - Rear. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

Subd. 86.

Yard - Side. A yard between the side line of the lot and the nearest line of the building and extending from the front yard of the lot to the rear yard.

Subd. 87.

Zoning Administrator. A person appointed by the City Council to enforce the Zoning Ordinance.

Subd. 88.

Zoning Map. The maps or map incorporated into this Ordinance as part thereof, and as amended, designating the zoning districts.

SECTION 3. GENERAL DISTRICT PROVISIONS

Subd. 1. Establishment Of Districts. The following zoning districts are hereby established within the City of Grasston.

- A-R, Agricultural Residential District
- R-1, One and Two-Family Residential District
- B-1, Central Business District
- B-2, Genral Industrial District
- S, Shorelands District

Subd. 2. Map. The location and boundaries of the districts established by this Ordinance are hereby set forth on the zoning maps entitled "Zoning Map", a copy of which is on file with the City Clerk. Said maps and all of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this Ordinance by reference.

Subd. 3. Annexation-Detachment. In the event of changes in the City limits removing territory from the City, district boundaries shall be constructed as moving with City limits. In the event of annexation of new areas to the City, such; areas shall be considered to be in the "A-R" District until otherwise classified.

Subd. 4. Zoning District Boundaries.

- A. Boundaries indicated as approximately following the center lines of streets, highways, alleys, or railroad lines shall be construed to follow such center lines.

- B. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in shore line shall be constructed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be constructed to following such center lines.
- D. Boundaries indicated as approximately following the city limits shall be construed as following such city limits.
- E. Where a district boundary line divides a lot which was in a single ownership at the time of passage of this Ordinance, the extension of the regulations for either portion of the lot may be interpreted by the Zoning Administrator, subject to appeal as provided in Section 16 of this Ordinance.

Subd. 5. District Regulations. The regulations of this Ordinance within each district shall be minimum regulations, and shall apply uniformly to each class or kind of structure of land, except as hereinafter provided.

- A. No buildings, structure, or land shall hereafter be used or occupied, and no building structure or part thereof shall hereafter be erected, constructed, reconstructed, placed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- B. No buildings or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or smaller rear, front, or side yards, or other open spaces than herein required; or in any other manner contrary to the provision of this Ordinance.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 4.

(A-E) AGRICULTURAL - RESIDENTIAL DISTRICT

Subd. 1.

Purpose. The Agricultural - Residential District is intended to provide a district which will allow suitable areas of the City to be retained and utilized in open space and/or agricultural uses, prevent scattered non-farm uses from developing improperly, promote orderly development, and secure economy in government expenditures for public utilities and service.

Subd. 2.

Permitted Uses. The following are permitted uses:

- A. Farm buildings which are used for purposes related to the operation of the farm.
- B. Farm production which shall include the raising of crops and livestock or animals not typically regarded as domestic pets for sale, profit, or pleasure.
- C. Greenhouse or nursery.
- D. Forestry.
- E. Wildlife areas, forest preserves, public parks owned or operated by a government agency or nonprofit organization, and other open space uses:
- F. Temporary or seasonal roadside stands for sale of agricultural products.
- G. Single family dwellings (subject to density requirements of Subd. 5).
- H. Essential services.

Subd. 3.

Conditional Uses. The following uses may be permitted upon the issuance of a conditional use permit as provided for in Section 18:

- A. Commercial extraction of sand, gravel, minerals, or rock.
- B. Churches.
- C. Governmental or private club buildings.
- D. Kennels (on not less than 5 acre lot).
- E. Commercial, private and private-club recreational facilities

F. Home occupations as described in Section 13, Subd. 2.

Subd. 4. Accessory Uses. The following are permitted accessory uses:

- A. Any structure or use which is incidental to the permitted principal use including garages, sheds, fencing, and landscaping.
- B. Recreational facilities which serve the residents of the principal use.
- C. Operation and storage of such vehicles, equipment, and machinery which are incidental to permitted principal use.
- D. Home occupations subject to Section 13, Subd. 3. of this Ordinance.

Subd. 5. Residential Density Requirements. No more than two (2) dwelling units per quarter (1/4) of a quarter (1/4) section, including existing dwellings, are permitted. Existing parcels or lots of record shall be considered buildable, notwithstanding this density requirement. All dwelling lots shall front an existing public road.

Subd. 6. Lot Area Requirements.

- A. Lot Area. A lot area of not less than two (2) acres is required, of which an area of at least two (2) contiguous acres is determined to be buildable.
- B. Lot Width. A lot width of not less than three hundred, thirty (330) feet at the building line and front lot line is required for each dwelling unit.

Subd. 7. Front, Side and Rear Yard Requirements.

- A. Front Yard. A front yard is required and shall be not less than the following distances between the centerline of the road or right-of-way (as in 3 and 4, below) and building line:
 - 1. State trunk highway - 135 feet from centerline.
 - 2. County, county/state-aid highways - 110 feet.
 - 3. Local streets - 30 feet.
 - 4. In no case shall the building setback be less than 35 feet from the right-of-way, except for

A.3, above.

- B. Side Yards. Two (2) side yards are required, each having a width of not less than thirty (30) feet.
- C. Rear Yard. A rear yard of not less than thirty (30) feet from rear lot line and nearest line of building is required.

SECTION 5. (R-1) ONE AND TWO FAMILY RESIDENTIAL DISTRICT

Subd. 1. Purpose. The One and Two-Family Residential District is intended to establish an area of medium density residential uses consisting of one and two-family dwellings and directly related complimentary uses.

Subd. 2. Special Requirements. All structures requiring sanitary facilities shall be connected to and served by the municipal sanitary sewer system. One-family dwellings may be converted to one bedroom apartments at the ratio of one for each six hundred (600) square feet of floor area in each dwelling before conversion, exclusive of basement, and shall be in accordance with the Minnesota Uniform Building Code.

Subd. 3. Permitted Uses. The following are permitted uses:

- A. One-family residences.
- B. Two-family residences.
- C. Non-commercial gardening.
- D. Public parks and recreational facilities, all non-commercial.

Subd. 4. Conditional Uses. The following uses may be permitted upon the issuance of a conditional use permit as provided for in Section 18:

- A. Multiple-family residences.
- B. Churches.
- C. Government buildings
- D. Schools
- E. Licensed daycare facility.

F. Commercial private and private-club recreational facilities.

G. Home occupations as regulated by Section 13, Subd. 2.

Subd. 5. Accessory Uses. The following are permitted accessory uses:

- A. Private garages, parking spaces and car ports for licensed and operable passenger cars and trucks not to exceed a gross capacity of twelve thousand (12,000) pounds, as regulated by Section 11 of this Ordinance. Said uses are intended for the storage of private passenger vehicles of the family or families residing upon the premises, and in which no business service or industry is carried on. Such space can be rented to non-residents of the property for private passenger vehicles and/or non-commercial vehicles, trailers, or equipment if sufficient off street parking in full compliance with this Ordinance is provided elsewhere on the property. Such garage shall not be used for the storage of more than one (1) commercial vehicle owned or operated by a resident per dwelling unit. The parking and operation of vehicles shall not result in being a nuisance to other properties.
- B. Offstreet parking areas and the parking of vehicles.
- C. Non-commercial greenhouses and conservatories.
- D. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principle use and their guests.
- E. Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment.
- F. Boarding or renting of rooms, not constituting an apartment, within the principal building to not more than two (2) persons.
- G. Essential services.
- H. Fencing, screening and landscaping as permitted and regulated by Section 9, Subd. 7 of this Ordinance.
- I. Home occupations consistent with Section 13. Subd. 3 of this Ordinance.

Subd. 6. Minimum Lot Size.

- A. A lot area of not less than fifteen thousand (15,000) square feet is required.
- B. A lot width of not less than one hundred (100) feet is required.

Subd. 7. Front, Side and Rear Yard Requirements.

- A. **Front Yard.** A front yard of not less than thirty (30) feet is required.
- B. **Side Yards.** Two (2) side yards are required, each with a width of not less than ten (10) feet. Where a lot is located at the intersection of two (2) or more streets, the width of the yard along the side street shall not be less than thirty (30) feet.
- C. **Rear Yard.** A rear yard with a depth of not less than twenty (20) feet is required.

Subd. 8. Maximum Building Heights. Building heights shall not exceed two and one-half (2 1/2) stories.

SECTION 6. (B-1) CENTRAL BUSINESS DISTRICT

Subd. 1. Purpose. The Central Business District is intended to provide for retail, service and office developments to serve the local market and traveling public.

Subd. 2. Special Requirements. All business operations shall be conducted within completely enclosed buildings, with the following exceptions: establishments of the "drive-through" type; display of merchandise for sale to the public during business hours; and off-street parking and loading.

Subd. 3. Permitted Uses. The following are permitted uses:

- A. Retail and wholesale establishments.
- B. Restaurants.
- C. Personal service establishments.
- D. Convenience stores.
- E. Professional and business offices.

- F. Churches, parish houses and related uses.
- G. Public parking facilities.
- H. Public buildings and public service facilities.
- I. Public parks and recreational facilities.

Subd. 4. Conditional Uses. The following uses may be permitted upon the issuance of a conditional use permit as provided for in Section 18:

- A. Automobile service stations.
- B. Automobile, implement, recreational vehicle sales, service and repair.
- C. Shopping centers.
- D. Retail or service establishments requiring permanent exterior storage, display, or parking of vehicles.
- E. Commercial recreational facilities.
- F. Grain elevators, feed and fertilizer mills.
- G. Hotels and motels.
- H. Licensed daycare facilities.
- I. Non-profit clubs, lodges or halls.
- J. Enclosed light manufacturing.
- K. Enclosed storage, warehousing.
- L. Hospitals, clinics, homes for the aged and similar institutions and institutions of an educational philanthropic or charitable nature when required for the public health, safety or welfare.
- M. Veterinary clinic.
- N. Apartments located within operating commercial buildings.

Subd. 5. Accessory Uses. The following are permitted accessory uses:

- A. Commercial or business buildings and structures for a use accessory to the principal use, but shall not

exceed thirty (30) percent of the gross floor area of the principal use.

- B. Off-street parking as regulated by Section 11 of this Ordinance.
- C. Fencing, screening and landscaping as permitted and regulated by Section 9, Subd 7 of this Ordinance.

Subd. 6. Minimum Lot Size.

- A. A lot area of not less than five thousand (5,000) square feet is required.
- B. A lot width of not less than forty (40) feet of street frontage is required.

Subd. 7. Front, Side and Rear Yard Requirements. No yards are required.

Subd. 8. Transitional Yard Requirements. In the "B-1" District, the minimum transitional yard requirements shall not be less than those specified below:

- A. Where a side lot coincides with a side or rear lot line in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall not be less than the minimum side yard which would be required under this Ordinance for a residential use on the adjacent residential lot.
- B. Where a rear lot line coincides with a side lot line in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall not be less than the minimum side yard which would be required under this Ordinance for a residential use on the adjacent residential lot.
- C. Where a rear lot line coincides with a rear lot line in an adjacent residential district, a yard shall be not less than the minimum required for the rear yard for a residential use on the adjacent residential lot.
- D. Where the extension of a front or side lot line coincides with a front lot line of an adjacent lot located in a residential district, a yard not less than the minimum front yard required by this Ordinance on such adjacent residential lot shall be provided along such front or side lot lines.

Subd. 9. Maximum Building Heights. Building heights shall not

exceed two and one-half (2 1/2) stories or thirty-five (35) feet.

SECTION 7. (B-2) GENERAL BUSINESS DISTRICT

Subd. 1. Purpose. The General Business District is established to provide for certain commercial industrial uses that require large sites, significant parking or enclosed uses and are less compatible with commercial and residential areas and, therefore, are not appropriate in the "B-1" District.

Subd. 2. Special Requirements. Any unenclosed uses, including display, storage, manufacturing and assembly, shall require the issuance of a conditional use permit as set forth in Section 18.

Subd. 3. Permitted Uses. The following are permitted uses:

- A. All permitted uses in the "B-1" District.
- B. Manufacturing.
- C. Wholesale business establishments.
- D. Retail businesses in conjunction with wholesaling or warehousing.
- E. Warehouse; packing and crating establishment; freight terminal.
- F. Contractors' shops; roofing, electrical, blacksmith, carpentry, heating, plumbing, painting, ventilating, welding, upholstering, fencing, building.
- G. Grain elevators, feed and fertilizer mills.
- H. Public and public utility uses.

Subd. 4. Conditional Uses. The following uses may be permitted upon the issuance of a conditional use permit as provided for in Section 18:

- A. Any unenclosed uses, including storage, manufacturing and assembly.
- B. All uses allowed as a conditional use in the "B-1" District.

C. Other manufacturing, production, servicing, processing, storage or commercial uses determined by the Planning Commission to be the same general character as the permitted and conditional uses and conform with the purpose and performance standards set forth in this district.

D. Single-family residence.

Subd. 5. Accessory Uses. The following are permitted accessory uses:

A. Commercial or business buildings and structures for a use accessory to the principal use, but shall not exceed thirty (30) percent of the gross floor area of the principal use.

B. Off-street parking as regulated by Section 11 of this Ordinance.

C. Fencing, screening and landscaping as permitted and regulated by Subdivision 10 of this Section or Section 9, Subd. 7 of this Ordinance.

Subd. 6. Minimum Lot Size.

A. A lot area of not less than two (2) acres is required.

B. A lot width of not less than one hundred (100) feet is required.

Subd. 7. Front, Side and Rear Yard Requirements.

A. **Front yard.** There shall be a front yard having a depth of not less than thirty (30) feet between building and the front lot line to be devoted exclusively to landscaping except for necessary points of access or parking.

B. **Side yard.** Two (2) side yards are required, each with a width of not less than ten (10) feet.

C. **Rear yard.** A rear yard with a depth of not less than ten (10) feet is required.

Subd. 8. Transitional Yard Requirements. When any lot line coincides with a lot line of an adjacent residential district, the setback shall be at least thirty (30) feet.

Subd. 9. Performance Standards. It is the intent of this

subdivision to provide that industry and related activities shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each such permitted use shall be a good neighbor to adjoining properties by the control of the following:

- A. **Noise.** Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so not to become objectionable due to intermittence, beat, frequency, shrillness or intensity. At the property line, the sound pressure level of noise radiated continuously from a facility shall not exceed the values given in Table A herein.

TABLE A

Maximum permissible sound pressure levels of specified points of measurement for noise radiated continuously from a facility.

<u>Bank Cycles Per Second (Frequency)</u>	<u>Maximum Permitted Sound Level (Decibels)</u>
20-75	72
75-150	67
150-300	59
300-600	52
600-1200	46
1200-2400	40
2400-4800	34
Over 4800	32

- B. **Odor.** No activity or operation shall cause at any time the discharge of toxic, noxious or odorous matter beyond the limits of the immediate site where it is located in such concentrations as to be obnoxious or otherwise detrimental to, or endanger the public health, welfare, comfort or safety, or cause injury to property or business.
- C. **Glare.** Glare, whether direct or reflected, such as from floodlights, spotlights or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the site of origin at any property line.
- D. **Exterior Lighting.** Any lights used for exterior illuminations shall be directed away from adjacent properties.

- E. **Smoke.** The Ringelman Smoke Chart, published by the United States Bureau of Mines, shall be used for measuring smoke at the point of emission. Smoke not darker or more opaque than No. 4 on said chart may be emitted, except that smoke darker or more opaque than No. 2 on said chart may not be emitted for periods longer than four (4) minutes in any thirty (30) minutes. These provisions, applicable to visible gray smoke of a different color but an equivalent apparent opacity.
- F. **Dust.** Solid or liquid particles shall not be emitted at any point in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air. For measuring the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of five hundred degrees Fahrenheit (500) and fifty percent (50%) excess air.
- G. **Fumes or Gases.** Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic, or corrosive.
- H. **Hazard.** Every operation shall be carried on in accordance with local fire & safety codes.
- I. **Water Supply.** The design and construction of water supply facilities and water supply sources shall be in accordance with local and Minnesota State Department of Health standards and requirements.
- J. **Waste.** All sewage and industrial wastes shall be treated and disposed in such manner as to comply with Minnesota State Department of Health standards and requirements, Minnesota Pollution Control Agency standards and requirements, and local codes.
- K. **Investigations, Tests.** In order to assure compliance with the performance standards set forth above, the Planning Commission may require the owner or operator of any permitted use to make such investigations and tests as may be required to show adherence to the performance standards.

Subd. 10. **Regulations On Screening.** Any unenclosed uses, including storage, manufacturing and assembly, adjacent to a Residential District, shall be screened and buffered from such district by a fence or vegetative screening of not less than seven (7) feet in height at the district boundary.

All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site and they shall be properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed.

SECTION 8. (S) SHORELAND DISTRICT

Subd. 1. Purpose. The Shoreland District is established to manage the use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shoreland and provide for the wise use of waters and related land resources, pursuant to Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500 - 6120.3900.

Subd. 2. District Boundaries. The Shoreland District shall be an overlying district which includes the area three hundred (300) feet from the ordinary high water level of the Snake River within the corporate limits of Grasston.

Subd. 3. Permitted Uses. The permitted uses shall be those permitted uses allowed within the underlying district except for agricultural feedlots.

Subd. 4. Conditional Uses. The conditional uses shall be those conditional uses allowed within the underlying districts.

Subd. 5. Accessory Uses. The accessory uses shall be those accessory uses allowed within the underlying districts.

Subd. 6. Minimum Lot Size. A lot size of not less than the following is required:

A. Lot Area. The minimum lot area is set forth in the underlying district provisions.

B. Lot Width. The minimum lot width requirements are as follows:

1. One-Family Residence - 250 feet
2. Two-Family Residence - 375 feet
3. Multiple Family Residence - 625 feet

C. Only land above the ordinary high water level of public waters can be used to meet lot area

§ 150.010 BUILDABLE LOTS.

A lot or parcel of land for which a deed has been recorded in the office of the Kanabec County Recorder upon, or prior to the effective date of the Zoning Code shall be deemed a buildable lot provided it has frontage on a public right-of-way and the space requirements for the district in which it is located can be maintained or adjusted to conform as follows:

(A) A lot or parcel of land which is in an R district and which does not meet the requirements of the Zoning Code as to area, width, or other open space and adjacent land is not available to extend the lot to meet zoning requirements, may be utilized for single-family detached dwelling purposes provided the measurements of such area, width or open space are within sixty percent (60%) of the requirements of the Zoning Code; but said lot or parcel shall not be more intensively developed without a variance.

(B) One (1) building per lot. In all residential districts except R-3 there shall be no more than one (1) principal building per lot. (See also § 150.011(B))

(Ord. 395, passed 7-6-2010) Penalty, see § 150.999

§ 150.011 ACCESSORY BUILDINGS.

(A) *Floor area restrictions.* No accessory building shall exceed one thousand (1,000) square feet or the total square footage of floor area of the principal structure, whichever is less, on a lot up to twenty thousand (20,000) square feet in size. If the lot is over twenty thousand (20,000) square feet, you can add five percent (5%) of the lot area over twenty thousand (20,000) square feet to the garage, up to a maximum of one thousand six hundred (1,600) square feet. This applies to all R-1 and R-4 districts. The maximum allowable lot coverage of all structures shall be thirty-three percent (33%). Attached garages are limited to one thousand (1,000) square feet. Plans and specifications for accessory buildings in all districts must be submitted and approved by the Building Official.

(B) *Time of construction.* 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.

(C) *Height restrictions.* 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.

(D) *Proximity to principal building.* An accessory building shall be considered to be an integral part of the principal building unless it is six (6) feet or more from the principal building.

(E) *Appearance.* An accessory building having a floor area greater than one hundred forty-four (144) square feet shall match and generally be constructed of the same exterior materials as the principal building in the lot.

(F) *One (1) accessory building per principal structure.* Only one (1) accessory building shall be allowed per principal structure in the R districts in addition to one (1) utility/storage building per lot. (See also § 150.064.)

(G) *Fish houses.* Storage of no more than two (2) licensed fish houses shall be allowed per principal structure in the R districts in addition to those structures allowed by § 150.011 (F).

(Ord. 395, passed 7-6-2010) Penalty, see § 150.999

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OFFICE OF KANABEC COUNTY RECORDER

KANABEC COUNTY MINNESOTA

Certified, Filed and/or recorded on:

January 05, 2022 11:00 AM

Lisa J. Holcomb, Recorder

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Pages: 7

Fee: \$0

RECORDING COVER SHEET

DOCUMENT: ORDINANCE

DOCUMENT DATE: 12/21/2021

RETURNED TO: KANABEC COUNTY COORDINATOR

This cover page was added by the Kanabec County Recorder's Office to allow space for recording information and is now an official part of the recorded document.

ORDINANCE #11, Regulating Waste Tires and Used Tires

Subdivision 1. Purpose. This ordinance regulates waste tires and used tires, the establishment, construction, modification, ownership, or operation of waste tire facilities, and the storage, use, processing and disposal of waste tires and waste tire products in Kanabec County; and further regulates used tires, and the establishment, construction, modification, ownership, or operation of sites in which used tires are stored, collected, kept, or deposited in Kanabec County.

Subdivision 2. Definitions.

- 2.1 "County Board" means the Kanabec County Board of Commissioners.
- 2.2 "Zoning Administrator" means the Kanabec County Zoning Administrator.
- 2.3 Unless otherwise denoted, all other terms shall have the definitions given by Minnesota Agency Rules 9220.0210 and other sources incorporated therein by reference.
- 2.4 "Tire" means a pneumatic tire or solid tire.
- 2.5 "Waste Tire" means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.
- 2.6 "Tire-derived products" means the usable materials produced from the chemical or physical processing of a waste tire, including tire shreds and tire crumbs. "Tire-derived products" does not include manufactured consumer products including but not limited to, cow mats, door mats and mulch rings.
- 2.7 "Used Tire" means any tire that is no longer mounted on a vehicle or airplane, is suitable for its original intended purpose, and is not a "waste tire," as defined in 2.5.
- 2.8 "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.
- 2.9 "Tire retailer" means any business registered with the Minnesota Secretary of State which is actively engaged in the retail sale of new or used tires for use on vehicles or airplanes, operating out of a permanent structure open for and catering to the general public.
- 2.10 "Agricultural Use" means the use of land for the growing and/or storage of field crops.