

CHAPTER 9 ZONING

Section 900 - General Provisions

**900.01 Title.** This Chapter shall also be commonly referred to as: Zoning Ordinance, City of Eagle Bend, Minnesota.

**900.02 Purpose.** The purpose of this Section is to promote the public health, safety, comfort and general welfare of the people of Eagle Bend, Minnesota. To accomplish this end, the ordinance shall divide the City into districts, and regulate the use therein. The ordinance provides and promotes the orderly development of agricultural, residential, mobile home, commercial, highway commercial, industrial and shoreland areas.

**900.03 Legal Authority.** This Chapter is enacted pursuant to the City's general Police powers, as well as specific statutory authority and state mandated regulatory rules regarding Municipal Planning, Shoreland Management, and Floodplains.

**900.04 Compliance.** No structure located in the City shall be constructed or altered which does not comply with the regulations of this Chapter for the zoning use district in which it is or is to be located, nor shall any structure or premises be used for any purpose other than a use permitted by this Chapter in the district where located.

**900.05 Definitions.** For the purpose of this Chapter certain terms or words herein shall be interpreted as follows:

**Subd. 1 Person.** The word "person" includes a firm, association, partnership, trust, company or corporation as well as an individual.

**Subd. 2 Shall/May.** The word "shall" is mandatory, the word "may" is permissive.

**Subd. 3 Present Tense, Singular and Plural.** Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural, the singular.

**Subd. 4 Lot.** The word "lot" shall include the words "piece" and "parcel".

**Subd. 5 Abandoned Motor Vehicle.** Abandoned Motor Vehicle means a motor vehicle, as defined in Minnesota Statutes, Chapter 169.01, that:

- A. Has remained for a period of more than 48 hours on public property illegally.
- B. Has remained for a period of more than 48 hours on public property and is lacking vital component parts such that it is in inoperable condition.

C. Has remained for a period of more than 48 hours on private property without the consent of the person in control of such property.

D. Has remained for a period of more than 48 hours on private property with or without the consent of the person in control of such property, and which is in an inoperable condition such that it has no substantial potential further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building.

E. Has been voluntarily surrendered by its owner to a unit of government or person duly licensed pursuant to Minnesota Statutes, § 168B.10 and these regulations, except that a classic car or pioneer car, as defined by statute shall not be considered an abandoned motor vehicle within the meaning of these regulations.

**Subd. 6 Accessory Use or Structure.** A use or structure on the same lot width, and of a nature customarily incidental and subordinate to, the main building.

**Subd. 7 Agriculture.** The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, and necessary accessory uses for packing, treating, or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

**Subd. 8 Apartment.** A room or suite of rooms which is designed for, intended for or occupied by one family and equipped with cooking facilities.

**Subd. 9 Conditional Use.** A land use or development that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon finding that (1) certain conditions as detailed in the zoning ordinance exist; and (2) the use or development conforms to the land use plan of the City and (3) is compatible with the existing neighborhood. A public hearing is required before issuance of conditional use permit.

**Subd. 10 Conditional Use Permit.** A permit issued by the Clerk-Treasurer/ Administrator when ordered by the Council. When such a permit is issued, it may or may not have stated thereon any special requirements as may be imposed as a condition for issuance of that permit, subsequent use of the premises covered by such a permit would change to a non-conforming use at any time such special requirements stated on the permit were not adhered to, and would subject the premises to conciliation of its Certificate of Compliance by action of the Council.

**Subd. 11 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 house-keeping unit, as distinguished from a group occupying a boarding house, lodging home, hotel, or club lodge.

**Subd. 12 Flood Plain.** The areas adjoining a water course which have been or hereafter may be covered by a regional flood.

**Subd. 13 Hardship.** A condition created by the city's Zoning regulations which prevents the property in question from being put to a reasonable use where the plight of the land owner is due to circumstances unique to his or her property, not created by the land owner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship of a reasonable role for the property exists under terms of the official controls.

**Subd. 14 Home Occupations.** An occupation carried on by an occupant of a dwelling as an accessory activity to the main residential use of the building. The floor area devoted to the occupation shall not exceed 25% of the total ground area occupied by the building on the lot.

**Subd. 15 Junkyard.** An area where used waste and discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, parked, disassembled or handled, including, but not limited to scrap iron, and other metals, paper, rags, rubber products, bottles, and used building materials. Storage of material in conjunction with construction or a manufacturing process shall not be included. Such use shall not include garbage.

**Subd. 16 Lot.** A lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and are and to provide such yards and other open space, as are herein required.

**Subd. 17 Mobile Home.** A manufactured relocatable residential unit providing complete independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Subd. 18 Non-Conforming Use.** Any building, structure or land which is lawfully occupied by a use at the time of the passage of this Section or amendment to it, but which use does not conform to the Zoning regulations after the passage of this Chapter or any subsequent amendment to it.

**Subd. 19 Normal High Water Mark.** A mark delineating the highest water level which has been maintained for a sufficient period of time to have evidence upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

**Subd. 20 Parking Space.** A suitable surfaced and maintained area for the storage of one standard automobile (10' x 20').

**Subd. 21 Public Waters.** Any waters of the State of Minnesota which serve a beneficial public purpose, as defined by Statutes. However, no lake, pond or flowage of less than 10 acres in size and no river or stream having a total drainage area less than two square miles need be regulated.

**Subd. 22 Setback.** The minimum horizontal distance between a structure or sanitary facility and the normal high water mark or between a structure or sanitary facility and a road, highway, or property line.

**Subd. 23 Shoreland.** Land located within the following distances from public water; (1) 1,000 feet from the normal high water mark of a lake, pond, or flowage; and (2) 300 feet from a river or stream.

**Subd. 24 Sign.** A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution or business.

**Subd. 25 Use, Permitted.** A use which conforms with the requirements of the zoning district within which it is located.

**Subd. 26 Variance.** Any modification or variation of official controls where it is determined that because of exceptional hardships, strict enforcement of the official controls is impractical.

**Subd. 27 Zoning Map, Official.** The map or maps incorporated into this Chapter as part thereof, designating the zoning district.

### Section 905 - Zoning Use Districts

#### 905.01 Districts for Annexed and Unzoned Areas.

**Subd. 1 Annexed Areas.** Areas annexed to the City after the adoption of this Code shall be considered to be in the "A., Agricultural District" until placed wholly or partly in another district by amendment as provided for in this Chapter.

**Subd. 2 Unzoned Areas.** Areas not included in any district shall be considered reserved for public use and purposes.

**905.02 District Boundaries.**

**Subd. 1 Streets, Alleys, Railroads.** Boundaries indicated as approximately following the center lines of streets, highways, alleys or railroad lines shall be considered to follow such center lines.

**Subd. 2 Plats.** Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

**Subd. 3 Shore Line.** Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in event of change in shore line shall be construed as varying with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or bodies of water shall be construed to follow such center lines.

**Subd. 4 City Limits.** Boundaries indicated as approximately following the City limits shall be construed as such City limits.

**Subd. 5 Lot Division.** Where a district boundary line divides a lot which was in single ownership at the time of this Code is enacted, the extension of the regulations for either portion of the lot beyond the district line into the remaining portion of the lot may be interpreted by the Planning Commission upon request of the owner.

**905.03 District Regulations.**

**Subd. 1 Minimum.** The regulations of this Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, and particularly except as provided in this Chapter.

**Subd. 2 Conformity.**

A. No building, structure or land shall be used or occupied, and no building structure or part thereof shall be erected, constructed reconstructed, moved or structurally altered except in conformity with all of the regulations specified in this Section for the district in which it is located.

B. No building 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 yards, front yards, side yards, or other open spaces, than herein required; or in any other manner contrary to the provisions of this Chapter.

**Subd. 3 Yards and Open Spaces.**

A. No part of a yard, or other open space, or off street parking required about or in connection with any building for the purpose of complying with this Chapter shall be included as part of a yard, open space, or off-street parking or landing space similarly required for any other building.

B. No yard or lot existing at the time of passage of this Code shall be reduced in dimension or area below the minimum requirements set forth in this Section. Yards or lots created after the enactment of this Code shall meet at least the minimum requirement established by this Chapter.

**905.04 Establishment of Districts and District Map.** Certain districts are continued which shall be shown upon the District Map which is incorporated in this Chapter and made a part hereof. Said map and all notation, references and other information shown thereon shall be as much a part of this Chapter as if the matters and information set forth by the map were all duly described in this Section. The following districts shall be maintained.

1. A - Agricultural
2. R - Residential
3. P - Public
4. C - Commercial
5. RR - Rural Residential
6. I - Industrial
7. MH - Mobile Home
8. MF - Multi-Family

**Section 910 - Districts**

**910.01 A - Agriculture.**

**Subd. 1 Purpose.** To establish and maintain a district that is rural in character.

**Subd. 2 Permitted Uses.**

- A. Agriculture, including farm dwellings and agricultural buildings.
- B. Single-family and two-family dwellings
- C. Public and private parks.

**Subd. 3 Conditional Uses.**

A. Commercial outdoor recreation areas.

2015 S-18 Repl.

9-6

B. Other agricultural uses determined by the Planning Commission to be of the same general character as the principal uses above and found not to be detrimental to the general public health and welfare.

**Subd. 4 Accessory Uses.** Uses incidental to the principal uses shall be allowed.

**Subd. 5 Lot Area, Lot Width, and Yard Requirements.**

The following minimum requirements shall apply in regard to all lot areas, lot widths, and yard requirements:

Lot size	5 acres
Lot width	200 feet
Front yard	50 feet from public right-of-way
Side yard	25 feet

**Subd. 6 Height Requirements.** The maximum height of any allowed structure shall be two and one-half (2½) stories or thirty (30) feet, whichever is lesser.

**910.02 R - Residential District.**

**Subd. 1 Purpose.** This district is intended to establish an area of medium density residential uses.

**Subd. 2 Permitted Uses.**

- A. Single and two-family detached dwellings.
- B. Public parks and playgrounds.

**Subd. 3 Conditional Uses.**

- A. Multi-family dwellings.
- B. Other Residential uses determined by the Planning Commission to be of the same general character as the principal uses previously listed and found not to be detrimental to the general public health and welfare.

**Subd. 4 Accessory Uses.** Accessory uses incidental to and on the same zoning lot as the principal are allowed.

**Subd. 5 Lot Area, Lot Width and Yard Requirements.** The following lot dimensions shall be the smallest yard sizes allowed within the Residential District:



Lot size	15,000 sq. ft. with municipal sewer (single family) 20,000 sq. ft. without municipal sewer (single family) 40,000 sq. ft. (two family)
Lot width	100 ft. (single family)
*Front yard	35 ft. from all public right-of-ways
*Side yard	10 ft. interior lot 30 ft. corner lot
*Rear yard	30 ft.

\*Whereas, the present terminology in Subd. 5 is correct for new developments, the Section is too restrictive for present residential area uses. Therefore, Be it Resolved, that new homes and accessory buildings in the present residential areas setback dimensions shall be in conformance with the buildings in adjacent lots.

**Subd. 6 Height Requirements.** The maximum height of any allowed structure shall be two and one half (2½) stories or thirty (30) feet, whichever is lesser.

**910.03 P - Public.**

**Subd. 1 Purpose.** This district is intended to establish an area of high density public uses.

**Subd. 2 Permitted Uses.**

- A. Government Offices/Municipal facilities.
- B. Schools.
- C. Medical Facilities.
- D. Public Parks & Playgrounds.
- E. Libraries/Museums.

**Subd. 3 Conditional Uses.**

- A. Planned development.
- B. Other Public uses determined by the Planning Commission to be of the same General character as the principal uses above and found not to be detrimental to the general public health and welfare.

**Subd. 4 Accessory Uses.** Accessory uses incidental to and on the same zoning lot as the principal uses, are allowed.



**Subd. 5 Lot Area, Lot Width and Yard Requirements.**

Minimum Requirements:

Lot area	6000 sq. ft.
Lot width	50 ft.
Lot depth	120 ft.
Front yard	25 ft.
Side yard	20 ft.
Rear yard	10 ft.

**910.04 C - Commercial.**

**Subd. 1 Purpose** The Commercial District is designed to provide for the convenient general orientated business facilities and to satisfy the shopping needs of the people of the City.

**Subd. 2 Permitted Uses.**

- A. Professional Offices.
- B. Retail Stores.
- C. Public Buildings.

**Subd. 3 Conditional Uses.**

Other commercial uses determined by the planning commission to be of the same general character as the principal uses above and not found to be detrimental to the general public health and welfare.

**Subd. 4 Accessory Uses.** Accessory uses incidental to the principal uses are allowed.

**Subd. 5 Lot Coverage, Lot Width and Yard Requirements.** The following shall be the minimum standards for lots within the commercial district.

Lot coverage	no more than 60% of the lot or plot area shall be occupied by buildings
Lot width	75 ft. abutting the public right-of-way
Front yard	none
Rear yard	30 ft.
Side yard	10 ft., except that no building shall be located within thirty feet of any rear lot line abutting a lot in any residential district. Except for the Central Business District.

**Subd. 6 Off-Street Parking and Unloading-Loading.** Off-street parking shall be provided as required in Subsection 915.04.



**910.05 RR - Rural Residential District.**

**Subd. 1 Purpose.** The rural residential district is designed and intended to promote the development of large residential uses.

**Subd. 2 Permitted Uses.**

- A. Single and two-family detached dwellings.
  
- B. Public parks and playgrounds.

**Subd. 3 Conditional Uses.**

Other rural residential uses determined by the Planning Commission to be of the same general character as the principal uses above and found not to be detrimental to the general public health and welfare.

**Subd. 4 Accessory Uses.** Uses incidental to the principal uses shall be allowed.

**Subd. 5 Lot Area, Lot Width, and Yard Requirements.** The following shall be the minimum standards for lots within the Rural Residential.

Lot area	30,000 sq. ft. with municipal sewer (single family) 40,000 sq. ft. without municipal sewer (single family) 80,000 sq. ft (two family)
Lot width	200 ft.
Front yard	70 ft.
Rear yard	60 ft.
Side yard	20 ft. interior lot 60 ft. corner lot

**Subd. 6 Height Requirements.** The maximum height of any allowed structure shall be two and one-half (2 1/2) stories or thirty-five (40) feet, whichever is lesser.

**910.06 I - Industrial.**

**Subd. 1 Purpose** The industrial district is established to provide exemplary standards of development for certain industrial uses with proper control, this area should become compatible with the character of the adjacent districts.

**Subd. 2 Permitted Uses.**

- A. Conducting a process, fabrication, storage, manufacturing, or wholesaling operation.
  
- B. Cold storage plants, bottling plants.
  
- C. Warehousing.



**Subd. 3 Conditional Uses.**

- A. Truck and freight terminals and open sales lots.
- B. Radio and transmission towers.
- C. Contractors yards when conducted within a building or a completely covered area.
- D. Cement and concrete works.
- E. Saw mill.
- F. Other industrial uses determined by the Planning Commission to be of the same general character as the principal uses previously listed and found not to be detrimental to the general public health and welfare.

**Subd. 4 Lot Area, Lot Width and Yard Requirements.** The following standards shall be the minimum for lots within the Industrial district.

Lot area	one acre
Lot width	200 ft. abutting the public right-of-way
Front yard	35 ft. from the public right-of-way
Side yard	15 ft.
Rear yard	30 ft.

**Subd. 5 Height Requirements.** The maximum height of any allowed structure shall be two and one-half (2½) stories or thirty (30) feet, whichever is lesser.

**Subd. 6 Maximum Front Coverage.** The sum total of the ground area concerned by all structures (permitted and conditional) on the zoning lot on which the structures are located shall not exceed 50%.

**Subd. 7 Permit Applications.** Applicants for Zoning Permits in the "I" District shall submit such evidence as may be required by the Zoning Administrator to assure compliance with the performance standards established in Subsection 915.05. Should the Zoning Administrator have any doubts as to the ability of any proposed use to meet the required standards, the matter shall be referred to the Planning Commission who shall make a recommendation to the Council who shall then grant or deny the application.

**Subd. 8 Off-Street Parking and Unloading-Loading Facilities.** Off-street parking and loading-unloading facilities shall be required as established in the general regulations. All off-street parking and loading-unloading spaces shall be located on the same lot as the principal use, and otherwise as required by Subsection 915.04.



**910.07 MH-Mobile Home District.**

**Subd. 1 Purpose.** The Mobile Home Residential District (MH) is intended to provide for the planned development and use of mobile homes that do not meet the minimum housing construction standards within the City.

**Subd. 2 Permitted Uses.**

- A. Mobile Home Park development.

**Subd. 3 Conditional Uses.**

- A. Mobile Home Sales.
- B. Retail and service outlets to serve the occupants of the permitted uses.

**Subd. 4 Accessory Uses.**

- A. Administrative office, recreation buildings and utilities, laundry and other uses of a supporting nature to the mobile home.
- B. On a mobile home space, the following uses accessory to the mobile home shall be permitted:
  - (1) Sheds or storage-type facility not exceeding 150 square feet in area.
  - (2) Steps, utility enclosures, awnings, patio covers, car cabanas, screened porches and expandable rooms.
  - (3) Garages.

In no event shall there be more than one shed, storage-type facility or utility enclosure on the space. In no event shall there be more than one patio cover, cabana, screened porch or expandable room on the space. In no event shall there be more than one garage or car port on the space.

**Subd. 5 Design Requirements.**

- A. The Mobile Home Park shall have a minimum area requirement of two (2) acres with a minimum width of three hundred (300) feet.
- B. There shall be a maximum of six (6) mobile homes per gross acre of land within the park.
- C. Minimum space size and setback requirements for spaces within the park:

(1) Mobile Home Space Depth	100 feet
(2) Mobile Home Space Width	45 feet
corner space	60 feet
(3) Front yard setback	25 feet
(4) Side yard setback for Mobile Home	10 feet

- (5) Side yard setback for accessory use 2 feet
- (6) Rear yard setback for Mobile Home 10 feet
- (7) Rear yard setback for accessory use 2 feet

- D. All streets and roadways and parking areas located within the Mobile Home Park shall have hard surfaced concrete or blacktop. All streets and roadways and parking areas located within the Mobile Home Park shall have concrete curb and gutters. The minimum width for any street or roadway is 24 feet. Off-Street parking shall be provided on the formula of at least two (2) off-street parking spaces for each mobile home space. Additional off-street parking shall be provided within the park based on the formula on one (1) off-street parking space per every four (4) mobile home spaces. On-street parking shall be prohibited. A maximum of ten (10) miles per hour speed limit shall be set on all streets and roadways within the Mobile Home Park.
- E. The Mobile Home Park and each lot within the park shall be serviced by the municipal sanitary sewer system and municipal water system.
- F. Each mobile home space shall be graded so as to prevent accumulation of storm or other waters.
- G. Such utilities as electricity, natural gas, oil, telephone, and cable TV shall be installed underground.
- H. A twenty (20) foot buffer zone shall be provided in the Mobile Home Park in those locations where the Mobile Home Park is adjacent to residential, agricultural, or rural residential areas. Such buffer zone shall be planted with a dense combination of trees, shrubs and bushes so as to form a screen from adjacent properties. In addition to the buffer zone, there shall be planted or otherwise located, one shade tree near each mobile home space. All shade trees shall have a minimum diameter of 1½ inches.
- I. Refuse and garbage collection shall be made at least once each week.
- J. Each mobile home space shall be sodded in all areas not actually used for the mobile home or for patios, storage, parking or gardening. Each space shall have a bituminous or cement sidewalk from the front door to the street of off-street parking area.
- K. Each Mobile Home Park shall have a lighting system that will adequately illuminate the streets, roadways, and separate off-street parking within the Mobile Home Park.
- L. Advertising of the Mobile Home Park shall be limited to one sign not to exceed 32 square feet, within lighting height and location as approved by the city.

- M. Each Mobile Home Park shall provide a storm shelter building capable of accommodating all the inhabitants of the Mobile Home Park.

**Subd. 6 General Provisions.**

- A. All mobile homes within the Mobile Home Park shall be provided tiedown spots which shall be utilized by each mobile home.
- B. Skirting around the bottom of the mobile home are required. The construction, design and decor shall be compatible with that of the mobile home, be totally enclosed, and constructed to allow access under the mobile home.
- C. Each mobile home space shall be identified by number with digits at least three (3) inches in height which will not rust, tarnish or change color and shall be conspicuously posted.
- D. No mobile home or accessory structure located on a mobile home space shall exceed sixteen (16) feet in height.
- E. The corners of each mobile home space shall be marked on a permanent basis with metal corner markers encased in cement.

**Subd. 7 Application for Mobile Home Development.**

- A. The property owner shall apply to the City Administrator/Clerk on a form and such application shall include the development plan and plan showing the following:
  - (1) Location and legal description of the park.
  - (2) All streets, lights, driveways, parking areas and sidewalks.
  - (3) A drawing of the proposed foundation, supposed system and tiedowns for individual mobile homes.
  - (4) The size and arrangement of mobile home spaces and the location of all accessory buildings.
  - (5) The topography by two (2) foot contour intervals and a grading plan.
  - (6) Open space areas.
  - (7) All gas, sewer, water, telephone and electric lines.
  - (8) A typical Mobile Home space plan.
- B. The application is subject to approval by the Planning and Zoning Commission, which may require changes in the design requirements, general provisions and/or the application standards for Mobile Home Parks as specified in this ordinance.

**Subd. 8 Construction.**

- A. No construction of a Mobile Home Park shall begin until the land has been re-zoned to Mobile Home Park District and until the Planning and Zoning Commission approved the design drawings for the Mobile Home Park.

- B. Prior to construction of a Mobile Home Park, the owner shall file with the City Engineer, for his approval, a detailed set of plans and specifications concerning those design features set forth in Subd. 6. The detailed construction plans and specifications shall be in accordance with the design drawings as approved by the Planning and Zoning Commission and in accordance with the design requirements of Section 6.
- C. **Bond.** Prior to actual construction of a Mobile Home Park the owner shall file with the City, a bond or cash deposit of 100% of the cost of the improvements for landscaping, streets, street lighting, recreational areas, water and sewer for the total park development or any section thereof that is planned to be developed under the re-zoning application, and as determined and set by the City Engineer for the purpose of insuring compliance by the applicant with the design drawings as approved by the Planning and Zoning Commission.
- D. No mobile home(s) shall be located on any mobile home space within the Mobile Home Park until construction of all the mobile home spaces, parking areas, streets and roadways, landscaping and utilities have been completed and approved by the City Engineer.

**Subd. 9 Mobile Home Prior To Ordinance.**

- A. All mobile home parks established prior to the effective date of this Ordinance shall be exempt from the provisions of this Ordinance until such time as a physical change, such as reorganization, remodeling, expansion or upgrading is planned, at which time the provisions of the Ordinance shall apply to those mobile home spaces where a physical change is planned.

**Subd. 10 Payment of Improvements.**

- A. The required improvements and costs associated with the Mobile Home Park development which are approved in this Ordinance are to be furnished and installed at the sole expense of the developer and at no expense to the City of Eagle Bend.
- B. All costs and expenses (legal fees, engineering fees, notices, etc.) incurred by the City shall be reimbursed by the developer regardless of final approval of the proposed Mobile Home Park development.

**Subd. 11 Access to Park.**

- A. The owner of the Mobile Home District shall permit access to any and all premises and buildings in the Mobile Home Park by administrative officers and enforcement officials at any time in performance of their duties.

**Subd. 12 Penalties.**

- A. Any person, firm or corporation who violates any provision of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$700.00 plus all costs of prosecution authorized by law, and/or imprisonment not to exceed 90 days. Each day's violation shall constitute a separate offense.
- B. The failure of any owner to comply with the requirements of this Chapter shall constitute grounds for the immediate revocation of any license or permit issued under this Chapter.

**910.08 MF - Multi-Family District.**

**Subd. 1 Purpose.** This district is intended to establish an area of medium to high density residential uses.

**Subd. 2 Permitted Uses.**

- A. Two-family dwellings.
- B. Multiple-family dwellings (eight units or less).

**Subd. 3 Conditional Uses.**

- A. Multiple-family dwellings (nine units or more) and dwelling groups.
- B. Planned development.
- C. Public buildings and public uses.
- D. Single-family detached dwelling.

**Subd. 4 Accessory Uses.**

- A. Accessory uses incidental to the principal use are allowed.
- B. No accessory structure shall be permitted unless it occurs on the same lot as the principal use to which it is an accessory.
- C. No accessory structure shall be located upon or permitted in any side yard required herein.

**Subd. 5 Minimum Lot Area, Lot Width and Yard Requirements.**

- A. Lot size                    15,000 sq. ft.

- B. Lot width            100 ft.
- C. Side yard            10 ft. interior lot  
                              30 ft. corner lot
- D. Front yard           35 ft. from any public right-of-way
- E. Rear yard            30 ft.

**Subd. 6 Corner Lot.** Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each lot. No accessory buildings shall project beyond the front yard line of either road.

**Subd. 7 Maximum Ground Coverage.**

- A. Not more than 50% of an MF lot shall be covered by the principal use building and all accessory use buildings.

**Subd. 8 Maximum Building Height.**

- A. 45 ft.

(Ord. 15-07-20-01, passed 7-20-15)



**Section 915 - General Requirements**

**915.01 Purpose.** Pursuant to the purpose of this Chapter, there are certain requirements that are not provided for in the previous Sections. It is the purpose of this Section to set forth these requirements.

**915.02 Non-conforming Uses.**

**Subd. 1 Non-conforming Land.** A lawful non-conforming use of land existing at the date of enactment of this Code may be continued, but if discontinued for a period of twelve consecutive calendar months, it shall not thereafter be resumed and any future use of such land shall be in conformity with all provisions of this Chapter. The use of land if changed from a non-conforming use, shall be in conformity with the provisions of the specific districts outlined in this Chapter.

**Subd. 2 Non-conforming Structures.** A lawful non-conforming use of a structure existing at the date of enactment of this Code may be continued, and such use may extend throughout the building or change to another non-conforming use permitted in the same district provided no structural alterations except those required by law, and no additions or enlargements are made to such building.

**Subd. 3 Restoration of Structures.** When a non-conforming structure is destroyed or damaged by fire, wind, flood, explosion or other casualty, to an extent exceeding one-half of its original value or where a structure is destroyed or damaged to such an extent that its total demolition is required by law or ordinance, or is required to protect the public health and safety, the non-conforming use shall cease and any future structure or use shall conform to the provisions of this Chapter.

**Subd. 4 District Changes.** The provisions of this Section shall apply to any use that may become non-conforming due to a change in the classification of the district in which it is located as a result of rezoning.

**Subd. 5 Conditional Uses.** Any use which is permitted in a district only as a conditional use shall, upon its establishment, be considered a conforming use in that district, but subject to any conditions of a conditional permit for such use. Should the conditions be changed, the use shall continue as a lawful non-conforming use so long as the requirements of this Section are satisfied.

**Subd. 6 Manufactured Homes/Mobile Homes.** Mobile homes shall refer interchangeably with the term manufactured home and will be regulated by separate ordinance.

**Subd. 7 Temporary Family Health Care Dwellings.** Pursuant to authority granted by Minnesota Statutes § 462.3593, Subd. 9, the city opts-out of the requirements of Minnesota Statutes, § 462.3593, which defines and regulates temporary family health care dwellings.  
(Am. Ord. 16-08-15-01, passed 8-15-16)

**915.03 General Sign Provisions.** Notwithstanding directional or parking signs, no sign shall be located on the zoning lot or on the exterior portion of any structure, except those signs which identify the name and/or type of business conducted within such structure or identify the building. All flashing, revolving and intermittently lighted signs are expressly prohibited. The Planning Commission reserves the right to disprove the placement of any signs, advertising, or otherwise found to be detrimental to the general public health and welfare.

**915.04 Parking and Loading Requirements.**

**Subd. 1 Off-Street Parking.** Off-street automobile parking shall be provided on any commercial, industrial, or residential lot on which any new structure is hereafter established in conformance with the requirements of the appropriate district. The parking area shall be provided with vehicular access to a street, alley, or roadway and shall be required with such use and shall not be reduced or encroached upon in any manner. Off-street required automobile parking space shall not be utilized for open storage or for the storage of vehicles which are in-operable or for sale or for rent. The number of required off-street parking spaces required shall be as laid out below for each district or use. If, in the application of these provisions, a fractional number is obtained, one parking space shall be provided for that fraction. Each space required constitutes a cross area of 300 square feet.

- A. Residential - two spaces for each family unit. Rural Residential - four spaces for each family unit.
- B. Tourist Accommodations - hotel, motel -- one and one-half parking spaces for each rental room or unit.
- C. Commercial - determined by the Council following review by the Planning Commission.
- D. Industrial - one space for each two employees on maximum shift or one of each 500 square feet of gross floor area, whichever is larger.
- E. Uses not specifically noted - determined by the Council following review by the Planning Commission.
- F. Screening of Parking Areas - off-street parking areas, whether public or private, for six or more vehicles, shall be screened by a fence, wall or evergreen plant material if the parking area is visible from adjoining residential or public assembly areas, or is visible from such areas which are located across a public roadway.

**Subd. 2 Loading.**

- A. All required berths shall be off-street and shall be located on the same lot as the building to be served. Loading berths shall not occupy the required front yard space.
- B. Any space allocated as a loading berth or maneuvering area shall not be used for the storage of goods, inoperable vehicles or be included as a part of the space requirements necessary to meet the off-street parking area.
- C. All loading berths and accessways shall be improved with a durable material to control the dust and drainage.
- D. Unless otherwise specified, a required loading berth shall be not less than 15 feet wide, 50 feet in length and 14 feet in height, exclusive of risk and maneuvering space.

**Subd. 3 Required Loading Spaces.**

- A. Retail sales, service stores and offices: one loading berth for 6,000 square feet of floor area.
- B. Manufacturing, fabrication, processing and warehousing: one loading berth for each building having 3,000 square feet of floor area, plus one loading berth for each additional 25,000 square feet of floor area up to 100,000 square feet plus one loading berth for each 50,000 square feet of floor area over the first 100,000 square feet of floor area.
- C. Uses not specifically noted: determined by the Council following review by the Planning Commission.

**915.05 Performance Standards.** It is the intent of this Section to provide that industrial and commercial related activities shall be established and maintained with the proper front 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:

**Subd. 1 Noise.** Any use established shall be so operated that no undue noise resulting from the use is perceptible beyond the boundaries of the property of which the use is located. This standard shall not apply to incidental traffic, loading, parking, construction, farming or maintenance operators.

**Subd. 2 Vibration.** Any use creating periodic, earth-shaking vibrations shall be prohibited if undue vibrations are perceptible beyond boundaries of the property on which the use is located. The standard shall not apply to vibrations created during the process of construction.

**Subd. 3 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.

**Subd. 4 Smoke, Dust, Fumes or Gases.** Any use established, enlarged or remodeled after the enactment of this Code shall be so operated as to meet the minimum requirements of the Minnesota Pollution Control Agency for the emission of smoke, dust, fumes, or gases.

**Subd. 5 Toxic or Noxious Matter.** Any use shall not discharge into the atmosphere, water or subsoil, any toxic or noxious matter. All sewage and industrial wastes shall be treated and disposed of in such manner as to comply with the Minnesota State Department of Health Standards and Requirements.

**Subd. 6 Storage Standards.** 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: Recreation Equipment, Construction Equipment, and Agricultural Equipment.

**Subd. 7 Hazardous Materials.** Any use requiring the storage, utilization, or manufacturing of hazardous products shall be located not less than 400 feet from any residence or public meeting place.

**Subd. 8 Visual Standards.** Where any commercial or industrial use is adjacent to property zoned or developed for residential use, that activity shall provide screening along the boundary of the residential property. Screening shall also be provided where a commercial or industrial activity is across the street from a residential zone, but not on that side of a commerciality or industry considered to be the front as determined by the Clerk-Treasurer/Administrator. Junk and auto wrecking yards shall be adequately screened by fences, walls, land forms, and/or natural or planted landscape materials to effectively conceal the establishment from the surrounding area.

**915.06 Sanitation Standards.** All development within a zoning district shall comply with the sewage sanitation requirements of Chapter 8 of this Code.

**915.07 Planned Unit Development.**

**Subd. 1 Purpose.** The planned unit development alternative is offered as a response to the need of a more flexible design approach to the total community environment, and to insure maximum participation of the planning commission in the creation of individual developments within the context of the comprehensive community plan.

**Subd. 2 Allowed Uses.** All permitted and conditional uses for the specific district are allowed with the addition that residential dwellings may be attached, detached, townhouses, clustered, or multiple type, and that five percent of the land may be

developed to other residential and commercial uses determined by the Planning Commission to be complementary to the general character of the permitted uses above and found not to be detrimental to the general public health and welfare.

**Subd. 3 Development Intensity.** There shall be no requirement for lot size, yard size, or gravel coverage. All developments need follow good design practice.

**Subd. 4 Plan Approval Requirements.** All development plans shall be subject to complete design review by the Planning Commission with special consideration for landscaping, plans, architectural design features, dedication of public lands, easements underground services and utilities and sanitary facilities, in addition to other improvements. Issuance of a zoning permit shall be conditional on completion of the development in accordance with the development plan. Failure to initiate construction within nine months, as determined by the Clerk-Treasurer/Administrator invalidates the plan approval.

**Subd. 5 Procedure.** Each request for a planned development shall follow the procedure required for residential subdivision or planned mobile home developments.

(Am. Ord. 06-12-18-03, passed 12-18-06)

#### **915.08 Housing Construction Standards.**

- A. All new dwellings shall have a minimum building width of at least twenty-four (24) feet measured from face of exterior wall.
- B. All new dwellings shall have permanent and continuous building footings and foundations, which must comply with the Minnesota State Building Code.
- C. Any metal siding shall have horizontal edges and overlap in sections no wider than twelve (12) inches. Sheet metal siding is not permitted.
- D. All new dwellings shall be completely covered by a minimum 4 to 1 pitched roof using shingles or other appropriate materials and having eaves of not less than one (1) foot.

### **Section 920 - Administration**

**920.01 Planning Commission.** For the purpose of administering this Section, the Council shall act as the Planning Commission and the Board of Adjustment and Appeals until such time as the Council creates by separate outline a planning Commission and/or Board of Adjustments and Appeals.

Members of the Commission may be compensated in an amount determined by the Council and may be paid their necessary expenses in attending meetings of the Commission and in the conduct of the business of the Commission.



**920.02 Zoning Coordinators.** This Section shall be administered by the Zoning Coordinators appointed by the Council. The Zoning Coordinators shall be the Clerk-Treasurer/ Administrator and one member of the Council. The Zoning Coordinators shall have the following duties, responsibilities, and authority:

- A. To determine if applications comply with terms of the Code
- B. To maintain permanent records of this Section as required by law.
- C. To receive, file, and forward all applications for appeals, variance, conditional uses, and amendments to the designated official bodies.
- D. To notify, in writing, any person responsible for violating a provision of this Section, indicating the nature of the violation and ordering the action necessary to correct it.
- E. To serve as ex-officio member of the Planning Commission.

**920.03 Variances.**

**Subd. 1 Authority.** Where the Council and Planning Commission find that extraordinary and unnecessary hardships may result from strict compliance with this Section, variances may be granted provided that such variations will not have the effect of nullifying the intent and purpose of the Code.

**Subd. 2 Application.** Application for issuance of the variance shall be made with the Planning Commission with a statement of the exceptional conditions and the peculiar difficulties involved. A site plan may be prescribed by the planning Commission.

**Subd. 3 Notice.** The Clerk-Treasurer/Administrator shall notify contiguous property owners of the intent of the proposed action and the date when the petitioners shall appear before the Planning Commission.

**Subd. 4 Considerations.** The Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed variance upon the health safety, and the general welfare of the community and that issuance of the variance will not merely serve as a convenience to the applicant, but is necessary to alleviate a demonstrable difficulty. No application for a variance which has been denied shall be resubmitted for a period of six months from the date of denial.

**Subd. 5 Termination.** A violation of any condition set forth in granting a variance shall be a violation of this Section and shall automatically terminate the variance. A variance shall become void one year after it was granted unless made use of. A one time six month extension may be granted by the City Council if applicant can prove that failure to make use of the variance was unattainable through no fault of the applicant.

**920.04 Conditional Uses.**

**Subd. 1 Issuance.** Conditional use permits may be issued for any of the uses or purposes for which such permits are required or permitted by the provisions of this Section.

**Subd. 2 Application.** Application for the issuance of a conditional use permit shall be made to the Council. The application shall be accompanied by such plans, elevations and site plans as prescribed by the Planning Commission.

**Subd. 3 Hearing.** Upon receipt of the application and other requested material the Planning Commission shall hold one public hearing as regulated by law. Written notice of the public hearing shall be sent to all property owners of record within 350 feet of the selected property. Following the hearing, the Planning Commission shall make a report to the Council recommending whatever action it deems advisable. It may designate conditions and require guarantees in the granting of use permits in the manner provided for the granting of adjustments. Upon receipt of the report of the Planning Commission, the Council shall hold whatever public hearings it deems advisable and shall make a decision upon the proposal to grant a permit. If it finds that the conditions exist which are necessary under this Section in order for the Planning Commission to recommend the granting of the Conditional Use Permit, it may attach to the permit such conditions and guarantees as may be necessary to assure reasonable developments.

**Subd. 3 Limitations.** No Conditional Use shall be recommended by the Planning Commission unless:

- A. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the immediate vicinity.
- B. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
- C. The zoning permit must be applied for within nine months of the granting of the conditional use permit.

**Subd. 4 Revocation.** A violation of any condition set forth in a conditional use permit shall be a violation of this Section and automatically terminate the permit. A conditional use permit shall become void one year after being granted by the Council unless the Council has approved a one time six month extension.

(Am. Ord. 06-12-18-03, passed 12-18-06)

**920.05 Amendments.**

**Subd. 1 Initiation.** An amendment to the Zoning Section may be initiated by the Council, Planning Commission or by petition of not less than 50 percent of the property owners situated within 350 feet of the proposed change.

**Subd. 2 Planning Commission Recommendation.** An amendment not initiated by the Planning Commission shall be referred to the Planning Commission, for study and report, and may not be acted upon by the Council until it has received the recommendation of the Planning Commission on the proposed amendment or until 60 days have elapsed from the date of reference of the amendment without a report of the Planning Commission.

**Subd. 3 Hearing.** Public hearings are required before an amendment shall be adopted. A public hearing shall be held by the Planning Commission or by the Council.

**920.06 Zoning Permits.**

**Subd. 1 Permit Required.** From the date of enactment of this Code, it shall be unlawful to proceed with construction, alteration, repair, enlargement(increase of square footage), or placement of any building or part of without first obtaining a zoning permit. Any structure of 20 square feet or less does not require a zoning permit.

**Subd. 2 Application.** Requests for a zoning permit shall be made to the Council. Each application for a permit to construct, alter or move a building on a lot shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be used. The size and location of the building and accessory buildings to be erected or moved on said lot shall be indicated on the site plan. Application of any kind of building permit shall contain only information as may be deemed necessary for proper enforcement of the Code. A zoning permit shall become void one year after it is granted unless made use of. A six month extension may be granted by the City Council if the applicant can prove that failure to make use of this permit was unattainable through no fault of the applicant.

(Am. Ord. 06-12-18-03, passed 12-18-06)

**920.07 Certificate of Zoning Compliance.** Upon completion of any work or project in respect to a conditional use permit or a variance granted pursuant to this Section, and prior to the use or occupancy of the land or structure permitted by a conditional use permit or variance, a certificate of zoning compliance shall be issued by the Council stating that the use of the land or structure conforms to the requirements of this Section. Prior to issuance of the certificate of zoning compliance, the Clerk-Treasurer/Administrator shall inspect the structure or premises to assure the said structure or premises be in compliance with the requirement of this Section.



**920.08 Appeals from Planning Commission.**

**Subd. 1 Appeal to Council.** Any person or persons having an interest affected by this Chapter or any decision made relating to this Chapter shall have the right to appeal to the Council, within 60 days of the filing of the decision of the Planning Commission with the Council. A 4/5 majority of the Council would be needed to over-rule a decision of the Planning Commission.

**Subd. 2 Appeal to District Court.** Any person or persons jointly or severally aggrieved by any decision of the Council may appeal to the District Court of Todd County by filing a petition setting forth that such decision is illegal in whole or in part, specifying the grounds for such illegality.

**920.09 Violations.**

**Subd. 1 Penalty.** Violations of this Chapter shall be a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$700, and/or imprisonment for a period not to exceed 90 days for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

**Subd. 2 Remedy.** In the event of a violation or a threatened violation of this Section, the Council, or any member thereof or the City Attorney, in addition to other remedies, may institute appropriate actions or proceeding to prevent, restrain, correct, or abate such violations or threatened violation.

**Subd. 3 Specific Liability.** No person shall perform work upon a project required a zoning permit, Conditional Use Permit, or a variance issued under this Section unless such permit has been issued and posted on the premises and the accuracy of setback distances and building sizes have been verified. Any person performing such work shall be criminally liable to the same extent as the property owner.

**Subd. 4 Duty.** Any citizen or taxpayer of Eagle Bend any institute mandamus proceedings in district court to compel, specific performance by the proper official or officials of any duty required by the Code.

(Am. Ord. 06-12-18-03, passed 12-18-06)

**920.10 Schedule of Fees.** The Council shall determine the fee and collection procedure of all permits, certificates, or petition issued by the Planning Commission. No permit, certificate or petition shall be recognized or issued unless such fees have been paid in full.

**920.11 Separability.** Should a court of competent jurisdiction declare any part of this Section to be invalid such decision shall not affect the validity of the remainder of this Section.