

Source: City Code
Effective Date: 6-1-1989

CHAPTER 4

LAND USE REGULATION (ZONING)

SEC. 4.01. INTENT AND PURPOSE. This Chapter is adopted for the purpose of: (1) implementing the goals and policies of the Dodge Center Comprehensive Plan by regulating land uses; (2) protecting the public health, safety, comfort, convenience and general welfare; (3) promoting orderly development of the residential, commercial, industrial, recreational and public areas; (4) conserving the natural resources of the City; (5) providing for the compatibility of different land uses and the most appropriate use of land throughout the City; (6) minimizing environmental pollution; (7) conserving energy such as through the encouragement of solar and earth-sheltered structures for commercial, industrial, and residential areas; and, (8) protecting the natural resources in the City.

SEC. 4.02. JURISDICTION. This Chapter shall be applicable to all lands, structures and waters within the corporate limits of Dodge Center, Minnesota.

SEC. 4.03. SCOPE. Any structure or use existing on the effective date of this Chapter, and which does not conform to the provisions of this Chapter, may be continued for a certain period of time subject to the following conditions:

Subd. 1. No such use shall be expanded, changed or enlarged except in conformity with the provisions of this Chapter.

Subd. 2. If a non-conforming use is discontinued for a period of twelve months, further use of the structures or property shall conform to this Chapter. The County Assessor and/or Zoning Administrator shall notify the City Clerk or Planning Commission in writing of all instances of non-conforming uses which have been discontinued for a period of twelve consecutive months.

Subd. 3. If a non-conforming structure is destroyed by any cause, to an extent exceeding fifty percent (50%) of its fair market value as indicated by the records of the County Assessor, a future structure on the site shall conform to this Chapter.

Subd. 4. All non-conforming junk yards, open storage areas, and similar non-conforming uses of open land not involving a substantial investment in permanent buildings shall be removed, altered or otherwise made to conform within one (1) year of the effective date of this Chapter.

Subd. 5. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

SEC. 4.04. INTERPRETATION AND APPLICATION.

Subd. 1. In their interpretation and application, the provisions of this Chapter shall be held to the minimum requirements for the promotion of the public health, safety, and welfare.

Subd. 2. No part of the yard or open space required for a given building shall be included as a part of the yard or other space required for another building, and no lot shall be used for more than one principal building.

Subd. 3. Each new occupied building shall be required to connect to the City sewage disposal system where it is available. For existing lots of record where City sewage service is not available, the private sewage disposal system shall meet the standards of the Minnesota Pollution Control Agency (6MCAR #4.8040).

Subd. 4. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless or broadcasting towers, masts or aerials, and necessary mechanical appurtenances are hereby excepted from the height regulations of this Chapter and may be erected in accordance with other regulations or City Code provisions.

Subd. 5. Except as in this Chapter specifically provided, no structure shall be erected, converted, enlarged, reconstructed, or altered; and no structure or land shall be used for any purpose or in any manner which is not in conformity with this Chapter.

SEC. 4.05. ZONING DISTRICTS AND DISTRICT PROVISIONS.

Subd. 1. Zoning Districts. The zoning districts are so designed as to assist in carrying out the intents and purposes of the Comprehensive Plan which has the purpose of protecting the public health, safety, convenience and general welfare. For the purposes of this Chapter, the City is hereby divided into the following Zoning Districts:

<u>Symbol</u>	<u>Name</u>
A	Agricultural District
R-1 & R-1A	Suburban Residential Districts
R-2	Urban Residential District
R-3	Multi-Family Residential District
C-1	Central Business District
C-2	Highway Commercial District
I-1	Light Industrial District
I-2	Heavy Industrial District
C	Conservancy District

Subd. 2. Zoning Map.

- A. The location and boundaries of the districts established by this Chapter are set forth on the Official Zoning Map which is hereby incorporated as part of this Chapter and which is on file with the Zoning Administrator's office.
- B. District boundary lines recorded on the Zoning Map are intended to follow lot

lines, the centerline of streets or alleys, the centerline of streets or alleys projected, railroad rights-of-way lines, the center of watercourses or the corporate limit lines as they exist on the effective date of this Chapter.

- C. No annexation petition shall be considered unless and until a hearing has also been petitioned for placing the annexed territory in a zoning district or districts. No building permits shall be issued in annexed territory until such hearing has been held and the territory assigned a zoning district or districts.
- D. Amendments to the Zoning Map shall be recorded on the Official Zoning Map by the Zoning Administrator within fifteen (15) days after the adoption of the amendment by the Council. The Official Zoning Map shall be maintained by the Zoning Administrator and shall be kept on file in the office of the Zoning Administrator for view by the public during normal office hours.
- E. In those cases where there is a question of the exact location of a zoning district, the Board of Adjustment shall make the necessary interpretation.

SEC. 4.06. EXISTING LOTS. A lot or parcel of land in a residential district which was of record as a separate lot or parcel in the office of the County Recorder or Registrar of Titles, on or before the effective date of this Chapter may be used for single family detached dwelling purposes provided the area and width thereof are within sixty percent (60%) of the minimum requirements of this Chapter; and provided it can be demonstrated that safe and adequate sewage treatment systems can be installed to serve such permanent dwelling.

SEC. 4.07. ZONING AND COMPREHENSIVE PLAN. Any change in zoning granted by the Council shall automatically amend the Comprehensive Plan in accordance with said zoning change. Provided that a hearing was held by the Planning Commission within ten (10) days of the publication of the notice, prior to the amendment. Only amendments which are contrary to the present Comprehensive Plan would be considered an amendment.

*Source: Ordinance No. 12, 2nd Series
Effective Date: 6-23-1993*

(Sections 4.08 and 4.09 reserved for future expansion.)

SEC. 4.10. RULES AND DEFINITIONS.

Subd. 1. Rules. The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

- A. All measured distances expressed in feet shall be to the nearest tenth of a foot.
- B. In the event of conflicting provisions, the more restrictive provisions shall apply.

Subd. 2. Definitions. The following terms, as used in this Chapter, shall have the meanings stated:

