



CLAY COUNTY, MINNESOTA

ORDINANCE NO. 2021-1

AN ORDINANCE OF THE COUNTY OF CLAY, STATE OF MINNESOTA AMENDING THE CLAY COUNTY LAND DEVELOPMENT ORDINANCE TO ADD SERVICE BUSINESS AS AN INTERIM USE TO THE URBAN EXPANSION TIER 1 ZONING DISTRICT

WHEREAS, the County of Clay, State of Minnesota (“County”) is a statutory County duly organized and existing under Article XII of the Minnesota Constitution; and

WHEREAS, pursuant to Minnesota Statute Chapter 394 and specifically § 394.21, the County has the power and authority to conduct and implement planning activities; and

WHEREAS, the County hereby finds and determines that the addition of a Zoning Use of “Service Business” as an interim use to the Urban Expansion Tier 1 Zoning District is an appropriate addition subject to certain land use standards, including the terms and regulations herein;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLAY, STATE OF MINNESOTA HEREBY ORDAINS AS FOLLOWS:

Section 1. The Clay County Development Code is hereby amended as follows:

- a. In Table 5.1 of the Development Code, a Use of “Service Business” will be added as an interim use in the Urban Expansion Tier 1 Zoning District.
- b. The following definition will be amended in the Definitions Section of Chapter 8, Clay County Development Code:

SERVICE BUSINESS: A retail business offering services, rather than products, as the primary business.

Section 2. Standards.

1. **Interim Use:** Service Business shall be proposed as an interim use permit meeting the requirements of this section in addition to the general requirements for an interim use permit. A site plan shall be submitted with the interim use permit application showing the location of all existing structures and describing the proposed use. Only one interim use is permitted per parcel.
2. **Limited to Existing Structures:** Service business must be operated out of existing structures on the property unless expansions or additional buildings receive approval from the City of Dilworth or the City of Moorhead.

3. **Employees:** The number of allowable employees will be set by the Planning Commission, with considerations for traffic, parking, utilities, and surrounding properties. No business shall have more than 15 full-time equivalents.
4. **Signs:** One non-illuminated sign only of a maximum size of thirty-two (32) square feet is allowed to advertise the service business on site. Such sign shall meet the setbacks for structures in the Urban Expansion Tier 1 Zoning District or attached to the building.
5. **Traffic and Roads:** Traffic generated by the use shall be considered by the Planning Commission and traffic generated by the service business shall not exceed that which is reasonable for the area in which it is located and the road adjacent to the service business.
6. **Performance Standard:** No equipment or processes used in the service business shall create noise, vibration, glare, fumes, odors or electrical interference detectable off the premises.
7. **Buffering:** Buffering may be required by the Planning Commission to minimize adverse effects on adjacent properties and roadways.
8. **Utilities:** The use shall not create usage exceeding the capacity of available on-site sewage treatment and drinking water. The use shall not prematurely stimulate investment in public utilities in a municipality's future growth area.
9. **Parking:** Additional parking spaces may be required by the Planning Commission for the use of clients, deliveries, etc.
10. **Inspections:** Services Business interim use permits shall be reviewed and inspected every five years for compliance with conditions.

Section 3. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 4. Effective Date. This Ordinance shall become effective and be in force immediately upon final passage, consistent with Minnesota Statute § 375.51.

**ADOPTED BY THE CLAY COUNTY BOARD OF COMMISSIONERS ON
MARCH 16, 2021.**



KEVIN CAMPBELL, CLAY COUNTY BOARD OF COMMISSIONERS

ATTEST: 

DARREN BROOKE, ASSISTANT CLAY COUNTY ADMINISTRATOR

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Certified, Filed and/or Recorded on:
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Kimberly S. Savageau, Recorder
Office Of County Recorder
Clay County, MN