

ORDINANCE NO. 8, FOURTH SERIES
AN ORDINANCE AMENDING CHAPTER XX OF THE CITY OF NISSWA
ZONING ORDINANCE, REGARDING LAND USE AND DEVELOPMENT
THE CITY OF NISSWA
COUNTY OF CROW WING
STATE OF MINNESOTA

The following is the official summary of Ordinance No. 8, approved by the City Council of the City of Nisswa, on the 21st day of March, 2023.

The purpose and intent of this Ordinance is to amend the City Zoning Ordinance, Chapter 20 – Land Use and Development:

The City Council determines that publication of the title and a summary of this ordinance will clearly inform the public of the intent and effect of the ordinance and the Council has approved the text of this summary and has directed that the title and a summary be published pursuant to Minnesota Statute § 412.191, Subd. 4.

A printed copy of the Ordinance is available for inspection by any person during regular office hours at the office of the City Clerk.

Passed by the Council this 21st day of March, 2023, by a 5/5ths vote of the Council.

By: _____
John Ryan, Mayor
City of Nisswa

By: _____
Jenny Max, City Administrator
City of Nisswa

ORDINANCE NO. 8, FOURTH SERIES
AN ORDINANCE AMENDING CHAPTER XX OF THE CITY OF NISSWA’S
ZONING ORDINANCE, REGARDING LAND USE AND DEVELOPMENT
THE CITY OF NISSWA
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The City of Nisswa ordains:

Section 1. **Purpose and Intent.** The purpose and intent of this Ordinance is to amend the City Zoning Ordinance, Chapter 20 – Land Use and Development.

Section 2. **Amendments.** Note: all ordinance language below supersedes the current Ordinance and upon publication will replace the current language in its entirety.

Chapter 20 LAND USE AND DEVELOPMENT

ARTICLE I. IN GENERAL

Division 1 – General Ordinance Provisions

Sec. 20-01 – Statutory Authorization. The shoreland section of this ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Rules, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes or Chapter 462.

Sec. 20-02 – Policy. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, 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 shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the City of Nisswa.

Sec. 20-03 – Jurisdiction. The provisions of this ordinance apply to the shorelands of the public water bodies as classified in Section 20-84 of this ordinance.

Sec. 20-04 – Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Sec. 20-05 – Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

Sec. 20-06 – Reference to First Adoption. Unless another date is specifically stated, any reference in this Ordinance to “the date upon which zoning was first adopted” shall mean July 17, 1970.

Sec. 20-07 – Interpretation and Intent. This ordinance shall be fairly read so as to give effect to the plain meaning of words and the definitions hereinafter set forth, to accomplish the purpose stated in Division 20-02 above and to be in keeping with the constitutions of this State and of the United States. It is not the intent of this ordinance to repeal, abrogate, or impair any existing laws, rules, easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

Secs. 20-08—20-20. Reserved.

ARTICLE II. DISTRICTS AND DISTRICT USES

Division 1 – General Zoning Provisions

Sec. 20-21 – Zoning District Map. The incorporated areas of the City of Nisswa, Minnesota are hereby divided into zoning districts shown on the official zoning district map, as amended under Article IX, Division 4, Section 20-688 of this Ordinance, and filed in the Offices of the County Recorder and the Department. The official zoning district map may be in hard copy or electronic format. The map and all explanatory matter thereon are hereby made a part of this Ordinance.

Sec. 20-22 –Conformity with this Ordinance. All land uses shall conform to the provisions of this ordinance as follows:

- A. All new structures constructed, converted, enlarged, or moved shall conform to the provisions of this ordinance.
- B. The use of structures or lands for any purpose shall conform to the provisions of this ordinance.
- C. All subsurface sewage treatment system installed, repaired, or modified shall conform to the provisions of this ordinance.
- D. All dirt moving, filling, grading and road construction shall conform to the provisions of this ordinance.
- E. No lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Lots created after the effective date of this Ordinance shall meet all minimum requirements established by this ordinance.

Sec. 20-23 – Conflicting Regulations. For the purpose of determining a zoning district designation, where a parcel lies in two land use districts as outlined in Section 20-81 of this ordinance, the parcel shall be classified in the zoning district which encompasses the larger percentage of the lot area. When a parcel is in the shoreland area of multiple lakes or rivers, the topographic divide (which way the water flows on the parcel) shall be used to determine which lake or river classification is used.

Sec. 20-24 – Contractor Responsibility. Each contractor shall ascertain that all work done on the property of another person must have the proper permit(s) to do such work. Failure of any such contractor to comply herewith shall be considered a violation of this ordinance and subject to the enforcement provisions of Section 20-57 of this ordinance.

Sec. 20-25 –Applicant Responsibility. Actions taken pursuant to permits granted under this ordinance are the sole responsibility of the property owner or his/her agents. The City of Nisswa assumes no liability for any adverse effects to the property owner, or to third parties, caused by any actions taken pursuant to permits granted under this Ordinance

Secs. 20-26—20-40. Reserved.

Division 2 - Administration

Sec. 20-41 – Purpose. The purpose of this Section is to identify administrative provisions to ensure the ordinance is administered consistent with its purpose.

Sec. 20-42 – Administration. This Ordinance shall be administered by the Planning and Zoning Department through the City Planner hereinafter referred to as “Planner,” appointed by and responsible to the City Administrator and the Nisswa City Council. The Planner shall issue all approved permits and certificates under this ordinance, either as authorized or as directed by the Planning and Zoning Commission. The Planner shall interpret this ordinance, subject to appeal. The Planner may delegate responsibilities as appropriate.

Sec. 20-43 – Land Use Permits. A land use permit is required for the construction of buildings or building additions (including construction of decks and signs) and the installation and/or alteration of sewage treatment systems.

Sec. 20-44 – Shoreland Alteration Permits. A shoreland alteration permit is required for dirt moving activities and amounts and the construction of certain structures such as but not limited to water oriented accessory structures, stairways, walkways, lifts, landings, retaining walls, ria rap, shoreline use areas including sand blankets, at grade patios, boardwalks, watercraft access ramps, in the shoreland zoning district with the primary area being shore impact zone 1 and 2.

Sec. 20-45 – Certificate of Compliance. A certificate of compliance on a subsurface sewage treatment system, consistent Minnesota Rules Chapter 7082.0700 Subp. 3, is required whenever a land use permit, shoreland alteration permit, conditional use permit, variance or plat of any type is required for any improvement on or use of

the property. This provision of the ordinance is not required if the property is connected to the city sewage treatment system.

Sec. 20-46 – Application for Permit. Application for permits and other zoning applications such as variance and conditional use permits shall be made to the Planner on the forms provided. The application shall include the necessary information so that the Planner can evaluate how the application complies with the provisions of this ordinance. No approvals shall be taken on an incomplete application submitted to the Department.

Sec. 20-47 – General Review Proceedings. Pursuant to MN Statutes, Chapter 15.99, the Planner, Planning & Zoning Commission or City Council must approve or deny a completed application within 60 days of a written request relating to zoning, septic system, expansions, permit, license, or other approval action. Failure of the Planner, Planning and Zoning Commission or the City Council to deny a request within 60 days shall constitute approval of the request. No approvals are allowed if the request does not meet the requirements of this ordinance even if the 60 day rule has expired with no action taken. If the Planner, Planning and Zoning Commission or the City Council denies the request, it must state in writing the reasons for denial at the time that it denies the request.

1. The timeline for review begins upon the receipt of a completed application by the Department. An application shall be deemed complete when a written request containing all information required by this Ordinance is submitted to the Department. If the Department receives a written request that does not contain all required information, the 60 day limit shall not start if the Department sends written notice within 15 business days of receipt of the request telling the requester what information is missing.
2. The Planner, Planning and Zoning Commission or City Council may extend the timeline before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notice must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant
3. The applicant may, in writing, waive the 60-day time deadline.

Sec. 20-48 – Scope of Work Subject to Permitting. Prior to engaging in any land use activity regulated under the provision of this ordinance, the owner of the property or their authorized agent shall make application for the necessary permit or permits required by this ordinance. A permit or fee is not required for inside or outside residential maintenance provided the exterior dimensions of the structure remain the same.

Sec. 20-49 – Issuing Authority/Applicant Responsibility. A permit shall be issued by the Planner only when the applicant has met all applicable requirements of this ordinance. An authorized agent of the owner may make application for the permit or permits. Plats, conditional use permits, variances, land use permits and shoreland alteration permits will be processed by the Planning and Zoning Department pursuant to procedures established within this ordinance. The accuracy and completeness of all permit applications and accompanying documents are solely the responsibility of the applicant. No permit application will be approved for property on which there are unresolved violations unless the permit will resolve the violation

Sec. 20-50 – Other Permits. The granting of any land use permit, shoreland alteration permit, conditional use permit or variance under the provisions of this ordinance shall in no way affect the property owner's responsibility to obtain the approval required under any federal or state statute, ordinance or legislation of any state agency or state subdivision thereof. Approval may be expressly given in conjunction with other permit(s) applied for, but no approval shall be implied from the granting of any City of Nisswa permits nor from the necessity to apply for a permit described in this ordinance.

Sec. 20-51 – Application Information Requirements. The application for any permit, including public hearing requests, required under this Ordinance shall include:

1. The legal description of the property.
2. Property identification number.
3. Current and proposed land use.
4. A description of the type and scope of construction, use, development, or alteration proposed.
5. A sketch plan showing the location of public waters, wetlands, existing and proposed structures, road rights of way, driveways, parking spaces, water and sanitary facilities, and utility lines and impervious surface calculations.
6. Topographic features including but not limited to wetlands, bluffs, ordinary high-water level designations, or steep slopes.
7. Additional information as may be required by the Department in order to determine compliance with this and other ordinances.

Sec. 20-52 – Certificate of Survey. The Planner may require a certificate of survey with any permit application required by this Ordinance, including land use permits, shoreland alteration permits, variances, zoning map amendments, and conditional use permit applications, upon a determination by the Planner that such a survey will assist in achieving the purposes of this Ordinance.

Sec. 20-53 – Sewage Treatment. The application shall also include a compliance inspection conducted by a MPCA State-licensed inspector indicating the condition of any existing subsurface sewage treatment systems. The Planner may require a site suitability upon determination by the Planner that a site suitability will assist in achieving the purposes of this Ordinance. This provision of the ordinance is not required if the property is connected to the city sewage treatment system.

Sec. 20-54 – Fee. The application shall be accompanied by a remittance, payable to the City of Nisswa. A current Fee Schedule is on file in the Department as approved by the City Council

Sec. 20-55 – Permits. The Planner shall issue a permit upon approval of a permit. Such permit shall be made available upon request and be located on the premises concerned from the time the authorized work is commenced until it is completed.

Sec. 20-56 – Expiration of Permits. All permits are valid for a period of two years from the date of approval, unless otherwise specified.

Sec. 20-57 – Enforcement. The Nisswa Police Department, City Attorney and Department shall have the duty to enforce this ordinance.

1. Any violations of the provisions of this Ordinance or failure to comply with any of its requirements by a property owner, authorized agent, or contractor including violations of or failure to comply with the conditions and safeguards established in connection with the granting of a structure, land use, or shoreland alteration permit, or contained within variances or conditional uses, shall constitute a misdemeanor and shall be punishable as defined by Minnesota State Statutes 462.362. The provisions of this Ordinance may be enforced through criminal prosecution, civil remedy, or both. Utilization of a civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution for a violation shall not be a bar to a civil remedy.

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2. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Sections 20-43 and 20-44 of this Ordinance.
 3. Each day that a violation of this Ordinance continues shall constitute a separate offense.
 4. The Planner, or duly authorized representative, may issue cease and desist orders to halt the progress of any property modification, based upon probable cause that a violation of this Ordinance has been committed. When any work has been stopped by a cease and desist order, it shall not be resumed until the reason for the work stoppage has been completely satisfied and the cease and desist order lifted.
 5. The City Attorney, in cooperation with the Department may sue for injunctive relief on any violation, including restoration of the premises to its existing condition prior to the violation.
 6. The Planner may charge an administrative fee, according to a schedule established by the Nisswa City Council, to compensate for staff time and other expenses incurred during the investigation and prosecution of violations.
 7. Any person making application for a permit after the commencement of work requiring a permit may be charged an administrative fee. In the event the application for a permit is denied or the activity permitted does not include all of the work commenced prior to approval of said permit, the Planning and Zoning Commission or the Planner may require restoration of the subject property to its condition before such work commenced, including removal of structures or improvements not approved.
 8. The Administrator or duly authorized representative may require a certificate of survey prepared when it is determined that said survey will or may assist with the resolution of a violation.

Sec. 20-58 – Variances. Variances may only be granted in accordance with Minnesota Statutes, Section 462.357 and Article IX Division 3 of City Code and are subject to the following:

1. A variance may not circumvent the general purposes and intent of this ordinance; and
2. For properties with existing sewage treatment systems, a certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required for variance approval. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high water level

Sec. 20-59 – Conditional Uses. All conditional use permits in the shoreland area may only be granted in accordance with Article IX Division 2 of City Code and are subject to a thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions to ensure:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
2. The visibility of structures and other facilities as viewed from public waters is limited;
3. There is adequate water supply and on-site sewage treatment; and
4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercrafts.

Sec. 20-60 – Mitigation. In evaluating all plats, variances, conditional use permits, land use permits, and shoreland alteration permit applications, the Department may require the property owner to address, the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:

1. Advanced storm water runoff management treatment;

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2. Reducing impervious surfaces;
 3. Increasing setbacks from the ordinary high water level;
 4. Restoration of wetlands;
 5. Limiting vegetation removal and/or riparian vegetation restoration;
 6. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
 7. Other conditions the Department deems necessary.

Sec. 20-61 – Screening. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters assuming summer, leaf-on vegetation shall be attached to permits.

Sec. 20-62 – Nonconformities.

1. All legally established nonconformities including land uses, buildings and lots of record as recorded at the County Recorder as of July 17, 1970, may continue but will be managed according to Minnesota Statutes 462.357 Subd. 1e and Minnesota Rule 6120.3300 Subpart 2 D and other regulations of this community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.
2. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, lowest floor elevations, and other requirements of this ordinance. Any deviation from these requirements must be authorized by a variance.

Sec. 20-63 – Notifications to the Department of Natural Resources.

1. All amendments to this shoreland ordinance must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules. The City of Nisswa may submit the proposed ordinance amendments to the commissioner or the commissioner's designated representative at least 30 days before any scheduled public hearings.
2. All notices of public hearings to consider ordinance amendments, plats, variances, or conditional use permits under shoreland management controls must be sent to the commissioner or the commissioner's designated representative at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
3. All approved ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional use permits under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.
4. Any request to change the shoreland management classification of public waters within the City of Nisswa must be sent to the commissioner or the commissioner's designated representative for approval, and must include a resolution and supporting data as required by Minnesota Rules, part 6120.3000, subp.4.
5. Any request to reduce the boundaries of shorelands of public waters within the City of Nisswa must be sent to the commissioner or the commissioner's designated representative for approval and must include a resolution and supporting data. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

Sec. 20-64 – Environmental Review. An environmental review may be required for projects that could result in significant environmental impacts. The Minnesota Environmental Policy Act of 1973 and Minnesota Rules Chapter 4410 allow for the preparation of Environmental Impact Statements (EIS) and Environmental Assessment Worksheets (EAW) for mandatory development thresholds or discretionary environmental reviews, or alternative urban area wide reviews (AUAR) ordered by the responsible government unit (RGU). The RGU is the designated review authority.

1. Once the environmental review process is determined to be necessary, no permits or other final approvals shall be granted until the environmental review process has been completed. No approvals of any application under environmental review shall be issued unless and until all issues identified in the EAW/EIS/AUAR have been addressed.
2. Payment for cost of review. The Department shall prepare or cause to have prepared, at the applicant's expense, any mandated or discretionary EAW or EIS for the project.
3. The City Council shall make all final EAW/EIS decisions after review and recommendation by the Planning and Zoning Commission.

Secs. 20-65—20-80. Reserved.

Division 3 – Land Use District Standards

Sec. 20-81 – Purpose and Intent of Individual Districts

1. **Open Space Residential District (OSR).** The OSR district is designed to preserve open land, sensitive natural features and rural community character that would be lost under conventional development. It is the intent of this district to permit a reasonable amount of residential development in small compact neighborhoods of single-family detached homes in an open space setting, located and designed to reduce the perceived intensity of development, preserve natural features, and provide privacy and neighborhood identity. All areas identified by the city land use map as "open space residential" must be developed in a manner that protects the rural character of the area and that reduces the need for premature extension of municipal sewer services.
2. **Shoreland Residential District (SR):** The purpose of the Shoreland Residential District is to identify land uses that are compatible with the protection and preservation of shoreline resources to conserve the economic and environmental values of shoreland and sustain water quality. New residential subdivisions should consider conservation design principles. New developments may be connected to the municipal sewer system. The city should not encourage maximum density increases within PUDs or multifamily housing styles within this district.
3. **Linden Lakeshore Residential Overlay District (LR):** The LR district is developed and designed to provide specific and unique performance standards for a previously platted and developed neighborhood adjacent to public waters. The district is currently limited to the riparian lots within the neighborhoods along East and West Linden Avenue. Newly created parcels will be required to meet all SR district provisions.
4. **Urban Residential District (UR):** The UR district is designed to provide traditional residential neighborhood sites adjacent to downtown and to the Sportland Corner area. Residential densities will vary based on connection to municipal utilities. The district provides for single-family, duplex, triplex, and quad home developments. Building types that incorporate multiple units may be allowed by conditional use permit.

5. **Commercial Waterfront District (CW):** The CW district provides for the development of commercial resorts, golf courses and associated uses. The use and associated development shall recognize and address the sensitive relationship that the family resort has had with surrounding residential uses and the impact on water quality. As such all uses shall require a conditional use permit for expansion of the development. The district should encourage unique tourism businesses. Properties developed under this designation shall be used primarily as transient lodging spaces and related commercial uses. Uses shall not include privately owned residences.
6. **Central Business District (CB):** The CB district allows and encourages building design and layout for pedestrian access associated with the traditional downtown area, including zero-lot line setbacks, sidewalks, awnings, and other architectural design features. The city should encourage tourism-related businesses, offices, medical facilities, and public uses to locate within this district.
7. **Highway Business District (HB):** The HB district allows and encourages commercial development that provides services and shopping facilities adjacent to Trunk Highway 371. The city should encourage open space design principles for commercial projects within this district.
8. **Public and Recreation District (P):** The P district provides for public recreation areas and structures and allows private recreational uses. Such uses shall include, but not be limited to parks, tot-lots, nature areas, city buildings, sewer facilities and private recreation and open space.
9. **Planned Development District (PDD):** The PDD district provides a regulatory framework to encourage improved environmental design allowing flexibility in the development of land while ensuring compliance with the intent of city zoning regulations and the city comprehensive plan. The district has no set standards and specifications except that the minimum acreage required for the district is 85 acres and the property must be served by city sewer.

Sec. 20-82 – Land Use Chart

1. *Generally.* The land use chart provided in this section applies to city zoning districts as indicated. All uses are considered prohibited unless specifically allowed in this Code, even if they are not listed specifically under excluded uses in the chart below.
2. *Amendments.* An amendment to the land use chart may be initiated by the city council, planning and zoning commission or a resident or property owner within the city in the same manner as provided for other zoning amendments.
3. *Abbreviations.* As used in the land use charter, the letter "P" designates a permitted use, the letter "C" designates a conditional use, the letter "I" designates an interim use. The letter "A" designates an allowed use. This means a permit is not required for an allowed use provided the standards of the ordinance are met. When the letter designation is absent and the charter cell is left blank, the use is prohibited. The district abbreviations used in the land use chart are defined in Section 20-81.

Table 20-01 Land Use Chart

Use	OSR	SR/LR	UR	CW	CB	HB	P
Accessory uses	P	P	P	P	P	P	P
Accessory uses for general public				C	C	C	
Accessory structures (See also performance standards.)	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Adult use business. (See performance standards)	C						
Adult daycare					C	C	

Agricultural use	P						
Alternative Access Lot	C	C					
Animal husbandry	P						
Assembly plants						C	
Assisted living/board and lodging					C	C	
Auto salvage yard	C						
Bed and breakfast	I	I	I	I	I	I	
Boardinghouse	C	C	C				
Brewery/taproom					C	C	
Churches	C		C		C	C	
Clinic, hospital					C	C	
Commercial storage units	C					C	
Communication towers on public property							C
Controlled access lot							
Decks	P	P	P	P	P	P	P
Dwelling, duplex	C	C	C	C			
Dwelling, multifamily	C	C	C				
Dwelling, single-family homes	P/C	P/C	P/C	C			
Dwelling, triplex and quad residential in PUD		C	C	C		C	
Dwelling unit above commercial use				C	C	C	
Gravel mining	I						
Dwelling, guest cabins	P	P	P				
Dwelling, guest quarters	P	P	P				
Home Business	I	I	I				
Home Occupations	A	A	A				
Historic sites	C	C	C	C	C	C	C
Junkyard							
Light manufacturing plants					C	C	
Manufactured housing developments			C				
Motels/hotels					C	C	
Motor fuel stations					C	C	
Motor vehicle sales						C	
Nursing home	C		C		C	C	
Outside storage of products for sale/rent					C	C	
Planned unit developments, mixed use			C	C	C	C	
Planned unit developments, commercial				C	C	C	
Planned unit developments, residential	C	C	C				
Professional buildings				C	C	C	
Restaurants				C	C	C	
Retail stores				C	C	C	
School	C	C	C	C	C	C	C
Services					C	C	
Semi-public uses (PUD)	C	C	C	C			C

State licensed residential facility	P	P	P			I	
Storage buildings						C	
Swimming Pools	P	P	P	P			
Temporary structures, construction trailers	P	P	P	P	P	P	P
Temporary structures/uses, commercial					I	I	
Semi-Public Uses	C	C	C	C	C	C	C
Theaters				C	C	C	
Vehicle body repair, machine shops					C	C	
Warehousing						C	
Water Oriented Accessory Structure		P		P			

Sec. 20-83 – Principal Residential Structure Size Requirements: All principal residential structures shall have a minimum average structure width of 22 feet and a minimum living area of 850 square feet. No residential attached garage or storage area shall exceed 150 percent of the ground floor footprint of living area. Residential dwellings exceeding 4,500 square feet (including attached storage areas) on less than 2.5 acres require a conditional use permit where reasonable conditions may be placed.

Sec. 20-84 – Shoreland Classification System and Land Uses

1. Purpose. To ensure that shoreland development on the public waters of the City of Nisswa is regulated consistent with the classifications assigned by the commissioner under Minnesota Rules, part 6120.3300.
2. Lakes are classified as follows:

a. General Development (GD) Table 20-02

General Development Lake Name	DNR Public Waters I.D. #
<i>Gull (Including Bishop's Creek)</i>	18-305
<i>Lower Cullen</i>	18-403
<i>Nisswa</i>	18-399
<i>Roy</i>	18-398
<i>Clark</i>	18-374
<i>Hubert</i>	18-375
<i>Round</i>	18-373
<i>West Twin</i>	18-409

b. Recreational Development (RD) Table 20-03

Recreational Development Lake Name	DNR Public Waters I.D. #
<i>Fawn/Edna</i>	18-397/396
<i>Bass (South of Hubert)</i>	18-402
<i>Little Hubert</i>	18-340

c. Natural Environment (NE) Table 20-04

Natural Environment Lake Name	DNR Public Waters I.D. #
<i>Fishtrap (Bourzak)</i>	18-400
<i>Bass (Ray), (Gull Chain)</i>	11-220
<i>Hole-In-The-Day</i>	18-401
<i>Unnamed</i>	11-217
<i>Unnamed</i>	18-559
<i>Unnamed</i>	18-729

3. Rivers and Streams are classified as follows:

a. **Remote** Table 20-05

Remote River Name	Legal Description
<i>Cullen Creek</i>	<i>From Lower Cullen Lake to Nisswa Lake</i>

b. **Forested** Table 20-06

Forested River Name	Legal Description
<i>Unnamed</i>	<i>From Clark Lake to Highway 371</i>

c. **Tributary** Table 20-07

Tributary River Name	Legal Description
<i>Unnamed</i>	<i>From Highway 371 to Nisswa Lake</i>
<i>Bishop's Creek</i>	<i>Between Gull and Round Lakes</i>

Sec. 20-85 – Minimum Lot Sizes and Lot Widths – Shoreland Residential District

1. Lake Minimum Lot Area and Width Standards:

a. **General development lake – No sewer. (Square Feet)** Table 20-08

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Buildable Area (sf)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)	Buildable Area (sf)
Single	30,000	100	12,000	40,000	150	27,000
Duplex*	40,000	180	20,000	80,000	265	40,000
Triplex	**	**	**	**	**	**

Quad	**	**	**	**	**	**
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*Processed as a CUP

**Processed as PUD's per Section 20-385

b. General development lake – Sewer (Square Feet) Table 20-09

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Buildable Area (sf)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)	Buildable Area (sf)
Single	20,000	75	10,000	20,000	75	10,000
Duplex*	40,000	135	20,000	40,000	135	20,000
Triplex**	**	**	**	**	**	**
Quad**	**	**	**	**	**	**

*Processed as a CUP

**Processed as PUD's per Section 20-385

c. Recreational development lake – No sewer (Square Feet) Table 20-10

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Buildable Area (sf)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)	Buildable Area (sf)
Single	40,000	150	16,000	40,000	150	20,000
Duplex*	80,000	225	30,000	80,000	265	40,000
Triplex**	**	**	**	**	**	**
Quad**	**	**	**	**	**	**

*Processed as a CUP

**Processed as PUD's per Section 20-385

d. Recreational development lake – Sewer (Square Feet) Table 20-11

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Buildable Area (sf)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)	Buildable Area (sf)
Single	20,000	75	10,000	20,000	75	10,000
Duplex*	40,000	135	20,000	40,000	135	20,000
Triplex**	**	**	**	**	**	**
Quad**	**	**	**	**	**	**

*Processed as a CUP

**Processed as PUD's per Section 20-385

e. Natural environment lake – No sewer (Square Feet)

Table 20-12

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Buildable Area (sf)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)	Buildable Area (sf)
Single	80,000	200	40,000	80,000	200	40,000
Duplex*	120,000	300	60,000	160,000	400	80,000
Triplex**	**	**	**	**	**	**
Quad**	**	**	**	**	**	**

*Processed as a CUP

**Processed as PUD's per Section 20-385

f. Natural environment lake – Sewer (Square Feet)

Table 20-13

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)		Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)	
Single	40,000	125	20,000	20,000	125	10,000
Duplex*	80,000	225	40,000	40,000	220	20,000
Triplex**	**	**	**	**	**	**
Quad**	**	**	**	**	**	**

*Processed as a CUP

**Processed as PUD's per Section 20-385

Sec. 20-86 – Other Land Use Districts Minimum Lot Sizes (Square Feet)

Table 20-14

Lot Size	OSR	SR/LR	UR	CWS	CB	HB	P
Sewered Lots	100,000	*	20,000	20,000		30,000	15,000
Unsewered Lots	100,000	*	20,000	20,000		30,000	NA
Lot Width	150	*	150	150		150	150
Duplex Lot Area (Sewered & Unsewerd) Multiply base size	2.0	*	2.0	2.0			

Duplex Lot Width (Sewered & Unsewerd) Multiply base size		*	1.8	1.8			
Triplex/Quad	**	**	**	**	**	**	**

*See section 20-85 for SR/LR Standards

**Processed as PUD's per Section 20-385

Sec. 20-87 - River/Stream Minimum Lot Width Standards.

Table 20-15

Lot Type	Remote	Forested	Tributary No Sewer	Tributary Sewer
Single	300	200	100	75
Duplex*	450	300	150	115
Triplex**	600	400	200	150
Quad**	750	500	250	190

*Processed as a CUP

**Processed as PUD's per Section 20-385

Sec. 20-88 – River/Stream Lot Area Standards (Square Feet)

Table 20-16

Lot Type	Remote	Forested	Tributary No Sewer	Tributary Sewer
Single	40,000	40,000	20,000	15,000
Duplex*	80,000	80,000	40,000	30,000
Triplex**	120,000	120,000	60,000	45,000
Quad**	160,000	160,000	100,000	60,000

*Processed as a CUP

**Processed as PUD's per Section 20-385

Sec. 20-89 – Structure Setback (In Feet)

1. OHWL Setback for Structures. All lake setbacks shall be measured from the OHWL. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following OHWL setback provisions

Table 20-17

Lake/Other Setbacks	OSR	SR/LR	UR	CWS	CB	HB	P
General Development	75	75	75	75	75	75	75
OHW							

Recreational Development OHW	100	100	100	100	100	100	100
Natural Environment OHW	150	150	150	150	150	150	150
Tributary OHW	75	75	75	75	75	75	75
Forested – OHW	150	150	150	150	150	150	150
Remote – OHW	200	200	200	200	200	200	200
Local Road Right of Way	30	20	20	30	0/20*	30	30
Lot Line	20	10	10	30	0	10	10
Hwy 371 – Frontage Rd	60	60	60	60	60	60	60
Hwy 371 – No Frontage Rd	90	90	90	90	90	90	90
Bluff – Top & Toe	30	30	30	30	30	30	30
Wetland**	30	30	30	30	30	30	30
County Road Right of Way	50	50	50	50	0	50	50

* 0' Setback from other CB and 20' setback from other residential use

** No structures, vegetation removal, or excavation allowed in wetland setback. Wetland total size must be a minimum of 400 square feet.

Sec. 20-90 – Septic System Setbacks (Septic and Drain field) In Feet

Table 20-18

Septic System/Property Line	OSR	SR/LR	UR	CWS	CB	HB	P
General Development OHW	75	75	75	75	N/A	100	75
Recreational Development OHW	100	100	100	100	N/A	100	100
Natural Environment OHW	150	150	150	150	N/A	175	150
Tributary – OHW	100	100	100	100	100	100	100
Forested – OHW	150	150	150	150	150	150	150
Remote – OHW	200	200	200	200	200	200	200
Lot Line	20	15	15	30	N/A	25	20
Dwelling – Tank	10	10	10	10	10	10	10
Dwelling – Drain Field	20	20	20	20	20	20	20

Sec. 20-91 Other Setbacks (In Feet)

Table 20-19

Setback From	OSR	SR/LR	UR	CWS	CB	HB	P
Patio from OHW	*	*	*	*	*	*	*
Patio – Side Lot Line	5	5	5	5	5	5	5
Unplatted Cemetery	50	50	50	0	50	50	50
Parking Lot (to lot line)	5	5	5	5	0	10	25
Shared Parking Facility (to lot Line)	0	0	0	0	0	0	0
Golf Course Fairway – OHW							
General Development				75		75	75
Recreational Development				100		100	100
Natural Environment				150		150	150
Driveway – side lot line	5	5	5	5	5	5	5
Structure to Structure	10	10	10	10	10	10	10
Agricultural Use	150						

*See Section 20-144

Sec. 20-92 – Buildings – Maximum Height Allowed and Frontage on a Public Road

Table 20-20

	OSR	SR/LR	UR	CWS	CB	HB	P
<u>Building Height</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Frontage on Public Road</u>	<u>33</u>	<u>33</u>	<u>33</u>	<u>33</u>	<u>20</u>	<u>33</u>	<u>33</u>

Sec. 20-93 – Accessory Structure Size, Setback and Permit Requirements

1. Generally. Accessory structures may only be constructed on a lot containing a principal structure. The footprint of an accessory structure may not be larger than the footprint of the principal structure on the same lot, unless a conditional use permit is obtained. Attached garages, storage buildings, and sheds connected by a roofed walkway at least ten feet long shall be considered detached accessory structures for the purposed of this division.
2. Permit required. Accessory structures shall be allowed within all residential districts by permit ("P" in the table below) issued by the city planner or by conditional use permit ("C" in the table below) issued by the planning and zoning commission in compliance with this section.
3. Setbacks; size limitations. Accessory structures must meet OHW setbacks in this ordinance unless otherwise provided in this division and the setbacks required in this section, and the cumulative square footage of all detached accessory structures on a residential property may not exceed 2,500 square feet, except in the OSR

district, where a conditional use permit is required. Impervious limits in Section 20-97 apply. The type of permit required based on size, features and district is as follows:

4. Permits Required Based on Structure Size.

Table 20-21

Accessory Structure Size (Square Feet)	Standards	OSR	SR	LR	UR
Up to 1,200 Square Feet	Exterior Color Matches Principal Structure Color	P	P	P	P
1,201 – 2,500	Setbacks of 30 feet on all sides. Exterior color matches principal structure. Vegetative screening planted in setback area.	P	P	C	P
1,201 – 2,500	Setbacks of 30 feet on all sides. Exterior color does not match principal structure. Vegetative screening planted in setback area.	C	C		C
Over 2,500	Exterior color matches principal structure.	C			

Sec. 20-94 – Lowest Floor Elevation

- Determining elevations. Structures must be placed at an elevation consistent with the applicable floodplain regulatory elevations. Where these elevations are not known, the lowest floor, including basement, must be placed or flood-proofed at an elevation determined using the following methodology:
 - For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher (see Figure 9).
 - For rivers and streams, by placing the lowest floor at least three feet above the highest known flood elevation. If highest known flood elevation is not available, by placing the lowest floor at least three feet above the ordinary high water level (see Figure 9), or by conducting a technical evaluation to establish a flood protection elevation. Technical evaluations must be done by a qualified engineer or hydrologist consistent with Minnesota Rules, parts 6120.5000 to 6120.6200.
- Methods for Placement
 - In addition to the lowest floor, all service utilities must be elevated or water-tight to the elevation determined in Section 20-94 (1).
 - If the structure is flood-proofed, then it must be built to resist hydrostatic pressure through elevation methods such as blocks, pilings, filled stem walls, elevated concrete pad, internally flooded enclosed areas, or through other accepted engineering practices consistent with FEMA technical bulletins 1, 2 and 3.
- Significant Historic Sites

- a. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

Sec. 20-95 – Water Supply and Sewage Treatment

1. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
2. Any premises used for human occupancy must be connected to a publicly-owned sewer system, where available or comply with Minnesota Rules, Chapters 7080 – 7081.

Sec. 20-96 – Special Land Use Provisions

1. Commercial, Industrial, Public, and Semipublic Use Standards.
 - a. Water-dependent uses may be located on parcels or lots with frontage on public waters provided that:
 - i. The use complies with provisions of Section 20-82 of this ordinance.
 - ii. The use is designed to incorporate topographic and vegetative screening of parking areas and structures;
 - iii. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
 - b. Commercial, industrial, public, and semi-public uses that are not water-dependent must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
2. Subdivisions of duplexes are conditional uses on Natural Environment Lakes while triplexes, and quads must be processed as a PUD according to Section 20-385 and must also meet the following standards:
 - a. Each building must be set back at least 200 feet from the ordinary high water level;
 - b. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
 - c. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
 - d. No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments

Sec. 20-97 – Impervious Coverage Limits (in percent land coverage).

Table 20-22

Impervious Limits	OSR	SR/LR	UR	CWS	CB	HB	P
Lot Coverage	15	25/20*	25	25/20*	90	50	15

*25% coverage limit for GD & RD lakes – 20% coverage limit for NE lakes

Secs. 20-98—20-110. Reserved.

ARTICLE III. PERFORMANCE STANDARDS

Division 1 – In General

Secs. 20-111—20-130. Reserved

Division 2 – Residential and Shoreland Performance Standards

Sec. 20-131 – Stormwater Management Standards

1. The purpose of this part is to protect surface waters and private property from damage resulting from storm water runoff and erosion, ensure the annual storm water runoff rates and volumes from post development site conditions mimic the annual runoff rates and volumes from predevelopment site conditions, ensure site development minimizes the generation of storm water and maximizes storm water treatment and infiltration, and protect water quality from nutrients, pathogens, toxins, debris, and thermal stress.
2. The Department shall evaluate the storm water management needs of each lot in doing all reviews, approvals, and permit issuances.
3. Treated storm water runoff shall use existing natural drainage ways and vegetated soil surfaces to convey, store, further filter, and retain storm water runoff before discharge to public waters. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
4. Shoreland Residential District--Shoreland Protection Zone. Impervious surface coverage shall not exceed the limits in Section 20-97.
 - a. On lots with total impervious surface coverage that does not exceed 15%, a stormwater management plan shall not be required for permit approval provided that the Department shall consider proper stormwater management and recommend to the applicant best management practices as set forth in the Minnesota Stormwater Manual
 - b. On lots with total impervious surface coverage that exceeds 15% but does not exceed 20%, a stormwater management plan shall be prepared by the applicant or their designated agent pursuant to this section of the ordinance, the stormwater management plan design guide and worksheet provided by the Department and be submitted to the Department for approval prior to issuance of a permit and shall be effectively implemented, subject the following:
 - i. Permit holders or their designated agent shall notify the Department within 24 hours after implementation of the approved stormwater management plan.
 - ii. The Department shall conduct an on-site inspection of stormwater management system to ensure compliance with the approved stormwater management plan.
 - iii. The Planner shall have the discretion to determine whether an engineered stormwater plan is required. A determination by the Planner that an engineered stormwater plan is necessary shall be made in writing on a form approved by the City Council for this purpose. The form shall specifically set forth the facts upon which the determination was made, and a copy of said form, signed by the Planner, shall be forwarded to the Planning and Zoning Commission.

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- c. On lots with total impervious surface coverage that exceeds 20% a stormwater management plan shall be prepared by the applicant or their designated agent pursuant to the stormwater management plan design guide and worksheet provided by the Department and be submitted to the Department for approval prior to issuance of a permit and shall be effectively implemented, subject to the following:
 - i. A no maintenance shoreline buffer shall be created on riparian lots pursuant to Section 20-55 (3) of this ordinance.
 - ii. A permitted path not exceeding 15 feet and a new shoreline recreation use area shall be allowed pursuant to this section of the ordinance.
 - iii. Permit holders or their designated agent shall notify the Department within 24 hours after implementation of the approved stormwater management plan.
 - iv. The Department shall conduct an on-site inspection of stormwater management systems to ensure compliance with the approved stormwater management plan.
 - i. The Planner shall have the discretion to determine whether an engineered stormwater plan is required. A determination by the Planner that an engineered stormwater plan is necessary shall be made in writing on a form approved by the City Council for this purpose. The form shall specifically set forth the facts upon which the determination was made, and a copy of said form, signed by the Planner, shall be forwarded to the Planning and Zoning Commission.
 - d. Maximum impervious surface coverage in the Shoreland Protection Zone shall not exceed the standards in Section 20-97 of this ordinance.
5. Shoreland Residential District--Shoreland Buffer Zone. Impervious surface coverage shall not exceed the limits in Section 20-97 of this ordinance.
- a. The Department shall consider proper stormwater management for all permits in the shoreland buffer zone and recommend to the applicant best management practices as set forth in the Minnesota Stormwater Manual.
6. Non-Shoreland Districts. Impervious surface coverage outside the Shoreland District shall not exceed the limits in Section 20-97 in this ordinance.
7. Stormwater Management General Standards
- a. All Stormwater plans shall be designed for permanent on-site treatment of one inch of stormwater runoff on all impervious surface coverage on the lot. This means that a volume of water equal to one inch multiplied by the area of impervious surface must be treated. Preference should be given to volume reduction techniques that include infiltration basins, rain gardens, enhanced infiltration swales, filter strips, disconnected impervious areas, soil amendments, bioretention, and other approved volume reduction techniques. The plan shall be approved by the Department and effectively implemented.
 - b. For approved permits that create over 10,000 square feet of new impervious surface on a lot in the Shoreland Residential District and for all plats, the Department shall require the applicant to submit a plan for permanent on-site treatment of one inch of stormwater runoff designed by a Minnesota-licensed professional engineer.
 - c. All stormwater management systems shall be capable of safely passing a 100 year-24-hour storm event, including grassed swales, grit chambers, vegetated filter strips, bioretention areas, off-line retention areas, and natural depressions for infiltration, is required before the runoff leaves the project site or enters surface waters. Constructed storm water outfalls to public waters and non-incident wetlands must provide for filtering or settling of suspended solids and skimming of surface debris before discharge into said waterbody or basin.
 - d. All management technologies must be consistent with the most current version of the Minnesota Stormwater Manual, which is incorporated herein by reference.

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- e. For engineered designs, certification that installation meets the design standards must be received from the design engineer after the stormwater plan is effectively implemented.
 - f. A minimum 12-foot wide driveway from the nearest road right-of-way to the principal structure must be included in the impervious surface coverage calculation. The Department shall use actual on-site driveway dimensions if such data is provided by the applicant.
 - g. The Department may give credit for up to 100% of the area covered by a permeable surface system as a pervious surface if it is designed and inspected by a Minnesota-licensed professional engineer and is certified annually to the Department that it is functioning as a pervious surface. Best management practices shall be followed in design, installation, and maintenance as found in the latest Minnesota Stormwater Manual, subject to the following standards:
 - i. No credit may be given for a permeable pavement system in the shore impact zone 1, 2, or a bluff impact zone, except as otherwise allowed for watercraft access ramps;
 - ii. The base of the installed permeable surface system must have a minimum of three feet separation from the seasonally saturated soils or from the bedrock; and
 - iii. The design of a permeable pavement system must allow the infiltration of one inch of stormwater on the permeable surface.
 - iv. Permeable surface systems for projects 400 square feet in size or smaller shall not require an engineered design provided that the manufacturer's specifications, industry standards, the Minnesota stormwater Manual and all other aspects of this ordinance are followed.
 - 8. Management of Stormwater Facilities
 - a. All storm water management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes and to be structurally sound. All storm water management facilities shall have a plan of operation and maintenance that assures effective removal of pollutants carried in storm water runoff. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purposes. The Planning and Zoning Commission may require a developer to enter into a contract providing for access to perform maintenance and inspection to public or private storm water management facilities.
 - b. Newly installed and rehabilitated catch basins shall be provided with a sump area for the collection of coarse grained material as specified by the Department. Such basins shall be cleaned when sediment or other material has accumulated to occupy 25% percent of the basin's original volume.
 - 9. Minnesota Pollution Control Agency Permit
 - a. Construction activity that results in the disturbance of one or more acres will require a stormwater permit from the Minnesota Pollution Control Agency (MPCA). Construction activity that results in the disturbance of less than one acre may also require a MPCA permit depending on the nature of the activity. Permit applicants are responsible to contact MPCA to determine if a permit is required.

Sec. 20-132 – Shoreline Buffer Management Standards and Vegetative Mitigation

- 1. To protect water quality and safeguard sensitive areas, on-site vegetative mitigation shall be required for:
 - a. A variance granted to the standards of this ordinance;
 - b. Issuance of any conditional use permit where evaluation and assessment by the Planning and Zoning Commission determines the need for additional environmental protection;
 - c. A no maintenance shoreline buffer shall be required for the issuance of a permit on riparian lots that exceeds 20% total lot impervious coverage subject to the Shoreline Rapid Assessment Model as defined by this ordinance.

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- d. Mitigation shall be proportional to the impact of the proposed project.
 - e. Required mitigation shall be determined by the Department according to the City of Nisswa Shoreline Rapid Assessment Model approved by the City Council.

Sec. 20-133 - Shoreline Vegetation Standards

1. Removal or alterations of vegetation is allowed according to the following standards:
 - a. Intensive vegetation clearing within shore impact zone 1 is not allowed except as provided under Section 20-135 of this ordinance with an approved shoreland alteration permit.
 - b. To accommodate a permitted path not to exceed a cleared width of 15 feet to access a shoreline recreation use area.
 - c. Limited clearing of trees and shrubs and cutting, pruning, and trimming of trees to accommodate the placement of stairways and landings, picnic areas, access paths, beach, and watercraft access areas, and permitted water oriented structures or facilities, as well providing a view to the water from the principal dwelling site, in shore impact zone 1 is allowed provided that:
 - i. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf on conditions, is not substantially reduced;
 - ii. Along rivers, existing shading of water surface is preserved; and
 - iii. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased or pose a safety hazard.

Sec. 20-134 – Bluff and Steep Slope Vegetation Standards

1. A vegetation buffer consisting of trees, shrubs, and ground cover plants and understory in a natural state is required in bluff impact zones and on areas with steep slopes. Vegetation clearing and removal of ground cover is not allowed, except as follows:
 - a. Only removal of vegetation necessary to accommodate the placement of a stairway and associated landing, lift, and access path is allowed. Trees, shrubs, and a low ground cover consisting of plants and understory must be maintained in a natural state within these areas. An access path within this area requires a shoreland alteration permit and shall not exceed a cleared width of eight feet; and
 - b. Removal of trees or branches that pose a safety hazard or are diseased is allowed.
 - c. The Department shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of roads, driveways, structures, or other alterations on steep slopes. When determined necessary, conditions shall be attached to issued permits to prevent erosion, preserve vegetation or restore vegetation to a natural state, and screen structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf on vegetation.
 - d. Shoreline vegetation buffers in areas of forestry use. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management “Best Management Practices in Minnesota.”

Sec. 20-135 – Dirt Moving/Grading/Filling Standards

1. The standards in this Section shall apply to all dirt moving activities within Shoreland. For the purpose of this ordinance, dirt moving activities include dirt movement, grading and filling and shall be totaled cumulatively for the purpose of permit requirements. Except as specified in 20-135 (2) below, dirt moving, grading, and filling activities shall require shoreland alteration permits and shall require a site

plan, scope of work, and additional supporting documents including, but not limited to, surveys, wetland delineation reports, engineered grading plans with profile view, engineered drainage plans including erosion and sediment control and stormwater management plans according to Section 20-131 of this ordinance.

2. The following activities shall not require a shoreland alteration permit but must meet the provisions of this section.
 - a. Grading, filling, or excavations necessary for construction of structures or septic systems, if part of an approved permit, shall not require a separate shoreland alteration permit.
 - b. Placement of up to 10 cubic yards of soil for the creation of a lawn or yard as long as the fill or dirt moving is not located within a bluff impact zone or shore impact zone 1.
 - c. Private roads or driveways. The construction of a driveway, access road, or parking area provided that they:
 - i. Meet the structure setback from the ordinary high-water level from public waters
 - ii. Are properly screened from public waters
 - iii. Are not located in a bluff impact zone or shore impact zone 1 or 2
 - d. Wetland Replacement Plan. A shoreland alteration permit is not required if a wetland replacement plan, exemption, or no-loss has been approved pursuant to Minnesota Rules Chapter 8420.
 - e. Existing Sand Blankets / Beaches. A shoreland alteration permit shall not be required to place 10 cubic yards of sand annually on an existing sand blanket / beach on residential parcels located in the shoreland district. A shoreland alteration permit shall be required for new sand blankets or expansions to existing sand blankets and shall be subject to Section 20-135 3 b of this ordinance.
3. Activities in the Shore Impact Zone (SIZ1)
 - a. Dirt moving, grading and fill activities in shore impact zone 1 shall require shoreland alteration permits and meet the following standards unless the activity is exempt according to this section.
 - b. Sand Blanket
 - i. The maximum dimensions shall not exceed 30 percent of the total lot width by 25 feet landward from the OHWL and shall be located within the shoreline recreation use area. The maximum width of a sand blanket created under this section shall not exceed 200 feet. A sand blanket may also be located in shore impact zone 2 and the rear lot zone.
 - ii. The slope of the area to be covered by the sand blanket shall be less than 10 percent. The sand shall be clean with minimal amounts of organic materials.
 - iii. Sand blankets shall be limited to 10 cubic yards annually.
 - c. Shoreline Recreation Use Areas
 - i. Intensive vegetation clearing for the purpose of creating a new shoreline recreation use area within shore impact zone 1 is allowed with an approved shoreland alteration permit.
 - ii. Only one shoreline recreation use area is allowed on each lot and the recreation use area must not exceed 30% of the total lot width and 25 feet landward from the ordinary high-water level in depth. The maximum width of a shoreline recreation use area created under this Article shall not exceed 200 feet.
 - iii. Sand Blankets pursuant to Section 20-135 3 b shall be located in the shoreline recreation use area;
 - iv. Stairways, lifts, landings, and walkways pursuant to Section 20-141 of this ordinance shall terminate or be adjacent to the shoreline recreation use area;
 - d. Upland Fill.

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- i. A maximum of 30 cubic yards of dirt moving may be permitted, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.
 - e. Wetland Fill
 - i. No wetland fill shall be allowed in SIZ 1 except as allowed under MN Rules Chapter 8420.0420 Subpart 8 A (1) d.
 - f. Annual ice ridges. Annual ice ridges may be regraded to their original shoreline contour without a shoreland alteration permit provided that the work is completed in the year in which the annual ice ridge occurred. Any such regrading shall meet the following standards:
 - i. There shall be no topsoil or vegetative matter deposited in the lake.
 - ii. Any dirt moving from re-grading the annual ice ridge that is used on the remainder of the property shall require a shoreland alteration permit.
 - iii. Depositing any sand below the OHWL is subject to DNR public waters permit rules.
 - iv. Temporary erosion and sediment control best management practices shall be implemented.
 - g. Historic Ice Ridges. On those ice ridges with well-established vegetative cover, alterations for lake access shall require a shoreland alteration permit and comply with the following standards:
 - i. One alteration site is allowed per conforming residential lot, single nonconforming lot of record, or per group of contiguous nonconforming lots in the same ownership.
 - ii. On residential lots, the bottom width shall not exceed 15 feet, with side slopes no steeper than 2:1 at each end.
 - iii. On waterfront commercial lots, the maximum bottom width shall be 25 feet with 2:1 side slopes at each end.
 - iv. Berms of not less than 12 inches above grade level or diversions not less than 12 inches below grade level shall be placed landward of all ice ridge alterations to prevent erosion from upland runoff.
 - v. A stormwater management plan meeting the standards of Section 20-131 of this ordinance must be approved by the Department prior to any dirt moving.
 - vi. All disturbed material shall be graded landward or removed from the site.
 - vii. Any alteration below the OHWL may require approval from the Department of Natural Resources and / or U.S. Army Corps of Engineers.
 - 4. Activities in Shore Impact Zone 2 (SIZ2) -
 - a. Dirt moving, grading and fill activities in shore impact zone 2 shall require shoreland alteration permits and meet the following standards unless the activity is exempt according to this section.
 - b. Upland Fill.
 - i. A maximum of 50 cubic yards of dirt moving may be permitted. Applications to move larger quantities shall be processed as conditional uses.
 - c. Wetland Fill
 - i. No wetland fill shall be allowed in SIZ 2 except as allowed under MN Rules Chapter 8420.0420 Subpart 8 A (1) d.
 - 5. Activities in the Rear Lot Zone (RLZ)
 - a. Dirt moving activities in the rear lot zone shall require shoreland alteration permits and meet the following standards unless the activity is exempt according to this section.
 - b. Upland Fill
 - i. A maximum 100 cubic yards of dirt moving may be permitted per calendar year. Applications to move larger quantities shall be processed as conditional uses.

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- c. Wetland Fill
 - i. No wetland fill shall be allowed in RLZ except as allowed under MN Rules Chapter 8420.0420 Subpart 8 A (1) d.
 - 6. General Standards
 - a. Not more than one shoreland alteration permit for dirt moving, grading or fill activities shall be allowed on the same property in any three-year period. This limitation shall apply to each of the SIZ1, SIZ2 and RLZ areas separately
 - b. Soil used as fill shall be free of state-regulated contaminants.
 - c. Exposure of bare ground
 - i. Dirt moving must be designed to ensure that the smallest amount of bare ground is exposed for the shortest period of time.
 - ii. Erosion and sediment control best management practices as required by the Department shall be used during and immediately after construction.
 - iii. Permanent vegetative coverage shall be established within 21 days of the completion of construction, or when vegetation establishment is not possible, other protective measures such as erosion control fabric or mulch blankets shall be installed until permanent vegetation can be established.
 - iv. Dirt moving, grading or fill activities in a bluff impact zone is prohibited, except for the placement of stairways, lifts, or landings permitted under Section 20-141 of this ordinance.
 - v. Steep slope stabilization. Dirt moving on steep slope may be permitted with a stormwater and erosion control plan approved by the Department.
 - vi. Lake access across wetlands in the shore impact zone shall be by boardwalk according to Section 20-138 of this Ordinance.

Sec. 20-136– Retaining Wall Standards

- 1. A. Retaining walls may be installed with a shoreland alteration permit in shore impact zones 1 or 2 provided the following standards are met:
 - a. The Department determines that there is no other alternative to control erosion.
 - b. No tier of the retaining wall shall exceed four feet in height without a plan signed by a Minnesota licensed professional engineer.
 - c. Construction complies with all provisions of Sections 20-131 and Section 20-135 of this ordinance.
- 2. Retaining walls may be installed without a permit behind the structure setback provided that:
 - a. It does not significantly alter the character of the property or does not create runoff or erosion problems.
 - b. Construction complies with all provisions of Section 20-131 and 20-135 of this Ordinance.

Sec. 20-137 – Rip Rap Standards

- 1. Placement of natural riprap, including associated grading of the shoreline requires a shoreland alteration permit and shall be done according to the following:
 - a. Riprap will only be allowed in situations where active erosion problems exist and are documented by the Department or Crow Wing Soil and Water Conservation District.
 - b. Riprap may be used to correct an existing established erosion problem that cannot be controlled using suitable vegetation or slope stabilization approved by the Department.

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- c. The use of riprap must be no more than 200 linear feet of shoreline along lakes and wetlands or along shoreline of streams, must be less than five times the average width of the affected watercourse unless a permit is obtained from the DNR. If a DNR permit is required, a permit from the City is not required according to this ordinance.
 - d. A vegetative buffer is required landward of the riprap and will be subject to and size determined by the Shoreline Rapid Assessment Model according to Section 20-132 of this ordinance.
 - e. The placement of natural riprap where approved shall comply with MN Statutes 103G.245.
 - f. Natural rock must be used as riprap and cannot average less than 6 inches or more than 30 inches in diameter and shall be free of debris that may cause pollution or siltation.
 - g. A filter of crushed rock, gravel, or filter fabric material may be placed under the riprap.
 - h. The minimum finished slope waterward of the riprap shall be no steeper than 3 to 1 (horizontal to vertical).

Sec. 20-138 – Boardwalks Standards

- 1. Boardwalks shall be the preferred method to accessing public waters across riparian wetlands and;
- 2. Boardwalks shall not be considered fill pursuant to MN Rules 8420.0111 Subpart 26 and;
- 3. Boardwalks shall be constructed to be perpendicular to the shoreline to the greatest extent possible and;
- 4. Boardwalks shall not extend into adjoining riparian use areas and;
- 5. Boardwalks shall meet property line setbacks and;
- 6. The maximum width of a boardwalk shall be 6 feet and;
- 7. Boardwalk supports shall be constructed above the wetland surface and decking shall be constructed a minimum of 12" above the wetland surface and;
- 8. Boardwalks may be placed on temporary or permanent pilings and;
- 9. Boardwalks may incorporate railings and;
- 10. Boardwalk construction activity below the OHWL is not regulated by this ordinance.

Sec. 20-139 – Private Water Access Ramp Standards

- 1. Watercraft access ramps, approach roads, and access related parking areas require shoreland alteration permits and shall comply with the following standards:
 - a. Are permitted for private residential lots only on lakes without public accesses.
 - b. May be permitted for Conservation Design Development Lake access, if authorized, or water-oriented commercial uses on any lake classified General Development or Recreational Development. Private water access ramps are not allowed on Natural Environment Lakes.
 - c. Shall not include asphalt in shore impact zone 1.
 - d. Shall not exceed 15 feet in width from the lake to the structure setback line.
 - e. Construction complies with all provisions of Section 20-131 and 20-135 of this Ordinance
 - f. The maximum impervious surface limits for the lot are not exceeded.

Sec. 20-140 – Controlled and Alternative Access Lot Standards

- 1. Controlled access lots, or any lot, tract, or parcel of land, however designated or described, intended to be used to provide accesses to public waters for owners of non-riparian lots within new subdivisions or plats, are prohibited.
- 2. Alternative access lots, or parcels of land that provide access to public waters for owners of riparian lots within subdivisions, shall be used where the Planning and Zoning Commission determines that direct riparian access for each individual is not feasible due to the presence of protected vegetation, wetlands,

or other critical fish or wildlife habitat and shall be processed as a conditional use permit. The lot that provides the alternative access shall meet all lot size and width requirements of this ordinance.

Sec. 20-141 – Stairways, Walkways, Lifts and Landings Standards

1. Stairways, walkways, lifts, and landings for public water access shall require shoreland alteration permits and comply with the following standards:
2. Stairways, walkways, and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shoreline areas.
3. Only one stairway or walkway shall be allowed within a shore or bluff impact zone. The combination of stairways and walkways to traverse a shore or bluff impact zone shall be allowed, provided they are constructed in a continuous manner without diverting in different directions. A parcel may contain one lift in addition to any allowed stairway/walkway. The lift and the walkway/stairway must be located within the allowable cleared vegetation standards in Section 20-134 and be adjacent to each other.
4. Stairways and lifts shall not exceed four feet in width on residential lots. Up to eight foot wide stairways may be permitted on water-oriented commercial lots.
5. Construction complies with all provisions of Section 20-131 and 20-135 of this Ordinance
6. The maximum impervious surface limits for the lot shall not be exceeded.
7. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area and be integral to the function of the stairway and not constitute a deck. Landings for stairways and lifts on water-oriented commercial lots must not exceed 64 square feet in area and be integral to the function of the stairway and not constitute a deck.
8. Canopies or roofs are not allowed on stairways, lifts, or landings.
9. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
10. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions.
11. Facilities such as ramps or mobility paths for handicapped access to shoreline areas may be allowed, provided that:
 - a. The department determines that there is no other reasonable way to achieve access; and,
 - b. The dimensional and performance standards of this section are met; and
 - c. The requirements of Minnesota Rules, Chapters 1307 and 134 are met.

Sec. 20-142 – Water Oriented Accessory Structures Standards

1. One water oriented accessory structure on riparian residential lots not meeting the structure setbacks in Section 20-89 of this ordinance may be placed with a shoreland alteration permit provided the following standards are met:
 - a. The structure or facility must not exceed 10 feet in height and cannot occupy a combined area greater than 120 contiguous square feet (e.g., a patio and storage structure may both be constructed but must be located contiguously and cannot exceed 120 combined square feet);
 - b. The setback of the structure or facility from the OHWL must be at least 20 feet;
 - c. The structure must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the Department, assuming summer, leaf-on conditions;
 - d. Construction complies with all other provisions of this ordinance;
 - e. The maximum impervious surface limits for the lot are not exceeded;
 - f. The structure shall not be located within a bluff impact zone;

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- g. The structure shall not be used for human habitation; and
 - h. The structure shall not include bathroom facilities.
 - i. The roof shall have a minimum 4/12 pitch.
 - 2. One water oriented accessory structure on Waterfront Commercial lots not meeting the structure setbacks in Section 20-89 of this ordinance may be placed with a shoreland alteration permit provided the following standards are met:
 - a. The structure or facility shall not exceed 15 feet in height and cannot occupy an area greater than 250 square feet (e.g., a patio and storage structure may both be constructed but must be located contiguously and cannot exceed 250 combined square feet);
 - b. The minimum setback of the structure facility from the OHWL level shall be 20 feet,
 - c. The structure is treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer, leaf-on conditions;
 - d. The structure shall not be used for human habitation;
 - e. The structure shall not be located within a bluff impact zone;
 - f. Construction complies with all other provisions of this Ordinance; and
 - g. The maximum impervious surface limits for the lot are not exceeded.
 - h. The roof shall have a minimum of a 4/12 pitch. Flat roofs are prohibited.

Sec. 20-143 – Boathouses

- 1. New boathouses and boat storage structures that do not meet the setback requirements in Section 20-89 of this ordinance are prohibited.
- 2. Existing boathouses and boat storage structures may be repaired or replaced pursuant to Minn. Stat. §462.357. A flat roof may be replaced provided it does not exceed a 4/12 pitch.

Sec. 20-144 – Patios

- 1. Patios placed within the lake, river or stream structure setback shall require a shoreland alteration permit.
- 2. Patios within the lake, river or stream structure setback shall comply with the following standards:
 - a. Shall not be located in shore impact zone 1 except as a water-oriented accessory structure according to Section 20.66 Of this ordinance;
 - b. Be free standing;
 - c. Have no railings;
 - d. Be a maximum of 250 square feet in size. Up to 400 square feet in size is allowed with an approved and implemented Stormwater Management Plan according to Section 20-131 of this ordinance;
 - e. Not be more than one foot below or above natural ground level;
 - f. Construction complies with all other provisions of this ordinance; and
 - g. The maximum impervious surface limits for the lot shall not be exceeded.
 - h. Patios are allowed behind the structure setback without a permit provided that all setbacks are met, and the property does not exceed the maximum allowable impervious surface standards.

Sec. 20-145 – Swimming Pool Standards

- 1. Swimming pools located above or below the ground and below-ground hot tubs shall require a shoreline alteration permit and must meet all applicable setbacks in Section 20-89 of this ordinance. Above ground hot tubs shall not require a permit but shall meet setbacks applicable to accessory structures.

Sec. 20-146 – Guest Cabin/Guest Quarter Standards

1. A guest cabin in the Shoreland Residential District shall comply with the following standards;
 - a. All required setbacks shall be met.
 - b. The maximum impervious surface limits for the lot shall not be exceeded.
 - c. The maximum building footprint and livable area for a guest cabin does not exceed 700 square feet.
 - d. A guest cabin shall not exceed 15 feet in building height.
 - e. A guest cabin or guest quarter shall be located or designed to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer leaf-on conditions.
2. A guest quarters in the Shoreland Residential District shall comply with the following standards;
 - a. All required setbacks shall be met
 - b. The maximum impervious surface limits for the lot shall not be exceeded.
 - c. The maximum livable area for a guest quarter does not exceed 700 square feet.
 - d. A guest quarter shall not exceed 30 feet in building height.
 - e. A guest cabin or guest quarter shall be located or designed to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer leaf-on conditions.
3. There shall be an analysis of existing shoreland vegetation according to the Shoreline Rapid Assessment Model and development of a shoreland vegetation restoration plan, if applicable, as set forth in Section 20-132 of this ordinance.
4. Lots which contain a duplex(s), triplex(s), quad(s) or other multi-family dwellings shall not be allowed a guest cabin or guest quarter.

Sec. 20-147 – Decks

1. Construction of new decks or replacement of existing decks shall require a land use permit and comply with the following standards:
 - a. Decks adjacent to dwellings shall meet structure setbacks in Section 20-89 except as provided under this section
 - b. A 4-foot walkway located beyond the minimum required setback required for dwellings, or within said setback when attached or immediately adjacent to a building, constructed for the purpose of providing access to an entrance door on a dwelling, may be added without a permit and without regard to its setback to the ordinary high water level.
 - c. Deck construction shall comply with all provisions of this ordinance
2. Decks should be constructed as to be pervious, allowing water to reach a pervious surface below the deck. Decks not meeting this requirement shall be considered impervious surfaces.
3. Decks that do not meet required setbacks from public waters may be allowed without a variance to structures in existence prior to July 17, 1970, if the following criteria are met:
 - a. An evaluation of the property and structure reveals no reasonable location for a deck meeting the OHWL setback;
 - b. The deck encroachment toward the OHWL does not exceed 15% of the existing public water setback and does not encroach any closer than 30 feet, whichever is more restrictive;
 - c. The deck is constructed as a pervious surface and is not roofed or screened; and
 - d. Maximum size of the deck is 250 square feet.

Sec. 20-148. Temporary structures.

- (a) Temporary structures for residential uses, including the use of construction trailers or travel trailers, shall be allowed for a period not to exceed 7 consecutive days without a permit. A permit shall be required and may be issued by the city planner when the temporary structure is on the parcel for more than 7 consecutive days and all other provisions of this ordinance are met including but not limited to setbacks and impervious coverage limitations.
- (b) Minimum facilities for temporary structures shall include provisions for wastewater, water supply and solid waste.
- (c) Permits for temporary structures will only be allowed when a principal dwelling is located on the lot
- (d) Travel trailers that are stored on the property and not used as a dwelling are exempt from this section.
- (e) A permit may be issued for the use of a temporary travel trailer in conjunction with a valid permit for a dwelling.

Sec. 20-149. – Use of Fertilizer

1. The Use of fertilizer, pesticides, or animal wastes in shoreland districts must conform to Minnesota Statutes, chapters 18B, 18C, 18D, and 103H, and be consistent with the latest best management practices developed for such use by the Minnesota Department of Agriculture and Minnesota Pollution Control Agency.

Sec. 20-150. Agricultural uses and animal husbandry in the OSR district.

- (a) The keeping of horses, cattle or other large domestic animals shall be allowed in the OSR district. The maximum animal density shall be a fenced area containing one acre per animal unit.
- (b) Adequate provisions for disposal of manure, control of flies, and an adequate buffer to adjoining properties left natural or screened shall be provided by the owner.
- (c) The fenced area shall be enclosed with wire, pipe fencing, board fencing, or other decorative or non-obtrusive material and shall be no closer than 150 feet to any stream, lake or well.

Sec. 20-151. Multifamily dwellings to comply with building codes; visual screening required.

Buildings with four or more units shall be designed by a licensed architect, who shall certify that the building complies with the city's building and construction codes. Visual screening shall be provided in the side yard setback area if adjacent to any other residential district.

(Code 2016, § 4.7.7; Ord. No. 17 (Third Series) , § 4, 10-17-2018)

Sec. 20-152. Manufactured housing developments.

- (a) Development of this type creates a heavy demand and reliance on municipal type facilities including roads, sewer, water, and fire protection. In addition, these developments are often the densest in a community requiring heavier streets, more public recreational facilities and nearby shopping.

- (b) Manufactured housing developments are generally considered compatible with the UR district only and requires public sewer. A state department of health permit is also required. All new manufactured housing developments shall be processed as a planned unit development.
- (c) The minimum standards for manufactured housing developments are set forth in the chart below. The city may further restrict the developments in order to comply with the criteria for the issuance of a conditional use permit.

Table 20-145. Minimum Standards for Manufactured Housing Developments*

<i>Category</i>	<i>Minimum Requirement</i>
Minimum parcel size for a new use	5 acres
Minimum parcel width for a new use	400 feet
Minimum lot size for each dwelling unit	6,000 square feet
Minimum lot width	50 feet
Maximum impervious coverage (lot)	50 percent
Front yard setback (interior)	25 feet
Rear yard setback (interior)	10 feet
Side yard setback (interior)	10 feet
Exterior lot line setback	30 feet
Minimum land in common ownership or not used in lots.	50 percent
Minimum road width	40-foot corridor; 24-foot surface
Minimum on-lot parking	Two vehicles
Maximum density	See PUD standards for UR district.
Other requirements	All requirements of a planned unit development as applicable to the UR district shall apply except as noted herein.
Landscaping buffer	A 20-foot landscaping buffer shall be required on the perimeter of the subject property. A minimum of two trees shall be planted on each individual site within the development.
Public sewer and water	All manufactured housing developments shall require public sewer and water service.
Pave parking	A permanent paved parking space shall be provided at each site. The city, as part of the conditional use permit review process, may require additional parking sites.
Storm safety shelter	A permanent storm safety shelter shall be provided for the residents of the park. The shelter shall be sized adequately and shall meet the requirements of this Code and state law.
Winterized utility connections	Individual winterized sewer, water, and electrical connections for each site shall be provided.

*Density to be determined by lake classification found in this ordinance.

(Code 2016, § 4.7.8; Ord. No. 17 (Third Series) , § 4, 10-17-2018)

Sec. 20-153. Open space development (OSD).

- (a) *General.* Lands that are ten acres or greater and fall within the OSR district are encouraged to be developed as an OSD. OSD provides for residential development in rural areas in a way that maintains or enhances the city's rural character; is sensitive to the physical characteristics of the site; retains large, undivided parcels of land that provide opportunities for compatible forestry and other rural land uses; protects sensitive environmental resources; facilitates creation of open space corridors; and minimizes impacts of road and premature demand for utility systems. OSDs must be completed by plat.
- (b) *Establishment of an open space parcel.* A parcel with the following characteristics shall qualify as an open space parcel:
 - (1) Each OSD development shall contain a contiguous open space parcel comprising a minimum of 50 percent of the buildable land area to be subdivided.
 - (2) The open space parcel may be owned by a homeowners' association, corporation, partnership, land trust, individual, or other legal entity.
 - (3) The following uses of the open space parcel are permitted, subject to any land use limitations in the underlying district:
 - a. Agriculture, forestry or passive recreation;
 - b. Natural areas, including, but not limited to, critical areas and associated buffers, and wildlife corridors.
 - c. Single-family dwelling with a conservation easement is placed over the open space parcel restricting further development.
 - (4) The open space parcel shall contain any significant resource identified within the property to be subdivided, including, but not limited to, wetlands, historical sites and wildlife corridors.
 - (5) In order to retain large, undivided parcels of land that provide opportunities to compatible agricultural and forestry uses and protection of sensitive environmental resources, the open space parcel shall, to the greatest extent possible, be a single contiguous parcel and shaped so as to be usable for resource uses. When the open space parcel is intended for other uses, more flexibility is allowed in the shape of the parcel; however, the open space parcel may not include strips located between dwellings.
 - (6) Open space parcels that are used for agriculture, forestry or sensitive resource protection shall not be bisected by roads or easements.
 - (7) When consistent with other provisions of this chapter, the open space parcel shall be contiguous with any abutting conservation parcel, open space, greenbelt, agricultural lands, commercial forestry lands, public preserves, parks, or schools. Wildlife corridors shall be linked with other wildlife corridors abutting the proposed subdivision.
- (c) *Design criteria.* The following design criteria shall apply to OSDs:
 - (1) *Minimum lot size.* There is no minimum lot size, subject to compliance with applicable standards for sewage disposal and provision of water.
 - (2) *Development yield.* The applicant shall submit a table showing the maximum number of dwelling units that would be permitted in the underlying district where the parcel is located. When the parcel encompasses multiple districts, the maximum number of units shall calculate the allowable density for each district separately, consistent with the minimum lot size, lot widths, setbacks, and other provisions of city zoning regulations. Land that is not considered buildable, shall be excluded from the

development yield analysis. The total number of units provided for within the development shall not exceed the amount calculated in the development yield.

- (3) *Setbacks.* Setbacks from the exterior boundary of the site shall be the same as required in the underlying district. Side setback requirements may be waived to allow flexibility in site design; provided, however, that individual buildings shall be separated by a minimum of ten feet. The planning and zoning commission may establish setbacks as necessary to buffer agricultural, forestry and water-use activities from residential uses.
- (d) *Subdivision design for residential lots.* Residential lots in subdivisions shall be subject to the following:
 - (1) The configuration and size of lots shall be varied and blend with the natural features of the site in order to retain the natural, rural character of the site, particularly as viewed from public roadways.
 - (2) Windfirm trees shall be retained where they would screen residences from collector roads, arterials or state highways, unless they would unduly impede site development, be incompatible with the intended use of the open space parcel or pose a risk to public safety for motorists on those roadways and to private utilities.
 - (3) A lot created for any existing residence on the property may be discontinuous from the remaining residential lots in the proposed subdivision.
 - (4) Residential lots shall be grouped and not assembled in a linear configuration. A linear configuration refers to a site design for the residential portion of a development which may be described as long and narrow. Exceptions may be granted at the discretion of the planning and zoning commission where unusual site conditions, such as wetlands or steep slopes, warrant a linear configuration. The reason for minimizing linear configurations is to retain the natural, rural character of the site, particularly as viewed from public roadways.
- (e) *Administration and maintenance requirements.* Prior to final approval of any OSD, the city will require adequate provisions developed for preservation and maintenance in perpetuity of the open space parcel and for the continued existence and functioning of the development as a community.

(Code 2016, § 4.7.9; Ord. No. 16 (Third Series) , § 2, 8-15-2018; Ord. No. 17 (Third Series) , § 4, 10-17-2018)

Sec. 20-154. Standards for Linden Lakeshore Residential District (LR).

- (a) *History; purpose and intent.* The Linden Lakeshore Residential District (LR) was created to address specific concerns over the redevelopment of properties adjacent to Grand View Lodge on the East and West Linden Avenue Neighborhood. This area was developed early in the history of the city and the riparian lots do not meet the current development standards for shoreland residential neighborhoods. This neighborhood is unique since it was platted early in the history of the city and most of the riparian lots are very near 20,000 square feet in area and the properties are connected to the municipal sewer system. As such specific development standards for the district are established.
- (b) *Additions to nonconforming principal structure.* On one occasion, an addition to nonconforming principal structures without the need for a variance is allowed if the following conditions are met:
 - (1) The addition shall not allow the ground covered by principal structure to increase by more than 50 percent of the existing ground cover, inclusive of decks and patios.
 - (2) The addition is one-story or 15 feet in height, whichever is less.
 - (3) The total impervious coverage on the property does not exceed 25 percent for all structures and 30 percent including sidewalks, driveways and patios.
 - (4) The addition does not encroach closer to the OHW than the existing principal structure.

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- (5) The principal structure and the proposed addition are entirely outside of the shore impact zone.
 - (6) The applicant shall provide adequate provisions for stormwater management and drainage on their property and shall provide improved vegetative screening.
 - (c) *Additions to nonconforming accessory structure.* No addition to a nonconforming accessory structure is permitted.
 - (d) *Setbacks.* Side yard setbacks shall be a minimum of 30 percent of the total lot width at the building setback line. In no case shall a structure or addition to a structure be placed within five feet of a side lot line nor shall it be placed within 20 feet of a structure on an adjoining parcel of land.
 - (e) *Replacement of removed or damaged nonconforming structures.* In the event a nonconforming structure is removed, demolished or damaged to an extent greater than 50 percent of the market value of the structure, any new structure shall conform to the following minimum standards:

Table 20-147. New Structure Minimum Standards

<i>Structure</i>	<i>Requirements</i>
Lakeshore setback	75 feet
Side yard setback	10 feet
Impervious coverage	25 percent
Road right-of-way	20 feet

(Code 2016, § 4.7.10; Ord. No. 10 (Third Series) , § 2(4.7.10), 2-15-2017; Ord. No. 17 (Third Series) , § 4, 10-17-2018)

Sec. 20-155. Urban residential planned unit development (PUD).

- (a) *Objectives.* It is the policy of the city to promote progressive development of land and construction by encouraging urban residential PUD to achieve:
 - (1) A maximum choice of living environments by allowing a variety of housing building types, including single and multifamily developments and permitting an increased density per acre and a reduction in lot dimensions, yard, building setbacks and area requirements;
 - (2) A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of mixed residential uses;
 - (3) A development pattern, which preserves and utilizes natural features, trees and other vegetation, and prevents the disruption of natural drainage patterns;
 - (4) A more efficient use of land and a resulting substantial savings through shorter utilities and streets;
 - (5) A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.
- (b) *Intent; developer's responsibilities.* PUDs shall be proposed and approved in accordance with this section. The burden of justification for any planned unit residential development project shall be the exclusive responsibility of a developer. The developer shall be responsible for providing the information and data required in this section. In addition, as the planned unit development is an innovative approach, the developer shall provide any other data or information as may be required by the planning and zoning commission or the city council. It is the intent of this division to require subdivision of property according to city subdivision regulations simultaneous with the application of the PUD.

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- (c) *Preapplication meeting.* Before submitting a formal application for a PUD, the developer shall meet with the planning and zoning commission. The purpose of this meeting is to discuss early informally, the purpose and effect of this division and the criteria and standards contained in this division and to familiarize the developer with the city's comprehensive plan, including the land use plan, the major thoroughfare plan, and the parks and open space plan, the subdivision regulations and the drainage, sewer, and water systems of the city.
- (d) *Application.* An application for approval of a preliminary plan for a proposed PUD shall be filed with the city planner. A filing fee as established, from time to time, by city council resolutions shall accompany the application. The application with accompanying statements shall be submitted in the number of copies that are indicated on the application, and shall include:
- (1) A vicinity map at a scale, acceptable to the planning and zoning commission, showing property lines, streets, easements, existing zoning, and such other items as the planning and zoning commission may require to show the relationship of the proposed PUD to the comprehensive plan of the city, to existing schools and other community facilities and services, and to the surrounding area;
 - (2) A preliminary plan of the entire area in such detail as to show the land uses being requested, the densities being proposed where applicable, the system of collector streets and off-street parking system;
 - (3) A written statement explaining in detail and with supporting documentation the specifics of the development plan as it relates to the type of dwelling units proposed and the resultant population, the extent and nature of nonresidential development and the resulting traffic generated, and parking demands created;
 - (4) The proposed schedule for the development site;
 - (5) A statement setting forth the reasons why, in the opinion of the applicant, the PUD will be in the public interest and consistent with the objectives specified for PUDs.
- (e) *Minimum lot size and density.* The minimum lot size requirements in this division do not apply to a PUD. The maximum dwelling unit density shall be determined by the area remaining after wetlands and steep slopes have been removed from the PUD area. The maximum dwelling unit density shall be one unit per 10,000 square feet of useable land area for single-family and duplex, triplex or quadplex housing styles. The individual lot sizes may be smaller than this, but the density may not exceed one unit per 10,000 square feet. Parcels located in the Urban Residential district and shoreland must be developed to Shoreland PUD standards.
- (f) *Setback requirements.* Notwithstanding other provisions of this division, every individual residential lot must be a minimum of 15 feet from the perimeter of the PUD. Structures must be a minimum of 50 feet from the perimeter of the site.
- (g) *Access.* Every PUD must have adequate direct access to a publicly maintained road. Internal roads within the PUD shall be public roads unless due to slopes or other features, the city engineer recommends that a private road network is preferred. Connections to adjoining parcels of land should be included in the development plans.
- (h) *Utilities.* Each PUD within the UR district must be connected to municipal sewer and shall provide for a common, not individual, water supply.
- (i) *Open space.* A minimum of 50 percent of the PUD must remain in permanent open space, to be used consistent with the applicable minimum standards of the homeowners' association, the nonprofit organization whose purpose is to use the land for open space purposes as provided in any permanent easements and development restrictions, and city, county or other governmental agency.

(Code 2016, § 4.7.11; Ord. No. 10 (Third Series) , § 2(4.7.11), 2-15-2017; Ord. No. 17 (Third Series) , § 4, 10-17-201

Sec. 20-156. Sale of motor vehicles.

The sale or display for sale of motor vehicles, motorcycles or recreational vehicles or equipment that is owned by the property owner shall be allowed within all residential districts. The sale of such vehicles shall not be allowed if the vehicles are not owned by the property owner. At no time shall any property owner display for sale more than two motor vehicles, motorcycles, recreational vehicles or equipment.

(Code 2016, § 4.7.14; Ord. No. 17 (Third Series) , § 4, 10-17-2018)

Secs. 20-157—20-170. Reserved.***DIVISION 3. COMMERCIAL*****Subdivision I. In General****Sec. 20-171. Low impact design.**

The city encourages that new commercial structures and all commercial remodeling that adds more than a 50 percent increase in building value, be designed for low impact and be Leadership in Energy and Environmental Design (LEED) certified. Businesses are encouraged to consult with a design professional with LEED certification to obtain written documentation of compliance with LEED standards prior to construction and a final certification of compliance within six months of building occupancy.

(Code 2016, § 4.8.1)

Sec. 20-172. Screening and landscaping.

- (a) No use shall create, maintain or continue any structure or use that has a strong negative visual impact or violates the standards of the city.
- (b) When any business or industry is adjacent to property zoned residential, or any use cannot meet the visual standards of the city, screening shall be provided by the business or offending use.
- (c) Screening required shall be in addition to normal landscaping and planting and consist of a visual obstruction completely containing the activity on the commercial or offending use.
- (d) Screening may consist of dense evergreen plantings eight feet or more in height, wood walls with 100 percent obstruction, a building wall consisting of aesthetically pleasing materials, with no signage, chainlink fence with privacy slats of earth tone colors, or similar structures. All structural elements shall meet required setbacks.
- (e) All commercial buildings in the CB and HB districts shall be landscaped according to a plan prepared by a professional landscape architect, or a commercial nursery, and be approved by the planning and zoning commission.

(Code 2016, § 4.8.2)

Sec. 20-173. Exterior building finishes.

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- (a) *Generally.* All exterior wall finishes on any principal or accessory building shall be one of or a combination of the following:
- (1) Face brick.
 - (2) Natural or cut stone, wood or log.
 - (3) Specially designed, precast concrete units, if the surfaces have been integrally treated with an applied decorative material or texture (excluding raw concrete block painted or unpainted).
 - (4) Glass, fiberglass or similar non-metal materials.
 - (5) Stucco and other cementation coating applied in a manner so as to create a harmonious design in conjunction with the materials.
- (b) *New materials.* The planning and zoning commission may approve other new materials that are equal to or better than the materials listed in subsection (a) of this section.
- (c) *Neighboring structures.* All structures shall be compatible with neighboring structures in mass, color and exterior materials.
- (d) *Formula restaurants.* All formula restaurants shall meet the requirements set forth below:
- (1) Outdoor storage areas, mechanical equipment, and utility vaults shall not be visible from adjacent streets and pedestrian walkways.
 - (2) Site services should be located on the least visible side of the structure or site or within interior building spaces.
 - (3) All signs shall use natural materials such as wood, metal masonry or stone.
 - (4) There shall be no exterior vending machines such as soft drink dispensers, ice cube freezers and the like.
 - (5) Trash receptacles shall be placed at the entrances to any building containing formula restaurants and shall be maintained by those businesses. Exterior receptacles shall not exhibit logos or advertising.
 - (6) The planning and zoning commission may restrict formula restaurants or revise design standards to ensure the preservation of the unique, small-town character of the city.
- (e) *Site development requirements along Highway 371.* In addition to the general site requirements for all construction projects, commercial developments within 500 feet of State Trunk Highway 371 shall utilize the following site design requirements:
- (1) When feasible, the development shall design backage roads as part of the internal road network.
 - (2) Developers shall provide for safe pedestrian movement between buildings and between adjacent uses.
 - (3) No permanent new access points shall be allowed on to Highway 371. When no frontage or backage road is available, a temporary access point may be allowed providing future alternate access is planned. The removal of the temporary access shall be regulated by the conditional use permit.
 - (4) Driveways shall be located outside of the functional area of intersections or turn lanes.
 - (5) Adequate vehicle stacking at the driveway shall be provided.
 - (6) If an existing use is intensified or changed, the city may require the elimination of access points on to Highway 371. If removal is not possible, the city, in consultation with the state department of transportation may work with the property owner to move the access to a safer location.
 - (7) No backing movements of patrons or service vehicles shall be allowed on to or off the public road system.

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- (f) *Site development requirements for commercial structures in the CB district.* All new or reconstructed structures shall be placed within 15 feet of the right-of-way. Adequate provisions for pedestrian movement (sidewalks) between properties shall be included in all site plans.

(Code 2016, § 4.8.3; Ord. No. 19 (Third Series) , § 2(4.8.3), 12-19-2018)

Sec. 20-174. Additions, alterations and accessory buildings.

All subsequent additions, exterior alterations and accessory buildings constructed after the erection of an original building or buildings shall be of the same materials or better than those used in the original building and shall be designed in a manner conforming to the original architectural concept and general appearance. These provisions shall not prevent the upgrading of the quality of materials used in a remodeling or expansion program involving all structures on the property.

(Code 2016, § 4.8.4)

Sec. 20-175. Rooftop equipment.

- (a) *Screening required.* Rooftop equipment, including rooftop structures related to elevators, shall be completely screened from eye level view from contiguous properties and adjacent streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose.
- (b) *Exception for solar energy equipment.* Equipment for the capture and transfer of solar energy shall be exempted from subsection (a) of this section, provided that the equipment is designed and located to blend with the overall design of the structure.

(Code 2016, § 4.8.6)

Sec. 20-176. Trash handling equipment.

All waste materials, debris, refuse or garbage shall be kept in an enclosed building or enclosed within a container. The container shall be completely screened by a wall or equivalent visual screen. The screen or enclosed building shall be architecturally compatible with the principal building it serves.

(Code 2016, § 4.8.7)

Sec. 20-177. Exterior lighting.

- (a) *Lighting fixtures.* Fixtures shall be of a downcast, cutoff type, concealing the light source from view and preventing glare and spilling into residential areas. Lighting levels at contiguous residential property lines shall not exceed one-half footcandle.
- (b) *Parking lot and security lighting.* All parking lot and security lighting shall be directed away from adjoining residential uses.
- (c) *Energy efficient system required; minimum lighting levels.* Energy efficient lighting systems shall be employed for all exterior lighting. Lighting levels for covered and open parking facilities shall be installed at a height of five feet minimum and shall have a minimum lighting level of nine-footcandle in general parking and pedestrian areas (high pedestrian activity), and one footcandle in vehicle use areas (low pedestrian activity).

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- (d) *Maximum lighting levels.* Any light or combination of lights used for exterior illumination on a commercial or industrial property that cast light on a public street shall not exceed one footcandle (meter reading) as measured from the centerline of the street. Any light or combination of lights that cast light on residential property shall not exceed one-half footcandles (meter reading) as measured from the property.
 - (e) *Height restrictions.* Lighting fixtures mounted on poles or structures shall have a maximum height of 25 feet when the commercial property is adjacent to a residentially zoned property, except that no lighting shall be placed higher than 12 feet within 50 feet of a residentially zoned property. Exceptions to these height requirements may be granted when the lighting is located in an area otherwise screened or blocked from view from the residential property, such as lighting on the side of a commercial building opposite the residential property.

(Code 2016, § 4.8.8)

Sec. 20-178. Temporary structures.

- (a) Temporary construction trailer structures shall be allowed for a period not to exceed 90 days, unless extended in writing by the city planner. A land use permit shall be required and issued by the city planner with conditions to ensure the health safety and welfare of the public. Minimum facilities for temporary structures shall include provisions for water supply and wastewater.
- (b) Temporary commercial structures and uses within the CB and HB districts may be allowed by an interim use permit with appropriate conditions to ensure the health safety and welfare of the public. The following requirements will apply to all temporary commercial structures and uses within the CB and HB districts:
 - (1) Temporary commercial structures and uses shall not be permitted in the public realm, including, but not limited to, public sidewalks, public streets, parks, right-of-way and parking spaces.
 - (2) An interim use permit may be granted with appropriate conditions for temporary commercial structures on private property.
 - (3) Adequate measures to control power, noise and waste shall be provided. A copy of an electrical inspection stating the power source is state electric code compliant shall be provided to the city.
 - (4) Temporary commercial structures and uses that include food handling shall provide the city with a copy of all required permits, inspections and or licenses from the state health department and or other applicable state agencies.
 - (5) Temporary commercial structures must comply with city sign regulations including off-site advertising signs.
 - (6) The planning and zoning commission may restrict temporary commercial structures and uses to ensure the preservation of the unique, small-town character of the city.
 - (7) All temporary commercial structures shall be removed from the property once the interim use permit expires.

(Code 2016, § 4.8.9)

Sec. 20-179. Developer agreements and bonds.

- (a) As part of any permitting or review process, the planning and zoning commission may require the developer of any commercial property to enter into a developer agreement. The agreement shall be in a format that is acceptable to the city attorney and shall be recorded. The terms of the developer agreement may include the conditions approved by the city, bonding requirements and other items deemed necessary by the city.

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- (b) Prior to construction of any public utility or roadway, the developer shall post a bond or other security satisfactory to the city attorney, in the amount of between 125 percent and 200 percent of the cost of off-site and on-site sewer, water, storm sewer, other utilities and street improvements required for the project as estimated by the engineer. The actual percentage will be determined by the city engineer and be based on the reasonable anticipated costs for the city to complete the required improvements if the developer would fail to complete them.
 - (c) The city shall hold the bond as security to ensure the timely and satisfactory installation of the improvements listed in subsection (a) of this section and the timely completion of any building and shall use the proceeds, if the developer defaults on his or her plans for any reason, to remove or complete the construction. The city may, at its discretion, allow construction and approval of the utilities and street after preliminary approval, but before final approval of a plat or condominium plat in lieu of the bond.
 - (d) Such financial guarantees as may be required may be reduced in increments as construction or installation is completed to the satisfaction of the city engineer and city administrator.

(Code 2016, § 4.8.10)

Sec. 20-180. Bed and breakfast inns.

Because of changes in the character of the community and tourism trends across the region, the city recognizes the need to allow bed and breakfast developments within the city within certain districts and with performance standards that protect the integrity of the surrounding district and the health, safety and welfare of the general public. The following minimum standards shall apply to all bed and breakfast uses within the city:

- (1) The bed and breakfast must be operated in the principal residence on the subject property and not in an accessory structure.
- (2) The bed and breakfast must be owner occupied and must be operated by the owner, his or her family and up to two additional employees.
- (3) The bed and breakfast shall not provide more than six guest rooms to the traveling public for compensation.
- (4) No cooking facilities shall be provided in any guest room and the bed and breakfast shall only provide meals and food service to registered overnight guests.
- (5) Prior to opening, the structure shall be inspected by the city planner for compliance with any and all conditions established by the planning and zoning commission in granting a conditional use permit.
- (6) Off-street parking shall be provided and shall include a minimum of one-off street parking space per guest room, one for each non-family employee and two for the principal residence. parking shall be effectively screened from adjoining residences by wood fencing or plantings and shall not be located any closer than five feet from any property line. All off-street parking areas shall be paved or hard surfaced.
- (7) One on-premises advertising sign per street frontage shall be allowed not exceeding two square feet per sign. The sign shall be placed on the principal structure and shall not be lighted.
- (8) No other commercial enterprises shall be operated in the facility during the term of the conditional use permit.
- (9) The interim use permit shall be reviewed by the planning and zoning commission upon sale or transfer of the property from the owner or operator.

(Code 2016, § 4.8.11)

Sec. 20-181. Accessory structures in the HB and CB districts.

- (a) *Size limitation.* In the HB district, accessory structures with a cumulative square footage not exceeding 200 square feet shall be allowed by issuance of a land use permit from the city planner. In the HB district, a conditional use permit is required for any structures with a cumulative size exceeding 200 square feet. In the CB districts, the cumulative square footage for all accessory structures shall not exceed 200 square feet.
- (b) *Exterior finish.* All accessory structures shall have an exterior finish that matches the finishing materials on the principal structure.

(Code 2016, § 4.8.12)

Sec. 20-182. Additions to residential structures in commercial districts.

In all commercial districts, an addition may be placed to the side and rear of an existing nonconforming residential structure, provided the structures and any additions meet all setback requirements.

(Code 2016, § 4.8.13)

Sec. 20-183. Commercial structure size requirements.

- (a) Except public buildings (such as city hall, community center, schools or churches), no structure within the CB district shall exceed 10,000 square feet in ground cover. Any structure or combination of structures located on a single parcel of land within the CB district that exceeds 10,000 square feet in ground cover shall require a conditional use permit and be subject to the following additional design requirements:
 - (1) All uses shall be required to provide a pedestrian walkway to any adjacent property.
 - (2) At least 35 percent of any building face that fronts a public road shall consist of windows.
 - (3) Building façades should be organized vertically and shall have a clearly defined base, middle and top.
 - (4) A building more than 50 feet in width should be divided into increments of no more than 40 feet through articulation of the façade. This could be achieved through the combinations of the following techniques:
 - a. Divisions or breaks in materials;
 - b. Window bays;
 - c. Separate entrances and entry treatments;
 - d. Use of architectural details such as parapets.
 - (5) The color of buildings should complement the adjacent buildings' colors and include a complementary mix of colors.
 - (6) Parking areas shall be located on the side or rear of the principal structure.
 - (7) No merchandise shall be stored within any required yard area.
- (b) Any structure or combination of structures located on a single parcel of land within the HB district that exceeds 10,000 square feet in ground cover shall be subject to the following additional design requirements:
 - (1) All retail or office uses shall be required to provide a pedestrian walkway to any adjacent property.
 - (2) At least 35 percent of any building face that fronts a public road shall consist of windows.

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- (3) No merchandise shall be stored within any required yard area.

(Code 2016, § 4.8.14)

Sec. 20-184. Change in character of business.

If a previously permitted or legally existing commercial use changes character to a degree where the performance standards are no longer met, a new conditional use permit shall be required.

(Code 2016, § 4.8.15)

Sec. 20-187. Commercial storage units.

Commercial storage units shall comply with the following standards:

- (1) Commercial storage units shall not exceed 50 percent of the parcel area.
- (2) Approved commercial storage parking areas must be paved with an all-weather surface. Class 5 pavement is not permitted.
- (3) Commercial storage unit parcels shall maintain a setback of 50 feet on all sides.
- (4) Commercial storage unit structures shall not be located in designated parking areas or areas striped for parking.
- (5) Commercial storage units are to be screened on all sides, and 20 feet linear footage facing the road may be visible for placement of a driveway.
- (6) Screening may consist of double or triple deep staggered dense evergreen and coniferous plantings eight feet or more in height to be approved by the city planner prior to the issuance of a land use permit.
- (7) All lighting is to be in compliance with section 20-176 regarding exterior lighting.
- (8) No commercial storage unit business may be placed on a parcel located within 1,000 feet of a dwelling, house of worship, or school parcel.
- (9) No commercial storage unit business may have more than five buildings or 100 rental units, whichever is less.
- (10) Commercial storage units are limited in use to that of storage of materials. No workshop activities, social gatherings, habitation or the like is allowed. No living accommodations are permitted.
- (11) Water is permitted for irrigation only.
- (12) Storage pods, boats, recreational vehicles, fish houses and similar storage items (in the sole discretion of the planning and zoning commission and city council) not permitted outside of the enclosed storage unit.
- (13) Commercial storage units located in the OSR zone are to be on parcels no less than 20 acres.
- (14) Commercial storage units are permissible in the OSR zones and HB districts with a conditional use permit.

(Ord. No. 34 (Third Series) , § 2(4.8.18), 7-15-2020)

Sec. 20-249. Parking and loading.

- (a) *Generally.* To reduce impervious coverage, the minimum number of parking stalls required to meet the needs of the development, while still complying with the ordinance, are encouraged.
- (b) *On-site parking.* On-site parking or garage space shall be provided in all in all districts, except as exempted by the planning and zoning commission, including the following:
 - (1) For lots fronting a highway or collector street, on-site parking lots and driveways shall be designed in manner which will allow vehicles to enter the street in a forward-facing direction. On-site parking spaces shall not be used for storage.
 - (2) In all residential zoning districts (OSR, SR, LR, UR) parking on publicly owned or controlled land is prohibited.
 - (3) In commercial zoning districts (CW, HB) off-street parking shall be provided. On-street parking is not allowed under any circumstances.
 - (4) In the Central Business District (CB), on-site parking is required. Exceptions shall be granted at the discretion of the planning and zoning commission.
- (c) *Parking location and design.* On-site parking shall meet the setback requirements of this chapter and the additional requirements:
 - (1) All parking shall be paved with an all-weather surface and be adequately drained to a pervious surface designed to allow entrapment of silts and nutrients prior to discharge into public waters.
 - (2) Commercial or industrial parking lots shall be located in the side or rear yard area of the development as seen from Highway 371, or the collector and or backage road system. When no frontage road exists parallel to Highway 371, parking will be allowed up to 40 feet wide in front of the building if a landscaping plan which completely screens the parking lot from the highway is provided and approved by the planning and zoning commission. Screening shall consist of trees, bushes or similar native vegetation, including non-deciduous vegetation to provide screening during leaf-off seasons.
- (d) *Parking stall size.* Parking stalls shall be a minimum of 20 feet long and nine feet wide except in commercial districts, where 9.5 feet is required, and as required by other state or federal regulations.
- (e) *Landscaping in parking lots.* The following landscaping requirements shall apply:
 - (1) Parking lots with more than ten parking stalls shall have five percent of the surface area of the parking lot landscaped with grass, shrubbery, trees and/or other approved ground cover. The owner shall be responsible for maintaining any landscaped areas within the parking lot.
 - (2) More than five parking stalls contiguously located and any commercial or business/industrial parking adjacent to residential zoning shall be landscaped according to a plan approved by the planning and zoning commission.
- (f) *Shared parking facilities.* The planning and zoning commission may recommend that a shared parking facility is in the best interest of the district in which the proposed use is located. A shared parking facility shall be allowed by a conditional use permit.
- (g) *Loading berths.* All required loading berths shall be off street and shall be located on the same lot or adjoining lot as the principal use served. Loading shall not occupy the front yard space. Berths shall not be used for storage in excess of eight hours. Loading berths shall be no less than 15 feet in width and 50 feet long with 14 feet of vertical clearance. Berths shall have all weather surfaces and be well drained.
- (h) *Lighting.* Parking lot lighting must comply with section 20-177.

Secs. 20-188—20-212. Reserved.

Subdivision II. Resorts

Sec. 20-213. Structure replacement within an existing resort.

Resorts are allowed to maintain and replace their structures, without regard to available density, so long as the establishment continues to operate as a resort and all of the following standards are met:

- (1) Structures, including lodges, shall not be replaced any closer to any water body or setback than the existing structure. Replacement structures must meet elevation and maximum height requirements for the relevant shoreland classification. For resorts established prior to the date of local adoption of these standards, structures not meeting the structure setbacks in section 20-65 must only be replaced with structures with the same or lesser height of building, except as noted in the following. There shall be no increase in structure footprint, except as follows:
 - a. An increase in the structure footprint or height of structure may be permitted to minimally meet federal, state, or local dwelling standards or codes, provided there is no increase in structure footprint lake ward and no increase in structure width as measured parallel to shore. To minimally meet such standards or codes means that the replacement structure shall not add new architectural elements, such as more bedrooms than the original structure.
 - b. A structure within the first tier that is moved or replaced outside the shore impact zone and landward to meet the structure setback requirements to the maximum extent feasible within the tier with regard to wetlands, bluffs, land below the ordinary highwater level of public waters, and sewage treatment systems, may be permitted a larger building footprint provided it conforms with the allowable total land surface area that can be covered by structures in each tier as calculated in section 20-216 and the impervious surface coverage within the first tier shall not exceed 25 percent.
- (2) A specified area within the development shall be restored and maintained in a natural state to the following standards:
 - a. For developments with less than 50 percent of shore impact zone currently in a natural state, at least ten percent of the shore impact zone and shoreline shall be restored to its natural state or, alternatively, in front of each replacement structure for its entirety, a buffer strip consisting of native vegetation of trees, shrubs, understory plants extending from the shoreline landward 35 feet shall be created according to a plan approved by the planning and zoning commission.
 - b. For developments with at least 50 percent of the shore impact zone currently in a natural state, this condition shall be preserved and maintained according to a plan approved by the planning and zoning commission.
- (3) For resorts with 20 or more dwelling units, erosion control and stormwater management for the entire resort shall be designed by certified personnel in erosion and sediment control using the best management practices found in the latest pollution control agency's stormwater best management practices manual, approved by the planning and zoning commission, and effectively implemented. For resorts with fewer than 20 dwelling units, erosion control and stormwater management plans for the entire resort shall be approved by the planning and zoning commission and effectively implemented.
- (4) For developments that exceed or will exceed the allowable density as calculated in section 20-216, stormwater runoff from the expansion structures and associated impervious surfaces created shall be specifically mitigated using best management practices that may include filter strips, infiltration basins,

rain gardens and other conservation designs. Best management practices must be designed and installed in accordance with the latest pollution control agency's stormwater best management practices manual.

(Code 2016, § 4.8.18(A); Ord. No. 27 (Third Series) , §§ 2, 3, 4(4.8.18), 1-16-2019; Ord. No. 27 (Third Series) , § 4, 1-16-2019)

Sec. 20-214. Resort expansion.

Existing resorts may be allowed to expand so long as the establishment continues to operate as a resort and all of the following standards are met:

- (1) There is available additional density as calculated in section 20-216 and the expansion will not result in exceeding the authorized density.
- (2) The impervious surface coverage shall not exceed 25 percent within the total project area and in any tier, except for general development lakes the second and third tiers impervious surface coverage shall not exceed 35 percent provided that the total project area impervious surface coverage shall not exceed 25 percent.
- (3) Expansions shall be designed and managed such that there are no garages or storage structures associated with dwelling units and sites and other amenities that would encourage long-term residential use.
- (4) On-site water supply and sewage treatment systems shall be designed and installed to meet or exceed applicable standards or rules of the state department of health and the state pollution control agency. Alternative on-site sewage treatment systems processes, such as the use of aerobic treatment systems to prolong the life of drainage fields, may be allowed if they meet the requirements of Minn. R. ch. 7080.
- (5) If required, a marina permit has been obtained for the development.
- (6) For expansions to existing resorts that will result in fewer than 20 total dwelling units and less than 15 percent impervious surface coverage in the first tier, stormwater runoff from the expansion structures and associated impervious surfaces created shall be specifically mitigated using best management practices that may include filter strips, infiltration basins, rain gardens and other conservation designs. Best management practices must be designed and installed in accordance with the latest pollution control agency stormwater best management practices manuals.
- (7) For expansions to existing resorts that will result in fewer than 20 total dwelling units and more than 15 percent impervious surface coverage in the first tier, erosion control and stormwater management must meet the standards in this subsection and a specified area within the development shall be restored and maintained in a natural state to the following standards:
 - a. For developments with less than 50 percent of shore impact zone currently in a natural state, at least ten percent of the shore impact zone and shoreline shall be restored to its natural state or, alternatively, in front of each replacement structure for its entirety, a buffer strip consisting of native vegetation of trees, shrubs, understory plants extending from the shoreline landward 35 feet shall be created according to a plan approved by the city.
 - b. For developments with at least 50 percent of the shore impact zone currently in a natural state, this condition shall be preserved and maintained according to a plan approved by the city.
- (8) Expansions to existing resorts that result in more than 20 total dwelling units shall be done using the planned unit development provisions of this subsection.

(Code 2016, § 4.8.18(B); Ord. No. 27 (Third Series) , §§ 2, 3, 4(4.8.18), 1-16-2019; Ord. No. 27 (Third Series) , § 4, 1-16-2019)

Sec. 20-215. Shoreline recreation facilities for resorts.

- (a) Shoreline recreation facilities, including, but not limited to, swimming areas, docks and watercraft mooring areas, and launching ramps shall be clustered or grouped in suitable areas. Evaluation of suitability must include consideration of land slope, water depth, aquatic and shoreland vegetation, soils, depth to groundwater and bedrock, or other relevant factors.
- (b) Boating facilities shall be located adjacent to the deepest water available and avoid or minimize impacts to aquatic vegetation.
- (c) Continuous docking space shall only be used by transient, short-term lodgers at the resort. The resort licensee may also have one dock for personal use.
- (d) Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by lodgers or the public not lodged.
- (e) Non-lodger vehicles shall be parked so they are screened by vegetation or topography as much as practical from view from the public water.
- (f) Resorts providing services to general public, such as restaurants, bars, spas or other service-oriented facilities may provide a limited number of short-term watercraft mooring spaces for patrons that are not over-night lodging guests for the resort. The planning and zoning commission must make a finding, based on applicant's detailed description of the facilities and associated occupancies, that the number of additional mooring spaces is the minimum quantity needed to address the needs of the resort.

(Code 2016, § 4.8.18(C); Ord. No. 27 (Third Series) , §§ 2, 3, 4(4.8.18), 1-16-2019; Ord. No. 27 (Third Series) , § 4, 1-16-2019)

Sec. 20-216. Resort development density evaluation steps.

The density evaluation steps for resort developments are as follows:

- (1) The tract of land occupied by the establishment shall be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary highwater level at the following intervals, proceeding landward:

Table 20-216.1. Shoreland Tier Dimensions

<i>Shoreland Tier Dimensions</i>	<i>Feet</i>
General development lakes—First tier (Nearshore Area)	200
General development lakes—Second tier (Lakeview Area)	267
Recreational development lakes—First tier (Nearshore Area)	267
Recreational development lakes—Second tier (Lakeview Area)	267
GD and RD—Third tier (Forestview Area)	Remaining lot area
Natural environment lakes—All tiers	400
All river classes	300

- (2) Select the appropriate ratio to determine the land surface area that can be covered by structures from the following table:

Table 20-216.2. Public Water Class

<i>Public Water Class</i>	<i>Ratio</i>
General development lakes—First tier (Nearshore Area)	0.125
General development lakes—Second tier (Lakeview Area)	0.075
Recreational development lakes—First tier (Nearshore Area)	0.075
Recreational development lakes—Second tier (Lakeview Area)	0.075
GD and RD—Third tier (Forestview Area)	0.075
Natural environment lakes—All tiers	0.038
All river classes	0.038

- (3) Multiply the area within each tier, excluding all wetlands, bluffs, and land below the ordinary highwater level of public waters, by the ratio to yield the total land surface area that can be covered by structures in each tier. For recreational campgrounds, each site shall be minimally assessed 400 square feet as the land surface area covered.
- (4) Allowable densities may be transferred from any tier to any other tier further from the shoreline of the lake or river but must not be transferred to any other tier closer to the shoreline.

(Code 2016, § 4.8.18(D); Ord. No. 27 (Third Series) , §§ 2, 3, 4(4.8.18), 1-16-2019; Ord. No. 27 (Third Series) , § 4, 1-16-2019)

Sec. 20-217. Resort conversions.

A resort shall not be converted to a different use until and unless it conforms to all of the standards required for that use, including, but not limited to, setbacks, density and impervious coverage limitations. The allowances for resort use provided for in this section are not transferable to any other use, even if that use is permitted under this Code.

(Code 2016, § 4.8.18(F); Ord. No. 27 (Third Series) , §§ 2, 3, 4(4.8.18), 1-16-2019; Ord. No. 27 (Third Series) , § 4, 1-16-2019)

Secs. 20-218—20-242. Reserved.

Secs. 20-251—20-278. Reserved.

ARTICLE IV. SPECIAL LOCATIONS AND USES

DIVISION 1. GENERALLY

Secs. 20-279—20-304. Reserved.

DIVISION 2. PLANNED UNIT DEVELOPMENTS

Subdivision I. In General

Sec. 20-305. Purpose, intent and summary of requirements.

- (a) The planned development district (PDD) provides a regulatory framework to encourage improved environmental design allowing flexibility in the development of land while ensuring compliance with the basic intent of city zoning regulations and the city comprehensive plan.
- (b) The PDD has no set standards and specifications. Developers can propose uses or combination of uses and configurations of intensity and density of development.
- (c) Through a process of planning and zoning commission review, public hearing and city council review and approval, accompanied by discussions with developers and, as appropriate, with other interested parties, an agreement is reached between the property owner and the city. The details of this agreement constitute the zoning controls of the property. These controls have the same legal force and effect as to standard zoning requirements.
- (d) To achieve the community benefits of PDD zoning, it is generally true that the project size should be large enough to allow clustering and to establish a coherence of design. Mixed use may be allowed to an extent that no land use conflicts will result.
- (e) It is a basic public expectation that landowners requesting PDD will develop designs that reflect the comprehensive plan. The extent of variation or exception that will be allowed by the planning and zoning commission will be dependent on how well the above stated planning expectations are expressed in the proposed development plan.
- (f) The minimum acreage required for a PDD is 85 acres, and all PDDs be served by city sewer.

(Code 2016, § 4.10.7(A))

Secs. 20-306—20-328. Reserved.

Subdivision II. General Implementation Plan (GIP)

Sec. 20-329. Submission requirements.

The procedure for rezoning to a PDD shall be the same as required for any other plat and conditional use permit under this chapter, except that in addition the following information describing a GIP shall be filed by the applicant with the planning and zoning commission staff:

- (1) A map of the project area including its relationship to surrounding properties and topography and other key features. The PDD may include more than one parcel and more than one owner. For purposes of applying the criteria and standards for PDD zoning, the total area shall be considered as one parcel regardless of the number of parcel subdivisions.

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- (2) A statement of rationale as to why PDD zoning is proposed. The statement shall identify current barriers and barriers that the developer perceives in the form of requirements of standard districts and opportunities for community betterment the developer suggests are available through the proposed PDD zoning and all positive results of a PDD.
 - (3) An identification of any proposed mixed land uses. Within the PDD, mixed land uses may be proposed. However, they must be found to be compatible based on the site and building design proposed. Compatibility will also be judged on the basis of how well the proposed project fits within the context of the neighborhood and abutting properties. The basic intent of city zoning regulations, comprehensive plan and master plan must be adhered to.
 - (4) Brief analysis of social and economic impacts on the community of the project, and positive relationships to the comprehensive plan.
 - (5) A general development plan of the proposed project showing at least the following information in sufficient detail to make possible evaluation against criteria for approval:
 - a. Public and private roads, driveways and parking facilities.
 - b. Land uses and size, arrangement and location of lots and proposed buildings or groups of buildings.
 - c. The types, size and location of structures.
 - d. A general utility plan including drainage plan.
 - e. Snow removal areas and procedures must be described in the plans.
 - f. All sit lighting shall be controlled so as not to extend a direct light source onto abutting properties and be directed downward. Maximum illumination levels shall not exceed 1.5 horizontal footcandles or three vertical footcandles.
 - g. The location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use.
 - h. Detailed landscape treatment plan.
 - i. Screening and requirements for buffer yards will be emphasized in plan reviews. Such screening should be intended to shield neighboring properties from any adverse external effects of the proposed developments. Screening and buffer yards should also be used to shield the proposed development from the negative impacts of adjacent uses, such as streets.
 - j. Numerical data on size of the development, density/intensity of various parts of the development, expected staging, and any other plans of data required by the planning and zoning commission or city council.
 - k. The applicant shall comply with the city road standards.
 - l. Pedestrian circulation should be carefully planned so as to prevent pedestrian use of vehicular ways and parking spaces. In all cases, pedestrian access shall be provided to public walkways.
 - m. Special emphasis shall be placed on trash collection points. Trash containers shall be screened and so designed so as to be conveniently accessible to their users and collectors.
 - n. The physical attributes of the site shall be respected with particular concern for preservation of natural features, tree growth and open space. A minimum of 50 percent of the site must remain in permanent common open space. For purposes of this subsection, common open space is defined as a portion of a development site that is permanently set aside for public or private use, is held in common ownership by all individual owners within a development and will not be

developed. common open space shall include wetlands, upland recreational areas, wildlife areas, historic sites, and areas unsuitable for development in their natural state.

- o. General outline of the intended organizational structure for a property owners association, if any, deed restrictions, covenants and provisions for private provision of common services, if any.

(Code 2016, § 4.10.7(B))

Sec. 20-330. Planning and zoning commission review.

- (a) Following determination by the city planner that an application is complete, and fees have been paid the matter shall be reviewed by city staff and shall then be placed on a planning and zoning commission agenda for concept review.
- (b) Initial review is review of the project at the concept level and is not binding. The preferred procedure is for one or more iterations of planning and zoning commission initial review to occur prior to introduction of a formal petition for rezoning. Various other city departments may review the plan for recommendations to the planning and zoning commission. A conceptual master plan, phasing plan and projected housing units and commercial uses should be presented with this review.
- (c) When the required petition is introduced, the normal rezoning procedure occurs, including notice and hearing before the planning and zoning commission. The issues that are the subject of this public hearing are the rezoning request and the GIP.
- (d) Following the required public hearing before the planning and zoning commission, the planning and zoning commission shall meet to make a determination and recommendation whether to advise the city council to approve the rezoning and the GIP, to approve it with modifications, or to deny it.

(Code 2016, § 4.10.7(C))

Sec. 20-331. Criteria for approval.

As a basis for determining the acceptability of a PDD district, the following criteria shall be applied to the GIP with specific consideration as to whether or not it is consistent with the general purpose and intent of the city's zoning regulations, the and the city comprehensive plan, whether it has been prepared with competent professional expertise and guidance, whether it produces significant community benefits of an environmental design nature or otherwise that compensate for modifications in normal municipal standards:

- (1) *Character and intensity of land use.* The uses proposed and their intensity and arrangement on the site shall:
 - a. Respect the physical attributes of the site with particular concern for preservation of natural features, tree growth and open spaces.
 - b. Produce an attractive environment of sustained aesthetic and ecological desirability, economic stability and functional practicality compatible with development prospects for the area.
 - c. Not adversely affect the anticipated provision of school or municipal services.
 - d. Not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.
- (2) *Economic feasibility and impact.* The proponents of a PDD shall provide evidence satisfactory to the planning and zoning commission and the city council that the project will not adversely affect the economic prosperity of the city or the values of surrounding properties.

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- (3) *Engineering design standards.* Streets and other ways, outdoor lighting, provision for stormwater drainage, sanitary sewer service, water supply, or other similar environmental and municipal engineering considerations shall be based on appropriate standards necessary to implement the specific function and the specific situation; provided, however, that in no case shall standards be less than those necessary to achieve the public health, safety and welfare as determined by the city.
 - (4) *Preservation and maintenance of open space.* Provision shall be made for the preservation and maintenance of open spaces either by public reservation or dedication to public entities or commitment to preservation by a private entity. Dedication of open space calculations will be the same as PDD contracts shall contain specific reference to the ownership of such open space areas and to provision for maintenance.
 - (5) *Transmittal of commission recommendations, report and related matters.* The planning and zoning commission's reports and recommendations shall be made in a written report to the city council, subject to the following:
 - a. A complete set of maps, plans and written documentation fully describing the proposed developments as recommended by the planning and zoning commission at a GIP level shall accompany the report of the planning and zoning commission.
 - b. The matter shall not be considered by the city council unless this documentation has a signature by the planning and zoning commission chair over a statement that the documentation is complete and that it accurately reflects planning and zoning commission recommendations.
 - c. In a situation in which the applicant disagrees with certain recommendations of the planning and zoning commission and is urging the city council to approve with modifications, the applicant must supply documentation of those modifications to the council prior to the matter being placed on the agenda of the city council.

(Code 2016, § 4.10.7(D))

Sec. 20-332. Owner's consent following city council approval; segmentation.

If the PDD approval ordinance as adopted by the city council provides explicitly so provides, the area of the PDD can be segmented. Unless segmented, the owners of record of all included parcels must consent in writing within a single 30-day period following city council adoption in order for the PDD rezoning to take effect. If segmented, the written consent rule applies separately to each segment. consent shall be binding upon future owners of the parcels in question, and they may not be conditioned or revocable by owners.

(Code 2016, § 4.10.7(E))

Sec. 20-333. Effect of approval and non-approval.

The approval of a GIP shall not authorize issuance of land use permits. The permits may not be issued until approval by the city of the specific implementation plan (SIP). Rezoning to PDD on the basis of an approved GIP shall revert to prior zoning if the SIP is not approved within one year from the date of filing. Extensions may be granted for cause by the planning and zoning commission. Records of extensions shall be recorded within the city planner.

(Code 2016, § 4.10.7(F))

Sec. 20-334. Filing and recordation.

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- (a) When the consent signatures for lands in the parcel being rezoned are all acquired and turned in to the planning and zoning commission staff, the documentation on planning and zoning commission and city council action and on the GIP and the consent signatures shall be logged in and filed by the city and the property shall be indicated as rezoned on city zoning maps.
 - (b) The indication shall be PDD-GIP. The city shall record at the county recorder's office an affidavit of notice of PDD zoning against all real property included in the district. This shall be done on the effective date of the PDD-GIP zoning.
 - (c) The city shall require the applicant to supply necessary property descriptions and to pay recording fees.
- (Code 2016, § 4.10.7(G))

Secs. 20-335—20-356. Reserved.

Subdivision III. Specific Implementation Plan (SIP)

Sec. 20-357. Submission requirements.

- (a) The precise plan for development shall contain graphic and tabular presentations at a level of detail equivalent to the level of detail of a final plat. Accompanying text information shall describe in detail the development plans, methodologies and timetables for the area covered by the SIP.
- (b) The area included in a SIP may be only a portion of the area included in a previously approved GIP.
- (c) The SIP submission may include site plan and design information, allowing the planning and zoning commission to combine design review and review of the SIP. Design review may, at the choice of the applicant, be deferred until a later time when specific site and building developments will be brought forth.
- (d) As part of submission for SIP approval, the applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.
- (e) The planning and zoning commission or city council may specify other plans, documents or schedules that must be submitted prior to consideration or approval of the SIP, as such may be relevant to review procedures and standards.

(Code 2016, § 4.10.7(H))

Sec. 20-358. Final review and recommendation by the planning and zoning commission.

- (a) When the SIP submission is deemed by the planning and zoning commission staff to be complete, and then placed upon the agenda of the planning and zoning commission for review, consideration and approval or rejection. City engineer and city attorney shall review the plan and submit their recommendations to the planning and zoning commission. No public hearing is required at this stage, but one or more public hearings or informational meetings may be provided optionally.
- (b) The SIP submission shall be reviewed by the planning and zoning commission against the standards of this article, and the previously approved GIP. In order to approve a SIP, the planning and zoning commission must determine that the SIP is reasonably consistent with the previously approved GIP.
- (c) If the planning and zoning commission recommends approval of a SIP, complete documentation describing this SIP, including financial security, and any contracts that the planning and zoning commission deems necessary for the implementation of the plan, shall be prepared, reviewed by the planning and zoning

commission staff as complete and, when found to be complete by the planning and zoning commission staff, shall be placed on the agenda of the city council. All documents and plans shall be reviewed by the city engineer and city attorney.

(Code 2016, § 4.10.7(I))

Sec. 20-359. City council review and final determination.

The city council shall consider and act on the SIP after reviewing the recommendations of the planning and zoning commission on same. The city council shall approve a SIP that is reasonably consistent with the previously approved GIP.

(Code 2016, § 4.10.7(J))

Sec. 20-360. Filing and effective date.

Sections 20-332, 20-333, and 20-334 apply to the processing and consent signatures of a SIP following approval by the city council. Signatures are required by property owners only in the area affected by the SIP. The affidavit of zoning status need not be recorded at the SIP stage if one is duly on record from the PDD-GIP stage.

(Code 2016, § 4.10.7(K))

Sec. 20-361. Effect of approval; alterations; lapse of approval.

- (a) The filing of an approved SIP authorizes release of building and other land use permits to carry out development activities consistent with that approved plan.
- (b) Any subsequent change of use of any parcel or any modification of the SIP shall first be submitted for approval to the planning and zoning commission and if, in the opinion of the planning and zoning commission, such change or modification constitutes a substantial alteration of the SIP, the SIP shall be required to be amended through the same procedures used to approve, file and record the SIP. If, in the opinion of the planning and zoning commission, such changes or modification do not constitute a substantial alteration of the SIP, the change may be accomplished by approval of the planning and zoning commission. Such approved modifications shall be documented and recorded in the official file of the city on the PDD District.
- (c) SIP approval lapses one year after its effective date if substantial development progress has not occurred. The planning and zoning commission may grant extensions for good cause.

(Code 2016, § 4.10.7(L))

Secs. 20-362—20-380. Reserved.

DIVISION 3. SHORELAND PLANNED UNIT DEVELOPMENT

Sec. 20-381. Features of development generally; purpose and intent.

- (a) Planned unit development requires the assistance of professional planning and usually involves the approval of multiple agencies or other governmental bodies.

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- (b) When circumstances are favorable, PUDs provide more latitude in land use than normal development to allow for planning, clustering facilities, consolidating green spaces, and internal recreation amenities.
 - (c) While densities higher than normal are often allowed, they must be justified by the preservation and consolidation of green space, increased screening and landscaping, increased recreational amenities, and other significant improvements and design features beneficial to the residents, neighbors, and the general public.

(Code 2016, § 4.10.1(intro. ¶))

Sec. 20-382. Mixed uses permissible; restrictions.

Mixed use PUD where appropriate may be allowed, provided the use not normally allowed in the district does not exceed 45 percent of the building floor area.

(Code 2016, § 4.10.1(A))

Sec. 20-383. Review criteria; conditional use permit required.

The city shall require a conditional use permit for all PUDs. In addition to the criteria for the granting of a conditional use permit generally, the city must consider the following criteria in the examination of a parcel for suitability as a PUD:

- (1) Existing recreational use of the surface waters and likely increases in use associated with planned unit developments;
- (2) Physical and aesthetic impacts of increased density;
- (3) Suitability of lands for the planned unit development approach;
- (4) Level of current development in the area;
- (5) Amounts and types of ownership of undeveloped lands; and
- (6) Size of the parcel and amount, if any, of shoreline, provided that a resort in existence prior to June 16, 1982, though undersized, may be considered for subdivisions, but increase of units is prohibited.

(Code 2016, § 4.10.1(B))

Sec. 20-384. Standards and specifications generally.

- (a) New multifamily buildings, four units or larger, shall be designed by an architect, shall be compatible in color, character and mass with surrounding land use.
- (b) New multifamily buildings shall have one-hour fire-rated party floors and party walls.
- (c) All PUDs shall be connected to municipal sewer. If it is determined that the extension of municipal sewer is not feasible, the city council may allow the use of a conforming central sewage disposal system in compliance with Minn. R. 7080.
- (d) A winterized central water system shall be required.
- (e) Centralized waterfront facilities are required that do not use more than 20 percent of the shoreline. The number of slips allowed in a multiple dock system will be limited to one slip per unit allowed in the first tier.
- (f) The PUD parcel must directly abut on a public road maintained by the city.

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- (g) Covenants and incorporating documents providing for a homeowners' association shall be submitted to the city prior to final approval of the PUD.
 - (h) Vegetation removal shall be limited to select cutting as defined in this section 20-2.
 - (i) Internal private access roads on common property shall be allowed if a permanent private maintenance agreement is approved by the city.
 - (j) Maintenance of all commonly owned facilities shall be by the homeowners' association.
 - (k) Storage areas for recreational equipment (boats, personal watercraft, etc.) shall be required for residential PUDs.
 - (l) Commercial PUDs are prohibited from having garages and basements to ensure transient nature of development.
 - (m) Subdivision may be allowed by plat or condominium plat.
 - (n) Recreation facilities shall be provided as required by the planning and zoning commission.
 - (o) Screening and landscaping shall be provided as required by the planning and zoning commission. At a minimum, any PUD within the shorelands district shall provide screening and plantings to reduce visibility of any structures from the public waters.
 - (p) Unless otherwise provided in this section, all shoreland PUDs shall have a minimum of five acres in project area and a minimum of 400 feet of lot width at the OHW and building setback line. PUDs shall be limited to a maximum of five tiers.
 - (q) Not fewer than three units or sites shall be required to utilize the PUD process.

(Code 2016, § 4.10.1(C))

Sec. 20-385. Density evaluation and minimum requirements.

- (a) *Applicability.* Proposed new or expansions to existing PUDs must be evaluated using the standards set forth in this section.
- (b) *Division of parcel into tiers.* The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary highwater level at the following intervals, proceeding landward:

Table 20-385.1. Shoreland Tier Dimensions

	<i>Unsewered (Feet)</i>	<i>Sewered (Feet)</i>
General development lakes—First tier	200	200
General development lakes—Second and additional tiers	267	267
Recreational development lakes	267	267
Natural environment lakes	400	320

The suitable area within each tier is next calculated by excluding all wetlands, bluffs, or land below the ordinary highwater level of public waters. This area is then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

- (c) *Density evaluation steps.* To determine the allowable density of residential dwelling units or sites, the suitable area within each tier is divided by the single-family residential lot size standard for lakes (see district

requirements), which shall then be used to yield a base density of dwelling units or sites for each tier, subject to the following:

- (1) The city may allow some dwelling unit or site density increases for residential planned unit developments above the densities determined in the evaluation if all dimensional standards for the district are met or exceeded.
 - (2) No density increases will be allowed unless the setback is increased to 150 feet for GD and RD lakes and 225 feet for NE lakes.
 - (3) Maximum density increases may only be allowed if all design criteria in section 20-386 are also met or exceeded.
 - (4) Increases in dwelling unit or site densities must not exceed the maximums in the following table.
 - (5) Allowable densities may be transferred from any tier to any other tier farther from the shoreland water body or watercourse but must not be transferred to any other tier closer.
- (d) *Commercial planned unit development density evaluation.* The density evaluation steps and design criteria for commercial planned unit developments are outlined below.
- (1) *Step one.* Identify the developable land areas within each tier as outlined in subsection (b) of this section.
 - (2) *Step two.* Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.
 - (3) *Step three.* Select the appropriate floor area ratio from the following table:

Table 20-385.2. Commercial PUD Floor Area Ratios

Average Unit Floor Area (square feet)	200	300	400	500 to 1,500
Sewered general development lakes and first tier on unsewered general development lakes	.040	.048	.056	.065
Second and additional tiers on unsewered general development lakes and recreational development lakes	.020	.024	.028	.032
Natural environment lakes and streams	.010	.012	.014	.016

* Note: For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational campsites, use the ratios listed at 1,000 square feet.

- (4) *Step four.* Multiply the useable area within each tier by the floor area ratio to yield total floor area for each tier that is allowed to be used for dwelling units or sites.
 - (5) *Step five.* Divide the area computed in subsection (d)(3) of this section by the average determined in subsection (d)(2) of this section. This yields a base number of dwelling units or sites for each tier. Use 1,000 square feet for a recreational vehicle.
- (e) *Determine whether the project is eligible for any additional density increases.*
- (1) To be eligible, projects must meet some of the design standards in the chart below and exceed one or more of them. The city shall decide how much, if any, increase in density to allow for each tier, but

must not exceed the maximum allowable density increases according to the following performance standards chart:

Table 20-385.3. Performance Standards Chart

<i>Performance Standard</i>	<i>Base density increased by up to:</i>
Increase setback by 25 percent	15 percent
Increase setback by 50 percent	25 percent
No structures in tier 1 (or in residential PUD)	35 percent
Increase setback to 150 feet for GD and RD	35 percent
Increase setback to 225 feet for NE	35 percent
Impervious coverage reduced to 20 percent	10 percent
Impervious coverage reduced project-wide	25 percent
Remove all nonconforming structures	10 percent
Approved shoreland restoration plan	10 percent

- (2) The above chart is subject to the following restrictions:
- Density increases are maximums and are not guaranteed, unless approved by the planning and zoning commission.
 - The density increases in the above table are cumulative.
 - Density increases in tier 1 cannot exceed 50 percent.
 - Allowable densities may be transferred from any tier to any other tier farther from the shoreland, lake or river, but must not be transferred to any other tier closer.
 - No density increases will be allowed unless the setbacks for all structures are increased by at least 25 percent from the OHW.

(Code 2016, § 4.10.1(D))

Sec. 20-386. PUD design criteria.

- Minimum number of dwelling units or sites.* All residential planned unit developments (PUDs) must contain at least three dwelling units or sites.
- Green space requirements.* In lieu of traditional platting and lot size requirements, green space must be provided, including at least 50 percent of the total project area. Green space is subject to the following additional restrictions:
 - The area must be owned by the homeowners' association and provide adequate recreational opportunities for residents of the PUD.
 - Green space shall not include dwelling units or sites, road right-of-way, or land covered by road surfaces, parking areas, or structures or developed areas.
 - Green space must include areas with physical characteristics unsuitable for development in its natural state, and areas containing significant historic sites or unplatted cemeteries.
 - Green space may include outdoor recreational facilities for use by owners of the dwelling units or sites or the public.

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- (5) Green space must not include commercial facilities or uses but may contain water-oriented facilities and private golf courses, trails, tennis facilities, and similar uses.
 - (6) Green space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
 - (c) *Impact zones.* The shore and bluff impact zones, based on normal structure setbacks, must be included as green space. At least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state.
 - (d) *Method of preservation of green space and other common areas.* The appearance of green space and other common areas, including areas of unique topography, vegetation, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means. The instruments must include provisions prohibiting commercial uses, vegetation and topographic alterations other than maintenance, construction of additional buildings or storage of vehicles and other materials, and uncontrolled beaching. In addition, unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners' association with the following features:
 - (1) Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers.
 - (2) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
 - (3) Assessments must be adjustable to accommodate changing conditions.
 - (4) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
 - (5) Changes in the association documents must receive prior approval by the city.
 - (e) *Centralization and design of facilities and structures.* PUDs must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the state health department and pollution control agency. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.
 - (f) *Dwelling unit locations.* Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary highwater level, elevation above the surface water features, and maximum height. Setbacks from the ordinary highwater level must be increased for developments with density increases.
 - (g) *Recreation facilities.* Shore recreation facilities, including, but not limited to, swimming areas, docks, and watercraft mooring areas and launching ramps must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier. Launching ramp facilities, including a small dock for loading and unloading boats and equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
 - (h) *Reduction of visibility.* Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the planning and zoning commission, assuming summer, leaf-on conditions.

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- (i) *Erosion control and stormwater management.* An erosion control and stormwater management plan shall be required for each PUD. The PUD must be designed, and its construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant. All stormwater plans shall be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff, including a minimum of ten-year storm event. Impervious surface coverage within any tier must not exceed 25 percent of the tier area.
 - (j) *Administration; maintenance requirements.* Prior to final approval of any planned unit developments, the city will require adequate provisions developed for preservation and maintenance in perpetuity of green spaces and for the continued existence and functioning of the development as a community.

(Code 2016, § 4.10.1(E))

Sec. 20-387. Non-shoreland planned unit developments (PUDs).

Density in non-shoreland PUDs shall conform to the requirements of the appropriate district, impervious coverage and conditional use permit. Design criteria shall be the same as above for residential PUDs and for commercial PUDs, and as determined in the conditional use permit. See the specific district for land and use requirements.

(Code 2016, § 4.10.1(F))

Secs. 20-388—20-417. Reserved.

DIVISION 4. COMMUNICATION TOWERS

Sec. 20-418. Purpose and intent; adoption of federal siting policy.

- (a) The purpose of this performance standard is to establish predictable and balanced regulations for the siting, screening, construction and engineering of wireless communication equipment in order to accommodate the growth of wireless communication systems within the city, while protecting the public from adverse impacts on the city's aesthetic resources, and protecting the public welfare by:
 - (1) Providing for the appropriate location and development of communication towers to serve the residents and businesses in the city;
 - (2) Minimizing adverse visual impact of towers through careful design, siting, and vegetation screening;
 - (3) Avoiding potential damage to adjacent properties from tower failure through engineering and careful siting of the tower structure; and
 - (4) Maximizing the use of any new tower structure to reduce the number of towers needed.
- (b) The city adopts by reference section 704 of the Telecommunications Act of 1996, 47 USC 609 et seq. to the extent applicable within the city.

(Code 2016, § 4.12.1)

Sec. 20-419. Towers prohibited in CB district and encouraged on certain city property.

Towers shall not be located on any non-city owned residentially zoned or CB (Central Business District) zoned parcel of property within the city. First preference for siting towers should be given to the city-owned parcel of property currently containing the municipal sewer ponds.

(Code 2016, § 4.12.2)

Sec. 20-420. Standards and specifications.

All towers erected, constructed or located within the city shall comply with the following requirements:

- (1) *Co-location capability.* Any proposed tower shall be designed structurally, electrically and in all respect to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower to accept antennas mounted at varying height. Since the number of opportunities to construct a tower is limited by this division, the applicant should demonstrate to the satisfaction of the planning and zoning commission or the city council that opportunities will be made available for co-locating other antennas on the structure.
- (2) *Area-wide analysis; proof of need.* The applicant shall demonstrate by providing a coverage and interference analysis that the location of the antenna as proposed is necessary to meet the frequency use and spacing needs of the wireless telecommunication facilities and to provide adequate coverage and capacity which cannot currently be adequately served.
- (3) *Proof of non-interference.* Each application for construction of a wireless telecommunication facility shall include a certified statement that the construction of the tower, including reception and transmission functions, will not interfere with radio, television or public safety telecommunications.
- (4) *Setbacks.* Towers shall meet minimum setbacks of the tower height from side property lines, rear property lines, road rights-of-way, and other structures. Under no circumstance will towers be allowed within one-quarter mile from the OHW of any lake which is located within the city. Towers will also meet a minimum setback of 500 feet from the nearest property line of a residentially zoned parcel.
- (5) *Lighting.* No illumination of towers will be allowed, unless specifically required by another governmental agency. If lights are required, all lights will meet minimum requirements of the subject agency. Lights will be shielded to prevent glare or illumination onto neighboring properties and to prevent distraction of the traveling public.
- (6) *Maximum height.* Maximum tower height is limited to 150 feet above ground upon which antenna is placed.
- (7) *Self-supporting structure required.* The use of guyed towers is prohibited. Towers must be self-supporting without the use of wires, cables, beams or other means. The design should utilize an open framework or monopole configuration. Permanent platforms or structures exclusive of antennas that serve to increase off-site visibility are prohibited.
- (8) *Maximum base area.* The base of the tower shall occupy no more than 500 square feet and no part of the tower shall be larger than the base.
- (9) *Minimum spacing between towers.* Minimum spacing between tower locations is one mile.
- (10) *Screening and visibility.* Tower locations should provide the maximum amount of screening possible and shall preserve on-site vegetation to the maximum extent possible for off-site view of the facility.

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- (11) *Landscaping.* The base of the tower and any accessory structure shall be landscaped.
 - (12) *Accessory structures.* Accessory structures will be designed to be architecturally compatible with the principal structures on the site. Accessory structures shall meet all of the requirements of the underlying district.
 - (13) *Tower color; advertising and identification on tower prohibited.* The tower shall be painted light blue or other color that is demonstrated to minimize visibility. No advertising or identification shall be placed on the tower or antenna.
 - (14) *Security fencing required.* Towers shall be provided with security fencing to prevent unauthorized entry.
 - (15) *Antennas to comply with state and federal law and rule as amended.* Antennas placed on the tower shall be subject to state and federal regulations pertaining to non-ionizing radiation and other health hazards related to such facilities. If new, more restrictive standards are adopted, the antennas shall be made to comply, or the planning and zoning commission may restrict continued operations. The cost of verification of compliance shall be borne by the owner and operator of the tower. Antennas exceeding 36 inches in diameter shall meet all setback requirements but shall not be subject to height restrictions. The square footage of an accessory structure shall be the area enclosed within the foundation and the base area of any cantilevered section, with allowance for no more than three- foot roof overhang, regardless of the number of floors.
 - (16) *Conditional use permit required for certain antenna.* Antennas mounted on roofs and walls of existing structures may be approved as a conditional use permit by the planning and zoning commission, provided the antennas meet the requirements of this division.
 - (17) *Reduced setback for certain base mounted antenna.* Those antennas rigidly attached to the building, and whose base is on the ground, may reduce the required setback by the amount equal to the distance from the point of attachment to the ground.

(Code 2016, § 4.12.3)

Sec. 20-421. Obsolete or unused towers.

Property owners shall remove all obsolete or unused towers and accompanying accessory structures on their properties within six months of cessation of use.

(Code 2016, § 4.12.4)

Secs. 20-422—20-440. Reserved.

ARTICLE V. SUBDIVISIONS

Sec. 20-441. Sketch plan content.

- (a) *Existing conditions.* A sketch plan shall contain the existing conditions.
 - (1) Approximate exterior boundary drawn to a scale of not less than one-inch equals 100 feet with the scale and northerly direction shown thereon.
 - (2) Indication of floodplains, wetlands, slopes over 12 percent, bluffs, tree cover and ordinary highwater mark.

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- (3) Use of adjoining properties including street locations, structure locations and property lines.
 - (4) Significant historical sites.
 - (5) Approximate locations of existing structures.
 - (6) Approximate locations of existing wells and sewage treatment systems.
 - (7) Location by section, town, and range with small scale sketch showing location within the city.
 - (8) The existing district and the district of adjacent parcels.
- (b) *Proposed design.* A sketch plan shall also contain the following proposed design elements:
- (1) Proposed roads and walkways.
 - (2) Proposed lots with building setbacks and bluff impact zones.
 - (3) Proposed green space.
 - (4) Proposed city sewer and water system connections or sewage treatment systems and well locations.

(Code 2016, § 4.11.1)

Sec. 20-442. Preliminary plat content and approval process.

A preliminary plat, preliminary condominium plat or metes and bounds subdivision resulting in at least one parcel less than ten acres shall contain the following data (except as waived in advance by the planning and zoning commission), along with other reasonable information required by the commission needed to make a proper evaluation of the proposal:

- (1) *Existing conditions.*
 - a. Boundary lines with lengths and bearings drawn to exact scale of no less than one-inch equals 100 feet taken from a boundary survey by a registered land surveyor with the legal description of the property, total acreage, name of the fee owner, developer and surveyor, north arrow and scale.
 - b. Topography consisting of two-foot contour intervals, or, at the discretion of the planning and zoning commission during the sketch plan review, ten-foot contour intervals taken from USGS mapping with additional field determined spot elevations added to define drainageways, 100-year floodplains, wetlands, slopes and the OHW.
 - c. Near shore aquatic conditions, including depths, types of bottoms, sediments and aquatic vegetation.
 - d. Tree cover limits.
 - e. Soils as determined by hand borings on a random basis, to determine depth to groundwater at lower elevations and suitability for sewage treatment systems. At least one boring for each unit unless waived by the planning and zoning commission.
 - f. Location of adjoining streets, wetlands, structures and property lines within 200 feet of subject parcel, including acreage of any property owned by the developer not included in the preliminary plat.
 - g. Significant historical sites.
 - h. Significant wildlife habitat areas.
 - i. Endangered, threatened, rare or critical species, both flora and fauna.

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- j. Date of boundary survey, topography and proposed plat.
 - k. Layout of existing streets, walkways, driveways, blocks, lots, and structures drawn to the same scale.
 - l. Locations of existing wells and sewage treatment systems.
 - m. Location by section, town, and range with small scale sketch showing location within the city.
 - n. The existing district and the district of adjacent parcels.
- (2) *Proposed design.*
- a. Layout of proposed streets, walkways, driveways, blocks, lots, buildings, if known, drawn to same scale as existing data.
 - b. Dimensions scaled to nearest five feet of all lot lines, street widths, easement widths and lakeshore lengths.
 - c. Buildable areas of proposed lots.
 - d. Structure setback lines from streets, lot lines and OHW and a designation of the buildable area on the parcel.
 - e. Proposed green space with area shown.
 - f. Proposed public dedication areas other than streets or walkways with the area shown.
 - g. Proposed city sewer or water system connections and extensions existing and proposed with grades shown.
 - h. Potential locations and estimated depth to water table for all proposed on-site sewage disposal systems, two per lot.
 - i. Information regarding adequacy of domestic water supply.
 - j. Proposed storm drainage system and erosion control, both during and after construction activities.
 - k. Proposed street standards and profiles.
 - l. Potential principal structure and accessory structure locations and elevations.
 - m. Extent of anticipated vegetation and topographic alterations.
 - n. Proposed covenants.
 - o. Name of subdivision and proposed street names, which shall not duplicate or be alike another plat previously recorded.
 - p. Stages of development proposed.
- (3) *Evidence of authority to subdivide.* Evidence of authority to subdivide the parcel consisting of fee ownership or written concurrence of fee owners.
- (4) *Cost analysis.* An analysis of the ongoing cost to the city to provide services and maintenance to the development shall be prepared using a form provided by the city. This cost shall be compared on the same form to the estimated increased valuation of the property and the corresponding tax revenue. The development shall not be approved if public subsidy is required for ongoing services and maintenance.

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- (5) *Lapse of approval.* Failure of the subdivider to act after an approval of the preliminary plat or preliminary condominium plat within one year shall void the approval, unless extended by the planning and zoning commission. A second extension shall require a new public hearing.
- (6) *Subdivision by metes and bounds.* Any division of real estate resulting in two or more parcels which are not platted but divided by legal description prepared and signed by a registered land surveyor. All subdivision by metes and bounds resulting in residential parcels less than 20 acres or 500 feet in width; and commercial parcels less than five acres or 300 feet in width shall be considered for approval by the planning and zoning commission. Subdivision by metes and bounds shall be limited to no more than one split of a parcel into two parcels, including the remnant parcel, in a three-year period of time.
- (7) *Subdivision of a result of the expansion or extension of a road right-of-way.* Any division of real estate resulting in two or more parcels which are not platted or divided by metes and bounds description but are divided as a result of the expansion or extension of a road right-of-way as a result of city council or county board action, the resulting parcels of land may be considered buildable if all minimum design standards can be met and the resulting lots are at least 100 feet, or 80 percent of the required lot width, whichever is less.
- (8) *Applicability; required filings and approvals.* The provisions of this article shall be applicable to any subdivision of property within the city after the effective date of the ordinance from which this article is derived. In addition:
- a. Subdivision by plat or condominium plat shall be approved by the planning and zoning commission and council.
 - b. Subdivision by metes and bounds shall be approved by the planning and zoning commission with any necessary reasonable conditions, if the resulting parcels are less than 20 acres and 500 feet of width for residential lots or five acres and 300 feet of width for commercial lots and shall be limited to no more than one split of a parcel into two parcels, including the remnant parcel, in a three-year period of time. An additional parcel for right-of-way or commonly owned driveway access may also be allowed.
 - c. The proposed legal description for subdivision of land by metes and bounds shall be prepared and certified by metes and bounds shall be prepared and certified by a registered land surveyor. Approval by the planning and zoning commission shall be indicated by the signature of the planning and zoning commission chair, upon approval of the commission, and attached to the legal description. The county recorder or registrar of deeds may accept each such certificate for filing and recording upon compliance with these provisions.
 - d. When subdivided parcels are the result of a court orders; adjustment of a lot line by relocation of a common boundary; cemetery lots; or lots created for the sole purpose of public utilities, including lift stations, step stations, manholes, and related structures, the lot split may be approved administratively by the city planner upon presentation to the city planner of all information required by this article.
- (9) *Metes and bounds lot split approval.* When appropriate under the provisions of subsection (8) of this section, the subdivider shall submit documents containing the essential information of a proposed plat or plan and including dimensions computed to one hundredth of a foot, and bearings computed to equivalent accuracy, to the planning and zoning commission for approval. The approval process shall include and be subject to the following:
- a. Subdivision by metes and bounds shall be approved by the planning and zoning commission with any necessary reasonable conditions, if the resulting parcels are less than 20 acres and 500 feet of width for residential lots or five acres and 300 feet of width for commercial lots and shall be

limited to no more than one split of a parcel into two parcels, including the remnant parcel, in a three-year period of time.

- b. An additional parcel for right-of-way or commonly owned driveway access may also be allowed.
- c. The subdivider shall submit four copies of his or her proposal to the city planner 14 days prior to the normal planning and zoning commission meeting.
- d. The city planner shall review the proposed lot split for compliance with city zoning regulations including a field review at his or her discretion.
- e. The planning and zoning commission shall decide the approval of the lot split within a reasonable time based on the resulting lots complying with this article, the feasibility of the resulting lots for their intended purpose, and the provision for access to adjacent properties. Conditions may be attached to an approval requiring appropriate improvements as provided in subsection (8) of this section. No more than one split into two parcels shall be allowed in a three-year period of time. An additional parcel for right-of-way or commonly owned driveway access may also be allowed.
- f. The resulting land descriptions shall be prepared and signed by a registered land surveyor and shall comply with this section.
- g. Upon approval of the subdivision, the subdivider shall pay the required park dedication fee to the city and present a signed and notarized deed incorporating the legal descriptions from the certificate of survey including a current title opinion or title insurance commitment. Failure to pay the park dedication fee and record a signed deed within one year shall void approval of the unless such time is extended by the planning and zoning commission.

(Code 2016, § 4.11.2)

Sec. 20-443. Final plat or final condominium plat content and approval process.

A final plat or final condominium plat shall contain all elements required by this article and M.S.A. ch. 505 regarding plats, coordinates and surveys, the Uniform Condominium Act, M.S.A. ch. 515A, or the Minnesota Common Interest Ownership Act, M.S.A. ch. 515B, and the state plat manual, including, but not limited to, the following:

- (1) Conformance with approved preliminary plat or agreed upon portion thereof.
- (2) Design standards in conformance with the city of city zoning and subdivision regulations.
- (3) Preparation by a registered land surveyor. Signatures of mayor, clerk, county auditor, county treasurer and all parties with legal interest in the fee ownership of the land.
- (4) Dedication to the public of easements, rights-of-way, walkways and land to become public.
- (5) Drainage and utility easements over natural drainageways and significant wetlands.
- (6) Reservation of private streets in outlots.
- (7) Covenants shall be filed concurrently with the plat and shall be required to create an association of homeowners if a privately maintained cluster sewer or water system, common roads, a private trail system or other shared facilities are proposed for the subdivision.
 - a. The association shall consist of all benefited lot owners.
 - b. The association shall be responsible for all costs of maintenance and replacement.
 - c. The costs is uniformly divided by lots served.

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- d. The costs shall be lienable against the lots by the association if payment is not forthcoming.
 - e. The status of the facility shall be clearly stated as subject to perpetual private maintenance.
 - f. Provisions shall be made for emergency access or emergency maintenance by the city with subsequent reimbursement by the association.
- (8) Concurrent documents:
- a. Title opinion, less than 60 days old, acceptable to the city attorney and showing conformance with those parties represented by signature on the plat as holding interest in the property being divided.
 - b. Financial security acceptable to the city attorney in the amount of 125 percent of the cost estimated by the city engineer for the uncompleted required improvements.
 - c. Development contract acceptable to the city attorney, if required.
- (9) Upon signature, the subdivider shall file all pertinent documents with the county recorder. Failure to file a final plat or plan within two-years shall void the approval, unless extended by the city council.

(Code 2016, § 4.11.3)

Sec. 20-444. Minimum design layout standards.

The following design standards shall be considered minimum acceptable requirements in the review of the proposed subdivision by the city planner, city attorney, city engineer, planning and zoning commission and council, except as waived by variance approved by the board of adjustment:

- (1) The land shall be properly zoned and suitable in its natural state for the intended purpose with minimal alteration required. Land subject to floodplain regulations, land below the ordinary highwater mark, wetlands, bluffs, lands with slopes exceeding 12 percent on riparian parcels and 20 percent on non-riparian parcels or land containing other significant constraints upon future intended usage, shall not be considered in the minimum size of a lot. The suitability analysis for each lot shall also consider soil and rock formations with severe limitations for development, severe erosion potential, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sights, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
- (2) All nonconforming structures and uses shall be brought into conformity during the subdivision process, except as specifically waived by motion of the planning and zoning commission.
- (3) Each lot shall be adjacent to public sewer or shall have a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment sewage systems.
- (4) When near shore aquatic conditions are unsuitable for direct access, alternative provisions for water-based recreation shall be specified.
- (5) Lot areas and dimensions shall conform to the requirements of city zoning regulations, without variance.
- (6) Lot layouts shall be compatible with the existing layout of adjoining properties or shall not constrain the future development of adjacent properties if those properties were to be developed as per city zoning regulations.
- (7) Side lot lines shall be substantially at right angles to straight road lines or radial to curved road lines, radial to lake or stream shores, and shall not contain bends or jogs unless topographic conditions

necessitate a different arrangement. Existing structures shall not be construed to be a topographic condition.

- (8) Each lot shall have a minimum of 33 feet of frontage on a designated right-of-way. Commonly owned property or green space used for access in a planned unit development shall have a minimum of 33 feet of frontage on a public right-of-way.
- (9) Proposed streets shall conform to the adopted road standards of the city, county and state highway plans and existing boundary conditions and shall be in conformity with the following standards:
- a. Streets shall be related to the topography so as to produce useable lots and reasonable gradients not in excess of ten percent for collector roads and 12 percent for minor roads.
 - b. Public access shall be given to adjacent properties unless the topography clearly indicated future connection is not feasible.
 - c. When parcels abutting arterial or collector roads are subdivided, no new access points shall be created unless an equal number of access points are removed, unless access points are created not less than 500 feet apart in which case there shall be no limit on the number of accessed allowed.
 - d. Half streets or connections of half streets to partial streets without providing for the full required right-of-way will not be permitted.
 - e. Streets shall be designed as collectors or local streets in accordance with the city road plan.
 - f. The number of streets that terminate without a through connection shall be minimized and a street connected to a cul-de-sac (turnaround) shall not exceed 1,200 feet in length.
 - g. Access shall be given to all adjacent properties when required by the planning and zoning commission. All streets intended to be extended to adjoining property, shall be provided with a temporary cul-de-sac with the sides on a temporary easement, which will revert to the adjoining lot owner when released by the city. Landlocked areas shall not be created.
- (10) Right-of-way shall be dedicated to the public as shown in the table below. Additional rights-of-way may be required to promote public safety and convenience if special conditions require, such as intersections, sight lines on corners or excessive cut or fill sections.

Table 20-444.1. Public Right-of-Way Dedications

<i>Public Way</i>	<i>Right-of-Way Dedication</i>
Cul-de-sac (turnaround)	68-foot radius
Arterials	100 feet or as determined by the county.
Collectors	66 feet
Local streets	66 feet

- (11) Intersections shall comply with the following standards:
- a. Street centerlines shall intersect at not less than 75 degrees.
 - b. Street jogs shall be no less than 200 feet from centerline to centerline.
 - c. Gradients at intersections and for 50 feet approaching on each side of an intersection shall not exceed two percent. The approach shall contain no grades greater than seven percent for 200 feet on each side of the intersection.

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- (12) Roads, driveways and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zones.
 - (13) Street names shall conform to the pattern of the city and continue an existing name on the same alignment, where determined applicable by the planning and zoning commission. Street names shall be coordinated with the county surveyor's office.
 - (14) Easements shall be provided for public utilities or drainage where required by the planning and zoning commission and shall be following widths minimum:

Table 20-444.2. Easement Minimum Widths

<i>Utility/Drainage</i>	<i>Easement</i>
Water main	20 feet
Sanitary sewer	40 feet
Storm sewer	20 feet
Electrical, telephone or cable television	10 feet
Drainageway	10 feet

- (15) Lots requiring variances to allow their use for the intended purposes or requiring holding tanks for sewage shall not be allowed.

(Code 2016, § 4.11.4)

Sec. 20-445. Survey standards.

Survey standards shall be those required by M.S.A. ch. 505, including the placement of all monuments including block corners, lot corners, curve points and lake survey line points on lot lines. All federal, state, county and other official benchmarks, monuments or triangulation points in or adjacent to the proposed subdivision shall be preserved in position unless relocation is approved by the controlling agency.

(Code 2016, § 4.11.5)

Sec. 20-446. Street improvement standards.

All streets within the subdivision shall be constructed by the subdivider or otherwise provided for by agreement in a development contract between the subdivider and the city council with all expenses borne by the subdivider. Local streets and collector streets shall be constructed according to the established minimum standards and shall be approved by the city engineer.

(Code 2016, § 4.11.6)

Sec. 20-447. Sanitary provision standards.

- (a) No land shall be subdivided for building purposes unless two adequate sites are available on the newly created lot for a conforming on-site sewage treatment system, or the subdivider constructs a cluster system serving the lots, to be owned and maintained by a property owners' association, or the lot is provided with sanitary service by a municipal sewer system at the expense of the subdivider.
- (b) A municipal sewer system shall be extended to the lot at the subdivider's expense by agreement in a developer agreement between the subdivider and the city council if the existing system is adjacent to the parcel being subdivided or reasonably close, in the opinion of the engineer and planning and zoning

commission, or if the density of the proposed development necessitates a municipal sewer connection. The sewer shall also be extended to the exterior boundary of the subdivision at locations designated by the engineer.

- (c) On-site systems or cluster on-site systems shall conform to Minn. R. ch. 7080 and provide for two treatment sites for drain fields.
- (d) Municipal sewage facilities shall be designed by a registered engineer, approved by the city engineer, approved by the state pollution control agency and installed according to the most recent edition of the Standard Specifications (or equivalent publication) published by the City Engineers Association of Minnesota.

(Code 2016, § 4.11.7)

Sec. 20-448. Water supply standards.

- (a) The subdivider shall be responsible to provide the proposed subdivision with adequate spacing between building sites, on-site sewage disposal sites, and potential well locations to allow the well installations to conform with the city zoning regulations requirements or the sub-divider shall provide the lot with a cluster water supply system to be owned and operated by a property owner's association.
- (b) On-site wells or cluster water systems shall conform to the Water Well Construction Code, Minn. R. ch. 4725, and the cluster system shall receive the approval of the city engineer.

(Code 2016, § 4.11.8)

Sec. 20-449. Drainage and grading standards.

- (a) The subdivider shall consider the retention of natural stormwater and snowmelt drainage patterns in the design of his or her proposed subdivision. The subdivider shall be responsible to provide adequate drainage facilities for his or her development and upstream properties.
- (b) All subdivisions shall demonstrate provisions for adequate surface or subsurface runoff of stormwater and snow melt directed to natural drainageways.
- (c) All natural drainageways draining properties upstream from the subject property shall be identified and preserved, and no structures shall be less than one foot above the water level in the drainageway created by a storm of a 100-year, 24-hour rain event. No filling of areas inundated by the 100-year, 24-hour, rain event shall be allowed.
- (d) Additional runoff for a 100-year, 24-hour rain event from all streets and building sites at build-out shall be accounted for and maintained within the development.
- (e) Natural or manmade storage areas shall be utilized where needed and shall be designated by drainage and utility easement by the sub divide. All storage areas shall be vegetated and designed to lower naturally after a storm.
- (f) All drainage structures or improvements provided shall be sufficient in size to pass a 100-year, 24-hour storm event through the natural drainageway.
- (g) All areas disturbed by grading, street construction or structure installation shall be covered with a minimum of three-inches natural topsoil and seeded. Drainageways over two percent in gradient shall, at a minimum, be sodded.
- (h) All parking areas, heavy use areas, storage areas and impervious area shall be diverted to a basin designed to allow entrapment of silts and nutrients prior to discharge to a natural drainageway.

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- (i) There shall be no discharge of untreated stormwater to a water body.
 - (j) Erosion control measures shall be provided as needed to prevent or contain erosion.
- (Code 2016, § 4.11.9)

Sec. 20-450. Dedication to the public.

- (a) In accordance with the provisions of M.S.A. § 462.358, the subdivider shall dedicate, to the public, lands for highway rights-of-way, street rights-of-way, utility easements, wetland easements, and similar lands required for perpetual and public improvements.
- (b) The city finds it in the public interest and necessary to provide future parks, trails and other public open and recreational spaces for the city's citizens. As such, for every new subdivision of land involving three or more lots which are to be developed for residential purposes, the city council, with the recommendation of the planning and zoning commission, shall require a payment or dedication to the city of any one of the following:
 - (1) A reasonable portion of a land dedication for conservation purposes or for public use as parks, recreational facilities, playgrounds, trails, wetlands, or open space, up to 0.016 acres per resident expected in the proposed development, using the most recent average household size as determined by the state demographer's office and the U.S. Census Bureau.
 - (2) A payment of up to \$416.00 per expected resident in the proposed subdivision, using the most recent average household size as determined by the state demographer's office and the U.S. Census Bureau.
 - (3) A combination of land dedication and cash payment to the city for parks and open space purposes that reflects the values contained herein, and in the city's comprehensive plan.
- (c) The amount of land or payment shall be set by the city council, from the recommendation of the planning and zoning commission, after taking into consideration the open space, park, recreational, or common areas facilities which the applicant proposes to reserve for public use within the subdivision. Park space offered by a developer shall be subject to the approval of the parks commission.
- (d) The city shall grant preference to payment in lieu of land dedication unless an area within the land to be platted has been identified by the city for park acquisition. The following factors shall be taken into consideration when reviewing potential lands for park dedication:
 - (1) The suitability of the land for its intended purpose.
 - (2) The future needs of the community regarding parks, trails, and open spaces.
 - (3) The amount of any fees imposed, consistent with the requirements and limitations contained in this section.
 - (4) Whether the land is adjacent to or near other public recreation lands.
 - (5) Whether there is an opportunity to extend an existing or proposed trail or to enlarge an existing or proposed park or recreational facility.
 - (6) Whether the land dedication would protect environmentally or historically significant or sensitive sites.
 - (7) Whether the land dedication provides a unique public benefit or contains unique natural features.
- (e) When private open space for park or recreation purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision or owners of the development, the planning and zoning commission may consider granting a credit for park dedication. A

credit of up to 2.5 percent of the buildable area of the proposed open space may be given, provided that the following conditions are met:

- (1) The land area designated as open space and used in the calculation of the 2.5 percent-credit shall not include any area that is otherwise considered unbuildable, including, but not limited to, wetlands, steep slopes exceeding 12 percent, and the area within setbacks from property lines, required buffer zones, bluffs, and the ordinary highwater mark, among others.
 - (2) The land area designated as open space within the development is not occupied by non-recreational buildings, such as maintenance or caretaking buildings, and is available for use to all residents of the proposed subdivision.
 - (3) The use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of the property within the development and which cannot be defeated or eliminated without the consent of the city.
 - (4) The area required to obtain increased densities shall not be included in the computation of such private open space.
- (f) Funds received by the city, in lieu of land dedication, shall be placed in a special fund in accordance with M.S.A. § 462.358(2b).
- (g) All land dedication pursuant to this section shall be conveyed to the city through a warranty deed drafted by the city attorney.

(Code 2016, § 4.11.10)

Secs. 20-451—20-468. Reserved.

ARTICLE VI. SIGNS

DIVISION 1. GENERALLY

Sec. 20-469. Findings, purpose and intent.

- (a) *Findings.* Exterior signs have a substantial impact on the character and quality of the environment. Signs provide an important medium through which individuals may convey a variety of messages. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
- (b) *Purpose and intent.* It is not the purpose or intent of this article to regulate the message displayed on any sign; nor is it the purpose or intent of this article to regulate any building design or any display not defined as a sign, or any sign that is located inside a building. The purpose and intent of this article is to:
- (1) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.
 - (2) Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.
 - (3) Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goals of public safety and aesthetics.

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- (4) Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the city.

(Code 2016, § 4.9.1(A); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-470. Required permits; permits conditions and restrictions.

- (a) Except for signs listed in section 20-473 and signs placed by the city, county or state to relate the laws or ordinances, all other signs require a sign permit issued by the city planner, unless otherwise stated in this article.
- (b) The city planner may require planning and zoning commission review of any sign permit. The planning and zoning commission may restrict signs or revise design standards to ensure the preservation of the unique small-town character of the city.

(Code 2016, § 4.9.1(B)(1), (2); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-471. Substitution of noncommercial messages.

For every sign that is allowed, any noncommercial message can be substituted.

(Code 2016, § 4.9.1(B)(3); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-472. Landscaping plant required for freestanding signs.

All permanent freestanding signs must have a landscaping plan submitted with the application to be approved by the city planner.

(Code 2016, § 4.9.1(B)(4); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-473. Signs exempt from permit requirements.

The following signs can be erected without a permit:

- (1) All noncommercial signs of any size may be posted in any number beginning 46 days before the state primary in a state general election year until ten days following the state general election and 13 weeks prior to any special election until ten days following the special election.
- (2) Signs that are the same dimensions, in the same location, and use the same type of materials as a previously, legally existing sign. In these situations, the city planner must be contacted to verify that a permit is not required. If the previously permitted sign has been removed for over a year, a new sign permit is required.
- (3) Signs in the public and recreation district; provided, however, these signs may only be placed by the city.

(Code 2016, § 4.9.1(C); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1); Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-474. Prohibited signs.

The following signs shall not be allowed within the city:

- (1) Signs not authorized by a local unit of government.
- (2) Signs located within the city right-of-way. City staff has the authority to immediately remove any sign that is placed in the public right-of-way. Signs will be stored at city hall for 30 days upon removal to allow the owner an opportunity to retrieve the sign.
- (3) Flashing or rotating signs resembling emergency vehicles.
- (4) A sign that obstructs any window, door, fire escape, stairway or opening intended to provide air or access to any building or structure.
- (5) Illuminated blinking and flashing signs or devices giving off an intermittent or rotating beam consisting of a collection or concentration of rays of light.
- (6) A sign on private property placed without the permission of the property owner.
- (7) Freestanding signs supported by guy wires, braces or other means of non-base support.
- (8) Signs on parked vehicles. Signs placed on or affixed to vehicles or trailers which are parked on a public right-of-way, private property, or public property so as to be visible from a public right-of-way. Such vehicle or trailer or other portable structure shall not remain parked for longer than 72 consecutive hours on the same property. This is not in any way intended to prohibit signs placed on or affixed to vehicles or trailers such as lettering on motor vehicles where the sign is incidental to the primary use of the motor vehicle or trailer, or signage intended to convey a message to the motoring or pedestrian public while in operation on public roadways.
- (9) Obsolete signs.
- (10) A sign that is declared to be illegal, unsafe, deteriorated, or abandoned.
- (11) Large portable signs.

(Code 2016, § 4.9.1(D); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-475. Repair or removal of signs.

- (a) *Illegal, prohibited, obsolete, unsafe signs.* Upon notification by the city that a sign is illegal, prohibited, obsolete, unsafe or abandoned:
 - (1) The owner of the sign or owner of property there under shall remove same.
 - (2) Ten days' notice, in writing, shall be given to the owners of such sign, or the owner of the building, structure or premises on which sign is located, to either bring the sign into compliance with this article or cause its removal.
 - (3) Upon failure to remove the sign or to comply with this notice, the city shall remove the sign immediately and without notice, if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public.
 - (4) Any cost of removal incurred by the city shall be assessed to the owner of the property on which such sign is located or may be collected in appropriate legal proceedings.

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- (b) *Abandoned signs.* If a business moves to another location, or ceases to operate, the permittee or property owner has 30 days to remove the sign. If the sign remains for longer than 30 days after the business ceases operations or moves to another location, with ten days' notice to the permittee, the city may remove the sign and charge the permittee the costs of removal and storage of the sign.
 - (c) *Deteriorated signs.* Any sign or sign structure which may be, or may hereafter become, rotted, unsafe, unsightly or otherwise deteriorated shall be repaired or removed by the lessee, licensee, owner or agent of the owner of the property upon which the sign is located after receipt of written notice from the city. Structural repair of a nonconforming sign shall not be permitted.

(Code 2016, § 4.9.1(E)(1)—(3); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-476. Residential district standards.

Tables 20-486.1 and 20-486.2 indicate the types of signs that are allowed in residential districts and the standards relating to the number, size, height, type, and permitted illumination for the signs allowed in the OSR, SR and UR districts.

(Code 2016, § 4.9.1(F); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-477. Commercial district standards.

- (a) *Generally.* Tables 20-486.1 through 20-486.6 indicate the types of signs that are allowed in commercial districts generally and the standards relating to the number, size, height, type, and illumination for the signs allowed in the CB, HB and CW districts.
- (b) *Additional standards for CW district.* In the CW district, outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights. No signs or supporting facilities for signs may be placed in on or upon public waters, except as authorized by the DNR or the county sheriff's office for purposes of public safety.

(Code 2016, § 4.9.1(G), (H)(1), (2); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , 2-15-2017, § 2(4.9.1); Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-478. Dynamic display signs.

- (a) *Location and number restricted.* Dynamic display signs are allowed in the highway business district only and require a conditional use permit. Only one contiguous dynamic display area is allowed on a sign face.
- (b) *Minimum display duration.* The full sign image or any portion thereof must have a minimum duration of 15 seconds.
- (c) *Image characteristics.* The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement. No portion of any dynamic display sign may fluctuate in light intensity or use intermittent, strobe, or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles, or in any manner that creates the illusion of movement.

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- (d) *Serial images and messages prohibited.* The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.
 - (e) *Hardwiring required.* A dynamic display may only be placed on a freestanding sign that is hardwired (one is allowed per property).
 - (f) *Maximum total sign area.* The total amount of area of a dynamic display shall not exceed 50 percent of the total sign size or 50 square feet, whichever is smaller.
 - (g) *Brightness standards.* Dynamic display signs must comply with the following brightness standards:
 - (1) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.
 - (2) The luminance values of 5,000 nits (daytime limit) and 500 nits (nighttime limit) shall not be exceeded by the dynamic display sign manufacturer.
 - (3) All permitted dynamic display signs shall be equipped with a photoelectric cell that automatically determines the ambient illumination and is programmed to automatically dim the sign according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements. If the photoelectric cell fails, the dynamic display sign must automatically go to the nighttime setting.
 - (4) The illuminance of a dynamic display sign shall be measured with an illuminance meter set to measure footcandles accurate to a least two decimals. Illuminance shall be measured with the dynamic display sign off, and again with the dynamic display sign displaying a white image for a full color-capable dynamic display sign, or a solid message for a single-color dynamic display sign. All measurements shall be taken as close as practical to a perpendicular plane of the sign at the distance in feet determined by the following formula:

SQUARE FOOTAGE OF SIGN EQUATION

$$\sqrt{\text{Square footage of sign} \times 100}$$

- (5) The difference between the off and solid-message measurement shall not exceed 0.3 footcandles at night.
- (6) These signs must also be equipped with an on/off switch so that the sign can be immediately turned off if it malfunctions. A malfunction shall be defined as more than one panel failing to work correctly. The sign owner or operator must immediately turn off the sign or lighting when notified by the city that it is not complying with the standards in this section.
- (7) No dynamic display sign may be located within 100 feet of any residentially zoned property.
- (8) The architectural design for freestanding signs that include a dynamic display shall be that of high quality. The base shall be landscaped, and the sign structure shall use natural materials such as wood, stone, or brick to fit the "up north" character of the city. The planning and zoning commission shall approve the design of the sign as part of the CUP process.
- (9) Nonconforming signs are not allowed to add a dynamic display.
- (10) Properties that have a dynamic display sign are allowed two fewer banners, feather flags, yard signs than they normally would be allowed. (See also section 20-482.)

(Ord. No. 7 (Third Series) , § 2(4.9.1(l)), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-479. Illuminated digit display standards.

- (a) Only motor fuel stations are allowed illuminated digit displays to be incorporated into their freestanding sign. This display shall only use seven-segment displays, as shown in the image below. The display must be static and may not exceed 20 square feet.
- (b) The size of an illuminated digit display shall count towards the maximum allowable dynamic display area of 50 percent of the total sign size or 50 square feet. Illuminated digit displays shall comply with the same brightness standards as dynamic display signs. If an illuminated digit display malfunctions, it must be immediately turned off.



(Ord. No. 7 (Third Series) , § 2(4.9.1(J)), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

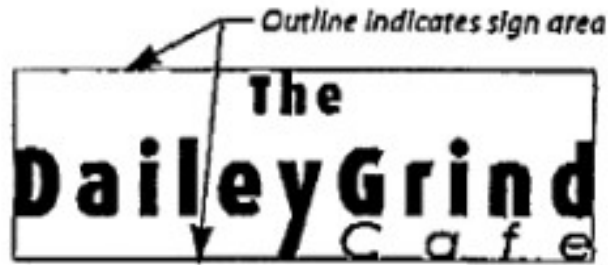
Sec. 20-480. Off-site advertising signs.

- (a) *Generally.* The city recognizes that the size of off-site advertising signage can have a detrimental impact on surrounding land uses. It is the policy of the city to restrict the size, location and height of off-site advertising signs so as to minimize those impacts. New off-site advertising signs are not allowed, but existing ones may continue their use.
- (b) *District prohibition.* Off-site advertising signs shall not be allowed in the OSR, SR, LR, UR, CB, HB and CW districts within the city.
- (c) *Preexisting off-site signs.* Existing off-site signs shall not be added to but shall be maintained at the present size and location. Off-site signs shall display in a conspicuous manner the owner's name, permit number, and registration number or both and date of construction. In the case where there is at least a 50 percent reduction in the sign area, the supports of the sign may be replaced upon notification of the city planner. Materials for supports shall be made of similar material as the original supports.
- (d) *Removal and replacement of nonconforming signs.* Commercial nonconforming off-site signs shall not be replaced. Residential off-site signs shall be removed upon the placement of a directional assistance sign at the same intersection.
- (e) *New on-site signs take precedence over off-site signs.* New on-site sign will take precedence over off-site signs and will require the removal of the off-site sign.
- (f) *Minimum construction standards.* Off-site signs shall be securely built, constructed and erected on posts sunk at least three feet below the natural surface of the ground. All wood posts shall be treated to protect them structurally when they enter into the ground. The owner of any off-site sign shall be required to have it properly maintained, as determined by the city planner.
- (g) *Lighting provided by city.* Directional assistance signs may be provided by the city at other locations, with the costs borne by the parties named.

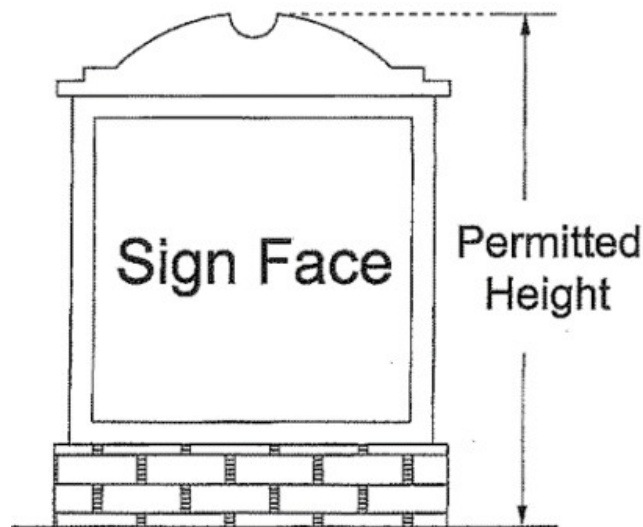
(Code 2016, § 4.9.1(I); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1(K)), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-481. Sign area measurement.

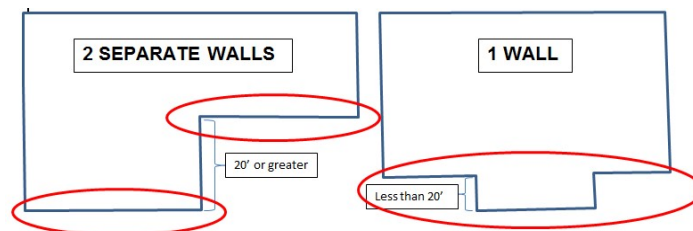
- (a) The area of a sign shall be measured as the square feet enclosed by the exterior perimeter of a sign not including the structural supports. For cut-out letter signs, draw the smallest rectangle that encloses the limits of sign.



- (b) Only the largest side of a double-faced sign or a vee-shaped sign with no greater than a 30-degree angle between faces shall be considered. If the angle between faces is greater than 30 degrees, the area of both faces shall be considered.
- (c) Height of a freestanding sign shall be measured from the top of the sign structure to the top of the ground surface.



- (d) When two walls facing the same direction are 20 feet or greater from each other, they shall be counted as two separate walls.



- (e) Wall size measurement shall be in accordance with the graphic below.



(Code 2016, § 4.9.1(J); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1(L)), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-482. Temporary signs in commercial districts.

- (a) Temporary signs in commercial districts shall conform to the following standards:
- (1) Temporary signs must not interfere with pedestrian traffic or sight lines for vehicular traffic.
 - (2) No temporary sign may be specifically illuminated.
 - (3) No temporary sign may use fluorescent colors.
 - (4) All temporary signs must present a professional appearance and must be maintained in good condition.
 - (5) Sidewalk signs must be removed each night and must be in compliance with OSHA egress standards (28 inches).
 - (6) Properties that are currently for sale or rent may have one additional sign per street frontage, provided that it does not exceed 18 square feet when the speed limit of the abutting road is under 45 miles per hour and does not exceed 32 square feet when the speed limit of the abutting road is 45 miles per hour or greater. The sign must be removed within 30 days of the sale or rental. No permit is required.
- (b) Tables 20-486.5 and 20-486.6 show the temporary signage that developed properties in each commercial district may display on their property. Inflatables, air puppets, large portable signs, pennants, streamers, and any other forms of temporary signage, are prohibited.

(Code 2016, § 4.9.1(K); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1(M)), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-483. Shielding of illumination other than neon lighting.

Lighting shall be downcast or backlit and illuminate the sign only. External and indirect illumination of signs shall be designed, located, shielded and directed in such a manner that the light source is fixed and is not directly visible from and does not cast glare on any adjacent public right-of-way, motorists' vision or adjacent residential property. Such illumination shall also be so directed and shielded so as to prevent casting illumination out across public waters. This section does not apply to neon lighting.

(Code 2016, § 4.9.1(L); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1(N)), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-484. Sign permit applications to documented sign location.

The location of all signs must be documented as part of the sign permit application. This documentation may be with photographs, sketches or a written description that is clear and correct.

(Code 2016, § 4.9.1(M); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1(O)), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-485. Ground sign area maintenance required.

The owner, lessee or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.

(Code 2016, § 4.9.1(E)(1))

Secs. 20-486—20-508. Reserved.*DIVISION 2. SIGN STANDARD CHARTS***Sec. 20-509. Minimum sign standard requirements.**

The following tables cover the minimum sign standards for each district:

Table 20-509.1 Residential District Sign Standards

Type of Sign	Number Allowed	Maximum Size (square feet)	Maximum Height (feet)	Illumination
Area identification	1 per development	32	8	Downcast or backlit*
Home occupation	1 per dwelling	6	6	Downcast or backlit
Multifamily building	1 per building	10	8	Downcast or backlit
Residential nameplate	1 per building or dwelling	3	12	Downcast or backlit
Internal directional	2 per site	4	6	Prohibited
Internal identification	2 per site	4	6	Prohibited

* These signs that are 50 square feet or less, with a height less than eight feet from the ground, may use ground lighting, provided that the light and fixture are not visible from a public right-of-way and the light does not extend beyond the sign.

Table 20-509.2. Central Business District Sign Standards

Type of Sign	Number Allowed	Maximum Size (square feet)	Maximum Height (feet)	Illumination
Area identification	By IUP	By IUP	By IUP	Downcast or backlit ²
Internal directional	2 per site	4	6	Downcast or backlit
Internal identification	2 per site	4	6	Prohibited
Business signs:				
Wall	2 per street frontage ¹	Cumulatively 5 percent of building face (one side) up to 100 square feet maximum	Height of building	Downcast or backlit
Roof-mounted	By IUP	By IUP	By IUP	Downcast or backlit
Protruding	1	24 and may project up to 5 feet from building face	6 feet above roofline	Prohibited
Hanging	1	4	Must maintain 7 feet clearance from sidewalk	Prohibited
Freestanding	1	32	12	Downcast or backlit ²
Wall—Along Paul Bunyan Trail	1	16	Height of building	Downcast or backlit
Protruding—Along Paul Bunyan Trail	1	24 and may project up to 5 feet from building face	6 feet above roofline	Prohibited

¹ The allowable wall signage of one street fronting wall may be transferred to one wall that does not front a public street, but which fronts a parking area and contains pedestrian entry, as long as no more than five percent of the face of the building (one side), 100 square foot maximum, is cumulatively used for signage.

² These signs that are 50 square feet or less, with a height less than eight feet from the ground, may use ground lighting, provided that the light and fixture are not visible from a public right-of-way and the light does not extend beyond the sign.

Note: For multi-tenant buildings, each tenant is allowed wall signage in accordance with the table above.

Table 20-509.3. Highway District Sign Standards

Type of Sign	Number Allowed	Maximum Size (square feet)	Maximum Height (feet)	Illumination
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Area identification	By IUP	By IUP	By IUP	Downcast or backlit ²
Internal directional	3 per site	4	6	Downcast or backlit
Internal identification	3 per site	4	6	Downcast or backlit
Business signs:				
Wall	2 per street frontage ¹	Cumulatively 5 percent of building face (one side) up to 100 square feet maximum	Height of building	Downcast or backlit
Roof-mounted	1	By IUP	By IUP	Downcast or backlit
Protruding	1	24 and may project up to 5 feet from building face	6 feet above roofline	Prohibited
Freestanding	1	Lesser of 128 square feet or 1 square foot per linear foot of road frontage	20	Downcast or backlit ²
Wall—Along Paul Bunyan Trail	1	16	Height of building	Downcast or backlit
Protruding—Along Paul Bunyan Trail	1	24 and may project up to 5 feet from building face	6 feet above roofline	Prohibited

¹ The allowable wall signage of one street fronting wall may be transferred to one wall that does not front a public street, but which fronts a parking area and contains pedestrian entry, as long as no more than five percent of the face of the building (one side), 100 square feet maximum, is cumulatively used for signage.

² These signs that are 50 square feet or less, with a height less than eight feet from the ground, may use ground lighting, provided that the light and fixture are not visible from a public right-of-way and the light does not extend beyond the sign.

Note: For multi-tenant buildings, each tenant is allowed wall signage in accordance with the table above.

Table 20-509.4. Waterfront District Sign Standards

Type of Sign	Number Allowed	Maximum Size (square feet)	Maximum Height (feet)	Illumination
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Business identification	1 per site	32 non-illuminated or 16 illuminated	10	Downcast or backlit
Business entrance	1	100	15	Prohibited
Internal Identification	3 per site	4	6	Downcast or backlit
Business Signs:				
Wall	2 per street frontage ¹	Cumulatively 5 percent of building face (one side) up to 100 square feet maximum	Height of building	Downcast or backlit
Roof-mounted	1	By IUP	By IUP	Downcast or backlit
Protruding	1	24 and may project up to 5 feet from building face	6 feet above roofline	Prohibited
Freestanding	1	Lesser of 128 square feet or 1 square foot per linear foot of road frontage	20	Downcast or backlit ²
Wall—Along Paul Bunyan Trail	1	16	Height of building	Downcast or backlit
Protruding—Along Paul Bunyan Trail	1	24 and may project up to 5 feet from building face	6 feet above roofline	Prohibited

¹ The allowable wall signage of one street fronting wall may be transferred to one wall that does not front a public street, but which fronts a parking area and contains pedestrian entry, as long as no more than five percent of the face of the building (one side), 100 square feet maximum, is cumulatively used for signage.

² These signs that are 50 square feet or less, with a height less than eight feet from the ground, may use ground lighting, provided that the light and fixture are not visible from a public right-of-way and the light does not extend beyond the sign.

Note: For multi-tenant buildings, each tenant is allowed wall signage in accordance with the table above.

Table 20-509.5. Central Business District Temporary Signs

Type of Temporary Sign	Number Allowed	Maximum Size
Banners	2 total	32 square feet cumulatively
Feather flags		
Yard signs		

Sidewalk signs		
Flags	Any	15 square feet

Note: For multi-tenant buildings, each tenant is allowed the signage in the table as if it were a separate property.

Table 20-509.6. Highway Business and Commercial Waterfront District Temporary Signs

Type of Temporary Sign	Number Allowed	Maximum Size
Banners	2 total*	50 square feet
Feather flags		32 square feet
Yard signs		6 square feet
Sidewalk signs	1 per tenant	8 square feet, 5 feet tall
Flags	Any	15 square feet

* Properties with at least 400 linear feet of frontage on a public road are allowed three at one time.

* Properties with at least 600 linear feet of frontage on a public road are allowed four at one time, and one of those may be an inflatable, provided that it does not exceed 90 square feet, 20 feet in height, is located within 50 feet from the building, and is displayed no more than 90 days in one calendar year.

* CW parcels that do not abut a county road or a state highway may display these signs in any number.

(Code 2016, § 4.9.1(H)(tables))

Secs. 20-510—20-526. Reserved.

ARTICLE VII. OTHER STANDARDS AND SPECIAL USES

DIVISION 1. GENERALLY

Sec. 20-527. Nuisances.

- (a) *Compliance required.* Every use permitted by this article shall be so established and maintained as to comply with the provisions of this section.
- (b) *Investigation and testing; costs.* The council may require the complaining party to provide such tests or investigations by an independent testing organization satisfactory to the council as are necessary to show noncompliance with these standards. The entire cost of such investigations and tests shall be paid for by the complaining party unless the results disclose noncompliance with these standards in which event the entire cost shall be borne by the owner or operator of the noncomplying use. This provision does not preclude the city from making any investigations and tests it finds appropriate to determine compliance with these standards.

- (c) *Noise.* Noise shall be measured on any property line of the tract on which the source of the noise is located and shall meet the following requirements:
- (1) Noise shall be so muffled as not to become objectionable due to intermittence, beat, frequency, shrillness, or intensity.
 - (2) At the property line of the parcel on which the source of noise is located, the sound pressure level of noise is located, the sound pressure level of noise radiated shall not exceed the limits set forth in the decibel level chart below measured for ten percent (L10) and 50 percent (L50) of a one-hour period, using a sound level meter having the characteristics as specified in the latest standards S1.4-1983 of the American National Standards Institute, specification for sound level meters, and using procedures approved by the state pollution control agency.

Table 20-527.1. Decibel Level Chart

<i>Adjoining Property Zone</i>	<i>Day 7:00 a.m. — 10:00 p.m.</i>		<i>Night 10:00 p.m. — 7:00 a.m.</i>	
<i>Level</i>	L-10	L-50	L-10	L-50
Residential	60	55	50	45
Commercial/industrial	65	60	65	60

- (3) In addition, no persons shall make or cause to be made, any impulsive and loudly audible noise that injures or endangers the comfort, repose, health, peace, safety or welfare of any persons or precludes their enjoyment of property or affects their property value.
- (d) *Odor.* No use shall cause the discharge of toxic, noxious or odorous matter beyond the limits of the site where it is located in such concentrations as to be obnoxious or otherwise detrimental to the public health, safety, comfort or welfare or cause injury to property or business.
- (e) *Glare.* Direct or reflected glare, such as from floodlights, spotlights or high temperature process illumination, and as differentiated from general illumination, shall not be visible beyond the site of origin at any property line. Any lights used for exterior illumination shall be directed away from adjacent properties. Lights used for externally lighting of signs shall be shielded from any roadway.
- (f) *Vibration.* Vibration at any property line shall not be discernible to the human sense of feeling for three minutes or more duration in a one-hour period. Vibration of any kind shall not produce at any time an acceleration of more than one-tenth gravities or result in any combination of amplitudes and frequencies beyond the "safe" range of Table VII, United States Bureau of Mines Bulletin No. 442, Seismic Effects of Quarry Blasting, on any structure. The methods and equations of that bulletin shall be used to compute all values for the enforcement of this provision.
- (g) *Smoke; open burning.* Smoke shall be measured at the point of emission by using the Ringelmann Smoke Chart published by the United States Bureau of Mines in Circular No. 7718. Smoke not darker or more opaque than No. 3 on the chart may be emitted for a period not longer than four minutes in any 30 minutes. These provisions applicable to visible gray smoke shall also apply to visible smoke of a different color but with an equivalent opacity. Open burning shall require a DNR burning permit.
- (h) *Dust.* Solid or liquid particles shall not be emitted at any point in concentrations exceeding three-tenths grains per cubic foot of the conveying gas or air. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air.
- (i) *Fumes and gases.* Fumes or gases shall not be emitted at any point in concentrations that are noxious, toxic or corrosive. The values given in the tables in chapter 5, Physiological Effects of the Air Pollution Abatement Manual, published by the Manufacturing Chemists' Association, Inc., Washington, D.C. (in the most recent

edition that includes such tables), are established as guides for the determination of permissible plans for the elimination of fumes or gases before the issuance of a land use permit:

Table 20-486.2. Guides for Determination of Permissible Plans

Table 1	Industrial hygiene standards (maximum allowable concentration for 8 hours per day, five days per week)
Table 3	Odor thresholds
Table 4	Concentrations of substances causing pain in the eyes
Table 5	Exposure to substances causing damage to vegetation

- (j) *Fire hazards.* Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire prevention equipment and by such safety devices as are normally used in the handling of such materials. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with the potential danger involved.
- (k) *Air quality.* Every activity shall conform to state regulations relating to air quality standards and air pollution control.
- (l) *Erosion.* No activity shall be carried on in such a way that water, soil or any objectionable substance is carried on to any adjacent property.
- (m) *Radioactivity or electrical disturbance.* No activity shall emit dangerous radioactivity at any point or any electrical disturbance adversely affecting the operation of any equipment at any point beyond the property line containing the activity. Adverse effects shall be measured by FCC standards.
- (n) *Abandoned buildings.* No person shall allow a building, mobile home or manufactured home, or other structure to be abandoned, deteriorate and become a safety hazard. The city planner shall determine if a structure is a safety hazard and if so, shall make a recommendation for corrective action to the planning and zoning commission and the city council. Such removal shall take place within 30 days of the order. If the owner fails to remove the structure, the city may do so and assess the cost against the property through the county taxation method.

(Code 2016, § 4.9.2)

Sec. 20-528. Historic site alteration or expansion.

A significant historical site, as defined by state law, may not be modified, altered or built upon in a manner that affects the historical value or nature of the site and without consultation with and approval by the state historical society.

(Code 2016, § 4.9.3)

Sec. 20-529. Fencing.

Fencing shall comply with the following standards:

- (1) Fences shall not exceed 72 inches in height.
- (2) Fences shall not be erected where they create a visual safety hazard.
- (3) No fence shall be erected within ten feet of the shoulder of any public road or within one foot of the right-of-way whichever distance from the road surface is greater.

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- (4) All fences must meet the OHW setback or if houses are in line no closer than the front of the house, whichever is greater.
 - (5) No barbed wire fencing shall be used within the city, except in OSR district when used for agricultural purposes.
 - (6) Fences shall require a land use permit, and fences not meeting the requirements of this section shall require a conditional use permit.

(Code 2016, § 4.9.4)

Sec. 20-530. Storage.

- (a) *Exterior storage.* All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying, recreational equipment, construction and landscaping materials and equipment currently being used for construction of the premises, woodpiles, agricultural equipment and materials if these are used or intended for use on the premises, and off-street parking except as otherwise regulated herein. Boats, recreational vehicles and fish houses are permissible if stored in the rear yard not less than ten feet distant from any property line. Fish houses shall not be used as a dwelling.
- (b) *Abandoned vehicle storage.* Abandoned vehicles shall not be stored outside in any district. Existing abandoned vehicles shall be removed within 30 days after the adoption of the ordinance from which this article is derived.
- (c) *Bulk storage.* All uses associated with the bulk storage of oil, gasoline, liquid propane, liquid fertilizer, chemicals and similar liquids shall comply with the requirements of the state fire marshal, the state pollution control agency and state department of agriculture and when in excess of allowed domestic requirements shall have documents from those offices stating that the use is in compliance. No storage facility shall be constructed or placed where spillage from the facility would drain to a drainageway or public waters without providing diking and an impervious basin.

(Code 2016, § 4.9.5)

Sec. 20-531. Solid waste, sewage and other sanitation standards.

- (a) *Solid waste.* All solid waste materials, debris or refuse shall be kept within a completely enclosed building or properly contained in a closed container designed for such purposes. Liquid wastes containing any organic or toxic matter shall be either discharged into a public sanitary sewer with permission of the city or treated in a manner prescribed by the health officer. Solid waste shall be disposed of in accordance with this section and county standards. Brush piles, yard wastes and compost piles containing no put risible materials are permitted, provided they do not become a fire hazard or visual nuisance.
- (b) *Domestic sewage.* Domestic sewage is subject to the following standards and specifications:
 - (1) All structures shall discharge into a municipal sanitary system if available.
 - (2) All other structures shall have an individual or common sewage treatment system meeting the requirements the state health department well code setbacks, Minn. R. ch. 7080 (individual sewage treatment systems standards) and this Code. Further, all systems shall be constructed by installers certified by the state to install on-site disposal systems. All applications for an on-site treatment system shall be submitted in accordance with the state pollution control agency regulations and this Code.
 - (3) All nonconforming systems shall be brought into conformance as provided in this article.

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- (4) Sewage tanks being abandoned shall be thoroughly pumped and filled with soil.
 - (5) Maintenance of individual or common sewage treatment systems shall be in accordance with Minn. R. ch. 7080 and this Code.
 - (6) The city may authorize a time extension for the installation of a conforming sanitary sewer system to allow for winter weather delays, provided no imminent health threat is posed to the general public.
- (c) *Agriculture or animal wastes.* Within the shoreland area, 1,000 feet from a lake or 300 feet from a watercourse, no waste products from agriculture or animal husbandry operations shall be deposited at any greater rate than the plant and soil system can absorb the nutrients. No wastes shall be allowed to accumulate when surface waters flow directly to public waters or watercourses. No livestock shall be allowed to water directly in a stream or public water.
- (d) *Water supply.* All structures shall be connected to a municipal water supply if made available. All water systems shall meet the requirements of the state health department standards for water systems.
- (e) *Domestic and agricultural wells.* All domestic and agricultural wells shall conform to the state health department standards for wells. A licensed well driller shall drill all domestic wells. The driller shall submit a log to the city.
- (f) *Well abandonment.* All wells being abandoned shall be sealed according to state health department standards and reported to the state health department and the city.
- (g) *Shallow wells.* Shallow wells such as sand points not exceeding 50 feet in depth or penetrating at least ten feet of impervious material, may be used only for non- domestic, non-potable water usage such as for lawn watering or for livestock. The well shall be sealed with concrete around the casing and shall not be located in a pit, basement, or any location subject to flooding.

(Code 2016, § 4.9.6)

Sec. 20-532. Pets and livestock.

- (a) *Domestic pets.* Domestic pets shall be properly cared for, shall not be allowed to become a nuisance, and shall be maintained in sanitary conditions. Domestic pets include normal household pets and other animals, birds, and reptiles normally kept caged.
- (b) *Wild animals.* Animals normally considered wild shall require a conditional use permit and appropriate state permits.
- (c) *Livestock.* Keeping of livestock may be permitted in the OSR district. Livestock shall be properly cared and maintained in sanitary conditions.

(Code 2016, § 4.9.7)

Sec. 20-533. Tree removal, woodland preservation, and soil erosion prevention.

- (a) Diseased trees shall be removed immediately and disposed of as firewood or by other burning. Branches shall also be burned.
- (b) Vegetation removal and clear-cutting, if allowed, must be complete including removal of all debris. Soil erosion must be prevented, and replanting of native species is encouraged.
- (c) Vegetation removal and select or open cutting, if allowed, must provide for removal of debris. Replanting of native species is encouraged.

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- (d) Natural areas designated by conditions on conditional use permits for screening or woodland preservation purposes shall be left natural except for removal of diseased trees. Replanting or thickening with native species is encouraged.
 - (e) Any area disturbed during any grading operation shall have the native topsoil replaced and be seeded with perennial grasses.
 - (f) Vegetation alterations necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities are exempt from the above standards except those provided in subsection (e) of this section. All debris shall be removed.
 - (g) Open cutting and clear cutting within the city shall require the issuance of a conditional use permit by the planning and zoning commission. In all districts, clear cutting is prohibited in the shore or bluff impact zone and on steep slopes.

(Code 2016, § 4.9.8)

Sec. 20-534. Short term rentals.

The city operates its short-term rental licensing through the county. All licensing, permitting, complaints, and enforcement will be in the jurisdiction of the county pursuant to Chapter 8; Article I. Sec. 8-1.

Secs. 20-535—20-559. Reserved.

DIVISION 2. SPECIFIC USES

Sec. 20-560. Auto salvage yards.

Because of the sensitive environmental features of the city, including lakes, wetlands, highwater tables, auto salvage yards are only allowed within the city by conditional use permit in the OSR district.

(Code 2016, § 4.10.5)

Sec. 20-561. Campgrounds.

- (a) *Generally.* Campgrounds are recreational in nature, but the use is generally not compatible with shoreland development of the city due to the density at peak usage. Campgrounds shall be limited to CW and UR districts. Certain allowances are made for campsites as a part of resorts in the CW district, which sites shall have similar or lower standards than provided below. Campsites may be allowed as an accessory use to an approved commercial planned unit development.
- (b) *Procedure.* The submission requirements for a campground shall be the same as planned unit development conditional use permit except as determined not applicable by the city planner. Evidence shall be provided prior to final approval that the license and approval process of state health department has been adhered to.
- (c) *Basic standards.* The following standards shall apply to all campgrounds in the city:

Table 20-561. Campground Standards

Minimum parcel size	5 acres
Minimum parcel width	400 feet
Minimum campsite or lot size	3,000 square feet
Minimum width	40 feet

Maximum density	6 units/acre
Minimum road width	
40-foot corridor	24-foot surface two way
30-foot corridor	18-foot surface one way
Minimum on lot parking	One vehicle with trailer
Additional off-road parking	One space per each 10 campsites
Setback, side exterior	50 feet
Setback, side interior	10 feet
Setback, road exterior	75 feet
Setback, rear exterior	50 feet
Maximum building height	25 feet
Maximum floors	2
Campsite and building height above highest known water table	3 feet

- (d) *Other performance standards.* In addition, the following performance standards shall apply to all campgrounds in the city:
- (1) Recreational facilities will be provided as determined by the conditional use permit.
 - (2) Campsites for recreational vehicles shall have sewer connection, water connection, and electrical connection, or recreational vehicles shall be self-contained and a wastewater disposal station for each 100 such vehicles at least 50 feet from the nearest campsite shall be provided.
 - (3) A water system capable of providing 100 gallons per site per day at a rate of 1,000 gallons per day at 20 psi residual pressure at the most remote fixture and on-site sewage collection and disposal system sized for 100 gallons per campsite per day is required.
 - (4) Drinking water and restroom facilities with showers shall be provided, all within 400 feet of every site not served with full facilities.
 - (5) Solid waste facilities shall be provided consisting of one 30 gallon can for each four campsites or one dumpster for each 20 sites, constructed to prevent overturning or cover removal by animals and screened.
 - (6) There shall be a fire pit for each campsite.
 - (7) The exterior setback area shall be screened to obstruct 50 percent vision from the boundary line, assuming leaf-off conditions.
 - (8) Grass or other complete ground cover shall be maintained except in parking areas and roads.
 - (9) Recreation vehicles shall be moved off site, moved into a designated storage area or is unoccupied for at least four consecutive months of every year.

(Code 2016, § 4.10.2)

Sec. 20-562. Home occupation.

- (a) *Generally.* Each home occupation established or substantially changed after the effective date of the ordinance from which this division is derived shall be allowed as a use with no permit required provided the standards of the ordinance are met.

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- (b) *Minimum requirements.* Each home occupation shall be subject to at least the following minimum conditions:
- (1) All business activities shall be clearly incidental to the use of the property for residential purposes.
 - (2) The business owner must be a resident of the dwelling. Additional family member employees are allowed.
 - (3) Onsite retail sales are strictly prohibited.
 - (4) All activities will be controlled to prevent nuisance problems of noise, vibration, smoke, dust, fumes, or litter.
 - (5) Parking adequate for all activities related to the home occupation shall be provided on-site.

(Code 2016, § 4.10.4)

Sec 20-563 – Home Business.

- (a) *Generally.* Each home business established or substantially changed after the effective date of the ordinance from which this division is derived shall be considered an interim use. Due to the normal difference in operation, no interim use permit shall be transferable to a new owner or renter, thus the permit will not run with the property, nor be transferable to a different property. An interim use permit will need to be obtained by subsequent new owners of the property.
- (b) *Minimum requirements.* Each home business shall be subject to at least the following minimum conditions:
- (1) All business activities shall be clearly incidental to the use of the property for residential purposes.
 - (2) Business activities may occur in the dwelling or associated accessory structures
 - (3) The business owner must be a resident of the dwelling. Additional family members and non-family members may be allowed as employees. Numbers of employees will be limited by the interim use permit to be compatible with residential use.
 - (4) Hours of operation shall be limited by the interim use permit to be compatible with residential use.
 - (5) Retail sales will be allowed and shall be limited in size and scope to be compatible with residential use.
 - (5) All activities will be controlled to prevent nuisance problems of noise, vibration, smoke, dust, fumes, or litter.
 - (6) Parking adequate for all activities related to the home occupation shall be provided on-site, including parking for a non-family member employees.
 - (7) Screening may be required to protect adjacent residential property from the impacts of the home business and shall be determined as part of the interim use permit.

Sec. 20-564. Landfills.

No landfills are allowed in the city due to the close proximity to the lakes and streams. The county has the responsibility for solid waste disposal. Disposal of trees, stumps, rock, brush, and other natural products by burning or burying is allowed on construction sites as determined by the land use permit and a DNR burning permit, if applicable.

(Code 2016, § 4.10.6)

Sec. 20-565. Mining.

- (a) *Excavation and extractive activities permitted.* Mining, either metallic mineral or other extractive use, shall be allowed within the city by conditional use permit as indicated in this section. All excavation and extraction shall conform to the following:
- (1) *Distance from property lines.* No quarrying operation shall be carried on or any stockpile placed closer than 50 feet from any property line unless a greater distance is specified by the conditional use permit where such is deemed necessary for the protection of adjacent property.
 - (2) *Distance from public right-of-way.* If the site of the mining or quarrying operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than 50 feet to the nearest line of such right-of-way.
 - (3) *Equipment.* Equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. Power drives or power producing machinery not including vehicles shall not be housed or operated less than 1,000 feet from any residence. A new residence shall take precedence over any existing extractive use operation. No machinery shall be placed or operated within 200 feet of a lake.
 - (4) *Processing.* Crushing, washing and refining or bituminous production or other similar processing may be authorized by the conditional use permit as an accessory use; provided, however, that such accessory processing shall not be in conflict with the use of regulations of the district in which the operation is located. Processing shall only be permitted in the OSR district.
 - (5) *Rehabilitation.* To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted an extraction/mining permit shall furnish a performance bond running to the city in an amount of not less than \$1,000,000.00 and not more than \$10,000,000.00 as a guarantee that such applicant, in restoring, reclaiming, and rehabilitating such land and haul road shall, within a reasonable time and to the satisfaction of the city meet the following minimum requirements:
 - a. *Surface rehabilitation.* Excavation shall be made either to a water-producing depth, with a water depth of not less than five feet or the surface of such area which is not permanently submerged shall be graded or backfilled to contour and shape the peaks and depressions thereof, so as to produce a gently drained surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. Four inches of black topsoil shall be placed on all areas, except beaches, that will remain above water level. Haul roads will be restored to their condition prior to the beginning of the extraction operation.
 - b. *Vegetation restoration.* Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of the mining area where such area is not to be submerged underwater as hereinabove provided.
 - c. *Banks of excavations not backfilled.* The banks of all excavations not backfilled shall be sloped not steeper than three feet horizontal to one foot vertical and the bank shall be seeded.
 - d. *Haul roads.* Haul roads shall be periodically restored to grade, cross-section and surface present at the beginning of operation. Upon completion of operations, or upon order of the city council, an evaluation shall be made based on the normal anticipate life of the roadway, the early diminution of that life by summation of equivalent nine-ton axle loads and the anticipated cost of upgrading to a newly overlaid roadway. The operator shall pay the city or forfeit his or her bond in the determined amount.
- (b) *Permit may impose additional requirements.* In addition to the foregoing, the conditional use permit may impose such other conditions, requirements, or limitations concerning the nature, extent of the use and

operation of such extraction/mining sites as the city may deem necessary for the protection of adjacent properties and the public interest. The city prior to issuance of the permit shall determine the conditions and the amount of the performance bond.

(c) *Application content.* An application for such operation shall set forth the following information, in addition to those outlined in the submittal requirements for a conditional use permit:

- (1) Name of the owner or owners of land from which removal is to be made;
- (2) Name of the applicant making request for such a permit;
- (3) Name of the person or corporation conducting the actual removal operation;
- (4) Location, description and size of the area from which the removal is to be made;
- (5) Location of processing plant use;
- (6) Type and amount of resources or materials to be removed;
- (7) Proposed method of removal and whether or not blasting or other use of explosives will be required;
- (8) Description of equipment to be used;
- (9) Method of rehabilitation and reclamation of the borrow area;
- (10) Identification of haul roads;
- (11) Type of hauling equipment;
- (12) Haul road restoration plan;
- (13) Time frame for material removal and completion of rehabilitation plan;
- (14) Traffic control plan; and
- (15) Site survey completed by a licensed surveyor.

(Code 2016, § 4.10.3)

Secs. 20-566—20-591. Reserved.

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 20-592. City planner.

The city planner shall be appointed by the city council. The duties of the city planner shall be as provided in the city planner job description on file in the office of the city clerk.

(Code 2016, § 4.13.1)

Sec. 20-593. Planning and zoning commission and board of adjustment.

The planning and zoning commission and the board of adjustment established in chapter 2 of this Code shall have the duties prescribed in chapter 2 of this Code, and by state law.

(Code 2016, § 4.13.2)

Sec. 20-594. City council's role in administering and enforcing chapter.

In the administration and enforcement of this chapter, the city council shall:

- (1) Decide to accept, modify, or reject within the allowable time recommendations from the planning and zoning commission for changes in district boundaries or amendments to this article and acceptance of final plats, condominium plats, or other recommendations.
- (2) Initiate an appeal proceeding upon review of the planning and zoning commission or board of adjustment actions if it finds the actions to deviate from the ordinance. The instigation shall be started at the next normal council meeting, following the planning and zoning commission or board of adjustment action. All original parties shall be notified by mail of the appeal hearing.
- (3) Hear appeals from the actions of the board of adjustment or the planning and zoning commission where the planning and zoning commission has the authority for final decision.

(Code 2016, § 4.13.4)

Sec. 20-595. Fees, costs, violations, penalties and other remedies.

- (a) Violation of any provision of this chapter shall be considered either an administrative offense subject to an administrative fine; a criminal offense; or a civil offense subject to enforcement through civil remedies. Each act of violation in every calendar day upon which the violation occurs or continues may be considered a separate offense. The owner of the subject property and any contractor involved may be considered jointly liable in appropriate circumstances.
- (b) The council shall adopt a schedule of fees for all permits. No permit shall be issued, or request brought before the board of adjustment or planning and zoning commission until the fees are paid. All late applications or after the fact applications shall require an additional fee whether the permit is issued or not.
- (c) In all cases where the city reviewing, investigating, or administering a land use application for purposes of enforcing compliance with this chapter, the offending party, real estate owner, or permit holder shall be required jointly and severally to reimburse the city for the city's fees and costs associated with enforcing compliance with this chapter. Fees and costs include, but are not limited to, attorney's fees, engineering fees, consultant fees, and other professional services deemed necessary by the city. The city also reserves the right to record a lien against real estate that is the subject of a land use enforcement action pursuant to M.S.A. § 514.67 for any unpaid fees and services.
- (d) The city shall not accept applications where the applicant has past due fees or charges due to the city or the county until the account is made current.
- (e) No applications shall be accepted by the city planner from a contractor or property owner having outstanding violations. Permits can only be issued to contractors or property owners with outstanding violations by majority vote of the planning and zoning commission after the violation has been addressed to the satisfaction of the planning and zoning commission.
- (f) In the event of a violation or threatened violation of any provision of this article or the conditions of any permit issued pursuant to the ordinance, the city in addition to other remedies, may act or institute civil action to prevent, restrain, correct, or abate such violation or threatened violation.

(Code 2016, §§ 4.14.1, 4.14.3, 4.13.9)

Sec. 20-596. Liability of city officials.

The failure of any officer of the city or board or committee or commission or employees of the city to act pursuant to this article, except as an individual acting in his or her own behalf, shall not be an offense and shall not subject the officer, board or employee to any penalty except that provided for under performance of city personnel under the city personnel policies. The city shall not be liable for problems arising from reliance on lot corners, legal description or other information provided by the property owner.

(Code 2016, § 4.14.2)

Secs. 20-597—20-625. Reserved.***DIVISION 2. CONDITIONAL USE PERMITS*****Sec. 20-626. Procedure.**

- (a) *Authority of planning and zoning commission.* Pursuant to M.S.A. ch. 462, the planning and zoning commission shall issue conditional use permits to the property for structures or other specified uses upon approval after a public hearing where it makes findings of fact that the proposal is consistent with the terms of this section.
- (b) *Application for permit; fees.* All applications for a conditional use permit shall be submitted to the city planner by the application deadline published on the annual planning and zoning commission meeting schedule, accompanied by the required submission, along with the appropriate fee. The fee or contract owner of the property shall sign the application.
- (c) *Notice to adjacent property owners and the DNR.* The city planner shall notify all property owners within 350 feet by regular mail and shall advertise the sharing once in the legal section of the official newspaper at least ten days ahead of the public hearing. If the proposed use is in shoreland, the city planner shall send the same notice postmarked at least ten days in advance of the hearing to the DNR.
- (d) *Sketch plan review.* At his or her option, the proposer may request a sketch plan review with no action by the planning and zoning commission and with no fee by giving at least ten days' notice thereof to the city planner if meeting time permits.
- (e) *Access to property for inspection.* In applying for a conditional use permit the owner of the property is agreeing to allow representatives of the city to access their property to confirm conditions are being followed through with until such time that all conditions have been met.
- (f) *Submissions required.* As a minimum, the following items shall be submitted along with the appropriate application fees:
 - (1) Legal description of site;
 - (2) A survey reflecting the current conditions, completed by a registered land surveyor, indicating impervious surface coverage, setbacks and all improvements. Survey must show parcel and existing building dimensions and two-foot contours for all commercial projects and surface water features and any wetlands that are on the national wetland inventory or are greater than 400 square feet in its entirety;
 - (3) Location of all existing and proposed buildings and their square footage. All proposed buildings shall be staked on-site;

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- (4) Existing and proposed curb cuts, driveway, access roads, parking, off street loading and sidewalks;
 - (5) Proposed landscaping and screening plans;
 - (6) Proposed stormwater management plan;
 - (7) Proposed and existing sanitary sewer and water supply plans with estimated usages on peak day;
 - (8) Soil data;
 - (9) Proposed signing and lighting;
 - (10) Current survey showing existing iron pipe boundary monuments marked with proof of survey with stakes visible on-site;
 - (11) Floor plans indicating dimension of all proposed rooms and areas identifying the proposed uses;
 - (12) Elevations of the proposed buildings identifying exterior treatments and materials to be used and color;
 - (13) For all commercial buildings exceeding 1,500 square feet in area, plans signed by an architect, licensed in the state, indicating conformance with applicable regulations and codes;
 - (14) Other information where it is determined by the city planner or the planning and zoning commission to be necessary to determine whether or not the application meets the criteria for issuance of a conditional use permit.
- (g) *Additional information.* In evaluating all conditional use requests, the planning and zoning commission shall require the property owner to address, when appropriate, stormwater runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
- (h) *Waiver of submittal requirements.* The city planner shall have the authority to waive submittal requirements on a case-by-case basis, subject to the approval of the planning and zoning commission and board of adjustment, where the information submitted is, in the judgment of the city planner, not required to make an informed decision on the application. If an item waived by the city planner is required by the planning and zoning commission upon the commission's first review, the application shall be deemed incomplete until the information is provided.
- (i) *Findings and determination to be provided to the DNR.* The findings and determinations shall be provided to the DNR postmarked within ten days, if in shorelands.
- (j) *Filing with county recorder.* The conditional use permit shall be filed with the county recorder within 15 days of approval with the filing fee paid by the applicant.

(Code 2016, § 4.13.5(A), (B), (E), (I); Ord. No. 21 (Third Series) , § 2(4.13.5), 6-19-2019; Ord. No. 30 (Third Series) , § 2, 9-18-2019)

Sec. 20-627. Applicant to bear professional review costs.

The applicant shall be responsible for all the city's professional costs in reviewing the proposal, including, but not limited to, legal, engineering, planning, and financing assistance.

(Code 2016, § 4.13.5(J); Ord. No. 21 (Third Series) , § 2(4.13.5), 6-19-2019; Ord. No. 30 (Third Series) , § 2, 9-18-2019)

Sec. 20-628. Evaluation criteria.

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- (a) The following criteria shall be used in reviewing a proposed conditional use permit application. The use with conditions will:
- (1) Ensure that the use and enjoyment of other property in the immediate vicinity for the purposes already permitted is not impaired.
 - (2) Not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
 - (3) Ensure that adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
 - (4) Provide adequate measures sufficient off-street parking and loading spaces to serve the proposed use.
 - (5) Ensure that adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
 - (6) Not depreciate property values within the immediate vicinity.
 - (7) Not cause the local, county or state road systems to exceed their safe carrying capacity.
- (b) For projects within the shoreland district additional review criteria shall be considered and a thorough evaluation of the proposal, the water body, and the topographic, vegetation and soils condition on the site must be made to ensure:
- (1) The prevention of soil erosion or other possible pollution of public waters both during and after construction.
 - (2) The visibility of structures and other facilities as viewed from public waters is limited.
 - (3) The site is adequate for water supply and on-site sewage treatment if necessary.
 - (4) The types, uses and numbers of watercrafts that the project will attract are compatible in relation to the suitability of public waters to safely accommodate those watercrafts.
 - (5) The use or development is an appropriate conditional use in the land use district.
 - (6) The use or development with conditions, conforms to the comprehensive plan for land use.
 - (7) The use with conditions is compatible with the existing neighborhood.
 - (8) The use with conditions would not be injurious to public health, safety, decency, order, comfort, convenience, appearance, or prosperity.

(Code 2016, § 4.13.5(C); Ord. No. 21 (Third Series) , § 2(4.13.5), 6-19-2019; Ord. No. 30 (Third Series) , § 2, 9-18-2019)

Sec. 20-629. Conditions may be imposed.

In permitting a new conditional use or alteration of an existing conditional use, the planning and zoning commission may impose, in addition to the standards and requirements expressly specified by this division, additional conditions which the planning and zoning commission considers necessary to protect the best interest of the surrounding area or the city as a whole. These conditions may include, but are not limited to, the following:

- (1) Increasing the required lot size or yard dimension.
- (2) Limiting the height, size or location of buildings.
- (3) Controlling the location and number of vehicle access points.

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- (4) Increasing the street width.
 - (5) Increasing the number, size, location, or lighting of signs.
 - (6) Limiting the number, size, location, or lighting of signs.
 - (7) Requiring diking, fencing, screening, landscaping, or other steps to protect adjacent or nearby property.
 - (8) Designating sites for green space.
 - (9) Restricting the number of access points on to the county road system or Highway 371.
 - (10) Increasing setbacks from wetlands to ensure protection of the resource.
 - (11) Restricting formula restaurant or revising design standards to ensure the preservation of the unique small-town character of the city.

(Code 2016, § 4.13.5(D); Ord. No. 21 (Third Series) , § 2(4.13.5), 6-19-2019; Ord. No. 30 (Third Series) , § 2, 9-18-2019)

Sec. 20-630. Lapse of permit; extensions.

Failure by the owner to act in reliance on a conditional use permit within six months or failure to complete the work under a conditional use permit within two-years, unless extended by the planning and zoning commission, shall void the permit. A second extension shall require a new public hearing. This provision shall apply to any conditional use permit outstanding at the time of the adoption of the ordinance from which this division is derived. Conditional use permits for planned unit developments are exempt from this provision.

(Code 2016, § 4.13.5(G); Ord. No. 21 (Third Series) , § 2(4.13.5), 6-19-2019; Ord. No. 30 (Third Series) , § 2, 9-18-2019; Ord. No. 46 (Third Series) , § 2, 9-21-2021)

Sec. 20-631. Appeal to city council.

Appeals from the action of the planning and zoning commission shall be filed with the city clerk within 30 days after planning and zoning commission or board of adjustment action, or at the next regular meeting of the city council, whichever is later. The city council shall hear the appeal.

(Code 2016, § 4.13.5(H); Ord. No. 21 (Third Series) , § 2(4.13.5), 6-19-2019; Ord. No. 30 (Third Series) , § 2, 9-18-2019)

Sec. 20-632. Permits may be transferred to new property owners.

Conditional use permits shall be transferable to new property owners.

(Code 2016, § 4.13.5(F); Ord. No. 21 (Third Series) , § 2(4.13.5), 6-19-2019; Ord. No. 30 (Third Series) , § 2, 9-18-2019)

Sec. 20-633. Alternate procedure for planned unit developments (PUDs).

- (a) *Concept plan.* The applicant shall submit a concept plan to the planning and zoning commission for review and discussion, per the approved schedule, or shall provide the complete application required in this section.

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- (b) *Application.* Upon decision to proceed by the planning and zoning commission, the applicant shall submit preliminary documents, prepared with professional help, including as a minimum the items listed under this subsection, and further shall contain the following:
- (1) Proposed concept plan of operation.
 - (2) Proposed plat or proposed condominium plat, if applicable.
 - (3) Two-foot contour interval topography.
 - (4) Specimen tree locations.
 - (5) Locations of structures on adjoining properties.
 - (6) Proposed facilities:
 - a. Buildings.
 - b. Recreation facilities.
 - c. Drives and parking.
 - d. Grading limits.
 - e. Planting.
 - f. Signs and lighting.
 - g. Sewage disposal system concept.
 - h. Water supply and fire protection concept.
 - i. Drainage plan.
 - j. Floor plans and elevation views of proposed structures.
 - k. Proposed timing and phasing.
 - l. Proposed final security to be given to the city.
 - m. Proposed development contract with the city.
- (c) *Review and decision by planning and zoning commission.* The planning and zoning commission shall review the above data and make a decision within the prescribed time frame in accordance with state law.
- (d) *Appeal and review.* The city council may initiate an appeal and review the decision if desired, no later than the next regular council meeting after the planning and zoning commission action.
- (e) *Submission of post-approval documents.* Once the approval is received the applicant shall then proceed within the time frame accepted under the preliminary proposal to provide final documents as required, including:
- (1) Financial security.
 - (2) Development contract.
 - (3) Final plat or condominium plat.
 - (4) Final covenants and homeowners' association documents.
 - (5) Final time schedule.
 - (6) Final site plan, which will control development with proposed grades and elevations.

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- (7) Multifamily or commercial building plans by registered architect if three units or more over 1,500 square feet respectively.
 - (8) Sewer and water plans by registered engineer.
 - (9) Final grading plan, with erosion control.
 - (10) Final landscaping/screening plan by registered landscape architect or nursery.
 - (11) Agency approval documents.
 - (12) Title opinion.
 - (13) Surveyors plat check.
 - (14) As built plans shall be filed with the city on sewer and water systems within 60 days of completion.

The planning and zoning commission shall review the final documents and if complete in accordance with the preliminary approval, shall approve the application and recommend approval of the plat to the city council.

(Code 2016, § 4.13.5(H)—(N); Ord. No. 21 (Third Series) , § 2(4.13.5), 6-19-2019; Ord. No. 30 (Third Series) , § 2, 9-18-2019)

Secs. 20-634—20-654. Reserved.

DIVISION 3. INTERIM USES, VARIANCES AND LAND USE PERMITS

Sec. 20-655. Interim uses.

- (a) *Defined.* An interim use, as defined in M.S.A. § 462.3597, is a use that for a brief period will be compatible with existing or anticipated uses, or a use that is presently judged acceptable for an area until such time it will not be acceptable given anticipate growth patterns.
- (b) *Review by planning and zoning commission; procedure.* Interim uses are allowed by the city after appropriate review by the planning and zoning commission. An interim use will be reviewed in the same manner as a conditional use permit. All submittal requirements in division 2 of this article shall be required for interim use permits.
- (c) *Review criteria.* In addition to the review criteria for conditional use permits, the following criteria shall be used for Interim use permits. The findings of fact shall include that:
 - (1) The use conforms to zoning regulations;
 - (2) The date or event that will terminate the use;
 - (3) The permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
 - (4) The user agrees to any conditions deemed appropriate by the city for the permission of the use.
- (d) *Termination by change in district.* Any interim use may be terminated by a change in the district.

(Code 2016, § 4.13.6)

Sec. 20-656. Variances.

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- (a) *Authority of board of adjustment.* When the literal interpretation of the terms of this division causes hardship to a property owner, the board of adjustment may grant a variance from a standard or dimensional requirement as set forth in the procedures outlined below.
- (b) *Application.* Variances shall be issued for structures or uses as approved by the board of adjustment after a public hearing. All applications for a variance shall be submitted to the city planner by the application deadline published on the annual planning and zoning commission meeting schedule, accompanied by a professionally prepared survey, unless waived by the city planner, along with the appropriate fee. The application shall be judged as a complete application if it contains the information required in this section. The fee or contract owner or his or her authorized agent shall sign the application.
- (c) *Notice to adjacent property owners.* The city planner shall notify all property owners within 350 feet of the property that is the subject of the variance application by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least ten days ahead of the public hearing.
- (d) *Notice to the DNR for shoreland property variances.* If the proposed use is in shorelands, the city planner shall send the same notice to the DNR, postmarked at least ten days prior to the date of the hearing. The city planner shall provide the findings and determination to the DNR postmarked within ten days, if in shoreland.
- (e) *Sketch plan review.* At his or her option, the proposer may request a sketch plan review with no action taken by the board of adjustment and with no fee by giving ten days' notice thereof to the city planner if meeting time permits.
- (f) *Additional information required.* In evaluating all variance requests, the zoning authority shall require the property owner to address, when appropriate, stormwater runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation designed actions.
- (g) *Criteria for approval.* Variance shall be granted if the board of adjustment finds that the application meets the following criteria:
- (1) Has the applicant established that there are practical difficulties, as defined in this article, in complying with the official control?
 - (2) Will the deviation from this article still be in harmony with the general purposes and intent of this article and comprehensive plan?
 - (3) Is the plight of the property owner due to circumstances unique to the property and not caused by the property owner?
 - (4) Do the terms and conditions of the variance protect the essential character of the neighborhood?
 - (5) Is the variance based on findings of fact other than economic considerations?
 - (6) Is the variance for a land use that is allowed under the terms of this chapter?
- (h) *Decision to be rendered within 60 days of application; exception.* Variances shall be decided within 60 days of the receipt of a completed application as determined by the city planner, unless extended pursuant to M.S.A. § 15.99.
- (i) *Lapse of variance; extensions.* Failure by the owner to act in reliance on the variance within six months or failure to complete the work under a variance within one year unless extended by the board of adjustment shall void the variance. A second extension shall require a new public hearing. This subsection shall apply to any variance outstanding at the time of adoption of the ordinance from which this article is derived.
- (j) *Appeal of decision to city council.* Appeals from the action of the board of adjustment shall be filed with the city clerk within 30 days after planning and zoning commission or board of adjustment action, or at the next regular meeting of the city council, whichever is later. The city council shall hear the appeal.

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- (k) *Copy of variances to be filed with county recorder.* The city planner shall file a copy of all approved variances with the county recorder within 15 days of approval at the expense of the applicant.
 - (l) *Conditions of variance.* Variances shall not allow or create a use not provided for in a district. Variances shall run with the land and are transferable with the real estate to a new owner. Violation of the conditions on a variance shall void the variance.

(Code 2016, § 4.13.7; Ord. No. 21 (Third Series) , § 2(4.13.7), 6-19-2019)

Sec. 20-657. Land use permits.

- (a) *When required.* No person shall assemble, install, remove, or construct any structure prior to applying for and receiving a land use permit. Land use permits shall be issued for all new structures, driveways, patios, any change in structure exterior dimensions, and any construction or repair of sewage systems, and any grading and filling in shorelands not exempted by this article.
- (b) *Sewage system update and certificate of compliance required.* In order to obtain a permit for any improvement of any type it shall be necessary to upgrade or replace any nonconforming sewage treatment to meet the standards for conforming systems. No land use permit shall be issued without a valid certificate of compliance.
- (c) *Prerequisite reviews and approvals.* When a proposed use requires action of the board of adjustment, planning and zoning commission or council, or posting of financial security, or filing restriction with the county recorder, the action shall occur and the conditional use permit, variance, district change, final plat plan approval, or approval of metes and bounds division shall be issued or security posted or restriction filed before the land use permit is issued.
- (d) *Permit application; survey.* The land use permit application shall contain the legal description of the property and the signature of the fee or contract owner of the property or his or her authorized agent. Lot corners shall be visible on the lot. The city planner may require a new survey when stakes are not visible or have been removed through erosion, construction, or other action, and a new certificate with existing and record dimensions.
- (e) *Additional information may be required.* In evaluating all land use permit applications, the zoning authority shall require the property owner to address, when appropriate, stormwater runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
- (f) *Proof of restriction recordation.* When a restriction is required by this article, the city shall provide evidence that such a restriction has been recorded to the city planner prior to issuance of the permit.
- (g) *Lapse; extensions.* Unless extended by the city planner, where a land use permit has been issued but no action in reliance on it has occurred within 24 months, the land use permit shall be null and void. The city planner may extend the time limits for good cause. A second extension shall require a new fee.
- (h) *Time for completion of work authorized by permit.* Once action on a permit has commenced, all work on the project, including the exterior finish, shall be completed within 24 months, unless otherwise approved by the planning and zoning commission.
- (i) *Reservations.* Granting of a land use permit shall not be considered a statement of compliance with regional, state or federal codes, statutes, or laws, or approval of the design of the structure or accessories, or description or survey of the property. Subsequent actions of the city planner shall not be considered acceptance of structural components or workmanship, but rather shall be for the purpose of determining general compliance with this article.

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- (j) *Violations terminate permit; appeal.* If the city planner determines, in writing that any violation of the permit or any section of the ordinance has occurred, the permit shall immediately become null and void. Such a determination shall be appealable to the board of adjustments, which shall consider the matter at its next meeting.

(Code 2016, § 4.13.8; Ord. No. 4 (Third Series) , § 2(4.13.8), 7-20-2016)

Secs. 20-658—20-687. Reserved.

DIVISION 4. AMENDMENTS

Sec. 20-688. When appropriate; procedure.

- (a) *Generally.* The city council may adopt amendments by majority of the full council to either city zoning regulations or zoning map in relation to the land uses within a district or the boundaries of the districts. Such amendments shall not be issued indiscriminately but shall only be used as a means to reflect changes in the goals of the community or changes in the conditions of the city.
- (b) *Initiation.* An amendment may be initiated by the council, the planning and zoning commission or by the property owner. The city planner shall review the proposed amendment and make a recommendation to the planning and zoning commission.
- (c) *Notice to adjacent property owners and the DNR.* The planning and zoning commission shall cause all property owners within 350 feet of the proposed district change to be notified by regular mail and shall publish a hearing notice for either a change in city zoning regulations in the legal section of the official newspaper and if the proposed change is in shorelands, shall provide notice to the DNR postmarked at least ten days ahead of the public hearing.
- (d) *Hearing before planning and zoning commission; exception for map amendments.* The planning and zoning commission shall hold the hearing and make a recommendation to the city council within 60 days of the date of application. Adoption of a new zoning map shall require published notice only.
- (e) *Review of recommendation by city council.* The city council shall review the recommendations and shall make a timely decision. An amendment requires a majority vote of the full council to be enacted.
- (f) *Review criteria.* The planning and zoning commission and city council shall consider the following criteria prior to deciding on any rezoning of land.
- (1) Preservation of natural sensitive areas;
 - (2) Present ownership and development;
 - (3) Shoreland soil types and their engineering capabilities;
 - (4) Topographic characteristic;
 - (5) Vegetative cover;
 - (6) In-water physical characteristics;
 - (7) Recreational use of surface water;
 - (8) Road and service center accessibility;
 - (9) Socio-economic development needs of the public;
 - (10) Availability of public sewer;

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- (11) The necessity to preserve and restore certain areas having significant historical or ecological value;
 - (12) Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties;
 - (13) Alternatives available for desired land use;
 - (14) Prevention of spot zoning; and
 - (15) Conformity to the city land use plan.
- (g) *Publication of amendment; copy to the DNR.* The city clerk shall publish a summary of the text of the change or description of boundary change or a new zoning map whichever is appropriate in the official newspaper within one week after action by the council and shall send a copy to the DNR if the change affects shorelands.

(Code 2016, § 4.15.4)

Sec. 20-689. Lake classification amendments.

The city council may adopt multiple shoreland classifications to a single body of water by resolution. Such resolution shall not be passed indiscriminately but shall only be adopted upon a determination that such action is necessary to address a unique situation. The procedure for making a determination on the necessity of a multiple lake classification is as follows:

- (1) *Study of water body; notice.* A study of the water body shall be initiated by the city council. The planning and zoning commission or any property owners may petition the council for such a study. A petition shall not compel the council to proceed. Prior to commencing a study of the water body, the commission shall be notified of the city's intent to commence the study.
- (2) *Study oversight; features examined.* The study shall be prepared by the city planner and overseen by the planning and zoning commission. The study shall determine whether the lake has an irregular natural shoreline configuration, possesses two or more bays, arms, islands, peninsulas or points, or the lake has been artificially segmented by roadways, railways, bridges or levees. If none of these conditions exist, multiple shoreland classification shall not be applied to the lake.
- (3) *Recommendation; references.* If the conditions listed in subsection (2) of this section exist, a recommendation shall be made as to the appropriate lake classification for each segment identified. The recommendation shall be based on references to the following:
 - a. The records and files of the DNR, including maps, lists, and other products of the protected waters inventory;
 - b. Data and publications of the DNR Shoreland Update Project, DNR Bulletin No. 25 (1968);
 - c. Supplementary Report No. 1, Shoreland Management Classification System for Public Waters (1976), by the DNR Division of Waters;
 - d. Minnesota's Lakeshore, Part 2, Statistical Summary, Department of Geography, University of Minnesota;
 - e. Any additional supporting data supplied by the DNR.
- (4) *Notice of hearing to adjacent property owners and the DNR.* Upon receipt of the study, the planning and zoning commission shall cause all property owners within a minimum of 500 feet of the shoreline

proposed to be reclassified to be notified by regular mail and shall publish a hearing notice for in the legal section of the official newspaper and shall provide notice and proposed reclassification to the DNR at least ten days ahead of the public hearing.

- (5) *Commission hearing and recommendation.* The planning and zoning commission shall hold the hearing and make a recommendation to the city council.
- (6) *Reviewing and determination by city council.* The city council shall review the recommendation and shall make a decision within 60 days of receiving the recommendation from the planning and zoning commission. A majority vote to reclassify shall be done by resolution.
- (7) *Review by the DNR; copy of resolution to be provided to the DNR.* When a resolution to reclassify is adopted, the city clerk shall forward the resolution to the DNR for review and approval.
- (8) *Publication or reclassification.* When approved by the DNR, the city clerk shall publish a description of reclassified area or a map showing the change, whichever is appropriate, in the official newspaper within 30 days of a response from the DNR.
- (9) *Notice of denial by the DNR.* When a reclassification is denied, the city clerk shall notify property owners of the DNR's decision.

(Code 2016, § 4.15.5)

Sec. 20-690. Form of notices; effect of failure to receive notice.

Notices for all public hearings required, as part of this notices shall include the legal description for the subject property, the description of the proposed action under consideration, the location, time and date for the public hearing. All notices shall be given in accordance with the requirements set forth in state law. Failure to receive notice called for by this article shall not invalidate any action taken by the city so long as the city acted reasonably in its attempt to provide such notice.

(Code 2016, § 4.15.6)

Secs. 20-691—20-699. Reserved.

Section 20-700. Definitions.

1. The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

Abandoned building means a building on public or private property which no longer serves a practical use and is considered a safety hazard in the opinion of the city planner due to its location or structural condition.

Abandoned motor vehicle means a motor vehicle, as defined in M.S.A. § 168B.011, that:

- (1) Has remained on public property in an inoperable condition for more than 48 hours;
- (2) Has remained illegally on private property, for a period of time as determined under M.S.A. § 168B.04(2), without the permission of the owner; or
- (3) Lacks vital component parts or is in an inoperable condition such that it has no substantial potential for further use consistent with its usual functions unless it is kept in an enclosed garage or storage building.

Accessory use or accessory structure means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, including tower antennas, dish antennas exceeding 36 inches in diameter, swimming pools, wind generators, garages, sheds, boathouses, and similar structures. The terms "accessory use" or "accessory structure" does not include a guest cabin or guest quarters.

Agricultural use means the use of land for the growing or production of crops, or livestock products for the production of income, including incidental retail sales of produce and animal products.

Air puppet means a dynamic inflated device or sign intended to advertise or draw attention, and made of lightweight material supported by helium, hot or pressurized air, and greater than 11 inches in diameter.



Allowable dwelling unit means a dwelling unit that would be allowed as per a planned unit development density analysis.

Animal husbandry means the care and breeding of domestic animals such as cattle, hogs, sheep, horses, and poultry.

Animal unit means a unit of measure based on the approximate production of wastes, as follows:

Table 20-2. Approximate Production of Animal Wastes

<i>Animal</i>	<i>Animal Unit</i>
One slaughter weight steer or heifer	1.0
One mature dairy cow or horse	1.4
One swine over 55 lbs.	0.4
One sheep	0.1
One dog	0.1
One goose	0.1
One duck	0.02
One turkey	0.018
One chicken	0.01
One cat	0.05

Antenna means a device used to transmit or receive telecommunication, television or radio signals, or electromagnetic waves between terrestrially or orbit ally-based structures directly or indirectly related to wireless personal communication services and cellular services.

Auto salvage yard means a lot or yard where three or more unlicensed motor vehicles are stored while parts are removed, where crushing occurs, or where storage pending part removal and crushing may occur.

Banner means a rectangular sign made of vinyl, canvas, or similar flexible material that is not intended to be permanently mounted to a pole or a building.



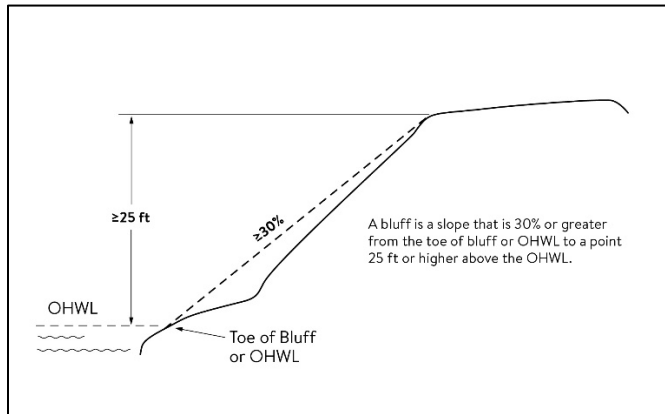
Bed and breakfast inn means a dwelling other than a resort or hotel where nightly accommodations, including food services, are provided for compensation, containing up to six separate rental rooms.

Block means an area of land bounded by streets, exterior boundary lines or bodies of water.

Bluff means a topographic feature such as a hill, cliff, or embankment having all the following characteristics:

- (1) Part or all of the feature is located in shoreland area;
- (2) A slope rises at least 25 feet above the ordinary highwater level of the water body;
- (3) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary highwater level averages 30 percent or greater; and
- (4) The slope drains toward the water body.

An area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff.



Bluff impact zone means the area of a bluff between the toe of the bluff and the top of the bluff and land located within 30 feet from the top of a bluff.

Bluff, Toe - For the purpose of measuring setbacks, the point at the bottom of a bluff that is the lower end of a 50 foot segment with an average slope exceeding 18 percent or is the OHWL, whichever is higher

Bluff, Top - For the purpose of measuring setbacks, the point at the upper end of a bluff that is the higher end of a 50 foot segment with an average slope exceeding 18 percent

Buffer, Shoreline - Riparian land that is used to protect adjacent lands and waters from development and more intensive land uses. The land is kept in a natural state of trees, shrubs, and low ground cover and understory of plants and functions to filter runoff, control sediment and nutrient movement, and protect fish and wildlife habitat.

Boathouse means a structure designed and used solely for the storage of boats or boating equipment.

Boardwalk – an elevated walkway used to access public waters over riparian wetlands. For the purpose of this ordinance, this definition applies to land above the OHWL of a public water.

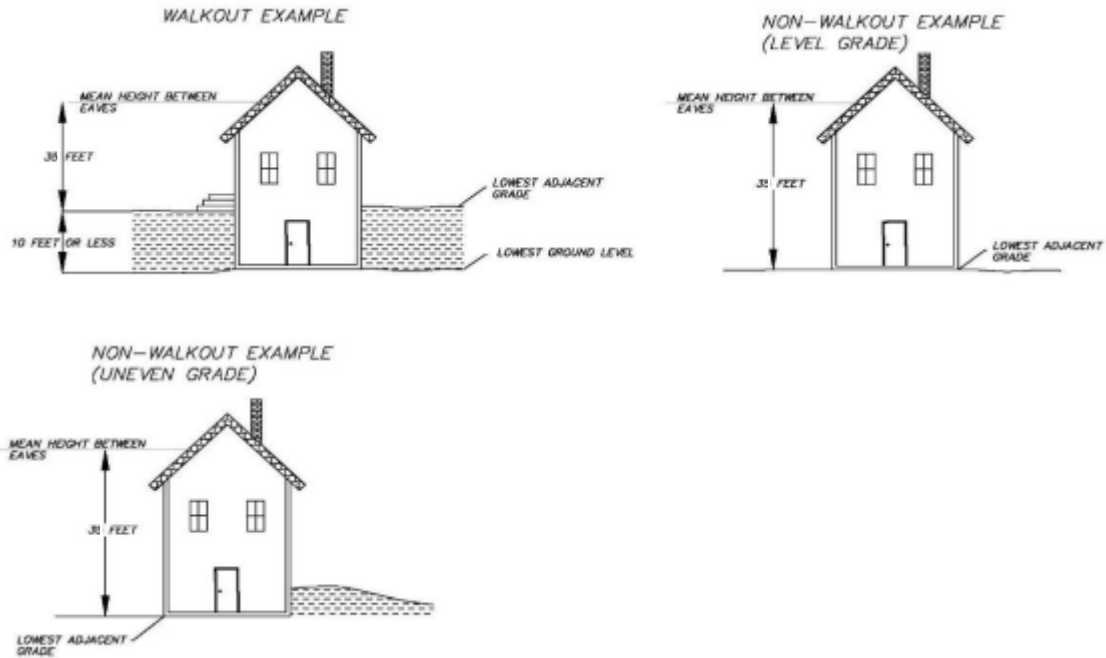
Board of adjustment means the Planning and Zoning Commission, appointed by the city council, to hear appeals from actions of the city planner or zoning inspector and variance requests.

Buildable area The minimum required area remaining on a newly created parcel of land or platted lot after all public road rights-of- way, road easements, setbacks, and wetlands are subtracted. In the Shoreland, all land below the ordinary high water level (OHWL) of public waters, bluffs, and floodways shall also be subtracted.

Buildable lot means a preexisting lot for which a deed, recorded contract for deed or other legal conveyance or plat has been recorded prior to the effective date of the city zoning regulations or a lot legally created under the provisions of this Code.

Building means any structure having a roof, or completely enclosing and roofing an area for the purpose of sheltering persons, animals, or property.

Building Height – The vertical distance between the lowest adjacent grade at the structure or ten feet above the lowest ground level whichever is lower, and the highest point of a flat roof or mean height between the eaves and the ridge for gable, hip, mansard, gambrel, or other pitched or hipped roofs.



Building line means a line parallel to a lot line or the ordinary highwater level at the required setback beyond which a structure may not extend.

Building official means the person authorized by the state building code to administer building permits and appointed by the city council (who may be the same person as the city planner).

Building width means the smallest dimension of the major portion of the building.

Campground means a land use consisting of designated campsites with appropriate facilities designed for temporary occupation by tents or recreational vehicles with single ownership, management services and with site rentals.

Campsite means a parcel or site within a resort or campground designated for the occupancy of one family on a periodic basis in a tent or recreational vehicle.

CIC plat means a final common interest community plat.

City sewer or water systems means a system of municipally maintained utilities approved by the state and serving more than one building or property.

Clustering or clustered means a development pattern and technique whereby structures or building sites are arranged in close proximity to one another in non-linear groups, adjacent to permanently preserved common open space, so as to make efficient and visually aesthetic use of the natural features of the landscape and maximize visualization of permanently preserved open space.

Commercial storage unit means a building, room, or racking rented to customers for the purpose of storage.

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

Commissioner Is the Commissioner of the Department of Natural Resources or his/her authorized representative.

Comprehensive plan means a compilation of goals, policy statements, standards, programs, and maps for guiding the physical, social, and economic development of the city.

Conditional use means a land use or development as defined by ordinance that would not be appropriate without restriction, but may specifically be allowed with appropriate restrictions or conditions as determined by the planning and zoning commission upon a finding that:

- (1) The use or development is an appropriate conditional use in the land use district;
- (2) The use or development with conditions conforms to the comprehensive plan;
- (3) The use with conditions is compatible with the existing neighborhood; and
- (4) The use with conditions would not be injurious to public health, safety, decency, order, comfort, convenience, appearance, or prosperity.

Condominium ownership means a form of ownership within a multi-owner building or complex wherein the boundaries are defined by a condominium plat in accordance with the Uniform Condominium Act, M.S.A. ch. 515A.

Controlled access lot means a privately owned riparian lot meeting the standards for a buildable lot, owned by more than one owner in undivided interest, provided with facilities and used for access, and not containing a dwelling.

Cul-de-sac means the circular turn around at the end of a street with only one outlet.

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

Dirt Moving/Grading/Excavation - Any movement, excavation, grading, or filling of dirt on a lot.

DNR means the Minnesota Department of Natural Resources.

Driveway means a private or public roadway providing access for vehicles to a street or highway from a structure.

Duplex, triplex, or quad means a dwelling structure on a single lot having two, three, or four dwelling units respectively attached by common walls with each unit being equipped with separate sleeping, cooking, eating, living, and interior sanitation facilities.

Dwelling, guest cabin, means a free-standing structure, not for sale or lease, that contains sleeping spaces and functioning bathroom facilities in addition to those provided in the primary dwelling on the lot. A guest cabin shall not be permitted if guest quarters exist on the lot.

Dwelling, guest quarters, means the second story of a detached accessory structure, not for sale or lease, that contains sleeping spaces and bathroom facilities in addition to those provided in the primary dwelling on the lot. Guest quarters shall not be permitted if a guest cabin exists on the lot.

Dwelling, multifamily, means two or more dwelling units attached together by any point including duplexes, triplexes, townhouses, and multi-level units regardless of type of ownership.

Dwelling, single-family, a detached residence designed for or occupied by one family only.

Dwelling site means a designated location for residential use by one or more persons using temporary or movable shelter including camping and recreational vehicle sites. The term "dwelling site" includes campsites.

Dwelling unit means a structure or portion of a structure or other shelter designed as short- or long-term living quarters for one or more persons including rental or time share accommodations such as motel, hotel, resort rooms, and resort cabins, including accommodations for one family.

Easement means a grant by a property owner for the use of a strip of land for the purpose of construction and maintenance of utilities including, but not limited to, sewers, water mains, electric lines, telephone lines, storm sewer, or drainageways and gas lines.

EAW means environmental assessment worksheet.

EIS means environmental impact statement.

Engineer means the engineer duly appointed by the council to perform technical services for the city.

Expansion - Any increase in a dimension such as number of units, size, area, volume, or height, or increase in the area of use, or placement of a structure.

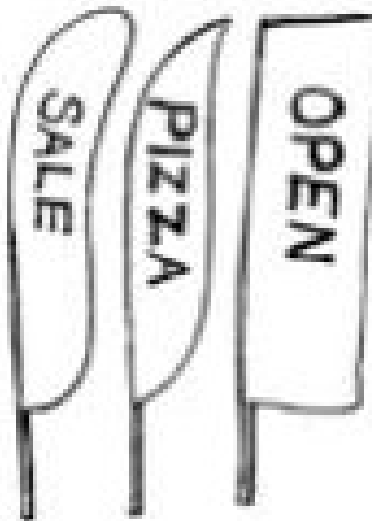
Exterior finish means the final exterior covering of a structure including, but not limited to, brick, natural stone, glass, specialty concrete block such as textured, burnished block or rock faced block, architecturally pre-cast textured concrete panels, masonry stucco, vinyl, steel siding, exterior finish installation system (EFIS), ceramic, glass block or wood (exterior finished grade).

Exterior storage means storage of goods, materials, equipment, manufactured products outside of a fully enclosed building.

Extractive use means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, metallic or nonmetallic minerals or peat.

Family means an individual, or two or more persons related by blood, marriage or adoption, living together in a dwelling unit or a group of not more than six persons, not so related, maintaining a common household.

Feather flag means a portable sign that contains a harpoon-style pole or staff driven into the ground for support, supported by means of an individual stand, or attached to a building.



Fence means a partition, wall, or gate erected as a divider, marker, barrier, or enclosure on a property boundary, or a barrier, screen, or enclosure within the property.

Final common interest community plat means a drawing prepared by a registered professional land surveyor or registered professional architect as to the parts of a plat prepared by each, depicting the condominium subdivision of real estate and related information conforming to the requirements of the Minnesota Common Interest Ownership Act, M.S.A. ch. 515B.

Final condominium plat means a drawing prepared by a registered architect, registered engineer, or registered land surveyor depicting the condominium subdivision of real estate and related information conforming to the requirements of M.S.A. § 515.A.2-110.

Final plat means a drawing prepared by a registered land surveyor depicting the subdivision of real estate and related information conforming to the requirements of M.S.A. ch. 505 (plats, coordinates and surveys) or the Minnesota Condominium Act, M.S.A. ch. 515.

Flag means any fabric or similar lightweight material attached at no more than two corners of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices or text. Flags more than three times as long as any other dimension are considered banners and specifically excluded from this definition. In addition, the term "flag" includes only flags attached to a building and not flags attached to a pole anchored in the ground.



Floodplain means the areas adjoining a watercourse, intermittent or permanently flowing, which have been or will be covered by the runoff waters of a storm with a one percent chance of occurrence any year (100-year storm).

Floodway means the channel of the watercourse and those portions of the adjoining floodplain, which are reasonable required to carry and discharge the regional flood (100-year chance of occurrence).

Floor area means the sum of the gross horizontal areas to the several interior floors of a building excluding basements not used for occupancy.

Forest land conversion means the clear cutting of forested lands to prepare for a new land use other than the re-establishment of a subsequent forest stands.

Foundation means a concrete, concrete and block, or treated wood portion of a structure which totally encloses the perimeter of the structure, supports the bearing loads of the super structure and penetrates the ground to provide frost protection.

Green space means privately owned property permanently dedicated by covenant to vegetative ground coverage with allowance for recreational facilities, tree coverage or watercourses, water supply, sewage disposal and drives or public property dedicated to park, vegetative buffer, tree coverage, or similar uses.

Half street means a street containing half of the required right-of-way, with the intention of adding the additional right-of-way at a future date from an adjacent property.

Home Business - A use of a commercial nature conducted by occupants of a single family dwelling and/or employees that do not reside in the dwelling which may be conducted inside as well as outside the dwelling or accessory buildings, where the use is clearly incidental and secondary to the use of the dwelling for residential purposes. This includes but is not limited to people coming to the property for the purposes of conducting business activities, day care activities, salons, retail sales and any space open to the public for commercial use.

Home occupation means a use of commercial nature conducted by occupants of a single family dwelling entirely within the dwelling or accessory structures, of which the use is clearly incidental and secondary to the use of the dwelling or accessory structures for residential purposes. For the purposes of this ordinance, on-site retail services are not allowed as well as use of any space open to the public for commercial use.

Ice Ridge, Annual - A linear mound of lakebed materials pushed up onto the lakeshore by the action of ice within a calendar year.

Ice Ridge, Historic - A linear mound of lakebed materials pushed up onto the lakeshore by the action of ice over a period of two or more years upon which well-established herbaceous and woody vegetation is growing.

Impervious surface A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; sidewalks; patios; parking lots; storage areas; concrete, asphalt, or gravel driveways; and other similar surfaces.

Industrial use means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities or other wholesale items.

Inflatable means a static inflated device or sign intended to advertise or draw attention, and made of lightweight material supported by helium, hot or pressurized air, and greater than 11 inches in diameter.





Intensive vegetation clearing means the complete removal of trees or shrubs in a continuous path, strip, row, or block.

Interim uses means a temporary use of a property until a particular date, until the occurrence of a particular event or until zoning regulations no longer permit it. Interim uses may be granted in accordance with M.S.A. § 462.3597 and are processed in the same manner as conditional uses.

Interval ownership means a form of ownership of real property, condominium land or space further defined by time interval reoccurring each year, resulting in more than one owner of the same property, also known as timeshare.

Junkyard means an area where used waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleared, 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 materials in conjunction with the construction or a manufacturing process are not included. Three or more automobiles without current licenses constitute a junkyard. The term "junkyard" shall not include accumulations of putrescent wastes such as garbage.

Lake classification means the formal classification by the DNR of each body of public waters within the city.

Landscaping means the placement of trees, shrubs, grass, and walls and earth mounds or the utilization of existing natural vegetative cover equal thereto.

Land use permit means a permit issued by the city planner to allow the construction of a structure or to allow a land use when the provisions of this chapter have been met, when approval of any conditional use permits or variances has been granted and when the fees are paid. A land use permit may have administrative conditions specific to the subject site when provided by the ordinance.

Large portable sign means a portable sign, made of rigid material, larger than eight square feet which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such sign.



Leaseback by owner means an arrangement between an owner of property and a leasing agent or resort, to promote and operate the property for rental purposes.

LEED means the Leadership in Energy and Environmental Design rating system promulgated by the United States Green Building Council.

Litter means waste materials including, but not limited to, cans, bottles, plastic, and paper wrappings or containers.

Lot means a parcel of land designated by plat, metes and bounds, registered land survey, auditor's plat or other accepted means and separated from other parcels or portions by the description for the purpose of use, occupancy, sale, lease, mortgage, building, or separation.

Lot area - square footage or acreage included within the boundaries of a parcel or platted lot. For riparian lots, land above the Ordinary High Water Level.

Lot, corner, means a lot situated at the junction of and abutting on two or more intersecting streets or a lot at the point deflection in alignment of one street with the internal angle less than 135 degrees.

Lot, front, means the boundary of a lot which abuts on a public right-of-way, or if a corner lot, the shortest of the two boundaries. If the lot abuts public water, the lakeside shall be considered the lot front.

Lot, preexisting, means a lot which is one unit of a subdivision plat heretofore duly approved and filed or one unit of an auditor's subdivision, or registered land survey, or a lot created by metes and bounds, any of which has been recorded in the office of the county recorder prior to the effective date of the ordinance from which this chapter is derived.

Lot line means the property lines bounding a lot except that where the description extends into a public right-of-way, the right-of-way line shall be considered the lot line.

Lot – Riparian – A lot that abuts a public waters.

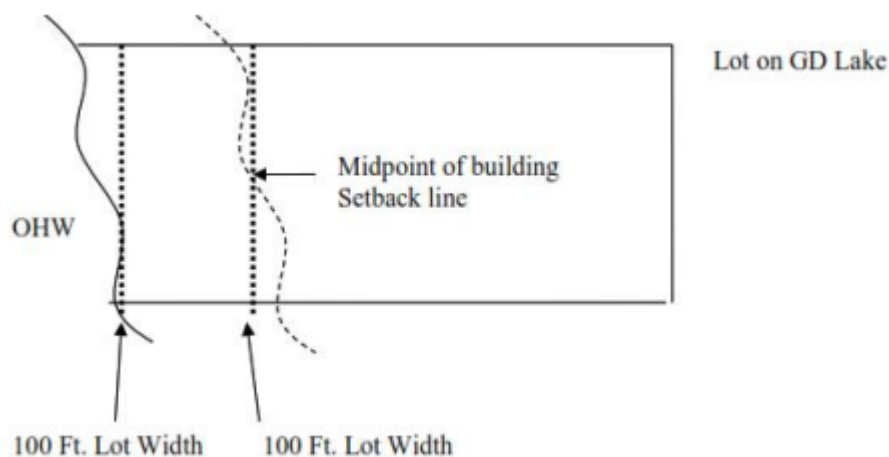
Lot – Non-Riparian -A lot that does not abut public waters.

Lot tier depth means the lot depth of a normal lot conforming to the shoreland requirements:

- (1) General development lake, first tier, 200 feet;
- (2) Second and additional tiers, 267 feet;
- (3) Recreational development lake, all tiers, 267 feet; and
- (4) Natural environment lake, all tiers, 400 feet.

Lot tiers means successive strips of land parallel with the ordinary highwater line, each one-tier depth wide, and extending across the parcel.

Lot width means the shortest distance between lot lines measured and at the midpoint of the building line and at the OHW for all riparian lots.



Manufactured home means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air

conditioning, and electrical systems contained therein; except that the term "manufactured home" includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by state law and complies with the standards established under the state Manufactured Home Building Code, M.S.A. ch. 327.

Manufactured housing development means a form of planned unit development designed for manufactured homes and including two possible types of ownership: single ownership with site rentals or individual site ownership with a homeowner's association owning common property.

Metes and bounds means descriptions of property and descriptions of lots other than lots in recorded subdivision plats.

Motel or hotel means a commercial business with a central management to provide lodging which may provide related facilities such as restaurants, bars, and other recreational amenities but not including bed and breakfast inns.

Nonconformity or nonconforming means 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 now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

Nuisance means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses, such as excessive smoke, odor, noise, heat, vibration, glare, traffic generation, visual impact, and other similar interferences or offenses.

NWI means National Wetland Inventory.

Official signs and notices means signs and notices erected and maintained by public officers or public agencies within their territorial jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state or local law for the purposes of carrying out an official duty or responsibility.

Open space means land area designated as reserved from development.

Ordinary highwater level (OHWL) means the boundary of public waters and wetlands consisting of an elevation delineating the highest water level which has been maintained for sufficient period of time to leave evidence on the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominately terrestrial. The ordinary highwater level of a watercourse is the level determined by the DNR or, in the absence of a DNR determination, the elevation of the top of the bank of the channel or, for reservoir and flowages, the operating elevation of a normal summer pool.

OSND means an open space neighborhood design.

Outlot means a lot remnant or any parcel of land included in a plat, which may be used as open space. An outlot may be a large tract that could be subdivided in the future or a tract too small to comply with the minimum size requirements of zoning and subdivision regulations or otherwise unsuitable for development and, therefore, not usable as a building site as it currently exists.

Parking space means a site off public right-of-way, maintained and sized to be occupied by one automobile.

Party wall or floor means the structural divider between dwelling units vertically or horizontally, respectively.

Passive recreation means outdoor activities that include walking, hiking, cross-country skiing, horseback riding, and other non-motorized recreational activities that do not materially alter the landscape, degrade environmental quality, or involve commercial recreational use.

Patio means an uncovered, unscreened platform that is adjacent to a dwelling, or free standing, that is covered with a pervious or an impervious surface such as asphalt, paving stones, wood, or other approved material with ground level being its highest point.

Pennant means a series of typically polygonal shaped flexible material attached along a canvas or rope line, hung at either end, to attract attention.



Permitted use means a land use conforming to the character of a district, which is permitted by ordinance requiring only a land use permit or shoreland alteration permit issued by the city planner.

Personal wireless services means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

Personal wireless service facilities means facilities for the provision of personal wireless services.

Pet means an animal, bird, reptile or fish commonly associated with human habitation, not considered under the category of animal husbandry and not raised for production of income.

Planned unit development (PUD) means a land use or development pattern characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also involving clustering of these units or sites to provide areas of common green space, density increase, and mix of structure types and land uses. These developments may be organized and operated as condominiums, time share condominiums, cooperatives, full free ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential, condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses. An OSND pattern is a planned unit development.

Planner - the duly appointed person responsible for the enforcement and administration of this chapter of city code.

Pool - any in ground structure, chamber, or tank containing an artificial body of water for swimming, diving, relaxation, or recreational use including special purpose pools.

Practical difficulties Pursuant to MN Statutes 462.357 Subd. 6(2) when used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the property owner is due to circumstances unique to the property not created by the property owner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

Preliminary plan and *preliminary condominium plat* mean plans prepared in accordance with the city's subdivision regulations depicting the proposed subdivision of property by final plat or condominium plat.

Principal structure or use means the single primary structure or use on a lot, as distinguished from accessory uses or accessory structures.

Protective covenants mean restrictions placed on the property by the owner and duly filed with the county recorder. Protective covenants may also be used in planned unit developments to establish homeowners' associations, restrict shoreline development and provide for common facilities.

Public utility means persons, corporations or governments supplying gas, electric, transportation, water, sewer, or landline telephone service to the general public. Commercial wireless telecommunication services are defined separately and shall not be considered public utility uses under this definition.

Public waters. Lakes, rivers, streams and wetlands as designated under M.S.A. § 103G.005(15 & 15a) including any lakes or wetlands listed in the DNR Public Waters Inventory as well as any lake, river or stream listed in this ordinance. However, that no lake, pond, or flowage of less than ten acres in size within the city need be regulated for the purposes of the shoreland management rules and regulations.

Recreational vehicle means vehicles including trailers less than eight feet wide or containing less than 320 square feet, which are designed to be occupied as living quarters, and capable of being licensed by the state for highway purposes.

Replacement tree means a tree (independent of species) that has a trunk diameter of two inches or more, measured three feet from the ground and has a height of eight feet or more. The species selected shall be capable of growing to a height of at least 15 feet.

Residential real estate means a new or existing building constructed for habitation by one to four families and includes detached garages.

Resort means a commercial establishment, regardless of ownership arrangement, that includes buildings, campgrounds, lodges, structures, dwelling units or sites, enclosures or any part thereof that are kept, used, maintained or advertised as or held out to the public to be a place where sleeping accommodations are furnished to the public and primarily to those seeking recreation, for periods of one day, one week, or longer, and having for rent three or more cabins, rooms, campsites, or enclosures. These establishments must be primarily service-oriented for transient lodging of guests. All cabins, rooms, dwelling units/sites, or enclosures must be included in the resort rental business. In order to qualify as a resort pursuant to this definition, a resort shall also be fully licensed and permitted under appropriate state and local regulations. The entire parcel of land must be controlled and managed by the licensee.

Resort, fractional ownership, means a resort where the ownership is divided amongst multiple property owners, typically through the direct sale of individual resort units or a share of an individual resort unit.

Restaurant means an establishment having facilities for serving meals at tables to the general public, in consideration of payment therefor, and which employs adequate staff to provide the usual, customary and suitable service to guests.

Restaurant, formula, means a restaurant or establishment that is contractually required to offer standardized menus and ingredients and where the exterior or interior design and which serves or delivers food or beverages in disposable containers.

Retaining Wall - a structure designed to contain, support or prevent the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another.

Right-of-way means a parcel of property dedicated to the public, connecting to other public right-of- ways, which afford primary access by pedestrians and vehicles to abutting properties.

Riparian property means land that abuts the edge of a lake, river, stream or wetland adjacent to the edge of a lake, river or stream.

Riparian rights mean the rights of access for navigation, withdrawal of a reasonable amount of water and similar activities, which belong to the owner of land adjacent to a lake or stream.

Riparian Use Area -the surface water including the bottom of a lake, river or stream adjacent to riparian property that is determined by extending the property lines over the surface water at the same angle on land.

Sand Blanket – a layer of sand placed on land that is considered non-wetland for the purpose of creating a recreational use area. This definition applied to riparian and non-riparian parcels of land.

School means a building or space that is principally used as a place where persons receive educational instruction.

Semi-public use means the use of land by private nonprofit organizations to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization, including, for this chapter, a PUD.

Sensitive resource management means the preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding or occurrence of flora or fauna in need of special protection.

Setback means the minimum horizontal distance between a structure, sewage treatment system, well or other facility and an ordinary highwater level, sewage treatment system, well, top of bluff, road, highway, property line or other facility. Three feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over four feet wide may protrude into the setback.

Setback, interior lot, in a PUD, means the closest horizontal distance between the lot line and the foundation or wall of a structure when the lot line is not the exterior boundary of the development. Three feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over four feet wide may protrude into the setback.

Setback, road, means the closest horizontal distance between the road right-of-way line and the foundation or wall of a structure. Three feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over four feet wide may protrude into the setback.

Setback, side, exterior, means the closest horizontal distance between the exterior boundary side lot line and foundation or wall of a structure. This setback takes precedence over setback, interior lot, where any conflict exists. Three feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over four feet wide may protrude into the setback.

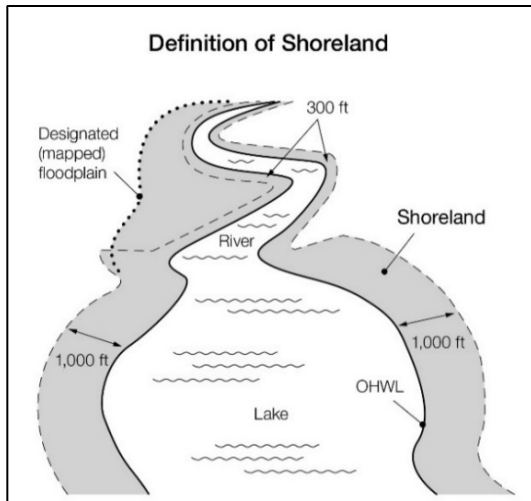
Setback, waterfront, means the closest horizontal distance between the ordinary highwater mark and the foundation or wall or edge of a structure. Three feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over four feet wide may protrude into the setback.

Sewer system (Public) means pipelines or conduits, pumping stations and force mains and all other constructions, devices, appliances or appurtenances used for conducting sewage or industrial waste or other waste to a point of ultimate disposal.

Shore impact zone 1 means land located between the ordinary highwater level of a public water and a line parallel to it at a setback of 50 percent of the normal structure setback.

Shore Impact Zone 2 - Land located between shore impact zone 1 and the structure setback line.

Shoreland means land located within 1,000 feet from the ordinary highwater level of a lake, pond, or flowage or within 300 feet or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater.



Shoreland Alteration Permit – A permit approved by the Planner that is required for dirt moving activities and amounts and the construction of certain structures such as but not limited to water oriented accessory structures, stairways, walkways, lifts, landings, retaining walls, ria rap, shoreline use areas including sand blankets, at grade patios, boardwalks, watercraft access ramps in the shoreland zoning district with the primary area being shore impact zone 1 and 2

Shoreland Buffer Zone (SBZ) – The area between the shoreland protection zone and the 1,000 foot end of the shoreland residential district for lakes and the 300 foot end of the shoreland residential district for streams and rivers.

Shoreland Protection Zone (SPZ) - The area between the ordinary high water level (OHWL) of a public water and a line parallel to the OHWL at:

- a. 500 feet from a lake or pond, or;
- b. 150 feet of a river or stream

Shoreline property means a lot directly abutting a public water, generally located in the first lot tier adjoining the public water.

Shoreline Rapid Assessment Model (SRAM) - A process and criteria incorporated herein by reference and used by the Department to determine the extent of natural vegetation present on a lot, the degree of natural protection that a shoreline has, and options for property owners to bring their shoreline into compliance in conjunction with permit or variance applications.

Sidewalk sign means a portable sign, made of rigid material, no larger than eight square feet on one side that is capable of standing without support or attachment, such as sandwich boards and A-frame signs.



Sign means a name, identification, description, display, illustration, advertisement, or device which is displayed for the purpose of attracting attention to a person, product, place, activity, institution, or business. Signs also include, but are not limited to:

- (1) Banners: a canvas, fabric, cloth, plastic or other flexible material hung to display a message;
- (2) Streamers: a canvas, fabric, cloth, plastic or other flexible material typically attached to a vertical pole to attract attention and display a message;
- (3) Pendants: a series of typically triangular shaped flexible material attached along a canvas or rope line, hung at either end, to attract attention; and
- (4) Temporary signs: typically consisting of plastic, metal, aluminum or wood materials on wheels or supports that is intended to be set in place for a temporary period of time.

Sign, area identification, means any sign identifying the name of a neighborhood, residential subdivision, PUD or similar area.

Sign, business, means sign which directs attention to a business, commodity, service, activity or entertainment sold or offered upon the premises where such sign is located.

Sign, construction, means a temporary sign erected during construction on the premises of the site where the construction is taking place indicating the names the architects, engineers, landscape architects, contractors or

similar artisans, or the owners, financial supporters, sponsors and similar individuals for firms having a role or interest with respect to the structure or project.

Sign, dynamic display, means any sign capable of displaying words, symbols, figures or images that can be electronically or mechanically moved or changed by remote, automatic, or electronic means but not including merely the ability to turn the sign on and off.

Sign, freestanding, means any permanent sign and its supporting framework that is anchored in the ground, and which is independent from any building or other structure but not including large portable signs.

Sign, home occupation, means any sign designating a home occupation when such sign is located on the premises of the residential property where the business is being conducted.

Sign, internal directional, means a sign which serves solely to designate the direction of any place or area located on the same lot as the place or area necessary for the orderly movement of traffic or providing necessary direction to users of the site. Examples include parking lot entrance and exit signs, directional signs to holes within a golf course, and similar signs.

Sign, internal identification, means a sign that has a purpose secondary to the use of the lot on which it is located, such as "telephone," "drive-up window," "cash machine," "air" and similar directives.

Sign, multifamily building identification, means a sign indicating information related to the name, address, ownership, and other incidental property information for a multifamily dwelling complex located on the premises of the complex.

Sign, obsolete, means a sign which identifies or advertises an activity, business, product, service or special event no longer produced, conducted, performed or sold on the premises upon which sign is located, except signs of historical character.

Sign, off-site, means any sign not located on the contiguously owned property with the use which is advertised.

Sign, on-site, means any sign located on the contiguously owned property with the use which is advertised.

Sign, nameplate, means any sign indicating the name, address and other noncommercial messages on a residential property.

Sign, political, means a temporary sign advertising election issues or the candidacy of a person running for office.

Sign, portable, means any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed, and the remaining chassis or support converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such sign.

Sign, protruding, means any sign which is affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building wall or face.



Sign, real estate, means any sign which announces the sale, rental or lease of property by the owner of the property or real estate company when such sign is located on the site of property being advertised.

Sign, semi-public directional, means a sign displaying directional information for churches, schools, hospitals, nursing homes, clubs, libraries or similar uses (excluding office of commercial establishments) not necessarily located on the site of the use being advertised.

Sign, semi-public identification, means a sign displaying identification information for churches, schools, hospitals, nursing homes, clubs, offices, libraries or similar uses when located on the site of the use for which the sign is intended.

Sign, temporary, means a sign affixed, erected or maintained on a premise or lot for a limited amount of time, including, but not limited to, banners, pennants, streamers, feather flags, flags, sidewalk signs, large portable signs, inflatables, yard signs, or similar displays.

Sign, wall, means a sign attached parallel to, painted on the surface of, or erected within the limits of an outside wall of any building or structure, which is supported by such wall or structure and projects six inches or less from the surface, and which displays only one sign surface.

Sign, waterfront business entrance, means a sign located at the principal entrance for a resort, golf course or other recreational facility within the CW district.

Sign, waterfront business identification, means a sign placed within the shore impact zone conveying only information relating to the location of, general types of goods and services available at, and name of an establishment in the CW district that depends on patrons arriving by boat. Other detailed information such as product brands and prices are prohibited on a waterfront business sign.

Significant historical site means any archeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historical Places, or is listed in the state register of historical sites or is determined to be an unplatted cemetery that falls under the provisions of M.S.A. § 307.08. A historical 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 state archeologist or the director of the state historical society. All unplatted cemeteries are automatically considered to be significant historical sites.

Sketch plan review means a preliminary discussion and review of a proposal in sketch plan form between the proposer and the planning and zoning commission to educate the commission as to the intent of the proposer, and to provide the proposer with feedback regarding concerns of the commission.

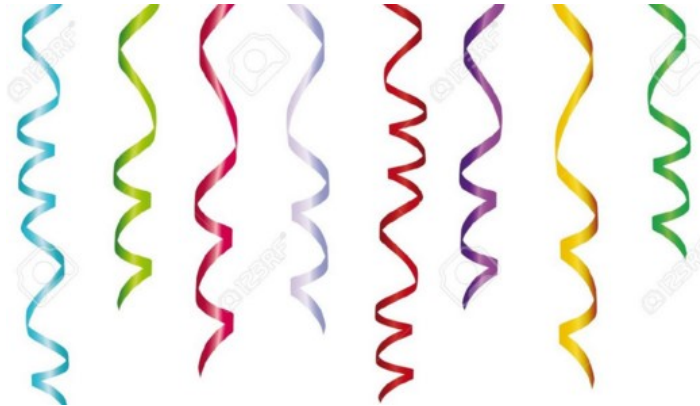
State-licensed residential facility means any facility, public or private, which for gain or otherwise regularly provides one or more persons with a 24 hours per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. Such facilities include, but are not limited to, state institutions under the control of the state department of human services, foster homes, residential treatment centers, maternity shelters, group

homes, residential programs, supportive living residences for functionally impaired adults, or schools for disabled children.

Steep slope Land located in the Shoreland District having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more that is not a bluff and drains to a public water.

Stoop means an entrance or exit of a building with steps.

Streamer means a long relatively narrow strip of any type material that is free hanging.



Street means a public right-of-way which affords primary vehicular access to abutting property including avenues, roads, or highways, boulevards, drives and similar public ways.

Structure Anything constructed, placed, or erected on the ground or to the ground by humans, including but not limited to homes, cabins, buildings, factories, sheds, detached garages, accessory buildings, manufactured housing, recreational vehicles left on a site for 14 consecutive days, signs, storage buildings, decks, fences, pergolas, ground-mounted solar energy systems, fish houses and other similar items except the following:

- (1) Aerial or underground utility lines such as sewer, electric, telephone, telegraph, gas lines;
- (2) Walks or steps on grade not more than four feet wide;
- (3) Stoops not exceeding 30 square feet; and
- (4) Fences, temporary furniture, planters.

Subdivider means the owner, agent, person, corporation, partnership, or legal entity proposing to subdivide property under his or her control.

Subdivision means the division of real estate into two or more parcels for the purpose of sale, rent, or lease, or mortgage, including planned unit development, and includes the following:

- (1) *Subdivision by plat.* The subdivision into two or more parcels of any size by the authority of M.S.A. ch. 505 (plats, coordinates and surveys), with documents prepared by a registered land surveyor and duly approved by the planning and zoning commission and council.
- (2) *Subdivision by condominium plat.* The subdivision of a building or the subdivision of real estate into two or more spaces or parcels of any size by the authority of the Uniform Condominium Act, M.S.A. ch. 515A with documents prepared by a registered land surveyor and duly approved by the planning and zoning commission and council.
- (3) *Subdivision by metes and bounds.* Any division of real estate resulting in two or more parcels which are not platted but divided by description prepared and signed by a registered land surveyor. All subdivision by metes and bounds resulting in residential parcels less than 20 acres or 500 feet in width and commercial parcels less than five acres or 300 feet in width shall be considered for approval by the planning and zoning commission. Subdivision by metes and bounds shall be limited to no more than one split of a parcel into two parcels, including the remnant parcel, in a three-year period.

- (4) *Subdivision as a result of the expansion or extension of a road right-of-way.* Any division of real estate resulting in two or more parcels which are not platted or divided by metes and bounds description but are divided as a result of the expansion or extension of a road right-of-way as a result of city council or county board action. The resulting parcels of land may be considered buildable if all minimum design standards can be met and the resulting lots are at least 100 feet or 80 percent of the required lot width, whichever is less.
- (5) *Subdivision by common interest community.* The subdivision of a building or the subdivision of real estate into two or more spaces or parcels of any size by the authority of the Minnesota Common Interest Ownership Act, M.S.A. ch. 515B, with documents prepared by a registered land surveyor and duly approved by the planning and zoning commission and city council.

Subsurface Sewage Treatment System (SSTS) - A sewage treatment system, or part thereof, serving a dwelling, or group thereof, and using sewage tanks followed by soil treatment and disposal or using advanced treatment devices that discharge below final grade. Subsurface sewage treatment system includes holding tanks and privies.

Surface water oriented commercial use means the use of land for commercial purposes where access to and use of a surface water feature is an integral part of the normal operation of business. Marinas, resorts, and restaurants with transient docking facilities are examples.

Temporary commercial structure or use means a structure of a temporary character, including, but not limited to, sell food, services, or retail.

Temporary structure means a structure placed on a lot that is limited to 7 consecutive days in a calendar year and that complies with setbacks and other regulations of the land use district in which the lot is located.

Tower means any pole, spire, or structure or combination thereof, to which an antenna is attached, or which is designated for an antenna, meteorological device or similar apparatus to be attached, and all supporting lines, cables, wires and braces, which is intended to be used for commercial purposes.

Trailer, Travel - A recreational vehicle built on a single chassis with a rigid walled shelter, mounted on wheels and have a gross trailer area not exceeding 400 square feet. For the purposes of this ordinance, the term travel trailer is synonymous with the term "recreational vehicle."

Variance means a legally permitted deviation as provided in M.S.A. § 462.357(6) from the requirements of this chapter, including restrictions placed on nonconformities, as determined by the Planning and Zoning Commission.

Vegetation removal, clear cutting, means the removal of more than 75 percent and up to 100 percent of a stand of trees and brush on a lot or parcel of land up to 40 acres.

Vegetation removal, open cutting, means the removal of more than 25 percent and up to 75 percent of a stand of trees and brush on a lot or parcel of land up to 40 acres including the removal of more than 50 percent of the under-story trees and brush from the property.

Vegetation removal, select cutting, means removal of dead, diseased or damaged trees or shrubs, or removal of trees for placement of structures and drives, and further removal of only individual trees to uniformly thin up to 25 percent of a stand on a lot or parcel of land up to 40 acres. Up to 50 percent of the under-story and brush may be removed.

Walkway A continuous path no wider than four feet created of a material other than natural groundcover vegetation at grade level.

Water-oriented accessory structure means a small above ground building which because of the relationship of its use to a surface water feature is located closer to public waters than the normal structure setback. Examples of such structures and facilities include equipment storage buildings, gazebos, screen houses, free-standing pergolas, fish houses, pump houses, patios, and detached decks.

Wetland means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. In addition, a wetland is the distinct hydrologic feature with characteristics of wetlands surrounded by non-wetland and including all contiguous wetland types, except those connected solely by riverine wetlands. Wetland area means a portion of a wetland or the entire wetland. Wetlands do not include public water wetlands and public waters that are designated on the public water inventory maps prepared under M.S.A. § 103G.201. Wetlands must:

- (1) Have a predominance of hydric soils;
- (2) Be inundated or saturated by surface or groundwater at a frequency and duration to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (3) Under normal circumstances, support a prevalence of hydrophytic vegetation.

Wireless telecommunications services mean licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), special mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to businesses and the general public.

Yard sign means a temporary sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building that is no larger than six square feet.



Zoning district or *district* means an area of the city defined on the zoning map showing the boundaries of the districts.

Zoning map means the map of the city, as amended from time to time, which defines the boundaries of the districts.

Section 3. **Repeal.** This ordinance shall supersede and repeal all ordinances or policies inconsistent herewith.

Section 4. **Effective Date.** This ordinance shall become effective upon its passage and publication as provided by law.

Passed by the City of Nisswa Council this 21st day of March, 2023, by a 5/5ths vote.

John Ryan, Mayor

Attest:

Jenny Max, City Administrator