

1 PROVISIONS AFFECTING SPECIFIC ZONING DISTRICTS
2 § 153.045 R-1 SINGLE FAMILY RESIDENTIAL (LOW DENSITY).
3 (A) Purpose. The purpose of the single family district is to provide for low
4 density, single- family detached dwellings and directly related, complimentary uses.
5 (B) Lot requirements.
6 (1) Minimum lot area:
7 (a) 15,000 square feet for lots with public sewer;
8 (b) Two acres for lots without public sewer;
9 (2) Minimum lot width:
10 (a) 100 feet for interior and corner lots with public sewer;
11 (b) 150 feet for interior and corner lots without public sewer;
12 (3) Front yard setbacks: 25 feet;
13 (4) Rear yard setbacks: 35 feet;
14 (5) Side yard:
15 (a) 10 feet interior;
16 (b) 20 feet corner;
17 (c) 30 feet for public and semi-public buildings abutting a
18 residential or vacant lot;
19 (6) Height:
20 (a) Two and one-half stories or 35 feet maximum;
21 (b) 50 feet maximum for nonresidential farm buildings (100%
22 increase for church spires, water towers, and the like); 100 feet maximum for shruch
23 spires, water towers, and the like;
24 (7) Minimum ground floor area per dwelling: See § 153.027.
25 (C) Permitted principal uses.
26 (1) Single-family dwellings;
27 (2) Parks, public schools, and municipal buildings;
28 (3) Essential services not involving a structure;
29 (4) Personal greenhouses.
30 (D) Permitted accessory uses.
31 (1) Off-street parking spaces and garages as required in this chapter;
32 (2) Recreational vehicles and equipment; as regulated in §153.121;
33 (3) Swimming pools, tennis courts, and other recreational equipment
34 for the convenience of the principle residents and their guests;
35 (4) Home occupations; as regulated in §153.033;
36 (5) Tool houses, sheds and similar buildings for storage of domestic
37 supplies and noncommercial recreational equipment;
38 (6) Boarding or renting of rooms within principal building to not more
39 than 1 person;
40 (7) Essential services;
41 (8) Fencing, screening and landscaping as permitted and regulated in
42 this chapter, as regulated in §153.032;
43 (9) Piers and docks;
44 (10) Temporary signs not exceeding 4 square feet appertaining to lease,
45 use or sale of premises, subject to side yard setbacks;
46 (11) Chicken coops and pens as regulated in § 92.19 of this code; and

Commented [SP1]: NEED TO ESTABLISH DEFINITION

ASK JAMES

Commented [SP2]: WHERE IS THIS MEASURED FROM

- 47 (12) Accessory dwelling units as regulated by § 153.035;
- 48 (13) Personal greenhouses.
- 49 (E) Uses requiring a conditional use permit.
- 50 (1) Churches; golf courses, ~~private~~ Pre-K to 12 schools, cemeteries;
- 51 (2) Off-street parking lots;
- 52 (3) ~~Building heights exceeding those permitted heretofore when side~~
- 53 ~~yards shall be increased by 1 foot for each foot of building height in excess of 35 feet~~
- 54 ~~and the distance between 2 principal buildings shall be no less than one half of the sum~~
- 55 ~~of the heights of the 2 structures;~~
- 56 (4) Planned unit developments as regulated by this chapter;
- 57 (5) Radio, TV, and other similar towers.
- 58 (Prior Code, § 903.01) (Am. Ord. 2001-8-1, passed - -2001; Am. Ord. 2011-11-1,
- 59 passed 11-9-2011; Am. Ord. 2014-4-1, passed 5-13-2014; Am. Ord. 2016-10-2, passed
- 60 10-11-2016; Am. Ord. 2019-8-3, passed 8-13-2019)
- 61 § 153.046 R-2 ONE AND TWO FAMILY RESIDENTIAL (MEDIUM DENSITY).
- 62 (A) Purpose. The purpose of the One and Two Family Residential District is to
- 63 provide for medium density housing in single-family and two-family dwellings and
- 64 directly related, complimentary uses.
- 65 (B) Requirements.
- 66 (1) Minimum lot area:
- 67 (a) 10,000 square feet for single-family dwelling lots with public
- 68 sewer;
- 69 (b) 15,000 square feet for two-family dwelling lots with public
- 70 sewer;
- 71 (c) Two acres for single-family dwelling lots without public
- 72 sewer;
- 73 (d) Five acres for two-family dwelling lots without public sewer;
- 74 (2) Minimum lot width:
- 75 (a) 100 feet for single family dwelling lots with public sewer;
- 76 (b) ~~100 feet for two family dwelling lots with public sewer;~~
- 77 (c) 150 feet for all lots without public sewer;
- 78 (3) Front yard setback: 25 feet;
- 79 (4) Rear yard setback: 25% of the lot depth, or 25 feet, whichever is
- 80 lesser;
- 81 (5) Side yard setback:
- 82 (a) 10 feet interior;
- 83 (b) ~~40 feet interior for buildings of two and one half stories~~
- 84 ~~height or more;~~
- 85 (c) 15 feet corner;
- 86 (d) 25 feet for public and semi-public buildings abutting a
- 87 residential or vacant lot;
- 88 (6) Height: Same as in R-1;
- 89 (7) Minimum ground floor area per dwelling: See § 153.027.
- 90 (C) Permitted principal uses.
- 91 (1) All uses listed as permitted uses in the R-1 District;
- 92 (2) Two-family dwellings;

Commented [SP3]: REVIEWED TO HERE MAY 17, 2022

Commented [SP4]:

Commented [SP5]: PER J. NESS THESE NEED TO BE REVIEWED IN ALL SECTIONS.

Commented [SP6]: SEE R1 LOOKING FOR DEFINITION FROM JAMES

Commented [SP7]: CHECK WITH PHIL IF THIS IS CHANGED?

93 3) Conversions of single-family dwellings into two-family dwellings, complying with
94 section 153.046.

95 (3) ~~Duplexes as defined in this chapter.~~

96 (D) Permitted accessory uses. All uses listed as permitted accessory uses in
97 the R-1 District.

98 (E) Uses requiring a conditional use permit.

99 (1) All uses listed as conditional uses in the R-1 District;

100 ~~(2) Planned unit developments as regulated by this chapter;~~

101 (3) Bed and Breakfasts, tourist accommodations and associated

102 commercial uses necessary to the operation of the use;

103 (F4) ~~Conversions of single family dwellings into two family dwellings, provided~~
104 ~~that:~~

105 ~~(a) No existing single family dwellings shall be converted into~~
106 ~~more than 2 dwelling units;~~

107 ~~(b) Lot size shall be at least 15,000 square feet with public~~
108 ~~sewer;~~

109 ~~(c) Adequate off street parking is provided in accordance with~~
110 ~~this chapter;~~

111 ~~(d) Each unit shall meet the minimum health and safety~~
112 ~~requirements as provided for in the Uniform Building Code and State Fire Code.~~

113 (Prior Code, § 903.02) (Am. Ord. 2019-8-3, passed 8-13-2019)

114 § 153.047 R-3A MULTIPLE FAMILY RESIDENTIAL.

115 (A) Purpose. The purpose of the R-3A Multiple Family Residential District is to
116 provide for high density housing in the form of townhouses.

117 (B) Requirements.

118 (1) Public sewer: all buildings and units must be serviced with public
119 sewer;

120 (2) Minimum lot area:

121 (a) 10,000 square feet for single-family dwelling lots;

122 (b) 15,000 square feet for two-family or multi-family dwelling

123 lots;

124 (3) Minimum lot area for townhouses: 5,000 square feet;

125 (4) Minimum lot width:

126 (a) 100 feet for single-family dwellings;

127 (b) 100 feet for structures with more than one dwelling;

128 (5) Front yard setback: 25 feet;

129 (6) Rear yard setback: 25% of lot depth or 25 feet, whichever is

130 lesser;

131 (7) Side yard setback:

132 (a) 10 feet interior;

133 (b) 10 feet interior for building of 2-1/2 stories or more in height;

134 (c) 15 feet corner;

135 (d) 25 feet for public or semi-public building abutting a

136 residential lot;

137 (8) Height: 3 stories or 40 feet maximum, whichever is greater;

138 (9) Minimum ground floor area per dwelling: See § 153.027.

Commented [SP8]: BE CONSISTENT WITH CODE, TWO-FAMILY DWELLING UNITS NOT DUPLEX

Commented [SP9]: DONE TO HERE DEC 20TH

- 139 (C) Permitted principal uses.
140 (1) Townhouses;
141 (2) All uses listed as permitted uses in the R-2 District;
142 (3) Residential structures containing more than one dwelling, excepting
143 apartments.
144 (D) Permitted accessory uses. All uses listed as permitted accessory uses in
145 the R-1 District.
146 (E) Uses requiring a conditional use permit.
147 (1) All uses listed as conditional uses in the R-1 District;
148 (2) Planned unit development as regulated by this chapter;
149 (3) Resorts and tourist accommodations;
150 (4) Clubs and lodges operating as non-profit institutions;
151 (5) Nursing homes, rest homes.
152 (Prior Code, § 903.03) (Am. Ord. 2004-4-2, passed - -2004; Am. Ord. 2019-8-3, passed
153 8-13-2019)
154 § 153.048 R-3B MULTIPLE FAMILY RESIDENTIAL.
155 (A) Purpose. The purpose of the R-3B Multiple Family Residential District is to
156 provide for high density housing in the form of apartments.
157 (B) Requirements.
158 (1) Public sewer: all buildings and units must be serviced by public
159 sewer.
160 (2) Minimum lot area:
161 (a) 10,000 square feet for single-family dwelling lots;
162 (b) 15,000 square feet for two-family or multi-family dwelling
163 lots;
164 (3) Minimum lot area per unit for multi-family dwellings:
165 (a) 2,000 square feet per efficiency unit;
166 (b) 2,500 square feet per one bedroom unit;
167 (c) 3,000 square feet per unit of two bedrooms or more;
168 (4) Minimum lot width:
169 (a) 100 feet for single-family dwellings;
170 (b) 100 feet for structures with more than one dwelling.
171 (5) Front yard setback: 25 feet.
172 (6) Rear yard setback: 25% of lot depth, or 25 feet, whichever is
173 lesser.
174 (7) Side yard setback:
175 (a) 10 feet interior;
176 (b) 10 feet interior for building of 2-1/2 stories or more in height;
177 (c) 15 feet corner;
178 (d) 25 feet for public or semi-public building abutting a
179 residential lot.
180 (8) Height: 3 stories or 40 feet maximum, whichever is greater.
181 (9) Minimum ground floor area per dwelling: See § 153.027.
182 (C) Permitted principal uses.
183 (1) Apartments;
184 (2) All uses listed as permitted uses in the R-3A District;

- 185 (3) Residential structures containing more than one dwelling.
186 (D) Permitted accessory uses. All uses listed as permitted accessory uses in
187 the R-1 District.
188 (E) Uses requiring a conditional use permit.
189 (1) All uses listed as conditional uses in the R-1 District;
190 (2) Planned unit development as regulated by this chapter;
191 (3) Resorts and tourist accommodations;
192 (4) Clubs and lodges operating as non-profit institutions;
193 (5) Nursing homes, rest homes.

194 (Ord. 2004-4-2, passed - -2004; Am. Ord. 2019-8-3, passed 8-13-2019)

195 § 153.049 R-M MANUFACTURED HOME PARK DISTRICT.

196 (A) Purpose. The purpose of the R-M Manufactured Home Park District is to
197 provide for manufactured home uses in an appropriate, safe, sanitary and attractive
198 environment.

199 (B) Permitted principal uses. Manufactured homes in manufactured home
200 parks.

201 (C) Permitted accessory uses.

- 202 (1) Off-street private parking facilities;
203 (2) Recreational vehicles and equipment;
204 (3) Swimming pools, tennis courts, and other recreational facilities;
205 (4) Fencing, screening, and landscaping, according to this chapter;
206 (5) Tool houses, sheds, and similar storage buildings;
207 (6) Central office and central community buildings of manufactured

208 home park.

209 (7) Private garage.

210 (D) Uses requiring a conditional use permit. Indoor mini-storage facilities and
211 outside storage. Facilities for indoor mini-storage facilities and outdoor storage shall be
212 constructed, owned, and operated only by the manufactured home park owner, and
213 shall be rented and used only by current manufactured home park residents. An
214 application by the manufactured home park owner for a conditional use permit to
215 construct and operate mini-storage units shall comply with the following conditions:

216 (1) The property owner shall submit a water runoff drainage plan,
217 which shall be subject to approval by the City Engineer and shall comply with all details
218 of the plan.

219 (2) A secure fence shall be installed around the perimeter of the
220 outside storage area, and shall comply with the requirements of the fencing regulations
221 in the city code for this district.

222 (3) No hazardous material storage shall be allowed on the property.

223 (4) A dust control plan shall be submitted, which shall be subject to the
224 approval of the City Engineer.

225 (5) A lighting plan shall be submitted, which shall be subject to
226 approval by the City Engineer.

227 (6) The use shall comply with the requirements of the nuisance
228 ordinance and all other city code provisions.

229 (7) No motor repair or body work shall take place in the mini-storage
230 units.

231 (8) Structure must be bent of a concrete foundation or built on a
232 concrete slab.

233 (9) Building materials shall be consistent with other buildings.

234 (E) Detached accessory building setback requirements. Private garages shall
235 be constructed with fire-resistant materials and shall be located not less than 10 feet
236 from the primary residential structure on a lot, including any attachments, and not less
237 than 10 feet from any structure on an adjacent lot.

238 (F) General provisions. No manufactured home for residential purposes, or
239 accessory uses or structures, shall be permitted within any manufactured home park
240 unless the manufactured home park is or has been approved by the Minnesota
241 Department of Administration in accordance with applicable state statutes and rules.

242 (1) Manufactured homes shall not be used for residential purposes in
243 the city if they:

244 (a) Are in an unsanitary condition or have an exterior in bad
245 repair;

246 (b) Are structurally unsound and do not protect the inhabitants
247 against all elements;

248 (c) Do not have adequate sewage facilities as required by the
249 City Council in accordance with regulations.

250 (2) No tents shall be used for other than recreational purposes in a
251 manufactured home park.

252 (3) Access to manufactured home parks shall be as approved by the
253 City Council.

254 (4) The area beneath a manufactured home shall be enclosed except
255 that such enclosure must have access for inspection.

256 (5) If the provisions of this section are less restrictive than state
257 statutes or rules relating to manufactured home parks, then the applicable state statutes
258 and rules shall control.

259 (F) Conflicts. Nothing contained in this section shall be construed to prohibit
260 manufactured homes in other residential districts when the manufactured home
261 complies in all respects with all applicable regulations of the particular zoning district.
262 (Prior Code, § 903.04) (Am. Ord. 2013-5-2, passed 5-14-2013)

263 § 153.050 CBD CENTRAL BUSINESS DISTRICT.

264 (A) Purpose. This district is designed and intended as a specialized district
265 directed to serve the pedestrian in a compact area of the city. The CBD will provide for a
266 high density shopping and business environment, especially stressing due pedestrian
267 function and interaction of people and businesses, rather than being heavily oriented
268 toward due use of automobiles.

269 (B) General requirements.

270 (1) All buildings shall be serviced by public utilities unless otherwise
271 approved by the City Council.

272 (2) There shall be no minimum required lot area or frontage.

273 (3) There shall be no minimum required setbacks, except when
274 abutting residentially zoned property where there shall be:

275 (a) Side yard setback abutting residential property of not less
276 than 10 feet;

277 (b) Rear yard setback abutting an R District of not less than 10
278 feet.

279 (4) Properties may also be subject to the requirements of the
280 Shoreland Overlay District, § 153.054.

281 (C) Special requirements.

282 (1) Every use, unless expressly exempted by this chapter or allowed
283 by a conditional use permit, shall operate in its entirety within a completely enclosed
284 structure.

285 (2) All flashing, revolving, and intermittently lit signs are expressly
286 prohibited.

287 (3) Marquees and canopies may project to within not more than 2 feet
288 of the curb of the street, provided the base of any such marquee or canopy is at least 12
289 feet above the grade of the sidewalk.

290 (D) Permitted principal uses. The following are permitted uses:

- 291 (1) Antique store;
- 292 (2) Apparel and accessory store;
- 293 (3) Appliance store, sales and service;
- 294 (4) Art gallery;
- 295 (5) Artist studio or school;
- 296 (6) Bakery retail;
- 297 (7) Barbershop;
- 298 (8) Beauty shop;
- 299 (9) Bookstore;
- 300 (10) Business machine store;
- 301 (11) Camera and photographic supply store;
- 302 (12) Candy, ice cream and confectionary store;
- 303 (13) Caterer;
- 304 (14) Clinic, dental or medical; but not animal clinic or hospital;
- 305 (15) Computer store;
- 306 (16) Copy retail;
- 307 (17) Dance studio;
- 308 (18) Delicatessen store;
- 309 (19) Department store;
- 310 (20) Discount store;
- 311 (21) Dressmaking, seamstress;
- 312 (22) Drugstore;
- 313 (23) Financial institutions; drive-in facilities;
- 314 (24) Floral sales;
- 315 (25) Garden supplies store; nursery; truck garden;
- 316 (26) Gift, novelty or souvenir store;
- 317 (27) Hardware store;
- 318 (28) Health equipment store;
- 319 (29) Interior decorator;
- 320 (30) Jewelry store;
- 321 (31) Library;
- 322 (32) Liquor store or tavern;

- 323 (33) Locksmith;
324 (34) Luggage store;
325 (35) Music store, accessories and studio;
326 (36) Newsstand;
327 (37) Office of any type;
328 (38) Optician;
329 (39) Optical goods;
330 (40) Paint and wallpaper stores;
331 (41) Photographic studio or picture processing;
332 (42) Restaurants;
333 (43) Shoe repair shop;
334 (44) Sporting goods shop;
335 (45) Stationery stores;
336 (46) Tailor;
337 (47) Theatrical studio;
338 (48) Ticket agency;
339 (49) Toy store;
340 (50) Travel bureau or agency;
341 (51) Variety store;
342 (52) Existing single-family detached dwellings, subject to lot
343 requirements and accessory uses under § 153.045;
344 (53) Pet grooming;
345 (54) Licensed tattoo shop; and
346 (55) Massage therapy, between the hours of 7:00 a.m. and 9:00 p.m.
347 (E) Permitted accessory uses.
348 (1) Off-street parking and loading spaces.
349 (2) Business signs as per §§ 153.090 et seq.
350 (F) Uses requiring a conditional use permit.
351 (1) Automobile dealership and auto service use.
352 (2) Gas stations, service stations; convenient stores.
353 (3) Drive-in establishments not specifically permitted as a principal use.
354 (4) Public garage.
355 (5) Other commercial uses determined by the Planning Commission to
356 be of the same general character as the permitted uses above and found not to be
357 detrimental to the general public health and welfare.
358 (6) Day care - group nursery.
359 (7) Accessory buildings in compliance with § 153.031.
360 (G) Screening.
361 (1) Dumpsters and/or trash/recycling receptacles shall be stored inside
362 the principal structure or if outside shall only be located on a non-street side of the
363 building, except for during trash pickup time.
364 (2) Any dumpsters and/or trash/recycling receptacles located along a
365 street side shall be screened by a wall of at least 6 feet in height which matches the
366 material, design and color of the principal building or stored within an accessory
367 structure constructed of building materials compatible with the principal structure, and

368 readily served through swinging doors or an overhead door on tracks. Storage
369 containers must have covers or enclosure has to have a roof.

370 (3) All rooftop mechanical equipment greater than 3 feet in height must
371 be screened from view by a method which matches that material, design and color of
372 the building upon which it is located.

373 (H) Building design standards.

374 (1) Quality. Buildings shall maintain a high standard of architectural
375 and aesthetic compatibility with surrounding properties to ensure that they will not
376 adversely impact the abutting properties.

377 (2) Exterior finishes. The following materials are permitted for exterior
378 finishes:

379 (a) Face brick;

380 (b) Natural stone;

381 (c) Stone or glass curtain walls;

382 (d) Wood, provided surfaces are finished for exterior use and
383 wood of proven exterior durability is used, such as cedar, redwood, or cypress;

384 (e) Break-off block;

385 (f) Stucco; and

386 (g) Precast concrete and integral colored concrete block,
387 provided surfaces are molded, serrated or treated with a textured material to create a 3-
388 dimensional character.

389 (h) Curtain wall panels of steel, metal, or aluminum provided the
390 panels are factory fabricated and of a high-quality material with a matte or non-lustre
391 finish. These structures will require decorative design elements as approved by the City
392 Council.

393 (3) Prohibited materials. The following materials are prohibited for
394 exterior finishes:

395 (a) Temporary construction.

396 (I) Outdoor lighting.

397 (1) A lighting plan, showing how the site meets all lighting requirements
398 must be submitted at the time of building permit.

399 (2) Intensity.

400 (a) Lighting shall not exceed more than 1 foot candles of light
401 where residential zoning abuts and no more than 15 foot candles of light where other
402 property abuts, when measured at eye level from the property line and aimed at the light
403 source.

404 (b) In parking areas and walkways, downward focused lighting
405 shall be provided by cutoff type luminaries with no more than 10% of light output above
406 the horizontal plane through the light source.

407 (3) Height. Light fixtures and freestanding luminaries shall not exceed
408 20 feet or extend above the roofline of the principal building, whichever is less.

409 (4) Accent lighting. Accent lighting used to highlight selected landscape
410 or architectural features shall be permitted provided the light source is shielded to aim
411 directly at the area of focus.

412 (Ord. 2021-8-3, passed 8-10-2021)

413 § 153.051 GB GENERAL BUSINESS DISTRICT.

414 (A) Purpose. The General Business District is designed and intended to
415 promote the development of uses which are oriented towards motorists and require high
416 volumes of traffic and visibility from major roads. The district is also designed to
417 accommodate those commercial activities which are not permitted within the CB,
418 Central Business District, and whose service is not confined to any 1 neighborhood or
419 community but is more regional in nature.

420 (B) Permitted uses. All businesses shall be serviced by public utilities unless
421 otherwise approved by the City Council.

- 422 (1) All uses listed as permitted in the Central Business District;
- 423 (2) Banks, savings and loans and other financial institutions (without
424 drive-through);
- 425 (3) Commercial recreation and entertainment;
- 426 (4) Funeral homes/mortuaries;
- 427 (5) Government buildings;
- 428 (6) Health clubs or gyms;
- 429 (7) Hotels and motels;
- 430 (8) Hospitals, nursing homes, and the like;
- 431 (9) Liquor, off-sale/on-sale;
- 432 (10) Offices;
- 433 (11) Public and private clubs and lodges;
- 434 (12) Restaurants (without drive-through);
- 435 (13) Larger retail and service uses without drive-throughs, including the

436 following and similar-type uses:

- 437 (a) Ambulance services;
- 438 (b) Appliance stores;
- 439 (c) Department stores;
- 440 (d) Drug stores;
- 441 (e) Furniture stores;
- 442 (f) Garden supplies and landscape nurseries;
- 443 (g) Grocery stores;
- 444 (h) Hardware stores;
- 445 (i) Office supply stores;
- 446 (j) Sporting goods stores;
- 447 (k) Dry cleaning (without processing); and
- 448 (l) Laundromats.

449 (14) Existing single-family detached dwellings, subject to lot
450 requirements and accessory uses under § 153.045.

451 (C) Accessory uses.

- 452 (1) Off-street parking as regulated by §§ 153.110 et seq.
- 453 (2) Towers and antennas as regulated by §§ 153.155 et seq.
- 454 (3) Signs as regulated by §§ 153.090 et seq.
- 455 (4) Temporary trailers and construction equipment for the duration of
456 construction only where temporary lavatories are provided in compliance with city and
457 state requirements.

458 (D) Conditional uses. The following are conditional uses, subject to § 153.189
459 and the specific standards and criteria that may be cited below for a specific use:

460 (1) Any building with a height over 35 feet, subject to § 153.030.
461 (2) Businesses with drive-through facilities, subject to the following:
462 (a) The business shall be located on a site with direct access to
463 a minor arterial or collector road.
464 (b) All portions of the drive-through facilities, including but not
465 limited to the service windows and stacking spaces, shall be separated from
466 residentially zoned or guided property by an arterial or collector street or shall be set
467 back at least 200 feet from residentially zoned or guided property.
468 (c) The public address or order system shall not be audible from
469 any adjacent residentially zoned or guided property.
470 (d) Businesses with 1 drive-through lane shall provide stacking
471 space for at least 10 vehicles, and businesses with 2 or more drive-through lanes shall
472 provide stacking space for at least 6 vehicles per lane, as measured from and including
473 the last pick-up station, window, or the like. Stacking spaces shall not interfere with
474 parking spaces or traffic circulation.
475 (e) The applicant shall demonstrate that such use will not
476 significantly lower the existing level of service on streets and intersections.
477 (f) All elements of the drive-through service area, including but
478 not limited to menu boards, order stations, teller windows, and vehicle lights from the
479 stacking lanes, shall be screened from adjacent residentially zoned or guided property
480 pursuant to this section.
481 (g) Restaurants with drive-through facilities shall be responsible
482 for litter control within 300 feet of the premises. Litter control is to occur on a daily
483 basis. Trash receptacles must be provided at convenient locations on site to facilitate
484 litter control.
485 (3) Car washes, subject to the following:
486 (a) The site shall provide stacking space for the car wash. The
487 amount of stacking space shall take into account the type of car wash and the amount
488 of time it takes to wash a vehicle. Stacking spaces shall not interfere with parking
489 spaces or traffic circulation.
490 (b) The exit from the car wash shall have a drainage system
491 which is subject to the approval of the city and gives special consideration to the
492 prevention of ice build-up during winter months.
493 (4) Dry cleaning; processing.
494 (5) Mini-storage facilities, subject to the following:
495 (a) Buildings must be constructed of tip-up or block concrete or
496 other approved material per division (F) of this section. All block shall be split face and
497 integral colored.
498 (b) Exterior storage shall be limited to no more than 25% of the
499 total lot area. Areas intended for outside storage must be identified on the site plan.
500 (c) The buildings shall be an earth-tone color, such as sage,
501 beige, cream-white or light grey.
502 (6) Motor fuel station, subject to the following:
503 (a) That the approximate area and location of space devoted to
504 non-automotive merchandise sales shall be specified in the application and in the
505 conditional use permit.

506 (b) The off-street loading space(s) and building access for
507 delivery of goods shall be separate from customer parking and entrances and shall not
508 cause conflicts with customer vehicles and pedestrian movements.

509 (c) Motor fuel facilities shall be installed in accordance with state
510 and city standards. Additionally, adequate space shall be provided to access gas pumps
511 and to allow maneuverability around the pumps while in use. Underground fuel storage
512 tanks are to be positioned to allow adequate access by motor fuel transports and
513 unloading operations which do not conflict with circulation, access and other activities
514 on the site. Fuel pumps shall be installed on pump islands.

515 (d) All buildings, canopies, and pump islands shall be located to
516 comply with the minimum setback requirements.

517 (e) All canopy lighting for motor fuel station pump islands shall
518 be recessed or shielded to provide a 90-degree cutoff.

519 (f) The operation shall be responsible for litter control within 300
520 feet of the premises. Litter control is to occur on a daily basis. Trash receptacles must
521 be provided at convenient locations on site to facilitate litter control.

522 (7) Motor vehicle, boat or equipment service stations and repair
523 garages, subject to the following:

524 (a) All servicing of vehicles and equipment shall occur entirely
525 within the principal structure.

526 (b) To the extent required by state law and regulations, painting
527 shall be conducted in an approved paint booth, which thoroughly controls the emission
528 of fumes, dust, or other particulated matter.

529 (c) Storage and use of all flammable materials, including liquid
530 and rags, shall conform to applicable provisions of the Minnesota Uniform Fire Code.

531 (d) Parking, driveway, and circulation standards and
532 requirements shall be subject to the review and approval of the city and shall be based
533 upon the specific needs of the operation and shall accommodate large vehicle
534 equipment and semi-trailer/tractor trucks.

535 (e) The storage of damaged vehicles and vehicle parts and
536 accessory equipment must be completely inside a principal or accessory building.

537 (8) Motor vehicle, boats and equipment sales, subject to the following:

538 (a) All sales shall occur on 1 lot.

539 (b) Parking areas for the outside storage and sale of vehicles,
540 boats and trailers, shall be on impervious surface, either bituminous, concrete, or
541 approved equivalent.

542 (c) Interior concrete curbs shall be constructed within the
543 property to separate driving and parking areas from landscaped areas.

544 (d) All areas of the property not devoted to buildings or parking
545 areas shall be landscaped in accordance with this section.

546 (e) The required off-street parking for customers and employees
547 shall be designated on the site plan and located close to the sales building.

548 (f) Each space used as parking for a "for sale" motor vehicle,
549 boat, or trailer shall not be less than 9 feet wide by 18.5 feet in length.

550 (g) Display of motor vehicles, boats, and trailers for sale off the
551 property of the owner is prohibited unless authorized by conditional use permit.

- 552 (9) Accessory buildings in compliance with § 153.031.
553 (10) Parking garages and ramps, subject to the following:
554 (a) To avoid excessive site coverage, off-street parking
555 requirements may be furnished by providing fee-free space underground, within the
556 principal building or structures, or attached thereto.
557 (b) Parking ramps and garages shall be set back from lot lines
558 as required for the principal building on the lot, or as required for parking spaces
559 specified by this section, whichever is greater.
560 (c) Off-street parking ramps and garages shall be designed in
561 compliance with the applicable dimensional requirements except the City Council may
562 approve a variation from standard dimensions for a portion of the stalls to be designated
563 as compact spaces.
564 (d) Parking ramps and garages shall be designed so that
565 circulation between parking bays or aisles occurs within the designated parking lot upon
566 the property being serviced and does not depend upon a public street or alley. A
567 parking area design that requires backing into the public street is prohibited.
568 (e) The grade elevation of the required parking area or portion
569 thereof shall not exceed 5%.
570 (11) Planned unit developments, as regulated by § 153.055.
571 (12) Seasonal outdoor sales, subject to the following:
572 (a) Seasonal outdoor retail sales shall not exceed a combined
573 total of 120 days in any 12-month period. Outdoor retail sales shall not occupy more
574 than 10% of a lot's area, and shall meet all yard setback requirements.
575 (b) Where seasonal outdoor retail sales are conducted in a
576 parking lot, they shall be confined to a defined area, and not be allowed to obstruct
577 access of emergency vehicles or pose a traffic safety problem. Temporary fencing or
578 other suitable mechanisms shall be used to delineate the sales area and provide for
579 pedestrian safety.
580 (c) Where tents, trailers, temporary greenhouses, or similar
581 structures are used to store, and/or display merchandise, they shall be anchored to
582 provide a wind-load resistance of 40 miles per hour.
583 (d) Any tent, trailer, temporary greenhouse or similar structure
584 must be locked and secured outside of business hours.
585 (13) Day care - group nursery.
586 (E) Lot requirements.
587 (1) The following minimum requirements shall be met in the GB

588 District:

589 Minimum lot size 40,000 square feet

591 Minimum lot width 150 feet

592 Minimum lot depth 100 feet

593 Structure setbacks:

594 Front 25 feet or in conformance with surrounding area

595 Side 10 feet

596 Rear 10 feet

597 Side or rear from street 20 feet

598 From residential 30 feet
599 Maximum building height 35 feet

600
601 (2) Properties may also be subject to the requirements of the
602 Shoreland Overlay District, § 153.054.

603 (F) Building design standards.

604 (1) Quality. Buildings shall maintain a high standard of architectural
605 and aesthetic compatibility with surrounding properties to ensure that they will not
606 adversely impact the abutting properties.

607 (2) Exterior finishes. The following materials are permitted for exterior
608 finishes:

609 (a) Face brick;

610 (b) Natural stone;

611 (c) Stone or glass curtain walls;

612 (d) Wood, provided surfaces are finished for exterior use and
613 wood of proven exterior durability is used, such as cedar, redwood, or cypress;

614 (e) Break-off block;

615 (f) Stucco; and

616 (g) Precast concrete and integral colored concrete block,
617 provided surfaces are molded, serrated or treated with a textured material to create a 3-
618 dimensional character.

619 (h) Curtain wall panels of steel, metal, or aluminum provided the
620 panels are factory fabricated and of a high-quality material with a matte or non-lustre
621 finish. These structures will require decorative design elements as approved by the City
622 Council.

623 (3) Prohibited materials. The following materials are prohibited for
624 exterior finishes:

625 (a) Face material that rapidly deteriorate or become unsightly
626 such as exposed cinder blocks, galvanized metal, unfinished tile, and common clay
627 brick.

628 (4) Building construction prohibited.

629 (a) Temporary construction.

630 (G) Landscape standards.

631 (1) A landscape plan, showing how the site meets all landscape
632 requirements must be submitted at the time of building permit. The plan shall include all
633 landscaping, screening and erosion control plans and shall be prepared and signed by a
634 registered landscape architect or professional site planner with educational training or
635 work experience in land analysis and site plan preparation. At a minimum, the plans
636 shall include the following:

637 (a) A detailed land analysis including existing vegetation, soil
638 types, topography and all man-made features.

639 (b) Details of proposed vegetative landscaping materials
640 including placement, Latin name, common name, caliper/height and quantity.

641 (c) Details of proposed non-vegetative landscaping and
642 screening materials.

643 (d) Details of proposed erosion control methods.

644 (e) Planting and construction schedule for completion of
645 landscaping and screening plans.

646 (2) There shall be a minimum of 10% green space on every lot.

647 (3) A minimum of 1 deciduous and 1 coniferous tree for every 25,000
648 square feet, or fraction thereof, of lot area.

649 (4) Properties are also subject to the erosion control standards
650 requirements of § 153.080.

651 (H) Landscaping security.

652 (1) The owner shall file with the City Clerk security in the form of a
653 letter of credit or cash deposit as determined by the City Council, to ensure that the
654 landscaping, screening and erosion control work is done pursuant to the landscaping
655 plan within the time schedule, and to ensure that the vegetative materials used in any
656 landscaping, screening or erosion control work that die within 2 complete growing
657 seasons are replaced.

658 (2) The security shall be in a amount determined by the City Council,
659 but shall be at least equal to the amount estimated to be the cost of completing the
660 required landscaping, screening and erosion control measures and not to exceed twice
661 such amount.

662 (3) Where such landscaping, screening and erosion control measures
663 do not include the use of vegetative materials, the security shall be in force until such
664 landscaping; screening or erosion control measures have been completed and
665 approved by the City Council. Where such landscaping, screening and erosion control
666 measures do include the use of vegetative materials, the security shall be in force for at
667 least the next 2 complete growing seasons, subsequent to the completion and approval
668 of such landscaping; screening or erosion control measures have been completed and
669 approved by the City Council.

670 (4) Upon completion of the landscaping, screening and erosion control
671 work, the security will be reduced to an amount determined adequate to replace
672 vegetative material that may die within 2 complete growing seasons.

673 (5) Such security shall be filed with the City Clerk before a building
674 permit can be issued.

675 (I) Screening.

676 (1) Where any off-street parking area contains a loading zone, or a
677 drive-through, at least 50% of any side adjoining a public street must contain screening
678 of at least 4 feet in height, providing a minimum of 50% opacity year-round.

679 (2) On any property line that abuts a residential parcel, screening of at
680 least 6 feet in height shall provide a minimum of 80% opacity year-round.

681 (3) Screening shall be installed so as to block direct vision, and shall
682 consist of 1 or a combination of the following:

683 (a) A compact evergreen or deciduous hedge and over and
684 understory trees in a buffer strip at least 10 feet in width. At planting, hedge material
685 must be at least 2.5 feet in height.

686 (b) A fence or wall in conjunction with landscaping. With this
687 combination the required width of the buffer strip may be reduced to 5 feet.

688 (c) Earth berms - not to exceed a 3:1 slope or 4 feet in height.

689 (4) Chain link fencing is allowed only in combination with screening.
690 Plastic or vinyl inserts are prohibited.

691 (5) Dumpsters and/or trash/recycling receptacles shall be stored inside
692 the principal structure or if outside shall only be located on a non-street side of the
693 building, except for during trash pickup time.

694 (6) Any dumpsters and/or trash/recycling receptacles located along a
695 street side shall be screened by a wall of at least 6 feet in height which matches the
696 material, design and color of the principal building or stored within an accessory
697 structure constructed of building materials compatible with the principal structure, and
698 readily served through swinging doors or an overhead door on tracks. Storage
699 containers must have covers or enclosure has to have a roof.

700 (7) All rooftop mechanical equipment greater than 3 feet in height must
701 be screened from view by a method which matches that material, design and color of
702 the building upon which it is located.

703 (J) Parking and loading spaces.

704 (1) Loading docks are not permitted in front yards.

705 (2) Properties are also subject to the requirements of "Off-Street
706 Parking and Loading," §§ 153.110 et seq.

707 (K) Outdoor lighting.

708 (1) A lighting plan, showing how the site meets all lighting requirements
709 must be submitted at the time of site plan submittal.

710 (2) Intensity.

711 (a) No more than 0.5 foot candles of light where residential
712 zoning abuts and no more than 1.0 foot candles of light where other zoning abuts shall
713 be allowed at the property line, when measured at eye level and aimed at the light
714 source.

715 (b) In parking areas and walkways, downward focused lighting
716 shall be provided by cutoff type luminaries with no more than 10% of light output above
717 the horizontal plane through the light source.

718 (3) Height. Light fixtures and freestanding luminaries shall not exceed
719 20 feet or extend above the roofline of the principal building, whichever is less.

720 (4) Accent lighting. Accent lighting used to highlight selected landscape
721 or architectural features shall be permitted provided the light source is shielded to aim
722 directly at the area of focus.

723 (Ord. 2021-8-4, passed 8-10-2021)
724 § 153.052 I INDUSTRIAL DISTRICT.

725 (A) Purpose. To provide an attractive, high quality light industrial park
726 primarily for manufacturing and assembly, warehousing and limited retail uses in
727 developments which provide a harmonious transition to residential development and
728 neighborhoods by:

729 (1) Conducting essentially all business activities inside buildings.
730 (2) Consisting of high quality and attractive buildings which blend in
731 with the environment.

732 (3) Providing open space and quality landscaping which achieve a park
733 like setting.

734 (4) Screening of parking, loading docks, and other similar functions.

735 (B) Permitted uses.
736 (1) Light industrial uses that are low impact and advanced technology
737 uses which produce little or no noise, odor, vibration, glare, or other objectionable
738 influences as defined in the city code, and which have little or no adverse effect on
739 surrounding properties when manufacturing or assembling a wide variety of products.
740 Light industrial uses do not include processing outside of an enclosed structure.
741 (2) Shops and offices for contractors and trades, including general,
742 electrical, plumbing, automotive repair, heating and ventilating, landscape and
743 excavating, and businesses that support them.
744 (3) Offices, warehouses, and distribution facilities, including office
745 warehouses and office showrooms.
746 (4) Sports and recreation facilities including ice arena.
747 (C) Permitted accessory uses.
748 (1) Radio and television receiving antennas include single satellite dish
749 TVROs 2 meters or less in diameter, short-wave radio dispatching antennas, or those
750 necessary for the operation of electronic equipment including radio receivers, federally
751 licensed amateur radio stations, and television receivers, as regulated by the city code.
752 (2) Accessory and secondary use antennas as regulated by the city
753 code.
754 (3) Personal wireless service antennas and antenna support structures
755 located on a structure as regulated by the city code.
756 (D) Conditional uses. The following are conditional uses in the LI District and
757 require a conditional use permit following the procedures of this section:
758 (1) Retail uses.
759 (2) Outside storage.
760 (3) Private water supply system pursuant to § 51.11(C).
761 (E) Lot requirements, setbacks, and outside storage. The following minimum
762 requirements shall be observed in the LI District subject to the additional requirements,
763 exceptions, and modifications set forth in this section:
764 (1) Minimum lot area: 20,000 square feet.
765 (2) Minimum lot width: 100 feet.
766 (3) Building setbacks: Each building in the LI District shall have the
767 following minimum setbacks from the property line:
768 (a) Front yard: 50 feet; FRONT is defined as the side of
769 the building facing the street. On corner lots, the front side is defined as the side having
770 the building's address.
771 (b) Side yard: 20 feet when the side faces the exterior
772 of the park; 10 feet when the side faces the interior of the park; 30 feet when the side
773 abuts a street or residential area.
774 (c) Rear yard: 20 feet; 30 feet when the rear abuts a
775 street.
776 (4) Maximum building height shall be 35 feet.
777 (5) Properties may also be subject to the requirements of the
778 Shoreland Overlay District, § 153.054.
779 (6) Conditions on outside storage of material or finished product.

780 (a) Outside storage of materials or finished product may not
781 exceed 40% of the area of a lot that is 5 or more acres.

782 (b) Outside storage of materials or finished product may not
783 exceed 75% of the footprint of the building on lots smaller than 5 acres and may never
784 exceed 40% of the area of the lot.

785 (c) All outside storage shall be screened from view by dense
786 vegetative screening or other approved screening method.

787 (d) All outside storage areas shall be completely surfaced with
788 asphalt or concrete and be surrounded by perimeter concrete curbing.

789 (e) Storage must be located to the rear or side of the principal
790 building on the site.

791 (f) Chain link fencing is allowed along with screening. Plastic or
792 vinyl inserts are prohibited.

793 (g) No outside processing of materials or repair is permitted.

794 (h) All refuse containers, if not located within a building, shall be
795 completely enclosed to shield the view of the containers from all sides and any
796 container shall not be closer than 5 feet to any structure or building overhang. The
797 location of any outside storage shall be identified on the site plan.

798 (F) Building design standards.

799 (1) Quality. Buildings shall maintain a high standard of architectural
800 and aesthetic compatibility with surrounding properties to ensure that they will not
801 adversely impact the abutting properties.

802 (2) Exterior finishes. The following materials are permitted for exterior
803 finishes:

804 (a) Face brick;

805 (b) Natural stone;

806 (c) Stone or glass curtain walls;

807 (d) Wood, provided surfaces are finished for exterior use and
808 wood of proven exterior durability is used, such as cedar, redwood, or cypress;

809 (e) Break-off block;

810 (f) Stucco; and

811 (g) Precast concrete and integral colored concrete block,
812 provided surfaces are molded, serrated or treated with a textured material to create a 3-
813 dimensional character.

814 (h) Curtain wall panels of steel, metal, or aluminum provided the
815 panels are factory fabricated and of a high-quality material with a matte or non-lustre
816 finish. These structures will require decorative design elements as approved by the City
817 Council.

818 (3) Prohibited materials. The following materials are prohibited for
819 exterior finishes:

820 (a) Face material that rapidly deteriorate or become unsightly
821 such as exposed cinder blocks, galvanized metal, unfinished tile, and common clay
822 brick.

823 (b) Structures that have only an outside skin.

824 (4) Building construction prohibited.

825 (a) Temporary construction.

826 (5) Loading and unloading.
827 (a) Each building or structure in the LI District shall be so
828 located on the lot it occupies to allow off- street loading and unloading. The use of the
829 street for loading or unloading is prohibited.
830 (b) No loading docks shall be located to the front of any building
831 in the LI District.
832 (c) No loading or unloading shall take place in front of any
833 building in the LI District.
834 (G) Landscaping standards and requirements.
835 (1) Landscaping shall be required for all areas within the LI District.
836 There shall be a minimum of 20% green space required on every lot.
837 (2) Landscaping shall consist of trees, shrubs, planted ground cover
838 and other vegetative material. All proposed deciduous trees shall be a minimum of 2-1/2
839 caliper inches measured 2 feet off the ground and all coniferous trees shall be a
840 minimum of 6 feet in height at time of planting. Acceptable trees are listed in the city
841 code.
842 (3) A minimum of 2 trees shall be required for every 20,000 square feet
843 (or fraction of that) of lot area.
844 (4) Ornamental non-vegetative landscaping material may be used in
845 addition to vegetative materials not withstanding the above requirements.
846 (5) All developed uses shall provide a landscaped yard along all
847 streets. This yard shall be at least 10 feet deep, measured from the street right-of-way
848 line. This yard shall be kept clear of all structures, storage and off-street parking. Except
849 for driveways, the yard shall extend along the entire frontage of the lot and along both
850 streets in the case of a comer lot. Each side yard shall have a minimum of 10 feet and
851 each rear yard shall have a minimum of 20 feet of landscaped area measured off the
852 property line.
853 (6) All required landscaped yards and boulevards not otherwise
854 devoted to drives, sidewalks or trails shall be sodded.
855 (7) All open areas of any site, lot or parcel not otherwise improved shall
856 be graded to provide adequate drainage and shall be landscaped. Such landscaping
857 shall conform to the landscaping plan approved by the city at the time the building
858 permit was issued.
859 (8) No earth mounds shall be higher than 4 feet in height.
860 (9) It shall be the responsibility of the owner to see that the
861 landscaping is maintained in an attractive and well kept condition, and to replace any
862 landscaping that dies.
863 (10) Unless otherwise required in this division (G), all other landscaping
864 provisions of the city code must be met.
865 (11) Turf must be established by the use of sod on all lots within 60
866 days, excluding the time between October 1 and May 1, of issuance of a certificate of
867 occupancy.
868 (H) Screening standards and requirements.
869 (1) Screening shall be installed so as to block direct vision. It shall
870 consist of 1 or more of the following:

871 (a) A fence or wall not less than 5 feet high, but not extending
872 within 15 feet of any street.

873 (b) Compact evergreen or deciduous hedge and over and under
874 story trees in a buffer strip at least 10 feet in width. At planting, hedge material must be
875 at least 2-1/2 feet in height and deciduous trees must be at least 5 feet in height with a
876 minimum of 2-1/2 caliper inches measured 2 feet off the ground. Coniferous trees must
877 be at least 6 feet in height.

878 (c) Earth berms.

879 (2) The screening shall be placed along property lines or in the case of
880 screening along a street, 15 feet from the street right-of way line.

881 (3) Where any lot is adjacent to property developed for residential use,
882 the owner shall provide screening along the boundary of the residential property.

883 (4) Where any off-street parking area contains more than 4 parking
884 spaces, partial screening with vegetation and/or berms shall be placed on any side
885 adjoining a residential use or a public street.

886 (5) All loading docks shall be screened from view on the property's
887 street frontages or from the districts boundary by a wall, earth berms or plant material or
888 a combination of these at least 5 feet in height. Such walls shall be designed to be
889 harmonious with the structure having the loading dock.

890 (6) All mechanical equipment located around the perimeter of a
891 structure shall be screened.

892 (7) Dumpsters and/or trash/recycling receptacles shall be stored inside the
893 principal structure or if outside shall only be located on a non-street side of the building,
894 except for during trash pickup time.

895 (8) Any dumpsters and/or trash/recycling receptacles located along a
896 street side shall be screened by a wall of at least 6 feet in height which matches the
897 material, design and color of the principal building or stored within an accessory
898 structure constructed of building materials compatible with the principal structure, and
899 readily served through swinging doors or an overhead door on tracks. Storage
900 containers must have covers or enclosure has to have a roof.

901 (9) All exterior storage shall be screened from view with exception of:
902 (a) Merchandise being displayed.
903 (b) Materials and equipment being used for construction on
904 premises.

905 (10) Screening devices shall be included in the site and/or landscaping
906 plans.

907 (11) Unless otherwise required in this division (H), all other screening
908 provisions of the city code must be met.

909 (I) Landscaping and screening plan.

910 (1) Complete landscaping, screening and erosion control plans shall be
911 prepared and signed by a landscape architect or professional site planner with
912 educational training or work experience in land analysis and site plan preparation.
913 These plans shall include:

914 (a) Detailed natural land analysis including vegetation, soil types
915 and slopes.
916 (b) Manmade features.

917 (c) Details of all proposed vegetative landscaping materials
918 including placement, Latin name, common name, caliper/height and quantity.
919 (d) Details of proposed non-vegetative landscaping and
920 screening materials.
921 (e) Planting and construction schedule for completion of
922 landscaping and screening plans.
923 (2) The final landscaping and screening plan must be approved by the
924 City Council at the time of site plan review.
925 (J) Landscaping security.
926 (1) The owner shall file with the City Clerk security in the form of a
927 letter of credit or cash deposit as determined by the City Council, to ensure that the
928 landscaping, screening and erosion control work is done pursuant to the landscaping
929 plan within the time schedule, and to ensure that the vegetative materials used in any
930 landscaping, screening or erosion control work that die within 2 complete growing
931 seasons are replaced.
932 (2) The security shall be in an amount determined by the City Council,
933 but shall be at least equal to the amount estimated to be the cost of completing the
934 required landscaping, screening and erosion control measures and not to exceed twice
935 such amount.
936 (3) Where such landscaping, screening and erosion control measures
937 do not include the use of vegetative materials, the security shall be in force until such
938 landscaping; screening or erosion control measures have been completed and
939 approved by the City Council. Where such landscaping, screening and erosion control
940 measures do include the use of vegetative materials, the security shall be in force for at
941 least the next 2 complete growing seasons, subsequent to the completion and approval
942 of such landscaping; screening or erosion control measures have been completed and
943 approved by the City Council.
944 (4) Upon completion of the landscaping, screening and erosion control
945 work, the security will be reduced to an amount determined adequate to replace
946 vegetative material that may die within 2 complete growing seasons.
947 (5) Such security shall be filed with the City Clerk before a building
948 permit can be issued.
949 (K) Outdoor lighting.
950 (1) A lighting plan, showing how the site meets all lighting requirements
951 must be submitted at the time of site plan submittal.
952 (2) Intensity.
953 (a) No more than 0.5 foot candles of light where residential
954 zoning abuts and no more than 1.0 foot candles of light where other zoning abuts shall
955 be allowed at the property line, when measured at eye level and aimed at the light
956 source.
957 (b) In parking areas and walkways, downward focused lighting
958 shall be provided by cutoff type luminaries with no more than 10% of light output above
959 the horizontal plane through the light source.
960 (3) Height. Light fixtures and freestanding luminaries shall not exceed
961 20 feet or extend above the roofline of the principal building, whichever is less.

962 (4) Accent lighting. Accent lighting used to highlight selected landscape
963 or architectural features shall be permitted provided the light source is shielded to aim
964 directly at the area of focus.

965 (Ord. 2021-8-5, passed 8-10-2021)

966 § 153.053 LI LIGHT INDUSTRIAL DISTRICT.

967 (A) Purpose. The I Industrial District is established to provide exemplary
968 standards of development for industrial areas, to ensure compatibility with other land
969 uses and to provide for industrial employment opportunities for residents of the
970 community.

971 (B) Requirements.

972 (1) Minimum lot area: 13,000 square feet;

973 (2) Minimum lot width: 100 feet;

974 (3) Front yard setback: 25 feet; when abutting residentially

975 zoned property, the front yard setback shall conform to the established front yard
976 setback in the block;

977 (4) Rear yard setback: 25 feet; when abutting residentially
978 zoned property, the rear yard setback shall be 30 feet, and no storage or parking of
979 vehicles shall be permitted within 10 feet of the rear lot line. There shall be a 10 foot
980 (minimum) landscaped buffer strip along the rear lot line.

981 (5) Side yard setback: 10 feet interior; 15 feet when abutting a
982 residentially zoned lot; 15 feet corner.

983 (C) No unenclosed use. All manufacturing or processing shall be conducted
984 completely within enclosed buildings.

985 (D) Landscaping. Substantial landscaping and screening shall be installed and
986 maintained on industrial sites adjacent to residential districts to effectively separate the
987 uses and promote the public health, safety and welfare.

988 (E) Permitted principal uses. Some may require a conditional use permit.

989 (1) Art equipment supplies - manufacture.

990 (2) Bags, boxes and paper containers, manufacturing and storage.

991 (3) Bakery products.

992 (4) Bottling establishments.

993 (5) Bland books, loose-leaf binders - fabrication and assembly.

994 (6) Books and bookbinding.

995 (7) Cabinet and woodworking establishments.

996 (8) Clothing manufacture.

997 (9) Camera and photographic manufacturing.

998 (10) Cold storage plants, locker plants.

999 (11) Commercial printing, publishing, engraving and reproduction firms.

1000 (12) Confectionery and related products, manufacture and packaging.

1001 (13) Creameries, milk stations, bottling works.

1002 (14) Dental instruments and supplies.

1003 (15) Dry cleaning and dyeing establishments.

1004 (16) Electric lighting and wiring equipment - manufacture.

1005 (17) Electric measuring and testing equipment - manufacture.

1006 (18) Electronic tubes and other components - manufacture.

1007 (19) Electrical products and appliances - manufacture and assembly.

- 1008 (20) Express and hauling stations.
- 1009 (21) Grain and seed elevators.
- 1010 (22) Hand and edge tools - manufacture and assembly.
- 1011 (23) Ice plants and ice cream plants.
- 1012 (24) Jewelry manufacture.
- 1013 (25) Laboratory instruments and associated equipment, scientific, and
- 1014 testing.
- 1015 (26) Laundries.
- 1016 (27) Luggage, handbags, and similar items - manufacture and
- 1017 assembly.
- 1018 (28) Lumber yards.
- 1019 (29) Mail order houses.
- 1020 (30) Medical and surgical instruments and supplies.
- 1021 (31) Newspaper plants and offices.
- 1022 (32) Office furniture and supplies.
- 1023 (33) Optical instruments and lenses - manufacture and assembly.
- 1024 (34) Patterns - design and manufacture.
- 1025 (35) Pottery shops.
- 1026 (36) Precision instruments.
- 1027 (37) Plastic extrusion and molding fixture.
- 1028 (38) Processing and storage plants not involving a discharge of noxious
- 1029 to toxic matter.
- 1030 (39) Public garages.
- 1031 (40) Radio and television - assembly and parts fabrication.
- 1032 (41) Sport equipment - manufacture and assembly.
- 1033 (42) Scientific and research instruments and equipment - manufacture
- 1034 and assembly.
- 1035 (43) Signs and advertising display materials - manufacture.
- 1036 (44) Supply yards.
- 1037 (45) Storehouses, warehouses.
- 1038 (46) Telephone and telegraph technical apparatus - manufacture and
- 1039 assembly.
- 1040 (47) Temperature controls - fabrication and assembly.
- 1041 (48) Trade schools.
- 1042 (49) Truck terminals.
- 1043 (50) Warehousing.
- 1044 (51) Welding supply.
- 1045 (52) Wholesale business facilities.
- 1046 (53) "Adult uses" subject to the requirements of Chapter 96 of the city
- 1047 code.
- 1048 (F) Permitted accessory uses.
- 1049 (1) Off-street parking and loading, as required in this chapter.
- 1050 (2) Nameplate and business signs, as per §§ 153.090 through
- 1051 153.105.
- 1052 (G) Uses requiring a conditional use permit.

1053 (1) Heavy manufacturing or any use involving pollution or other
1054 hazards.
1055 (2) Junk yards, auto reduction yards, and open storage yards.
1056 (3) Private water supply system pursuant to § 51.11(C).
1057 (4) Other manufacture, processing, storage, or commercial uses
1058 determined by the Planning Commission to be of the same general character as the
1059 permitted uses above and found not to be obnoxious, unhealthful, or offensive by
1060 reason of the potential emission or transmission of noise, oxidation, smoke, dust, odors,
1061 toxic or noxious matter, or glare or heat.
1062 (5) Properties may also be subject to the requirements of the
1063 Shoreland Overlay District, § 153.054.
1064 (6) Conditions on outside storage of material or finished product.
1065 (a) Outside storage of materials or finished product may not
1066 exceed 40% of the area of a lot that is 5 or more acres.
1067 (b) Outside storage of materials or finished product may not
1068 exceed 75% of the footprint of the building on lots smaller than 5 acres and may never
1069 exceed 40% of the area of the lot.
1070 (c) All outside storage shall be screened from view by dense
1071 vegetative screening or other approved screening method.
1072 (H) Building design standards.
1073 (1) Quality. Buildings shall maintain a high standard of architectural
1074 and aesthetic compatibility with surrounding properties to ensure that they will not
1075 adversely impact the abutting properties.
1076 (2) Exterior finishes. The following materials are permitted for exterior
1077 finishes:
1078 (a) Face brick;
1079 (b) Natural stone;
1080 (c) Stone or glass curtain walls;
1081 (d) Wood, provided surfaces are finished for exterior use and
1082 wood of proven exterior durability is used, such as cedar, redwood, or cypress;
1083 (e) Break-off block;
1084 (f) Stucco; and
1085 (g) Precast concrete and integral colored concrete block,
1086 provided surfaces are molded, serrated or treated with a textured material to create a 3-
1087 dimensional character.
1088 (h) Curtain wall panels of steel, metal, or aluminum provided the
1089 panels are factory fabricated and of a high-quality material with a matte or non-lustre
1090 finish. These structures will require decorative design elements as approved by the City
1091 Council.
1092 (3) Prohibited materials. The following materials are prohibited for
1093 exterior finishes:
1094 (a) Face material that rapidly deteriorate or become unsightly
1095 such as exposed cinder blocks, galvanized metal, unfinished tile, and common clay
1096 brick.
1097 (4) Building construction prohibited.
1098 (a) Temporary construction.

1099 (I) Landscaping and screening plan.
1100 (1) Complete landscaping, screening and erosion control plans shall be
1101 prepared and signed by a landscape architect or professional site planner with
1102 educational training or work experience in land analysis and site plan preparation.
1103 These plans shall include:
1104 (a) Detailed natural land analysis including vegetation, soil types
1105 and slopes.
1106 (b) Manmade features.
1107 (c) Details of all proposed vegetative landscaping materials
1108 including placement, Latin name, common name, caliper/height and quantity.
1109 (d) Details of proposed non-vegetative landscaping and
1110 screening materials.
1111 (e) Planting and construction schedule for completion of
1112 landscaping and screening plans.
1113 (2) The final landscaping and screening plan must be approved by the
1114 City Council at the time of site plan review.
1115 (J) Landscaping security.
1116 (1) The owner shall file with the City Clerk security in the form of a
1117 letter of credit or cash deposit as determined by the City Council, to ensure that the
1118 landscaping, screening and erosion control work is done pursuant to the landscaping
1119 plan within the time schedule, and to ensure that the vegetative materials used in any
1120 landscaping, screening or erosion control work that die within 2 complete growing
1121 seasons are replaced.
1122 (2) The security shall be in a amount determined by the City Council,
1123 but shall be at least equal to the amount estimated to be the cost of completing the
1124 required landscaping, screening and erosion control measures and not to exceed twice
1125 such amount.
1126 (3) Where such landscaping, screening and erosion control measures
1127 do not include the use of vegetative materials, the security shall be in force until such
1128 landscaping; screening or erosion control measures have been completed and
1129 approved by the City Council. Where such landscaping, screening and erosion control
1130 measures do include the use of vegetative materials, the security shall be in force for at
1131 least the next 2 complete growing seasons, subsequent to the completion and approval
1132 of such landscaping; screening or erosion control measures have been completed and
1133 approved by the City Council.
1134 (4) Upon completion of the landscaping, screening and erosion control
1135 work, the security will be reduced to an amount determined adequate to replace
1136 vegetative material that may die within 2 complete growing seasons.
1137 (5) Such security shall be filed with the City Clerk before a building
1138 permit can be issued.
1139 (K) Outdoor lighting.
1140 (1) A lighting plan, showing how the site meets all lighting requirements
1141 must be submitted at the time of site plan submittal.
1142 (2) Intensity.
1143 (a) No more than 0.5 foot candles of light where residential
1144 zoning abuts and no more than 1.0 foot candles of light where other zoning abuts shall

1145 be allowed at the property line, when measured at eye level and aimed at the light
1146 source.

1147 (b) In parking areas and walkways, downward focused lighting
1148 shall be provided by cutoff type luminaries with no more than 10% of light output above
1149 the horizontal plane through the light source.

1150 (3) Height. Light fixtures and freestanding luminaries shall not exceed
1151 20 feet or extend above the roofline of the principal building, whichever is less.

1152 (4) Accent lighting. Accent lighting used to highlight selected landscape
1153 or architectural features shall be permitted provided the light source is shielded to aim
1154 directly at the area of focus.

1155 (Ord. 2021-8-6, passed 8-10-2021)

1156 § 153.054 SL SHORELAND DISTRICT.

1157 (A) Purpose. The purpose of the Shoreland District is to govern the use,
1158 alteration and development of shoreland areas, according to the provisions of this
1159 chapter.

1160 (B) District application. The SL Shoreland District shall be applied to and
1161 superimposed upon all zoning districts as contained herein as existing or amended by
1162 the text and map of this chapter. The regulations and requirements imposed by the SL
1163 Shoreland District shall be in addition to those established for districts which jointly
1164 apply. Under the joint application of districts, the more restrictive requirements shall
1165 apply.

1166 (C) Boundaries. The boundaries of the Shoreland District are established
1167 within the following distances from the normal high water mark of the surface water
1168 depending on the size of the surface water: greater than 10 acres - 1,000 feet; rivers
1169 and streams - 300 feet. The practical limits of shorelands may be less than the statutory
1170 limits whenever the waters involved are bounded by topographic divides which extend
1171 landward from the waters of lesser distances and which are approved by the
1172 Commissioner of Natural Resources.

1173 (D) Shoreland classification.

1174 (1) The surface waters affected by this section and which require
1175 controlled development of their shoreland (Shoreland District) are shown on the map
1176 entitled "Zoning Map of the City of Stacy, Minnesota" which is properly approved and
1177 made a part of this chapter. Surface waters generally greater than 10 acres and given
1178 an identification number by the State of Minnesota are listed in the table below. Where
1179 the boundaries of the district are in question, the Board of Appeals shall make the
1180 necessary interpretation. If any boundary is disputed, the burden of proof shall rest with
1181 the applicant.

1182
1183 Surface Water Identification
1184 DNR Identification No. Name Classification
1185 13-59 Sunrise Pools (East of T.H. 30 and North and South of Hwy. 19) Natural
1186 Environment (NE) Lake
1187 13-61 Unnamed Lake (approximately 2,500 feet North of Hwy. 19, East of I-35, and
1188 West of T. H. 30) General Development
1189

1190 (2) All rivers and streams (West Branch, Sunrise River) in the
1191 municipality of Stacy having a total drainage area of greater than 2 square miles are
1192 assigned a shoreland classification of general development.

1193 (E) Minimum requirements. The following table sets forth the minimum
1194 requirements of each classification. Where the requirements of the zoning district are
1195 more restrictive, the more restrictive standards shall apply.

1196	Unsewered Areas	Natural Environment Waters**	General Development Waters***
1197	Lot area (sq. ft.)	80,000	20,000
1198	Water frontage and lot width at building line (ft.)	200	100
1199	Building setback from ordinary highwater mark (ft.)	200	75
1200	Building setback from roads and highways (ft.)	50 federal, state or county; 20 municipal 1201 or private	
1202	Elevation of lowest floor above highest known water level (ft.)	3	3
1203	Building height limitation (ft.)	35	35
1204	Total lot area covered by impervious surface (%)	30	30
1205	Sewage system setback from ordinary high water mark (ft.)	150	50
1206	Sewage system elevation above highest groundwater level or bedrock (ft.)	4	4
1207			

1208	Sewered Areas*	Natural Environment Waters**	General Development Waters***
1209	Lot area (sq. ft.)		
1210	Waterfront lots	40,000	15,000
1211	Other lots	20,000	10,000
1212	Water frontage and lot width at building line (ft.)	125	75
1213	Building setback from ordinary high water mark (ft.)	150	50
1214			

1215 * All provisions for unsewered areas shall apply to sewerred areas except for the
1216 following which shall supersede the provisions applied to unsewered areas.

1217 ** Sunrise Pools

1218 *** Unnamed lake and West Branch - Sunrise River

1219 (D) Soil absorption systems. Soil absorption systems shall not be allowed in
1220 the following areas for disposal of domestic sewage:

- 1221 (1) Low swampy areas or areas subject to recurrent flooding;
- 1222 (2) Areas where the highest known ground water table, bedrock or
1223 impervious soil conditions are within 4 feet of the bottom of the system;
- 1224 (3) Areas of ground slope which create a danger of seepage of the
1225 effluent onto the surface of the ground;
- 1226 (4) Public sewage disposal and commercial, agricultural, solid waste
1227 and industrial waste disposal shall conform to the standards, criteria, rules and
1228 regulations of the Minnesota Pollution Control Agency;
- 1229 (5) Alternative methods of sewage disposal such as holding tanks,
1230 privies, electric or gas incinerators may be allowed, provided they meet the standards
1231 and regulations of the Minnesota Pollution Control Agency and Department of Health;
- 1232 (6) All individual septic tanks, or soil absorption systems, shall be a
1233 minimum of 50 feet from the nearest well.

1236 (G) Nonconforming sanitary systems.
1237 (1) Nonconforming septic systems shall be brought into conformity
1238 within 5 years from adoption of this chapter.
1239 (2) Private wells shall be placed in areas not subject to flooding or
1240 upslope from a source of contamination. Private wells must meet all Department of
1241 Health Standards.
1242 (H) Shoreland alterations. Natural vegetation in shoreland areas shall be
1243 preserved insofar as practical and reasonable in order to retard surface runoff and soil
1244 erosion and to utilize excess nutrients. Any alteration of the vegetation or natural terrain
1245 in the Shoreland District shall be controlled by issuance of a landscape permit by the
1246 city. An approved permit shall be acquired before any shoreland alterations are
1247 undertaken as defined in this section. An alteration is defined as any clear-cutting,
1248 grading, and the like which involves the removal or addition of underbrush or vegetation
1249 which may have a detrimental impact by allowing soil erosion or runoff of excess
1250 nutrients to enter the public waters. The issuance of a landscape permit shall be
1251 controlled by this section in accordance with the following criteria:
1252 (1) Clear cutting shall be prohibited, except as necessary for placing
1253 public roads, utilities, structures, and parking areas;
1254 (2) Natural vegetation shall be restored insofar as feasible after any
1255 construction project;
1256 (3) Selective cutting of trees and underbrush shall be allowed as long
1257 as sufficient cover is left to screen motor vehicles and structures when viewed from the
1258 water;
1259 (4) Grading and filling of a permanent nature: where more than 10
1260 yards of material is to be cut, filled or graded, a landscape permit shall be obtained from
1261 the city. This landscape permit shall be issued only if the applicant can demonstrate
1262 that:
1263 (a) The smallest amount of bare ground shall be exposed for as
1264 short a time as feasible;
1265 (b) Temporary ground cover, such as mulch, shall be used and
1266 permanent vegetative cover, such as sod, shall be provided;
1267 (c) Methods to prevent erosion and trap sediment shall be
1268 employed;
1269 (d) Fill shall be stabilized to accepted engineering standards;
1270 (e) Failure to acquire the necessary landscape permit shall be in
1271 violation of this chapter.
1272 (I) Land suitability - SL Districts. No land shall be subdivided which is held
1273 unsuitable by the city for the proposed use because of flooding, inadequate drainage,
1274 soil and rock formations with severe limitations for development, severe erosion
1275 potential, unfavorable topography, inadequate water supply or sewage disposal
1276 capabilities, or any other feature likely to be harmful to the health, safety, or welfare of
1277 future residents.
1278 (J) Inconsistent plats. All plats recommended for approval which are
1279 inconsistent with the municipal shoreland ordinance shall be reviewed by the Minnesota
1280 Commissioner of Natural Resources before approval by the city may be granted.

1281 (K) Planned unit developments. These shoreland management regulations
1282 may be altered to allow for planned unit developments as defined by this chapter,
1283 provided:

1284 (1) Preliminary plans are approved by the Department of Natural
1285 Resources prior to approval by the city;

1286 (2) Central sewage facilities are installed which meet all applicable
1287 standards and regulations or the planned unit development is connected to municipal
1288 sewer;

1289 (3) Open space is preserved as appropriate;

1290 (4) The increased density of development is consistent with and does
1291 not overburden the resource limitations of the public water or shorelands;

1292 (5) That all shoreline development such as docks be centralized
1293 facilities serving the entire planned unit development; and

1294 (6) That the final plan shall not be altered unless approved by the
1295 developer, city, and the Department of Natural Resources.

1296 (L) Variances. Variances may be granted by the Council upon application
1297 required in this chapter in extraordinary cases, but only when the proposed use is
1298 determined to be in the public interest, and no variance shall be granted which the
1299 Council determines will or has a tendency to:

1300 (1) Result in the placement of an artificial obstruction which will restrict
1301 the passage of storm and flood water in such a manner as to increase the height of
1302 flooding, except obstructions approved by the Watershed Districts in conjunction with
1303 sound flood plain management;

1304 (2) Result in incompatible land uses or which would be detrimental to
1305 the protection of surface and ground water supplies;

1306 (3) Be not in keeping with land use plans and planning objectives for
1307 the city or which will increase or cause danger to life or property;

1308 (4) Be inconsistent with the objectives of encouraging land uses
1309 compatible with the preservation of the natural land forms, vegetation, and the marshes
1310 and wetlands within the city;

1311 (5) No permit or variance shall be issued unless the applicant has
1312 submitted a shoreland impact plan as required and set forth in this chapter. In granting
1313 any variance, the Council may attach such conditions as they deem necessary to insure
1314 compliance with the policy and intent of this chapter.

1315 (Prior Code, § 903.09)

1316 § 153.055 PUD PLANNED UNIT DEVELOPMENT DISTRICT.

1317 (A) Purpose and intent. The purpose of the Planned Unit Development District
1318 (PUD) is to provide a comprehensive procedure intended to allow greater flexibility in
1319 the development of neighborhoods or non-residential areas than would be possible
1320 under a conventional zoning district. The decision to zone property to PUD is a public
1321 policy decision for the City Council to make in its legislative capacity. The intent of this
1322 section is to:

1323 (1) Provide for the establishment of Planned Unit Development (PUD)
1324 zoning districts in appropriate settings and situations, to create or maintain a
1325 development pattern that complies with the city's comprehensive plan.

1326 (2) Allow for the mixing of land uses within a development when such
1327 mixing of land uses could not otherwise be accomplished under this chapter.

1328 (3) Provide for variations to the strict application of the land use
1329 regulations in this chapter in order to improve site design and operation, while at the
1330 same time incorporating design elements (e.g., construction materials, landscaping,
1331 lighting, etc.) that exceed the city's standards to offset the effect of any variations.

1332 (4) Promote a more creative and efficient approach to land use within
1333 the city, while at the same time protecting and promoting the health, safety, comfort,
1334 aesthetics, economic viability, and general welfare of the city.

1335 (5) Preserve and enhance natural features and open spaces.

1336 (6) Maintain or improve the efficiency of public streets and utilities.

1337 (7) Ensure the establishment of appropriate transitions between
1338 differing land uses.

1339 (8) Provide some additional, identifiable benefit to the city or future
1340 residents, users, or patrons of the PUD beyond what would be achieved by application
1341 of a standard plat under the city's regulations.

1342 (B) Uses. All permitted uses, permitted accessory uses, conditional uses,
1343 interim uses, and uses allowed by administrative permit contained in this chapter shall
1344 be treated as potentially allowable uses within a PUD District, provided they would be
1345 allowable on the site under the city's comprehensive plan.

1346 (C) Setbacks, lot area, and building height. The various setback, lot area, and
1347 height regulations of the most closely related conventional zoning district shall be
1348 considered presumptively appropriate, but may be departed from to accomplish the
1349 purposes described in this section, providing there is no increase in density of more
1350 than 10%.

1351 (D) Integrated design. A PUD shall consist of a harmonious arrangement and
1352 selection of land uses in groupings of buildings that are planned and designed as an
1353 integrated unit. The integrated design shall include elements such as building
1354 orientation and materials, utilities, parking areas, traffic and pedestrian circulation, and
1355 open spaces.

1356 (E) Pre-application sketch review. Prior to the filing of a PUD general plan
1357 application, the applicant may submit a sketch of the project to the Zoning
1358 Administrator. The sketch will be reviewed in accordance with § 153.193(C).

1359 (F) General plan. A PUD general plan is a plan and supportive text depicting
1360 general land use, circulation, open space, utilities, etc. for parcels of land within a PUD.

1361 (1) Application procedure: PUD zoning applications shall be processed
1362 according to the evaluation criteria and procedures outlined in § 153.191 of this chapter.
1363 The general plan shall be accompanied by a fee and a cash escrow as set forth in
1364 Chapter 34 of the City Code.

1365 (2) Information requirement:

1366 (a) The information required for all PUD general plan
1367 applications shall be as specified in § 153.192.

1368 (b) The Zoning Administrator, Planning Commission, and/or City
1369 Council may excuse an applicant from submitting any specific item of information or
1370 document required by this section which it finds to be unnecessary to the consideration
1371 of the specific PUD being considered.

1372 (3) Zoning enactment. A rezoning of a parcel of land to PUD shall not
1373 become effective until such time as the City Council approves an ordinance reflecting
1374 said amendment, which shall take place at the time the City Council approves the
1375 general plan.

1376 (G) Final plan. After approval of the general plan, the applicant may apply for
1377 final plan approval for all or a portion of the PUD. The final plan shall be accompanied
1378 by a fee as set forth in Chapter 34 of the City Code. The applicant shall submit the
1379 following material for review by and approval of the Zoning Administrator prior to
1380 issuance of any building permit(s).

1381 (1) If the PUD will be developed in different phases, the applicant shall
1382 submit a phasing plan for construction of the various elements of the entire PUD.

1383 (2) Development plans in final form, based on the approved general
1384 plan, covering that portion of the PUD where building permits will be requested under
1385 the phasing plan.

1386 (3) Proof of recording any easements and restrictive covenants prior to
1387 sale of any land or dwelling unit within the PUD and of the establishment and activation
1388 of any entity that is to be responsible for the management and maintenance of any
1389 public or common open space or service facility.

1390 (4) All certificates, seals and signatures required for the dedication of
1391 land and recording of documents.

1392 (5) Any other plans, agreements or specifications necessary for the
1393 Zoning Administrator to review the proposed final plan.

1394 (6) Single-family developments and PUD districts approved for only
1395 one building shall be exempt from the requirement for a PUD final plan.

1396 (H) Periodic PUD review. The City Council may require periodic review of a
1397 PUD as a condition to approval of a PUD General Plan in order to ensure compliance
1398 with the conditions of the PUD. At such time the City Council may, at its discretion,
1399 choose to take additional testimony on the PUD.

1400 (I) Plan modification/amendment of a PUD.

1401 (1) Amendment for existing single and two family PUDs. Amendments
1402 for existing single and 2-family PUDs shall follow the same review procedure as
1403 established for a variance, as set forth in § 153.188.

1404 (2) Minor modifications to an approved PUD may be approved by the
1405 Zoning Administrator, upon recommendation of the City Engineer, City Planner and City
1406 Attorney. Minor modifications in this context shall mean internal adjustments to the site
1407 and building plans that do not change the approved plat or the uses, do not increase the
1408 density or intensity of uses, do not increase the height of buildings, do not decrease the
1409 amount of park or open space, or do not reduce the setbacks to adjacent properties.

1410 (3) All other modifications to an approved PUD that do not qualify as
1411 minor as defined in division (I)(2) of this section, shall follow the procedure for PUD
1412 General Plan and Final Plan approval as outlined in § 153.055(F) and (G).

1413 (J) General requirements.

1414 (1) Records. The Zoning Administrator shall maintain a record of all
1415 PUD zones approved by the city, including all pertinent project plans, any conditions
1416 imposed on a project by the City Council, and such other information as the Zoning
1417 Administrator may deem appropriate.

1418 (2) Withdrawal of an application. Any application under this section
1419 may be withdrawn by an applicant without prejudice at any time prior to final City
1420 Council action thereon.

1421 (3) Platting of a PUD. In the event that a PUD is to be subdivided into
1422 lots or parcels for the purpose of separate ownership, such PUD shall be platted under
1423 the platting procedures contained in the Stacy Subdivision Ordinance and the related
1424 requirements of Chisago County. The preliminary plat shall be processed in conjunction
1425 with the general plan as outlined in division (F) of this section. A separate action on the
1426 final plat shall be processed before the City Council prior to the approval of a Final Plan.

1427 (4) Conveyance of property within a PUD. In the event that any real
1428 property within an approved PUD is conveyed in total or in part, the buyer(s) thereof
1429 shall be bound by all provisions of the PUD and the general plan for that project.
1430 However, nothing in this chapter shall be construed as to make such conveyed property
1431 non-conforming with regard to normal zoning standards as long as the conveyed
1432 property conforms with the approved PUD and the general plan for a project.

1433 (5) Agreement/financial guarantee. Following the approval of the
1434 general plan but prior to final plan approval, the applicant shall enter into an agreement
1435 with the city relating to the terms of the PUD, and shall also provide such financial
1436 guarantees as the city requires or deems necessary. Such agreement may take the
1437 form of:

- 1438 (a) A development contract;
- 1439 (b) A Site Improvement Performance Agreement; and
- 1440 (c) Another form of legally binding instrument as may be

1441 required by the city.

1442 (6) A PUD final plan shall expire 1 year from the date of its approval,
1443 unless:

- 1444 (a) The applicant commences the authorized use within that
- 1445 period; or
- 1446 (b) The applicant applies for an extension before the expiration
- 1447 of the 1-year period. The request for extension shall state facts showing a good faith
- 1448 attempt to complete or commence the use permitted by the PUD final plan. A request
- 1449 for an extension not exceeding 1 additional year shall be subject to the review and
- 1450 approval of the Zoning Administrator. Should a second extension of time or any
- 1451 extension of time longer than 1 additional year be requested by the applicant, it shall be
- 1452 presented to the City Council for a decision.

1453 (Prior Code, § 903.10) (Am. Ord. 2015-3-2, passed 3-16-2015)

1454 § 153.056 A AGRICULTURE DISTRICT.

1455 (A) Purpose. The purpose of the Agriculture District is to preserve areas that
1456 have been included in the city's Comprehensive Plan for future urban development. The
1457 large minimum lot size (40 acres) will retain these lands in their natural state or as
1458 agricultural uses until the most appropriate zoning district can be determined at the time
1459 development occurs. At such time the new zoning shall be consistent with the
1460 Comprehensive Plan.

1461 (B) Permitted uses.

- 1462 (1) Farming operations subject to the following.

1463 (a) Continued farm operations. All farm operations currently in
1464 existence will be permitted to continue operation subject to the following conditions:
1465 agriculture uses, excepting commercial animal farms, fur farms, kennels, and poultry
1466 farms, but including truck gardening and other horticultural uses, are permitted uses in
1467 the district in which an existing operation is located, provided that any new private
1468 stable or other new building in which farm animals are kept shall be a distance of 60
1469 feet or more from any other lot in any residential district.

1470 (b) Sale of products. Limited sales of products produced may
1471 be conducted on the premises from a roadside stand, but the stand shall not exceed 12
1472 feet in height or 500 square feet in floor area, and no portion of any such stand shall be
1473 located or erected nearer than 40 feet from any highway, street, or road right-of-way.

1474 (c) Conditional use permits. The Council may require any farm
1475 operation to secure a conditional use permit to continue the operations in the event the
1476 farming operations are so intensive as to constitute a feed lot or an industrial type use
1477 consisting of the compounding, processing, and packaging of products for wholesale or
1478 retail trade and further that such operations may tend to become a permanent industrial
1479 type operation (that cannot be terminated as can a normal farming operation).

1480 (d) Unsafe buildings. Nothing in this chapter shall be deemed to
1481 prevent the strengthening or restoring to a safe condition of any building or part thereof
1482 declared to be unsafe by the official charged with protecting the public safety, upon
1483 order of the official.

1484 (2) The raising of animals for sale, profit, or pleasure on parcels of 5
1485 acres or larger. This land area requirement applies to animal kennels, but not to the
1486 keeping of dogs, cats, and other animals customarily kept as pets. One animal unit is
1487 permitted per 2 acres. The animal units are as follows:

1488

1489	Number of Animals	Animal Units
1490	1 bovine/buffalo	1
1491	1 horse	1
1492	2 miniature horses	1
1493	2 swine over 55 pounds	1
1494	5 sheep/goat	1
1495	20 fowl (turkeys, chickens, ducks, geese, game birds)	1
1496	20 rabbits	1

1497 A property owner may request an ordinance amendment for any species not listed.
1498 Such amendment is at the discretion of the City Council.

1499
1500 (3) Farm drainage systems, flood control, and watershed structures
1501 and erosion control devices meeting all city, county, state, and soil conservation service
1502 minimum standards.

1503 (4) Forestry.

1504 (5) Wildlife areas, forest preserves, public parks owned or operated by
1505 a government agency or nonprofit organization, and other open space uses.

1506 (6) Essential services as defined by § 153.033.

1507 (7) Residential facilities in a single-family detached dwelling, serving 6
1508 or fewer individuals and licensed by the state.

1509 (8) Single-family detached dwellings, including expansion of single-
1510 family detached dwellings on non-conforming lots.

1511 (C) Accessory uses.

1512 (1) Any incidental machinery, structures, or buildings necessary for
1513 agriculture or other permitted uses as defined by § 153.031(A).

1514 (2) In-home daycare facilities as permitted in M.S. Chapter 462.357,
1515 Subdivision 7, as it may be amended from time to time.

1516 (3) Home occupations as defined by § 153.033.

1517 (4) Play and recreational facilities, including swimming pools and
1518 tennis courts, for use of the property owner and guests.

1519 (5) Signs as regulated by §§ 153.090 et seq.

1520 (6) Temporary trailers and construction equipment for the duration of
1521 construction only where temporary lavatories are provided in compliance with city and
1522 state requirements.

1523 (D) Conditional uses. The following are conditional uses, subject to § 153.189
1524 and the specific standards and criteria that may be cited below for a specific use:

1525 (1) Commercial feedlots, subject to MPCA (Minnesota Pollution Control
1526 Agency) requirements;

1527 (2) Greenhouses and nurseries;

1528 (3) Towers and antennas as regulated by this chapter;

1529 (4) Personal use airstrips;

1530 (5) Churches, chapels, temples, synagogues, and cemeteries with
1531 normal accessory buildings for education and living quarters;

1532 (6) Local government administration and service buildings;

1533 (7) Accessory dwelling units as regulated by § 153.035;

1534 (8) Commercial outdoor recreation areas that are similar to public
1535 recreation areas including private campgrounds, golf courses, swimming pools, and
1536 resorts. Public parks owned and operated by a government agency or nonprofit
1537 organization;

1538 (9) Agricultural oriented businesses such as grain and feed sales, grain
1539 drying, and storage;

1540 (10) Commercial fur farms;

1541 (11) Temporary equipment placement and operation as related to road
1542 construction;

1543 (12) Light construction equipment storage areas associated with a legal
1544 home occupation;

1545 (13) Regional pipelines, power transmission lines, and relay towers up
1546 to 50 feet;

1547 (14) Extraction of minerals, sand, gravel, rock, or any material from the
1548 earth and processing operations such as asphalt or concrete batch plants, rock
1549 crushing, washing, and recycling of pavement in accordance with § 153.078;

1550 (15) Home occupations which may require additional parking, an
1551 accessory building or an attached garage, or generate increase in traffic beyond typical
1552 residential nature and which are in accordance with § 153.033;

1553 (16) Antenna and/or amateur radio;

1554 (17) Telecommunication facility in accordance with § 153.155; and

1555 (18) Private water supply system pursuant to § 51.11(C).
1556 (E) Interim uses. The following are interim uses, subject to § 153.190 and the
1557 specific standards and criteria that may be cited below for a specific use:
1558 (1) One additional, non rental, farm dwelling as an accessory use to
1559 the farm; and
1560 (2) Certain home occupations as defined in § 153.033.
1561 (3) Private water supply system pursuant to § 51.11(C).
1562 (F) Area requirements.
1563 (1) The following minimum requirements shall be met in the AG
1564 District:
1565
1566 Minimum lot size 40 acres
1567 Minimum lot width 300 feet
1568 Minimum lot depth 300 feet
1569 Structure setbacks:
1570 Front 100 feet
1571 Side 25 feet
1572 Rear 50 feet
1573 Maximum building height 35 feet
1574
1575 (2) Properties may also be subject to the requirements of the
1576 Shoreland District, § 153.054.
1577 (Ord. 2009-5-1, passed 5-12-2009; Am. Ord. 2012-11-2, passed 11-13-2012; Am. Ord.
1578 2015-3-3, passed 3-16-2015; Am. Ord. 2016-10-2, passed 10-11-2016; Am. Ord. 2019-
1579 8-3, passed 8-13-2019)
1580 § 153.057 P PARK DISTRICT.
1581 (A) Purpose. The purpose of the park district is to provide for publicly owned
1582 park and recreation facilities.
1583 (B) Permitted principal uses: within a "P" park district, no structure or land
1584 shall be used except for 1 or more of the following uses:
1585 (1) Boat landing or fishing pier;
1586 (2) Golf course, public;
1587 (3) Hockey rinks, pleasure and in-line skating;
1588 (4) Informal play field;
1589 (5) Open space, natural areas, nature trails and other similar facilities;
1590 (6) Picnic area;
1591 (7) Picnic shelter;
1592 (8) Play equipment;
1593 (9) Play fields, including, but not limited to, soccer, baseball, softball,
1594 football;
1595 (10) Playgrounds, hard or soft surface play areas;
1596 (11) Recreation buildings;
1597 (12) Skateboard parks;
1598 (13) Special events as scheduled with City of Stacy;
1599 (14) Swimming pools;
1600 (15) Play courts, including basketball, tennis, and volleyball;

1601 (16) Warming houses and other similar facilities;
1602 (17) Community gardens; and
1603 (18) Other recreation uses as approved by the City of Stacy.
1604 (19) Sale of locally grown produce in the Farmers Market.
1605 (C) Permitted accessory uses. Within any "P" park district, the following uses
1606 shall be permitted accessory uses: signage located on outfield fences, shall comply with
1607 § 153.101(B)(2).
1608 (D) Uses requiring a conditional use permit. Within any "P" park district, no
1609 structure or land shall be used except for 1 or more of the following uses: essential
1610 service structures, including, but not limited to, buildings such as booster or pressure
1611 regulating stations, wells and pumping stations, elevated tanks, and lift stations,
1612 provided no building shall be located within 50 feet from any lot line of an abutting lot in
1613 an R district. Prior to granting such permit, it shall be found that the architectural design
1614 of service structures is compatible to the neighborhood in which it is located.
1615 (E) Lot requirements. No minimum lot area or width for park land. For public
1616 parks that contain structures the following setbacks shall apply:
1617 (1) Front yard setbacks: 25 feet;
1618 (2) Rear yard setbacks: 35 feet;
1619 (3) Side yard:
1620 (a) Ten feet interior;
1621 (b) Twenty feet corner;
1622 (c) Thirty feet for structures abutting a residential or vacant lot;
1623 (4) Height: 2 and 1/2 stories or 35 feet maximum;
1624 (F) Building standards: for any building structure built in the park district the
1625 following building standards shall apply.
1626 (1) Design of buildings shall reflect the character of the surrounding
1627 residential neighborhoods. Building scale and roof design should be consistent with
1628 existing neighborhoods.
1629 (2) Acceptable building materials include face brick, stone, glass,
1630 stucco, synthetic stucco, fiber cement siding or architectural concrete block. Non-
1631 decorative concrete block, sheet metal, unfinished metal or pole barn type buildings are
1632 not acceptable. Roofs shall reflect a traditional residential structure such as pitched,
1633 gable, hip or shed.
1634 (G) Activity scheduled in parks. The city shall be delegated as the agency to
1635 coordinate and schedule the use of park areas and facilities.
1636 (Ord. 2010-2-1, passed 2-23-2010; Am. Ord. 2013-3-2, passed 3-12-2013)
1637 § 153.058 OS OPEN SPACE DISTRICT.
1638 (A) Purpose. The purpose of the open space district is to provide for publicly
1639 owned open space facilities. This district consists of the Carlos Avery WMA district and
1640 all other public open space land.
1641 (B) Permitted uses. No structure or use shall be permitted in the OS zoning
1642 district except the following:
1643 (1) Open space, natural areas (including natural landscape areas),
1644 nature trails and nature observation areas;
1645 (2) Picnic area;
1646 (3) Picnic shelter;

1647 (4) Wildlife management areas and related facilities; and
1648 (5) Use of fire arm for hunting purposes as allowed in the Agricultural
1649 zoning district pursuant to § 130.01.

1650 (Ord. 2010-2-1, passed 2-23-2010)

1651 § 153.059 GENERAL FLOODPLAIN DISTRICT; FLOODPLAIN MANAGEMENT.

1652 (A) Statutory authorization, findings of fact and purpose.

1653 (1) Statutory authorization. The legislature of the state has, in M.S.
1654 Chapters 103F and 462 delegated the responsibility to local government units to adopt
1655 regulations designed to minimize flood losses. Therefore, the City Council does ordain
1656 as follows:

1657 (2) Findings of fact.

1658 (a) The flood hazard areas of Stacy, Minnesota, are subject to
1659 periodic inundation which results in potential loss of life, loss of property, health and
1660 safety hazards, disruption of commerce and governmental services, extraordinary public
1661 expenditures or flood protection and relief, and impairment of the tax base, all of which
1662 adversely affect the public health, safety, and general welfare.

1663 (b) Methods used to analyze flood hazards. This section is
1664 based upon a reasonable method of analyzing flood hazards which is consistent with
1665 the standards established by the Minnesota Department of Natural Resources.

1666 (c) National Flood Insurance Program compliance. This section
1667 is adopted to comply with the rules and regulations of the National Flood Insurance
1668 Program codified as 44 C.F.R. parts 59-78, as amended, so as to maintain the
1669 community's eligibility in the National Flood Insurance Program.

1670 (3) Statement of purpose. It is the purpose of this section to promote
1671 the public health, safety, and general welfare and to minimize those losses described in
1672 division (A)(2) by provisions contained herein.

1673 (B) General provisions.

1674 (1) Lands to which section applies. This section shall apply to all lands
1675 within the jurisdiction of the city shown on the Official Zoning Map and/or the
1676 attachments thereto as being located within the boundaries of the General Floodplain
1677 District.

1678 (2) Establishment of Official Zoning Map. The Official Zoning Map
1679 together with all materials attached thereto is hereby adopted by reference and declared
1680 to be a part of this section. The attached material shall include the Flood Insurance
1681 Study, Chisago County, Minnesota and Incorporated Areas and Flood Insurance Rate
1682 Map panels therein numbered 27025C0250D, 27025C0275D, and 27025C0375D,
1683 27025C0350D, all dated April 17, 2012 and prepared by the Federal Emergency
1684 Management Agency. The Official Zoning Map shall be on file in the Office of the City
1685 Clerk.

1686 (3) Regulatory flood protection elevation. The regulatory flood
1687 protection elevation shall be an elevation no lower than 1 foot above the elevation of the
1688 regional flood plus any increases in flood elevation caused by encroachments on the
1689 floodplain that result from designation of a floodway.

1690 (4) Interpretation.

1691 (a) In their interpretation and application, the provisions of this
1692 section shall be held to be minimum requirements and shall be liberally construed in

1693 favor of the governing body and shall not be deemed a limitation or repeal of any other
1694 powers granted by state statutes.

1695 (b) The boundaries of the zoning districts shall be determined by
1696 scaling distances on the Official Zoning Map. Where interpretation is needed as to the
1697 exact location of the boundaries of the district as shown on the Official Zoning Map, as
1698 for example where there appears to be a conflict between a mapped boundary and
1699 actual field conditions and there is a formal appeal of the decision of the Zoning
1700 Administrator, the City Council shall make the necessary interpretation. All decisions
1701 will be based on elevations on the regional (100-year) flood profile, the ground
1702 elevations that existed on the site at the time the community adopted its initial floodplain
1703 ordinance or on the date of the first National Flood Insurance Program map showing the
1704 area within the 100-year floodplain if earlier, and other available technical data.

1705 Persons contesting the location of the district boundaries shall be given a reasonable
1706 opportunity to present their case to the City Council and to submit technical evidence.

1707 (5) Abrogation and greater restrictions. It is not intended by this
1708 section to repeal, abrogate, or impair any existing easements, covenants, or deed
1709 restrictions. However, where this section imposes greater restrictions, the provisions of
1710 this section shall prevail. All other ordinances inconsistent with this section are hereby
1711 repealed to the extent of the inconsistency only.

1712 (6) Warning and disclaimer of liability. This section does not imply that
1713 areas outside the floodplain district or land uses permitted within such district will be
1714 free from flooding or flood damages. This section shall not create liability on the part of
1715 the city or any officer or employee thereof for any flood damages that result from
1716 reliance on this section or any administrative decision lawfully made thereunder.

1717 (7) Definitions. Unless specifically defined below, words or phrases
1718 used in this section shall be interpreted so as to give them the same meaning as they
1719 have in common usage and so as to give this section its most reasonable application.

1720 ACCESSORY USE OR STRUCTURE. A use or structure on the same lot
1721 with, and of a nature customarily incidental and subordinate to, the principal use or
1722 structure.

1723 BASEMENT. Any area of a structure, including crawl spaces, having its
1724 floor or base subgrade (below ground level) on all 4 sides, regardless of the depth of
1725 excavation below ground level.

1726 EQUAL DEGREE OF ENCROACHMENT. A method of determining the
1727 location of floodway boundaries so that floodplain lands on both sides of a stream are
1728 capable of conveying a proportionate share of flood flows.

1729 FLOOD. A temporary increase in the flow or stage of a stream or in the
1730 stage of a wetland or lake that results in the inundation of normally dry areas.

1731 FLOOD FREQUENCY. The frequency for which it is expected that a
1732 specific flood stage or discharge may be equaled or exceeded.

1733 FLOOD FRINGE. That portion of the floodplain outside of the floodway.
1734 Flood fringe is synonymous with the term FLOODWAY FRINGE used in the Flood
1735 Insurance Study, Chisago County, Minnesota and Incorporated Areas.

1736 FLOODPLAIN. The beds proper and the areas adjoining a wetland, lake
1737 or watercourse which have been or hereafter may be covered by the regional flood.

1738 FLOOD PROOFING. A combination of structural provisions, changes, or
1739 adjustments to properties and structures subject to flooding, primarily for the reduction
1740 or elimination of flood damages.

1741 FLOODWAY. The bed of a wetland or lake and the channel of a
1742 watercourse and those portions of the adjoining floodplain which are reasonably
1743 required to carry or store the regional flood discharge.

1744 LOWEST FLOOR. The lowest floor of the lowest enclosed area (including
1745 basement).

1746 MANUFACTURED HOME. A structure, transportable in one or more
1747 sections, which is built on a permanent chassis and is designed for use with or without a
1748 permanent foundation when attached to the required utilities. The term
1749 MANUFACTURED HOME does not include the term "recreational vehicle."

1750 OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile,
1751 abutment, projection, excavation, channel modification, culvert, building, wire, fence,
1752 stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any
1753 channel, watercourse, or regulatory floodplain which may impede, retard, or change the
1754 direction of the flow of water, either in itself or by catching or collecting debris carried by
1755 such water.

1756 PRINCIPAL USE or STRUCTURE. All uses or structures that are not
1757 accessory uses or structures.

1758 REACH. A hydraulic engineering term to describe a longitudinal segment
1759 of a stream or river influenced by a natural or man-made obstruction. In an urban area,
1760 the segment of a stream or river between 2 consecutive bridge crossings would most
1761 typically constitute a reach.

1762 RECREATIONAL VEHICLE. A vehicle that is built on a single chassis, is
1763 400 square feet or less when measured at the largest projection, is designed to be self-
1764 propelled or permanently towable by a light duty truck, and is designed primarily not for
1765 use as a permanent dwelling but as temporary living quarters for recreational, camping,
1766 travel, or seasonal use. For the purposes of this section, the term RECREATIONAL
1767 VEHICLE shall be synonymous with the term "travel trailer/travel vehicle."

1768 REGIONAL FLOOD. A flood which is representative of large floods
1769 known to have occurred generally in Minnesota and reasonably characteristic of what
1770 can be expected to occur on an average frequency in the magnitude of the 100-year
1771 recurrence interval. REGIONAL FLOOD is synonymous with the term "base flood" used
1772 in a flood insurance study.

1773 REGULATORY FLOOD PROTECTION ELEVATION. The regulatory
1774 flood protection elevation shall be an elevation no lower than 1 foot above the elevation
1775 of the regional flood plus any increases in flood elevation caused by encroachments on
1776 the floodplain that result from designation of a floodway.

1777 STRUCTURE. Anything constructed or erected on the ground or attached
1778 to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds,
1779 detached garages, cabins, manufactured homes, recreational vehicles not meeting the
1780 exemption criteria specified in division (I)(3)(a) of this section and other similar items.

1781 SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure
1782 where the cost of restoring the structure to its before damaged condition would equal or
1783 exceed 50% of the market value of the structure before the damage occurred.

1784 SUBSTANTIAL IMPROVEMENT. Within any consecutive 365-day period,
1785 any reconstruction, rehabilitation (including normal maintenance and repair), repair after
1786 damage, addition, or other improvement of a structure, the cost of which equals or
1787 exceeds 50% of the market value of the structure before the start of construction of the
1788 improvement. This term includes structures which have incurred substantial damage,
1789 regardless of the actual repair work performed. The term does not, however, include
1790 either:

1791 (a) Any project for improvement of a structure to correct existing
1792 violations of state or local health, sanitary, or safety code specifications which have
1793 been identified by the local code enforcement official and which are the minimum
1794 necessary to assure safe living conditions.

1795 (b) Any alteration of a historic structure, provided that the
1796 alteration will not preclude the structure's continued designation as an historic structure.
1797 For the purpose of this section, HISTORIC STRUCTURE shall be as defined in 44
1798 C.F.R. 59.1.

1799 VARIANCE. A modification of a specific permitted development standard
1800 required in an official control including this section to allow an alternative development
1801 standard not stated as acceptable in the official control, but only as applied to a
1802 particular property for the purpose of alleviating a hardship, practical difficulty or unique
1803 circumstance as defined and elaborated upon in a community's respective planning and
1804 zoning enabling legislation.

1805 (8) Annexations. The Flood Insurance Rate Map panels adopted by
1806 reference into division (B)(2) above may include floodplain areas that lie outside of the
1807 corporate boundaries of the city at the time of adoption of this section. If any of these
1808 floodplain land areas are annexed into the city after the date of adoption of this section,
1809 the newly annexed floodplain lands shall be subject to the provisions of this section
1810 immediately upon the date of annexation into the city.

1811 (C) Establishment of zoning districts.

1812 (1) General Floodplain District. The General Floodplain District shall
1813 include those areas designated as Zone A on the Flood Insurance Rate Map adopted in
1814 division (B)(2) herein. The General Floodplain District shall be considered an overlay
1815 zoning district to all existing land use districts in this community. The uses permitted in
1816 division (C)(2) below shall only be allowable if not prohibited by any existing underlying
1817 zoning district regulations of the community. The requirements of this section shall
1818 apply in addition to other legally established regulations of the community and where
1819 this section imposes greater restrictions, the provisions of this section shall apply.

1820 (2) Permitted uses in the General Floodplain District:

1821 (a) The following uses shall be permitted uses in both the
1822 floodway and flood fringe portions of the General Floodplain District provided they do
1823 not involve structures, fill, obstructions, excavations or storage of materials or
1824 equipment:

- 1825 1. General farming, pasture, grazing, outdoor plant
1826 nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
1827 2. Industrial-commercial loading areas, parking areas,
1828 and airport landing strips.

1829 3. Private and public golf courses, tennis courts, driving
1830 ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks,
1831 wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target
1832 ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose
1833 recreational trails.

1834 4. Residential lawns, gardens, parking areas, and play
1835 areas.

1836 (b) All uses that would involve structures, fill, obstructions,
1837 excavations or storage of materials or equipment shall only be permissible in the flood
1838 fringe portion of the General Floodplain District and shall: 1) be subject to the
1839 floodway/flood fringe evaluation criteria pursuant to division (C)(3) below; and 2) be
1840 subject to the performance standards of division (E) this section.

1841 (3) Procedures for floodway and flood fringe determinations within the
1842 General Floodplain District.

1843 (a) Upon receipt of an application for a permit or other approval
1844 for a use within the General Floodplain District, the applicant shall be required to furnish
1845 such of the following information as is deemed necessary by the Zoning Administrator
1846 for the determination of the regulatory flood protection elevation and whether the
1847 proposed use is within the floodway or flood fringe:

1848 1. A typical valley cross-section(s) showing the channel
1849 of the stream, elevation of land areas adjoining each side of the channel, cross-
1850 sectional areas to be occupied by the proposed development, and high water
1851 information.

1852 2. Plan (surface view) showing elevations or contours of
1853 the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial
1854 arrangement of all proposed and existing structures on the site, and the location and
1855 elevations of streets.

1856 3. Photographs showing existing land uses, vegetation
1857 upstream and downstream, and soil types.

1858 4. Profile showing the slope of the bottom of the channel
1859 or flow line of the stream for at least 500 feet in either direction from the proposed
1860 development.

1861 (b) The applicant shall be responsible to submit 1 copy of the
1862 above information to a designated engineer or other expert person or agency for
1863 technical assistance in determining whether the proposed use is in the floodway or flood
1864 fringe and to determine the regulatory flood protection elevation. If a 100-year flood
1865 elevation is provided in the Flood Insurance Study adopted in division (B)(2) of this
1866 section, then this elevation must be used in calculating the regulatory flood protection
1867 elevation. Procedures consistent with Minn. Rules, Parts 6120.5000 - 6120.6200 and
1868 44 C.F.R., Part 65 shall be followed in this expert evaluation. The designated engineer
1869 or expert is strongly encouraged to discuss the proposed technical evaluation
1870 methodology with the respective Department of Natural Resources' Area Hydrologist
1871 prior to commencing the analysis. The designated engineer or expert shall:

1872 1. Estimate the peak discharge of the regional flood;

1873 2. Calculate the water surface profile of the regional
1874 flood based upon a hydraulic analysis of the stream channel and overbank areas; and

1875 3. Compute the floodway necessary to convey or store
1876 the regional flood without increasing flood stages more than 0.5 foot. A lesser stage
1877 increase than 0.5 foot shall be required if, as a result of the additional stage increase,
1878 increased flood damages would result. An equal degree of encroachment on both sides
1879 of the stream within the reach shall be assumed in computing floodway boundaries.

1880 (c) The City Clerk shall present the technical evaluation and
1881 findings of the designated engineer or expert to the governing body. The governing
1882 body must formally accept the technical evaluation and the recommended floodway
1883 and/or flood fringe boundary or deny the permit application. The governing body, prior
1884 to official action, may submit the application and all supporting data and analyses to the
1885 Federal Emergency Management Agency, the Department of Natural Resources or the
1886 Planning Commission for review and comment. Once the floodway and flood fringe
1887 boundaries have been determined, the governing body shall refer the matter back to the
1888 Zoning Administrator who shall process the permit application consistent with the
1889 applicable provisions of divisions (C) and (E) of this section.

1890 (4) Compliance. No new structure or land shall hereafter be used and
1891 no structure shall be constructed, located, extended, converted, or structurally altered
1892 without full compliance with the terms
1893 of this section and other applicable regulations which apply to uses within the
1894 jurisdiction of this section. Within the floodway and flood fringe portions of the General
1895 Floodplain District, all uses not listed as a permitted use in division (C)(2) shall be
1896 prohibited. In addition, a caution is provided here that:

1897 (a) New manufactured homes, replacement manufactured
1898 homes and certain travel trailers and travel vehicles are subject to the general
1899 provisions of this section and specifically division (I).

1900 (b) Modifications, additions, structural alterations, normal
1901 maintenance and repair, or repair after damage to existing nonconforming structures
1902 and nonconforming uses of structures or land are regulated by the general provisions of
1903 this section and specifically division (K).

1904 (c) As-built elevations for elevated or flood proofed structures
1905 must be certified by ground surveys and flood proofing techniques must be designed
1906 and certified by a registered professional engineer or architect as specified in the
1907 general provisions of this section.

1908 (D) Reserved for future use.

1909 (E) Standards for flood fringe permitted uses. Permitted uses involving
1910 structures, fill, obstructions, excavations or storage of materials or equipment shall be
1911 subject to the following standards:

1912 (1) All structures, including accessory structures, additions to existing
1913 structures and manufactured homes, must be elevated on fill so that the lowest floor
1914 including basement floor is at or above the regulatory flood protection elevation. The
1915 finished fill elevation for structures shall be no lower than 1 foot below the regulatory
1916 flood protection elevation and the fill shall extend at such elevation at least 15 feet
1917 beyond the outside limits of the structure erected thereon.

1918 (2) The cumulative placement of fill where at any one time in excess of
1919 1,000 cubic yards of fill is located on the parcel shall be allowable only when said fill is

1920 specifically intended to elevate a structure in accordance with division (E)(1) of this
1921 section.

1922 (3) The storage of any materials or equipment shall be elevated on fill
1923 to the regulatory flood protection elevation.

1924 (4) All new principal structures must have vehicular access at or above
1925 an elevation not more than 2 feet below the regulatory flood protection elevation. If a
1926 variance to this requirement is granted, the City Council must specify limitations on the
1927 period of use or occupancy of the structure for times of flooding and only after
1928 determining that adequate flood warning time and local flood emergency response
1929 procedures exist.

1930 (5) Commercial uses. Accessory land uses, such as yards, railroad
1931 tracks, and parking lots may be at elevations lower than the regulatory flood protection
1932 elevation. However, a permit for such facilities to be used by the employees or the
1933 general public shall not be granted in the absence of a flood warning system that
1934 provides adequate time for evacuation if the area would be inundated to a depth and
1935 velocity such that when multiplying the depth (in feet) times the velocity (in feet per
1936 second) the product number exceeds 4 upon occurrence of the regional flood.

1937 (6) Manufacturing and industrial uses. Measures shall be taken to
1938 minimize interference with normal plant operations especially along streams having
1939 protracted flood durations. Certain accessory land uses such as yards and parking lots
1940 may be at lower elevations subject to requirements set out in division (E)(5) above. In
1941 considering permit applications, due consideration shall be given to needs of an industry
1942 whose business requires that it be located in flood plain areas.

1943 (7) Fill shall be properly compacted and the slopes shall be properly
1944 protected by the use of riprap, vegetative cover or other acceptable method. The
1945 Federal Emergency Management Agency (FEMA) has established criteria for removing
1946 the special flood hazard area designation for certain structures properly elevated on fill
1947 above the 100-year flood elevation. FEMA's requirements incorporate specific fill
1948 compaction and side slope protection standards for multi-structure or multi-lot
1949 developments. These standards should be investigated prior to the initiation of site
1950 preparation if a change of special flood hazard area designation will be requested.

1951 (8) Floodplain developments shall not adversely affect the hydraulic
1952 capacity of the channel and adjoining floodplain of any tributary watercourse or drainage
1953 system where a floodway or other encroachment limit has not been specified on the
1954 Official Zoning Map.

1955 (9) Standards for recreational vehicles are contained in division (I)(3).

1956 (10) All manufactured homes must be securely anchored to an
1957 adequately anchored foundation system that resists flotation, collapse and lateral
1958 movement. Methods of anchoring may include, but are not to be limited to, use of over-
1959 the-top or frame ties to ground anchors. This requirement is in addition to applicable
1960 state or local anchoring requirements for resisting wind forces.

1961 (F) Reserved for future use.

1962 (G) Subdivisions.

1963 (1) Review criteria. No land shall be subdivided which is unsuitable
1964 for the reason of flooding, inadequate drainage, water supply or sewage treatment
1965 facilities. All lots within the General Floodplain District shall be able to contain a building

1966 site outside of the floodway at or above the regulatory flood protection elevation. All
1967 subdivisions shall have water and sewage treatment facilities that comply with the
1968 provisions of this section and have road access both to the subdivision and to the
1969 individual building sites no lower than 2 feet below the regulatory flood protection
1970 elevation. For all subdivisions in the floodplain, the floodway and flood fringe
1971 boundaries, the regulatory flood protection elevation and the required elevation of all
1972 access roads shall be clearly labeled on all required subdivision drawings and platting
1973 documents.

1974 (2) Floodway/flood fringe determinations in the General Floodplain
1975 District. In the General Floodplain District, applicants shall provide the information
1976 required in division (C)(3) of this section to determine the 100-year flood elevation, the
1977 floodway and flood fringe boundaries and the regulatory flood protection elevation for
1978 the subdivision site.

1979 (3) Removal of special flood hazard area designation. The Federal
1980 Emergency Management Agency (FEMA) has established criteria for removing the
1981 special flood hazard area designation for certain structures properly elevated on fill
1982 above the 100-year flood elevation. FEMA's requirements incorporate specific fill
1983 compaction and side slope protection standards for multi-structure or multi-lot
1984 developments. These standards should be investigated prior to the initiation of site
1985 preparation if a change of special flood hazard area designation will be requested.

1986 (H) Public utilities, railroads, roads, and bridges.

1987 (1) Public utilities. All public utilities and facilities such as gas,
1988 electrical, sewer, and water supply systems to be located in the floodplain shall be flood
1989 proofed in accordance with the State Building Code or elevated to above the regulatory
1990 flood protection elevation.

1991 (2) Public transportation facilities. Railroad tracks, roads, and bridges
1992 to be located within the General Floodplain District shall be permissible if placed in
1993 accordance with Minn. Rules, Parts 6120.5000 - 6120.6200. Elevation to the regulatory
1994 flood protection elevation shall be provided where failure or interruption of these
1995 transportation facilities would result in danger to the public health or safety or where
1996 such facilities are essential to the orderly functioning of the area. Minor or auxiliary
1997 roads or railroads may be constructed at a lower elevation where failure or interruption
1998 of transportation services would not endanger the public health or safety.

1999 (3) On-site sewage treatment and water supply systems. Where public
2000 utilities are not provided: 1) On-site water supply systems must be designed to
2001 minimize or eliminate infiltration of flood waters into the systems; and 2) New or
2002 replacement on-site sewage treatment systems must be designed to minimize or
2003 eliminate infiltration of flood waters into the systems and discharges from the systems
2004 into flood waters and they shall not be subject to impairment or contamination during
2005 times of flooding. Any individual sewage treatment system designed in accordance with
2006 the state's current statewide standards for on-site sewage treatment systems, and in
2007 accordance with the city's ordinances, shall be determined to be in compliance with this
2008 division.

2009 (I) Manufactured homes and manufactured home parks and placement of
2010 recreational vehicles.

2011 (1) New manufactured home parks and expansions to existing
2012 manufactured home parks shall be subject to the provisions placed on subdivisions by
2013 division (G) of this section.

2014 (2) The placement of new or replacement manufactured homes in
2015 existing manufactured home parks or on individual lots of record that are located in
2016 floodplain districts will be treated as a new structure and may be placed only if elevated
2017 in compliance with division (E) of this section. If vehicular road access for pre-existing
2018 manufactured home parks is not provided in accordance with division (E)(4) then
2019 replacement manufactured homes will not be allowed until the property owner(s)
2020 develops a flood warning emergency plan acceptable to the governing body.

2021 (a) All manufactured homes must be securely anchored to an
2022 adequately anchored foundation system that resists flotation, collapse and lateral
2023 movement.

2024 (b) Methods of anchoring may include, but are not to be limited
2025 to, use of over-the-top or frame ties to ground anchors. This requirement is in addition
2026 to applicable state or local anchoring requirements for resisting wind forces.

2027 (3) Recreational vehicles that do not meet the exemption criteria
2028 specified in division (I)(3)(a) below shall be subject to the provisions of this section and
2029 as specifically spelled out in division (I)(3)(c)-(I)(3)(d) below.

2030 (a) Exemption. Recreational vehicles are exempt from the
2031 provisions of this section if they are placed in any of the areas listed in division (I)(3)(b)
2032 below and further they meet the following criteria:

2033 1. Have current licenses required for highway use.
2034 2. Are highway ready meaning on wheels or the internal
2035 jacking system, are attached to the site only by quick disconnect type utilities commonly
2036 used in campgrounds and recreational vehicle parks and the recreational vehicle has no
2037 permanent structural type additions attached to it.
2038 3. The recreational vehicle and associated use must be
2039 permissible in any pre-existing, underlying zoning use district.

2040 (b) Areas exempted for placement of recreational vehicles.
2041 1. Individual lots or parcels of record.
2042 2. Existing commercial recreational vehicle parks or
2043 campgrounds.
2044 3. Existing condominium type associations.

2045 (c) Recreational vehicles exempted in division (I)(3)(a) lose this
2046 exemption when development occurs on the parcel exceeding \$500 for a structural
2047 addition to the recreational vehicle or exceeding \$500 for an accessory structure such
2048 as a garage or storage building. The recreational vehicle and all additions and
2049 accessory structures will then be treated as a new structure and shall be subject to the
2050 elevation requirements and the use of land restrictions specified in divisions (C) and (E)
2051 of this section. There shall be no development or improvement on the parcel or
2052 attachment to the recreational vehicle that hinders the removal of the recreational
2053 vehicle to a flood free location should flooding occur.

2054 (d) New commercial recreational vehicle parks or campgrounds
2055 and new residential type subdivisions and condominium associations and the expansion

2056 of any existing similar use exceeding 5 units or dwelling sites shall be subject to the
2057 following:

2058 1. Any new or replacement recreational vehicle will be
2059 allowed in the General Floodplain District provided the recreational vehicle and its
2060 contents are placed on fill above the regulatory flood protection elevation and proper
2061 elevated road access to the site exists in accordance with division (E)(4) of this section.
2062 No fill placed in the floodway to meet the requirements of this section shall increase
2063 flood stages of the 100-year or regional flood.

2064 2. All new or replacement recreational vehicles not
2065 meeting the criteria of division (I)(3)(a) above may, as an alternative, be allowed if in
2066 accordance with the following provisions. The applicant must submit an emergency plan
2067 for the safe evacuation of all vehicles and people during the 100-year flood. The plan
2068 shall be prepared by a registered engineer or other qualified individual, shall
2069 demonstrate that adequate time and personnel exist to carry out the evacuation, and
2070 shall demonstrate the provisions of division (I)(3)(a)1. - 2. of this section will be met. All
2071 attendant sewage and water facilities for new or replacement recreational vehicles must
2072 be protected or constructed so as to not be impaired or contaminated during times of
2073 flooding in accordance with division (H)(3) of this section.

2074 (J) Administration.

2075 (1) Zoning Administrator. A Zoning Administrator or other official
2076 designated by the governing body shall administer and enforce this section. If the
2077 Zoning Administrator finds a violation of the provisions of this section, the Zoning
2078 Administrator shall notify the person responsible for such violation in accordance with
2079 the procedures stated in division (L) of the section.

2080 (2) Permit requirements.

2081 (a) Permit required. A permit issued by the Zoning
2082 Administrator in conformity with the provisions of this section shall be secured prior to
2083 the erection, addition, modification, rehabilitation (including normal maintenance and
2084 repair), or alteration of any building, structure, or portion thereof; prior to the use or
2085 change of use of a building, structure, or land; prior to the construction of a dam, fence,
2086 or individual sewage treatment system; prior to the change or extension of a
2087 nonconforming use; prior to the repair of a structure that has been damaged by flood,
2088 fire, tornado, or any other source; and prior to the placement of fill, excavation of
2089 materials, or the storage of materials or equipment within the floodplain.

2090 (b) Application for permit. Application for a permit shall be made
2091 in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator
2092 and shall include the following where applicable: plans in duplicate drawn to scale,
2093 showing the nature, location, dimensions, and elevations of the lot; existing or proposed
2094 structures, fill, or storage of materials; and the location of the foregoing in relation to the
2095 stream channel.

2096 (c) State and federal permits. Prior to granting a permit or
2097 processing an application for a conditional use permit or variance, the Zoning
2098 Administrator shall determine that the applicant has obtained all necessary state and
2099 federal permits.

2100 (d) Certificate of zoning compliance for a new, altered, or
2101 nonconforming use. It shall be unlawful to use, occupy, or permit the use or occupancy

2102 of any building or premises or part thereof hereafter created, erected, changed,
2103 converted, altered, or enlarged in its use or structure until a certificate of zoning
2104 compliance shall have been issued by the Zoning Administrator stating that the use of
2105 the building or land conforms to the requirements of this section.

2106 (e) Construction and use to be as provided on applications,
2107 plans, permits, variances and certificates of zoning compliance. Permits or certificates
2108 of zoning compliance issued on the basis of approved plans and applications authorize
2109 only the use, arrangement, and construction set forth in such approved plans and
2110 applications, and no other use, arrangement, or construction. Any use, arrangement, or
2111 construction at variance with that authorized shall be deemed a violation of this section,
2112 and punishable as provided by division (L) of this section.

2113 (f) Certification. The applicant shall be required to submit
2114 certification by a registered professional engineer, registered architect, or registered
2115 land surveyor that the finished fill and building elevations were accomplished in
2116 compliance with the provisions of this section. Flood proofing measures shall be
2117 certified by a registered professional engineer or registered architect.

2118 (g) Record of first floor elevation. The City Clerk shall maintain
2119 a record of the elevation of the lowest floor (including basement) of all new structures
2120 and alterations or additions to existing structures in the floodplain. The City Clerk shall
2121 also maintain a record of the elevation to which structures or alterations and additions to
2122 structures are flood proofed.

2123 (h) Notifications for watercourse alterations. The City Clerk
2124 shall notify, in riverine situations, adjacent communities and the Commissioner of the
2125 Department of Natural Resources prior to the community authorizing any alteration or
2126 relocation of a watercourse. If the applicant has applied for a permit to work in the beds
2127 of public waters pursuant to M.S. Ch. 103G, this shall suffice as adequate notice to the
2128 Commissioner of Natural Resources. A copy of the notification shall also be submitted
2129 to the Chicago Regional Office of the Federal Emergency Management Agency
2130 (FEMA).

2131 (i) Notification to FEMA when physical changes increase or
2132 decrease the 100-year flood elevation. As soon as is practicable, but not later than 6
2133 months after the date such supporting information becomes available, the City Clerk
2134 shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of
2135 said technical or scientific data.

2136 (3) City Council.

2137 (a) Rules. The City Council shall adopt rules for the conduct of
2138 business and may exercise all of the powers conferred on such Boards of Adjustment
2139 by state law.

2140 (b) Administrative review. The City Council shall hear and
2141 decide appeals where it is alleged there is error in any order, requirement, decision, or
2142 determination made by an administrative official in the enforcement or administration of
2143 this section.

2144 (c) Variances. The City Council may authorize upon appeal in
2145 specific cases such relief or variance from the terms of this section as will not be
2146 contrary to the public interest and only for those circumstances such as hardship,
2147 practical difficulties or circumstances unique to the property under consideration, as

2148 provided for in the respective enabling legislation for planning and zoning for cities or
2149 counties as appropriate. In the granting of such variance, the City Council shall clearly
2150 identify in writing the specific conditions that existed consistent with the criteria specified
2151 in this section, any other zoning regulations in the community, and in the respective
2152 enabling legislation that justified the granting of the variance. No variance shall have
2153 the effect of allowing in any district uses prohibited in that district, permit a lower degree
2154 of flood protection than the regulatory flood protection elevation for the particular area,
2155 or permit standards lower than those required by state law. The following additional
2156 variance criteria of the Federal Emergency Management Agency must be satisfied:

2157 1. Variances shall not be issued by a community within
2158 any designated regulatory floodway if any increase in flood levels during the base flood
2159 discharge would result.

2160 2. Variances shall only be issued by a community upon
2161 (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the
2162 variance would result in exceptional hardship to the applicant, and (iii) a determination
2163 that the granting of a variance will not result in increased flood heights, additional
2164 threats to public safety, extraordinary public expense, create nuisances, cause fraud on
2165 or victimization of the public, or conflict with existing local laws or ordinances.

2166 3. Variances shall only be issued upon a determination
2167 that the variance is the minimum necessary, considering the flood hazard, to afford
2168 relief.

2169 (d) Hearings. Upon filing with the City Council of an appeal from
2170 a decision of the Zoning Administrator, or an application for a variance, the City Council
2171 shall fix a reasonable time for a hearing and give due notice to the parties in interest as
2172 specified by law. The City Council shall submit by mail to the Commissioner of Natural
2173 Resources a copy of the application for proposed variances sufficiently in advance so
2174 that the Commissioner will receive at least 10 days notice of the hearing.

2175 (e) Decisions. The City Council shall arrive at a decision on
2176 such appeal or variance within 30 days. In passing upon an appeal, the City Council
2177 may, so long as such action is in conformity with the provisions of this section, reverse
2178 or affirm, wholly or in part, or modify the order, requirement, decision or determination of
2179 the Zoning Administrator or other public official. It shall make its decision in writing
2180 setting forth the findings of fact and the reasons for its decisions. In granting a variance
2181 the City Council may prescribe appropriate conditions and safeguards which are in
2182 conformity with the purposes of this section. Violations of such conditions and
2183 safeguards, when made a part of the terms under which the variance is granted, shall
2184 be deemed a violation of this section punishable under division (L). A copy of all
2185 decisions granting variances shall be forwarded by mail to the Commissioner of Natural
2186 Resources within 10 days of such action.

2187 (f) Appeals. Appeals from any decision of the City Council may
2188 be made, and as specified in this community's official controls and also by Minnesota
2189 Statutes.

2190 (g) Flood insurance notice and record keeping. The Zoning
2191 Administrator shall notify the applicant for a variance that: 1) the issuance of a variance
2192 to construct a structure below the base flood level will result in increased premium rates
2193 for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2)

2194 the construction below the 100-year or regional flood level increases risks to life and
2195 property. The notification shall be maintained with a record of all variance actions. A
2196 community shall maintain a record of all variance actions, including justification for their
2197 issuance, and report such variances issued in its annual or biennial report submitted to
2198 the Administrator of the National Flood Insurance Program.

2199 (K) Nonconforming uses. A structure or the use of a structure or premises
2200 which was lawful before the passage or amendment of this section but which is not in
2201 conformity with the provisions of this section may be continued subject to the following
2202 conditions. Historic structures, as defined in division (B)(7) of this section, shall be
2203 subject to the provisions of divisions (K)(1) - (5) of this section.

2204 (1) No such use shall be expanded, changed, enlarged, or altered in a
2205 way that increases its nonconformity.

2206 (2) Any structural alteration to a nonconforming structure or
2207 nonconforming use in the floodway or flood fringe which would result in increasing the
2208 flood damage potential of that structure or use shall be protected to the Regulatory
2209 Flood Protection Elevation in accordance with any of the flood proofing techniques (i.e.,
2210 FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code,
2211 except as further restricted in divisions (K)(3) - (6) below. A structural addition to a
2212 nonconforming structure must be located outside of the floodway and must be elevated
2213 on fill to the regulatory flood protection elevation in accordance with division (E)(1) of
2214 this section.

2215 (3) The cost of all structural alterations or additions to any
2216 nonconforming structure over the life of the structure shall not exceed 50% of the
2217 market value of the structure unless the conditions of this section are satisfied. The
2218 cost of all structural alterations and additions must include all costs such as construction
2219 materials and a reasonable cost placed on all manpower or labor. If the cost of all
2220 previous and proposed alterations and additions exceeds 50% of the market value of
2221 the structure, then the structure must be located outside of the floodway and must meet
2222 the standards of division (E) of this section for new structures.

2223 (4) If any nonconforming use is discontinued for 12 consecutive
2224 months, any future use of the building premises shall conform to this section. The
2225 Assessor shall notify the Zoning Administrator in writing of instances of nonconforming
2226 uses that have been discontinued for a period of 12 months.

2227 (5) If any nonconforming use or structure is substantially damaged, as
2228 defined in division (B)(7) of this section, it shall not be reconstructed except in
2229 conformity with the provisions of this section. The applicable provisions for establishing
2230 new uses or new structures in divisions (C) and (E) of the section will apply depending
2231 upon whether the use or structure is in the floodway or flood fringe portion of the
2232 General Floodplain District. A substantially damaged nonconforming structure shall not
2233 be repaired/reconstructed if the nonconforming structure is located in the floodway.

2234 (6) If a substantial improvement occurs, as defined in division (B)(7) of
2235 this section, from any combination of a structural addition to the outside dimensions of
2236 the existing structure or a rehabilitation, reconstruction, alteration, or other improvement
2237 to the inside dimensions of an existing nonconforming structure, then the structural
2238 addition and the existing nonconforming structure must meet the requirements of
2239 division (E) of this section for new structures, depending upon whether the structure is

2240 in the floodway or flood fringe portion of the General Floodplain District. A
2241 nonconforming structure shall not be substantially improved if said structure is located in
2242 the floodway.

2243 (L) Penalties for violation.

2244 (1) Violation of the provisions of this section or failure to comply with
2245 any of its requirements (including violations of conditions and safeguards established in
2246 connection with grants of variances or conditional uses) shall constitute a misdemeanor
2247 and shall be punishable as defined by law.

2248 (2) Nothing herein contained shall prevent the city from taking such
2249 other lawful action as is necessary to prevent or remedy any violation. Such actions
2250 may include but are not limited to:

2251 (a) In responding to a suspected ordinance violation, the Zoning
2252 Administrator and local government may utilize the full array of enforcement actions
2253 available to it including but not limited to prosecution and fines, injunctions, after-the-fact
2254 permits, orders for corrective measures or a request to the National Flood Insurance
2255 Program for denial of flood insurance availability to the guilty party. The community
2256 must act in good faith to enforce these official controls and to correct ordinance
2257 violations to the extent possible so as not to jeopardize its eligibility in the National
2258 Flood Insurance Program.

2259 (b) When an ordinance violation is either discovered by or
2260 brought to the attention of the Zoning Administrator, the Zoning Administrator shall
2261 immediately investigate the situation and document the nature and extent of the
2262 violation of the official control. As soon as is reasonably possible, this information will
2263 be submitted to the appropriate Department of Natural Resources' and Federal
2264 Emergency Management Agency Regional Office along with the Community's plan of
2265 action to correct the violation to the degree possible.

2266 (c) The Zoning Administrator shall notify the suspected party of
2267 the requirements of this section and all other official controls and the nature and extent
2268 of the suspected violation of these controls. If the structure and/or use is under
2269 construction or development, the Zoning Administrator may order the construction or
2270 development immediately halted until a proper permit or approval is granted by the
2271 community. If the construction or development is already completed, then the Zoning
2272 Administrator may either: (1) issue an order identifying the corrective actions that must
2273 be made within a specified time period to bring the use or structure into compliance with
2274 the official controls; or (2) notify the responsible party to apply for an after-the-fact
2275 permit/development approval within a specified period of time not to exceed 30 days.

2276 (d) If the responsible party does not appropriately respond to the
2277 Zoning Administrator within the specified period of time, each additional day that lapses
2278 shall constitute an additional violation of this section and shall be prosecuted
2279 accordingly. The Zoning Administrator shall also upon the lapse of the specified
2280 response period notify the landowner to restore the land to the condition which existed
2281 prior to the violation of this section.

2282 (M) Amendments.

2283 (1) The floodplain designation on the Official Zoning Map shall not be
2284 removed from floodplain areas unless it can be shown that the designation is in error or
2285 that the area has been filled to or above the elevation of the regulatory flood protection

2286 elevation and is contiguous to lands outside the floodplain. Special exceptions to this
2287 rule may be permitted by the Commissioner of Natural Resources if he determines that,
2288 through other measures, lands are adequately protected for the intended use.

2289 (2) All amendments to this section, including amendments to the
2290 Official Zoning Map, must be submitted to and approved by the Commissioner of
2291 Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the
2292 Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria
2293 and must receive prior FEMA approval before adoption. The Commissioner of Natural
2294 Resources must be given 10 days written notice of all hearings to consider an
2295 amendment to this section and the notice shall include a draft of the ordinance
2296 amendment or technical study under consideration.
2297 (Ord. 2012-3-2, passed 3-13-2012)