

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);

23 (7) Minimum ground floor area per dwelling: See § 153.027.

24 (C) Permitted principal uses.

25 (1) Single-family dwellings;

26 (2) Parks, public schools, and municipal buildings;

27 (3) Essential services not involving a structure;

28 (4) Personal greenhouses.

29 (D) Permitted accessory uses.

30 (1) Off-street parking spaces and garages as required in this chapter;

31 (2) Recreational vehicles and equipment;

32 (3) Swimming pools, tennis courts, and other recreational equipment
33 for the convenience of the principle residents and their guests;

34 (4) Home occupations;

35 (5) Tool houses, sheds and similar buildings for storage of domestic
36 supplies and noncommercial recreational equipment;

37 (6) Boarding or renting of rooms within principal building to not more
38 than 1 person;

39 (7) Essential services;

40 (8) Fencing, screening and landscaping as permitted and regulated in
41 this chapter;

42 (9) Piers and docks;

43 (10) Temporary signs not exceeding 4 square feet appertaining to lease,
44 use or sale of premises, subject to side yard setbacks;

45 (11) Chicken coops and pens as regulated in § 92.19 of this code; and

46 (12) Accessory dwelling units as regulated by § 153.035.

- 47 (E) Uses requiring a conditional use permit.
48 (1) Churches; golf courses, private schools, cemeteries;
49 (2) Off-street parking lots;
50 (3) Building heights exceeding those permitted heretofore when side
51 yards shall be increased by 1 foot for each foot of building height in excess of 35 feet
52 and the distance between 2 principal buildings shall be no less than one-half of the sum
53 of the heights of the 2 structures;
54 (4) Planned unit developments as regulated by this chapter;
55 (5) Radio, TV, and other similar towers.

56 (Prior Code, § 903.01) (Am. Ord. 2001-8-1, passed - -2001; Am. Ord. 2011-11-1,
57 passed 11-9-2011; Am. Ord. 2014-4-1, passed 5-13-2014; Am. Ord. 2016-10-2, passed
58 10-11-2016; Am. Ord. 2019-8-3, passed 8-13-2019)

59 § 153.046 R-2 ONE AND TWO FAMILY RESIDENTIAL (MEDIUM DENSITY).

60 (A) Purpose. The purpose of the One and Two Family Residential District is to
61 provide for medium density housing in single-family and two-family dwellings and
62 directly related, complimentary uses.

63 (B) Requirements.

- 64 (1) Minimum lot area:
65 (a) 10,000 square feet for single-family dwelling lots with public
66 sewer;
67 (b) 15,000 square feet for two-family dwelling lots with public
68 sewer;
69 (c) Two acres for single-family dwelling lots without public
70 sewer;
71 (d) Five acres for two-family dwelling lots without public sewer;
72 (2) Minimum lot width:
73 (a) 100 feet for single-family dwelling lots with public sewer;
74 (b) 100 feet for two-family dwelling lots with public sewer;
75 (c) 150 feet for all lots without public sewer;
76 (3) Front yard setback: 25 feet;
77 (4) Rear yard setback: 25% of the lot depth, or 25 feet, whichever is
78 lesser;
79 (5) Side yard setback:
80 (a) 10 feet interior;
81 (b) 10 feet interior for buildings of two and one-half stories
82 height or more;
83 (c) 15 feet corner;
84 (d) 25 feet for public and semi-public buildings abutting a
85 residential or vacant lot;
86 (6) Height: Same as in R-1;
87 (7) Minimum ground floor area per dwelling: See § 153.027.
- 88 (C) Permitted principal uses.
89 (1) All uses listed as permitted uses in the R-1 District;
90 (2) Two-family dwellings;
91 (3) Duplexes as defined in this chapter.

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

94 (E) Uses requiring a conditional use permit.

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

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

97 (3) Bed and Breakfasts, tourist accommodations and associated
98 commercial uses necessary to the operation of the use;

99 (4) Conversions of single-family dwellings into two-family dwellings,
100 provided that:

101 (a) No existing single-family dwellings shall be converted into
102 more than 2 dwelling units;

103 (b) Lot size shall be at least 15,000 square feet with public
104 sewer;

105 (c) Adequate off-street parking is provided in accordance with
106 this chapter;

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

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

110 § 153.047 R-3A MULTIPLE FAMILY RESIDENTIAL.

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

113 (B) Requirements.

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

116 (2) Minimum lot area:

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

118 (b) 15,000 square feet for two-family or multi-family dwelling
119 lots;

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

121 (4) Minimum lot width:

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

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

124 (5) Front yard setback: 25 feet;

125 (6) Rear yard setback: 25% of lot depth or 25 feet, whichever is
126 lesser;

127 (7) Side yard setback:

128 (a) 10 feet interior;

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

130 (c) 15 feet corner;

131 (d) 25 feet for public or semi-public building abutting a
132 residential lot;

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

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

135 (C) Permitted principal uses.

136 (1) Townhouses;

137 (2) All uses listed as permitted uses in the R-2 District;

138 (3) Residential structures containing more than one dwelling, excepting
139 apartments.

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

142 (E) Uses requiring a conditional use permit.

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

144 (2) Planned unit development as regulated by this chapter;

145 (3) Resorts and tourist accommodations;

146 (4) Clubs and lodges operating as non-profit institutions;

147 (5) Nursing homes, rest homes.

148 (Prior Code, § 903.03) (Am. Ord. 2004-4-2, passed - -2004; Am. Ord. 2019-8-3, passed
149 8-13-2019)

150 § 153.048 R-3B MULTIPLE FAMILY RESIDENTIAL.

151 (A) Purpose. The purpose of the R-3B Multiple Family Residential District is to
152 provide for high density housing in the form of apartments.

153 (B) Requirements.

154 (1) Public sewer: all buildings and units must be serviced by public
155 sewer.

156 (2) Minimum lot area:

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

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

159 lots;

160 (3) Minimum lot area per unit for multi-family dwellings:

161 (a) 2,000 square feet per efficiency unit;

162 (b) 2,500 square feet per one bedroom unit;

163 (c) 3,000 square feet per unit of two bedrooms or more;

164 (4) Minimum lot width:

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

166 (b) 100 feet for structures with more than one dwelling.

167 (5) Front yard setback: 25 feet.

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

169 lesser.

170 (7) Side yard setback:

171 (a) 10 feet interior;

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

173 (c) 15 feet corner;

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

175 residential lot.

176 (8) Height: 3 stories or 40 feet maximum, whichever is greater.

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

178 (C) Permitted principal uses.

179 (1) Apartments;

180 (2) All uses listed as permitted uses in the R-3A District;

181 (3) Residential structures containing more than one dwelling.

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

- 184 (E) Uses requiring a conditional use permit.
185 (1) All uses listed as conditional uses in the R-1 District;
186 (2) Planned unit development as regulated by this chapter;
187 (3) Resorts and tourist accommodations;
188 (4) Clubs and lodges operating as non-profit institutions;
189 (5) Nursing homes, rest homes.

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

191 § 153.049 R-M MANUFACTURED HOME PARK DISTRICT.

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

195 (B) Permitted principal uses. Manufactured homes in manufactured home
196 parks.

197 (C) Permitted accessory uses.

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

204 home park.

205 (7) Private garage.

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

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

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

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

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

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

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

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

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

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

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

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

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

240 (a) Are in an unsanitary condition or have an exterior in bad
241 repair;

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

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

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

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

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

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

255 (F) Conflicts. Nothing contained in this section shall be construed to prohibit
256 manufactured homes in other residential districts when the manufactured home
257 complies in all respects with all applicable regulations of the particular zoning district.

258 (Prior Code, § 903.04) (Am. Ord. 2013-5-2, passed 5-14-2013)

259 § 153.050 CBD CENTRAL BUSINESS DISTRICT.

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

265 (B) General requirements.

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

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

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

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

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

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

277 (C) Special requirements.

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

281 (2) All flashing, revolving, and intermittently lit signs are expressly
282 prohibited.

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

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

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

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

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

369 (H) Building design standards.

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

373 (2) Exterior finishes. The following materials are permitted for exterior
374 finishes:

375 (a) Face brick;

376 (b) Natural stone;

377 (c) Stone or glass curtain walls;

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

380 (e) Break-off block;

381 (f) Stucco; and

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

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

389 (3) Prohibited materials. The following materials are prohibited for
390 exterior finishes:

391 (a) Temporary construction.

392 (l) Outdoor lighting.

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

395 (2) Intensity.

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

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

403 (3) Height. Light fixtures and freestanding luminaries shall not exceed
404 20 feet or extend above the roofline of the principal building, whichever is less.

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

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

409 § 153.051 GB GENERAL BUSINESS DISTRICT.

410 (A) Purpose. The General Business District is designed and intended to
411 promote the development of uses which are oriented towards motorists and require high

412 volumes of traffic and visibility from major roads. The district is also designed to
413 accommodate those commercial activities which are not permitted within the CB,
414 Central Business District, and whose service is not confined to any 1 neighborhood or
415 community but is more regional in nature.

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

418 (1) All uses listed as permitted in the Central Business District;

419 (2) Banks, savings and loans and other financial institutions (without
420 drive-through);

421 (3) Commercial recreation and entertainment;

422 (4) Funeral homes/mortuaries;

423 (5) Government buildings;

424 (6) Health clubs or gyms;

425 (7) Hotels and motels;

426 (8) Hospitals, nursing homes, and the like;

427 (9) Liquor, off-sale/on-sale;

428 (10) Offices;

429 (11) Public and private clubs and lodges;

430 (12) Restaurants (without drive-through);

431 (13) Larger retail and service uses without drive-throughs, including the
432 following and similar-type uses:

433 (a) Ambulance services;

434 (b) Appliance stores;

435 (c) Department stores;

436 (d) Drug stores;

437 (e) Furniture stores;

438 (f) Garden supplies and landscape nurseries;

439 (g) Grocery stores;

440 (h) Hardware stores;

441 (i) Office supply stores;

442 (j) Sporting goods stores;

443 (k) Dry cleaning (without processing); and

444 (l) Laundromats.

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

447 (C) Accessory uses.

448 (1) Off-street parking as regulated by §§ 153.110 et seq.

449 (2) Towers and antennas as regulated by §§ 153.155 et seq.

450 (3) Signs as regulated by §§ 153.090 et seq.

451 (4) Temporary trailers and construction equipment for the duration of
452 construction only where temporary lavatories are provided in compliance with city and
453 state requirements.

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

456 (1) Any building with a height over 35 feet, subject to § 153.030.

457 (2) Businesses with drive-through facilities, subject to the following:

458 (a) The business shall be located on a site with direct access to
459 a minor arterial or collector road.

460 (b) All portions of the drive-through facilities, including but not
461 limited to the service windows and stacking spaces, shall be separated from
462 residentially zoned or guided property by an arterial or collector street or shall be set
463 back at least 200 feet from residentially zoned or guided property.

464 (c) The public address or order system shall not be audible from
465 any adjacent residentially zoned or guided property.

466 (d) Businesses with 1 drive-through lane shall provide stacking
467 space for at least 10 vehicles, and businesses with 2 or more drive-through lanes shall
468 provide stacking space for at least 6 vehicles per lane, as measured from and including
469 the last pick-up station, window, or the like. Stacking spaces shall not interfere with
470 parking spaces or traffic circulation.

471 (e) The applicant shall demonstrate that such use will not
472 significantly lower the existing level of service on streets and intersections.

473 (f) All elements of the drive-through service area, including but
474 not limited to menu boards, order stations, teller windows, and vehicle lights from the
475 stacking lanes, shall be screened from adjacent residentially zoned or guided property
476 pursuant to this section.

477 (g) Restaurants with drive-through facilities shall be responsible
478 for litter control within 300 feet of the premises. Litter control is to occur on a daily
479 basis. Trash receptacles must be provided at convenient locations on site to facilitate
480 litter control.

481 (3) Car washes, subject to the following:

482 (a) The site shall provide stacking space for the car wash. The
483 amount of stacking space shall take into account the type of car wash and the amount
484 of time it takes to wash a vehicle. Stacking spaces shall not interfere with parking
485 spaces or traffic circulation.

486 (b) The exit from the car wash shall have a drainage system
487 which is subject to the approval of the city and gives special consideration to the
488 prevention of ice build-up during winter months.

489 (4) Dry cleaning; processing.

490 (5) Mini-storage facilities, subject to the following:

491 (a) Buildings must be constructed of tip-up or block concrete or
492 other approved material per division (F) of this section. All block shall be split face and
493 integral colored.

494 (b) Exterior storage shall be limited to no more than 25% of the
495 total lot area. Areas intended for outside storage must be identified on the site plan.

496 (c) The buildings shall be an earth-tone color, such as sage,
497 beige, cream-white or light grey.

498 (6) Motor fuel station, subject to the following:

499 (a) That the approximate area and location of space devoted to
500 non-automotive merchandise sales shall be specified in the application and in the
501 conditional use permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

548 (9) Accessory buildings in compliance with § 153.031.
549 (10) Parking garages and ramps, subject to the following:
550 (a) To avoid excessive site coverage, off-street parking
551 requirements may be furnished by providing fee-free space underground, within the
552 principal building or structures, or attached thereto.
553 (b) Parking ramps and garages shall be set back from lot lines
554 as required for the principal building on the lot, or as required for parking spaces
555 specified by this section, whichever is greater.
556 (c) Off-street parking ramps and garages shall be designed in
557 compliance with the applicable dimensional requirements except the City Council may
558 approve a variation from standard dimensions for a portion of the stalls to be designated
559 as compact spaces.
560 (d) Parking ramps and garages shall be designed so that
561 circulation between parking bays or aisles occurs within the designated parking lot upon
562 the property being serviced and does not depend upon a public street or alley. A
563 parking area design that requires backing into the public street is prohibited.
564 (e) The grade elevation of the required parking area or portion
565 thereof shall not exceed 5%.
566 (11) Planned unit developments, as regulated by § 153.055.
567 (12) Seasonal outdoor sales, subject to the following:
568 (a) Seasonal outdoor retail sales shall not exceed a combined
569 total of 120 days in any 12-month period. Outdoor retail sales shall not occupy more
570 than 10% of a lot's area, and shall meet all yard setback requirements.
571 (b) Where seasonal outdoor retail sales are conducted in a
572 parking lot, they shall be confined to a defined area, and not be allowed to obstruct
573 access of emergency vehicles or pose a traffic safety problem. Temporary fencing or
574 other suitable mechanisms shall be used to delineate the sales area and provide for
575 pedestrian safety.
576 (c) Where tents, trailers, temporary greenhouses, or similar
577 structures are used to store, and/or display merchandise, they shall be anchored to
578 provide a wind-load resistance of 40 miles per hour.
579 (d) Any tent, trailer, temporary greenhouse or similar structure
580 must be locked and secured outside of business hours.
581 (13) Day care - group nursery.
582 (E) Lot requirements.
583 (1) The following minimum requirements shall be met in the GB
584 District:
585
586 Minimum lot size 40,000 square feet
587 Minimum lot width 150 feet
588 Minimum lot depth 100 feet
589 Structure setbacks:
590 Front 25 feet or in conformance with surrounding area
591 Side 10 feet
592 Rear 10 feet
593 Side or rear from street 20 feet

594 From residential 30 feet
595 Maximum building height 35 feet

596
597 (2) Properties may also be subject to the requirements of the
598 Shoreland Overlay District, § 153.054.

599 (F) Building design standards.

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

603 (2) Exterior finishes. The following materials are permitted for exterior
604 finishes:

605 (a) Face brick;

606 (b) Natural stone;

607 (c) Stone or glass curtain walls;

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

610 (e) Break-off block;

611 (f) Stucco; and

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

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

619 (3) Prohibited materials. The following materials are prohibited for
620 exterior finishes:

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

624 (4) Building construction prohibited.

625 (a) Temporary construction.

626 (G) Landscape standards.

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

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

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

637 (c) Details of proposed non-vegetative landscaping and
638 screening materials.

639 (d) Details of proposed erosion control methods.

640 (e) Planting and construction schedule for completion of
641 landscaping and screening plans.

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

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

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

647 (H) Landscaping security.

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

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

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

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

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

671 (I) Screening.

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

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

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

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

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

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

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

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

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

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

699 (J) Parking and loading spaces.

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

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

703 (K) Outdoor lighting.

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

706 (2) Intensity.

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

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

714 (3) Height. Light fixtures and freestanding luminaries shall not exceed
715 20 feet or extend above the roofline of the principal building, whichever is less.

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

719 (Ord. 2021-8-4, passed 8-10-2021)

720 § 153.052 I INDUSTRIAL DISTRICT.

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

725 (1) Conducting essentially all business activities inside buildings.

726 (2) Consisting of high quality and attractive buildings which blend in
727 with the environment.

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

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

731 (B) Permitted uses.

732 (1) Light industrial uses that are low impact and advanced technology

733 uses which produce little or no noise, odor, vibration, glare, or other objectionable

734 influences as defined in the city code, and which have little or no adverse effect on

735 surrounding properties when manufacturing or assembling a wide variety of products.

736 Light industrial uses do not include processing outside of an enclosed structure.

737 (2) Shops and offices for contractors and trades, including general,

738 electrical, plumbing, automotive repair, heating and ventilating, landscape and

739 excavating, and businesses that support them.

740 (3) Offices, warehouses, and distribution facilities, including office

741 warehouses and office showrooms.

742 (4) Sports and recreation facilities including ice arena.

743 (C) Permitted accessory uses.

744 (1) Radio and television receiving antennas include single satellite dish

745 TVROs 2 meters or less in diameter, short-wave radio dispatching antennas, or those

746 necessary for the operation of electronic equipment including radio receivers, federally

747 licensed amateur radio stations, and television receivers, as regulated by the city code.

748 (2) Accessory and secondary use antennas as regulated by the city

749 code.

750 (3) Personal wireless service antennas and antenna support structures

751 located on a structure as regulated by the city code.

752 (D) Conditional uses. The following are conditional uses in the LI District and

753 require a conditional use permit following the procedures of this section:

754 (1) Retail uses.

755 (2) Outside storage.

756 (3) Private water supply system pursuant to § 51.11(C).

757 (E) Lot requirements, setbacks, and outside storage. The following minimum

758 requirements shall be observed in the LI District subject to the additional requirements,

759 exceptions, and modifications set forth in this section:

760 (1) Minimum lot area: 20, 000 square feet.

761 (2) Minimum lot width: 100 feet.

762 (3) Building setbacks: Each building in the LI District shall have the

763 following minimum setbacks from the property line:

764 (a) Front yard: 50 feet; FRONT is defined as the side of

765 the building facing the street. On corner lots, the front side is defined as the side having

766 the building's address.

767 (b) Side yard: 20 feet when the side faces the exterior

768 of the park; 10 feet when the side faces the interior of the park; 30 feet when the side

769 abuts a street or residential area.

770 (c) Rear yard: 20 feet; 30 feet when the rear abuts a

771 street.

772 (4) Maximum building height shall be 35 feet.

773 (5) Properties may also be subject to the requirements of the

774 Shoreland Overlay District, § 153.054.

775 (6) Conditions on outside storage of material or finished product.

- 776 (a) Outside storage of materials or finished product may not
777 exceed 40% of the area of a lot that is 5 or more acres.
- 778 (b) Outside storage of materials or finished product may not
779 exceed 75% of the footprint of the building on lots smaller than 5 acres and may never
780 exceed 40% of the area of the lot.
- 781 (c) All outside storage shall be screened from view by dense
782 vegetative screening or other approved screening method.
- 783 (d) All outside storage areas shall be completely surfaced with
784 asphalt or concrete and be surrounded by perimeter concrete curbing.
- 785 (e) Storage must be located to the rear or side of the principal
786 building on the site.
- 787 (f) Chain link fencing is allowed along with screening. Plastic or
788 vinyl inserts are prohibited.
- 789 (g) No outside processing of materials or repair is permitted.
- 790 (h) All refuse containers, if not located within a building, shall be
791 completely enclosed to shield the view of the containers from all sides and any
792 container shall not be closer than 5 feet to any structure or building overhang. The
793 location of any outside storage shall be identified on the site plan.
- 794 (F) Building design standards.
- 795 (1) Quality. Buildings shall maintain a high standard of architectural
796 and aesthetic compatibility with surrounding properties to ensure that they will not
797 adversely impact the abutting properties.
- 798 (2) Exterior finishes. The following materials are permitted for exterior
799 finishes:
- 800 (a) Face brick;
- 801 (b) Natural stone;
- 802 (c) Stone or glass curtain walls;
- 803 (d) Wood, provided surfaces are finished for exterior use and
804 wood of proven exterior durability is used, such as cedar, redwood, or cypress;
- 805 (e) Break-off block;
- 806 (f) Stucco; and
- 807 (g) Precast concrete and integral colored concrete block,
808 provided surfaces are molded, serrated or treated with a textured material to create a 3-
809 dimensional character.
- 810 (h) Curtain wall panels of steel, metal, or aluminum provided the
811 panels are factory fabricated and of a high-quality material with a matte or non-lustre
812 finish. These structures will require decorative design elements as approved by the City
813 Council.
- 814 (3) Prohibited materials. The following materials are prohibited for
815 exterior finishes:
- 816 (a) Face material that rapidly deteriorate or become unsightly
817 such as exposed cinder blocks, galvanized metal, unfinished tile, and common clay
818 brick.
- 819 (b) Structures that have only an outside skin.
- 820 (4) Building construction prohibited.
- 821 (a) Temporary construction.

822 (5) Loading and unloading.
823 (a) Each building or structure in the LI District shall be so
824 located on the lot it occupies to allow off- street loading and unloading. The use of the
825 street for loading or unloading is prohibited.
826 (b) No loading docks shall be located to the front of any building
827 in the LI District.
828 (c) No loading or unloading shall take place in front of any
829 building in the LI District.

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

864 (H) Screening standards and requirements.
865 (1) Screening shall be installed so as to block direct vision. It shall
866 consist of 1 or more of the following:

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

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

874 (c) Earth berms.

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

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

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

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

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

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

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

897 (9) All exterior storage shall be screened from view with exception of:
898 (a) Merchandise being displayed.
899 (b) Materials and equipment being used for construction on
900 premises.

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

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

905 (l) Landscaping and screening plan.

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

910 (a) Detailed natural land analysis including vegetation, soil types
911 and slopes.

912 (b) Manmade features.

913 (c) Details of all proposed vegetative landscaping materials
914 including placement, Latin name, common name, caliper/height and quantity.

915 (d) Details of proposed non-vegetative landscaping and
916 screening materials.

917 (e) Planting and construction schedule for completion of
918 landscaping and screening plans.

919 (2) The final landscaping and screening plan must be approved by the
920 City Council at the time of site plan review.

921 (J) Landscaping security.

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

928 (2) The security shall be in an amount determined by the City Council,
929 but shall be at least equal to the amount estimated to be the cost of completing the
930 required landscaping, screening and erosion control measures and not to exceed twice
931 such amount.

932 (3) Where such landscaping, screening and erosion control measures
933 do not include the use of vegetative materials, the security shall be in force until such
934 landscaping; screening or erosion control measures have been completed and
935 approved by the City Council. Where such landscaping, screening and erosion control
936 measures do include the use of vegetative materials, the security shall be in force for at
937 least the next 2 complete growing seasons, subsequent to the completion and approval
938 of such landscaping; screening or erosion control measures have been completed and
939 approved by the City Council.

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

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

945 (K) Outdoor lighting.

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

948 (2) Intensity.

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

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

956 (3) Height. Light fixtures and freestanding luminaries shall not exceed
957 20 feet or extend above the roofline of the principal building, whichever is less.

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

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

962 § 153.053 LI LIGHT INDUSTRIAL DISTRICT.

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

967 (B) Requirements.

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

969 (2) Minimum lot width: 100 feet;

970 (3) Front yard setback: 25 feet; when abutting residentially
971 zoned property, the front yard setback shall conform to the established front yard
972 setback in the block;

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

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

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

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

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

985 (1) Art equipment supplies - manufacture.

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

987 (3) Bakery products.

988 (4) Bottling establishments.

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

990 (6) Books and bookbinding.

991 (7) Cabinet and woodworking establishments.

992 (8) Clothing manufacture.

993 (9) Camera and photographic manufacturing.

994 (10) Cold storage plants, locker plants.

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

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

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

998 (14) Dental instruments and supplies.

999 (15) Dry cleaning and dyeing establishments.

1000 (16) Electric lighting and wiring equipment - manufacture.

1001 (17) Electric measuring and testing equipment - manufacture.

1002 (18) Electronic tubes and other components - manufacture.

1003 (19) Electrical products and appliances - manufacture and assembly.

1004		(20)	Express and hauling stations.
1005		(21)	Grain and seed elevators.
1006		(22)	Hand and edge tools - manufacture and assembly.
1007		(23)	Ice plants and ice cream plants.
1008		(24)	Jewelry manufacture.
1009		(25)	Laboratory instruments and associated equipment, scientific, and
1010	testing.		
1011		(26)	Laundries.
1012		(27)	Luggage, handbags, and similar items - manufacture and
1013	assembly.		
1014		(28)	Lumber yards.
1015		(29)	Mail order houses.
1016		(30)	Medical and surgical instruments and supplies.
1017		(31)	Newspaper plants and offices.
1018		(32)	Office furniture and supplies.
1019		(33)	Optical instruments and lenses - manufacture and assembly.
1020		(34)	Patterns - design and manufacture.
1021		(35)	Pottery shops.
1022		(36)	Precision instruments.
1023		(37)	Plastic extrusion and molding fixture.
1024		(38)	Processing and storage plants not involving a discharge of noxious
1025	to toxic matter.		
1026		(39)	Public garages.
1027		(40)	Radio and television - assembly and parts fabrication.
1028		(41)	Sport equipment - manufacture and assembly.
1029		(42)	Scientific and research instruments and equipment - manufacture
1030	and assembly.		
1031		(43)	Signs and advertising display materials - manufacture.
1032		(44)	Supply yards.
1033		(45)	Storehouses, warehouses.
1034		(46)	Telephone and telegraph technical apparatus - manufacture and
1035	assembly.		
1036		(47)	Temperature controls - fabrication and assembly.
1037		(48)	Trade schools.
1038		(49)	Truck terminals.
1039		(50)	Warehousing.
1040		(51)	Welding supply.
1041		(52)	Wholesale business facilities.
1042		(53)	"Adult uses" subject to the requirements of Chapter 96 of the city
1043	code.		
1044	(F)		Permitted accessory uses.
1045		(1)	Off-street parking and loading, as required in this chapter.
1046		(2)	Nameplate and business signs, as per §§ 153.090 through
1047	153.105.		
1048	(G)		Uses requiring a conditional use permit.

- 1049 (1) Heavy manufacturing or any use involving pollution or other
1050 hazards.
- 1051 (2) Junk yards, auto reduction yards, and open storage yards.
- 1052 (3) Private water supply system pursuant to § 51.11(C).
- 1053 (4) Other manufacture, processing, storage, or commercial uses
1054 determined by the Planning Commission to be of the same general character as the
1055 permitted uses above and found not to be obnoxious, unhealthful, or offensive by
1056 reason of the potential emission or transmission of noise, oxidation, smoke, dust, odors,
1057 toxic or noxious matter, or glare or heat.
- 1058 (5) Properties may also be subject to the requirements of the
1059 Shoreland Overlay District, § 153.054.
- 1060 (6) Conditions on outside storage of material or finished product.
- 1061 (a) Outside storage of materials or finished product may not
1062 exceed 40% of the area of a lot that is 5 or more acres.
- 1063 (b) Outside storage of materials or finished product may not
1064 exceed 75% of the footprint of the building on lots smaller than 5 acres and may never
1065 exceed 40% of the area of the lot.
- 1066 (c) All outside storage shall be screened from view by dense
1067 vegetative screening or other approved screening method.
- 1068 (H) Building design standards.
- 1069 (1) Quality. Buildings shall maintain a high standard of architectural
1070 and aesthetic compatibility with surrounding properties to ensure that they will not
1071 adversely impact the abutting properties.
- 1072 (2) Exterior finishes. The following materials are permitted for exterior
1073 finishes:
- 1074 (a) Face brick;
- 1075 (b) Natural stone;
- 1076 (c) Stone or glass curtain walls;
- 1077 (d) Wood, provided surfaces are finished for exterior use and
1078 wood of proven exterior durability is used, such as cedar, redwood, or cypress;
- 1079 (e) Break-off block;
- 1080 (f) Stucco; and
- 1081 (g) Precast concrete and integral colored concrete block,
1082 provided surfaces are molded, serrated or treated with a textured material to create a 3-
1083 dimensional character.
- 1084 (h) Curtain wall panels of steel, metal, or aluminum provided the
1085 panels are factory fabricated and of a high-quality material with a matte or non-lustre
1086 finish. These structures will require decorative design elements as approved by the City
1087 Council.
- 1088 (3) Prohibited materials. The following materials are prohibited for
1089 exterior finishes:
- 1090 (a) Face material that rapidly deteriorate or become unsightly
1091 such as exposed cinder blocks, galvanized metal, unfinished tile, and common clay
1092 brick.
- 1093 (4) Building construction prohibited.
- 1094 (a) Temporary construction.

1095 (I) Landscaping and screening plan.
1096 (1) Complete landscaping, screening and erosion control plans shall be
1097 prepared and signed by a landscape architect or professional site planner with
1098 educational training or work experience in land analysis and site plan preparation.
1099 These plans shall include:
1100 (a) Detailed natural land analysis including vegetation, soil types
1101 and slopes.
1102 (b) Manmade features.
1103 (c) Details of all proposed vegetative landscaping materials
1104 including placement, Latin name, common name, caliper/height and quantity.
1105 (d) Details of proposed non-vegetative landscaping and
1106 screening materials.
1107 (e) Planting and construction schedule for completion of
1108 landscaping and screening plans.
1109 (2) The final landscaping and screening plan must be approved by the
1110 City Council at the time of site plan review.
1111 (J) Landscaping security.
1112 (1) The owner shall file with the City Clerk security in the form of a
1113 letter of credit or cash deposit as determined by the City Council, to ensure that the
1114 landscaping, screening and erosion control work is done pursuant to the landscaping
1115 plan within the time schedule, and to ensure that the vegetative materials used in any
1116 landscaping, screening or erosion control work that die within 2 complete growing
1117 seasons are replaced.
1118 (2) The security shall be in a amount determined by the City Council,
1119 but shall be at least equal to the amount estimated to be the cost of completing the
1120 required landscaping, screening and erosion control measures and not to exceed twice
1121 such amount.
1122 (3) Where such landscaping, screening and erosion control measures
1123 do not include the use of vegetative materials, the security shall be in force until such
1124 landscaping; screening or erosion control measures have been completed and
1125 approved by the City Council. Where such landscaping, screening and erosion control
1126 measures do include the use of vegetative materials, the security shall be in force for at
1127 least the next 2 complete growing seasons, subsequent to the completion and approval
1128 of such landscaping; screening or erosion control measures have been completed and
1129 approved by the City Council.
1130 (4) Upon completion of the landscaping, screening and erosion control
1131 work, the security will be reduced to an amount determined adequate to replace
1132 vegetative material that may die within 2 complete growing seasons.
1133 (5) Such security shall be filed with the City Clerk before a building
1134 permit can be issued.
1135 (K) Outdoor lighting.
1136 (1) A lighting plan, showing how the site meets all lighting requirements
1137 must be submitted at the time of site plan submittal.
1138 (2) Intensity.
1139 (a) No more than 0.5 foot candles of light where residential
1140 zoning abuts and no more than 1.0 foot candles of light where other zoning abuts shall

1141 be allowed at the property line, when measured at eye level and aimed at the light
1142 source.

1143 (b) In parking areas and walkways, downward focused lighting
1144 shall be provided by cutoff type luminaries with no more than 10% of light output above
1145 the horizontal plane through the light source.

1146 (3) Height. Light fixtures and freestanding luminaries shall not exceed
1147 20 feet or extend above the roofline of the principal building, whichever is less.

1148 (4) Accent lighting. Accent lighting used to highlight selected landscape
1149 or architectural features shall be permitted provided the light source is shielded to aim
1150 directly at the area of focus.

1151 (Ord. 2021-8-6, passed 8-10-2021)

1152 § 153.054 SL SHORELAND DISTRICT.

1153 (A) Purpose. The purpose of the Shoreland District is to govern the use,
1154 alteration and development of shoreland areas, according to the provisions of this
1155 chapter.

1156 (B) District application. The SL Shoreland District shall be applied to and
1157 superimposed upon all zoning districts as contained herein as existing or amended by
1158 the text and map of this chapter. The regulations and requirements imposed by the SL
1159 Shoreland District shall be in addition to those established for districts which jointly
1160 apply. Under the joint application of districts, the more restrictive requirements shall
1161 apply.

1162 (C) Boundaries. The boundaries of the Shoreland District are established
1163 within the following distances from the normal high water mark of the surface water
1164 depending on the size of the surface water: greater than 10 acres - 1,000 feet; rivers
1165 and streams - 300 feet. The practical limits of shorelands may be less than the statutory
1166 limits whenever the waters involved are bounded by topographic divides which extend
1167 landward from the waters of lesser distances and which are approved by the
1168 Commissioner of Natural Resources.

1169 (D) Shoreland classification.

1170 (1) The surface waters affected by this section and which require
1171 controlled development of their shoreland (Shoreland District) are shown on the map
1172 entitled "Zoning Map of the City of Stacy, Minnesota" which is properly approved and
1173 made a part of this chapter. Surface waters generally greater than 10 acres and given
1174 an identification number by the State of Minnesota are listed in the table below. Where
1175 the boundaries of the district are in question, the Board of Appeals shall make the
1176 necessary interpretation. If any boundary is disputed, the burden of proof shall rest with
1177 the applicant.

1178

1179 Surface Water Identification

1180 DNR Identification No. Name Classification

1181 13-59 Sunrise Pools (East of T.H. 30 and North and South of Hwy. 19) Natural
1182 Environment (NE) Lake

1183 13-61 Unnamed Lake (approximately 2,500 feet North of Hwy. 19, East of I-35, and
1184 West of T. H. 30) General Development

1185

1186 (2) All rivers and streams (West Branch, Sunrise River) in the
 1187 municipality of Stacy having a total drainage area of greater than 2 square miles are
 1188 assigned a shoreland classification of general development.

1189 (E) Minimum requirements. The following table sets forth the minimum
 1190 requirements of each classification. Where the requirements of the zoning district are
 1191 more restrictive, the more restrictive standards shall apply.

1192	Unsewered Areas	Natural Environment Waters**	General Development Waters***
1193	Lot area (sq. ft.)	80,000	20,000
1195	Water frontage and lot width at building line (ft.)	200	100
1196	Building setback from ordinary highwater mark (ft.)	200	75
1197	Building setback from roads and highways (ft.)	50 federal, state or county; 20 municipal or private	
1199	Elevation of lowest floor above highest known water level (ft.)	3	3
1200	Building height limitation (ft.)	35	35
1201	Total lot area covered by impervious surface (%)	30	30
1202	Sewage system setback from ordinary high water mark (ft.)	150	50
1203	Sewage system elevation above highest groundwater level or bedrock (ft.)	4	4

1204	Sewered Areas*	Natural Environment Waters**	General Development Waters***
1206	Lot area (sq. ft.)		
1208	Waterfront lots	40,000	15,000
1209	Other lots	20,000	10,000
1210	Water frontage and lot width at building line (ft.)	125	75
1211	Building setback from ordinary high water mark (ft.)	150	50

1213 * All provisions for unsewered areas shall apply to sewerred areas except for the
 1214 following which shall supersede the provisions applied to unsewered areas.

1215 ** Sunrise Pools

1216 *** Unnamed lake and West Branch - Sunrise River

1217 (D) Soil absorption systems. Soil absorption systems shall not be allowed in
 1218 the following areas for disposal of domestic sewage:

- 1219 (1) Low swampy areas or areas subject to recurrent flooding;
- 1220 (2) Areas where the highest known ground water table, bedrock or
 1221 impervious soil conditions are within 4 feet of the bottom of the system;
- 1222 (3) Areas of ground slope which create a danger of seepage of the
 1223 effluent onto the surface of the ground;
- 1224 (4) Public sewage disposal and commercial, agricultural, solid waste
 1225 and industrial waste disposal shall conform to the standards, criteria, rules and
 1226 regulations of the Minnesota Pollution Control Agency;
- 1227 (5) Alternative methods of sewage disposal such as holding tanks,
 1228 privies, electric or gas incinerators may be allowed, provided they meet the standards
 1229 and regulations of the Minnesota Pollution Control Agency and Department of Health;
- 1230 (6) All individual septic tanks, or soil absorption systems, shall be a
 1231 minimum of 50 feet from the nearest well.

1232 (G) Nonconforming sanitary systems.
1233 (1) Nonconforming septic systems shall be brought into conformity
1234 within 5 years from adoption of this chapter.
1235 (2) Private wells shall be placed in areas not subject to flooding or
1236 upslope from a source of contamination. Private wells must meet all Department of
1237 Health Standards.

1238 (H) Shoreland alterations. Natural vegetation in shoreland areas shall be
1239 preserved insofar as practical and reasonable in order to retard surface runoff and soil
1240 erosion and to utilize excess nutrients. Any alteration of the vegetation or natural terrain
1241 in the Shoreland District shall be controlled by issuance of a landscape permit by the
1242 city. An approved permit shall be acquired before any shoreland alterations are
1243 undertaken as defined in this section. An alteration is defined as any clear-cutting,
1244 grading, and the like which involves the removal or addition of underbrush or vegetation
1245 which may have a detrimental impact by allowing soil erosion or runoff of excess
1246 nutrients to enter the public waters. The issuance of a landscape permit shall be
1247 controlled by this section in accordance with the following criteria:

1248 (1) Clear cutting shall be prohibited, except as necessary for placing
1249 public roads, utilities, structures, and parking areas;
1250 (2) Natural vegetation shall be restored insofar as feasible after any
1251 construction project;
1252 (3) Selective cutting of trees and underbrush shall be allowed as long
1253 as sufficient cover is left to screen motor vehicles and structures when viewed from the
1254 water;
1255 (4) Grading and filling of a permanent nature: where more than 10
1256 yards of material is to be cut, filled or graded, a landscape permit shall be obtained from
1257 the city. This landscape permit shall be issued only if the applicant can demonstrate
1258 that:

1259 (a) The smallest amount of bare ground shall be exposed for as
1260 short a time as feasible;
1261 (b) Temporary ground cover, such as mulch, shall be used and
1262 permanent vegetative cover, such as sod, shall be provided;
1263 (c) Methods to prevent erosion and trap sediment shall be
1264 employed;
1265 (d) Fill shall be stabilized to accepted engineering standards;
1266 (e) Failure to acquire the necessary landscape permit shall be in
1267 violation of this chapter.

1268 (I) Land suitability - SL Districts. No land shall be subdivided which is held
1269 unsuitable by the city for the proposed use because of flooding, inadequate drainage,
1270 soil and rock formations with severe limitations for development, severe erosion
1271 potential, unfavorable topography, inadequate water supply or sewage disposal
1272 capabilities, or any other feature likely to be harmful to the health, safety, or welfare of
1273 future residents.

1274 (J) Inconsistent plats. All plats recommended for approval which are
1275 inconsistent with the municipal shoreland ordinance shall be reviewed by the Minnesota
1276 Commissioner of Natural Resources before approval by the city may be granted.

1277 (K) Planned unit developments. These shoreland management regulations
1278 may be altered to allow for planned unit developments as defined by this chapter,
1279 provided:

1280 (1) Preliminary plans are approved by the Department of Natural
1281 Resources prior to approval by the city;

1282 (2) Central sewage facilities are installed which meet all applicable
1283 standards and regulations or the planned unit development is connected to municipal
1284 sewer;

1285 (3) Open space is preserved as appropriate;

1286 (4) The increased density of development is consistent with and does
1287 not overburden the resource limitations of the public water or shorelands;

1288 (5) That all shoreline development such as docks be centralized
1289 facilities serving the entire planned unit development; and

1290 (6) That the final plan shall not be altered unless approved by the
1291 developer, city, and the Department of Natural Resources.

1292 (L) Variances. Variances may be granted by the Council upon application
1293 required in this chapter in extraordinary cases, but only when the proposed use is
1294 determined to be in the public interest, and no variance shall be granted which the
1295 Council determines will or has a tendency to:

1296 (1) Result in the placement of an artificial obstruction which will restrict
1297 the passage of storm and flood water in such a manner as to increase the height of
1298 flooding, except obstructions approved by the Watershed Districts in conjunction with
1299 sound flood plain management;

1300 (2) Result in incompatible land uses or which would be detrimental to
1301 the protection of surface and ground water supplies;

1302 (3) Be not in keeping with land use plans and planning objectives for
1303 the city or which will increase or cause danger to life or property;

1304 (4) Be inconsistent with the objectives of encouraging land uses
1305 compatible with the preservation of the natural land forms, vegetation, and the marshes
1306 and wetlands within the city;

1307 (5) No permit or variance shall be issued unless the applicant has
1308 submitted a shoreland impact plan as required and set forth in this chapter. In granting
1309 any variance, the Council may attach such conditions as they deem necessary to insure
1310 compliance with the policy and intent of this chapter.

1311 (Prior Code, § 903.09)

1312 § 153.055 PUD PLANNED UNIT DEVELOPMENT DISTRICT.

1313 (A) Purpose and intent. The purpose of the Planned Unit Development District
1314 (PUD) is to provide a comprehensive procedure intended to allow greater flexibility in
1315 the development of neighborhoods or non-residential areas than would be possible
1316 under a conventional zoning district. The decision to zone property to PUD is a public
1317 policy decision for the City Council to make in its legislative capacity. The intent of this
1318 section is to:

1319 (1) Provide for the establishment of Planned Unit Development (PUD)
1320 zoning districts in appropriate settings and situations, to create or maintain a
1321 development pattern that complies with the city's comprehensive plan.

1322 (2) Allow for the mixing of land uses within a development when such
1323 mixing of land uses could not otherwise be accomplished under this chapter.

1324 (3) Provide for variations to the strict application of the land use
1325 regulations in this chapter in order to improve site design and operation, while at the
1326 same time incorporating design elements (e.g., construction materials, landscaping,
1327 lighting, etc.) that exceed the city's standards to offset the effect of any variations.

1328 (4) Promote a more creative and efficient approach to land use within
1329 the city, while at the same time protecting and promoting the health, safety, comfort,
1330 aesthetics, economic viability, and general welfare of the city.

1331 (5) Preserve and enhance natural features and open spaces.

1332 (6) Maintain or improve the efficiency of public streets and utilities.

1333 (7) Ensure the establishment of appropriate transitions between
1334 differing land uses.

1335 (8) Provide some additional, identifiable benefit to the city or future
1336 residents, users, or patrons of the PUD beyond what would be achieved by application
1337 of a standard plat under the city's regulations.

1338 (B) Uses. All permitted uses, permitted accessory uses, conditional uses,
1339 interim uses, and uses allowed by administrative permit contained in this chapter shall
1340 be treated as potentially allowable uses within a PUD District, provided they would be
1341 allowable on the site under the city's comprehensive plan.

1342 (C) Setbacks, lot area, and building height. The various setback, lot area, and
1343 height regulations of the most closely related conventional zoning district shall be
1344 considered presumptively appropriate, but may be departed from to accomplish the
1345 purposes described in this section, providing there is no increase in density of more
1346 than 10%.

1347 (D) Integrated design. A PUD shall consist of a harmonious arrangement and
1348 selection of land uses in groupings of buildings that are planned and designed as an
1349 integrated unit. The integrated design shall include elements such as building
1350 orientation and materials, utilities, parking areas, traffic and pedestrian circulation, and
1351 open spaces.

1352 (E) Pre-application sketch review. Prior to the filing of a PUD general plan
1353 application, the applicant may submit a sketch of the project to the Zoning
1354 Administrator. The sketch will be reviewed in accordance with § 153.193(C).

1355 (F) General plan. A PUD general plan is a plan and supportive text depicting
1356 general land use, circulation, open space, utilities, etc. for parcels of land within a PUD.

1357 (1) Application procedure: PUD zoning applications shall be processed
1358 according to the evaluation criteria and procedures outlined in § 153.191 of this chapter.
1359 The general plan shall be accompanied by a fee and a cash escrow as set forth in
1360 Chapter 34 of the City Code.

1361 (2) Information requirement:

1362 (a) The information required for all PUD general plan
1363 applications shall be as specified in § 153.192.

1364 (b) The Zoning Administrator, Planning Commission, and/or City
1365 Council may excuse an applicant from submitting any specific item of information or
1366 document required by this section which it finds to be unnecessary to the consideration
1367 of the specific PUD being considered.

1368 (3) Zoning enactment. A rezoning of a parcel of land to PUD shall not
1369 become effective until such time as the City Council approves an ordinance reflecting
1370 said amendment, which shall take place at the time the City Council approves the
1371 general plan.

1372 (G) Final plan. After approval of the general plan, the applicant may apply for
1373 final plan approval for all or a portion of the PUD. The final plan shall be accompanied
1374 by a fee as set forth in Chapter 34 of the City Code. The applicant shall submit the
1375 following material for review by and approval of the Zoning Administrator prior to
1376 issuance of any building permit(s).

1377 (1) If the PUD will be developed in different phases, the applicant shall
1378 submit a phasing plan for construction of the various elements of the entire PUD.

1379 (2) Development plans in final form, based on the approved general
1380 plan, covering that portion of the PUD where building permits will be requested under
1381 the phasing plan.

1382 (3) Proof of recording any easements and restrictive covenants prior to
1383 sale of any land or dwelling unit within the PUD and of the establishment and activation
1384 of any entity that is to be responsible for the management and maintenance of any
1385 public or common open space or service facility.

1386 (4) All certificates, seals and signatures required for the dedication of
1387 land and recording of documents.

1388 (5) Any other plans, agreements or specifications necessary for the
1389 Zoning Administrator to review the proposed final plan.

1390 (6) Single-family developments and PUD districts approved for only
1391 one building shall be exempt from the requirement for a PUD final plan.

1392 (H) Periodic PUD review. The City Council may require periodic review of a
1393 PUD as a condition to approval of a PUD General Plan in order to ensure compliance
1394 with the conditions of the PUD. At such time the City Council may, at its discretion,
1395 choose to take additional testimony on the PUD.

1396 (I) Plan modification/amendment of a PUD.

1397 (1) Amendment for existing single and two family PUDs. Amendments
1398 for existing single and 2-family PUDs shall follow the same review procedure as
1399 established for a variance, as set forth in § 153.188.

1400 (2) Minor modifications to an approved PUD may be approved by the
1401 Zoning Administrator, upon recommendation of the City Engineer, City Planner and City
1402 Attorney. Minor modifications in this context shall mean internal adjustments to the site
1403 and building plans that do not change the approved plat or the uses, do not increase the
1404 density or intensity of uses, do not increase the height of buildings, do not decrease the
1405 amount of park or open space, or do not reduce the setbacks to adjacent properties.

1406 (3) All other modifications to an approved PUD that do not qualify as
1407 minor as defined in division (I)(2) of this section, shall follow the procedure for PUD
1408 General Plan and Final Plan approval as outlined in § 153.055(F) and (G).

1409 (J) General requirements.

1410 (1) Records. The Zoning Administrator shall maintain a record of all
1411 PUD zones approved by the city, including all pertinent project plans, any conditions
1412 imposed on a project by the City Council, and such other information as the Zoning
1413 Administrator may deem appropriate.

1414 (2) Withdrawal of an application. Any application under this section
1415 may be withdrawn by an applicant without prejudice at any time prior to final City
1416 Council action thereon.

1417 (3) Platting of a PUD. In the event that a PUD is to be subdivided into
1418 lots or parcels for the purpose of separate ownership, such PUD shall be platted under
1419 the platting procedures contained in the Stacy Subdivision Ordinance and the related
1420 requirements of Chisago County. The preliminary plat shall be processed in conjunction
1421 with the general plan as outlined in division (F) of this section. A separate action on the
1422 final plat shall be processed before the City Council prior to the approval of a Final Plan.

1423 (4) Conveyance of property within a PUD. In the event that any real
1424 property within an approved PUD is conveyed in total or in part, the buyer(s) thereof
1425 shall be bound by all provisions of the PUD and the general plan for that project.
1426 However, nothing in this chapter shall be construed as to make such conveyed property
1427 non-conforming with regard to normal zoning standards as long as the conveyed
1428 property conforms with the approved PUD and the general plan for a project.

1429 (5) Agreement/financial guarantee. Following the approval of the
1430 general plan but prior to final plan approval, the applicant shall enter into an agreement
1431 with the city relating to the terms of the PUD, and shall also provide such financial
1432 guarantees as the city requires or deems necessary. Such agreement may take the
1433 form of:

- 1434 (a) A development contract;
- 1435 (b) A Site Improvement Performance Agreement; and
- 1436 (c) Another form of legally binding instrument as may be
1437 required by the city.

1438 (6) A PUD final plan shall expire 1 year from the date of its approval,
1439 unless:

- 1440 (a) The applicant commences the authorized use within that
1441 period; or
- 1442 (b) The applicant applies for an extension before the expiration
1443 of the 1-year period. The request for extension shall state facts showing a good faith
1444 attempt to complete or commence the use permitted by the PUD final plan. A request
1445 for an extension not exceeding 1 additional year shall be subject to the review and
1446 approval of the Zoning Administrator. Should a second extension of time or any
1447 extension of time longer than 1 additional year be requested by the applicant, it shall be
1448 presented to the City Council for a decision.

1449 (Prior Code, § 903.10) (Am. Ord. 2015-3-2, passed 3-16-2015)

1450 § 153.056 A AGRICULTURE DISTRICT.

1451 (A) Purpose. The purpose of the Agriculture District is to preserve areas that
1452 have been included in the city's Comprehensive Plan for future urban development. The
1453 large minimum lot size (40 acres) will retain these lands in their natural state or as
1454 agricultural uses until the most appropriate zoning district can be determined at the time
1455 development occurs. At such time the new zoning shall be consistent with the
1456 Comprehensive Plan.

1457 (B) Permitted uses.

- 1458 (1) Farming operations subject to the following.

1459 (a) Continued farm operations. All farm operations currently in
1460 existence will be permitted to continue operation subject to the following conditions:
1461 agriculture uses, excepting commercial animal farms, fur farms, kennels, and poultry
1462 farms, but including truck gardening and other horticultural uses, are permitted uses in
1463 the district in which an existing operation is located, provided that any new private
1464 stable or other new building in which farm animals are kept shall be a distance of 60
1465 feet or more from any other lot in any residential district.

1466 (b) Sale of products. Limited sales of products produced may
1467 be conducted on the premises from a roadside stand, but the stand shall not exceed 12
1468 feet in height or 500 square feet in floor area, and no portion of any such stand shall be
1469 located or erected nearer than 40 feet from any highway, street, or road right-of-way.

1470 (c) Conditional use permits. The Council may require any farm
1471 operation to secure a conditional use permit to continue the operations in the event the
1472 farming operations are so intensive as to constitute a feed lot or an industrial type use
1473 consisting of the compounding, processing, and packaging of products for wholesale or
1474 retail trade and further that such operations may tend to become a permanent industrial
1475 type operation (that cannot be terminated as can a normal farming operation).

1476 (d) Unsafe buildings. Nothing in this chapter shall be deemed to
1477 prevent the strengthening or restoring to a safe condition of any building or part thereof
1478 declared to be unsafe by the official charged with protecting the public safety, upon
1479 order of the official.

1480 (2) The raising of animals for sale, profit, or pleasure on parcels of 5
1481 acres or larger. This land area requirement applies to animal kennels, but not to the
1482 keeping of dogs, cats, and other animals customarily kept as pets. One animal unit is
1483 permitted per 2 acres. The animal units are as follows:

1484

1485	Number of Animals	Animal Units
1486	1 bovine/buffalo	1
1487	1 horse	1
1488	2 miniature horses	1
1489	2 swine over 55 pounds	1
1490	5 sheep/goat	1
1491	20 fowl (turkeys, chickens, ducks, geese, game birds)	1
1492	20 rabbits	1

1493 A property owner may request an ordinance amendment for any species not listed.
1494 Such amendment is at the discretion of the City Council.

1495

1496 (3) Farm drainage systems, flood control, and watershed structures
1497 and erosion control devices meeting all city, county, state, and soil conservation service
1498 minimum standards.

1499 (4) Forestry.

1500 (5) Wildlife areas, forest preserves, public parks owned or operated by
1501 a government agency or nonprofit organization, and other open space uses.

1502 (6) Essential services as defined by § 153.033.

1503 (7) Residential facilities in a single-family detached dwelling, serving 6
1504 or fewer individuals and licensed by the state.

- 1505 (8) Single-family detached dwellings, including expansion of single-
1506 family detached dwellings on non-conforming lots.
- 1507 (C) Accessory uses.
- 1508 (1) Any incidental machinery, structures, or buildings necessary for
1509 agriculture or other permitted uses as defined by § 153.031(A).
- 1510 (2) In-home daycare facilities as permitted in M.S. Chapter 462.357,
1511 Subdivision 7, as it may be amended from time to time.
- 1512 (3) Home occupations as defined by § 153.033.
- 1513 (4) Play and recreational facilities, including swimming pools and
1514 tennis courts, for use of the property owner and guests.
- 1515 (5) Signs as regulated by §§ 153.090 et seq.
- 1516 (6) Temporary trailers and construction equipment for the duration of
1517 construction only where temporary lavatories are provided in compliance with city and
1518 state requirements.
- 1519 (D) Conditional uses. The following are conditional uses, subject to § 153.189
1520 and the specific standards and criteria that may be cited below for a specific use:
- 1521 (1) Commercial feedlots, subject to MPCA (Minnesota Pollution Control
1522 Agency) requirements;
- 1523 (2) Greenhouses and nurseries;
- 1524 (3) Towers and antennas as regulated by this chapter;
- 1525 (4) Personal use airstrips;
- 1526 (5) Churches, chapels, temples, synagogues, and cemeteries with
1527 normal accessory buildings for education and living quarters;
- 1528 (6) Local government administration and service buildings;
- 1529 (7) Accessory dwelling units as regulated by § 153.035;
- 1530 (8) Commercial outdoor recreation areas that are similar to public
1531 recreation areas including private campgrounds, golf courses, swimming pools, and
1532 resorts. Public parks owned and operated by a government agency or nonprofit
1533 organization;
- 1534 (9) Agricultural oriented businesses such as grain and feed sales, grain
1535 drying, and storage;
- 1536 (10) Commercial fur farms;
- 1537 (11) Temporary equipment placement and operation as related to road
1538 construction;
- 1539 (12) Light construction equipment storage areas associated with a legal
1540 home occupation;
- 1541 (13) Regional pipelines, power transmission lines, and relay towers up
1542 to 50 feet;
- 1543 (14) Extraction of minerals, sand, gravel, rock, or any material from the
1544 earth and processing operations such as asphalt or concrete batch plants, rock
1545 crushing, washing, and recycling of pavement in accordance with § 153.078;
- 1546 (15) Home occupations which may require additional parking, an
1547 accessory building or an attached garage, or generate increase in traffic beyond typical
1548 residential nature and which are in accordance with § 153.033;
- 1549 (16) Antenna and/or amateur radio;
- 1550 (17) Telecommunication facility in accordance with § 153.155; and

1551 (18) Private water supply system pursuant to § 51.11(C).
1552 (E) Interim uses. The following are interim uses, subject to § 153.190 and the
1553 specific standards and criteria that may be cited below for a specific use:
1554 (1) One additional, non rental, farm dwelling as an accessory use to
1555 the farm; and
1556 (2) Certain home occupations as defined in § 153.033.
1557 (3) Private water supply system pursuant to § 51.11(C).
1558 (F) Area requirements.
1559 (1) The following minimum requirements shall be met in the AG
1560 District:
1561
1562 Minimum lot size 40 acres
1563 Minimum lot width 300 feet
1564 Minimum lot depth 300 feet
1565 Structure setbacks:
1566 Front 100 feet
1567 Side 25 feet
1568 Rear 50 feet
1569 Maximum building height 35 feet
1570
1571 (2) Properties may also be subject to the requirements of the
1572 Shoreland District, § 153.054.
1573 (Ord. 2009-5-1, passed 5-12-2009; Am. Ord. 2012-11-2, passed 11-13-2012; Am. Ord.
1574 2015-3-3, passed 3-16-2015; Am. Ord. 2016-10-2, passed 10-11-2016; Am. Ord. 2019-
1575 8-3, passed 8-13-2019)
1576 § 153.057 P PARK DISTRICT.
1577 (A) Purpose. The purpose of the park district is to provide for publicly owned
1578 park and recreation facilities.
1579 (B) Permitted principal uses: within a “P” park district, no structure or land
1580 shall be used except for 1 or more of the following uses:
1581 (1) Boat landing or fishing pier;
1582 (2) Golf course, public;
1583 (3) Hockey rinks, pleasure and in-line skating;
1584 (4) Informal play field;
1585 (5) Open space, natural areas, nature trails and other similar facilities;
1586 (6) Picnic area;
1587 (7) Picnic shelter;
1588 (8) Play equipment;
1589 (9) Play fields, including, but not limited to, soccer, baseball, softball,
1590 football;
1591 (10) Playgrounds, hard or soft surface play areas;
1592 (11) Recreation buildings;
1593 (12) Skateboard parks;
1594 (13) Special events as scheduled with City of Stacy;
1595 (14) Swimming pools;
1596 (15) Play courts, including basketball, tennis, and volleyball;

- 1597 (16) Warming houses and other similar facilities;
1598 (17) Community gardens; and
1599 (18) Other recreation uses as approved by the City of Stacy.
1600 (19) Sale of locally grown produce in the Farmers Market.
- 1601 (C) Permitted accessory uses. Within any "P" park district, the following uses
1602 shall be permitted accessory uses: signage located on outfield fences, shall comply with
1603 § 153.101(B)(2).
- 1604 (D) Uses requiring a conditional use permit. Within any "P" park district, no
1605 structure or land shall be used except for 1 or more of the following uses: essential
1606 service structures, including, but not limited to, buildings such as booster or pressure
1607 regulating stations, wells and pumping stations, elevated tanks, and lift stations,
1608 provided no building shall be located within 50 feet from any lot line of an abutting lot in
1609 an R district. Prior to granting such permit, it shall be found that the architectural design
1610 of service structures is compatible to the neighborhood in which it is located.
- 1611 (E) Lot requirements. No minimum lot area or width for park land. For public
1612 parks that contain structures the following setbacks shall apply:
- 1613 (1) Front yard setbacks: 25 feet;
1614 (2) Rear yard setbacks: 35 feet;
1615 (3) Side yard:
1616 (a) Ten feet interior;
1617 (b) Twenty feet corner;
1618 (c) Thirty feet for structures abutting a residential or vacant lot;
1619 (4) Height: 2 and 1/2 stories or 35 feet maximum;
- 1620 (F) Building standards: for any building structure built in the park district the
1621 following building standards shall apply.
- 1622 (1) Design of buildings shall reflect the character of the surrounding
1623 residential neighborhoods. Building scale and roof design should be consistent with
1624 existing neighborhoods.
- 1625 (2) Acceptable building materials include face brick, stone, glass,
1626 stucco, synthetic stucco, fiber cement siding or architectural concrete block. Non-
1627 decorative concrete block, sheet metal, unfinished metal or pole barn type buildings are
1628 not acceptable. Roofs shall reflect a traditional residential structure such as pitched,
1629 gable, hip or shed.
- 1630 (G) Activity scheduled in parks. The city shall be delegated as the agency to
1631 coordinate and schedule the use of park areas and facilities.
1632 (Ord. 2010-2-1, passed 2-23-2010; Am. Ord. 2013-3-2, passed 3-12-2013)
1633 § 153.058 OS OPEN SPACE DISTRICT.
- 1634 (A) Purpose. The purpose of the open space district is to provide for publicly
1635 owned open space facilities. This district consists of the Carlos Avery WMA district and
1636 all other public open space land.
- 1637 (B) Permitted uses. No structure or use shall be permitted in the OS zoning
1638 district except the following:
- 1639 (1) Open space, natural areas (including natural landscape areas),
1640 nature trails and nature observation areas;
1641 (2) Picnic area;
1642 (3) Picnic shelter;

1643 (4) Wildlife management areas and related facilities; and
1644 (5) Use of fire arm for hunting purposes as allowed in the Agricultural
1645 zoning district pursuant to § 130.01.

1646 (Ord. 2010-2-1, passed 2-23-2010)

1647 § 153.059 GENERAL FLOODPLAIN DISTRICT; FLOODPLAIN MANAGEMENT.

1648 (A) Statutory authorization, findings of fact and purpose.

1649 (1) Statutory authorization. The legislature of the state has, in M.S.
1650 Chapters 103F and 462 delegated the responsibility to local government units to adopt
1651 regulations designed to minimize flood losses. Therefore, the City Council does ordain
1652 as follows:

1653 (2) Findings of fact.

1654 (a) The flood hazard areas of Stacy, Minnesota, are subject to
1655 periodic inundation which results in potential loss of life, loss of property, health and
1656 safety hazards, disruption of commerce and governmental services, extraordinary public
1657 expenditures or flood protection and relief, and impairment of the tax base, all of which
1658 adversely affect the public health, safety, and general welfare.

1659 (b) Methods used to analyze flood hazards. This section is
1660 based upon a reasonable method of analyzing flood hazards which is consistent with
1661 the standards established by the Minnesota Department of Natural Resources.

1662 (c) National Flood Insurance Program compliance. This section
1663 is adopted to comply with the rules and regulations of the National Flood Insurance
1664 Program codified as 44 C.F.R. parts 59-78, as amended, so as to maintain the
1665 community's eligibility in the National Flood Insurance Program.

1666 (3) Statement of purpose. It is the purpose of this section to promote
1667 the public health, safety, and general welfare and to minimize those losses described in
1668 division (A)(2) by provisions contained herein.

1669 (B) General provisions.

1670 (1) Lands to which section applies. This section shall apply to all lands
1671 within the jurisdiction of the city shown on the Official Zoning Map and/or the
1672 attachments thereto as being located within the boundaries of the General Floodplain
1673 District.

1674 (2) Establishment of Official Zoning Map. The Official Zoning Map
1675 together with all materials attached thereto is hereby adopted by reference and declared
1676 to be a part of this section. The attached material shall include the Flood Insurance
1677 Study, Chisago County, Minnesota and Incorporated Areas and Flood Insurance Rate
1678 Map panels therein numbered 27025C0250D, 27025C0275D, and 27025C0375D,
1679 27025C0350D, all dated April 17, 2012 and prepared by the Federal Emergency
1680 Management Agency. The Official Zoning Map shall be on file in the Office of the City
1681 Clerk.

1682 (3) Regulatory flood protection elevation. The regulatory flood
1683 protection elevation shall be an elevation no lower than 1 foot above the elevation of the
1684 regional flood plus any increases in flood elevation caused by encroachments on the
1685 floodplain that result from designation of a floodway.

1686 (4) Interpretation.

1687 (a) In their interpretation and application, the provisions of this
1688 section shall be held to be minimum requirements and shall be liberally construed in

1689 favor of the governing body and shall not be deemed a limitation or repeal of any other
1690 powers granted by state statutes.

1691 (b) The boundaries of the zoning districts shall be determined by
1692 scaling distances on the Official Zoning Map. Where interpretation is needed as to the
1693 exact location of the boundaries of the district as shown on the Official Zoning Map, as
1694 for example where there appears to be a conflict between a mapped boundary and
1695 actual field conditions and there is a formal appeal of the decision of the Zoning
1696 Administrator, the City Council shall make the necessary interpretation. All decisions
1697 will be based on elevations on the regional (100-year) flood profile, the ground
1698 elevations that existed on the site at the time the community adopted its initial floodplain
1699 ordinance or on the date of the first National Flood Insurance Program map showing the
1700 area within the 100-year floodplain if earlier, and other available technical data.
1701 Persons contesting the location of the district boundaries shall be given a reasonable
1702 opportunity to present their case to the City Council and to submit technical evidence.

1703 (5) Abrogation and greater restrictions. It is not intended by this
1704 section to repeal, abrogate, or impair any existing easements, covenants, or deed
1705 restrictions. However, where this section imposes greater restrictions, the provisions of
1706 this section shall prevail. All other ordinances inconsistent with this section are hereby
1707 repealed to the extent of the inconsistency only.

1708 (6) Warning and disclaimer of liability. This section does not imply that
1709 areas outside the floodplain district or land uses permitted within such district will be
1710 free from flooding or flood damages. This section shall not create liability on the part of
1711 the city or any officer or employee thereof for any flood damages that result from
1712 reliance on this section or any administrative decision lawfully made thereunder.

1713 (7) Definitions. Unless specifically defined below, words or phrases
1714 used in this section shall be interpreted so as to give them the same meaning as they
1715 have in common usage and so as to give this section its most reasonable application.

1716 ACCESSORY USE OR STRUCTURE. A use or structure on the same lot
1717 with, and of a nature customarily incidental and subordinate to, the principal use or
1718 structure.

1719 BASEMENT. Any area of a structure, including crawl spaces, having its
1720 floor or base subgrade (below ground level) on all 4 sides, regardless of the depth of
1721 excavation below ground level.

1722 EQUAL DEGREE OF ENCROACHMENT. A method of determining the
1723 location of floodway boundaries so that floodplain lands on both sides of a stream are
1724 capable of conveying a proportionate share of flood flows.

1725 FLOOD. A temporary increase in the flow or stage of a stream or in the
1726 stage of a wetland or lake that results in the inundation of normally dry areas.

1727 FLOOD FREQUENCY. The frequency for which it is expected that a
1728 specific flood stage or discharge may be equaled or exceeded.

1729 FLOOD FRINGE. That portion of the floodplain outside of the floodway.
1730 Flood fringe is synonymous with the term FLOODWAY FRINGE used in the Flood
1731 Insurance Study, Chisago County, Minnesota and Incorporated Areas.

1732 FLOODPLAIN. The beds proper and the areas adjoining a wetland, lake
1733 or watercourse which have been or hereafter may be covered by the regional flood.

1734 FLOOD PROOFING. A combination of structural provisions, changes, or
1735 adjustments to properties and structures subject to flooding, primarily for the reduction
1736 or elimination of flood damages.

1737 FLOODWAY. The bed of a wetland or lake and the channel of a
1738 watercourse and those portions of the adjoining floodplain which are reasonably
1739 required to carry or store the regional flood discharge.

1740 LOWEST FLOOR. The lowest floor of the lowest enclosed area (including
1741 basement).

1742 MANUFACTURED HOME. A structure, transportable in one or more
1743 sections, which is built on a permanent chassis and is designed for use with or without a
1744 permanent foundation when attached to the required utilities. The term
1745 MANUFACTURED HOME does not include the term "recreational vehicle."

1746 OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile,
1747 abutment, projection, excavation, channel modification, culvert, building, wire, fence,
1748 stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any
1749 channel, watercourse, or regulatory floodplain which may impede, retard, or change the
1750 direction of the flow of water, either in itself or by catching or collecting debris carried by
1751 such water.

1752 PRINCIPAL USE or STRUCTURE. All uses or structures that are not
1753 accessory uses or structures.

1754 REACH. A hydraulic engineering term to describe a longitudinal segment
1755 of a stream or river influenced by a natural or man-made obstruction. In an urban area,
1756 the segment of a stream or river between 2 consecutive bridge crossings would most
1757 typically constitute a reach.

1758 RECREATIONAL VEHICLE. A vehicle that is built on a single chassis, is
1759 400 square feet or less when measured at the largest projection, is designed to be self-
1760 propelled or permanently towable by a light duty truck, and is designed primarily not for
1761 use as a permanent dwelling but as temporary living quarters for recreational, camping,
1762 travel, or seasonal use. For the purposes of this section, the term RECREATIONAL
1763 VEHICLE shall be synonymous with the term "travel trailer/travel vehicle."

1764 REGIONAL FLOOD. A flood which is representative of large floods
1765 known to have occurred generally in Minnesota and reasonably characteristic of what
1766 can be expected to occur on an average frequency in the magnitude of the 100-year
1767 recurrence interval. REGIONAL FLOOD is synonymous with the term "base flood" used
1768 in a flood insurance study.

1769 REGULATORY FLOOD PROTECTION ELEVATION. The regulatory
1770 flood protection elevation shall be an elevation no lower than 1 foot above the elevation
1771 of the regional flood plus any increases in flood elevation caused by encroachments on
1772 the floodplain that result from designation of a floodway.

1773 STRUCTURE. Anything constructed or erected on the ground or attached
1774 to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds,
1775 detached garages, cabins, manufactured homes, recreational vehicles not meeting the
1776 exemption criteria specified in division (1)(3)(a) of this section and other similar items.

1777 SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure
1778 where the cost of restoring the structure to its before damaged condition would equal or
1779 exceed 50% of the market value of the structure before the damage occurred.

1780 SUBSTANTIAL IMPROVEMENT. Within any consecutive 365-day period,
1781 any reconstruction, rehabilitation (including normal maintenance and repair), repair after
1782 damage, addition, or other improvement of a structure, the cost of which equals or
1783 exceeds 50% of the market value of the structure before the start of construction of the
1784 improvement. This term includes structures which have incurred substantial damage,
1785 regardless of the actual repair work performed. The term does not, however, include
1786 either:

1787 (a) Any project for improvement of a structure to correct existing
1788 violations of state or local health, sanitary, or safety code specifications which have
1789 been identified by the local code enforcement official and which are the minimum
1790 necessary to assure safe living conditions.

1791 (b) Any alteration of a historic structure, provided that the
1792 alteration will not preclude the structure's continued designation as an historic structure.
1793 For the purpose of this section, HISTORIC STRUCTURE shall be as defined in 44
1794 C.F.R. 59.1.

1795 VARIANCE. A modification of a specific permitted development standard
1796 required in an official control including this section to allow an alternative development
1797 standard not stated as acceptable in the official control, but only as applied to a
1798 particular property for the purpose of alleviating a hardship, practical difficulty or unique
1799 circumstance as defined and elaborated upon in a community's respective planning and
1800 zoning enabling legislation.

1801 (8) Annexations. The Flood Insurance Rate Map panels adopted by
1802 reference into division (B)(2) above may include floodplain areas that lie outside of the
1803 corporate boundaries of the city at the time of adoption of this section. If any of these
1804 floodplain land areas are annexed into the city after the date of adoption of this section,
1805 the newly annexed floodplain lands shall be subject to the provisions of this section
1806 immediately upon the date of annexation into the city.

1807 (C) Establishment of zoning districts.

1808 (1) General Floodplain District. The General Floodplain District shall
1809 include those areas designated as Zone A on the Flood Insurance Rate Map adopted in
1810 division (B)(2) herein. The General Floodplain District shall be considered an overlay
1811 zoning district to all existing land use districts in this community. The uses permitted in
1812 division (C)(2) below shall only be allowable if not prohibited by any existing underlying
1813 zoning district regulations of the community. The requirements of this section shall
1814 apply in addition to other legally established regulations of the community and where
1815 this section imposes greater restrictions, the provisions of this section shall apply.

1816 (2) Permitted uses in the General Floodplain District:

1817 (a) The following uses shall be permitted uses in both the
1818 floodway and flood fringe portions of the General Floodplain District provided they do
1819 not involve structures, fill, obstructions, excavations or storage of materials or
1820 equipment:

- 1821 1. General farming, pasture, grazing, outdoor plant
1822 nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- 1823 2. Industrial-commercial loading areas, parking areas,
1824 and airport landing strips.

1825 3. Private and public golf courses, tennis courts, driving
1826 ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks,
1827 wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target
1828 ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose
1829 recreational trails.

1830 4. Residential lawns, gardens, parking areas, and play
1831 areas.

1832 (b) All uses that would involve structures, fill, obstructions,
1833 excavations or storage of materials or equipment shall only be permissible in the flood
1834 fringe portion of the General Floodplain District and shall: 1) be subject to the
1835 floodway/flood fringe evaluation criteria pursuant to division (C)(3) below; and 2) be
1836 subject to the performance standards of division (E) this section.

1837 (3) Procedures for floodway and flood fringe determinations within the
1838 General Floodplain District.

1839 (a) Upon receipt of an application for a permit or other approval
1840 for a use within the General Floodplain District, the applicant shall be required to furnish
1841 such of the following information as is deemed necessary by the Zoning Administrator
1842 for the determination of the regulatory flood protection elevation and whether the
1843 proposed use is within the floodway or flood fringe:

1844 1. A typical valley cross-section(s) showing the channel
1845 of the stream, elevation of land areas adjoining each side of the channel, cross-
1846 sectional areas to be occupied by the proposed development, and high water
1847 information.

1848 2. Plan (surface view) showing elevations or contours of
1849 the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial
1850 arrangement of all proposed and existing structures on the site, and the location and
1851 elevations of streets.

1852 3. Photographs showing existing land uses, vegetation
1853 upstream and downstream, and soil types.

1854 4. Profile showing the slope of the bottom of the channel
1855 or flow line of the stream for at least 500 feet in either direction from the proposed
1856 development.

1857 (b) The applicant shall be responsible to submit 1 copy of the
1858 above information to a designated engineer or other expert person or agency for
1859 technical assistance in determining whether the proposed use is in the floodway or flood
1860 fringe and to determine the regulatory flood protection elevation. If a 100-year flood
1861 elevation is provided in the Flood Insurance Study adopted in division (B)(2) of this
1862 section, then this elevation must be used in calculating the regulatory flood protection
1863 elevation. Procedures consistent with Minn. Rules, Parts 6120.5000 - 6120.6200 and
1864 44 C.F.R., Part 65 shall be followed in this expert evaluation. The designated engineer
1865 or expert is strongly encouraged to discuss the proposed technical evaluation
1866 methodology with the respective Department of Natural Resources' Area Hydrologist
1867 prior to commencing the analysis. The designated engineer or expert shall:

1868 1. Estimate the peak discharge of the regional flood;

1869 2. Calculate the water surface profile of the regional
1870 flood based upon a hydraulic analysis of the stream channel and overbank areas; and

1871 3. Compute the floodway necessary to convey or store
1872 the regional flood without increasing flood stages more than 0.5 foot. A lesser stage
1873 increase than 0.5 foot shall be required if, as a result of the additional stage increase,
1874 increased flood damages would result. An equal degree of encroachment on both sides
1875 of the stream within the reach shall be assumed in computing floodway boundaries.

1876 (c) The City Clerk shall present the technical evaluation and
1877 findings of the designated engineer or expert to the governing body. The governing
1878 body must formally accept the technical evaluation and the recommended floodway
1879 and/or flood fringe boundary or deny the permit application. The governing body, prior
1880 to official action, may submit the application and all supporting data and analyses to the
1881 Federal Emergency Management Agency, the Department of Natural Resources or the
1882 Planning Commission for review and comment. Once the floodway and flood fringe
1883 boundaries have been determined, the governing body shall refer the matter back to the
1884 Zoning Administrator who shall process the permit application consistent with the
1885 applicable provisions of divisions (C) and (E) of this section.

1886 (4) Compliance. No new structure or land shall hereafter be used and
1887 no structure shall be constructed, located, extended, converted, or structurally altered
1888 without full compliance with the terms
1889 of this section and other applicable regulations which apply to uses within the
1890 jurisdiction of this section. Within the floodway and flood fringe portions of the General
1891 Floodplain District, all uses not listed as a permitted use in division (C)(2) shall be
1892 prohibited. In addition, a caution is provided here that:

1893 (a) New manufactured homes, replacement manufactured
1894 homes and certain travel trailers and travel vehicles are subject to the general
1895 provisions of this section and specifically division (I).

1896 (b) Modifications, additions, structural alterations, normal
1897 maintenance and repair, or repair after damage to existing nonconforming structures
1898 and nonconforming uses of structures or land are regulated by the general provisions of
1899 this section and specifically division (K).

1900 (c) As-built elevations for elevated or flood proofed structures
1901 must be certified by ground surveys and flood proofing techniques must be designed
1902 and certified by a registered professional engineer or architect as specified in the
1903 general provisions of this section.

1904 (D) Reserved for future use.

1905 (E) Standards for flood fringe permitted uses. Permitted uses involving
1906 structures, fill, obstructions, excavations or storage of materials or equipment shall be
1907 subject to the following standards:

1908 (1) All structures, including accessory structures, additions to existing
1909 structures and manufactured homes, must be elevated on fill so that the lowest floor
1910 including basement floor is at or above the regulatory flood protection elevation. The
1911 finished fill elevation for structures shall be no lower than 1 foot below the regulatory
1912 flood protection elevation and the fill shall extend at such elevation at least 15 feet
1913 beyond the outside limits of the structure erected thereon.

1914 (2) The cumulative placement of fill where at any one time in excess of
1915 1,000 cubic yards of fill is located on the parcel shall be allowable only when said fill is

1916 specifically intended to elevate a structure in accordance with division (E)(1) of this
1917 section.

1918 (3) The storage of any materials or equipment shall be elevated on fill
1919 to the regulatory flood protection elevation.

1920 (4) All new principal structures must have vehicular access at or above
1921 an elevation not more than 2 feet below the regulatory flood protection elevation. If a
1922 variance to this requirement is granted, the City Council must specify limitations on the
1923 period of use or occupancy of the structure for times of flooding and only after
1924 determining that adequate flood warning time and local flood emergency response
1925 procedures exist.

1926 (5) Commercial uses. Accessory land uses, such as yards, railroad
1927 tracks, and parking lots may be at elevations lower than the regulatory flood protection
1928 elevation. However, a permit for such facilities to be used by the employees or the
1929 general public shall not be granted in the absence of a flood warning system that
1930 provides adequate time for evacuation if the area would be inundated to a depth and
1931 velocity such that when multiplying the depth (in feet) times the velocity (in feet per
1932 second) the product number exceeds 4 upon occurrence of the regional flood.

1933 (6) Manufacturing and industrial uses. Measures shall be taken to
1934 minimize interference with normal plant operations especially along streams having
1935 protracted flood durations. Certain accessory land uses such as yards and parking lots
1936 may be at lower elevations subject to requirements set out in division (E)(5) above. In
1937 considering permit applications, due consideration shall be given to needs of an industry
1938 whose business requires that it be located in flood plain areas.

1939 (7) Fill shall be properly compacted and the slopes shall be properly
1940 protected by the use of riprap, vegetative cover or other acceptable method. The
1941 Federal Emergency Management Agency (FEMA) has established criteria for removing
1942 the special flood hazard area designation for certain structures properly elevated on fill
1943 above the 100-year flood elevation. FEMA's requirements incorporate specific fill
1944 compaction and side slope protection standards for multi-structure or multi-lot
1945 developments. These standards should be investigated prior to the initiation of site
1946 preparation if a change of special flood hazard area designation will be requested.

1947 (8) Floodplain developments shall not adversely affect the hydraulic
1948 capacity of the channel and adjoining floodplain of any tributary watercourse or drainage
1949 system where a floodway or other encroachment limit has not been specified on the
1950 Official Zoning Map.

1951 (9) Standards for recreational vehicles are contained in division (I)(3).

1952 (10) All manufactured homes must be securely anchored to an
1953 adequately anchored foundation system that resists flotation, collapse and lateral
1954 movement. Methods of anchoring may include, but are not to be limited to, use of over-
1955 the-top or frame ties to ground anchors. This requirement is in addition to applicable
1956 state or local anchoring requirements for resisting wind forces.

1957 (F) Reserved for future use.

1958 (G) Subdivisions.

1959 (1) Review criteria. No land shall be subdivided which is unsuitable
1960 for the reason of flooding, inadequate drainage, water supply or sewage treatment
1961 facilities. All lots within the General Floodplain District shall be able to contain a building

1962 site outside of the floodway at or above the regulatory flood protection elevation. All
1963 subdivisions shall have water and sewage treatment facilities that comply with the
1964 provisions of this section and have road access both to the subdivision and to the
1965 individual building sites no lower than 2 feet below the regulatory flood protection
1966 elevation. For all subdivisions in the floodplain, the floodway and flood fringe
1967 boundaries, the regulatory flood protection elevation and the required elevation of all
1968 access roads shall be clearly labeled on all required subdivision drawings and platting
1969 documents.

1970 (2) Floodway/flood fringe determinations in the General Floodplain
1971 District. In the General Floodplain District, applicants shall provide the information
1972 required in division (C)(3) of this section to determine the 100-year flood elevation, the
1973 floodway and flood fringe boundaries and the regulatory flood protection elevation for
1974 the subdivision site.

1975 (3) Removal of special flood hazard area designation. The Federal
1976 Emergency Management Agency (FEMA) has established criteria for removing the
1977 special flood hazard area designation for certain structures properly elevated on fill
1978 above the 100-year flood elevation. FEMA's requirements incorporate specific fill
1979 compaction and side slope protection standards for multi-structure or multi-lot
1980 developments. These standards should be investigated prior to the initiation of site
1981 preparation if a change of special flood hazard area designation will be requested.

1982 (H) Public utilities, railroads, roads, and bridges.

1983 (1) Public utilities. All public utilities and facilities such as gas,
1984 electrical, sewer, and water supply systems to be located in the floodplain shall be flood
1985 proofed in accordance with the State Building Code or elevated to above the regulatory
1986 flood protection elevation.

1987 (2) Public transportation facilities. Railroad tracks, roads, and bridges
1988 to be located within the General Floodplain District shall be permissible if placed in
1989 accordance with Minn. Rules, Parts 6120.5000 - 6120.6200. Elevation to the regulatory
1990 flood protection elevation shall be provided where failure or interruption of these
1991 transportation facilities would result in danger to the public health or safety or where
1992 such facilities are essential to the orderly functioning of the area. Minor or auxiliary
1993 roads or railroads may be constructed at a lower elevation where failure or interruption
1994 of transportation services would not endanger the public health or safety.

1995 (3) On-site sewage treatment and water supply systems. Where public
1996 utilities are not provided: 1) On-site water supply systems must be designed to
1997 minimize or eliminate infiltration of flood waters into the systems; and 2) New or
1998 replacement on-site sewage treatment systems must be designed to minimize or
1999 eliminate infiltration of flood waters into the systems and discharges from the systems
2000 into flood waters and they shall not be subject to impairment or contamination during
2001 times of flooding. Any individual sewage treatment system designed in accordance with
2002 the state's current statewide standards for on-site sewage treatment systems, and in
2003 accordance with the city's ordinances, shall be determined to be in compliance with this
2004 division.

2005 (I) Manufactured homes and manufactured home parks and placement of
2006 recreational vehicles.

2007 (1) New manufactured home parks and expansions to existing
2008 manufactured home parks shall be subject to the provisions placed on subdivisions by
2009 division (G) of this section.

2010 (2) The placement of new or replacement manufactured homes in
2011 existing manufactured home parks or on individual lots of record that are located in
2012 floodplain districts will be treated as a new structure and may be placed only if elevated
2013 in compliance with division (E) of this section. If vehicular road access for pre-existing
2014 manufactured home parks is not provided in accordance with division (E)(4) then
2015 replacement manufactured homes will not be allowed until the property owner(s)
2016 develops a flood warning emergency plan acceptable to the governing body.

2017 (a) All manufactured homes must be securely anchored to an
2018 adequately anchored foundation system that resists flotation, collapse and lateral
2019 movement.

2020 (b) Methods of anchoring may include, but are not to be limited
2021 to, use of over-the-top or frame ties to ground anchors. This requirement is in addition
2022 to applicable state or local anchoring requirements for resisting wind forces.

2023 (3) Recreational vehicles that do not meet the exemption criteria
2024 specified in division (I)(3)(a) below shall be subject to the provisions of this section and
2025 as specifically spelled out in division (I)(3)(c)-(I)(3)(d) below.

2026 (a) Exemption. Recreational vehicles are exempt from the
2027 provisions of this section if they are placed in any of the areas listed in division (I)(3)(b)
2028 below and further they meet the following criteria:

2029 1. Have current licenses required for highway use.
2030 2. Are highway ready meaning on wheels or the internal
2031 jacking system, are attached to the site only by quick disconnect type utilities commonly
2032 used in campgrounds and recreational vehicle parks and the recreational vehicle has no
2033 permanent structural type additions attached to it.

2034 3. The recreational vehicle and associated use must be
2035 permissible in any pre-existing, underlying zoning use district.

2036 (b) Areas exempted for placement of recreational vehicles.

2037 1. Individual lots or parcels of record.

2038 2. Existing commercial recreational vehicle parks or
2039 campgrounds.

2040 3. Existing condominium type associations.

2041 (c) Recreational vehicles exempted in division (I)(3)(a) lose this
2042 exemption when development occurs on the parcel exceeding \$500 for a structural
2043 addition to the recreational vehicle or exceeding \$500 for an accessory structure such
2044 as a garage or storage building. The recreational vehicle and all additions and
2045 accessory structures will then be treated as a new structure and shall be subject to the
2046 elevation requirements and the use of land restrictions specified in divisions (C) and (E)
2047 of this section. There shall be no development or improvement on the parcel or
2048 attachment to the recreational vehicle that hinders the removal of the recreational
2049 vehicle to a flood free location should flooding occur.

2050 (d) New commercial recreational vehicle parks or campgrounds
2051 and new residential type subdivisions and condominium associations and the expansion

2052 of any existing similar use exceeding 5 units or dwelling sites shall be subject to the
2053 following:

2054 1. Any new or replacement recreational vehicle will be
2055 allowed in the General Floodplain District provided the recreational vehicle and its
2056 contents are placed on fill above the regulatory flood protection elevation and proper
2057 elevated road access to the site exists in accordance with division (E)(4) of this section.
2058 No fill placed in the floodway to meet the requirements of this section shall increase
2059 flood stages of the 100-year or regional flood.

2060 2. All new or replacement recreational vehicles not
2061 meeting the criteria of division (I)(3)(a) above may, as an alternative, be allowed if in
2062 accordance with the following provisions. The applicant must submit an emergency plan
2063 for the safe evacuation of all vehicles and people during the 100-year flood. The plan
2064 shall be prepared by a registered engineer or other qualified individual, shall
2065 demonstrate that adequate time and personnel exist to carry out the evacuation, and
2066 shall demonstrate the provisions of division (I)(3)(a)1. - 2. of this section will be met. All
2067 attendant sewage and water facilities for new or replacement recreational vehicles must
2068 be protected or constructed so as to not be impaired or contaminated during times of
2069 flooding in accordance with division (H)(3) of this section.

2070 (J) Administration.

2071 (1) Zoning Administrator. A Zoning Administrator or other official
2072 designated by the governing body shall administer and enforce this section. If the
2073 Zoning Administrator finds a violation of the provisions of this section, the Zoning
2074 Administrator shall notify the person responsible for such violation in accordance with
2075 the procedures stated in division (L) of the section.

2076 (2) Permit requirements.

2077 (a) Permit required. A permit issued by the Zoning
2078 Administrator in conformity with the provisions of this section shall be secured prior to
2079 the erection, addition, modification, rehabilitation (including normal maintenance and
2080 repair), or alteration of any building, structure, or portion thereof; prior to the use or
2081 change of use of a building, structure, or land; prior to the construction of a dam, fence,
2082 or individual sewage treatment system; prior to the change or extension of a
2083 nonconforming use; prior to the repair of a structure that has been damaged by flood,
2084 fire, tornado, or any other source; and prior to the placement of fill, excavation of
2085 materials, or the storage of materials or equipment within the floodplain.

2086 (b) Application for permit. Application for a permit shall be made
2087 in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator
2088 and shall include the following where applicable: plans in duplicate drawn to scale,
2089 showing the nature, location, dimensions, and elevations of the lot; existing or proposed
2090 structures, fill, or storage of materials; and the location of the foregoing in relation to the
2091 stream channel.

2092 (c) State and federal permits. Prior to granting a permit or
2093 processing an application for a conditional use permit or variance, the Zoning
2094 Administrator shall determine that the applicant has obtained all necessary state and
2095 federal permits.

2096 (d) Certificate of zoning compliance for a new, altered, or
2097 nonconforming use. It shall be unlawful to use, occupy, or permit the use or occupancy

2098 of any building or premises or part thereof hereafter created, erected, changed,
2099 converted, altered, or enlarged in its use or structure until a certificate of zoning
2100 compliance shall have been issued by the Zoning Administrator stating that the use of
2101 the building or land conforms to the requirements of this section.

2102 (e) Construction and use to be as provided on applications,
2103 plans, permits, variances and certificates of zoning compliance. Permits or certificates
2104 of zoning compliance issued on the basis of approved plans and applications authorize
2105 only the use, arrangement, and construction set forth in such approved plans and
2106 applications, and no other use, arrangement, or construction. Any use, arrangement, or
2107 construction at variance with that authorized shall be deemed a violation of this section,
2108 and punishable as provided by division (L) of this section.

2109 (f) Certification. The applicant shall be required to submit
2110 certification by a registered professional engineer, registered architect, or registered
2111 land surveyor that the finished fill and building elevations were accomplished in
2112 compliance with the provisions of this section. Flood proofing measures shall be
2113 certified by a registered professional engineer or registered architect.

2114 (g) Record of first floor elevation. The City Clerk shall maintain
2115 a record of the elevation of the lowest floor (including basement) of all new structures
2116 and alterations or additions to existing structures in the floodplain. The City Clerk shall
2117 also maintain a record of the elevation to which structures or alterations and additions to
2118 structures are flood proofed.

2119 (h) Notifications for watercourse alterations. The City Clerk
2120 shall notify, in riverine situations, adjacent communities and the Commissioner of the
2121 Department of Natural Resources prior to the community authorizing any alteration or
2122 relocation of a watercourse. If the applicant has applied for a permit to work in the beds
2123 of public waters pursuant to M.S. Ch. 103G, this shall suffice as adequate notice to the
2124 Commissioner of Natural Resources. A copy of the notification shall also be submitted
2125 to the Chicago Regional Office of the Federal Emergency Management Agency
2126 (FEMA).

2127 (i) Notification to FEMA when physical changes increase or
2128 decrease the 100-year flood elevation. As soon as is practicable, but not later than 6
2129 months after the date such supporting information becomes available, the City Clerk
2130 shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of
2131 said technical or scientific data.

2132 (3) City Council.

2133 (a) Rules. The City Council shall adopt rules for the conduct of
2134 business and may exercise all of the powers conferred on such Boards of Adjustment
2135 by state law.

2136 (b) Administrative review. The City Council shall hear and
2137 decide appeals where it is alleged there is error in any order, requirement, decision, or
2138 determination made by an administrative official in the enforcement or administration of
2139 this section.

2140 (c) Variances. The City Council may authorize upon appeal in
2141 specific cases such relief or variance from the terms of this section as will not be
2142 contrary to the public interest and only for those circumstances such as hardship,
2143 practical difficulties or circumstances unique to the property under consideration, as

2144 provided for in the respective enabling legislation for planning and zoning for cities or
2145 counties as appropriate. In the granting of such variance, the City Council shall clearly
2146 identify in writing the specific conditions that existed consistent with the criteria specified
2147 in this section, any other zoning regulations in the community, and in the respective
2148 enabling legislation that justified the granting of the variance. No variance shall have
2149 the effect of allowing in any district uses prohibited in that district, permit a lower degree
2150 of flood protection than the regulatory flood protection elevation for the particular area,
2151 or permit standards lower than those required by state law. The following additional
2152 variance criteria of the Federal Emergency Management Agency must be satisfied:

2153 1. Variances shall not be issued by a community within
2154 any designated regulatory floodway if any increase in flood levels during the base flood
2155 discharge would result.

2156 2. Variances shall only be issued by a community upon
2157 (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the
2158 variance would result in exceptional hardship to the applicant, and (iii) a determination
2159 that the granting of a variance will not result in increased flood heights, additional
2160 threats to public safety, extraordinary public expense, create nuisances, cause fraud on
2161 or victimization of the public, or conflict with existing local laws or ordinances.

2162 3. Variances shall only be issued upon a determination
2163 that the variance is the minimum necessary, considering the flood hazard, to afford
2164 relief.

2165 (d) Hearings. Upon filing with the City Council of an appeal from
2166 a decision of the Zoning Administrator, or an application for a variance, the City Council
2167 shall fix a reasonable time for a hearing and give due notice to the parties in interest as
2168 specified by law. The City Council shall submit by mail to the Commissioner of Natural
2169 Resources a copy of the application for proposed variances sufficiently in advance so
2170 that the Commissioner will receive at least 10 days notice of the hearing.

2171 (e) Decisions. The City Council shall arrive at a decision on
2172 such appeal or variance within 30 days. In passing upon an appeal, the City Council
2173 may, so long as such action is in conformity with the provisions of this section, reverse
2174 or affirm, wholly or in part, or modify the order, requirement, decision or determination of
2175 the Zoning Administrator or other public official. It shall make its decision in writing
2176 setting forth the findings of fact and the reasons for its decisions. In granting a variance
2177 the City Council may prescribe appropriate conditions and safeguards which are in
2178 conformity with the purposes of this section. Violations of such conditions and
2179 safeguards, when made a part of the terms under which the variance is granted, shall
2180 be deemed a violation of this section punishable under division (L). A copy of all
2181 decisions granting variances shall be forwarded by mail to the Commissioner of Natural
2182 Resources within 10 days of such action.

2183 (f) Appeals. Appeals from any decision of the City Council may
2184 be made, and as specified in this community's official controls and also by Minnesota
2185 Statutes.

2186 (g) Flood insurance notice and record keeping. The Zoning
2187 Administrator shall notify the applicant for a variance that: 1) the issuance of a variance
2188 to construct a structure below the base flood level will result in increased premium rates
2189 for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2)

2190 the construction below the 100-year or regional flood level increases risks to life and
2191 property. The notification shall be maintained with a record of all variance actions. A
2192 community shall maintain a record of all variance actions, including justification for their
2193 issuance, and report such variances issued in its annual or biennial report submitted to
2194 the Administrator of the National Flood Insurance Program.

2195 (K) Nonconforming uses. A structure or the use of a structure or premises
2196 which was lawful before the passage or amendment of this section but which is not in
2197 conformity with the provisions of this section may be continued subject to the following
2198 conditions. Historic structures, as defined in division (B)(7) of this section, shall be
2199 subject to the provisions of divisions (K)(1) - (5) of this section.

2200 (1) No such use shall be expanded, changed, enlarged, or altered in a
2201 way that increases its nonconformity.

2202 (2) Any structural alteration to a nonconforming structure or
2203 nonconforming use in the floodway or flood fringe which would result in increasing the
2204 flood damage potential of that structure or use shall be protected to the Regulatory
2205 Flood Protection Elevation in accordance with any of the flood proofing techniques (i.e.,
2206 FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code,
2207 except as further restricted in divisions (K)(3) - (6) below. A structural addition to a
2208 nonconforming structure must be located outside of the floodway and must be elevated
2209 on fill to the regulatory flood protection elevation in accordance with division (E)(1) of
2210 this section.

2211 (3) The cost of all structural alterations or additions to any
2212 nonconforming structure over the life of the structure shall not exceed 50% of the
2213 market value of the structure unless the conditions of this section are satisfied. The
2214 cost of all structural alterations and additions must include all costs such as construction
2215 materials and a reasonable cost placed on all manpower or labor. If the cost of all
2216 previous and proposed alterations and additions exceeds 50% of the market value of
2217 the structure, then the structure must be located outside of the floodway and must meet
2218 the standards of division (E) of this section for new structures.

2219 (4) If any nonconforming use is discontinued for 12 consecutive
2220 months, any future use of the building premises shall conform to this section. The
2221 Assessor shall notify the Zoning Administrator in writing of instances of nonconforming
2222 uses that have been discontinued for a period of 12 months.

2223 (5) If any nonconforming use or structure is substantially damaged, as
2224 defined in division (B)(7) of this section, it shall not be reconstructed except in
2225 conformity with the provisions of this section. The applicable provisions for establishing
2226 new uses or new structures in divisions (C) and (E) of the section will apply depending
2227 upon whether the use or structure is in the floodway or flood fringe portion of the
2228 General Floodplain District. A substantially damaged nonconforming structure shall not
2229 be repaired/reconstructed if the nonconforming structure is located in the floodway.

2230 (6) If a substantial improvement occurs, as defined in division (B)(7) of
2231 this section, from any combination of a structural addition to the outside dimensions of
2232 the existing structure or a rehabilitation, reconstruction, alteration, or other improvement
2233 to the inside dimensions of an existing nonconforming structure, then the structural
2234 addition and the existing nonconforming structure must meet the requirements of
2235 division (E) of this section for new structures, depending upon whether the structure is

2236 in the floodway or flood fringe portion of the General Floodplain District. A
2237 nonconforming structure shall not be substantially improved if said structure is located in
2238 the floodway.

2239 (L) Penalties for violation.

2240 (1) Violation of the provisions of this section or failure to comply with
2241 any of its requirements (including violations of conditions and safeguards established in
2242 connection with grants of variances or conditional uses) shall constitute a misdemeanor
2243 and shall be punishable as defined by law.

2244 (2) Nothing herein contained shall prevent the city from taking such
2245 other lawful action as is necessary to prevent or remedy any violation. Such actions
2246 may include but are not limited to:

2247 (a) In responding to a suspected ordinance violation, the Zoning
2248 Administrator and local government may utilize the full array of enforcement actions
2249 available to it including but not limited to prosecution and fines, injunctions, after-the-fact
2250 permits, orders for corrective measures or a request to the National Flood Insurance
2251 Program for denial of flood insurance availability to the guilty party. The community
2252 must act in good faith to enforce these official controls and to correct ordinance
2253 violations to the extent possible so as not to jeopardize its eligibility in the National
2254 Flood Insurance Program.

2255 (b) When an ordinance violation is either discovered by or
2256 brought to the attention of the Zoning Administrator, the Zoning Administrator shall
2257 immediately investigate the situation and document the nature and extent of the
2258 violation of the official control. As soon as is reasonably possible, this information will
2259 be submitted to the appropriate Department of Natural Resources' and Federal
2260 Emergency Management Agency Regional Office along with the Community's plan of
2261 action to correct the violation to the degree possible.

2262 (c) The Zoning Administrator shall notify the suspected party of
2263 the requirements of this section and all other official controls and the nature and extent
2264 of the suspected violation of these controls. If the structure and/or use is under
2265 construction or development, the Zoning Administrator may order the construction or
2266 development immediately halted until a proper permit or approval is granted by the
2267 community. If the construction or development is already completed, then the Zoning
2268 Administrator may either: (1) issue an order identifying the corrective actions that must
2269 be made within a specified time period to bring the use or structure into compliance with
2270 the official controls; or (2) notify the responsible party to apply for an after-the-fact
2271 permit/development approval within a specified period of time not to exceed 30 days.

2272 (d) If the responsible party does not appropriately respond to the
2273 Zoning Administrator within the specified period of time, each additional day that lapses
2274 shall constitute an additional violation of this section and shall be prosecuted
2275 accordingly. The Zoning Administrator shall also upon the lapse of the specified
2276 response period notify the landowner to restore the land to the condition which existed
2277 prior to the violation of this section.

2278 (M) Amendments.

2279 (1) The floodplain designation on the Official Zoning Map shall not be
2280 removed from floodplain areas unless it can be shown that the designation is in error or
2281 that the area has been filled to or above the elevation of the regulatory flood protection

2282 elevation and is contiguous to lands outside the floodplain. Special exceptions to this
2283 rule may be permitted by the Commissioner of Natural Resources if he determines that,
2284 through other measures, lands are adequately protected for the intended use.

2285 (2) All amendments to this section, including amendments to the
2286 Official Zoning Map, must be submitted to and approved by the Commissioner of
2287 Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the
2288 Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria
2289 and must receive prior FEMA approval before adoption. The Commissioner of Natural
2290 Resources must be given 10 days written notice of all hearings to consider an
2291 amendment to this section and the notice shall include a draft of the ordinance
2292 amendment or technical study under consideration.

2293 (Ord. 2012-3-2, passed 3-13-2012)