

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

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

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93 (3) Duplexes as defined in this chapter.  
94 (D) Permitted accessory uses. All uses listed as permitted accessory uses in  
95 the R-1 District.  
96 (E) Uses requiring a conditional use permit.  
97 (1) All uses listed as conditional uses in the R-1 District;  
98 (2) Planned unit developments as regulated by this chapter;  
99 (3) Bed and Breakfasts, tourist accommodations and associated  
100 commercial uses necessary to the operation of the use;  
101 (4) Conversions of single-family dwellings into two-family dwellings,  
102 provided that:  
103 (a) No existing single-family dwellings shall be converted into  
104 more than 2 dwelling units;  
105 (b) Lot size shall be at least 15,000 square feet with public  
106 sewer;  
107 (c) Adequate off-street parking is provided in accordance with  
108 this chapter;  
109 (d) Each unit shall meet the minimum health and safety  
110 requirements as provided for in the Uniform Building Code and State Fire Code.  
111 (Prior Code, § 903.02) (Am. Ord. 2019-8-3, passed 8-13-2019)  
112 § 153.047 R-3A MULTIPLE FAMILY RESIDENTIAL.  
113 (A) Purpose. The purpose of the R-3A Multiple Family Residential District is to  
114 provide for high density housing in the form of townhouses.  
115 (B) Requirements.  
116 (1) Public sewer: all buildings and units must be serviced with public  
117 sewer;  
118 (2) Minimum lot area:  
119 (a) 10,000 square feet for single-family dwelling lots;  
120 (b) 15,000 square feet for two-family or multi-family dwelling  
121 lots;  
122 (3) Minimum lot area for townhouses: 5,000 square feet;  
123 (4) Minimum lot width:  
124 (a) 100 feet for single-family dwellings;  
125 (b) 100 feet for structures with more than one dwelling;  
126 (5) Front yard setback: 25 feet;  
127 (6) Rear yard setback: 25% of lot depth or 25 feet, whichever is  
128 lesser;  
129 (7) Side yard setback:  
130 (a) 10 feet interior;  
131 (b) 10 feet interior for building of 2-1/2 stories or more in height;  
132 (c) 15 feet corner;  
133 (d) 25 feet for public or semi-public building abutting a  
134 residential lot;  
135 (8) Height: 3 stories or 40 feet maximum, whichever is greater;  
136 (9) Minimum ground floor area per dwelling: See § 153.027.  
137 (C) Permitted principal uses.  
138 (1) Townhouses;

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

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

186 (E) Uses requiring a conditional use permit.

- 187 (1) All uses listed as conditional uses in the R-1 District;
- 188 (2) Planned unit development as regulated by this chapter;
- 189 (3) Resorts and tourist accommodations;
- 190 (4) Clubs and lodges operating as non-profit institutions;
- 191 (5) Nursing homes, rest homes.

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

193 § 153.049 R-M MANUFACTURED HOME PARK DISTRICT.

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

197 (B) Permitted principal uses. Manufactured homes in manufactured home  
198 parks.

199 (C) Permitted accessory uses.

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

206 home park.

207 (7) Private garage.

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

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

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

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

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

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

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

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

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

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

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

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

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

242 (a) Are in an unsanitary condition or have an exterior in bad  
243 repair;

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

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

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

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

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

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

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

261 § 153.050 CBD CENTRAL BUSINESS DISTRICT.

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

267 (B) General requirements.

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

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

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

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

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

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

279 (C) Special requirements.

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

283 (2) All flashing, revolving, and intermittently lit signs are expressly  
284 prohibited.

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

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

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

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



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

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

371 (H) Building design standards.

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

375 (2) Exterior finishes. The following materials are permitted for exterior  
376 finishes:

377 (a) Face brick;  
378 (b) Natural stone;  
379 (c) Stone or glass curtain walls;  
380 (d) Wood, provided surfaces are finished for exterior use and  
381 wood of proven exterior durability is used, such as cedar, redwood, or cypress;  
382 (e) Break-off block;  
383 (f) Stucco; and  
384 (g) Precast concrete and integral colored concrete block,  
385 provided surfaces are molded, serrated or treated with a textured material to create a 3-  
386 dimensional character.

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

391 (3) Prohibited materials. The following materials are prohibited for  
392 exterior finishes:

393 (a) Temporary construction.

394 (I) Outdoor lighting.

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

397 (2) Intensity.

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

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

405 (3) Height. Light fixtures and freestanding luminaries shall not exceed  
406 20 feet or extend above the roofline of the principal building, whichever is less.

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

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

411 § 153.051 GB GENERAL BUSINESS DISTRICT.

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

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

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

434 following and similar-type uses:

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

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

449 (C) Accessory uses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

586 District:

587 Minimum lot size 40,000 square feet

588 Minimum lot width 150 feet

589 Minimum lot depth 100 feet

590 Structure setbacks:

591 Front 25 feet or in conformance with surrounding area

592 Side 10 feet

593 Rear 10 feet

594 Side or rear from street 20 feet  
595

596 From residential 30 feet  
597 Maximum building height 35 feet

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

601 (F) Building design standards.

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

605 (2) Exterior finishes. The following materials are permitted for exterior  
606 finishes:

607 (a) Face brick;

608 (b) Natural stone;

609 (c) Stone or glass curtain walls;

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

612 (e) Break-off block;

613 (f) Stucco; and

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

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

621 (3) Prohibited materials. The following materials are prohibited for  
622 exterior finishes:

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

626 (4) Building construction prohibited.

627 (a) Temporary construction.

628 (G) Landscape standards.

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

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

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

639 (c) Details of proposed non-vegetative landscaping and  
640 screening materials.

641 (d) Details of proposed erosion control methods.

642 (e) Planting and construction schedule for completion of  
643 landscaping and screening plans.

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

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

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

649 (H) Landscaping security.

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

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

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

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

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

673 (I) Screening.

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

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

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

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

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

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

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

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

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

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

701 (J) Parking and loading spaces.

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

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

705 (K) Outdoor lighting.

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

708 (2) Intensity.

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

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

716 (3) Height. Light fixtures and freestanding luminaries shall not exceed  
717 20 feet or extend above the roofline of the principal building, whichever is less.

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

721 (Ord. 2021-8-4, passed 8-10-2021)  
722 § 153.052 I INDUSTRIAL DISTRICT.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

796 (F) Building design standards.

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

800 (2) Exterior finishes. The following materials are permitted for exterior  
801 finishes:

802 (a) Face brick;

803 (b) Natural stone;

804 (c) Stone or glass curtain walls;

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

807 (e) Break-off block;

808 (f) Stucco; and

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

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

816 (3) Prohibited materials. The following materials are prohibited for  
817 exterior finishes:

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

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

822 (4) Building construction prohibited.

823 (a) Temporary construction.

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

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

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

876 (c) Earth berms.

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

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

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

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

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

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

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

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

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

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

907 (I) Landscaping and screening plan.

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

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

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

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

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

964 § 153.053 LI LIGHT INDUSTRIAL DISTRICT.

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

969 (B) Requirements.

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

971 (2) Minimum lot width: 100 feet;

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

973 zoned property, the front yard setback shall conform to the established front yard

974 setback in the block;

975 (4) Rear yard setback: 25 feet; when abutting residentially

976 zoned property, the rear yard setback shall be 30 feet, and no storage or parking of

977 vehicles shall be permitted within 10 feet of the rear lot line. There shall be a 10 foot

978 (minimum) landscaped buffer strip along the rear lot line.

979 (5) Side yard setback: 10 feet interior; 15 feet when abutting a

980 residentially zoned lot; 15 feet corner.

981 (C) No unenclosed use. All manufacturing or processing shall be conducted

982 completely within enclosed buildings.

983 (D) Landscaping. Substantial landscaping and screening shall be installed and

984 maintained on industrial sites adjacent to residential districts to effectively separate the

985 uses and promote the public health, safety and welfare.

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

987 (1) Art equipment supplies - manufacture.

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

989 (3) Bakery products.

990 (4) Bottling establishments.

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

992 (6) Books and bookbinding.

993 (7) Cabinet and woodworking establishments.

994 (8) Clothing manufacture.

995 (9) Camera and photographic manufacturing.

996 (10) Cold storage plants, locker plants.

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

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

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

1000 (14) Dental instruments and supplies.

1001 (15) Dry cleaning and dyeing establishments.

1002 (16) Electric lighting and wiring equipment - manufacture.

1003 (17) Electric measuring and testing equipment - manufacture.

1004 (18) Electronic tubes and other components - manufacture.

1005 (19) Electrical products and appliances - manufacture and assembly.

- 1006 (20) Express and hauling stations.
- 1007 (21) Grain and seed elevators.
- 1008 (22) Hand and edge tools - manufacture and assembly.
- 1009 (23) Ice plants and ice cream plants.
- 1010 (24) Jewelry manufacture.
- 1011 (25) Laboratory instruments and associated equipment, scientific, and
- 1012 testing.
- 1013 (26) Laundries.
- 1014 (27) Luggage, handbags, and similar items - manufacture and
- 1015 assembly.
- 1016 (28) Lumber yards.
- 1017 (29) Mail order houses.
- 1018 (30) Medical and surgical instruments and supplies.
- 1019 (31) Newspaper plants and offices.
- 1020 (32) Office furniture and supplies.
- 1021 (33) Optical instruments and lenses - manufacture and assembly.
- 1022 (34) Patterns - design and manufacture.
- 1023 (35) Pottery shops.
- 1024 (36) Precision instruments.
- 1025 (37) Plastic extrusion and molding fixture.
- 1026 (38) Processing and storage plants not involving a discharge of noxious
- 1027 to toxic matter.
- 1028 (39) Public garages.
- 1029 (40) Radio and television - assembly and parts fabrication.
- 1030 (41) Sport equipment - manufacture and assembly.
- 1031 (42) Scientific and research instruments and equipment - manufacture
- 1032 and assembly.
- 1033 (43) Signs and advertising display materials - manufacture.
- 1034 (44) Supply yards.
- 1035 (45) Storehouses, warehouses.
- 1036 (46) Telephone and telegraph technical apparatus - manufacture and
- 1037 assembly.
- 1038 (47) Temperature controls - fabrication and assembly.
- 1039 (48) Trade schools.
- 1040 (49) Truck terminals.
- 1041 (50) Warehousing.
- 1042 (51) Welding supply.
- 1043 (52) Wholesale business facilities.
- 1044 (53) "Adult uses" subject to the requirements of Chapter 96 of the city
- 1045 code.
- 1046 (F) Permitted accessory uses.
- 1047 (1) Off-street parking and loading, as required in this chapter.
- 1048 (2) Nameplate and business signs, as per §§ 153.090 through
- 1049 153.105.
- 1050 (G) Uses requiring a conditional use permit.

1051 (1) Heavy manufacturing or any use involving pollution or other  
1052 hazards.  
1053 (2) Junk yards, auto reduction yards, and open storage yards.  
1054 (3) Private water supply system pursuant to § 51.11(C).  
1055 (4) Other manufacture, processing, storage, or commercial uses  
1056 determined by the Planning Commission to be of the same general character as the  
1057 permitted uses above and found not to be obnoxious, unhealthful, or offensive by  
1058 reason of the potential emission or transmission of noise, oxidation, smoke, dust, odors,  
1059 toxic or noxious matter, or glare or heat.  
1060 (5) Properties may also be subject to the requirements of the  
1061 Shoreland Overlay District, § 153.054.  
1062 (6) Conditions on outside storage of material or finished product.  
1063 (a) Outside storage of materials or finished product may not  
1064 exceed 40% of the area of a lot that is 5 or more acres.  
1065 (b) Outside storage of materials or finished product may not  
1066 exceed 75% of the footprint of the building on lots smaller than 5 acres and may never  
1067 exceed 40% of the area of the lot.  
1068 (c) All outside storage shall be screened from view by dense  
1069 vegetative screening or other approved screening method.  
1070 (H) Building design standards.  
1071 (1) Quality. Buildings shall maintain a high standard of architectural  
1072 and aesthetic compatibility with surrounding properties to ensure that they will not  
1073 adversely impact the abutting properties.  
1074 (2) Exterior finishes. The following materials are permitted for exterior  
1075 finishes:  
1076 (a) Face brick;  
1077 (b) Natural stone;  
1078 (c) Stone or glass curtain walls;  
1079 (d) Wood, provided surfaces are finished for exterior use and  
1080 wood of proven exterior durability is used, such as cedar, redwood, or cypress;  
1081 (e) Break-off block;  
1082 (f) Stucco; and  
1083 (g) Precast concrete and integral colored concrete block,  
1084 provided surfaces are molded, serrated or treated with a textured material to create a 3-  
1085 dimensional character.  
1086 (h) Curtain wall panels of steel, metal, or aluminum provided the  
1087 panels are factory fabricated and of a high-quality material with a matte or non-lustre  
1088 finish. These structures will require decorative design elements as approved by the City  
1089 Council.  
1090 (3) Prohibited materials. The following materials are prohibited for  
1091 exterior finishes:  
1092 (a) Face material that rapidly deteriorate or become unsightly  
1093 such as exposed cinder blocks, galvanized metal, unfinished tile, and common clay  
1094 brick.  
1095 (4) Building construction prohibited.  
1096 (a) Temporary construction.



1097 (I) Landscaping and screening plan.  
1098 (1) Complete landscaping, screening and erosion control plans shall be  
1099 prepared and signed by a landscape architect or professional site planner with  
1100 educational training or work experience in land analysis and site plan preparation.  
1101 These plans shall include:  
1102 (a) Detailed natural land analysis including vegetation, soil types  
1103 and slopes.  
1104 (b) Manmade features.  
1105 (c) Details of all proposed vegetative landscaping materials  
1106 including placement, Latin name, common name, caliper/height and quantity.  
1107 (d) Details of proposed non-vegetative landscaping and  
1108 screening materials.  
1109 (e) Planting and construction schedule for completion of  
1110 landscaping and screening plans.  
1111 (2) The final landscaping and screening plan must be approved by the  
1112 City Council at the time of site plan review.  
1113 (J) Landscaping security.  
1114 (1) The owner shall file with the City Clerk security in the form of a  
1115 letter of credit or cash deposit as determined by the City Council, to ensure that the  
1116 landscaping, screening and erosion control work is done pursuant to the landscaping  
1117 plan within the time schedule, and to ensure that the vegetative materials used in any  
1118 landscaping, screening or erosion control work that die within 2 complete growing  
1119 seasons are replaced.  
1120 (2) The security shall be in a amount determined by the City Council,  
1121 but shall be at least equal to the amount estimated to be the cost of completing the  
1122 required landscaping, screening and erosion control measures and not to exceed twice  
1123 such amount.  
1124 (3) Where such landscaping, screening and erosion control measures  
1125 do not include the use of vegetative materials, the security shall be in force until such  
1126 landscaping; screening or erosion control measures have been completed and  
1127 approved by the City Council. Where such landscaping, screening and erosion control  
1128 measures do include the use of vegetative materials, the security shall be in force for at  
1129 least the next 2 complete growing seasons, subsequent to the completion and approval  
1130 of such landscaping; screening or erosion control measures have been completed and  
1131 approved by the City Council.  
1132 (4) Upon completion of the landscaping, screening and erosion control  
1133 work, the security will be reduced to an amount determined adequate to replace  
1134 vegetative material that may die within 2 complete growing seasons.  
1135 (5) Such security shall be filed with the City Clerk before a building  
1136 permit can be issued.  
1137 (K) Outdoor lighting.  
1138 (1) A lighting plan, showing how the site meets all lighting requirements  
1139 must be submitted at the time of site plan submittal.  
1140 (2) Intensity.  
1141 (a) No more than 0.5 foot candles of light where residential  
1142 zoning abuts and no more than 1.0 foot candles of light where other zoning abuts shall

1143 be allowed at the property line, when measured at eye level and aimed at the light  
1144 source.

1145 (b) In parking areas and walkways, downward focused lighting  
1146 shall be provided by cutoff type luminaries with no more than 10% of light output above  
1147 the horizontal plane through the light source.

1148 (3) Height. Light fixtures and freestanding luminaries shall not exceed  
1149 20 feet or extend above the roofline of the principal building, whichever is less.

1150 (4) Accent lighting. Accent lighting used to highlight selected landscape  
1151 or architectural features shall be permitted provided the light source is shielded to aim  
1152 directly at the area of focus.

1153 (Ord. 2021-8-6, passed 8-10-2021)

1154 § 153.054 SL SHORELAND DISTRICT.

1155 (A) Purpose. The purpose of the Shoreland District is to govern the use,  
1156 alteration and development of shoreland areas, according to the provisions of this  
1157 chapter.

1158 (B) District application. The SL Shoreland District shall be applied to and  
1159 superimposed upon all zoning districts as contained herein as existing or amended by  
1160 the text and map of this chapter. The regulations and requirements imposed by the SL  
1161 Shoreland District shall be in addition to those established for districts which jointly  
1162 apply. Under the joint application of districts, the more restrictive requirements shall  
1163 apply.

1164 (C) Boundaries. The boundaries of the Shoreland District are established  
1165 within the following distances from the normal high water mark of the surface water  
1166 depending on the size of the surface water: greater than 10 acres - 1,000 feet; rivers  
1167 and streams - 300 feet. The practical limits of shorelands may be less than the statutory  
1168 limits whenever the waters involved are bounded by topographic divides which extend  
1169 landward from the waters of lesser distances and which are approved by the  
1170 Commissioner of Natural Resources.

1171 (D) Shoreland classification.

1172 (1) The surface waters affected by this section and which require  
1173 controlled development of their shoreland (Shoreland District) are shown on the map  
1174 entitled "Zoning Map of the City of Stacy, Minnesota" which is properly approved and  
1175 made a part of this chapter. Surface waters generally greater than 10 acres and given  
1176 an identification number by the State of Minnesota are listed in the table below. Where  
1177 the boundaries of the district are in question, the Board of Appeals shall make the  
1178 necessary interpretation. If any boundary is disputed, the burden of proof shall rest with  
1179 the applicant.

1180

1181 Surface Water Identification

1182 DNR Identification No. Name Classification

1183 13-59 Sunrise Pools (East of T.H. 30 and North and South of Hwy. 19) Natural  
1184 Environment (NE) Lake

1185 13-61 Unnamed Lake (approximately 2,500 feet North of Hwy. 19, East of I-35, and  
1186 West of T. H. 30) General Development

1187

1188 (2) All rivers and streams (West Branch, Sunrise River) in the  
1189 municipality of Stacy having a total drainage area of greater than 2 square miles are  
1190 assigned a shoreland classification of general development.

1191 (E) Minimum requirements. The following table sets forth the minimum  
1192 requirements of each classification. Where the requirements of the zoning district are  
1193 more restrictive, the more restrictive standards shall apply.

1194

1195	Unsewered Areas	Natural Environment Waters**	General Development Waters***
1196	Lot area (sq. ft.)	80,000	20,000
1197	Water frontage and lot width at building line (ft.)	200	100
1198	Building setback from ordinary highwater mark (ft.)	200	75
1199	Building setback from roads and highways (ft.)	50 federal, state or county; 20 municipal or private	
1200			
1201	Elevation of lowest floor above highest known water level (ft.)	3	3
1202	Building height limitation (ft.)	35	35
1203	Total lot area covered by impervious surface (%)	30	30
1204	Sewage system setback from ordinary high water mark (ft.)	150	50
1205	Sewage system elevation above highest groundwater level or bedrock (ft.)	4	4

1206

1207

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

1214

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

1217 \*\* Sunrise Pools

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

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

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

1234 (G) Nonconforming sanitary systems.  
1235 (1) Nonconforming septic systems shall be brought into conformity  
1236 within 5 years from adoption of this chapter.  
1237 (2) Private wells shall be placed in areas not subject to flooding or  
1238 upslope from a source of contamination. Private wells must meet all Department of  
1239 Health Standards.  
1240 (H) Shoreland alterations. Natural vegetation in shoreland areas shall be  
1241 preserved insofar as practical and reasonable in order to retard surface runoff and soil  
1242 erosion and to utilize excess nutrients. Any alteration of the vegetation or natural terrain  
1243 in the Shoreland District shall be controlled by issuance of a landscape permit by the  
1244 city. An approved permit shall be acquired before any shoreland alterations are  
1245 undertaken as defined in this section. An alteration is defined as any clear-cutting,  
1246 grading, and the like which involves the removal or addition of underbrush or vegetation  
1247 which may have a detrimental impact by allowing soil erosion or runoff of excess  
1248 nutrients to enter the public waters. The issuance of a landscape permit shall be  
1249 controlled by this section in accordance with the following criteria:  
1250 (1) Clear cutting shall be prohibited, except as necessary for placing  
1251 public roads, utilities, structures, and parking areas;  
1252 (2) Natural vegetation shall be restored insofar as feasible after any  
1253 construction project;  
1254 (3) Selective cutting of trees and underbrush shall be allowed as long  
1255 as sufficient cover is left to screen motor vehicles and structures when viewed from the  
1256 water;  
1257 (4) Grading and filling of a permanent nature: where more than 10  
1258 yards of material is to be cut, filled or graded, a landscape permit shall be obtained from  
1259 the city. This landscape permit shall be issued only if the applicant can demonstrate  
1260 that:  
1261 (a) The smallest amount of bare ground shall be exposed for as  
1262 short a time as feasible;  
1263 (b) Temporary ground cover, such as mulch, shall be used and  
1264 permanent vegetative cover, such as sod, shall be provided;  
1265 (c) Methods to prevent erosion and trap sediment shall be  
1266 employed;  
1267 (d) Fill shall be stabilized to accepted engineering standards;  
1268 (e) Failure to acquire the necessary landscape permit shall be in  
1269 violation of this chapter.  
1270 (I) Land suitability - SL Districts. No land shall be subdivided which is held  
1271 unsuitable by the city for the proposed use because of flooding, inadequate drainage,  
1272 soil and rock formations with severe limitations for development, severe erosion  
1273 potential, unfavorable topography, inadequate water supply or sewage disposal  
1274 capabilities, or any other feature likely to be harmful to the health, safety, or welfare of  
1275 future residents.  
1276 (J) Inconsistent plats. All plats recommended for approval which are  
1277 inconsistent with the municipal shoreland ordinance shall be reviewed by the Minnesota  
1278 Commissioner of Natural Resources before approval by the city may be granted.

1279 (K) Planned unit developments. These shoreland management regulations  
1280 may be altered to allow for planned unit developments as defined by this chapter,  
1281 provided:

- 1282 (1) Preliminary plans are approved by the Department of Natural  
1283 Resources prior to approval by the city;  
1284 (2) Central sewage facilities are installed which meet all applicable  
1285 standards and regulations or the planned unit development is connected to municipal  
1286 sewer;  
1287 (3) Open space is preserved as appropriate;  
1288 (4) The increased density of development is consistent with and does  
1289 not overburden the resource limitations of the public water or shorelands;  
1290 (5) That all shoreline development such as docks be centralized  
1291 facilities serving the entire planned unit development; and  
1292 (6) That the final plan shall not be altered unless approved by the  
1293 developer, city, and the Department of Natural Resources.

1294 (L) Variances. Variances may be granted by the Council upon application  
1295 required in this chapter in extraordinary cases, but only when the proposed use is  
1296 determined to be in the public interest, and no variance shall be granted which the  
1297 Council determines will or has a tendency to:

- 1298 (1) Result in the placement of an artificial obstruction which will restrict  
1299 the passage of storm and flood water in such a manner as to increase the height of  
1300 flooding, except obstructions approved by the Watershed Districts in conjunction with  
1301 sound flood plain management;  
1302 (2) Result in incompatible land uses or which would be detrimental to  
1303 the protection of surface and ground water supplies;  
1304 (3) Be not in keeping with land use plans and planning objectives for  
1305 the city or which will increase or cause danger to life or property;  
1306 (4) Be inconsistent with the objectives of encouraging land uses  
1307 compatible with the preservation of the natural land forms, vegetation, and the marshes  
1308 and wetlands within the city;  
1309 (5) No permit or variance shall be issued unless the applicant has  
1310 submitted a shoreland impact plan as required and set forth in this chapter. In granting  
1311 any variance, the Council may attach such conditions as they deem necessary to insure  
1312 compliance with the policy and intent of this chapter.

1313 (Prior Code, § 903.09)

1314 § 153.055 PUD PLANNED UNIT DEVELOPMENT DISTRICT.

1315 (A) Purpose and intent. The purpose of the Planned Unit Development District  
1316 (PUD) is to provide a comprehensive procedure intended to allow greater flexibility in  
1317 the development of neighborhoods or non-residential areas than would be possible  
1318 under a conventional zoning district. The decision to zone property to PUD is a public  
1319 policy decision for the City Council to make in its legislative capacity. The intent of this  
1320 section is to:

- 1321 (1) Provide for the establishment of Planned Unit Development (PUD)  
1322 zoning districts in appropriate settings and situations, to create or maintain a  
1323 development pattern that complies with the city's comprehensive plan.

1324 (2) Allow for the mixing of land uses within a development when such  
1325 mixing of land uses could not otherwise be accomplished under this chapter.

1326 (3) Provide for variations to the strict application of the land use  
1327 regulations in this chapter in order to improve site design and operation, while at the  
1328 same time incorporating design elements (e.g., construction materials, landscaping,  
1329 lighting, etc.) that exceed the city's standards to offset the effect of any variations.

1330 (4) Promote a more creative and efficient approach to land use within  
1331 the city, while at the same time protecting and promoting the health, safety, comfort,  
1332 aesthetics, economic viability, and general welfare of the city.

1333 (5) Preserve and enhance natural features and open spaces.

1334 (6) Maintain or improve the efficiency of public streets and utilities.

1335 (7) Ensure the establishment of appropriate transitions between  
1336 differing land uses.

1337 (8) Provide some additional, identifiable benefit to the city or future  
1338 residents, users, or patrons of the PUD beyond what would be achieved by application  
1339 of a standard plat under the city's regulations.

1340 (B) Uses. All permitted uses, permitted accessory uses, conditional uses,  
1341 interim uses, and uses allowed by administrative permit contained in this chapter shall  
1342 be treated as potentially allowable uses within a PUD District, provided they would be  
1343 allowable on the site under the city's comprehensive plan.

1344 (C) Setbacks, lot area, and building height. The various setback, lot area, and  
1345 height regulations of the most closely related conventional zoning district shall be  
1346 considered presumptively appropriate, but may be departed from to accomplish the  
1347 purposes described in this section, providing there is no increase in density of more  
1348 than 10%.

1349 (D) Integrated design. A PUD shall consist of a harmonious arrangement and  
1350 selection of land uses in groupings of buildings that are planned and designed as an  
1351 integrated unit. The integrated design shall include elements such as building  
1352 orientation and materials, utilities, parking areas, traffic and pedestrian circulation, and  
1353 open spaces.

1354 (E) Pre-application sketch review. Prior to the filing of a PUD general plan  
1355 application, the applicant may submit a sketch of the project to the Zoning  
1356 Administrator. The sketch will be reviewed in accordance with § 153.193(C).

1357 (F) General plan. A PUD general plan is a plan and supportive text depicting  
1358 general land use, circulation, open space, utilities, etc. for parcels of land within a PUD.

1359 (1) Application procedure: PUD zoning applications shall be processed  
1360 according to the evaluation criteria and procedures outlined in § 153.191 of this chapter.  
1361 The general plan shall be accompanied by a fee and a cash escrow as set forth in  
1362 Chapter 34 of the City Code.

1363 (2) Information requirement:

1364 (a) The information required for all PUD general plan  
1365 applications shall be as specified in § 153.192.

1366 (b) The Zoning Administrator, Planning Commission, and/or City  
1367 Council may excuse an applicant from submitting any specific item of information or  
1368 document required by this section which it finds to be unnecessary to the consideration  
1369 of the specific PUD being considered.

1370 (3) Zoning enactment. A rezoning of a parcel of land to PUD shall not  
1371 become effective until such time as the City Council approves an ordinance reflecting  
1372 said amendment, which shall take place at the time the City Council approves the  
1373 general plan.

1374 (G) Final plan. After approval of the general plan, the applicant may apply for  
1375 final plan approval for all or a portion of the PUD. The final plan shall be accompanied  
1376 by a fee as set forth in Chapter 34 of the City Code. The applicant shall submit the  
1377 following material for review by and approval of the Zoning Administrator prior to  
1378 issuance of any building permit(s).

1379 (1) If the PUD will be developed in different phases, the applicant shall  
1380 submit a phasing plan for construction of the various elements of the entire PUD.

1381 (2) Development plans in final form, based on the approved general  
1382 plan, covering that portion of the PUD where building permits will be requested under  
1383 the phasing plan.

1384 (3) Proof of recording any easements and restrictive covenants prior to  
1385 sale of any land or dwelling unit within the PUD and of the establishment and activation  
1386 of any entity that is to be responsible for the management and maintenance of any  
1387 public or common open space or service facility.

1388 (4) All certificates, seals and signatures required for the dedication of  
1389 land and recording of documents.

1390 (5) Any other plans, agreements or specifications necessary for the  
1391 Zoning Administrator to review the proposed final plan.

1392 (6) Single-family developments and PUD districts approved for only  
1393 one building shall be exempt from the requirement for a PUD final plan.

1394 (H) Periodic PUD review. The City Council may require periodic review of a  
1395 PUD as a condition to approval of a PUD General Plan in order to ensure compliance  
1396 with the conditions of the PUD. At such time the City Council may, at its discretion,  
1397 choose to take additional testimony on the PUD.

1398 (I) Plan modification/amendment of a PUD.

1399 (1) Amendment for existing single and two family PUDs. Amendments  
1400 for existing single and 2-family PUDs shall follow the same review procedure as  
1401 established for a variance, as set forth in § 153.188.

1402 (2) Minor modifications to an approved PUD may be approved by the  
1403 Zoning Administrator, upon recommendation of the City Engineer, City Planner and City  
1404 Attorney. Minor modifications in this context shall mean internal adjustments to the site  
1405 and building plans that do not change the approved plat or the uses, do not increase the  
1406 density or intensity of uses, do not increase the height of buildings, do not decrease the  
1407 amount of park or open space, or do not reduce the setbacks to adjacent properties.

1408 (3) All other modifications to an approved PUD that do not qualify as  
1409 minor as defined in division (I)(2) of this section, shall follow the procedure for PUD  
1410 General Plan and Final Plan approval as outlined in § 153.055(F) and (G).

1411 (J) General requirements.

1412 (1) Records. The Zoning Administrator shall maintain a record of all  
1413 PUD zones approved by the city, including all pertinent project plans, any conditions  
1414 imposed on a project by the City Council, and such other information as the Zoning  
1415 Administrator may deem appropriate.

1416 (2) Withdrawal of an application. Any application under this section  
1417 may be withdrawn by an applicant without prejudice at any time prior to final City  
1418 Council action thereon.

1419 (3) Platting of a PUD. In the event that a PUD is to be subdivided into  
1420 lots or parcels for the purpose of separate ownership, such PUD shall be platted under  
1421 the platting procedures contained in the Stacy Subdivision Ordinance and the related  
1422 requirements of Chisago County. The preliminary plat shall be processed in conjunction  
1423 with the general plan as outlined in division (F) of this section. A separate action on the  
1424 final plat shall be processed before the City Council prior to the approval of a Final Plan.

1425 (4) Conveyance of property within a PUD. In the event that any real  
1426 property within an approved PUD is conveyed in total or in part, the buyer(s) thereof  
1427 shall be bound by all provisions of the PUD and the general plan for that project.  
1428 However, nothing in this chapter shall be construed as to make such conveyed property  
1429 non-conforming with regard to normal zoning standards as long as the conveyed  
1430 property conforms with the approved PUD and the general plan for a project.

1431 (5) Agreement/financial guarantee. Following the approval of the  
1432 general plan but prior to final plan approval, the applicant shall enter into an agreement  
1433 with the city relating to the terms of the PUD, and shall also provide such financial  
1434 guarantees as the city requires or deems necessary. Such agreement may take the  
1435 form of:

- 1436 (a) A development contract;
  - 1437 (b) A Site Improvement Performance Agreement; and
  - 1438 (c) Another form of legally binding instrument as may be
- 1439 required by the city.

1440 (6) A PUD final plan shall expire 1 year from the date of its approval,  
1441 unless:

- 1442 (a) The applicant commences the authorized use within that
  - 1443 period; or
  - 1444 (b) The applicant applies for an extension before the expiration
- 1445 of the 1-year period. The request for extension shall state facts showing a good faith  
1446 attempt to complete or commence the use permitted by the PUD final plan. A request  
1447 for an extension not exceeding 1 additional year shall be subject to the review and  
1448 approval of the Zoning Administrator. Should a second extension of time or any  
1449 extension of time longer than 1 additional year be requested by the applicant, it shall be  
1450 presented to the City Council for a decision.

1451 (Prior Code, § 903.10) (Am. Ord. 2015-3-2, passed 3-16-2015)

1452 § 153.056 A AGRICULTURE DISTRICT.

1453 (A) Purpose. The purpose of the Agriculture District is to preserve areas that  
1454 have been included in the city's Comprehensive Plan for future urban development. The  
1455 large minimum lot size (40 acres) will retain these lands in their natural state or as  
1456 agricultural uses until the most appropriate zoning district can be determined at the time  
1457 development occurs. At such time the new zoning shall be consistent with the  
1458 Comprehensive Plan.

1459 (B) Permitted uses.

- 1460 (1) Farming operations subject to the following.



1461 (a) Continued farm operations. All farm operations currently in  
1462 existence will be permitted to continue operation subject to the following conditions:  
1463 agriculture uses, excepting commercial animal farms, fur farms, kennels, and poultry  
1464 farms, but including truck gardening and other horticultural uses, are permitted uses in  
1465 the district in which an existing operation is located, provided that any new private  
1466 stable or other new building in which farm animals are kept shall be a distance of 60  
1467 feet or more from any other lot in any residential district.

1468 (b) Sale of products. Limited sales of products produced may  
1469 be conducted on the premises from a roadside stand, but the stand shall not exceed 12  
1470 feet in height or 500 square feet in floor area, and no portion of any such stand shall be  
1471 located or erected nearer than 40 feet from any highway, street, or road right-of-way.

1472 (c) Conditional use permits. The Council may require any farm  
1473 operation to secure a conditional use permit to continue the operations in the event the  
1474 farming operations are so intensive as to constitute a feed lot or an industrial type use  
1475 consisting of the compounding, processing, and packaging of products for wholesale or  
1476 retail trade and further that such operations may tend to become a permanent industrial  
1477 type operation (that cannot be terminated as can a normal farming operation).

1478 (d) Unsafe buildings. Nothing in this chapter shall be deemed to  
1479 prevent the strengthening or restoring to a safe condition of any building or part thereof  
1480 declared to be unsafe by the official charged with protecting the public safety, upon  
1481 order of the official.

1482 (2) The raising of animals for sale, profit, or pleasure on parcels of 5  
1483 acres or larger. This land area requirement applies to animal kennels, but not to the  
1484 keeping of dogs, cats, and other animals customarily kept as pets. One animal unit is  
1485 permitted per 2 acres. The animal units are as follows:

1486

1487	Number of Animals	Animal Units
1488	1 bovine/buffalo	1
1489	1 horse	1
1490	2 miniature horses	1
1491	2 swine over 55 pounds	1
1492	5 sheep/goat	1
1493	20 fowl (turkeys, chickens, ducks, geese, game birds)	1
1494	20 rabbits	1

1495 A property owner may request an ordinance amendment for any species not listed.  
1496 Such amendment is at the discretion of the City Council.

1497  
1498 (3) Farm drainage systems, flood control, and watershed structures  
1499 and erosion control devices meeting all city, county, state, and soil conservation service  
1500 minimum standards.

1501 (4) Forestry.

1502 (5) Wildlife areas, forest preserves, public parks owned or operated by  
1503 a government agency or nonprofit organization, and other open space uses.

1504 (6) Essential services as defined by § 153.033.

1505 (7) Residential facilities in a single-family detached dwelling, serving 6  
1506 or fewer individuals and licensed by the state.

1507 (8) Single-family detached dwellings, including expansion of single-  
1508 family detached dwellings on non-conforming lots.

1509 (C) Accessory uses.

1510 (1) Any incidental machinery, structures, or buildings necessary for  
1511 agriculture or other permitted uses as defined by § 153.031(A).

1512 (2) In-home daycare facilities as permitted in M.S. Chapter 462.357,  
1513 Subdivision 7, as it may be amended from time to time.

1514 (3) Home occupations as defined by § 153.033.

1515 (4) Play and recreational facilities, including swimming pools and  
1516 tennis courts, for use of the property owner and guests.

1517 (5) Signs as regulated by §§ 153.090 et seq.

1518 (6) Temporary trailers and construction equipment for the duration of  
1519 construction only where temporary lavatories are provided in compliance with city and  
1520 state requirements.

1521 (D) Conditional uses. The following are conditional uses, subject to § 153.189  
1522 and the specific standards and criteria that may be cited below for a specific use:

1523 (1) Commercial feedlots, subject to MPCA (Minnesota Pollution Control  
1524 Agency) requirements;

1525 (2) Greenhouses and nurseries;

1526 (3) Towers and antennas as regulated by this chapter;

1527 (4) Personal use airstrips;

1528 (5) Churches, chapels, temples, synagogues, and cemeteries with  
1529 normal accessory buildings for education and living quarters;

1530 (6) Local government administration and service buildings;

1531 (7) Accessory dwelling units as regulated by § 153.035;

1532 (8) Commercial outdoor recreation areas that are similar to public  
1533 recreation areas including private campgrounds, golf courses, swimming pools, and  
1534 resorts. Public parks owned and operated by a government agency or nonprofit  
1535 organization;

1536 (9) Agricultural oriented businesses such as grain and feed sales, grain  
1537 drying, and storage;

1538 (10) Commercial fur farms;

1539 (11) Temporary equipment placement and operation as related to road  
1540 construction;

1541 (12) Light construction equipment storage areas associated with a legal  
1542 home occupation;

1543 (13) Regional pipelines, power transmission lines, and relay towers up  
1544 to 50 feet;

1545 (14) Extraction of minerals, sand, gravel, rock, or any material from the  
1546 earth and processing operations such as asphalt or concrete batch plants, rock  
1547 crushing, washing, and recycling of pavement in accordance with § 153.078;

1548 (15) Home occupations which may require additional parking, an  
1549 accessory building or an attached garage, or generate increase in traffic beyond typical  
1550 residential nature and which are in accordance with § 153.033;

1551 (16) Antenna and/or amateur radio;

1552 (17) Telecommunication facility in accordance with § 153.155; and

1553 (18) Private water supply system pursuant to § 51.11(C).  
1554 (E) Interim uses. The following are interim uses, subject to § 153.190 and the  
1555 specific standards and criteria that may be cited below for a specific use:  
1556 (1) One additional, non rental, farm dwelling as an accessory use to  
1557 the farm; and  
1558 (2) Certain home occupations as defined in § 153.033.  
1559 (3) Private water supply system pursuant to § 51.11(C).  
1560 (F) Area requirements.  
1561 (1) The following minimum requirements shall be met in the AG  
1562 District:  
1563  
1564 Minimum lot size 40 acres  
1565 Minimum lot width 300 feet  
1566 Minimum lot depth 300 feet  
1567 Structure setbacks:  
1568 Front 100 feet  
1569 Side 25 feet  
1570 Rear 50 feet  
1571 Maximum building height 35 feet  
1572  
1573 (2) Properties may also be subject to the requirements of the  
1574 Shoreland District, § 153.054.  
1575 (Ord. 2009-5-1, passed 5-12-2009; Am. Ord. 2012-11-2, passed 11-13-2012; Am. Ord.  
1576 2015-3-3, passed 3-16-2015; Am. Ord. 2016-10-2, passed 10-11-2016; Am. Ord. 2019-  
1577 8-3, passed 8-13-2019)  
1578 § 153.057 P PARK DISTRICT.  
1579 (A) Purpose. The purpose of the park district is to provide for publicly owned  
1580 park and recreation facilities.  
1581 (B) Permitted principal uses: within a "P" park district, no structure or land  
1582 shall be used except for 1 or more of the following uses:  
1583 (1) Boat landing or fishing pier;  
1584 (2) Golf course, public;  
1585 (3) Hockey rinks, pleasure and in-line skating;  
1586 (4) Informal play field;  
1587 (5) Open space, natural areas, nature trails and other similar facilities;  
1588 (6) Picnic area;  
1589 (7) Picnic shelter;  
1590 (8) Play equipment;  
1591 (9) Play fields, including, but not limited to, soccer, baseball, softball,  
1592 football;  
1593 (10) Playgrounds, hard or soft surface play areas;  
1594 (11) Recreation buildings;  
1595 (12) Skateboard parks;  
1596 (13) Special events as scheduled with City of Stacy;  
1597 (14) Swimming pools;  
1598 (15) Play courts, including basketball, tennis, and volleyball;

1599 (16) Warming houses and other similar facilities;  
1600 (17) Community gardens; and  
1601 (18) Other recreation uses as approved by the City of Stacy.  
1602 (19) Sale of locally grown produce in the Farmers Market.  
1603 (C) Permitted accessory uses. Within any "P" park district, the following uses  
1604 shall be permitted accessory uses: signage located on outfield fences, shall comply with  
1605 § 153.101(B)(2).  
1606 (D) Uses requiring a conditional use permit. Within any "P" park district, no  
1607 structure or land shall be used except for 1 or more of the following uses: essential  
1608 service structures, including, but not limited to, buildings such as booster or pressure  
1609 regulating stations, wells and pumping stations, elevated tanks, and lift stations,  
1610 provided no building shall be located within 50 feet from any lot line of an abutting lot in  
1611 an R district. Prior to granting such permit, it shall be found that the architectural design  
1612 of service structures is compatible to the neighborhood in which it is located.  
1613 (E) Lot requirements. No minimum lot area or width for park land. For public  
1614 parks that contain structures the following setbacks shall apply:  
1615 (1) Front yard setbacks: 25 feet;  
1616 (2) Rear yard setbacks: 35 feet;  
1617 (3) Side yard:  
1618 (a) Ten feet interior;  
1619 (b) Twenty feet corner;  
1620 (c) Thirty feet for structures abutting a residential or vacant lot;  
1621 (4) Height: 2 and 1/2 stories or 35 feet maximum;  
1622 (F) Building standards: for any building structure built in the park district the  
1623 following building standards shall apply.  
1624 (1) Design of buildings shall reflect the character of the surrounding  
1625 residential neighborhoods. Building scale and roof design should be consistent with  
1626 existing neighborhoods.  
1627 (2) Acceptable building materials include face brick, stone, glass,  
1628 stucco, synthetic stucco, fiber cement siding or architectural concrete block. Non-  
1629 decorative concrete block, sheet metal, unfinished metal or pole barn type buildings are  
1630 not acceptable. Roofs shall reflect a traditional residential structure such as pitched,  
1631 gable, hip or shed.  
1632 (G) Activity scheduled in parks. The city shall be delegated as the agency to  
1633 coordinate and schedule the use of park areas and facilities.  
1634 (Ord. 2010-2-1, passed 2-23-2010; Am. Ord. 2013-3-2, passed 3-12-2013)  
1635 § 153.058 OS OPEN SPACE DISTRICT.  
1636 (A) Purpose. The purpose of the open space district is to provide for publicly  
1637 owned open space facilities. This district consists of the Carlos Avery WMA district and  
1638 all other public open space land.  
1639 (B) Permitted uses. No structure or use shall be permitted in the OS zoning  
1640 district except the following:  
1641 (1) Open space, natural areas (including natural landscape areas),  
1642 nature trails and nature observation areas;  
1643 (2) Picnic area;  
1644 (3) Picnic shelter;

1645 (4) Wildlife management areas and related facilities; and  
1646 (5) Use of fire arm for hunting purposes as allowed in the Agricultural  
1647 zoning district pursuant to § 130.01.  
1648 (Ord. 2010-2-1, passed 2-23-2010)  
1649 § 153.059 GENERAL FLOODPLAIN DISTRICT; FLOODPLAIN MANAGEMENT.  
1650 (A) Statutory authorization, findings of fact and purpose.  
1651 (1) Statutory authorization. The legislature of the state has, in M.S.  
1652 Chapters 103F and 462 delegated the responsibility to local government units to adopt  
1653 regulations designed to minimize flood losses. Therefore, the City Council does ordain  
1654 as follows:  
1655 (2) Findings of fact.  
1656 (a) The flood hazard areas of Stacy, Minnesota, are subject to  
1657 periodic inundation which results in potential loss of life, loss of property, health and  
1658 safety hazards, disruption of commerce and governmental services, extraordinary public  
1659 expenditures or flood protection and relief, and impairment of the tax base, all of which  
1660 adversely affect the public health, safety, and general welfare.  
1661 (b) Methods used to analyze flood hazards. This section is  
1662 based upon a reasonable method of analyzing flood hazards which is consistent with  
1663 the standards established by the Minnesota Department of Natural Resources.  
1664 (c) National Flood Insurance Program compliance. This section  
1665 is adopted to comply with the rules and regulations of the National Flood Insurance  
1666 Program codified as 44 C.F.R. parts 59-78, as amended, so as to maintain the  
1667 community's eligibility in the National Flood Insurance Program.  
1668 (3) Statement of purpose. It is the purpose of this section to promote  
1669 the public health, safety, and general welfare and to minimize those losses described in  
1670 division (A)(2) by provisions contained herein.  
1671 (B) General provisions.  
1672 (1) Lands to which section applies. This section shall apply to all lands  
1673 within the jurisdiction of the city shown on the Official Zoning Map and/or the  
1674 attachments thereto as being located within the boundaries of the General Floodplain  
1675 District.  
1676 (2) Establishment of Official Zoning Map. The Official Zoning Map  
1677 together with all materials attached thereto is hereby adopted by reference and declared  
1678 to be a part of this section. The attached material shall include the Flood Insurance  
1679 Study, Chisago County, Minnesota and Incorporated Areas and Flood Insurance Rate  
1680 Map panels therein numbered 27025C0250D, 27025C0275D, and 27025C0375D,  
1681 27025C0350D, all dated April 17, 2012 and prepared by the Federal Emergency  
1682 Management Agency. The Official Zoning Map shall be on file in the Office of the City  
1683 Clerk.  
1684 (3) Regulatory flood protection elevation. The regulatory flood  
1685 protection elevation shall be an elevation no lower than 1 foot above the elevation of the  
1686 regional flood plus any increases in flood elevation caused by encroachments on the  
1687 floodplain that result from designation of a floodway.  
1688 (4) Interpretation.  
1689 (a) In their interpretation and application, the provisions of this  
1690 section shall be held to be minimum requirements and shall be liberally construed in

1691 favor of the governing body and shall not be deemed a limitation or repeal of any other  
1692 powers granted by state statutes.

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

1703 Persons contesting the location of the district boundaries shall be given a reasonable  
1704 opportunity to present their case to the City Council and to submit technical evidence.

1705 (5) Abrogation and greater restrictions. It is not intended by this  
1706 section to repeal, abrogate, or impair any existing easements, covenants, or deed  
1707 restrictions. However, where this section imposes greater restrictions, the provisions of  
1708 this section shall prevail. All other ordinances inconsistent with this section are hereby  
1709 repealed to the extent of the inconsistency only.

1710 (6) Warning and disclaimer of liability. This section does not imply that  
1711 areas outside the floodplain district or land uses permitted within such district will be  
1712 free from flooding or flood damages. This section shall not create liability on the part of  
1713 the city or any officer or employee thereof for any flood damages that result from  
1714 reliance on this section or any administrative decision lawfully made thereunder.

1715 (7) Definitions. Unless specifically defined below, words or phrases  
1716 used in this section shall be interpreted so as to give them the same meaning as they  
1717 have in common usage and so as to give this section its most reasonable application.

1718 **ACCESSORY USE OR STRUCTURE.** A use or structure on the same lot  
1719 with, and of a nature customarily incidental and subordinate to, the principal use or  
1720 structure.

1721 **BASEMENT.** Any area of a structure, including crawl spaces, having its  
1722 floor or base subgrade (below ground level) on all 4 sides, regardless of the depth of  
1723 excavation below ground level.

1724 **EQUAL DEGREE OF ENCROACHMENT.** A method of determining the  
1725 location of floodway boundaries so that floodplain lands on both sides of a stream are  
1726 capable of conveying a proportionate share of flood flows.

1727 **FLOOD.** A temporary increase in the flow or stage of a stream or in the  
1728 stage of a wetland or lake that results in the inundation of normally dry areas.

1729 **FLOOD FREQUENCY.** The frequency for which it is expected that a  
1730 specific flood stage or discharge may be equaled or exceeded.

1731 **FLOOD FRINGE.** That portion of the floodplain outside of the floodway.  
1732 Flood fringe is synonymous with the term FLOODWAY FRINGE used in the Flood  
1733 Insurance Study, Chisago County, Minnesota and Incorporated Areas.

1734 **FLOODPLAIN.** The beds proper and the areas adjoining a wetland, lake  
1735 or watercourse which have been or hereafter may be covered by the regional flood.

1736 FLOOD PROOFING. A combination of structural provisions, changes, or  
1737 adjustments to properties and structures subject to flooding, primarily for the reduction  
1738 or elimination of flood damages.

1739 FLOODWAY. The bed of a wetland or lake and the channel of a  
1740 watercourse and those portions of the adjoining floodplain which are reasonably  
1741 required to carry or store the regional flood discharge.

1742 LOWEST FLOOR. The lowest floor of the lowest enclosed area (including  
1743 basement).

1744 MANUFACTURED HOME. A structure, transportable in one or more  
1745 sections, which is built on a permanent chassis and is designed for use with or without a  
1746 permanent foundation when attached to the required utilities. The term  
1747 MANUFACTURED HOME does not include the term "recreational vehicle."

1748 OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile,  
1749 abutment, projection, excavation, channel modification, culvert, building, wire, fence,  
1750 stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any  
1751 channel, watercourse, or regulatory floodplain which may impede, retard, or change the  
1752 direction of the flow of water, either in itself or by catching or collecting debris carried by  
1753 such water.

1754 PRINCIPAL USE or STRUCTURE. All uses or structures that are not  
1755 accessory uses or structures.

1756 REACH. A hydraulic engineering term to describe a longitudinal segment  
1757 of a stream or river influenced by a natural or man-made obstruction. In an urban area,  
1758 the segment of a stream or river between 2 consecutive bridge crossings would most  
1759 typically constitute a reach.

1760 RECREATIONAL VEHICLE. A vehicle that is built on a single chassis, is  
1761 400 square feet or less when measured at the largest projection, is designed to be self-  
1762 propelled or permanently towable by a light duty truck, and is designed primarily not for  
1763 use as a permanent dwelling but as temporary living quarters for recreational, camping,  
1764 travel, or seasonal use. For the purposes of this section, the term RECREATIONAL  
1765 VEHICLE shall be synonymous with the term "travel trailer/travel vehicle."

1766 REGIONAL FLOOD. A flood which is representative of large floods  
1767 known to have occurred generally in Minnesota and reasonably characteristic of what  
1768 can be expected to occur on an average frequency in the magnitude of the 100-year  
1769 recurrence interval. REGIONAL FLOOD is synonymous with the term "base flood" used  
1770 in a flood insurance study.

1771 REGULATORY FLOOD PROTECTION ELEVATION. The regulatory  
1772 flood protection elevation shall be an elevation no lower than 1 foot above the elevation  
1773 of the regional flood plus any increases in flood elevation caused by encroachments on  
1774 the floodplain that result from designation of a floodway.

1775 STRUCTURE. Anything constructed or erected on the ground or attached  
1776 to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds,  
1777 detached garages, cabins, manufactured homes, recreational vehicles not meeting the  
1778 exemption criteria specified in division (I)(3)(a) of this section and other similar items.

1779 SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure  
1780 where the cost of restoring the structure to its before damaged condition would equal or  
1781 exceed 50% of the market value of the structure before the damage occurred.

1782                   SUBSTANTIAL IMPROVEMENT. Within any consecutive 365-day period,  
1783 any reconstruction, rehabilitation (including normal maintenance and repair), repair after  
1784 damage, addition, or other improvement of a structure, the cost of which equals or  
1785 exceeds 50% of the market value of the structure before the start of construction of the  
1786 improvement. This term includes structures which have incurred substantial damage,  
1787 regardless of the actual repair work performed. The term does not, however, include  
1788 either:

1789                   (a) Any project for improvement of a structure to correct existing  
1790 violations of state or local health, sanitary, or safety code specifications which have  
1791 been identified by the local code enforcement official and which are the minimum  
1792 necessary to assure safe living conditions.

1793                   (b) Any alteration of a historic structure, provided that the  
1794 alteration will not preclude the structure's continued designation as an historic structure.  
1795 For the purpose of this section, HISTORIC STRUCTURE shall be as defined in 44  
1796 C.F.R. 59.1.

1797                   VARIANCE. A modification of a specific permitted development standard  
1798 required in an official control including this section to allow an alternative development  
1799 standard not stated as acceptable in the official control, but only as applied to a  
1800 particular property for the purpose of alleviating a hardship, practical difficulty or unique  
1801 circumstance as defined and elaborated upon in a community's respective planning and  
1802 zoning enabling legislation.

1803                   (8) Annexations. The Flood Insurance Rate Map panels adopted by  
1804 reference into division (B)(2) above may include floodplain areas that lie outside of the  
1805 corporate boundaries of the city at the time of adoption of this section. If any of these  
1806 floodplain land areas are annexed into the city after the date of adoption of this section,  
1807 the newly annexed floodplain lands shall be subject to the provisions of this section  
1808 immediately upon the date of annexation into the city.

1809                   (C) Establishment of zoning districts.

1810                   (1) General Floodplain District. The General Floodplain District shall  
1811 include those areas designated as Zone A on the Flood Insurance Rate Map adopted in  
1812 division (B)(2) herein. The General Floodplain District shall be considered an overlay  
1813 zoning district to all existing land use districts in this community. The uses permitted in  
1814 division (C)(2) below shall only be allowable if not prohibited by any existing underlying  
1815 zoning district regulations of the community. The requirements of this section shall  
1816 apply in addition to other legally established regulations of the community and where  
1817 this section imposes greater restrictions, the provisions of this section shall apply.

1818                   (2) Permitted uses in the General Floodplain District:

1819                   (a) The following uses shall be permitted uses in both the  
1820 floodway and flood fringe portions of the General Floodplain District provided they do  
1821 not involve structures, fill, obstructions, excavations or storage of materials or  
1822 equipment:

- 1823                   1. General farming, pasture, grazing, outdoor plant  
1824 nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.  
1825                   2. Industrial-commercial loading areas, parking areas,  
1826 and airport landing strips.



1827 3. Private and public golf courses, tennis courts, driving  
1828 ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks,  
1829 wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target  
1830 ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose  
1831 recreational trails.

1832 4. Residential lawns, gardens, parking areas, and play  
1833 areas.

1834 (b) All uses that would involve structures, fill, obstructions,  
1835 excavations or storage of materials or equipment shall only be permissible in the flood  
1836 fringe portion of the General Floodplain District and shall: 1) be subject to the  
1837 floodway/flood fringe evaluation criteria pursuant to division (C)(3) below; and 2) be  
1838 subject to the performance standards of division (E) this section.

1839 (3) Procedures for floodway and flood fringe determinations within the  
1840 General Floodplain District.

1841 (a) Upon receipt of an application for a permit or other approval  
1842 for a use within the General Floodplain District, the applicant shall be required to furnish  
1843 such of the following information as is deemed necessary by the Zoning Administrator  
1844 for the determination of the regulatory flood protection elevation and whether the  
1845 proposed use is within the floodway or flood fringe:

1846 1. A typical valley cross-section(s) showing the channel  
1847 of the stream, elevation of land areas adjoining each side of the channel, cross-  
1848 sectional areas to be occupied by the proposed development, and high water  
1849 information.

1850 2. Plan (surface view) showing elevations or contours of  
1851 the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial  
1852 arrangement of all proposed and existing structures on the site, and the location and  
1853 elevations of streets.

1854 3. Photographs showing existing land uses, vegetation  
1855 upstream and downstream, and soil types.

1856 4. Profile showing the slope of the bottom of the channel  
1857 or flow line of the stream for at least 500 feet in either direction from the proposed  
1858 development.

1859 (b) The applicant shall be responsible to submit 1 copy of the  
1860 above information to a designated engineer or other expert person or agency for  
1861 technical assistance in determining whether the proposed use is in the floodway or flood  
1862 fringe and to determine the regulatory flood protection elevation. If a 100-year flood  
1863 elevation is provided in the Flood Insurance Study adopted in division (B)(2) of this  
1864 section, then this elevation must be used in calculating the regulatory flood protection  
1865 elevation. Procedures consistent with Minn. Rules, Parts 6120.5000 - 6120.6200 and  
1866 44 C.F.R., Part 65 shall be followed in this expert evaluation. The designated engineer  
1867 or expert is strongly encouraged to discuss the proposed technical evaluation  
1868 methodology with the respective Department of Natural Resources' Area Hydrologist  
1869 prior to commencing the analysis. The designated engineer or expert shall:

1870 1. Estimate the peak discharge of the regional flood;

1871 2. Calculate the water surface profile of the regional  
1872 flood based upon a hydraulic analysis of the stream channel and overbank areas; and

1873 3. Compute the floodway necessary to convey or store  
1874 the regional flood without increasing flood stages more than 0.5 foot. A lesser stage  
1875 increase than 0.5 foot shall be required if, as a result of the additional stage increase,  
1876 increased flood damages would result. An equal degree of encroachment on both sides  
1877 of the stream within the reach shall be assumed in computing floodway boundaries.

1878 (c) The City Clerk shall present the technical evaluation and  
1879 findings of the designated engineer or expert to the governing body. The governing  
1880 body must formally accept the technical evaluation and the recommended floodway  
1881 and/or flood fringe boundary or deny the permit application. The governing body, prior  
1882 to official action, may submit the application and all supporting data and analyses to the  
1883 Federal Emergency Management Agency, the Department of Natural Resources or the  
1884 Planning Commission for review and comment. Once the floodway and flood fringe  
1885 boundaries have been determined, the governing body shall refer the matter back to the  
1886 Zoning Administrator who shall process the permit application consistent with the  
1887 applicable provisions of divisions (C) and (E) of this section.

1888 (4) Compliance. No new structure or land shall hereafter be used and  
1889 no structure shall be constructed, located, extended, converted, or structurally altered  
1890 without full compliance with the terms  
1891 of this section and other applicable regulations which apply to uses within the  
1892 jurisdiction of this section. Within the floodway and flood fringe portions of the General  
1893 Floodplain District, all uses not listed as a permitted use in division (C)(2) shall be  
1894 prohibited. In addition, a caution is provided here that:

1895 (a) New manufactured homes, replacement manufactured  
1896 homes and certain travel trailers and travel vehicles are subject to the general  
1897 provisions of this section and specifically division (I).

1898 (b) Modifications, additions, structural alterations, normal  
1899 maintenance and repair, or repair after damage to existing nonconforming structures  
1900 and nonconforming uses of structures or land are regulated by the general provisions of  
1901 this section and specifically division (K).

1902 (c) As-built elevations for elevated or flood proofed structures  
1903 must be certified by ground surveys and flood proofing techniques must be designed  
1904 and certified by a registered professional engineer or architect as specified in the  
1905 general provisions of this section.

1906 (D) Reserved for future use.

1907 (E) Standards for flood fringe permitted uses. Permitted uses involving  
1908 structures, fill, obstructions, excavations or storage of materials or equipment shall be  
1909 subject to the following standards:

1910 (1) All structures, including accessory structures, additions to existing  
1911 structures and manufactured homes, must be elevated on fill so that the lowest floor  
1912 including basement floor is at or above the regulatory flood protection elevation. The  
1913 finished fill elevation for structures shall be no lower than 1 foot below the regulatory  
1914 flood protection elevation and the fill shall extend at such elevation at least 15 feet  
1915 beyond the outside limits of the structure erected thereon.

1916 (2) The cumulative placement of fill where at any one time in excess of  
1917 1,000 cubic yards of fill is located on the parcel shall be allowable only when said fill is

1918 specifically intended to elevate a structure in accordance with division (E)(1) of this  
1919 section.

1920 (3) The storage of any materials or equipment shall be elevated on fill  
1921 to the regulatory flood protection elevation.

1922 (4) All new principal structures must have vehicular access at or above  
1923 an elevation not more than 2 feet below the regulatory flood protection elevation. If a  
1924 variance to this requirement is granted, the City Council must specify limitations on the  
1925 period of use or occupancy of the structure for times of flooding and only after  
1926 determining that adequate flood warning time and local flood emergency response  
1927 procedures exist.

1928 (5) Commercial uses. Accessory land uses, such as yards, railroad  
1929 tracks, and parking lots may be at elevations lower than the regulatory flood protection  
1930 elevation. However, a permit for such facilities to be used by the employees or the  
1931 general public shall not be granted in the absence of a flood warning system that  
1932 provides adequate time for evacuation if the area would be inundated to a depth and  
1933 velocity such that when multiplying the depth (in feet) times the velocity (in feet per  
1934 second) the product number exceeds 4 upon occurrence of the regional flood.

1935 (6) Manufacturing and industrial uses. Measures shall be taken to  
1936 minimize interference with normal plant operations especially along streams having  
1937 protracted flood durations. Certain accessory land uses such as yards and parking lots  
1938 may be at lower elevations subject to requirements set out in division (E)(5) above. In  
1939 considering permit applications, due consideration shall be given to needs of an industry  
1940 whose business requires that it be located in flood plain areas.

1941 (7) Fill shall be properly compacted and the slopes shall be properly  
1942 protected by the use of riprap, vegetative cover or other acceptable method. The  
1943 Federal Emergency Management Agency (FEMA) has established criteria for removing  
1944 the special flood hazard area designation for certain structures properly elevated on fill  
1945 above the 100-year flood elevation. FEMA's requirements incorporate specific fill  
1946 compaction and side slope protection standards for multi-structure or multi-lot  
1947 developments. These standards should be investigated prior to the initiation of site  
1948 preparation if a change of special flood hazard area designation will be requested.

1949 (8) Floodplain developments shall not adversely affect the hydraulic  
1950 capacity of the channel and adjoining floodplain of any tributary watercourse or drainage  
1951 system where a floodway or other encroachment limit has not been specified on the  
1952 Official Zoning Map.

1953 (9) Standards for recreational vehicles are contained in division (I)(3).

1954 (10) All manufactured homes must be securely anchored to an  
1955 adequately anchored foundation system that resists flotation, collapse and lateral  
1956 movement. Methods of anchoring may include, but are not to be limited to, use of over-  
1957 the-top or frame ties to ground anchors. This requirement is in addition to applicable  
1958 state or local anchoring requirements for resisting wind forces.

1959 (F) Reserved for future use.

1960 (G) Subdivisions.

1961 (1) Review criteria. No land shall be subdivided which is unsuitable  
1962 for the reason of flooding, inadequate drainage, water supply or sewage treatment  
1963 facilities. All lots within the General Floodplain District shall be able to contain a building

1964 site outside of the floodway at or above the regulatory flood protection elevation. All  
1965 subdivisions shall have water and sewage treatment facilities that comply with the  
1966 provisions of this section and have road access both to the subdivision and to the  
1967 individual building sites no lower than 2 feet below the regulatory flood protection  
1968 elevation. For all subdivisions in the floodplain, the floodway and flood fringe  
1969 boundaries, the regulatory flood protection elevation and the required elevation of all  
1970 access roads shall be clearly labeled on all required subdivision drawings and platting  
1971 documents.

1972 (2) Floodway/flood fringe determinations in the General Floodplain  
1973 District. In the General Floodplain District, applicants shall provide the information  
1974 required in division (C)(3) of this section to determine the 100-year flood elevation, the  
1975 floodway and flood fringe boundaries and the regulatory flood protection elevation for  
1976 the subdivision site.

1977 (3) Removal of special flood hazard area designation. The Federal  
1978 Emergency Management Agency (FEMA) has established criteria for removing the  
1979 special flood hazard area designation for certain structures properly elevated on fill  
1980 above the 100-year flood elevation. FEMA's requirements incorporate specific fill  
1981 compaction and side slope protection standards for multi-structure or multi-lot  
1982 developments. These standards should be investigated prior to the initiation of site  
1983 preparation if a change of special flood hazard area designation will be requested.

1984 (H) Public utilities, railroads, roads, and bridges.

1985 (1) Public utilities. All public utilities and facilities such as gas,  
1986 electrical, sewer, and water supply systems to be located in the floodplain shall be flood  
1987 proofed in accordance with the State Building Code or elevated to above the regulatory  
1988 flood protection elevation.

1989 (2) Public transportation facilities. Railroad tracks, roads, and bridges  
1990 to be located within the General Floodplain District shall be permissible if placed in  
1991 accordance with Minn. Rules, Parts 6120.5000 - 6120.6200. Elevation to the regulatory  
1992 flood protection elevation shall be provided where failure or interruption of these  
1993 transportation facilities would result in danger to the public health or safety or where  
1994 such facilities are essential to the orderly functioning of the area. Minor or auxiliary  
1995 roads or railroads may be constructed at a lower elevation where failure or interruption  
1996 of transportation services would not endanger the public health or safety.

1997 (3) On-site sewage treatment and water supply systems. Where public  
1998 utilities are not provided: 1) On-site water supply systems must be designed to  
1999 minimize or eliminate infiltration of flood waters into the systems; and 2) New or  
2000 replacement on-site sewage treatment systems must be designed to minimize or  
2001 eliminate infiltration of flood waters into the systems and discharges from the systems  
2002 into flood waters and they shall not be subject to impairment or contamination during  
2003 times of flooding. Any individual sewage treatment system designed in accordance with  
2004 the state's current statewide standards for on-site sewage treatment systems, and in  
2005 accordance with the city's ordinances, shall be determined to be in compliance with this  
2006 division.

2007 (I) Manufactured homes and manufactured home parks and placement of  
2008 recreational vehicles.

2009 (1) New manufactured home parks and expansions to existing  
2010 manufactured home parks shall be subject to the provisions placed on subdivisions by  
2011 division (G) of this section.

2012 (2) The placement of new or replacement manufactured homes in  
2013 existing manufactured home parks or on individual lots of record that are located in  
2014 floodplain districts will be treated as a new structure and may be placed only if elevated  
2015 in compliance with division (E) of this section. If vehicular road access for pre-existing  
2016 manufactured home parks is not provided in accordance with division (E)(4) then  
2017 replacement manufactured homes will not be allowed until the property owner(s)  
2018 develops a flood warning emergency plan acceptable to the governing body.

2019 (a) All manufactured homes must be securely anchored to an  
2020 adequately anchored foundation system that resists flotation, collapse and lateral  
2021 movement.

2022 (b) Methods of anchoring may include, but are not to be limited  
2023 to, use of over-the-top or frame ties to ground anchors. This requirement is in addition  
2024 to applicable state or local anchoring requirements for resisting wind forces.

2025 (3) Recreational vehicles that do not meet the exemption criteria  
2026 specified in division (I)(3)(a) below shall be subject to the provisions of this section and  
2027 as specifically spelled out in division (I)(3)(c)-(I)(3)(d) below.

2028 (a) Exemption. Recreational vehicles are exempt from the  
2029 provisions of this section if they are placed in any of the areas listed in division (I)(3)(b)  
2030 below and further they meet the following criteria:

2031 1. Have current licenses required for highway use.  
2032 2. Are highway ready meaning on wheels or the internal  
2033 jacking system, are attached to the site only by quick disconnect type utilities commonly  
2034 used in campgrounds and recreational vehicle parks and the recreational vehicle has no  
2035 permanent structural type additions attached to it.  
2036 3. The recreational vehicle and associated use must be  
2037 permissible in any pre-existing, underlying zoning use district.

2038 (b) Areas exempted for placement of recreational vehicles.  
2039 1. Individual lots or parcels of record.  
2040 2. Existing commercial recreational vehicle parks or  
2041 campgrounds.

2042 3. Existing condominium type associations.

2043 (c) Recreational vehicles exempted in division (I)(3)(a) lose this  
2044 exemption when development occurs on the parcel exceeding \$500 for a structural  
2045 addition to the recreational vehicle or exceeding \$500 for an accessory structure such  
2046 as a garage or storage building. The recreational vehicle and all additions and  
2047 accessory structures will then be treated as a new structure and shall be subject to the  
2048 elevation requirements and the use of land restrictions specified in divisions (C) and (E)  
2049 of this section. There shall be no development or improvement on the parcel or  
2050 attachment to the recreational vehicle that hinders the removal of the recreational  
2051 vehicle to a flood free location should flooding occur.

2052 (d) New commercial recreational vehicle parks or campgrounds  
2053 and new residential type subdivisions and condominium associations and the expansion

2054 of any existing similar use exceeding 5 units or dwelling sites shall be subject to the  
2055 following:

2056 1. Any new or replacement recreational vehicle will be  
2057 allowed in the General Floodplain District provided the recreational vehicle and its  
2058 contents are placed on fill above the regulatory flood protection elevation and proper  
2059 elevated road access to the site exists in accordance with division (E)(4) of this section.  
2060 No fill placed in the floodway to meet the requirements of this section shall increase  
2061 flood stages of the 100-year or regional flood.

2062 2. All new or replacement recreational vehicles not  
2063 meeting the criteria of division (I)(3)(a) above may, as an alternative, be allowed if in  
2064 accordance with the following provisions. The applicant must submit an emergency plan  
2065 for the safe evacuation of all vehicles and people during the 100-year flood. The plan  
2066 shall be prepared by a registered engineer or other qualified individual, shall  
2067 demonstrate that adequate time and personnel exist to carry out the evacuation, and  
2068 shall demonstrate the provisions of division (I)(3)(a)1. - 2. of this section will be met. All  
2069 attendant sewage and water facilities for new or replacement recreational vehicles must  
2070 be protected or constructed so as to not be impaired or contaminated during times of  
2071 flooding in accordance with division (H)(3) of this section.

2072 (J) Administration.

2073 (1) Zoning Administrator. A Zoning Administrator or other official  
2074 designated by the governing body shall administer and enforce this section. If the  
2075 Zoning Administrator finds a violation of the provisions of this section, the Zoning  
2076 Administrator shall notify the person responsible for such violation in accordance with  
2077 the procedures stated in division (L) of the section.

2078 (2) Permit requirements.

2079 (a) Permit required. A permit issued by the Zoning  
2080 Administrator in conformity with the provisions of this section shall be secured prior to  
2081 the erection, addition, modification, rehabilitation (including normal maintenance and  
2082 repair), or alteration of any building, structure, or portion thereof; prior to the use or  
2083 change of use of a building, structure, or land; prior to the construction of a dam, fence,  
2084 or individual sewage treatment system; prior to the change or extension of a  
2085 nonconforming use; prior to the repair of a structure that has been damaged by flood,  
2086 fire, tornado, or any other source; and prior to the placement of fill, excavation of  
2087 materials, or the storage of materials or equipment within the floodplain.

2088 (b) Application for permit. Application for a permit shall be made  
2089 in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator  
2090 and shall include the following where applicable: plans in duplicate drawn to scale,  
2091 showing the nature, location, dimensions, and elevations of the lot; existing or proposed  
2092 structures, fill, or storage of materials; and the location of the foregoing in relation to the  
2093 stream channel.

2094 (c) State and federal permits. Prior to granting a permit or  
2095 processing an application for a conditional use permit or variance, the Zoning  
2096 Administrator shall determine that the applicant has obtained all necessary state and  
2097 federal permits.

2098 (d) Certificate of zoning compliance for a new, altered, or  
2099 nonconforming use. It shall be unlawful to use, occupy, or permit the use or occupancy

2100 of any building or premises or part thereof hereafter created, erected, changed,  
2101 converted, altered, or enlarged in its use or structure until a certificate of zoning  
2102 compliance shall have been issued by the Zoning Administrator stating that the use of  
2103 the building or land conforms to the requirements of this section.

2104 (e) Construction and use to be as provided on applications,  
2105 plans, permits, variances and certificates of zoning compliance. Permits or certificates  
2106 of zoning compliance issued on the basis of approved plans and applications authorize  
2107 only the use, arrangement, and construction set forth in such approved plans and  
2108 applications, and no other use, arrangement, or construction. Any use, arrangement, or  
2109 construction at variance with that authorized shall be deemed a violation of this section,  
2110 and punishable as provided by division (L) of this section.

2111 (f) Certification. The applicant shall be required to submit  
2112 certification by a registered professional engineer, registered architect, or registered  
2113 land surveyor that the finished fill and building elevations were accomplished in  
2114 compliance with the provisions of this section. Flood proofing measures shall be  
2115 certified by a registered professional engineer or registered architect.

2116 (g) Record of first floor elevation. The City Clerk shall maintain  
2117 a record of the elevation of the lowest floor (including basement) of all new structures  
2118 and alterations or additions to existing structures in the floodplain. The City Clerk shall  
2119 also maintain a record of the elevation to which structures or alterations and additions to  
2120 structures are flood proofed.

2121 (h) Notifications for watercourse alterations. The City Clerk  
2122 shall notify, in riverine situations, adjacent communities and the Commissioner of the  
2123 Department of Natural Resources prior to the community authorizing any alteration or  
2124 relocation of a watercourse. If the applicant has applied for a permit to work in the beds  
2125 of public waters pursuant to M.S. Ch. 103G, this shall suffice as adequate notice to the  
2126 Commissioner of Natural Resources. A copy of the notification shall also be submitted  
2127 to the Chicago Regional Office of the Federal Emergency Management Agency  
2128 (FEMA).

2129 (i) Notification to FEMA when physical changes increase or  
2130 decrease the 100-year flood elevation. As soon as is practicable, but not later than 6  
2131 months after the date such supporting information becomes available, the City Clerk  
2132 shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of  
2133 said technical or scientific data.

2134 (3) City Council.

2135 (a) Rules. The City Council shall adopt rules for the conduct of  
2136 business and may exercise all of the powers conferred on such Boards of Adjustment  
2137 by state law.

2138 (b) Administrative review. The City Council shall hear and  
2139 decide appeals where it is alleged there is error in any order, requirement, decision, or  
2140 determination made by an administrative official in the enforcement or administration of  
2141 this section.

2142 (c) Variances. The City Council may authorize upon appeal in  
2143 specific cases such relief or variance from the terms of this section as will not be  
2144 contrary to the public interest and only for those circumstances such as hardship,  
2145 practical difficulties or circumstances unique to the property under consideration, as

2146 provided for in the respective enabling legislation for planning and zoning for cities or  
2147 counties as appropriate. In the granting of such variance, the City Council shall clearly  
2148 identify in writing the specific conditions that existed consistent with the criteria specified  
2149 in this section, any other zoning regulations in the community, and in the respective  
2150 enabling legislation that justified the granting of the variance. No variance shall have  
2151 the effect of allowing in any district uses prohibited in that district, permit a lower degree  
2152 of flood protection than the regulatory flood protection elevation for the particular area,  
2153 or permit standards lower than those required by state law. The following additional  
2154 variance criteria of the Federal Emergency Management Agency must be satisfied:

2155 1. Variances shall not be issued by a community within  
2156 any designated regulatory floodway if any increase in flood levels during the base flood  
2157 discharge would result.

2158 2. Variances shall only be issued by a community upon  
2159 (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the  
2160 variance would result in exceptional hardship to the applicant, and (iii) a determination  
2161 that the granting of a variance will not result in increased flood heights, additional  
2162 threats to public safety, extraordinary public expense, create nuisances, cause fraud on  
2163 or victimization of the public, or conflict with existing local laws or ordinances.

2164 3. Variances shall only be issued upon a determination  
2165 that the variance is the minimum necessary, considering the flood hazard, to afford  
2166 relief.

2167 (d) Hearings. Upon filing with the City Council of an appeal from  
2168 a decision of the Zoning Administrator, or an application for a variance, the City Council  
2169 shall fix a reasonable time for a hearing and give due notice to the parties in interest as  
2170 specified by law. The City Council shall submit by mail to the Commissioner of Natural  
2171 Resources a copy of the application for proposed variances sufficiently in advance so  
2172 that the Commissioner will receive at least 10 days notice of the hearing.

2173 (e) Decisions. The City Council shall arrive at a decision on  
2174 such appeal or variance within 30 days. In passing upon an appeal, the City Council  
2175 may, so long as such action is in conformity with the provisions of this section, reverse  
2176 or affirm, wholly or in part, or modify the order, requirement, decision or determination of  
2177 the Zoning Administrator or other public official. It shall make its decision in writing  
2178 setting forth the findings of fact and the reasons for its decisions. In granting a variance  
2179 the City Council may prescribe appropriate conditions and safeguards which are in  
2180 conformity with the purposes of this section. Violations of such conditions and  
2181 safeguards, when made a part of the terms under which the variance is granted, shall  
2182 be deemed a violation of this section punishable under division (L). A copy of all  
2183 decisions granting variances shall be forwarded by mail to the Commissioner of Natural  
2184 Resources within 10 days of such action.

2185 (f) Appeals. Appeals from any decision of the City Council may  
2186 be made, and as specified in this community's official controls and also by Minnesota  
2187 Statutes.

2188 (g) Flood insurance notice and record keeping. The Zoning  
2189 Administrator shall notify the applicant for a variance that: 1) the issuance of a variance  
2190 to construct a structure below the base flood level will result in increased premium rates  
2191 for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2)



2192 the construction below the 100-year or regional flood level increases risks to life and  
2193 property. The notification shall be maintained with a record of all variance actions. A  
2194 community shall maintain a record of all variance actions, including justification for their  
2195 issuance, and report such variances issued in its annual or biennial report submitted to  
2196 the Administrator of the National Flood Insurance Program.

2197 (K) Nonconforming uses. A structure or the use of a structure or premises  
2198 which was lawful before the passage or amendment of this section but which is not in  
2199 conformity with the provisions of this section may be continued subject to the following  
2200 conditions. Historic structures, as defined in division (B)(7) of this section, shall be  
2201 subject to the provisions of divisions (K)(1) - (5) of this section.

2202 (1) No such use shall be expanded, changed, enlarged, or altered in a  
2203 way that increases its nonconformity.

2204 (2) Any structural alteration to a nonconforming structure or  
2205 nonconforming use in the floodway or flood fringe which would result in increasing the  
2206 flood damage potential of that structure or use shall be protected to the Regulatory  
2207 Flood Protection Elevation in accordance with any of the flood proofing techniques (i.e.,  
2208 FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code,  
2209 except as further restricted in divisions (K)(3) - (6) below. A structural addition to a  
2210 nonconforming structure must be located outside of the floodway and must be elevated  
2211 on fill to the regulatory flood protection elevation in accordance with division (E)(1) of  
2212 this section.

2213 (3) The cost of all structural alterations or additions to any  
2214 nonconforming structure over the life of the structure shall not exceed 50% of the  
2215 market value of the structure unless the conditions of this section are satisfied. The  
2216 cost of all structural alterations and additions must include all costs such as construction  
2217 materials and a reasonable cost placed on all manpower or labor. If the cost of all  
2218 previous and proposed alterations and additions exceeds 50% of the market value of  
2219 the structure, then the structure must be located outside of the floodway and must meet  
2220 the standards of division (E) of this section for new structures.

2221 (4) If any nonconforming use is discontinued for 12 consecutive  
2222 months, any future use of the building premises shall conform to this section. The  
2223 Assessor shall notify the Zoning Administrator in writing of instances of nonconforming  
2224 uses that have been discontinued for a period of 12 months.

2225 (5) If any nonconforming use or structure is substantially damaged, as  
2226 defined in division (B)(7) of this section, it shall not be reconstructed except in  
2227 conformity with the provisions of this section. The applicable provisions for establishing  
2228 new uses or new structures in divisions (C) and (E) of the section will apply depending  
2229 upon whether the use or structure is in the floodway or flood fringe portion of the  
2230 General Floodplain District. A substantially damaged nonconforming structure shall not  
2231 be repaired/reconstructed if the nonconforming structure is located in the floodway.

2232 (6) If a substantial improvement occurs, as defined in division (B)(7) of  
2233 this section, from any combination of a structural addition to the outside dimensions of  
2234 the existing structure or a rehabilitation, reconstruction, alteration, or other improvement  
2235 to the inside dimensions of an existing nonconforming structure, then the structural  
2236 addition and the existing nonconforming structure must meet the requirements of  
2237 division (E) of this section for new structures, depending upon whether the structure is

2238 in the floodway or flood fringe portion of the General Floodplain District. A  
2239 nonconforming structure shall not be substantially improved if said structure is located in  
2240 the floodway.

2241 (L) Penalties for violation.

2242 (1) Violation of the provisions of this section or failure to comply with  
2243 any of its requirements (including violations of conditions and safeguards established in  
2244 connection with grants of variances or conditional uses) shall constitute a misdemeanor  
2245 and shall be punishable as defined by law.

2246 (2) Nothing herein contained shall prevent the city from taking such  
2247 other lawful action as is necessary to prevent or remedy any violation. Such actions  
2248 may include but are not limited to:

2249 (a) In responding to a suspected ordinance violation, the Zoning  
2250 Administrator and local government may utilize the full array of enforcement actions  
2251 available to it including but not limited to prosecution and fines, injunctions, after-the-fact  
2252 permits, orders for corrective measures or a request to the National Flood Insurance  
2253 Program for denial of flood insurance availability to the guilty party. The community  
2254 must act in good faith to enforce these official controls and to correct ordinance  
2255 violations to the extent possible so as not to jeopardize its eligibility in the National  
2256 Flood Insurance Program.

2257 (b) When an ordinance violation is either discovered by or  
2258 brought to the attention of the Zoning Administrator, the Zoning Administrator shall  
2259 immediately investigate the situation and document the nature and extent of the  
2260 violation of the official control. As soon as is reasonably possible, this information will  
2261 be submitted to the appropriate Department of Natural Resources' and Federal  
2262 Emergency Management Agency Regional Office along with the Community's plan of  
2263 action to correct the violation to the degree possible.

2264 (c) The Zoning Administrator shall notify the suspected party of  
2265 the requirements of this section and all other official controls and the nature and extent  
2266 of the suspected violation of these controls. If the structure and/or use is under  
2267 construction or development, the Zoning Administrator may order the construction or  
2268 development immediately halted until a proper permit or approval is granted by the  
2269 community. If the construction or development is already completed, then the Zoning  
2270 Administrator may either: (1) issue an order identifying the corrective actions that must  
2271 be made within a specified time period to bring the use or structure into compliance with  
2272 the official controls; or (2) notify the responsible party to apply for an after-the-fact  
2273 permit/development approval within a specified period of time not to exceed 30 days.

2274 (d) If the responsible party does not appropriately respond to the  
2275 Zoning Administrator within the specified period of time, each additional day that lapses  
2276 shall constitute an additional violation of this section and shall be prosecuted  
2277 accordingly. The Zoning Administrator shall also upon the lapse of the specified  
2278 response period notify the landowner to restore the land to the condition which existed  
2279 prior to the violation of this section.

2280 (M) Amendments.

2281 (1) The floodplain designation on the Official Zoning Map shall not be  
2282 removed from floodplain areas unless it can be shown that the designation is in error or  
2283 that the area has been filled to or above the elevation of the regulatory flood protection

2284 elevation and is contiguous to lands outside the floodplain. Special exceptions to this  
2285 rule may be permitted by the Commissioner of Natural Resources if he determines that,  
2286 through other measures, lands are adequately protected for the intended use.

2287 (2) All amendments to this section, including amendments to the  
2288 Official Zoning Map, must be submitted to and approved by the Commissioner of  
2289 Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the  
2290 Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria  
2291 and must receive prior FEMA approval before adoption. The Commissioner of Natural  
2292 Resources must be given 10 days written notice of all hearings to consider an  
2293 amendment to this section and the notice shall include a draft of the ordinance  
2294 amendment or technical study under consideration.  
2295 (Ord. 2012-3-2, passed 3-13-2012)