

ARTICLE VI. - ZONING ^[28]

⁽²⁸⁾ **Editor's note**— Ord. No. 07-03-06, §§ 1, 2, adopted March 27, 2007, repealed former Art. VI and enacted new zoning provisions as herein set out. As these new provisions are similar to the former ones, the editor has preserved the legislative history of the sections of this article in their following parenthetical notes as much as possible.

DIVISION 1. - GENERALLY
DIVISION 2. - ADMINISTRATION AND ENFORCEMENT
DIVISION 3. - DISTRICTS ESTABLISHED; ZONING MAP
DIVISION 4. - DISTRICT REGULATIONS
DIVISION 5. - CONDITIONAL USES
DIVISION 6. - SUPPLEMENTAL REGULATIONS
DIVISION 7. - SITE DEVELOPMENT DESIGN STANDARDS
DIVISION 8. - OFF-STREET PARKING
DIVISION 9. - OFF-STREET LOADING
DIVISION 10. - SIGNS
DIVISION 11. - OVERLAY RESTRICTIONS AND ZONES
DIVISION 12. - FLOODPLAIN RESTRICTIONS
DIVISION 13. - SHORELAND MANAGEMENT
DIVISION 14. - LARGE SCALE COMMERCIAL DEVELOPMENT STANDARDS
DIVISION 15. - TELECOMMUNICATIONS TOWERS AND FACILITIES

⁽²⁸⁾ **Cross reference**— Streets, sidewalks and other public places, ch. 58; vegetation, ch. 74. (Back)

⁽²⁸⁾ **State Law reference**— Zoning generally, Minn. Stat. § 462.357. (Back)

DIVISION 1. - GENERALLY

[Sec. 30-421. - Definitions.](#)
[Sec. 30-422. - Application, interpretation and compliance.](#)
[Sec. 30-423. - Intent and purpose.](#)
[Secs. 30-424—30-450. - Reserved.](#)

Sec. 30-421. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a subordinate building or structure on the same lot with a principal or main building, or the part of the main building occupied or devoted exclusively to an accessory use. In a shoreland zone, an accessory structure or facility means any building or improvement subordinate to a

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principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.

Accessory use means a use on the same lot with the principal use of building that is customarily incidental and subordinate to the principal use or building.

Agriculture means the use of the land for agricultural purpose, including farming, dairying, pasturage, horticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storage of produce; provided, however, the operation of any such accessory uses shall be secondary to that of normal agriculture and provided further that these uses shall not include the commercial feeding of garbage or offal to swine or other animals.

Airport or heliport means any land or structure which is used or intended for use, for the landing and take-off of aircraft, and appurtenant land or port building or other port structures or rights-of-way.

Airspace zones A, B, and C. Refer to article III of this chapter.

Alley means a public right-of-way which affords a secondary means of access to abutting property.

Alterations means any modification, additions, or change in construction or type of occupancy; any enlargement of a building, either horizontally or vertically; or the moving of a structure from one location to another.

Animals, domestic, means fish, dogs, cats, birds and similar household pets.

Animals, farm, means cattle, hogs, horses, sheep, goats, rabbits, chickens and other farm animals.

Animals, wild and exotic, means animals other than domestic and farm animals that are customarily found in the wild and including snakes, wolves, and tigers and other such animals.

Antenna support structure means a building, athletic field lighting, water tower, or other structure, other than a tower, which can be used for location of telecommunications facilities.

Apartment means a room or suite of rooms, including bath and kitchen facilities, in a multiple-family building designed for occupancy by a single family.

Apartment, accessory, means an apartment that is secondary and incidental to a principal use or building.

Applicant means a person who applies for a permit to develop, construct, build, modify or erect a building, structure or use.

Application means the process by which the owner of a plot of land within the city submits a request to develop, construct, build, modify or erect a building, structure or use upon that land.

Attorney means the city attorney or his designated representative.

Basement means a portion of a building located partly underground, but having less than half its floor-to-ceiling height below the average grade of the adjoining ground.

Bed and breakfast means a facility where for compensation and by prearrangement for definite periods of time not to exceed one week, morning meals and lodging are provided for not more than eight guestrooms.

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Bluff means a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):

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

Bluff impact zone means a bluff and land located within 20 feet from the top of a bluff.

Board of adjustments and appeals, zoning board, board of adjustment, board of zoning appeals, board or board of appeals means the planning commission.

Boardinghouse means a building other than a motel or hotel, where, for compensation and by prearrangement for definite periods, meals and lodging are provided for not less than three or more than eight persons.

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

Building means any structure having a roof which may provide shelter or enclosure of persons, animals or chattel, and when the structure is divided by party walls without openings, each portion of such building so separated shall be deemed a separate building. The term "building" includes the term "structure."

Building height means the distance between the average ground level at the building line and the highest point of the roof or flat roof, to the deckline of a mansard or to the highest gable on a pitched or hipped roof. In a shoreland district, the height of building means the vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

Building line means that line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions. Building line also means a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Building, principal, means a building in which is conducted the main or primary use of the lot on which it is located.

Carport means an open-sided roofed automobile shelter, usually formed by extension of the roof from the side of a building.

Carwash means a principal building which is equipped with a conveyor system or other mechanical equipment and facilities for washing motor vehicles.

Carwash, accessory, means an accessory building or part of a principal building equipped with mechanical equipment for washing autos (not a conveyor system) which is accessory to an automobile service or gasoline station and comprises only one normal service bay of the gas station.

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Cellar means that portion of the building having more than half of the floor-to-ceiling height below the average grade of the adjoining ground.

Church means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

City engineer means the professional engineer employed by the city or person otherwise authorized by the city.

Clinic means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, mental health specialists or similar professionals.

Club, lodge, membership organization means a nonprofit organization or association which meets on a regular basis regarding the interests of its members and their guests.

Cluster housing means the grouping of housing units which results in higher density clusters while maintaining approximately the same overall allowable site density. Cluster housing shall include townhouses, zero lot line houses, row houses and similar housing types.

Commercial planned unit developments are typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, resorts, recreational vehicle and camping parks, and other primarily service-oriented outdoor activities are commercial planned unit developments.

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

Commission means the planning commission of the city.

Commissioner means the commissioner of the department of natural resources.

Comprehensive plan means a compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development of the city and including a land use plan, a community facilities plan, and a transportation plan which has been prepared and adopted by the city.

Conditional use means a use which is permitted in a district only upon issuance of a conditional use permit (CUP). It means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in this article exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

Congregate housing means group housing for three or more individuals not related by blood, marriage or adoption on a weekly or longer basis. Typical uses include retirement homes and boardinghouses.

Council shall refer to the city council of the city.

Curb level means the level of the established curb front of a building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the curb level for purposes of this article.

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Day care center means a use defined by Minn. Stat. ch. 462, which is operated for profit for the daytime only care of children and adults.

Deck means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site.

Density means the number of dwelling units residing upon, or to be developed upon, an acre of land.

District means an area of land for which there are uniform regulations governing the use of buildings and premises.

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

Dwelling means any building or portion thereof, which is designed or used exclusively for residential purposes but not including rooms in motels, hotels, nursing homes, boardinghouses, nor trailers, tents, cabins or trailer coaches.

Dwelling, attached, means a dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, detached, means a single-family dwelling.

Dwelling, multiple-family means a residential building, or portion thereof, containing three or more dwelling units.

Dwelling, single-family, means a detached building designed for or occupied exclusively by one family.

Dwelling, twin home means a residential building containing two dwelling units divided by a common property line and may have different owners.

Dwelling, two-family means a residential building containing two dwelling units.

Dwelling, unit, means a building, or portion thereof, which includes complete kitchen and toilet facilities and is designed exclusively for one family.

Emergency housing facility means a building or portion thereof where persons who do not have housing live until more permanent arrangements can be made.

Essential services means the erection, construction, alteration or maintenance by private or public utilities, or municipal departments of underground or overhead telephone, gas, electrical, steam, hot water, waste, or water transmission, distribution, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith for the furnishing of adequate service by such private or public utilities or municipal departments. Essential services shall not include waste facilities (transfer facilities, landfills, or other sanitary solid waste).

Essential service structure means structures and buildings necessary for the operation of essential services, including building not limited to: telephone buildings, telephone booths, gas regulator stations, substations, electrical stations, water tanks, lift stations or pump houses. Essential service structures shall not include transmission/reception antennas.

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Extractive use means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minn. Stat. §§ 93.44—93.51.

Family means an individual, or two or more persons related by blood, marriage or adoption, or group of not more than four persons not so related, living together as a single housekeeping unit using common cooking and kitchen facilities.

Floodway means an area subject to periodic flooding as delineated by a flood boundary on the zoning map.

Floor area means the sum of the gross horizontal areas of the floors of a building or dwelling unit, measured from the exterior walls, or from the centerline of party walls separating buildings, excluding cellars but including basements.

Forest land conversion means the clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Garage, private means an accessory building or an accessory portion of a principal building designed or used solely for the storage of noncommercial motor vehicles, boats, and similar vehicles which are owned and used by the occupants of the building to which it is accessory.

Garage/yard sale means the temporary display and sale of goods within the garage and/or driveway of a residence.

Gasoline station means a structure plus an area of land that is used or designed for the supply of motor vehicle fuels. For the purpose of this article, this term shall also mean an area or structure used for greasing, changing the oil, washing or repairing automobiles when such uses are accessory to the principal gasoline station use.

Ghost plat means a plan that shows the eventual build out of a parcel at urban densities by establishing future lot lines; building envelopes; layout of future streets; easements; and information on how public utilities may be extended to accommodate future, urban development.

Gross floor area (GFA) means, for the purpose of computing required parking, the floor area for the building excluding accessory garages, underground parking, areas not enclosed by exterior walls, mechanical rooms, patios, decks, restrooms, elevator shafts, or stairwells.

Group, foster home, means a residential use defined by Minn. Stat. ch. 462, which provides housing for the mentally retarded, physically handicapped and those in need of rehabilitation, excepting mental rehabilitation.

Group usable open space means open space associated with a multiple-family development that is not part of a required yard, is relatively free of buildings and is available for recreational usage by the residents.

Guest cottage means a structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Guestroom means a room or group of rooms occupied, arranged or designed for occupancy by one or more guests for compensation.

Hardship means the same as that term is defined in Minn. Stat. ch. 462.

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Hazardous material means any substance that because of its quantity, concentration, or physical/chemical characteristic poses a significant present or potential hazard to human health or the environment when improperly used, handled, treated, processed, stored, transported, disposed of, or otherwise managed.

Home occupation means a gainful occupation conducted in a residential building which is clearly secondary and incidental to the principle residential use of such building and generates no appreciable increase in traffic at any time over that customarily associated with a residential use.

Hotel means a building containing eight or more guestrooms in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guestroom, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.

Impervious surface refers to improvements on or to the land which prevent precipitation from percolating into the soil. Impervious surface includes buildings, concrete or asphaltic pavement, compacted class 5 (gravel), or other similar hard surfaces. It does not include naturally occurring surface bedrock. Porous decks or paving systems over unpaved or uncompacted surfaces are not considered impervious.

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

Intensive vegetation clearing means removal of trees, brush or shrubs in a way that would greatly reduce the natural screening and decrease the aesthetic and ecological values of the property.

Junkyard means an area where used, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including, but not limited to, scrap iron, and other metals, paper, rags, rubber products, bottles and lumber. Storage of such material in conjunction with a permitted manufacturing process when within an enclosed area or building shall not be included.

Juvenile detention center means a secure facility to detain juveniles being held for court.

Kenel means any lot or premises used for the sale, boarding or breeding of dogs, cats or other household pets. Kenel shall mean three or more animals over six months of age.

Land reclamation means the rehabilitation of land through the establishment on a continuing basis of vegetative cover, soil stability, water conditions, safety conditions and other measures appropriate to the subsequent beneficial use of mined and reclaimed lands. This may include the conversion of the property to other uses.

Land/sea container means a fully enclosed metal or other prefabricated material structure, container, holder or receptacle, sometimes called a cargo container, which is independent of any trailer or axels, greater than five feet in length, has an opening for access which may or may not have a door attached, and which is used for purposes of, but not limited to storage, transportation of freight or holding for sale or lease. It does not include tractor-trailers.

Licensed residential facility means a program that provides 24-hour-a-day care, supervision, food, lodging, rehabilitation, training, education, habilitation, or treatment outside of a person's own home which is registered under Minn. Stat. ch. 144D.

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Limited clearing means the removal of trees, brush or shrubs in a noncontiguous pattern to allow visibility and other permitted uses. Limited clearing shall not greatly reduce the natural screening assuming summer leaf on conditions. For the purpose of this definition, trees are woody plants that attain a height of 20 feet or more, with a single woody stem and a definite crown. Brush/shrubs are smaller than trees, usually with multiple woody stems, and seldom exceeds 12 feet in height.

Lot means land occupied or to be occupied by a building, land use or group of buildings together with such open spaces or yards as are required by this article and having its principal frontage on a public street. The term "lot" includes the terms "plot" or "parcel."

Lot area means the area of a lot in square feet as bounded by the lot lines.

Lot area per dwelling unit means the number of square feet of lot area required for each dwelling unit.

Lot, corner, means a lot which has at least two contiguous sides abutting upon a street for their full length.

Lot coverage, building, means the percent of the lot covered with principle and accessory buildings.

Lot interior means a lot other than a corner lot.

Lot line means the lines bounding a lot as described in this article.

Lot of record means a lot which is part of a subdivision or plat, an auditor's subdivision or a registered land survey; or a parcel of land not so platted, for which a deed has been recorded in the county recorder's office prior to September 10, 1975.

Lot, through, means a lot where opposite lot lines abut two parallel streets and which is not a corner lot.

Lot width means the width measured along the front lot line of street line, or the shortest distance between lot lines measured at the midpoint of the building line.

Manufactured home means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files the certification required and complies with the standards established under Minnesota Statutes, ch. 327.

Manufactured home park means any premises on which are parked two or more occupied manufactured homes.

Medical equipment and supplies means establishments primarily engaged in the sale, leasing or rental of durable medical equipment and supplies operating out of a permanent structure. It does not include establishments primarily engaged in the sale of pharmaceuticals, medicines, optical goods, beauty supplies, and food supplement products.

Membrane structure means a structure with a canvas or other membrane material canopy suspended from a pole structure that has at least one end that can be opened.

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Mining means the extraction of sand, gravel or other such material from the land in the amount of 400 or more cubic yards.

Mobile home is synonymous with manufactured home whenever it appears.

Mobile home park is synonymous with manufactured home park whenever it appears.

Modular housing means a factory-built home, other than a manufactured home, composed of components substantially assembled in a manufacturing plant which are designed only for final erection or installation on a site-built, permanent foundation and is not designed to be moved once so erected or installed. Modular housing shall be regulated like dwellings which are constructed on site.

Motel means a building or group of attached or detached buildings under common ownership containing eight or more guests or sleeping rooms which is used or intended to be used primarily for the accommodation of transient automobile travelers. This term shall include buildings designated as auto courts, tourist courts, motor courts, motor hotels and similar names.

Motor freight terminal means a building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate or interstate shipment.

Multiple-family dwelling. See "dwelling, multiple-family."

Nonconforming use means a building or use of land existing at the time of adoption of the ordinance from which this article is derived which does not conform to the regulations of the district or zone in which it is situated.

Nursery school means a school for children of preschool age.

Off-road motorized sport vehicle trails means a trail developed or designated for the purposes for motorized sport vehicles such as all-terrain vehicles and dirt bikes.

Offices, business, means a building in which business of a non-retail low-traffic generating nature and clerical services and duties are carried out, including corporate offices, banks, credit unions, insurance and real estate offices and similar uses.

Offices, professional, means a building in which professional and management duties and services are carried out, including medical and dental clinics and offices; psychiatrists and psychologists offices; architectural, engineering, planning and legal offices; and similar uses.

Open space means any unoccupied spaces open to the sky on the same lot with a building.

Ordinary high water level means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Outdoor display means the storage or exhibition outside a commercial building of a representative sample of merchandise, goods or inventory intended for sale, rent or lease in the normal course of the principal occupant's business.

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Outdoor storage means the practice and keeping of materials, supplies, or equipment on a lot but not within the confines of a structure.

Performance standard means a criterion established to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

Person means any natural person, firm, partnership, association, corporation, company or other legal entity, private or public, whether for profit or not for profit.

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

Principal use of structure means the main use to which the premises are devoted and the principal purpose for which the premises exist.

Public hearing means an official public meeting for which notice has been published in the official newspaper.

Public waters means any waters as defined in Minn. Stat. § 103G.005, subd. 15.

Publication means a notice placed in the official newspaper.

Recreational facility, commercial-outdoors means an area or structure that offers commercial entertainment or recreation where any portion of the activity takes place outside. This includes but is not limited to batting cages, miniature golf, paint ball, go-cart track, or similar activities. This use may include associated accessory eating and drinking areas, retail sales areas and staff offices. This definition does not include trails for off-road motorized vehicle sports such dirt bike and all-terrain vehicles.

Residential planned unit development means a use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

Retail, convenience, means a retail establishment offering for sale a limited line of groceries and household items, except for gasoline, intended for the convenience of the neighborhood.

Retail, general sales and services, refers to a broad range of commercial activities operating out of a permanent structure catering to the general public. It does not include other land uses referred to in Table 1 (Uses Permitted) in section 30-512.

Right-of-way means a street, alley or easement permanently established for the passage of persons and vehicles including the traveled surface and adjacent lands that are formally dedicated to such usage.

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Senior citizen housing means housing that is exclusively for occupancy by a family of elderly persons over 65 years of age.

Senior housing with services means an establishment, licensed by the State of Minnesota, whose purpose is to provide living accommodations along with health related services primarily for the elderly, as further defined by Minnesota Statute §§ 144D.01, subpart 4.

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

Setback means the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, or property line.

Sewage treatment system means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in this article.

Sewer system means pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shooting range means an area or facility designated or operated primarily for the use of firearms or archery.

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

Shoreland means land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

Significant historic site means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the national register of historic places or is listed in the state register of historic sites, or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stat. § 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the state archaeologist or the director of the state historical society. All unplatted cemeteries are automatically considered to be significant historic sites.

Solar collector means a device, structure or part thereof that transfers direct solar energy into thermal, chemical or electrical energy and that contributes significantly to a structure's energy supply.

Solar energy means radiant energy, direct, diffuse and reflected, received from the sun.

Solar skyspace means the space between a solar collector and the sun that shall be free of obstructions so the collector is not shaded to an extent that precludes its cost-effective operation.

Stealth means designed to blend into the surround environment; examples of stealth facilities include, without limitation, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and telecommunications towers designed to appear other than as a tower, such

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as light poles, power poles, and trees.

Steep slope means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this article. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Street means a public thoroughfare which affords the principal means of access to abutting property.

Street line means the legal line of demarcation between a street and abutting land.

Structure means anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.

Subdivision means land that is divided for the purpose of sale, rent, or lease, including planned unit developments, as defined in article V of this chapter.

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

Telecommunications facilities means cables, wires, lines, wave guides, antennas or any other equipment or facilities associated with the transmission or reception of telecommunications located or installed on or near a tower or antenna support structure. The term does not include:

- (1) A satellite earth station antenna two meters in diameter or less located in an industrial or commercial district; or
- (2) A satellite earth station antenna one meter or less in diameter, wherever located; or
- (3) A tower.

Telecommunications tower or tower means a self-supporting lattice, guyed, or monopole structure constructed from grade that supports telecommunications facilities; the term does not include amateur radio operations equipment licensed by the Federal Communications Commission.

Toe of the bluff means the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a 50-foot segment with an average slope exceeding 18 percent.

Top of the bluff means the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of a 50-foot segment with an average slope exceeding 18 percent.

Tourist home means a building providing lodging for not less than three, or more than eight tourists where accommodations have no cooking facilities.

Truck means any vehicle or combination of vehicles or trailers whose total weight loaded or unloaded

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exceeds 10,000 pounds, or is registered with a GVW of 12,000 pounds or more, except recreational vehicles shall not be considered trucks for the purpose of this article.

Use means the purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied or maintained and shall include any manner of performance of such activity with respect to the performance standards of this article.

Use, conditional, means a permitted use which is potentially detrimental to a neighborhood or area which requires special treatment and the issuance of a CUP.

Use, permitted by PUD, means a use which is permitted only if the PUD procedure is used and a plan is formally approved by the city.

Use, permitted with special restrictions, means a use which is permitted in the district under which it is listed in division 7 of this article subject to all of the conditions listed.

Used or occupied includes the terms "intended," "designed" or "arranged" to be used or occupied.

Variance means the same as that term is defined or described in Minn. Stat. ch. 462.

Water-oriented accessory structure or facility means a small, aboveground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Wetland means a surface water feature classified as a wetland by the Wetland Conservation Act of 1991.

Yard or setback means a required open space on a lot which is unoccupied and unobstructed from the ground upward, except as otherwise provided for in this article. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.

Yard, front, means a yard existing along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to a depth required in the front yard regulations for the district in which such lot is located. On a corner lot the narrowest street dimension shall be the front yard.

Yard, interior side means a side yard which is not adjacent to a street.

Yard, rear, means a yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

Yard, side, means a yard extending along a side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.

Yard, street side, means a side yard which is adjacent to a street.

Zero lot line housing means single-family detached dwellings located on individual lots which are designed to have little or no setback from lot lines.

Zoning administrator means the person, or designee, charged with the administration and enforcement of this article.

Zoning district. See "district."

(Code 1978, § 23.3(A), (D); Ord. No. 06-03-01, 3-13-2006; Ord. No. 06-03-02, 3-27-2006; Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007; Ord. No. 10-01-01, 1-25-2010)

Sec. 30-422. - Application, interpretation and compliance.

(a) *Interpretation.* In their interpretation and application, the provisions of this article shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

(b) *Conflicting regulations.* Whenever any provision of this article is found to be in conflict with the provisions of any other city ordinance, the ordinance containing the more restrictive requirements shall govern. It is not intended by this article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.

(c) *Compliance.*

(1) No structure, or part thereof, shall be erected, converted, enlarged, reconstructed, altered or moved and no structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this article.

(2) No site or lot or part thereof, shall be converted, enlarged, reconstructed, altered or used for any purpose or in any manner which is not in conformity with the provisions of this article.

(Code 1978, § 23.3(B)(1); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-423. - Intent and purpose.

This article is adopted for the purpose of:

(1) Protecting the public health, safety, morals, comfort, convenience and general welfare.

(2) Dividing the city into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and use of structures and land.

(3) Promoting orderly development of the residential, business, industrial, recreational and public areas.

(4) Providing adequate light, air, access to direct sunlight, and convenience of access to property.

(5) Limiting congestion in the public rights-of-way.

(6) Preventing overcrowding of land and undue concentration of structures by regulating the use of land and buildings and the bulk of buildings in relation to the land and buildings surrounding them.

(7) Providing for the compatibility of different land uses and the most appropriate use of land

throughout the city.

(8) Providing for the administration of this article and amendments thereto.

(9) Defining the powers and duties of the administrative officers and bodies, as provided in this article.

(10) Prescribing penalties for the violations of the provisions of this article or any amendment thereto.

(11) Regulating land use in accordance with the city comprehensive plan.

(Code 1978, § 23.2; Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Secs. 30-424—30-450. - Reserved.

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT ^[29]

⁽²⁹⁾ **Cross reference**— Administration, ch. 2.

[Sec. 30-451. - Zoning administrator.](#)

[Sec. 30-452. - Reserved.](#)

[Sec. 30-453. - Variance procedures.](#)

[Sec. 30-454. - Amendments/rezoning procedures.](#)

[Sec. 30-455. - Permits and certificate of zoning compliance.](#)

[Sec. 30-456. - Site plan requirements.](#)

[Sec. 30-457. - Fees.](#)

[Sec. 30-458. - Nonconforming uses.](#)

[Secs. 30-459—30-480. - Reserved.](#)

Sec. 30-451. - Zoning administrator.

(a) The provisions of this article shall be administered and enforced by the zoning administrator who shall be appointed by the city administrator and city council or the zoning administrator's designated representative.

(b) The zoning administrator shall have the following duties and responsibilities:

(1) Determine that all building permits comply with the terms of this article.

(2) Conduct inspections of buildings and use of land to determine compliance with the terms of this article.

(3) Maintain permanent and current records of this article, including, but not limited to, all maps, amendments, and conditional uses, variances, appeals and applications therefore.

(4) Receive, file and forward all applications for appeals, variances, conditional uses and other

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matters to the designated official bodies.

(5) Initiate in the name of the city any appropriate actions or proceedings against a violator as provided by law.

(6) When an interpretation question arises about literal provisions of this article, or whether a specific land use fits within a given "use" category, the interpretation shall be made by the board of adjustment. When a question arises as to whether a land use district's boundaries are properly delineated on the official zoning map, this decision shall be made by the city council.

(c) The zoning administrator and/or chief of police shall inspect each alleged violation and order correction of all conditions found to be in violation of this article.

(Code 1978, § 23.4(A)—(C); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Cross reference— Officers and employees, § 2-61 et seq.

Sec. 30-452. - Reserved.

Sec. 30-453. - Variance procedures.

(a) *Applications for variances.* The owner of land may file a signed application with the zoning administrator on forms provided by the city. The application shall be accompanied by plans drawn to scale and illustrations which accurately reflect existing conditions and the improvements to be made if the variance is granted.

(b) *Appeals.* A person may appeal a decision made by the zoning administrator or other administrative offices by filing a written appeal within 30 days of the decision of such officer.

(c) *Hearing and mailed notices.* The zoning administrator shall cause to be published, a notice of public hearing before the board of zoning appeals in the official newspaper not less than ten days prior to the hearing date. Notices shall also be mailed to all owners of property within 200 feet of the parcel included in the request not less than ten days prior to the hearing.

(d) *Board decisions.* Within 60 days after receipt of the application, the planning commission shall conduct a public hearing and decide on the variance or appeal. If the planning commission grants the variance, the planning commission may impose such conditions as it deems necessary to ensure compliance with the intent of this article.

(e) *Findings for variances.*

(1) The board shall not grant a petition for a variance unless it determines that the strict enforcement of this article would cause undue hardship because of circumstances unique to the individual property under consideration and that the granting of such variance will be in keeping with the spirit and intent of this article. Undue hardship, as used in connection with the granting of a variance, means the property in question cannot be put to reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to their property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of this article. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. Under no circumstances shall a variance be granted where prohibited by state law.

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(2) Flexibility for commercial site redevelopment: legal class II non-conforming uses in the business and industrial zones may be eligible for variance(s) from parking lot setbacks; bufferyard requirements; number, location and width of street accesses; location of dumpsters; curb and gutter requirements; and the location of signs. In order to qualify for flexibility under section 30-453(e)(2), the Board must make findings based on the following general guidelines and considerations:

- a. Parking Lot Setbacks: For a variance from parking lot setbacks, it must be demonstrated that:
 1. Setbacks can not be met and still provide a parking lot that meets required dimensions; or
 2. Providing setbacks and landscaping would reduce available parking;
 3. The resulting width of landscape areas (including setback and right-of-way) is not adequate to support vegetation.
- b. Curb cuts: In order to maintain a number of curb cuts greater than allowed by section 30-596(b), it must be demonstrated that eliminating driveway approaches would make it impossible or impractical to access parking or loading zones.
- c. Backing into a street: On sites where parking lots have historically been used in such a manner as to permit cars to back into a street, this situation must be eliminated unless all of the following conditions are met:
 1. The site would not allow development of a parking lot meeting setbacks, and qualifies under section 30-453(e)(2)a. (above).
 2. The parking in question would be backing into a street classified as a "local" street, with an average daily traffic (ADT) of 1,000 vehicles or less.
 3. The depth of the parking stalls shall be a minimum of 22 feet, but not more than 25 feet, and shall not encroach on any sidewalks.
 4. The parking can be situated no closer than 50 feet from any street intersection, and no closer than ten feet from any other driveway.
- d. Sign placement: Sign setbacks may be reduced if it can be demonstrated that locating the sign to meet setbacks would cause it to reduce the amount of parking where there is less than the required amount of parking, or place the sign in a drive lane. In granting variances for sign setbacks, the Board shall impose the following conditions:
 1. The total square footage and number of signs on the site be reduced, if necessary, to comply with section 30-679
 2. No signs shall be located closer to an intersection than allowed by section 30-553
 3. The sign shall have a minimum ground clearance of ten feet if overhanging a parking lot. Otherwise, the ground clearance shall be a minimum of eight feet.
- e. It must be demonstrated that flexibility in meeting site development standards will not

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result in congestion or traffic hazards, or impede pedestrian traffic.

f. The board shall require site development compliance in all locations on the property and adjacent street/alley right-of-way, where possible, in keeping with the spirit and intent of the zoning ordinance.

(3) ADA improvements: Variations from building setbacks may be permitted where necessary to allow existing buildings to comply with the Americans With Disabilities Act (ADA) accessibility requirements.

(f) *Appeals of board's decisions.* Any person who deems himself aggrieved by the board's decision including, but not limited to, the petitioner, an affected property owner or an administrative officer of the city, may appeal the decision of the board to the district court within 15 days after the decision by the board.

(g) *City council public hearing.* Following the prescribed notice procedures in subsection (c) of this section, the city council shall decide the appeals upon the record and findings of the board of zoning appeals within 60 days after the appeal date, unless the city council's decision is continued for a period not to exceed 45 days. The city council may affirm the decision of the board of zoning appeals, reverse the decision, or remand the matter back to the board of zoning appeals for additional findings. If the action of the council results in the variance being granted, the council may impose such conditions as it deems necessary to ensure compliance with the intent of this article.

(h) *Resubmission.* No application which has been denied by the board or city council, on appeal, shall be resubmitted for a period of one year from the date of denial.

(i) *Lapse and extension.* If, within one year after the date the variance was granted, a building permit was not obtained, the variance shall become null and void.

(j) *Additional steps.* Additional steps necessary for issuing a variance in the shoreland zones are as follows:

(1) The board of adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the department of natural resources has formally recommended denial in the hearing record, the notification of the approved variance required in subsection (j)(3)b. of this section shall also include the planning commission's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

(2) For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.

(3) Notifications to the department of natural resources.

a. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions or plats must include copies of the subdivision or plat.

b. A copy of approved amendments and subdivisions or plats, and final decisions granting

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variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.

(Code 1978, § 23.4(D); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2006; Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-454. - Amendments/rezoning procedures.

(a) *Authority.*

(1) *Zoning code amendments.* The city council upon the recommendation of the city planning commission shall have the authority to amend this ordinance by a majority of vote of the city council.

(2) *Rezoning.* The city council upon the recommendation of the city planning commission shall have authority to amend the zoning map by a majority vote of the city council. The adoption or amendment of any portion of a zoning ordinance which changes all or part of a zoning district from residential to commercial or industrial requires a two-thirds majority vote of the city council.

(b) *Initiation.* The city council or the planning commission may, upon their own motion, initiate a request to amend the text or the zoning map of this article. Any person, firm or corporation owning real estate in the city may initiate a request for that real estate to amend the district boundaries or the text of this article. Any person, firm or corporation having an interest in real estate in the city may, with the property owner's consent, initiate a request to amend the district boundaries or text of this article. No application for an amendment which has been denied wholly or in part shall be resubmitted for a period of one year from the date of such denial except on the grounds of new evidence or a change in conditions.

(c) *Referral to the planning commission.* Except where initiated by the planning commission, any proposed change shall be submitted to the planning commission and its recommendation shall be submitted to the city council within 60 days after the date of application. If no recommendation is transmitted by the planning commission within 60 days as prescribed, the city council may take action without further awaiting such recommendation.

(d) *Notice and hearing.* The city council upon receiving the recommendation of the planning commission, or after 60 days from the submission thereof to the planning commission without a recommendation, shall review the application, and if a majority of the city council are in favor, set a public hearing. Notice of a regular or special meeting, at which a public hearing will be held shall be given by publication at least once in the official newspaper, not less than ten days prior to such hearing, stating the time and place. Notice shall also be mailed to all owners of property within 350 feet of the parcel included in the request not less than ten days prior to the meeting. Failure to give such notice or defects or errors in the notice shall not invalidate the proceedings, provided a good faith attempt to comply with notice requirements was made. The City Council shall approve or deny the application within 60 days of the date of the application being deemed complete or by procedures outlined in Minnesota Statutes Section 15.99 as amended.

(e) *Site plan review required for rezoning from residential to commercial districts when adjacent to existing R-1 or R-2 districts.* When property is rezoned from a residential district to a commercial district and is adjacent to existing R-1 and R-2 districts, the application shall be accompanied by a site plan as stipulated by Section 30-456. The site plan shall emphasize additional screening and buffering of

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conflicting land uses in the areas directly adjacent residential uses. The screening and buffering requirements are beyond what is required by section 30-512 and section 30-594

(Code 1978, § 23.4(E); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

State law reference— Variances, Minn. Stat. § 462.357, subd. 6.

Sec. 30-455. - Permits and certificate of zoning compliance.

(a) A permit is required for the construction of buildings or building additions, including such related activities as construction of decks and signs, the installation and/or alteration of sewage treatment systems, parking lots, fences and other miscellaneous site improvements, and those grading and filling activities not exempted by section 30-455. Application for a permit shall be made to the zoning administrator on the forms provided, with the exception of sewage treatment systems which are regulated and permitted by Itasca County. The application shall include the necessary information so that the zoning administrator can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.

(b) The zoning administrator shall issue a certificate of zoning compliance for each activity requiring a permit as provided in this section. This certificate will specify that the use of land conforms to the requirements of this article. Any use, arrangement, or construction that varies from that authorized by permit shall be deemed a violation of this article and shall be punishable as provided in section 30-451

(Code 1978, § 23.3(B)(12); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-456. - Site plan requirements.

(a) The requirements of this section shall apply to all uses, structures, or properties constructed, extended, enlarged, moved, or altered

(b) Any application for a building permit which will change the footprint of a structure or modify a site, with the exception of properties zoned RR, SRR, R1, SR-1, R-1a, SR-1a, R-2 or SR-2, shall be accompanied by four copies of a site plan showing the following information:

- (1) Legal description, property lines, setback lines, and property dimensions.
- (2) A topographic survey of the property with a contour interval of not greater than two feet, showing existing and proposed grades.
- (3) The location of all of the following:
 - a. Principal and accessory buildings.
 - b. Easements or rights-of-way for utility or service lines.
 - c. Access drives, parking, and loading areas, with stalls clearly delineated.
 - d. Sidewalks and pedestrian ways.
 - e. Required screens, fences, or required buffers.
 - f. Proposed/required landscaping.

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- g. Signs, with information about height and size.
- h. Nearest existing or proposed fire hydrant.
- i. Streets adjacent to site. Indicate curblin in relation to property line.

(4) Specifications for all improvements including, but not limited to, underground utilities, pavement, sidewalks, curb/gutter, and driveway aprons.

(5) Property owners and applicants name and address.

(6) Preparer's name and address, and date prepared.

(7) The location of any significant trees as defined by Section 30-595

(c) Any application for a building permit on properties zoned RR, SRR, R-1, SR-1, R-1a, SR-1a, R-2 or SR-2, which will change the footprint of a structure or modify a site, shall be accompanied by four copies of a site plan showing the following information:

(1) Legal description, property lines, setback lines, and property dimensions.

(2) A topographic survey of the property with a contour interval of not greater than two feet, showing existing and proposed grades.

(3) The location of all of the following:

- a. Principal and accessory buildings.
- b. Easements or rights-of-way for utility or service lines.
- c. Driveways.
- d. Streets adjacent to site.

(4) Specifications for all improvements including, but not limited to, underground utilities, pavement, sidewalks, curb/gutter, and driveway aprons.

(5) Property owners and applicants name and address.

(6) Preparer's name and address, and date prepared.

(d) The zoning administrator may waive any site plan requirements which will be irrelevant to the issuance of a permit.

(e) The site plan materials must be approved by the city prior to the issuance of any building permit. Once approved, they become the working plans for the proposed project. No deviations from approved plans will be allowed without written approval of the zoning administrator.

(Code 1978, § 23.6(H); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-457. - Fees.

Fees for all zoning related applications shall be by resolution adopted by the city council, as amended from time to time, and will be collected at the time of application.

(Code 1978, §§ 23.15, 29.02(b), (c), (g); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-458. - Nonconforming uses.

(a) *Classification.*

(1) *Class 1.* Those where the use of the building or land does not conform to the district use regulations of division 4 of this article.

(2) *Class 2.* Those where the use of the building or land does comply with the district use regulations of this article, but such use does not meet in its entirety the site development and design standards (division 7 of this article) and off-street parking and loading requirements set forth in divisions 8 and 9 of this article.

(b) *Purpose and intent.* It is the intent of this division to permit the continuance of a lawful use of any building or land existing at the effective date of the ordinance from which this article is derived though such use may not conform with the provisions of this division. It is also recognized that Class 1 uses are incompatible with the permitted uses in the districts in which located and it is the intent of this division not to encourage their continuation or expansion. Class 2 uses are generally compatible, in terms of use, with the district in which located. It is, therefore, the intent of this section to encourage their continuance, allow for their expansion, and to encourage, over time, ever greater compliance with the requirements of this division.

(c) *Nonconforming use regulations.* Nonconforming uses of buildings, structures and land shall be subject to the following regulations:

(1) *Structural alterations, replacement or enlargement.*

a. *Class 1* shall not be structurally altered or enlarged unless the resultant altered or enlarged building or use shall conform in terms of usage to the provisions of this article. Single-family dwellings and owner occupied duplexes damaged or destroyed by fire, explosion, or other act of nature may be reconstructed or replaced with a building of similar size and value of the original building.

b. *Class 2.* Nonconforming uses of structures which do not meet the site development and design standards (division 7 of this article) and/or the off-street parking and loading requirements (divisions 8 and 9 of this article) shall be allowed to be structurally altered or replaced provided there is no further violation of these requirements than lawfully exists at the time of such alteration or replacement.

c. *Site development compliance requirements (Class 2 nonconforming uses).* Lawful Class 2 nonconforming uses existing at the time of adoption of the ordinance from which this article is derived shall be "grandfathered," however, any modification to an existing structure, or the addition of any structure, valued at equal to or greater than \$5,000.00, shall require compliance with the site development standards (division 7 of this article) subject to the following standards:

1. An additional 15 percent or the value of a proposed building improvement project must be added to the project and applied towards site improvements.

2. The proposed site improvements required to satisfy the requirements of this section shall be submitted for approval to the zoning administrator.

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3. Written cost estimates shall be provided for any site improvements being proposed.
4. With the understanding that the 15 percent improvement requirements will not bring many sites up to full compliance, the required improvements shall be prioritized in the following order, where practical: pavement of parking lots, screening of dumpsters, screening of outdoor storage, bufferyard development, and general landscaping.
5. Phasing-in improvements: Where the estimated site improvement costs exceed \$2,000.00, the board of zoning appeals may allow the owner to phase in the required improvements over a three-year period provided that:
 - i. The property owner files a binding agreement, in a form acceptable to the city, committing the owner to making such improvements within three years; and
 - ii. At least one-third of the improvement costs must be spent in the first year.
6. Large scale commercial developments qualifying as Class 2 non-conforming uses shall incorporate additional improvements for screening of dumpsters, screening of outdoor storage, bufferyard development, general landscaping, and other standards that are practical to bring the property closer to compliance with the site design standards contained in section 30-902. The building design standards contained in section 30-903 shall also be incorporated when practical with a priority placed on front facade improvements. Large scale commercial developments shall be excluded from the 15 percent value requirement contained in item 1 above.
 - d. Any site or lot or part thereof being converted, enlarged, reconstructed or altered in any way or changed in use for any purpose shall be in full conformity with the provisions of this article.

(2) *Repair of nonconforming buildings.* Nothing in this article shall prohibit the repair, improvement or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation and wear provided that such repair to Class 1 nonconforming uses shall not exceed an aggregate cost of 30 percent of the replacement value of the building.

(3) *Reconstruction and restoration.* Any lawful nonconforming use damaged by fire, explosion, an act of God, or by other causes may be restored, rebuilt or repaired provided such restoration for Class 1 nonconforming uses does not exceed 50 percent of its replacement value, exclusive of land and foundations. Owner occupied Class 1 nonconforming single-family dwellings and duplexes damaged or destroyed by fire, explosion or act of nature may be reconstructed or replaced with a building of similar size and value as the original building.

(4) *Discontinuance or abandonment.* Whenever a nonconforming use of either class has been discontinued for six or more consecutive months or for 18 months during any three year period, such discontinuance shall be considered conclusive evidence of the intention to abandon the nonconforming use and shall not be reestablished. Any future use shall be in conformity with the provisions of this article.

(5) *Changing of uses.* Whenever a Class 1 nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use. Whenever a Class 2 nonconforming use is changed to a

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use requiring the same or less parking, full ordinance compliance shall not be required but in no case shall existing parking be diminished.

(6) *Prior construction approval.* Nothing in this section shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of the ordinance from which this article is derived, provided that construction is commenced within 90 days after the date of issuance of the permit and that the entire building shall have been completed according to plans filed with the permit application within one year after the issuance of the building permit.

(7) *District changes.* Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this section shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

(Code 1978, § 23.11; Ord. No. 05-05-08, 5-18-2005; Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

State law reference— Nonconforming uses not to be eliminated by amortization, Minn. Stat. § 462.357, subd. 1c.

Secs. 30-459—30-480. - Reserved.

DIVISION 3. - DISTRICTS ESTABLISHED; ZONING MAP ^[30]

⁽³⁰⁾ **State Law reference—** Districts and district regulations authorized, Minn. Stat. § 462.357, subd. 1.

[Sec. 30-481. - Establishment of districts.](#)
[Sec. 30-482. - Zoning districts map.](#)
[Sec. 30-483. - Interpretation of zoning districts map.](#)
[Sec. 30-484. - Annexation.](#)
[Secs. 30-485—30-510. - Reserved.](#)

Sec. 30-481. - Establishment of districts.

For the purpose of this article, the city is divided into the following zoning districts:

RR	Rural residence district
SRR	Shoreland rural residence district
R-1	One-family residence district
SR-1	Shoreland one-family residence district
R-1a	One-family residence district (small lot)
SR-1a	Shoreland one-family residence district (small lot)
R-2	One- and two-family residence district

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SR-2	Shoreland one- and two-family residence district
R-3	Multiple-family residence district (medium density)
SR-3	Shoreland multiple-family residence district (medium density)
R-4	Multiple-family residence district (high density)
SR-4	Shoreland multiple-family residence district (high density)
LB	Limited business district
SLB	Shoreland limited business district
GB	General business district
SGB	Shoreland general business district
CBD	Central business district
MU	Mixed use district
SMU	Shoreland mixed use district
M	Medical district
SM	Shoreland medical district
RC	Recreational Commercial district
SRC	Shoreland recreational commercial district
I-1	Industrial park district
SI-1	Shoreland industrial park district
I-2	General industrial park district
SI-2	Shoreland general industrial park district
CD	Conservancy district
PU	Public use district
SPU	Shoreland public use district
AG	Agricultural district
AP	Airport district

(Code 1978, § 23.5(A); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-482. - Zoning districts map.

The location and boundaries of the districts established in section 30-481 are shown upon the official zoning map, together with all notations, references and other information shown thereon, and all amendments thereto, shall be as much a part of this division as if fully set forth and described in this section. The zoning map shall be kept on file in the office of the city administrator.

(Code 1978, § 23.5(B); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-483. - Interpretation of zoning districts map.

The zoning district map shall be interpreted in accordance with the following:

- (1) District boundary lines on the map are intended to follow lot lines, the centerlines of streets, alleys, highways and rights-of-way projected, the ordinary high water elevation of lakes, ponds and watercourses or the corporate limits, all as they exist upon the effective date of the ordinance from which this article is derived or changed by a specific amendment thereto.

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(2) Where district boundaries are so indicated that they are approximately parallel to the centerline of a street, alley, highway or right-of-way, such district boundary shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning district map. If no distance is given, such dimension shall be determined by the use of the scale on the zoning map. The location of such boundaries shall not be affected by any future widening or realignment of the adjacent streets or highways unless provisions are made therefore by amendment to this article.

(3) Where district boundaries cross property that is not subdivided into lots and other provisions in this section are not applicable, the location of the district line shall be determined by use of the scale on the zoning map.

(4) Whenever any street, alley or other public way is vacated by official action of the city, the zoning district on each side of such street, alley or public way shall automatically be extended to the centerline.

(5) Appeals from the zoning administrator's determination concerning the exact location of district boundary lines shall be determined by the board of zoning appeals.

(Code 1978, § 23.5(B); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-484. - Annexation.

Lands annexed into the City shall be rezoned based on directions provided through the current comprehensive plan, surrounding land use, timing of development, availability of public services or other characteristic of the site that might influence use of the land. Lands annexed into the city may be petitioned for rezoning by the owner(s)/applicant(s) or if no specific zoning is requested by the owner(s)/applicant(s) at the time of annexation, the planning commission shall make a recommendation and the city council shall act to rezone the annexed lands. If the comprehensive plan does not provide clear direction for rezoning the annexed land, a study shall be conducted by the city to recommend an amendment to the comprehensive plan prior to filing the proposed annexation.

(Code 1978, § 23.5(D); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Secs. 30-485—30-510. - Reserved.

DIVISION 4. - DISTRICT REGULATIONS ^[31]

⁽³¹⁾ **State Law reference**— Districts and district regulations authorized, Minn. Stat. § 462.357, subd. 1.

[Sec. 30-511. - Purpose of districts.](#)
[Sec. 30-512. - Table of uses permitted in zones.](#)
[Secs. 30-513—30-530. - Reserved.](#)

Sec. 30-511. - Purpose of districts.

The zoning districts are established for the specific purposes provided below:

- (1) *RR rural residence district and SRR shoreland rural residence district.* These are low-density residential districts in areas where city water and sewer services are generally not available and primarily intended to accommodate traditional single-family detached dwellings. Clustering may be allowed by PUD according to the densities established herein. For uses permitted by right, refer to section 30-512. The SRR districts are subject to additional shoreland management standards.
- (2) *R-1 one-family residence district and SR-1 shoreland one-family residence districts.* These are low density residential district which are primarily intended to accommodate traditional single-family detached dwellings. Clustering may be allowed by PUD according to the densities established in this division. For uses permitted by right, refer to section 30-512. The SR-1 districts are subject to additional shoreland management standards.
- (3) *R-1a one-family residence district (small lot) and SR-1a shoreland one-family residence district (small lot).* These are more compact, low-density residential districts which are primarily intended to accommodate traditional single-family detached dwellings that meet the housing needs of the city. These districts accommodate single-family detached dwellings on smaller lots in established neighborhoods or new development areas which have access to municipal sewer and water. Clustering may be allowed by PUD according to the densities established herein. For uses permitted by right, refer to section 30-512. The SR-1a districts are subject to additional shoreland management standards.
- (4) *R-2 one- and two-family residence district and SR-2 shoreland one- and two-family residence districts.* These are low density residential district that generally correlate with the existing close in neighborhoods that were originally divided into town size lots. While they are primarily for single-family detached dwellings at densities slightly higher than the R-1 district, they are also intended to be used for twin homes or two-family dwellings in other areas of the city designated by the comprehensive plan for low density residential development. They may also serve a transitional function in sensitive areas along major streets and railroad tracks and in areas where the land use changes from high to low intensity, e.g., commercial to single-family residential. In such locations, rental housing at low densities may offer a more feasible alternative than owner occupied housing. Such zoning would allow the conversion of existing and the construction of new dwellings provided all district development regulations are met. Refer to the tables in section 30-512, district development regulations. For uses permitted by right refer to section 30- 512. The SR-2 districts are also subject to shoreland management standards.
- (5) *R-3 multiple-family residence district (medium density) and SR-3 shoreland multiple-family residence district (medium density).* These are modest density residential districts that are primarily intended to provide families with efficient alternatives to traditional single-family living. They are intended to provide for a variety and a mixture of multiple-family housing including townhouses, condominiums, apartments and other group housing types. They are also intended to provide recreation amenities and group usable open space within each project or development. For uses permitted by right refer to section 30-512. The SR-3 districts are also subject to shoreland management standards.
- (6) *R-4 multiple-family residence district (high density) and SR-4 shoreland multiple-family residence district (high density).* These are generally higher density districts which are primarily

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intended to accommodate condominiums and apartments for the full range of contemporary families including singles, couples, empty nesters, single headed families, etc. These, too, are intended to provide a variety of housing opportunities, with recreation and open space amenities, for people of all income and age groups. For uses permitted by right refer to section 30-512

(7) *LB limited business district and SLB shoreland limited business district.* These districts are primarily transitional in nature in that they generally occur where residential and commercial uses must necessarily interface. Because they intend to correlate with existing residential areas, these districts accommodate a wide range of residential uses plus office, cultural, small specialty retail and other uses that are generally compatible with intense commercial areas and surrounding residential areas. For uses permitted by right refer to section 30-512. The SLB districts are also subject to shoreland management standards.

(8) *GB general business district and SGB shoreland general business district.* These districts are intended to accommodate a broad range of retail goods and services, land uses and generally serve the entire community. Though not exclusively so, businesses in this district are relatively freestanding and tend to occupy independent building sites. They may enjoy close proximity to like businesses but depend primarily on good accessibility, high visibility and a relatively large volume of passing traffic. For uses permitted by right refer to section 30-512. The SGB districts are also subject to shoreland management standards.

(9) *CBD central business district.* This district correlates only with the downtown area of the city and is intended to serve a regional clientele. It is highly diversified and intended to offer the full array of high value comparison goods and services; hotel, cultural, tourist and entertainment services; high density residential; finance; general office and public uses. Because the CBD is a very high use intensity zone, is fully developed, much of which occurred prior to the existence of zoning regulations, and is an area that requires the city to play a role in the provision of parking, normal parking, yard and lot requirements do not apply. For uses permitted by right refer to section 30-512

(10) *MU mixed use district and SMU shoreland mixed use district.* These districts are intended to accommodate a mix of residential, retail, office and public uses. Developments within this district are encouraged to use creative arrangements to incorporate a variety of uses into an integrated plan that are compatible with surrounding land uses. Developments should incorporate features to encourage pedestrian activity, such as an interconnected street pattern, sidewalks, smaller blocks and public gathering spaces. For uses permitted by right refer to section 30-512. The SMU districts are also subject to shoreland management standards.

(11) *M medical district and SM shoreland medical district.* This district is intended to accommodate the development of medical, office, multifamily residential and related uses in the area surrounding the hospital medical complex. This may be a transitional area, and it is expected that the existing one- and two-family dwellings in the area will be replaced with more intensive uses. Development should be characterized with large lots and high landscaping standards. For uses permitted by right refer to section 30-512. The SM districts are also subject to shoreland management standards.

(12) *RC recreational commercial district and SRC shoreland recreational commercial district.* These districts reserve specific areas for commercial recreational uses, whether publicly or privately owned, such as shooting ranges, ATV parks, game farms and golf courses. For uses permitted by right refer to section 30-512. SRC districts are also subject to shoreland management

standards.

(13) *I-1 industrial park district and SI-1 shoreland industrial park district.* These are planned industrial districts that are intended to accommodate new, modern, high performance, low impact industrial uses in a park-like setting. They allow a full range of industrial activities plus support services but allow only limited sales of goods and services directly to the public. For uses permitted by right refer to section 30-512. SI-1 districts are also subject to shoreland management standards.

(14) *I-2 general industrial park district and SI-2 shoreland general industrial park district.* These districts generally correlate with the older existing industrial areas of the city and accommodate freestanding industrial buildings. These may be used for new industrial developments that are so designated by the city comprehensive plan provided all performance standards and extraordinary requirements are met with regard to R district relationships. For uses permitted by right refer to section 30-512. The SI-2 districts are also subject to shoreland management standards.

(15) *CD conservancy district.* These districts are established to preserve and protect open space including lakes, streams, wetlands, marshes, woodlands and similar areas of natural, aesthetic and scenic value.

(16) *PU public use district and SPU shoreland public use district.* The public land use districts are primarily intended to be used for major public and quasipublic uses of land as set forth in the comprehensive plan. They are also intended to accommodate major essential public facilities that provide governmental, educational, recreational, cultural and health care services to the entire community. For uses permitted by right refer to section 30-512. The SPU districts are also subject to shoreland management standards.

(17) *AG agricultural district.* These districts are intended to allow for the continuation of agricultural practices and activities especially in areas that may be annexed to the city where public services are not yet available, an alternative use is not imminent and the owner desires to continue to farm the land. For uses permitted by right refer to section 30-512

(18) *AP airport district.* This is a highly specialized district that encompasses that part of the city airport property which is exclusively used for air transportation and related or complementary uses. For uses permitted by right refer to section 30-512 and article III of this chapter.

(Code 1978, § 23.5(E); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-512. - Table of uses permitted in zones.

For the purpose of this article, a comprehensive list of uses is presented in Table 1, Uses Permitted in Zones. This table is incorporated into this article generally and into the regulations of each district, as appropriate, the same as if the uses were listed separately and for each district. Table 1 identifies three types of uses: uses permitted by right (permitted uses); uses with restrictions; and conditional uses.

(1) *Permitted uses.* These are identified as permitted in a particular zone by the placement of a "P" in the column bearing the heading of that zone.

(2) *Restricted uses.* These uses are permitted in a particular zone subject to certain special restrictions. These uses are identified by the placement of a "R" in the column bearing the heading of that zone. For details on the types of restrictions, please refer to section 30-564

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(3) *Conditional uses.* Certain uses, because of their unique characteristics, must be considered individually as to their impact upon neighboring land, and the public welfare and their compatibility at the particular location. Conditional uses must go through a special approval process prior to their establishment. These uses are identified by the placement of a "CUP" in the column bearing the heading of that zone. For details on the conditional use process, please refer to section 30-531

(Code 1978, § 23.5(F); Ord. No. 05-05-08, 5-18-2005; Ord. No. 05-06-12, 6-27-2005; Ord. No. 05-10-15, 10-24-2005; Ord. No. 06-03-01, 3-13-2006; Ord. No. 06-03-01, 3-27-2006; Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007) <?xpp rotatepg?>

TABLE 1 - PERMITTED USES

RR/

SRR	R-1 / R-1a SR -1/ SR -1a	R-2 / SR -2	R-3 / SR -3	R-4 / SR -4	LB/ SL B	GB / SG B	CB D	MU / SM U	M/ SM	RC / SR C	I-1/ SI-1	I-2/ SI-2	CD	PU/ SP U	AG	AP	LIS TIN G OF US ES IN ZO NI NG DIS TRI CT S
																	RE SID EN TIA L
P	P	P	P	P	P										P		sin gle- fam ily det ach ed
		P	P	P	P										P		twi n ho me atta che d
		P	P	P	P			P									two -fa

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			P		P		P	P	P									con gre gat e hou sin g
	R	R	R	R	R	R	R	R	R						R	>R		em erg enc y hou sin g faci lity
																		SE NI OR HO USI NG WI TH SE RVI CE S
R	R	R	P	P	P				P									6 or few er per son s
R	R	R	P	P	P				P									7 to 8 per son s
R	R	R	P	P	P				P									9 to 16 per son s
			P	P	P													17 or mo re

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R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	essential services
R	R	R	R	R	R	R				R							P	outdoor storage
R	R	R	R	R	R												P	private recreation
R	R	R	R	R													P	woodpiles
R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	temporary buildings
R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	P	P	satellite dish/solar collectors
R	R	R	R	R												R		Home occupations
																		COMMERCIAL
																	P	aviation

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																		tre atm ent cen ters)
								P	P									hos pita ls
CUP	INT ERI M US E																	
					R	P	P										P	OF FIC E-B usi nes s
					>R	P	P	P	P		P						P	OF FIC E-P rof ess ion al
																		RE CR EA TIO N/E NT ER TAI NM EN T
						P	P											ind oor
R					R	R	R	R									R	clu bs, lod ges , me mb ers

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P	P	P	P	P									P	P		athletic facilities - public
														P	P	cemeteries
R	R	R	R	R	R	R	R								P	churches
						P	P							P		cultural facilities (art galleries, libraries, museums)
R	R	R	R	R						P				R	P	golf and country clubs
											P	P		P		watersewage treatment
										CU P	CU P	CU P			CU P	telecommunications

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																		towers
P	P	P	P	P	P	P	P	P	P		P	P		P	P	P		tre atm ent, po wer sub stat ion s, nei ghb orh ood par ks
CUP	CUP	CUP	CUP	CUP	R	R	CUP	CUP	R	R	R	R	R	R	R	R	R	ess enti al ser vic es stru ctur e
											CUP							jail, det enti on cen ter and juv enil e det enti on cen ter
																		TR AN SP OR TA TION
											P	P				P	P	maj

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																		or (ter min als, han ger s, swi tchi ng yar ds, sidi ngs , run wa ys, heli por ts)
	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	min or (rail roa d, righ ts-o f-w ay, stre ets, tra nsit she lter s)
																		IN DU ST RIA L
						P					P							mo nu me nt wor k/s ale

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																		hand dis e/m ate rial)
CUP										CUP	CUP	CUP					CUP	min ing of sand and gravel

TABLE 2-A DISTRICT DEVELOPMENT REGULATIONS - PRINCIPAL STRUCTURES

Zone	MINIMUM LOT SIZE			MINIMUM YARD SETBACKS				MAXIMUM LOT COVERAGE	BUILDING SIZES	Total Surface (percentage)	GUOS Unit	Maximum Height (feet)	Minimum Dimension (feet)
	Gross Area	Area S/F Unit	Width	Front	Interior Side	Street Side	Rear						
RR	1.5 acre	1.5AC	200	30	15	30	30	20		N/A		35	24
R-1	8,400	8,400	70	30	6-9 ¹	15	30	30		N/A		30	24
R-1a	6,000	6,000	44	30	6	15	30	40		NA		30	24
R-2	7,000 ⁴	5,000	50 ⁴	30	6-9 ¹ .4	15	30	30		N/A		30	24
R-3	15,000 ⁴	5,000	100 ⁴	35	10 ⁴	15	35	30	75	400	30	45	24
R-4	15,000	2,500	100 ⁴	35	20 ⁴	30	35	35	75	400	45	45	24

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	0 ⁴											
LB	14,000 ⁴	3,000	100 ⁴	30	10 ⁴	15	15	35	85	500	35	24
GB	10,500	3,000	75	30	10	15	10	40	90	500	35	24
CBD	7,000	3,000	50	N/A	N/A	N/A	N/A	100	100	N/A	60	24
MU	40,000	2,500	100	35	20	30	35	40	75	N/A	45	24
M ³	20,000	3,000	100	30	10	15	15	35	85	500	35	24
RC	1.5 acre	1.5 acre	200	50	25	25	25	25	50	N/A	35	N/A
I-1	1 acre	N/A	150	50	25	25	25	50	90	N/A	40	24
I-2	1 acre	N/A	150	50 ²	25	25 ²	25	60	90	N/A	110	N/A
PU	1 acre	N/A	50	30	10	15	30	N/A			35 / A	
CD	N/A		50	50	50	50	N/A			N/A		
AG	2.5 acres	2.5 acres	50	50	50	50	50	N/A			N/A	
AP	N/A		50	50	50	50	N/A			N/A		

FOOT NOTE S:	1	The sum of the two side yards must equal 15 feet, and six feet is the minimum side yard dimension.
	2	These yards may be reduced to zero feet if abutting the CBD zone.
	3	When a building in the medical zone is proposed to abut an existing building, for the purpose of providing a pedestrian linkage between the adjacent structures, a zero foot setback may be allowed along the common lot line.
	4	For twin homes, each lot shall have a minimum lot size (gross area) of 7,000 sq. ft., each lot shall be minimum of 50 feet wide and the interior side setback shall be nine feet or zero feet minimum. <i>Example:</i> a duplex in R-2—10,000 sq. ft. required.
	5	Essential structures may have a minimum building dimension less than 24 feet.

TABLE 2-B DISTRICT DEVELOPMENT REGULATIONS ACCESSORY STRUCTURES
 MINIMUM YARD SETBACKS

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ZONE	FRONT	INTERIOR SIDE	STREET SIDE ¹	REAR	MAXIMUM HEIGHT
RR	30 ²	15	30 ²	30	25
R-1	30	6	15	10	18 ³
R-1a	30	6	15	10	18 ³
R-2	30	6	15	10	18 ³
R-3	30	6	15	10	18
R-4	30	6	30	10	18
LB	30	10	15	15	18
GB	30	10	15	10	18
CBD	N/A			30	
MU	30	10	15	15	18
M	30	10	15	15	18
RC	50	25	25	25	35
I-1	50	25	25	25	40
I-2	50 ⁴	25	25 ⁴	25	60
CD	50	50	50	50	40
PU	30	10	15	30	18
AG	50 ²	50	50 ²	50	60
AP	50	50	50	50	N/A

FOOT NOTES:	1	A minimum of 20 feet where a garage is entered from a street for R-1, R-1a, R-2 and R-3 Districts.
	2	Accessory buildings in RR and AG districts must be setback 75 feet if located in front or side yard, please refer to section 30-563 (1)d.
	3	18 feet or the same height as the principal structure (whichever is greater) in R-1, R-1a and R-2 Zones.
	4	These yards may be reduced to zero feet if abutting the CBD zone.
NOTE:		For total square footage allowed for accessory buildings, please refer to section 30-563(2).

TABLE 2-C DISTRICT DEVELOPMENT REGULATIONS - SURFACE PARKING
 MINIMUM YARD SETBACKS

ZONES	MINIMUM YARD SETBACKS				INTERIOR LANDSCAPING REQUIREMENTS	
	FRONT	INTERIOR SIDE	STREET SIDE	REAR	AMOUNT (sq. ft./stall)	THRESHOLD ³
RR	Please refer to section 30-593(e)				N/A	

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R-1	Please refer to section 30-593(e)					N/A
R-1a	Please refer to section 30-593(e)					N/A
R-2	Please refer to section 30-293(e)					N/A
R-3	10	6	10	6	20	25
R-4	10	6	10	6	15	40
LB	10 ¹	6	10	10	20	25
GB	10 ¹	6	10	6	15	40
CBD	6	6	6	6	10	40
M	10 ¹	6	10	10	20	25
MU	10 ¹	6	10	10	20	25
RC	35 ¹	10	25	10	10	40
I-1	10	6 ²	10	6 ²	N/A	
I-2	10	6 ²	10	6 ²	N/A	
CD,PU	25	25	25	25	15	40
AG	N/A					
AP	25	25	25	25	N/A	

FOOT NOTE S:	1	Amount indicated in above table, or ten percent of the parking lot depth, whichever is greater.
	2	Increase to 25 feet when parking lot abuts a residential district.
	3	If the parking lot is designed for more than the number of cars shown in this column, then the interior landscape requirements shall be invoked. Threshold refers to the number of stalls in a parking lot which, if equaled or exceeded, requires the installation of interior landscaping.

TABLE 17C-1 MINIMUM LOT SIZE STANDARDS SHORELAND DISTRICTS

LAKE CLASSIFICATIO NS AND ZONING DISTRICTS	Sewered Lots				Non-Sewered Lots			
	Riparian Lots		Non-Riparian Lots		Riparian Lots		Non-Rip arian Lots	
	Area	Width	Area	Width ¹	Area	Width	Area	Width
Natural Environment	(Lily Lake, Nagel Lake and Horseshoe Lake)							
SPU	1 acre	150	1 acre	150	1 acre	200	1 acre	200
SRR	1.5 acres	200	1.5 acres	200	80,000	200	80,000	200
SR-1	40,000	125	20,000	125	80,000	200	80,000	200
SR-1a	40,000	125	20,000	125	80,000	200	80,000	200
SR-2 (SR-1 plus "X" per additional	30,000	100	15,000	95	40,000	100	80,000	200

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dwelling unit)								
SR-2 Twin Homes Only	35,000	50	17,500	50	60,000	50	80,000	100
SR-3 or SR-4	Must meet requirements of 30-809							
SLB, SGB, SMU or SM	1 acre	200	1 acre	200	1 acre	200	1 acre	200
SRC	1.5 acre	200	1.5 acre	200	1.5 acre	200	1.5 acre	200
SI-1 or SI-2	1 acre	150	1 acre	150	1 acre	200	1 acre	200
Recreational Development	(McKinney Lake, Crystal Lake, Hale Lake, Forest Lake)							
SPU	1 acre	200	1 acre	200	1 acre	200	1 acre	200
SRR	1.5 acres	200	1.5 acres	200	1.5 acres	200	1.5 acres	200
SR-1	20,000	75	15,000	75	40,000	150	40,000	150
SR-1a	20,000	75	15,000	75	40,000	150	40,000	150
SR-2 (SR-1 plus "X" per additional dwelling unit)	15,000	60	11,000	60	40,000	75	40,000	115
SR-2 Twin Homes Only	17,500	50	13,000	50	40,000	50	80,000	60
SR-3 or SR-4	Must meet requirements of section 30-809							
SLB	15,000	100	14,000	100	20,000	100	20,000	100
SGB, SMU	15,000	75	12,500	75	20,000	100	20,000	100
SRC	1.5 acre	200	1.5 acre	200	1.5 acre	200	1.5 acre	200
SI-1 or SI-2	1 acre	200	1 acre	200	1 acre	200	1 acre	150
General Development	Mississippi Reservoir from the Blandin Dam West to City Limits, and Pokegama Lake							
SRR	1.5 acres	200	1.5 acres	200	1.5 acres	200	1.5 acres	200
SR-1	15,000	75	10,000	75	20,000	100	40,000	150
SR-1a	15,000	75	10,000	75	20,000	100	40,000	150
SR-2 (SR-1 plus "X" per additional dwelling unit)	9,000	60	7,500	60	20,000	80	40,000	115
SR-2 Twin Homes Only	12,000	50	8,750	50	20,000	50	40,000	60
SM	1.5 acre	250	1.5 acre	150	1.5 acre	250	1.5 acre	150
SR-3 or SR-4	Must meet requirements of section 30-809							
SPU, SLB, SGB, SMU, SRC, SI-1, SI-2	Same requirements as Recreational Development Lakes							

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RIVER CLASSIFICATION AND ZONING DISTRICTS	Sewered Lot		Unsewered Lot	
	Lot Area	Lot Width	Lot Area	Lot Width
Urban River - Mississippi River Blandin Dam to the N/S ¼ section line of Section 27-55-25				
Tributary River - Mississippi River all areas of township 55 north, range 25 west under City's zoning jurisdiction				
SRR	1.5 acres	200	1.5 acre	200
SR-1	15,000	75	20,000	100
SR-1a	15,000	75	20,000	100
SR-2 (SR-1 plus "X" per additional dwelling unit)	9,000	60	20,000	100
SR-2 Twin Homes Only	12,000	50	20,000	50
SR-3 or SR-4	Must meet requirements of Section 30-809			
SLB, SGB, SMU or SM	15,000	75	20,000	100
SRC	1.5 acre	200	1.5 acre	200
SI-1 or SI-2	1 acre	150	1 acre	150
SPU	1 acre	200	1 acre	200
Forested River - Mississippi River - N/S ¼ section line of Section 27-55-25 to the south line of township 55 north, range 25 west				
SRR	1.5 acre	200	1.5 acre	200
SR-1	40,000	200	80,000	200
SR-1a	40,000	200	80,000	200
SR-2 (SR-1 plus "X" per additional dwelling unit)	30,000	100	40,000	100
SR-2, Twin Homes Only	35,000	100	60,000	100
SR-3 or SR-4	Must meet requirements of 30-809			
SLB, SGB, SMU or SM	1 acre	200	1 acre	200
SRC	1.5 acre	200	1.5 acre	200
SI-1 or SI-2	1 acre	200	1 acre	200
SPU	1 acre	200	1 acre	200

*EXAMPLE:	A SFD located on a sewered, riparian, Natural Environment Lake lot in a SR-2 zone would require a minimum lot size of 40,000 square feet. A similarly situated duplex would require a minimum lot size of 70,000 square feet (40,000 plus 30,000).
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TABLE 17C-2 MINIMUM SETBACKS/COVERAGE STANDARDS SHORELAND DISTRICTS

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	SETBACK FROM OHWL (feet)		SETBACK FROM PROPERTY LINE (feet)					OTHER REQUIREMENTS	Maximum Building Height	Minimum Building Dimension
	Building (Public Sewer)	Building (Private Sewer)	Sewage Treatment System	Front Street	Interior Side	Street Side	Rear			

Natural

Environment	(Lily Lake, Nagel Lake and Horseshoe Lake)									
SPU	150	150	150	30	10	15	10	85	35	24
SRR	150	150	150	30	15	30	30	25	35	24
SR-1	150	150	150	30	6—9 ²	15	30	25	25	24
SR-1a	150	150	150	30	6	15	30	25	25	24
SR-2	150	150	150	30	6—9 ²	15	30	25	25	24
SR-3	150	150	150	35	10	15	35	75	25	24
SR-4	150	150	150	35	20 ⁴	30	35	75	45	24
SLB, SGB	150	150	150	30	10	15	10	85	35	24
SM	150	150	150	30 ⁵	10	20 ⁵	15	25	45	24
SMU	150	150	150	35	30	30	35	75	45	24
SRC	150	150	150	50	25	25	25	25	35	N/A
SRC, SI-1 or SI-2	150	150	150	50	25	25	25	85	60	N/A

Recreational

Development	(McKinney Lake, Crystal Lake, Hale Lake, Forest Lake)									
SPU	75	100	75	30	10	15	10	85	35	24
SRR	75	100	75	30	15	30	30	25	35	24
SR-1	75	100	75	30	6—9 ²	15	30	35	25	24
SR-1a	75	100	75	30	6	15	30	35	25	24
SR-2	75	100	75	30	6—9 ²	15	30	35	25	24
SR-3	75	100	75	35	10	15	35	75	25	24
SR-4	75	100	75	35	20 ⁴	30	35	75	45	24
SLB, or SGB	75	100	75	30	10	15	10	85	35	24
SMU	75	100	75	35	20	30	35	75	45	24
SRC	75	100	75	50	25	25	25	25	35	N/A
SRC, SI-1 or SI-2	75	100	75	50	25	25	25	85	60	N/A

General

Development	Mississippi Reservoir from Blandin Dam West to City Limits, and Pokegama Lake									
SPU	75	100	75	30	10	15	10	85	35	24
SRR	50	75	50	30	15	30	30	25	35	24
SR-1	50	75	50	30	6—9 ²	15	30	35	25	24
SR-1a	75	100	75	30	6	15	30	35	25	24

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SR-2	75	100	75	30	6—9 ²	15	30	35	25	24
SR-3	75	100	75	35	10	15	35	75	25	24
SR-4	75	100	75	35	20 ⁴	30	35	75	45	24
SLB or SGB	75	100	75	30	10	15	10	85	25	24
SM	50	75	50	30 ⁵	10	20 ⁵	15	25	45	24
SMU	75	100	75	35	20	30	35	75	45	24
SRC	75	100	75	50	25	25	25	25	35	N/A
SI-1 or SI-2	75	100	75	50	25	25	25	90	110	N/A
Urban River	Mississippi River - Blandin Dam to the N/S ¼ section line of Section 27-55-25									
Tributary River	Prairie River - All areas of township 55 north, range 25 west under City's zoning jurisdiction.									
SPU	50	100	75	30	10	15	10	90	35	24
SRR	50	100	75	30	15	30	30	20	35	24
SR-1	50	100	75	30	6—9 ²	15	30	35	25	24
SR-1a	50	100	75	30	6	15	30	35	30	24
SR-2	50	100	75	30	6—9 ²	15	30	35	30	24
SR-3	50	100	75	35	10	15	35	75	25	24
SR-4	50	100	75	35	20 ⁴	30	35	75	45	24
SLB or SGB	50	100	75	30	10	15	10	90	35	24
SMU	50	100	75	35	20	30	35	75	45	24
SRC	50	100	75	50	25	25	25	25	35	N/A
SRC, SI-1 or SI-2	50	100	75	50	25	25	25	90	60	N/A
Forested River	Mississippi River from N/S ¼ section line of Section 27-55-25 to the south line of township 55 north, range 25 west									
SPU	150	150	100	30	10	15	10	90	35	24
SRR	150	150	100	30	15	30	30	20	35	24
SR-1	150	150	100	30	6—9 ²	15	30	35	25	24
SR-1a	150	150	100	30	6	15	30	35	30	24
SR-2	150	150	100	30	6—9 ²	15	30	35	30	24
SR-3	150	150	100	35	10	15	35	75	25	24
SR-4	150	150	100	35	20 ⁴	30	35	75	45	24
SLB or SGB	150	150	100	30	10	15	10	90	35	24
SMU	150	150	100	35	20	30	35	75	45	24
SRC	150	150	150	50	25	25	25	25	35	N/A
SRC, SI-1 or SI-2	150	150	100	50	25	25	25	90	60	N/A

FOOT NOTE S:	1	These maximum lot coverage's are subject to the requirements of section 30-806(3) otherwise the maximum allowable lot coverage within a shoreland district is 25 percent (see definition of "impervious surface").
	2	The sum of the two side yards must equal at least 15 feet, and six feet is the minimum dimension.
	3	These yards may be reduced to zero feet if abutting a CBD zone.

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4	.	For Twin Homes, the interior side setback shall be nine feet (9") or zero feet (0") minimum.
5	.	Where front or side yards abut either federal, state or county roadways, the required setback shall be a minimum of 50". (per 6120.3300, subpart F)

*Single-family development within the SR-1 or SR-2 zones on legal lots of record that fall below the minimum lot size and width standards may be permitted to cover up to 50 percent of the lot with impervious surfaces. Development of conforming lots within the SR-1/SR-2 district shall be limited to the provisions of Table 17C-2. (Accessory structures in shoreland follow standard setbacks .

Exception: Water Oriented Structures follow Shoreland Regulations.
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TABLE 3-A
 DISTRICT DEVELOPMENT REGULATIONS - BUFFERYARD COMPONENTS
 Required Plant Materials per 100 Linear Feet (from each category)

Type of Bufferyard	Canopy Trees	Understory Evergreen Trees	Shrubs	Fence
A	1	2	4	No
B	1	3	6	No
C	1	4	8	No
D	1	5	10	Yes*
E	1	6	12	Yes**

* Fence required only when off-street parking area abuts a residential zone and fences are required only when an off-street parking area is situated abutting a residential zone and located within 25 feet of a residential zone property line. The fence shall not be less than 3½ feet high nor more than six feet high, and located within 25 feet of a residential zone property line. The fence shall not be less than 3½ feet nor more than six feet in height, and shall have an opacity of not less than 90 percent. No parking lot fencing shall be required in a required front yard or street side yard.

** In addition to the parking lot fence requirements for a type E bufferyard, a fence shall be required only on the common lot line(s) or lot lines adjacent to an alley, but shall not extend into the required front yard. The fence shall have an opacity of not less than 90 percent, and shall be six feet high, unless otherwise required in this article.

TABLE 3-B DISTRICT DEVELOPMENT REGULATIONS - BUFFERYARDS REQUIRED BY LOCATION

Zoning of Subject Property	Zoning of Adjacent Property																	
	R	R	R	R	R	LB	G	C	M	M	R	I-1	I-2	C	P	A	A	
R	1	1a	2	3	4		B	B	U		C			D	U	G	P	

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RR	N/A																
R-1	N/A																
R-1a	N/A																
R-2	N/A																
R-3	C	C	C	C	A	A	A	A	A	A	A	A	A	C	C	C	A
R-4	C	C	C	C	B	A	A	A	A	A	A	A	A	C	C	C	A
LB	D	D	D	D	D	D	A	A	A	A	A	A	A	D	D	D	A
GB	D	D	D	D	D	D	A	A	A	A	A	A	A	D	E	E	A
CBD	B	B	B	B	B	B	N/A										
MU	B	B	B	B	A	A	A	A	A	A	A	A	A	A	B	A	A
M	D	D	D	D	D	D	A	A	A	A	A	A	A	D	D	D	A
RC	B	B	B	B	A	A	A	A	A	A	A	A	A	A	A	A	A
I-1	E	E	E	E	E	E	B	A	A	A	B	A	A	E	E	N/A	N/A
I-2	E	E	E	E	E	E	B	A	A	A	D	A	A	E	E	E	A
CD	A	A	A	A	A	N/A											
PU	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
AG	A	A	A	A	A	N/A											
AP	C	C	C	C	C	C	A	A	A	A	A	A	A	A	A	C	N/A

Appendix 1

Examples of Acceptable Plantings

CANOPY	UNDERSTORY	EVERGREENS	SHRUBS
Red Maple	Amur Maple	White Fir	Black Chokeberry
Sugar Maple	American Alder	Balsam Fir	Japanese Barberry
Yellow Birch	Serviceberry	Eastern Red Cedar	Siberian Peashrub
Paper Birch	River Birch	White Spruce	Russian Peashrub
Common Hackberry	Pagoda Dogwood	Blackhill Spruce	American Bittersweet
White Ash	Cockspur Hawthorn	Norway Spruce	Button Bush
Green Ash	Winterking Hawthorn	Blue Spruce	Bailey's Dogwood
Bigtoothed Aspen	Russian Olive	Jack Pine	Gray Dogwood
Quaking Aspen	Crab Apples	Austrian Pine	Redozier Dogwood
White Oak	Ironwood	Red Pine	American Hazelnut
Swamp White Oak	Plum	White Pine	Burning Bush
Northern Red Oak		Scotch Pine	Forsythia
Barr Oak		Douglas Fir	Common Witchhazel

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Pin Oak		American Arborvitae	Common Privet
		Canadian Hemlocki	Clavy's Dwarf Honeysuckle
			Honeysuckle-Bush
			Northern Bayberry

NOTE: This listing is not necessarily inclusive of all the plant species that would be acceptable in the city. It is intended to be illustrative of the types of plants that grow well here. Contact a qualified landscaper or nursery professional for more information.

(Code 1978, § 23.5(F); Ord. No. 05-05-08, 5-18-2005; Ord. No. 05-06-12, 6-27-2005; Ord. No. 05-10-15, 10-24-2005; Ord. No. 06-03-01, 3-13-2006; Ord. No. 06-03-01, 3-27-2006; Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007; Ord. No. 07-12-12, 12-10-2007; Ord. No. 10-01-01; 1-25-2010; Ord. No. 10-02-02, 2-22-2010) <?xpp restore?>

Secs. 30-513—30-530. - Reserved.

DIVISION 5. - CONDITIONAL USES

[Sec. 30-531. - Conditional use permits \(CUP\).](#)

[Sec. 30-532. - Uses permitted by conditional use permit \(CUP\).](#)

[Secs. 30-533—30-550. - Reserved.](#)

Sec. 30-531. - Conditional use permits (CUP).

(a) *Purpose and intent.* The development and execution of this division is based upon the division of the city into districts within which the regulations are specified. It is recognized, however, that there are special or conditional uses which, because of their unique characteristics, must be considered individually as to their impact upon neighboring land, and the public welfare and their compatibility at the particular location. To provide for these needs the city council may by resolution approve a conditional use permit for those uses and purposes listed and may impose conditions and safeguards in such permits to ensure that the purpose and intent of this division is carried out.

(b) *Application requirements.* An application signed by the landowner for a CUP shall be filed with the zoning administrator together with a filing fee as established by the city council. Such application shall be accompanied by the following information:

- (1) A site plan drawn to scale which shows all dimensions; the location of existing and proposed streets, buildings and parking; the existing and proposed building height and floor area; curb cuts and driveway locations; utilities; loading areas and lighting.
- (2) A drainage plan showing existing and proposed topography and slopes and how surface drainage will be handled.

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- (3) A landscape plan as specified in section 30-456
- (4) Building plans showing elevation drawings and floor plans.
- (5) A written description of the use to be made of the property and buildings including the number of employees, students, etc.
- (6) Any other information, which in the opinion of the zoning administrator, is required to evaluate the application and its consistency with the city comprehensive plan.

(c) *Waiver authority.* The zoning administrator shall have the authority to waive any of the information in subsection (b) of this section not deemed to be necessary and appropriate to evaluate the application.

(d) *Hearing and mailed notices.* The zoning administrator shall cause to be published a notice of the public hearing before the planning commission in the official newspaper at least ten days prior to the hearing date. Notices shall also be mailed to all owners of property within 350 feet of the parcel included in the request not less than ten days prior to the hearing. Failure to give such notice or defects or errors in the notice shall not invalidate the proceedings, provided a good faith attempt to comply with notice requirements was made.

(e) *Planning commission review and recommendation.* The planning commission shall conduct a public hearing on the application and make its recommendation with findings and conditions to the city council within 60 days of receipt of the planning commission's recommendation, to approve or deny the CUP. The council shall not approve a CUP unless it shall find that the establishment, maintenance and operation of the use:

- (1) Will not be detrimental to the public health, safety, morals or general welfare;
- (2) Will not cause undue traffic congestion or hazards and will not result in a parking shortage;
- (3) Will not be injurious to the use and enjoyment or result in a decrease in value of other property in the area;
- (4) Will not impede the orderly development of other property in the area;
- (5) Will not impose an excessive burden on parks and other public facilities and utilities;
- (6) Is consistent with the comprehensive plan.

Approval shall require a majority vote of the city council.

(f) *Conditions and restrictions.* The city council may impose such conditions and restrictions as it deems necessary on the establishment, location, construction, maintenance, operation and duration of the use to ensure compliance with the requirements of this division.

(g) *Resubmission.* No application which has been denied by the city council shall be resubmitted by the applicant for a period of one year following the date of denial by the city council.

(h) *Lapse and extension.* If within one year after the date of issuance the use for which the CUP was issued has not commenced, the CUP shall become null and void. If the applicant requests an extension in writing within one year after issuance, the city council shall conduct a public hearing and consider an

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extension utilizing the same notice procedures as required for the original application. The city council may extend the CUP for up to one year upon finding that:

- (1) A good faith effort has been made to use the permit;
- (2) There is reasonable expectation that there will be uses; and
- (3) The facts upon which the original permit was issued are essentially unchanged.

(i) *Periodic review.* If periodic review is imposed as a condition of a CUP, the CUP shall be reviewed at a public hearing prior to the expiration of the review period. It shall be the responsibility of the zoning administrator to schedule the public hearing and inform the owner of the review. A fee shall not be required to be paid.

(j) *Revocation.* If any person is found in violation of any condition or restriction imposed by the city council, the city may revoke such CUP utilizing the procedures established in this division.

(k) *Special considerations for shoreland areas.* The following additional evaluation criteria and conditions apply within shoreland areas:

- (1) *Evaluation criteria.* A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:
 - a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - b. The visibility of structures and other facilities as viewed from public waters is limited;
 - c. The site is adequate for water supply and on-site sewage treatment; and
 - d. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

(2) *Conditions attached to conditional use permits.* The city council, upon consideration of the criteria listed in subsection (k)(1) of this section and the purposes of this division, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this division. Such conditions may include, but are not limited to, the following:

- a. Increased setbacks from the ordinary high water level;
- b. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
- c. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

(Code 1978, § 23.5(l); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

State law reference— Conditional use permits, Minn. Stat. § 462.3595.

Sec. 30-532. - Uses permitted by conditional use permit (CUP).

The following uses or any expansion of an existing use requiring a CUP shall require the issuance by

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the city of a CUP. Each such use shall comply with these stated conditions.

(1) *Manufactured home parks.* Manufactured home parks have special characteristics which require the full consideration of their location needs, layout and design, and their relationship to and effect upon surrounding land uses. Because of these characteristics, manufactured home parks are permitted within the R-2, SR-2, R-3, SR-3, R-4, SR-4, LB, SLB, MU and SMU districts subject to all of the following conditions:

a. *Site development requirements.*

1. Location. The site shall have at least one property line abutting an arterial or collector street as defined by the city comprehensive plan.
2. Minimum site area: Ten acres.
3. Minimum lot width: 200 feet.
4. Minimum yards:
 - i. External front side and rear yards: 25 feet. Where a mobile home park abuts an R-1, SR-1, R-1a or SR-1a district, the required external yard shall be at least 50 feet.
 - ii. Manufactured home parks located in shoreland districts shall also be subject to additional shoreland management regulations,
5. Maximum lot coverage of 35 percent.

b. *Internal park development requirements.*

1. Spacing. There shall be no less than 20 feet between detached units in all directions. Attached units shall meet the requirements of the building code.
2. No manufactured home shall be located closer than ten feet to a side or rear lot line, nor closer than twenty feet to the front lot line.
3. Maximum building height: 20 feet.
4. Utilities. All units shall be connected to the municipal sewer and water systems.
5. Streets and walks. Each unit shall have direct access to a public or private street having a width of 32 feet and a paved surface with concrete curb and gutter. A walkway not less than 30 inches wide shall be constructed from the entrance of each unit to all required service facilities within the park.
6. Anchors. All manufactured homes shall be secured by a ground anchoring system which conforms to Minnesota Statutes 327.32, Subd. 6, as may be amended.
7. Skirting. Skirting shall be provided along the entire perimeter of the mobile home and hitch assembly. Skirting shall be of an approved construction material, texture and color which shall be compatible with the mobile home unit and shall be constructed in a manner which provides access for inspections if they should be necessary.
8. Landscaping shall be required as specified by section 30-594

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9. Parking. Each manufactured home lot shall have off-street parking space for two passenger vehicles. At least one of the parking spaces shall be located upon the lot and shall be set back at least five feet from the side lot line. Remaining spaces shall be in a group parking area located no further than three hundred feet from the units for which they are designated. All parking spaces shall be hard surfaced according to city specifications and designed to the requirements of section 30-596

10. Garbage receptacle. At least one metal or plastic garbage can with a tight fitting cover shall be provided for each unit. Garbage cans shall be located no further than 100 feet from any mobile home, and the can shall be kept in sanitary conditions at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to ensure that the garbage cans shall not overflow.

11. Porches and entries. Front porches and/or entries may be constructed adjacent to manufactured homes in an approved manufactured home park. These structures shall meet the following requirements:

- i. Maximum size six feet by ten feet.
- ii. The enclosure shall not be used for living quarters.
- iii. The enclosure shall not cause a violation of the lot setback, dimension or the specified distance between mobile homes.

12. Accessory buildings. Accessory buildings, including garages, shall be limited to two per manufactured home lot. Maximum allowable floor area shall not exceed 12 percent of the lot where lot size is delineated by site plan or lot markers. Maximum height of accessory buildings is 15 feet.

- i. Accessory buildings shall only be located in side or rear yards.
- ii. Accessory buildings shall not be located within any utility easements.
- iii. Accessory buildings shall be located at least six feet from any other structure on the same lot and at least ten feet from a structure on an adjacent lot.

13. These provisions shall not prevent the owner of a manufactured home park from establishing additional standards and policies above the requirements of this section.

c. *Park design and operational requirements.*

1. Underground utilities. All utilities, including TV cables, telephone and electrical service, shall be underground unless otherwise approved by the city.

2. Manufactured home park grounds shall be lighted from sunset to sunrise in a manner approved by the city council and such that the maximum illumination as measured at property lines shall be one foot candle.

3. Screening. Along the edges of a mobile home park, walls, fences or vegetative screening shall be provided where such park abuts an R district. Screening shall be not less than five nor more than six feet in height and shall provide 90 percent opacity.

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4. A private area shall be established, constructed and maintained within the manufactured home park for passive or active recreation use such as, but not limited to, children's play equipment, sport courts, swimming pools, golf green, or golf green. The size of the private recreation area shall be at least five percent of the total site.
5. Surface storm water drainage. All manufactured home parks shall be well drained and located so that the drainage of the park area will not endanger any water supply according to the requirements of Minnesota Statutes § 327.20(1), as may be amended.
6. Manufactured home parks shall prepare for city council approval an emergency preparedness plan which complies with the requirements of Minnesota Statutes § 327.20(1).
7. Dead storage and additional parking. All manufactured home parks shall provide a screened area set aside for dead storage and overload parking. All boats, boat trailers, hauling trailers and equipment not stored within manufactured homes or accessory buildings shall be stored in this area as outdoor storage on individual manufactured home lots is not allowed.
8. Sales prohibited. Commercial manufactured home sales shall not be permitted within the mobile home park unless specifically approved by the city council. Such approval may be subject to special conditions to ensure compatibility with the operation of the mobile home park. This provision shall not prohibit the selling of an individual manufactured home which is affixed to a manufactured home stand and otherwise complies with all provisions of this section.
9. A resident manager shall be required at the manufactured home park and the city shall be kept informed of his or her name, address and phone number.
10. A manufactured home park may be developed as a planned unit development, following the provisions of section 30-809, to provide for a more creative and flexible response to site conditions and nature resources.

State law reference— State law references: Manufactured home parks as conditional uses, Minn. Stat. § 462.357, subd. 1b.

(2) *Recreation facility, commercial-outdoor.* Recreation, commercial-outdoor uses are subject to the following conditions:

- a. All improvements shall conform to setback requirements for principal buildings in the district.
- b. No structure shall exceed 25 feet in height.
- c. Proposed facility shall be compatible with surrounding uses.
- d. No facilities are closer than 50 feet to an R district boundary.

(3) *Interim use of buildings.* The city may, in accordance with CUP procedures and subject to the required findings (refer to section 30-531(e)), allow existing buildings to be occupied by uses not permitted by this article for a period not to exceed one year. Up to two one-year extensions may be allowed but if all or any part of the building, or land upon which it is located, is disposed of or

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transferred to another owner by deed or lease agreement, all interim uses shall cease and the land shall thereafter be used in accordance with district requirements.

(4) *Mining of sand and gravel.* Mining of sand and gravel, including temporary borrow areas, in areas not subject to the provisions of the mining overlay district as defined in section 30-704 and for a duration not exceeding two years are subject to the following conditions:

- a. State law compliance. All uses shall comply with applicable state laws.
- b. Additional Information. In addition to the application requirements identified in section 30-531(b), the following information shall be required:
 1. An end use plan showing all uses of land, access, hazard control, future ownership intent, etc.
 2. An operations plan identifying the number and routing of trucks, hours of operation, the amount of material to be excavated annually, phasing, the number of years of expected operation, the location of buildings and equipment, and the levels of noise, dust and vibration that can be expected at all property lines and how these will be mitigated.
 3. A written plan for reclamation of the affected area detailing:
 - i. The nature and extent of the reclamation.
 - ii. Method and schedule for restoration and measures to control erosion during and after the work.
 - iii. A topographical map or plat of the proposed excavation or filling showing the limits of the proposed work together with the existing and proposed finished elevations based on sea level datum.
 - iv. The method of controlling drainage both during the proposed work and the final drainage plan.
 - v. The estimated quantity of excavation or fill material.
 - vi. Type of material to be utilized.
 - vii. Signature of the applicant, verifying that the application is made with the express approval of all owners of the land.
 - viii. Protection of water resources. No material shall be used for reclamation which will have a detrimental effect on ground or surface water quality.
 - ix. Financial guarantee. The city may require a bond or letter of credit in such form and amount as it shall determine to cover the expense of restoring any land reclamation site to a reasonable condition. Such guarantee shall, if required, be made a condition of obtaining a CUP.
- c. Fencing required. The property shall be properly fenced to prevent trespass.
- d. Maintenance. The operation shall be maintained in a neat and orderly fashion so as to

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prevent injury to any single property, to any individual or to the community in general.

e. Compliance. The approved plan shall govern the operation and any departure thereafter shall constitute a violation warranting revocation of the CUP.

f. Financial guarantee and insurance. The applicant shall post a bond or a letter of credit in an amount required by the city. The applicant shall also file with the city a liability insurance policy or certificate of insurance issued by the company authorized to do business in the state in the amount of \$200,000.00 per person and \$600,000.00 per accident and at least \$50,000.00 for property damage.

g. Temporary borrow areas shall be subject to the following:

1. The applicant shall specify the volume of material intended to be excavated or processed for the specified road or maintenance project.

2. The following provisions shall apply to the entry and re-entry to the borrow area site and to the establishment, operation, and care of any borrow area site:

i. All final slopes shall be maintained at a slope not to exceed 3:1, unless the naturally occurring slope is steeper than 3:1, in which case final slopes shall not be steeper than the original natural slope.

ii. The tops of all banks shall be rounded to conform to the surrounding topography.

iii. Those borrow areas which are reclaimed for purposes of a Minnesota Department of Natural Resources Wildlife Management area and/or wetland mitigation to enhance wildlife habitat. Borrow areas reclaimed for these purposes may have areas left unvegetated to enhance wildlife habitat.

(5) *Junk and salvage operations.* Junk and salvage operations are subject to the following conditions:

a. Minimum site area: One acre.

b. Fencing. All activities shall be enclosed within a wall or fence at least eight feet in height so as to screen the site from surrounding property. Such fence shall be of sound construction and shall be properly maintained.

c. Yards. All activities shall have a front setback of not less than 50 feet. A yard abutting an R district shall be at least 100 feet in width.

(6) *Senior housing with services (7 or 8 people).* Senior housing with services uses allowing between seven and eight residents in RR, SRR, R-1, SR-1, R-1a, SR-1a, R-2 and SR-2 zoning districts are subject to the following conditions:

a. State law compliance. All uses shall comply with applicable state laws.

b. Licensing. The facility must be licensed by the State of Minnesota for eight or fewer persons. The conditional use permit application shall include verification of said licensing.

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c. Additional Information. In addition to the application requirements identified in section 30-531(b), the following information shall be required:

1. The required site plan elements described in section 30-351(b)1 shall be expanded to include:

- i. The location of structures, access routes and landscaping features on properties adjacent to the subject property.
- ii. The existing landscaping features of the subject property.

2. Current and projected daily, weekly and monthly traffic patterns, including staff, customer and number, type, and timing of commercial deliveries to the subject property.

3. Estimated on-site parking demands of the subject property, with necessary detail provided within the site plan required in 30-531(b)1 as to the size, number and location of on-site parking stalls.

d. Landscaping/Screening. Additional landscaping and or fencing may be required to diminish or alleviate potential adverse visual effects of the proposed use.

(7) *Jail, detention center and juvenile detention center subject to the following conditions:*

- a. The maximum number of beds is limited to eight (8).
- b. The facility must be certified by the Department of Corrections.

(8) *Essential service structure (within any residential zone or CBD) subject to the following conditions:*

- a. Structures shall be architecturally designed to be compatible with adjacent uses.
- b. No paved parking areas are allowed.

(9) *Retail general sales and service (greater than 70,000 square foot building footprint) subject to the conditions identified in Division 14 of this article.*

(10) *Telecommunication towers subject to the conditions identified in Division 15 of this article.*

(Code 1978, § 23.5(J); Ord. No. 05-06-12, 6-27-2005; Ord. No. 06-03-01, 3-13-2006; Ord. No. 06-03-02, 3-27-2006; Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Secs. 30-533—30-550. - Reserved.

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[Sec. 30-551. - Lot provisions.](#)

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Sec. 30-551. - Lot provisions.

(a) *Lots of record.*

(1) *Reduction in lot area.* No lot of record shall be reduced in size below the district requirements of this article.

(2) *Use.* A lot of record for which a deed has been recorded in the office of the recorder for the county prior to the effective date of the ordinance from which this article is derived shall be deemed a buildable lot even though the lot area and/or dimensions are less than those required for the district in which the lot is located provided:

- a. It fronts on a public right-of-way.
- b. All other requirements of the district are met.
- c. No adjacent land or lot is now owned or has been owned by an owner of the lot in question at any time since September 10, 1975. Where adjacent land is owned, lots shall be combined so as to create a lot meeting the requirements of this article.
- d. That any lot so excepted shall be no less than 50 feet in width or, in the case of the R-2 district, no less than 80 percent of the ordinance requirement.
- e. The cut-off date for lots of record in shoreland zones is as follows: SR-1, SR-2 April 11, 1979; and all other shoreland districts on May 9, 1994, provided the lot is otherwise a legal lot of record as provided in subsection (a)(2)c. of this section.

(b) *Contiguous lots.* Two or more lots of record when contiguous and when held in common ownership may be treated together as a single lot for purposes of this article, provided such lots are located in the same district or if in different districts, the use proposed for either is allowed in both districts. Two or more lots of record, when contiguous and when held in common ownership may also be treated as individual lots for purposes of this article provided the individual lots of record meet the standards within this article, and those within Section 30-366

(c) *One principal building per lot.* Except for a PUD, or a multiple-family project, not more than one principal building shall be located on a lot in any R district.

(Code 1978, § 25.3(B)(3); Ord. No. 06-03-02, 3-27-2006; Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-552. - Required yard and open space.

(a) *Reduction.* No yard or other open space shall be reduced in area or dimension so as to make such yard or other open space less than the minimum required by this article. If the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced.

(b) *Relative to other buildings.* No required yard or other open space allocated to a building or dwelling group shall be used to satisfy yard, other open space or minimum lot area requirements for any other building.

(Code 1978, § 23.3(B)(4); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-553. - Traffic visibility and pedestrian access.

(a) *Intersection visibility.* In all but the CBD districts no structure or planting in excess of 30 inches above the curbline shall be permitted within an area, encompassed by the legs and the hypotenuse of a triangle, the legs of which are measured along and beginning at the intersecting curb lines a distance of 30 feet.

(b) *Hedges, bushes and trees.* Hedges, bushes and trees adjacent to this triangle and along a public sidewalk shall be pruned so as not to impede vision or the movement of pedestrians on such public sidewalk.

(Code 1978, § 23.3(B)(5); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-554. - Land reclamation.

The placement or rearrangement of more than 100 cubic yards of fill on any lot during a 365 day time span shall require a fill permit. An application for a fill permit shall be supported by information requested in division 5 of this article, and such plans must be approved by the city engineer prior to issuance of a permit. Any land reclamation activities affecting wetland areas, shorelands or the drainage of neighboring properties shall require a conditional use permit as per division 5 of this article.

(Code 1978, § 23.3(B)(6); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-555. - Structures on the public right-of-way.

No buildings, structures, signs or uses may be located in or on any public land or right-of-way unless otherwise specifically permitted by this Code.

(Code 1978, § 23.3(B)(7); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-556. - Relocation of structures.

No building shall be moved into or within the city limits without first obtaining a permit from the city.

(Code 1978, § 23.3(B)(8); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-557. - Access to a street required.

Every building hereafter erected shall be located on a lot having frontage on a public street. The city may also grant a building permit to existing lots of record with proof of an access easement and a paved or gravel surfaced roadway with 12 feet of width.

(Code 1978, § 23.3(B)(9); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-558. - Temporary dwellings.

The use and occupancy of a tent, recreational vehicle or other temporary dwelling for the purpose of living quarters is not permitted in any district.

(Code 1978, § 23.3(B)(10); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-559. - Keeping of animals.

Only domestic and farm animals shall be kept, raised or boarded in the city, except as otherwise provided by this article. The keeping of wild and exotic animals shall not be permitted in the city.

(Code 1978, § 23.3(B)(11); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Cross reference— Animals, ch. 10.

Sec. 30-560. - Water supply and sewage treatment required.

(a) Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the state department of health and the state pollution control agency. Any premises used for human occupancy must be provided with an adequate method of sewage treatment as follows:

(1) Publicly-owned sewer systems must be used where available. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way shall be required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within ninety days after official notice to do so, provided that the public sewer is within 150 feet of the property line. See chapter 70, section 70-92 of the City of Grand Rapids Municipal Code.

(2) All private sewage treatment systems must meet or exceed the Itasca County Zoning Ordinance and Itasca County Sanitation Ordinance, as amended.

(3) On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in section 30-803

(Code 1978, § 23.3(B)(13); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Cross reference— Utilities, ch. 70.

Sec. 30-561. - Parking of commercial vehicles.

Except as permitted by chapter 66 of this Code, the parking of commercial trucks, commercial trailers, or delivery vehicles is not permitted in any residential district unless housed within an accessory structure.

(Code 1978, § 23.3(B)(14); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Cross reference— Traffic and vehicles, ch. 66.

Sec. 30-562. - Performance standards.

In addition to the requirements of this division, uses shall comply with all of the provisions of this Code and all state and federal laws.

(Code 1978, § 23.3(C); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-563. - Supplementary use regulations.

In addition to other requirements of this division, the following shall apply:

(1) *Accessory buildings.* No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory. Only two detached accessory buildings shall be allowed, except as provided for in subsection d. Accessory buildings may be erected as part of the principal building or may be connected to it by a roofed-over porch, patio, breezeway or similar structure or it may be completely detached. If attached to the principal building, an accessory building shall be structurally a part of it and shall comply in all respects with the requirements applicable to the principal building. An accessory building not attached and not made part of the principal building shall not be nearer than six feet from any other separate structure on the same lot.

a. Membrane structures shall be permitted uses in all residential, districts subject to the following:

1. All membrane structures shall meet the standards of the building code. Refer to article IV of this chapter
2. All membrane-covered buildings shall be neutral colored (i.e. dark green, tan, brown, etc.)
3. There shall be no more than one membrane-structure per property
4. The size shall not exceed 400 square feet.
5. Membrane structures shall be included in hardcover calculations.
6. Membrane structures shall be adequately anchored and/or secured to the ground.
7. Membrane structures shall meet setback requirements for accessory buildings.
8. Membrane structures shall not be located in the front or side yards.

(2) *Garages in R-1, SR-1, R-1a, SR-1a, R-2 and SR-2 districts.* The following shall apply:

a. Structural space may be provided as accessory to a principal use not to exceed 1,000 square feet for lots smaller than 7,000 square feet and 1,300 square feet for lots greater than 7,000 square feet, total space, including an attached garage, provided:

1. The building height does not exceed the height of the principal structure or 18 feet, whichever is greater, and the wall height does not exceed ten feet.
2. The total building coverage does not exceed the limits outlined in Table 2-A in section 30-512

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3. No other storage buildings shall be allowed.

b. Where the lot size equals or exceeds 15,000 square feet, up to 1,500 square feet of structural accessory space, including an attached garage, may be provided, subject to the limitations of subsection (2)a.1—3. of this section.

c. An accessory building shall not be located any closer to the front lot line than the principal building.

(3) *Tool sheds in R-1, SR-1, R-1a, SR-1a, R-2 and SR-2 districts.* Tool sheds and other similar buildings for the storage of domestic supplies shall require a building permit and shall conform to the following standards:

a. The area shall not exceed 160 square feet.

b. The height of a detached building shall not exceed 12 feet. If attached, the structure shall not exceed the height of the principal building.

(4) *Accessory buildings in RR, SRR, and AG districts.* Accessory buildings shall conform to the following standards:

a. Structural space may be provided as accessory to a principal use not to exceed the lesser of three percent of the lot area or 10,000 square feet.

b. No single accessory building shall exceed 25 feet in height.

c. Accessory buildings not used for agricultural purposes shall be limited to the height of the principal residential structure with no more than 14 foot sidewalls

d. Accessory buildings shall be designed to be compatible with the principal building and general neighborhood environments, including but not limited to exterior finish, color, materials, overhangs, soffits, and fascia.

e. Accessory buildings located in the front or side yard shall be allowed subject to the following requirements:

1. The accessory building is designed to architecturally match the existing principal structure including roof pitch, windows, trim, shingles, color and side materials. The roof overhang and eaves shall be at least 12 inches but no more than 30 inches.

2. Accessory building overhead doors must be perpendicular to the road.

3. The height of the accessory structure shall not exceed that of the principal structure and the maximum sidewall height shall not exceed 12 feet.

4. Must be setback no less than 75 feet from the public right-of-way.

5. The principal structure and accessory structure must share a common driveway.

(Code 1978, § 23.5(G); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-564. - Uses with restrictions.

The following restrictions apply in this article as indicated:

- (1) Accessory apartments (within the CBD zone): Shall be required to have one off-street parking stall per unit.
- (2) Automotive/RV repair provided:
 - a. No repair work shall take place outside of the principal structure; and
 - b. Any damaged or disassembled (partially or wholly) vehicle stored overnight shall be kept in an enclosure screening the vehicle and/or other materials from public view in such manner as described in section 30-594(h).
- (3) Bank, savings and loan, or loan agency (within the LB, SLB zone): Maximum size of structure 2,000 square feet GFA.
- (4) Bed and breakfast facilities (within R-2, SR-2 zone) provided:
 - a. One off-street parking space is provided for each guestroom in addition to the minimum number required for residential and any other permitted uses.
 - b. The facility shall be limited to providing service to four persons, excluding children under 12 accompanied by a parent; provided that service to up to ten (10) persons may be allowed in an R2 zone by Conditional Use Permit
 - c. The facility shall not have more than two guestrooms; provided that up to five (5) guest rooms may be allowed in an R2 zone by Conditional Use Permit.
 - d. Signs identifying bed and breakfast facilities shall not exceed three square feet in area. This provision shall take precedence over any less restrictive sign regulations in this article.
- (5) Bed and breakfast facilities (within R-3, SR-3, R-4, SR-4 zone): Same restrictions as the R-2 zone, except that the facility may serve up to ten persons, but shall not have more than five guestrooms.
- (6) Car, truck and equipment cleaning establishments (within GB, SGB zone): Subject to the special restrictions established for gasoline and fuel sales and service establishments. See subsection (15) of this section. In addition, the vehicle entrance door shall be no more than ten feet high.
- (7) Churches and similar places of worship provided as follows (within RR, SRR, R-1, SR-1, R-1a, SR-1a, R-2, SR-2, R-3, SR-3, R-4, SR-4, LB, SLB, GB, SGB, CBD zone):
 - a. No principal building shall be located within 30 feet of any lot line of an abutting lot in an R district;
 - b. The site shall be at least one acre in size; and
 - c. The use shall be subject to the site development standards defined in division 7 of this article, and for bufferyard purposes shall be treated as an R-3 property.

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- (8) Clubs, lodges and membership organizations (within RR, LB, GB, SGB, CBD, MU, SMU, and AG zone):
- a. Within GB, SGB, CBD, MU, and SMU, may not be located closer than 600 feet to any school.
 - b. Within RR, LB and AG districts, no commercial (retail or service) uses shall be conducted as part of the organization's operations from the site.
- (9) Contractor's yard, material storage (within the GB, SGB, I-1, SI-1, I-2 and SI-2 zone): All outdoor storage of equipment, except automobiles and trucks up to two ton, and materials/supplies shall be screened from public view as per the requirements of section 30-594(h).
- (10) Customary home occupations are subject to all of the following conditions:
- a. Home occupations shall be conducted solely by persons residing in the residence.
 - b. All business activity and storage shall take place within the interior of the residence and shall not take place in an accessory building or buildings.
 - c. There shall be no alteration to the exterior of the residential dwelling, accessory building or yard that in any way alters the residential character of the premises.
 - d. No sign, display, or device identifying the occupation shall be used.
 - e. The occupation shall not be visible or audible from any property line.
 - f. Such occupation shall not involve the retail sale or rental of products on the premises.
 - g. No vehicle used in the conduct of the occupation shall be parked, stored or otherwise present at the premises other than such as is customarily used for domestic or household purposes such as a van or three-quarter ton truck.
 - h. Only on-site off-street parking facilities normal for a residential use shall be used.
 - i. The use of substances that may be hazardous to the health, safety or welfare of neighbors and neighboring property shall not be used in the conduct of a home occupation.
- (11) Day care centers (within MU, SMU, M, SM, I-1, SI-1, I-2, SI-2 zone): Must be accessory to a permitted use and available only for employees of that permitted use.
- (12) Day care centers for 15 or more persons (within the RR, SRR, R-1, SR-1, R-1a, SR-1a, R-2, SR-2, R-3, SR-3, R-4, SR-4 zone): Licensed by the state within elementary, junior high and senior high schools and religious institutions.
- (13) Emergency housing facility (within R-1, R-2, R-3, SR-3, R-4, SR-4, LB, SLB, GB, PU, SGB, CBD, MU, SMU, AG zone): Provided as follows:
- a. Facility shall provide detailed program information including goals, policies, site plan, building plan, staffing pattern, target capacity, security measures, and emergency management plan.

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- b. The facility shall not be located in a two-family or multi-family dwelling unless it occupies the entire structure.
 - c. The facility shall be limited to no more than 16 residents in residential zoning districts or 32 residents in non-residential districts without a conditional use permit.
 - d. Existing residential structures used for an emergency housing facility shall not be externally altered so that the original residential character of the structure is compromised unless approved by the city council.
 - e. No on-street parking shall be allowed. Adequate off-street parking shall be required by the city based on the staff and resident needs of the specific facility. Private driveways shall be of adequate width to accommodate effective vehicle circulation. Emergency vehicle access shall be available at all times.
 - f. Landscaping and buffering shall be provided consistent with the requirements contained in section 30-594
 - g. Signage of the emergency housing facility shall be limited to the provisions of division 10 based on the zoning district in which it is located.
 - h. Emergency housing within the R-1 and R-2 districts shall be as accessory uses to the principle use.
- (14) Equipment and/or tool rental (within the GB, SGB zone): All outdoor storage of equipment, except automobiles and trucks up to two ton, and materials/supplies shall be screened from public view as per the requirements of section 30-594(h).
- (15) Essential services (within all zones): Provided as follows:
- a. Prior to the installation, the owner files with the city engineer/zoning administrator all maps, sketches or diagrams and other pertinent information as deemed necessary by the city engineer/zoning administrator for review of the proposed project.
 - b. Radio transmitters and receivers accessory to an essential service may be located on existing utility poles or light standards within the public right-of-way provided the radio transmitters and receivers comply with the following standards:
 - 1. Radio transmitters and receiver devices located on a utility pole/tower or light standard shall be at least fifteen feet above grade.
 - 2. Radio transmitters and receiver devices shall not exceed eighteen inches in length or width or extend more than eighteen inches from the pole.
 - 3. Antennas may not extend more than twenty-four inches from the equipment.
 - 4. A map shall be submitted showing the location of all proposed radio transmitters and receivers. The map shall be accompanied by a list of all sites referenced by the closest street address or property identification number. The list of sites must also describe the type of pole to be used.
 - 5. The applicant shall notify the city of any changes to the approved list prior to

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erecting or placing any additional equipment in the right-of-way.

6. The applicant shall notify the city at the time of permit application of any obstruction that would cause traffic to be rerouted or stopped.

7. The applicant shall enter into an encroachment agreement with the city if required.

(16) Essential service structures (LB/SLB, GB/SGB, M/SM, RC/SRC, I-1/SI-1, I-2/SI-2, CD, PU/SPU, AG, AP): Provided they shall not be located within 30 feet of any lot line of an abutting residential district.

(17) Farm Animals (within AG, RR, SRR zone) provided:

a. All farm and permitted non-domestic animals must be so contained to prevent the animals from escaping onto neighboring properties or injuring the public.

b. Enclosed pens, corrals, feed lots, and structures used to house farm and permitted non-domestic animals shall be setback a minimum of 25 feet from the nearest lot line or the applicable accessory structure setback, whichever is greater (said setback shall not apply to open grazing or pasture areas).

(18) Garage/yard sales (within RR, SRR, R-1, SR-1, SR-1a, R-2, SR-2, R-3, SR-3, R-4, SR-4, LB, SLB, AG)—Temporary: Provided as follows:

a. The sale is not more than four successive days in duration.

b. Not more than three such sales are conducted on the premises in a calendar year.

c. There shall be at least one month between sales on the same premises.

(19) Gasoline and fuel sales and service establishments including accessory car washes (within GB, SGB zone): Subject to all of the following:

a. Minimum front yard of 30 feet.

b. All operations shall be conducted within the principal building except for vacuuming and gas pumps.

c. A curb six inches above grade shall be provided at any edge of a parking lot abutting a property line which adjoins a public street.

d. The site shall be planned so as not to permit water from a car wash to run into a public street or accesses thereto. A drainage system shall be installed subject to the approval of the city engineer.

e. Pump islands, canopies, and tank vents shall conform to yard requirements or a minimum of 20 feet from a street right-of-way whichever is greater.

(20) Gasoline station (within CBD zone): No more than one carwash bay and/or two service bays shall be permitted as accessory uses.

(21) Golf and country clubs (within residential zones and PU, SPU zone): Other than golf driving ranges and miniature golf courses but including clubhouses provided the site shall be 40 or more

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acres in size and shall have a direct access to a major street as defined by the city comprehensive plan. Swimming pools, tennis courts, structures and parking shall be located a minimum of 50 feet from all residential property lines.

(22) Group homes, foster homes or licensed residential facilities for six or fewer persons (within residential zones, LB, SLB and AG zone): Must be licensed by the state for six or fewer persons.

(23) Individual manufactured homes with a minimum dimension of less than 24 feet (within the AG zone): Provided:

- a. They are occupied by members of the family or an employee.
- b. Not more than two such units are permitted on each farm.

(24) Manufactured housing as defined by Minn. Stat. § 327.31 and further subject to the following:

- a. Manufactured homes will conform to Minn. Stat. §§ 327.31—327.35 (the Manufactured Home Building Code, July 1972 to Present) and shall bear the state inspectors seal.
- b. Manufactured home foundation installations shall comply with the state building codes.

(25) Manufacturing, custom (within LB, SLB zone): Subject to the following:

- a. Not to exceed a gross floor area of 1,000 square feet with at least one-third of such space to be used for retail sales and display purposes.
- b. No outdoor storage permitted.
- c. No hazardous materials used in the fabrication of materials.

(26) Manufacturing, custom (within GB, SGB, CBD zone): Subject to the following:

- a. Not to exceed a gross floor area of 6,000 square feet with at least one-third of such space to be used for retail sales and display purposes.
- b. No hazardous materials used in the fabrication of materials.

(27) Multifamily residential (within the CBD zone): Shall provide one off-street parking space per unit.

(28) Office—Business or Professional (within the LB, SLB zone): Maximum size of structure 5,000 square feet GFA.

(29) Outdoor storage (within RR, R-1, SR-1, R-1a, SR-1a, R-2, SR-2 zone): Of not more than two portable recreation buildings or vehicles provided they are owned by the resident(s), are maintained in a neat, safe and orderly fashion and further provided that they are not stored in the front yard or nearer the front lot line than the principal building, or less than five feet from any other lot line.

(30) Outdoor storage (within R-3 SR-3, R-4, SR-4, LB, SLB zone): Subject to the following:

- a. All outdoor storage shall be accommodated within a central storage area.

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- b. Such outdoor storage area shall not be within a required yard.
- c. The storage area shall be screened from view from all public streets and R districts by a wall, fence and/or plant materials providing 90 percent capacity during all seasons of the year to a height above the ground of six feet, in such a manner as described in section 30-594(h).

(31) Outdoor storage—merchandise/material (within GB, SGB, CBD, I-1, SI-1, I-2, SI-2 zone): Of those items not normally considered to be retail display items, shall be subject to the requirements of section 30-594(h). Such items may include, but shall not be limited to, construction materials, tires, packaged inventory, salvaged/discarded materials, damaged or disassembled vehicles. This would not include such items as cars, trucks, recreational vehicles, lawn equipment, ornaments, etc., to the extent that the display items conform to the setback requirements for parking lots in the district.

(32) Outdoor storage of land/sea containers (within all non-residential zones, including MU and SMU): Shall be allowed on a temporary basis as an accessory use subject to the following:

- a. A permit shall be obtained prior to the arrival and placement of one or more containers on the site. The permit shall be issued for a maximum of twenty-four consecutive months in industrial zones and twelve consecutive months in all other non-residential zones. In unique situations when the lapse of permit and abrupt discontinuance of the land/sea container use will not have a harmful effect upon the principal use of the property, the planning commission may consider approval of a one-time permit term extension, the length of which will be determined by the planning commission, with a maximum extension of no greater than one year in non-industrial permitted areas. The permit shall identify the number of containers to be placed on the site within the set time period. No permit shall be reissued until at least eighteen months has elapsed in industrial zones and six months has elapsed in other non-residential zones since the expiration of the previous container permit.
- b. Containers shall not be stacked and shall be placed on a level, stable surface allowing for adequate drainage at all times.
- c. Containers shall not be stored in the front yard of the property or in the required side or rear yard setback areas.
- d. All non-industrial properties obtaining more than two permits in three years shall screen any containers from the motoring public or residential neighborhoods immediately adjacent to the property where it is located through fencing, walls or landscaping.
- e. Containers shall not be placed on parking spaces required to meet the site's parking demand.
- f. Containers shall be placed to provide sufficient access to the container and any buildings on the site for fire fighting purposes.
- g. The recipient of the permit shall be the only party allowed to use the container.
- h. The containers shall be limited to a maximum square footage of container storage area not to exceed two percent of the gross area of the site on which the container is located. In no cases shall the footprint of all of the containers on a site exceed 3,200 square feet.

(33) Pharmacy (within the LB, SLB, MU, SMU zone): Must be accessory to a permitted principal

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use.

(34) Pharmacy (within the M and SM zones): May be accessory to a permitted principal use, or as a stand alone principal use, provided the following:

- a. The lot, upon which a Pharmacy, as a principal use, is to be located, shall not be adjacent to residentially zoned property.
- b. Type "C" bufferyard requirements shall be adhered to.
- c. No greater than five percent of the gross floor area of the structure shall be utilized for the display and sale of merchandise which is not either medication or medical/health care supplies.

(35) Private noncommercial recreation (within residential zones and LB, SLB zone): Including tennis courts, hot tubs and swimming pools provided they are located no nearer the front lot line than the principal structure and are not less than ten feet from a property line. Swimming pools shall be completely enclosed with a six-foot high protective fence and a latching gate.

(36) Recycling center (within GB, SGB zone): All outdoor storage of equipment, except automobiles and trucks up to two ton, and materials/supplies shall be screened from public view as per the requirements of section 30-594(h).

(37) Restaurant (within the M, SM zone): Must be accessory to a permitted principal use; no sale of alcoholic beverages.

(38) Restaurant (within the RC, SRC zone): Must be accessory to a permitted principal use.

(39) Retail—General sales and service (within the LB, SLB zone): Maximum size of structure shall be limited to 3,000 square feet gross floor area, and no more than 1,000 square feet GFA of retail sales space.

(40) Retail—General sales and service (within the AP zone): Shall be permitted to occupy up to 25 percent of the gross floor area in the main terminal building, and shall not have signs visible from the public street right-of-way.

(41) Roomers (within the RR, SRR, R-1, SR-1, R-1a, SR-1a, R-2, SR-2, AG zone): The leasing of rooms to not more than two roomers provided no signs are displayed, the rooms are not equipped with kitchen facilities of any kind and one on-site parking space is provided for each roomer in addition to the minimum number required for the residence.

(42) Satellite dishes and solar energy systems/collectors (within all zones): Provided they comply with the yard and height requirements for principal buildings. Where a rear yard abuts a lake or stream, satellite dishes and solar collectors shall not be permitted between the water body and the principal building.

(43) Schools—Elementary through secondary (within RR, SRR, R-1, SR-1, R-1a, SR-1a, R-2, SR-2, R-3, SR-3, R-4, SR-4 zone): Subject to the following:

- a. Small schools within existing buildings: Schools for 25 or fewer students shall be permitted within the existing principal church or religious building provided that:

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1. Alterations: There shall be no external alteration of the building(s) or grounds to reflect school usage.
 2. Parking: There shall be sufficient parking within the existing parking lot to accommodate off-street parking as required by section 30-628
- b. Primary, middle or secondary schools:
1. Minimum site area: One acre.
 2. Minimum yards: 30 feet from all R district lot lines or the minimum for the district, whichever is greater.
 3. All other requirements of the zoning district are met.
 4. The use shall be subject to the site development standards in article VI, division 7 of this chapter, and for bufferyard purposes shall be treated as an R-3 property.
- (44) Shooting ranges (within RC zone): Subject to the following:
- a. All shooting ranges shall be subject to the standards set forth in Minnesota Statutes ch. 87A, as may be amended.
 - b. Shooting activities and discharge of firearms shall be limited to 7:00 .a.m. to 10:00 p.m. daily.
 - c. All shooting ranges shall comply with the minimum standards for range design, location, management, operation, noise abatement and safety listed in the National Rifle Association's Range Sourcebook, 1999; or successor sourcebook.
 - d. No part of any shooting range may be located within 500 feet of any residential dwelling, commercial or industrial building or other structure used for human occupancy.
 - e. There shall be no discharge of lead shot into any wetland.
- (45) Senior housing with services (within RR, R-1 and R-2): Subject to the following:
- a. For six or fewer persons, said use shall be licensed by the State of Minnesota for six or fewer persons.
 - b. For seven to eight persons, in situations when the area of the lot upon which the proposed use is to be located is equal to or less than two acres, the use will be considered as a conditional use, and, as such will require the issuance of a conditional use permit by the city.
 - c. For nine to 16 persons, the maximum density of the proposed use shall not exceed four persons per acre.
- (46) Temporary buildings (within all zones): Incidental to construction work on the premises. Such buildings shall be removed upon completion or abandonment of such work or within the period of one year from the establishment of the building whichever is the lesser.
- (47) Temporary outdoor sales (within GB, SGB, CBD, MU, SMU, PU, SPU zone): Subject to all of

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the following:

- a. The sale is conducted by the owner or lessee of the premises, or with his written permission.
- b. The sale is no longer than four months in duration.
- c. The setbacks for a parking lot in that district shall be met for the storage and display of all merchandise and equipment used for the sale.
- d. One sign shall be permitted per vendor, with a maximum size of 16 square feet (four feet by four feet). Such sign may contain up to two sides. Off-premises signs shall not be permitted.
- e. Parking demand shall be sufficiently met. If the use of parking spaces by the temporary outdoor sales results in insufficient parking for the area, the temporary outdoor sales area must be reduced to ensure sufficient parking supply.

(48) Vending machines (within LB, SLB, GB, SGB, CBD, MU, SMU, M, SM, SRC, I-1, SI-1, I-2, SI-2, PU, SPU, AP zone): Subject to the following:

- a. Must be accessory to a permitted principal use.
- b. Must conform to setback requirements of principal structure.
- c. Must be located adjacent to principal structure.

(49) Vet clinic (within CBD zone): Limited to domestic animals only.

(50) Vet clinic (within I-1, SI-1 zone): All animals shall be housed indoors.

(51) Video arcades (within GB, SGB, and CBD zone): Subject to the following:

- a. Any arcade with 15 or more machines shall have an adult supervisor on the premises during all hours of operation.
- b. No arcade shall be operated within 500 feet of a school, church or residence.

(52) Warehouse—General (within PU, SPU zone): Limited to the indoor storage of private recreational vehicles. Warehouse space shall not be leased, rented or sold for commercial purposes or uses.

(53) Woodpiles: Subject to the same restrictions as subsection (28) of this section.

(Code 1978, § 23.5(H); Ord. No. 06-03-02, 3-27-2006; Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-565. - Twin home requirements.

(a) If the conditions of this chapter are met, a lot upon which a two-family dwelling exists, or if to be constructed, may be split along the party wall to allow for individual ownership of each unit. The newly created lots shall each be in compliance with the minimum lot width and area requirements of the Zoning Ordinance.

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(b) All of the following conditions must be met before a lot split described in (a) of this section may be approved.

(1) The property and structure must be able to be easily split into two (2) substantially equal sections.

(2) The structure must meet current building code standards for fire wall separation. This shall also apply to existing structures.

(3) Separate utility services must be provided at the owner's expense. If the property is already provided with a single one-inch or larger water service, this water service may be separated at the property line by installing a wye and two additional curb stops and boxes on the home side of the existing curb stop and box. If, however, in the opinion of the city engineer, it is feasible to make a second water service connection to the existing main, the existing water service shall not be split at the property line. If the existing water service is smaller than one-inch diameter, a separate service connection shall be made to the city water mains. If a lot is intended to be used for a two-family dwelling unit under separate ownership and the public water system is under construction, reconstruction or if the street is under reconstruction making access to the water system feasible, separate services shall be extended to the lot at that time. Splitting an existing sanitary sewer service at the property line with a wye and two (2) clean-outs may provide separate sanitary sewer service. However, if conditions exist as stated above for water services making extension of separate services from the city sewer system feasible, such extension shall be made.

(4) Deed restrictions shall be recorded with the property requirements that the structure shall have a uniform exterior appearance in terms of color, design and maintenance.

(5) Deed restrictions shall be recorded with the property that if one unit is burned or destroyed, it shall be reconstructed in a uniform appearance, and if both units are burned or destroyed, minimum lot widths shall then prevail for a single dwelling home. A double dwelling may be rebuilt meeting the original conditions of this section.

(6) Any disputes shall be submitted to binding arbitration according to the rules of the Minnesota Arbitration Association.

(7) Any other conditions shall be imposed that the city deems necessary to assure compatibility with surrounding structures or to assure a reasonable division of property.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Secs. 30-566—30-590. - Reserved.

DIVISION 7. - SITE DEVELOPMENT DESIGN STANDARDS

[Sec. 30-591. - Yard and bulk requirements.](#)

[Sec. 30-592. - Supplementary height regulations.](#)

[Sec. 30-593. - Supplementary yard regulations.](#)

[Sec. 30-594. - Landscaping and bufferyard requirements.](#)

[Sec. 30-595. - Tree preservation.](#)

[Sec. 30-596. - Parking lot design and maintenance standards.](#)

[Secs. 30-597—30-620. - Reserved.](#)

Sec. 30-591. - Yard and bulk requirements.

Please refer to Tables 2-A, 2-B and 2-C in section 30-512 for a listing of the yard and bulk requirements. Refer to Tables 17C-1 and 17C-2 in section 30-512 for yard and bulk requirements for shoreland districts.

(Code 1978, § 23.6(A); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-592. - Supplementary height regulations.

(a) *Permitted exceptions.* The following structural appurtenances shall be permitted to exceed the height restrictions for the district provided they do not impair the solar access of buildings on adjoining properties and are not used for human occupancy or commercial enterprise:

- (1) Ornamentation such as church spires, belfries, bell towers, cupolas, domes, monuments and flagpoles.
- (2) Mechanical appurtenances such as solar collectors, chimneys, smoke stacks, public utility facilities, elevator and stairwell penthouses, aerials, radio and television antennae and cooling towers.
- (3) Security fences or walls in the R-3, SR-3, R-4, SR-4, GB, SGB, CBD and I zones, shall be permitted to a height of 12 feet provided that any fence or wall over 6 feet in height meets the setback requirements for buildings. No barbed wire shall be permitted on any fence at a height of less than seven feet from the finished grade level.

(b) *Required reduction.* Refer to airspace overlay regulations, section 30-701

(Code 1978, § 23.6(B); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-593. - Supplementary yard regulations.

(a) *Permitted yard encroachments.* No yard or required open space shall be so reduced in area or dimension so as to make any such area or dimension less than required by this article. If already less than the minimum required, a yard shall not be further reduced. The following encroachments into required yards shall be permitted:

- (1) Special structural elements attached to the principal building such as chimneys, solar collectors, flues, belt courses, sills, pilasters, lintels, ornamental features, cornices, eaves and gutters provided they do not extend more than 2 1/2 feet into a yard.
- (2) Yard lights in R districts not closer than five feet to the front lot line and lights in all districts for illuminating parking areas, loading areas or yards for safety and security purposes provided the direct source of light is not visible from the public right-of-way or adjacent residential property.
- (3) Planting and ornamental landscape features.
- (4) Terraces, steps, decks, uncovered porches and patios at the same level as the height of the ground floor level of the principal building provided as follows:

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- a. The average floor elevation shall not exceed a height of three feet above the ground at the ground floor elevation.
- b. No portion of the decked or paved area is closer than two feet to any lot line. Deck railings shall not exceed the maximum height above deck grade allowed for walls and fences.

(5) Fences, walls and hedges which do not exceed a height of 3½ feet provided they are no closer to a street or alley line (property line) than two feet. Fences, walls and hedges up to six feet in height above grade shall be permitted provided such fence is located no closer than two feet to an alley line and is no closer to a street line than the minimum distance required for a building. (Any border fence located within two feet of the common lot line shall be within six inches of such common line.) The finished side of the fence must face the exterior of the lot. Barbed wire or similar materials on fences shall be prohibited within R zones except as permitted in section 30-592(a)(3).

(6) Balconies in rear yards. Balconies may project into a required front or street side yard a distance not to exceed five feet.

(7) Detached picnic shelters, open arbors and trellises, recreation equipment, unenclosed stairways and fire escapes may project only into a required rear yard and shall conform to setback requirements for accessory buildings (refer to Table 2-B in section 30-512).

(8) Canopies, marquees and awnings may be erected in any commercial district provided the following conditions are met:

- a. Minimum clearance of eight feet above ground.
- b. Shall maintain a minimum distance of 3½ feet from the face of the curb to the front of the awning, canopy or marquee.

(9) Covered porches in front yards providing the following conditions are met:

- a. Covered front porches may project into a required front yard a distance not to exceed 10 feet.
- b. Covered front porches shall not be used as year round living space and shall contain no plumbing or mechanical systems.
- c. Covered front porches shall not have basements.
- d. Covered front porches shall not be higher than the existing principal structure.
- e. Property is zoned either; RR, SRR, R-1, SR-1, R-1a, SR-1a, R-2, or SR-2.

(b) *Required side and rear yard enlargement.*

(1) *Corner lots.* Where a side yard abuts a street which is adjacent to the front yard on one or more residential lots on the same block, such side yards shall be a minimum of 30 feet. The same yard dimension determined for a side yard shall apply to structures in the rear yard.

(2) *Through lots.* Through lots shall provide the required front yard on both streets.

(3) *Business and industrial buildings.* For business and industrial buildings exceeding 35 feet in

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height in all but the I-1 or SI-1 districts and located on a lot adjoining an R district, any such building shall be set back from the interior side or rear lot line abutting such R district a minimum of one additional foot for each foot of building height in excess of 35 feet. Where there is an intervening alley, half the alley right-of-way may be subtracted from this computation.

(c) *Permitted yard reduction and required expansion.*

(1) In an R district where 40 percent or more of the lots on any block are developed with buildings, the average front yard for the block shall be computed. Where the average is less than the required front yard, the average or 20 feet, whichever is greater, shall be the required front yard. Where the average is greater than the required front yard, the average shall be the required front yard.

(2) In a GB or SGB district where 40 percent or more of the lots on any block are developed with buildings, the average street-side yard for the lots abutting the street on a block shall be computed. Where the average street-side yard of the lots abutting the street on a block is less than the required yard for the street side of the lots, the average yard shall be the required yard for the street-side of a lot, for buildings and parking.

(d) *Supplementary density, building height, lot coverage and open space regulations, senior citizens housing.*

(1) *Lot density and building height.* A doubling of density and building height shall be permitted.

(2) *Lot coverage.* Up to 40 percent of the site may be covered with buildings.

(3) *Usable open space.* Not less than 50 square feet per dwelling unit shall be required.

(e) *Surface parking in RR, SRR, R-1, SR-1, R-1a, SR-1a, R-2 and SR-2 districts.* Surface parking (cement patios, sidewalks, driveways) shall not be permitted within the setbacks required for accessory buildings (refer to Table 2-C in section 30-512) except within a normal driveway area.

(f) *Outdoor display of merchandise.* The outdoor display of merchandise shall be limited to GB or SGB districts subject to the following conditions:

(1) The display area shall be located immediately adjacent to the principal structure and only on the side of the building which contains a main entrance.

(2) The display area shall not extend more than five feet out from the building and shall not exceed four feet in height.

(3) The display area shall not take up required parking spaces or landscaping areas of the principal use.

(4) The display items shall consist solely of products sold or distributed within the principal structure by the occupant thereof.

(Code 1978, § 23.6(C); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-594. - Landscaping and bufferyard requirements.

(a) *Purpose and intent.* The inclusion of landscaping standards in this article is designed to promote

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the health, safety and general welfare of city residents and property owners. Effective landscaping and buffering can greatly enhance an area's visual appeal. Buffering can minimize the adverse impacts of intensive land uses. It can also protect adjacent land uses from excessive noise, light, litter, and traffic.

(b) *Scope of applicability.* The requirements of this article shall apply to all uses, structures, or properties constructed, extended, enlarged, moved, or altered, with the exception of properties zoned RR, SRR, R-1, SR-1, R-1a, SR-1a, R-2, or SR-2. All open areas not used or required for buildings, off-street parking, drives or storage shall be landscaped with a combination of conifers and deciduous trees, shrubs, flowers, ground covers and grass. One- and two-family dwellings permitted in any zone shall be exempt from the requirements of this section.

(c) *Bufferyards.* Plant materials and fencing required in the installation of bufferyards shall be determined in accordance with Table 3-A, bufferyard components. They shall be located within the required front, side and rear yards, and the type of bufferyard required between zoning lots shall be determined in accordance with Table 3-B, bufferyard requirements by location.

(d) *Maintenance of bufferyards.* Shall consist of all acts necessary to ensure that areas remain useable as originally designed and that no hazards, nuisances or unhealthy conditions exist. Where screening with landscape materials is proposed in lieu of required walls or fences, all materials shall have a minimum opacity of 90 percent year-round. The owner shall have the responsibility to maintain all such screening.

(e) *Bufferyards and street tree credits.* When existing trees, buffers or other landscape materials exist, the developer may receive credit for such trees, buffers, or landscape materials, provided they are maintained in accordance with the requirements of subsection (d) of this section. The zoning administrator, upon receipt of a written request and submittal of a survey of existing trees, landscaping or buffers, may waive the landscaping and bufferyard requirements to the degree that the waiver is consistent with the intent of this article.

(f) *Minimum standards for landscaping/buffering materials.*

(1) Minimum plant sizes are established as follows:

a	Canopy trees:	Two inches at six inches above ground
b	Evergreen trees	60? in height
c	Understory trees	1½? caliper at six inches above ground
d	Shrubs:	
	Deciduous:	24? in height
	Evergreen:	18? in height

(2) All plant materials shall conform to the standards of the American Association of Nurserymen and be planted in accordance with the standards of the American Institute of Architects.

(3) At least 33 percent of the plant materials required in the understory/evergreen category of

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Table 3-A, see section 30-512, shall be evergreen trees.

(g) *Dumpster/trash can screening.* All dumpsters, trash cans, incinerators, etc., shall be screened from public view with a fence, wall or other enclosure six feet in height with a minimum of 90 percent opacity. The dumpster area may not extend into a front yard or street side yard space, but may extend into any other required yard provided it is at least five feet from the property line.

(h) *Outdoor storage of materials/merchandise.* Any outdoor storage of materials and merchandise not available for immediate sale shall be screened from public view with a fence, wall, other enclosure, or vegetative screening at least six feet in height with a minimum of 90 percent opacity. Such storage area shall not be located in the front or street side yard space or encroach into the required yard space specified for that zoning district.

(Code 1978, § 23.6(D); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-595. - Tree preservation.

(a) *Purpose and intent.* The purpose of this section is to ensure the preservation of significant trees or woodlot in order to protect the unique natural environment of the city.

(b) *Scope.* The requirements of this section shall apply to all uses, structures, or properties constructed, extended, enlarged, moved, or altered, with the exception of properties zoned AG, RR, SRR, R-1, SR-1, R-1a, SR-1a, R-2 or SR-2.

(c) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Dripline means the farthest distance around and away from the trunk of a tree that rain or dew will fall directly to the ground from the leaves or branches of that tree.

Significant tree means any healthy tree that has a trunk diameter of at least eight inches, four feet above the ground.

Vegetation means all plant growth, especially trees, shrubs, mosses or grasses.

Woodlot means any treed lot or portion of lot containing significant trees as defined in this subsection.

(d) *Tree plan required.* A tree plan shall be required with any city application which would result in the loss of significant trees, or all or part of a woodlot. This plan shall show the existing woodlot, identify the sizes and species of any significant trees and indicate which trees are to be removed. The application shall show on the tree plan and on the site, the limits of proposed grading activity near a significant tree or woodlot to be preserved. These grading limits shall not encroach upon the driplines of the trees to be preserved in the woodlot. City staff may submit the plan to a tree expert for a recommendation. Any costs shall be paid for by the developer.

(e) *Woodlot alteration permit.* A woodlot alteration application shall be submitted to the zoning administrator for any alteration of a woodlot that is not reviewed in another application. The applicant shall submit a tree plan and any other information needed to determine compliance with this section. Specific requirements shall be stated on an application form in the office of the zoning administrator. An application fee shall be established by the city council by resolution from time to time. The zoning

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administrator may approve a woodlot alteration permit which complies with this section. The administrator's decision may be appealed to the board of zoning appeals in writing by any affected party within ten days of the director's written decision.

(f) *Allowable tree removal.* Significant trees that are lost and/or removed beyond the allowable amount as defined in this section shall be replaced in accordance with section 30-595(g).

(1) Developments in R-3, SR-3, R-4, and SR-4 zones may remove or disturb up to fifty percent of the significant trees. Any removal or disturbance beyond this threshold will require reforestation or restitution.

(2) Non-residential developments, including developments in the MU or SMU zones, may remove or disturb up to 60 percent of the significant trees on the site. Any removal or disturbance beyond this threshold will require reforestation or restitution.

(3) Significant trees to be removed for rights-of-way for arterial or major collector roadways shall not be counted as trees being removed for purposes of determining whether the allowable tree removal threshold has been exceeded.

(g) *Approval standards.* Development shall be designed to preserve significant trees and woodlots, where such preservation would not affect the public health, safety or welfare. The city may prohibit removal of all or a part of a woodlot or significant trees, where such removal is contrary to the intent of this section. In addition, nothing in this section shall prevent building on an existing lot of record, provided that such building shall be designed to save as many trees as possible. This decision shall be based on, but not limited to the following criteria:

(1) Size.

(2) Species, health and attractiveness of the trees, including:

a. Sensitivity to disease.

b. Life span.

c. Nuisance characteristics.

d. Sensitivity to site grading.

(3) Potential for transplanting.

(4) Need for thinning a woodlot.

(5) Effect on the functioning of a development.

(6) The public health, safety and welfare.

(h) *Reforestation/Restitution.*

(1) If significant trees are cut, they should be replaced at a ratio of three to one, 3:1 in the subdivision or site, exclusive of a required planting screen or bufferyard. If an appropriate location is not available on the site, the property owner may make a payment to the tree preservation and reforestation fund at the same replacement ratio of three to one. The funds shall be used only for purchasing and planting trees on public property or acquiring or managing wooded property that

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shall remain in a natural state in perpetuity. The amount of the payment for each replacement tree required shall be based on a schedule, which sets forth the average cost of a significant tree added to the average cost of planting a significant tree but no less than \$400.00. The schedule may be periodically updated by the city without changing this ordinance for which this article derives.

(2) If any significant tree in a woodlot is cut, damaged or the area within the tree's dripline has been encroached upon by grading equipment without city authorization, the city may require planting of two new trees. If an appropriate location is not available on the site, the property owner may make a payment to the tree preservation and reforestation fund in the same manner as described in section 30-595(h)(1) above. In addition, if the city determines that a damaged tree will probably not survive, it shall be removed by the developer.

(3) Any trees required to be planted shall be varied in species, shall maximize the use of species native to the area, shall not include any species under disease epidemic and shall be hardy under local conditions. Trees shall be at least two inches in diameter for deciduous trees and five feet tall for coniferous trees.

(4) Installation of trees shall follow industry standards and shall not be planted within an area such that the mature canopy of the tree will be within ten feet of overhead utility lines; within five feet of underground public utility lines; or within five feet of a fire hydrant.

(5) Any trees required to be planted shall be replaced by the owner if they die or appear to be dying within one year of planting.

(6) Before any construction or grading takes place, snow fencing or erosion control fencing shall be placed around the borders of woodlots or the driplines of large trees to be preserved. Signs shall be placed along this fence line prohibiting grading beyond the fence line.

(7) The city may require other conditions of approval to ensure compliance with the intent of this section.

(8) A cash escrow, bond or letter of credit to guarantee the replacement of significant trees or woodlots shall be submitted prior to the issuance of a grading permit. The amount of the financial guarantee shall be calculated as follows: one hundred percent of the cost of planting all of the significant trees required and an amount to guarantee preservation of trees within 15 feet of the disturbance zone calculated by multiplying the number of replacement trees required if any are disturbed by the established schedule of restitution by 0.25. The minimum financial guarantee shall be \$1,000.00. The amount of the financial guarantee shall be maintained at the calculated level until the zoning administrator as authorized a reduction or release.

(Code 1978, § 23.6(E); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-596. - Parking lot design and maintenance standards.

(a) *Intent and scope of applicability.* It is the intent of these standards to promote the safe and efficient storage, circulation and channelization of motor vehicles development on-site. The standards of this section shall apply to the design of all parking areas with the exception of those for one- and two-family dwellings.

(b) *Street access.* Each parcel shall be granted at least one curb cut per street which abuts that

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parcel. However, up to two curb cuts may be permitted on any one street provided that one of the accesses is designated as an entrance and the other as an exit. The location/design of curb cuts shall be reviewed and approved by the city engineer and other governmental agencies, as needed, to comply with applicable planning and engineering standards, including the Trunk Highway 169 South Access Management Plan and the Institute of Transportation Engineers publications, as deemed necessary. The number and width of access drives shall be located to minimize traffic congestion and abnormal traffic hazards. In the absence of specific recommendations, the location/design of curb cuts shall be restricted as follows:

- (1) No closer than 50 feet to any existing curb cut.
- (2) No closer than 25 feet to the nearest point of any street/alley intersection.
- (3) No curb cut shall exceed 33 feet in width.
- (4) One-way curb cuts shall not exceed 16 feet in width.

(c) *Setbacks/landscaping.* All parking lots shall be set back from the property lines as prescribed by Table 2-C in section 30-512. The following landscape requirements shall also apply:

- (1) Setback areas adjacent to a public street right-of-way shall be maintained as a type C bufferyard or meet the requirements of Table 3-B in section 30-512, whichever is greater.
- (2) Side and/or rear setback yards shall be landscaped in accordance with the bufferyard requirements of Table 3-A and Table 3-B in section 30-512
- (3) Parking lots designed for equal or more than the number of cars shown in the Threshold Column of Table 2-C in section 30-512, shall be required to provide interior landscaping as identified. The landscape area provided as required in section 30-596(c)(3) can be counted as landscaped area needed to meet this provision. Each landscaped area contained within the perimeter of a parking lot shall be no less than 150 square feet in size, and shall have a minimum dimension of nine feet.
- (4) Minimum planting requirements are one canopy or evergreen tree per 150 square feet of landscaped area. Plantings shall be guided by the examples of acceptable plantings in Appendix 1. Refer to section 30-512. Ground cover in landscaped areas shall be of natural materials such as grasses or mulch to assist with the health and growth of tree plantings. The sole use of landscape rock, gravel or similar hardscape materials is prohibited.
- (5) Two property owners may jointly develop a parking lot overlapping a common lot line without meeting the required setbacks on their respective side of the lot line, provided the following conditions are met:
 - a. The entire parking lot is developed as a single project.
 - b. Jointly developing a parking lot will result in an increase in the number of parking spaces over two individually developed lots meeting the setback requirements, or would result in safer traffic patterns.
 - c. The property owners agree to a single curb cut for access, as per subsection (b) of this section, for the two or more parcels.

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d. The property owners file, with the county recorder's office, a binding agreement addressing joint use.

(6) Two or more property owners who have their parcels separated by an alley may jointly develop a parking lot on both sides of the alley allowing vehicles to back into the alley, provided all of the following conditions are met:

a. Additional right-of-way easements must be granted to the city on both sides of the existing alley to increase its width to 24 feet. It shall be the responsibility of the property owner(s) to obtain the necessary easements for the city. The easements shall cover the entire width of the owner's lot, as well as the lot(s) across the alley from the owner(s), and must extend to a connection with a developed public street. The easements must be approved by the city attorney prior to acceptance by the city.

b. The parking lot design must provide for "head in" parking.

c. It shall be the responsibility of the adjacent property owners to pave the alley in accordance with the city's standards. The pavement of the alley, in its required width, shall extend to the public street.

d. Other setbacks, landscaping requirements, and design requirements shall still apply to this type of parking lot. The required rear bufferyard shall be constructed at the head of the proposed parking stalls. The parking stalls shall be limited to 19 feet deep.

e. This parking lot design option will not be applicable in situations where an alley is the dividing line between a commercial and a residential zoning district.

(d) *Surfacing.* All parking lots other than for a single- or two-family residential use shall be paved with a concrete or bituminous surface in accordance with standards as established by the city. Permeable pavement or pavers are acceptable surfacing materials when approved by the city engineer and installed according to manufacturers specifications to achieve the desirable permeability. All parking spaces shall be striped (four-inch width minimum) with suitable paint in accordance with approved plans.

(e) *Maneuvering lanes.* Parking lots may be designed with one or two way traffic maneuvering lanes. Each parking space shall have direct unimpeded access to a maneuvering lane and dead-end maneuvering lanes shall only be permitted with the 90 percent degree pattern which is designed to accommodate two-way traffic. Backing from a parking lot directly into a street shall be prohibited.

(f) *Curb and gutter and/or barriers.* In the interest of efficient lot utilization, to minimize traffic conflicts, and to channelize the flow of traffic and clearly define parking spaces, all parking lots shall have curb and gutter and/or barriers as prescribed as follows:

(1) Concrete curb and gutter shall be provided along the edges of any driveway leading from a public right-of-way to a parking and or loading area, except if the right-of-way is a rural section which is not expected to be improved with curb and gutter in the future. Alternatives to concrete curb and gutter may be used for driveways when approved by the city engineer. Alternatives may be incorporated when there are benefits to areas such as stormwater management and these benefits will not unduly pose problems to traffic flow and safety;

(2) Concrete curb and gutter shall be required along any edge of a parking lot adjacent to a

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landscaped area where a traffic lane, or parallel parking is situated adjacent to the edge of parking lot, except when other alternative designs that provide benefits to stormwater management are approved by the city engineer and/or are permitted by subsection (f)(5) of this section.

(3) Where parking is situated perpendicular or diagonal to the edge of a parking lot, a concrete wheel curb, or equivalent, shall be provided not less than two feet from the edge of the pavement.

(4) All required interior landscaping shall be protected with concrete curb and gutter, except as permitted by subsection (f)(5) of this section.

(5) In lieu of providing concrete curb and gutter required in subsections (f)(2) and (f)(4) of this section, treated landscape timbers may be used provided that:

- a. Minimum depth of four inches below depth of surface.
- b. Minimum height of eight inches above the surface of the pavement.
- c. The minimum nominal dimension of landscaped timbers shall be six inches and only rectangular shaped timbers shall be used.
- d. The area immediately behind the timbers away from the paving surface shall be backfilled with suitable materials to within two inches of the top of the timbers.
- e. In addition to landscape timbers, interlocking concrete retaining wall blocks may be used to provide edge definition, provided that a minimum height of 20 inches along the surface of the parking lot is maintained. Backfilling requirements shall be the same as subsection (f)(5)d. of this section.

(g) *Drainage.* All parking lots shall have a drainage system which is approved by the city engineer.

(h) *Lighting.* Shall be so arranged to deflect the light away from R districts so that the source is not visible. All lighting cable shall be placed underground and shall be installed in compliance with the state electrical codes. The average minimum illumination of two footcandles at the parking surface shall be required. The maximum illumination as measured at property lines shall be one footcandle.

(i) *Maintenance.* It shall be the joint responsibility of the operator and owner of any principal use to maintain, in a neat and aesthetic manner, the parking space, accessway, landscaping and required fences and walls.

(Code 1978, § 23.6(F); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Secs. 30-597—30-620. - Reserved.

DIVISION 8. - OFF-STREET PARKING

[Sec. 30-621. - Purpose and intent.](#)

[Sec. 30-622. - Compliance required.](#)

[Sec. 30-623. - Permits required.](#)

[Sec. 30-624. - Limitations on use.](#)

[Sec. 30-625. - Joint use of parking areas.](#)
[Sec. 30-626. - Location and lease arrangements.](#)
[Sec. 30-627. - Backing into a street.](#)
[Sec. 30-628. - Minimum number.](#)
[Sec. 30-629. - Off-street parking exceptions.](#)
[Sec. 30-630. - Parking lot design standards.](#)
[Secs. 30-631—30-650. - Reserved.](#)

Sec. 30-621. - Purpose and intent.

It is the intent of the regulations of this division that off-street parking be provided and maintained by each property owner for the use of occupants, employees and patrons. These regulations are further intended to promote the safe and efficient storage, circulation and channelization of motor vehicles on-site to avoid undue congestion of the public streets.

(Code 1978, § 23.7(A); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-622. - Compliance required.

In all districts under this article, except where exempt by section 30-630, off-street parking shall be provided as follows:

- (1) *New construction.* Full off-street parking compliance is required for all newly erected buildings.
- (2) *Enlargement.* Whenever a use of building requiring off-street parking is increased in floor area or when interior building modifications or structural alterations result in an increase in effective capacity for any use, additional parking shall be provided in proper ratio to the increase in floor area or capacity.
- (3) *Change in use.* Whenever a building or use or part thereof is changed in usage, such that the new use requires more parking than the old, the extent to which the use is changed shall be required to comply fully with the provisions of this section.
- (4) *Parking lot construction and expansion.* All new parking lots and improvements and extensions to existing lots shall comply fully with the requirements of this section.
- (5) Parking lots in RR, SRR, R-1, SR-1, R1-a, SR-1a, R-2 and SR-2 Districts. Parking lots, as a principal use, for uses other than single-family residential dwellings are prohibited.

(Code 1978, § 23.7(B); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-623. - Permits required.

Building permits shall be required for parking lot construction in all districts except for one- and two-family residences in the R districts.

(Code 1978, § 23.7(C); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-624. - Limitations on use.

(a) No commercial repair work or service of any kind, or sale or display thereof, or the storage of new or used vehicles which are not for the use of the occupant, employees and patrons shall be conducted

in such parking area.

(b) Any area once designated as required off-street parking shall not be changed to any other use until equal facilities as required by this article are provided elsewhere. Exceptions for the use of required off-street parking areas include seasonal sales areas as approved by the city.

(c) Off-street parking existing at the date of adoption of the ordinance from which this article is derived in connection with the operation of an existing building or use shall not be reduced to an amount less than required in this article for a similar new building or use.

(d) Recreational vehicle parking in residential districts shall be limited to the side or rear yards. No parking is allowed in the front yard. Parking surfacing shall be provided as in this section.

(Code 1978, § 23.7(D); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-625. - Joint use of parking areas.

Two or more buildings or uses may collectively provide off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the individual uses computed separately. In the case of the joint use of off-street parking spaces where operating hours do not overlap, the planning commission may grant an exception to allow the total parking required to be reduced below the sum total of the individual uses provided a copy of an agreement between joint users is filed with the application.

(Code 1978, § 23.7(E); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-626. - Location and lease arrangements.

All off-street parking required by this division for other than R districts shall be located on the same lot or within 300 feet as measured from the nearest point of the parking lot to the nearest point of the property intended to be served. The owner of the property to be served shall own or hold at least a five-year lease to all property utilized to meet minimum parking requirements. Such lease shall not be cancelable without the permission of the city. Off-street parking shall be located in the same district as the use it is intended to serve. In R districts, all required parking shall be located on the lot it is intended to serve.

(Code 1978, § 23.7(F); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-627. - Backing into a street.

Parking lots shall be designed to allow full internal vehicular movement. Parking lots shall connect to street by maneuvering isles. No parking stall shall be allowed to directly connect to a street where vehicles would back into a street.

(Code 1978, § 23.7(G); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-628. - Minimum number.

The minimum number of off-street parking spaces by type of use shall be required in accordance with the following schedule. When determining the number of required parking spaces results in a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half require one parking space.

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RESIDENTIAL USES		M I N I M U M P A R K I N G R E Q U I R E M E N T S
1 .	One- and two-family units	2 per dwelling unit
2 .	Multiple-dwellings	2 per dwelling unit ¹
3 .	Senior citizens housing	0.5 per dwelling unit
4 .	Boarding and roominghouses	1 per sleeping room
5 .	Accessory apartments	1 per unit
6 .	Bed and breakfast	1 per room ²
7 .	Day care/nursery schools	Same as one-two family units
8 .	Group and foster homes	Same as one-two family units
9 .	Mobile home parks	2 per dwelling unit

>PUBLIC AND QUASIPUBLIC USES	M I
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		N I M M P A R K I N G D E C I S I O N
1 . .	Churches	1 per 3 seats in largest assembly room
2 . .	Elementary school	2 per classroom
3 . .	Junior high school	2 per classroom
4 . .	Senior high schools	6 per classroom plus 1 per 6 seats in main auditorium
5 . .	Post high schools	10 per classroom
6 . .	Stadiums, arenas, auditoriums (accessory to a school)	1 per 6 seats
7 . .	Stadiums, arenas, theaters and auditoriums	1 per 3 seats
8 . .	Museums, libraries, and art galleries	1 per 500 square feet (gross floor area)
9 . .	Golf and country clubs	6 per hole
1 0 . .	Government offices	1 per 200 square feet gross floor area
1 1 . .	Hospitals	2 per bed
1 2	Nursing homes	1 per 3 beds

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1 3 .	Clubs and lodges, social and fraternal	1 per 2 persons based on occupancy rating
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¹ In the R-3 zone, 25 percent of the required parking shall be enclosed. In the R-4 zones, 12.5 percent of the required parking shall be enclosed.

² Plus minimum requirement for other permitted uses.

BUSINESS USES		M I N I M U M P A R K I N G R E Q U I R E D
1 .	Business, insurance and general offices	1 per 300 square feet gross floor area
2 .	Medical, dental offices and clinics	1 per 300 square feet gross floor area
3 .	Agricultural/animal sales	1 per 400 square feet gross floor area
4 .	Automotive sales/repair	1 per 300 square feet gross floor area
5 .	Beauty/barbershop	3 per chair
6 .	Bank/savings and loan/loan agency	1 per 250 square feet gross floor area (see footnote ³)
7 .	Car washes (principal use)	3 plus (see footnote ⁴)

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8	Car washes (accessory)	4 stacking spaces per bay
9	Restaurants, cafes, bars	1 per 75 square feet gross floor area
10	Drive-up restaurants	1 per 50 square feet gross floor area plus 6 stacking spaces per drive-up window
11	Athletic facilities	
	a. Racquetball/tennis	6 per court
	b. All other	1 per 200 square feet gross floor area
12	Movie theaters	1 per 4 seats
13	Gasoline stations	3 plus 2 per service stall plus 1 per 100 square feet gross floor area of retail space
14	Bowling alleys	5 per lane
15	Hotels, motels and tourist homes	7 per 5 guestrooms (or fraction thereof)
16	Funeral homes and mortuaries	1 per 3 seats in largest parlor or chapel
17	Home furnishings stores	1 per 500 square feet gross floor area
18	Hardware/home improvement	1 per 300 square feet gross floor area
19	Daycare/group homes (commercial)	1 per 5 persons enrolled
20	Indoor/outdoor recreation (amusement centers, pool halls, roller and ice rinks, exhibition halls)	1 per 2 persons based on occupancy rating or facility design capacity
21	Miniwarehouse	1 per 10 units
22	Convenience retail	1 per 100 square feet gross floor area
23	Retail sales and services(not listed)	Minimum: 1 per 250 square feet gross floor area (minimum 5)

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.		Maximum: 1 per 175 square feet gross floor area when building exceeds 70,000 square feet
2 4	Single use retail sales and services (not listed), gross floor area over 100,000 square feet	Minimum: 1 per 300 square feet gross floor area Maximum: 1 per 175 square feet gross floor area

INDUSTRIAL USES		M I N I M U M P A R K I N G D E T A I L I N G
1	Custom manufacturing	1 per 300 square feet retail space plus 1 per employee on major shift
2	Other manufacturing	2 per 3 employees or 1 per 2,000 square feet gross floor area whichever is greater.
3	Storage, warehousing, wholesaling	1 per 1,000 square feet gross floor area up to 10,000 square then 1 per 2,000 square feet gross floor area above 10,000 square feet.

³ Plus 4 stacking spaces per drive up window.

⁴ a) 4 stacking spaces per manual self-serve bay; b) 12 stacking spaces per automatic bay; and c) 1 per 140 square feet gross floor area of retail space.

In addition, one detailing space shall be provided for each car wash bay of any type, plus one detail space for each vacuum machine if machines are not located within the stacking spaces. If machines are located within the stacking spaces, no additional detail space is required.

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(Code 1978, § 23.7(H); Ord. No. 07-02-04, 2-12-2007; Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-629. - Off-street parking exceptions.

(a) *Proof of parking required.* Establishments shall be capable of providing the number of on-site parking spaces required by this division at any time parking is needed. However, all such required parking need not be constructed initially if it is demonstrated by the owner to be in excess of its real parking demand. Future parking sufficient in quantity to meet the requirements of this division shall be shown on the official site plan for which a building permit request is made and such parking shall be constructed at the discretion of the zoning administrator if it proves to be needed later or in the event that a change in use triggers the need for more parking than has been provided.

(b) *Central business district (CBD).* Uses constructed in the CBD zone shall be exempt from section 30-622 except that all such parking provided shall comply with the parking and design standards in section 30-596

(Code 1978, § 23.7(I); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-630. - Parking lot design standards.

(a) *Drive-up window and car wash stacking spaces required.* No stacking spaces shall encroach into any drive aisle necessary for the circulation of vehicles on the lot. All stacking shall comply with the setbacks required for parking spaces. The minimum size of stacking space shall be nine feet by 18 feet.

(b) *Bumper overhang.* The minimum parking space length may be decreased by up to three feet for spaces which allow the bumper of the auto to project beyond the terminus of the parking space without obstructing other parking spaces or vehicle circulation.

(c) *Handicapped parking.* Handicapped parking shall be provided as required by the building code.

(d) *Parking stall and maneuvering lane standards.*

Parking Angle	0? Parallel	45?	60?	90? Head-In
Maneuvering Lane Width (ft)	12	14	18	24
Parking Space Width (ft)	8	12	10	8.5
Parking Space Length (ft)	22	18	19	19
Bay Dimension (One Tier)	20	32	36	43
Bay Dimension (Two Tiers)	28	50	56	62

(Code 1978, § 23.7(J); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Secs. 30-631—30-650. - Reserved.

DIVISION 9. - OFF-STREET LOADING ^[32]

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(32) **Cross reference**— Stopping, standing and parking, § 66-101 et seq.

- [Sec. 30-651. - Requirements.](#)
- [Sec. 30-652. - Design standards.](#)
- [Secs. 30-653—30-670. - Reserved.](#)

Sec. 30-651. - Requirements.

(a) *Purpose and intent.* It is the intent of the regulations of this division to provide needed on-site facilities for the loading and unloading of motor vehicles in addition to and in a manner that does not interfere with required off-street parking areas and the capacity and function of public streets. It is also intended that these facilities not be so located as to negatively impact residential areas.

(b) *Accessory use.* Any space allocated as a loading berth or access drive so as to comply with the terms of this division shall not be used for the storage of goods, inoperable vehicles or be included as a part of the space necessary to meet off-street parking requirements.

(c) *Minimum number of required loading berths.*

USE		NO. BERTHS REQUIRED	NO. BERTHS REQUIRED (square feet)
(1)	Auditoriums	0—3,000	0
	Convention halls	3,000—15,000	1 small
	Armories	15,000—50,000	1 large
	Exhibition halls	50,000—100,000	1 large + 1 small
	Sports arenas	over 100,000	1 small berth for each 25,000 or fraction thereafter
(2)	Retail sales, office	0—5,000	1 small
	Public administration	5,000—50,000	1 large

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	Buildings, hospitals	50,000—100,000	1 small berth for each 50,000
	Schools, hotels	over 100,000	or fraction thereafter
(3)	Manufacturing	0—10,000	1 small
	Warehousing	10,000—50,000	1 large
	Fabricating, assembly	over 50,000	1 large berth for each 50,000 or fraction thereafter

(Code 1978, § 23.7(K); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-652. - Design standards.

(a) *Intent.* It is the intent of the regulations of this section to provide needed on-site facilities for the loading and unloading of motor vehicles in addition to and in a manner that does not interfere with required off-street parking areas and the capacity and function of public streets. It is also intended that these facilities not be so located as to negatively impact residential areas. No loading zones shall be located on the side of a building facing an R district, nor shall a loading zone be located less than 25 feet from a residential district unless within a building.

(b) *Size.* The size of off-street loading zones shall be as follows:

Zone	Length (feet)	Width (feet)	Height (feet)
Large	50	12	14
Small	25	12	14

(c) *Access.* Each required loading zone shall be located with appropriate means of vehicular access to a street or public alley in a manner which will least interfere with traffic.

(d) *Construction.* All loading zones and accessways shall be improved with a durable material to control the dust and drainage according to a plan approved by the city engineer.

(e) *Accessory use.* Any space allocated as a loading zone or access drive so as to comply with the terms of this section shall not be used for the storage of goods, inoperable vehicles or be included as a part of the space necessary to meet off-street parking requirements.

(Code 1978, § 23.6(G); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Secs. 30-653—30-670. - Reserved.

DIVISION 10. - SIGNS ^[33]

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(33) **Editor's note**— Ord. No. 08-07-06, adopted July 14, 2008, amended and restated Div. 10 to read as herein set out.

[Sec. 30-671. - Definitions.](#)
[Sec. 30-672. - Purpose and intent.](#)
[Sec. 30-673. - Sign exemptions.](#)
[Sec. 30-674. - Nonconforming signs.](#)
[Sec. 30-675. - Permit.](#)
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[Sec. 30-677. - General restrictions.](#)
[Sec. 30-678. - Off-premises advertising signs.](#)
[Sec. 30-679. - District regulations for on-premises signs.](#)
[Sec. 30-680. - Structural requirements.](#)
[Sec. 30-681. - Maintenance.](#)
[Secs. 30-682—30-700. - Reserved.](#)

Sec. 30-671. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means any sign that becomes vacant, unoccupied, or unused for a period of six months or more, or a sign that pertains to an event, time, or purpose that no longer applies to a business or an activity shall not be deemed to be an abandoned sign unless that business or activity ceases to be conducted on the premises on which the sign is located for a period of more than six months.

Animated sign means any sign that has any moving or rotating part; or gives the illusion of movement, by means of illumination, provided that a changing sign shall not be considered an animated sign.

Changing sign means any electronically controlled and lighted sign such as a message center or reader board that displays messages of an informative nature that flashes on and off or travels across the area on which the message is displayed without the lighting of such message changing in intensity.

Church directional sign means a sign which bears the address and/or name of a church and arrows pointing to a church location and is not located on the property where the church is located.

Directory sign means a sign designating the occupants of a building located on the premises, which may contain a brief description of the business or function and location within the building of each occupant.

Election campaign sign means any sign that relates to a political issue or to the candidacy of a person who is seeking election to public office.

Flashing sign means any illuminated sign that does not maintain a uniform light intensity or color; provided that a changing sign shall not be considered a flashing sign.

Freestanding sign means any sign that is attached directly to the ground or is supported vertically by any structurally sound support having its source of support independent of any building existing on the premises on which the sign is located.

Height means the height of a sign shall be measured from the centerline of the street or highway

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toward which the sign is principally displayed to the top of the sign.

Information sign means a sign in a development or on a parcel used for property specific information or directional purposes that would not be classified as an on-premises sign.

Multiple-faced or back-to-back sign means any sign that has one or more faces as a result of being constructed back-to-back or of "V" type construction.

Nameplate sign means a sign which contains only the name and address of the occupant.

Nonconforming sign means any sign lawfully in existence on the effective date of the ordinance from which this division is derived or any sign lawfully in existence on the date of any amendment to the ordinance from which this division is derived which does not conform to the regulations affecting signs for the district in which the sign is situated.

Off-premises advertising sign means any sign that directs attention to a business, product, service, activity, or entertainment not conducted upon the premises on which such sign is located.

On-premises sign means any sign that directs attention to the name of the building, premises, or the name of the principal product, service, entertainment, or activity conducted, sold or offered upon the premises on which such sign is located.

Portable sign means any sign constructed so as to permit it to be moved from place to place whether on wheels or otherwise. Any sign is a portable sign unless it is both constructed upon and permanently attached to frost footings constructed in accordance with the Uniform Building Code and if lighted, electrically wired in accordance with the National Electrical Code.

Projecting sign means any sign which is affixed to the outside of the exterior wall of any building and which extends more than 18 inches from the building wall face.

Public service message signs means a public service message refers to short term, infrequent events not promoting a single commercial venture and occurring for the benefit of the public.

Roof sign means any sign attached to a building and extending above the highest portion of the roof of the building to which the sign is attached.

Sign means any letter, work, symbol, model, printed, projected, or affixed device, poster, picture, reading matter, or other representation in the nature of an advertisement, announcement, direction, or informative device including structural and component parts, that is located outdoors and is larger than one square foot in area.

Sign area means the area of a sign includes the space inside a continuous line drawn around and enclosing all letters, designs and background materials exclusive of border, trim and structural supports. For the purpose of calculating the sign area of multiple-faced or back-to-back signs, the stipulated maximum sign area shall refer to a single face.

Wall sign means any sign that is affixed to the outside of an exterior wall or other part of any building.

(Code 1978, § 23.8(B); Ord. No. 07-03-2006, § 2(Exh. A), 3-27-2007; Ord. No. 07-05-09, 5-29-2007; Ord. No. 08-07-06, 7-14-2008)

Sec. 30-672. - Purpose and intent.

(a) The purpose of this division is to protect and promote the health, safety, morals and general welfare of the inhabitants of the city through the establishing of impartial standards, regulations and procedures which govern the erection, use and/or display of devices, signs, or symbols serving as means of visual communication to persons situated within, upon or adjacent to public rights-of-way of properties.

(b) Because of the city's unique environmental setting and awareness and its reliance on tourism, it is further the intent of this division to encourage quality and aesthetics in the size, design and the materials used for sign construction; to enhance the overall appearance and image of the city; and to ensure that the public is not endangered or distracted by the unsafe, disorderly or unnecessary use of this communication medium.

(Code 1978, § 23.8(A); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007; Ord. No. 07-05-09, 5-29-07; Ord. No. 08-07-06, 7-14-2008)

Sec. 30-673. - Sign exemptions.

The following signs shall be exempt from the provisions of this division:

- (1) Any sign erected and maintained pursuant to and in the discharge of any governmental function or required by any law, ordinance or governmental regulation.
- (2) Signs which are not visible beyond the boundaries of the lot or parcel upon which they are located.
- (3) Works of fine art which in no way identify or advertise a product or business.
- (4) Temporary decorations or displays when such are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday or celebration.
- (5) Temporary or permanent signs erected by public utility companies to warn of danger or hazardous conditions.
- (6) Signs, merchandise, pictures or models of products or services which are incorporated as an integral part of a window display.
- (7) Signs on vehicles regulated by any governmental body that provide public transportation including but not limited to buses and taxicabs.
- (8) Signs on any other vehicles, including trailers and trucks; provided such vehicles shall not be utilized as parked or stationary outdoor display signs.
- (9) Signs such as corner stones, commemorative tablets and historical signs.
- (10) National, state, or local governmental flags or symbols, provided that the display of such does not impair public safety. However, a building permit may be required for any permanent structure intending to hang a flag.

(Code 1978, § 23.8(C); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007; Ord. No. 07-05-09, 5-29-07; Ord. No. 08-07-06, 7-14-2008)

Sec. 30-674. - Nonconforming signs.

(a) *Permitted maintenance.* Nonconforming signs shall be allowed to continue and reasonable maintenance of nonconforming signs shall be allowed. The changes in advertising message and/or maintenance and repair upon an existing sign shall not be considered a relocation, replacement, or structural alteration.

(b) *Permitted modifications.* A sign which is nonconforming because of its location may be structurally altered or modified in its existing location, provided that the sign is not made more nonconforming. For the purpose of administering this principle, the following tests will be used:

- (1) The modified sign may not be larger in area than the existing sign being modified.
- (2) The modified sign may not encroach into a required yard any further than the existing sign being modified.
- (3) The modified sign must meet all other applicable codes and requirements.

(c) *Relocating signs.* Nonconforming signs shall not be relocated without being brought into compliance with all of the requirements of this division.

(Code 1978, § 23.8(J); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007; Ord. No. 07-05-09, 5-29-07; Ord. No. 08-07-06, 7-14-2008)

Sec. 30-675. - Permit.

(a) Except as otherwise provided in this division, no person, partnership, firm, or corporation shall erect, cause to be erected, or allow to be erected any sign unless a zoning or building permit has been issued by the zoning administrator and/or building official.

(b) No permit or permit fee shall be required for the following signs:

- (1) Informational signs which do not exceed two square feet in area per face.
- (2) Election campaign signs.
- (3) Permitted signs that indicate the occurrence of construction or remodeling.
- (4) Permitted signs that indicate to a visitor on the property that the visitor should enter, exit, stop, not enter or not trespass, and other permitted signs of this type.
- (5) Window signs.
- (6) Permitted temporary signs.
- (7) Copy changes on permitted signs.

(c) Application for a building permit shall be made to the zoning administrator. The application shall contain the following information:

- (1) The exact location of the proposed sign;
- (2) The dimensions of the proposed sign;

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- (3) A listing of the materials with which the proposed sign will be constructed;
- (4) Whether the sign will be illuminated or use any type of artificial light source;
- (5) The name and address of the owner of the property on which the sign is to be constructed;
and
- (6) The name and address of the person that is to construct the proposed sign.

The zoning administrator may require additional suitable information consistent with the provisions of this division. All signs shall be constructed and placed in substantial compliance with the permit and the data submitted by the applicant.

(d) (1) The structural design of the following signs shall be certified by an engineer or architect registered in the state:

- a. Any freestanding sign which has a sign area in excess of 50 square feet or a height of greater than 15 feet.
- b. Any projecting sign which has a sign area in excess of 50 square feet.

(2) In lieu of the provisions of subsection (d)(1) of this section, if a structural design book showing standard sign designs is filed with the building official, and the designs therein are certified by an engineer licensed in the state and the proposed sign is shown in the standard design book, no individual certification shall be required.

(Code 1978, § 23.8(l)(1)—(4); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007; Ord. No. 07-05-09, 5-29-07; Ord. No. 08-07-06, 7-14-2008)

Cross reference— Administration, ch. 2.

Sec. 30-676. - Prohibited signs.

The following signs shall not be permitted or erected in the city:

- (1) Signs which emit sound.
- (2) Portable signs except for those permitted in section 30-677(9).
- (3) Any sign or structure which is unsafe or constitutes a hazard.
- (4) Roof signs.
- (5) Signs with rotating or revolving beacon lights.
- (6) Abandoned signs.
- (7) Signs that are supported or secured in any fashion by guy-wires, chains, cables or similar methods.
- (8) Banners, streamers and other attention getting sign media that is not permitted, other than attached to permanent structures w/permit or as permitted under Section 30-677 13).
- (9) Signs comprised of objects not originally created for signage purposes, such as a reused car

or boat.

(Code 1978, § 23.8(D); Ord. No. 04-11-17, 11-9-2004; Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007; Ord. No. 07-05-09, 5-29-07; Ord. No. 08-07-06, 7-14-2008)

State law reference— Signs resembling traffic control devices or which interfere with same prohibited, Minn. Stat. § 169.07, distribution of obscenity, Minn. Stat. §§ 617.241, 617.293.

Sec. 30-677. - General restrictions.

The following provisions shall apply to all districts:

- (1) A sign shall be considered as a structure or part of a structure for the purpose of applying height and yard requirements. The front, side and side streetyard setback for any sign within multiple-family residential, business and industrial zones shall be half the required yard setback for a principal structure. Measurements for determining compliance with yard requirements shall be taken from the portion of a sign nearest the property line used to establish the yard requirement. EXCEPTION: In any district where freestanding signs are already established and do not meet the front yard requirement, a method of averaging may be used to determine the location of a new sign. This method may take into account any legally grandfathered signs located 300 feet in both directions from the proposed business, but in no case may a new freestanding sign encroach into the public right-of-way.
- (2) Permanent off-premises advertising signs are permitted in the GB and SGB zones, and are subject to the conditions of section 30-678
- (3) Signs, other than governmental signs, temporary off-premise signs as allowed under 30-677(6) and 30-677(7), and portable signs allowed under 30-679, are prohibited within public rights-of-way and easements and on public property without written permission of the city council.
- (4) Projecting signs, awnings and canopies that overhang a sidewalk or other pedestrian way shall provide a minimum clearance above the pedestrian way of ten feet.
- (5) Temporary, on-premise signage, for the purpose of selling, renting or leasing of property may be erected upon the lot which the property is located provided:
 - a. One sign per street frontage is permitted, with:
 1. One additional sign permitted along lake or river frontage.
 2. One additional sign permitted on lots equal to or greater than five acres in area.
 3. One additional sign permitted during and 48 hours prior to one day sales event, for the purpose of advertising that event.
 - b. Signs, in RR, SRR, R-1, SR-1, R-1a, SR-1a, R-2, and SR-2 districts are limited to a maximum sign area of six square feet and a maximum height of five feet.
 - c. Signs, in zoning districts not listed in 30-677(5)b, are limited to a maximum sign area of thirty-two (32) square feet and a maximum height of ten (10) feet.
 - d. Signs shall be removed within seven days following the sale, lease or rental of the property advertised.

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(6) Temporary, off-premise, signage for the purpose of providing direction to a one day sales event are permitted, provided:

- a. Signs shall be erected for not more than 48 continuous hours prior two and during the sales event and shall be immediately removed upon the conclusion of that activity.
- b. Such signs shall be freestanding, not attached to any governmental signs or public infrastructure, and are limited to a maximum sign area of four square feet and a maximum height of three feet.
- c. No more than three signs, for any single activity shall be displayed at any given time.
- d. A total of no more than one sign for any single activity, or a combined total of no more than two signs for multiple activities, shall be displayed on a single lot, or upon public right-of-ways or easements adjacent to said lot, at any given time.
- e. Such signs shall not hide from view or interfere with effectiveness of any governmental sign or traffic control device, nor shall it interfere with a driver's view of approaching, merging or intersecting traffic, and, additionally, shall adhere to the requirements stated within section 30-553(a).
- f. Such signs shall be placed a minimum distance of 12 feet from the edge of the street, and shall not be placed within two feet of a pedestrian walkway.
- g. The placement of all signs, whether on a lot, or in public right-of-way or easement adjacent to a lot, shall require the written consent of that private property owner. Upon a request from the Grand Rapids City Community Development Department, proof of a written consent must be furnished the city within five business days.
- h. Nothing in this section shall be construed to abrogate or affect the more restrictive provisions contained within any state statute or rules, including but not limited to, State Statutes (Chapters 160 and 173) and State Rules (Chapter 8810), relative to the erection of signage within or adjacent to state highway right of ways located within the City of Grand Rapids, or Itasca County ordinances, resolutions or regulations relative to the erection of signage within or adjacent to county highway right-of-ways located within the city.

(7) Temporary, off-premise, signage for the purpose of providing direction to a commercial product are permitted, provided:

- a. Signs shall be erected for a period of time not to exceed 180 consecutive calendar days or until such time as the product is no longer offered for sale, rent or lease, whichever is sooner, at which time the sign shall be immediately removed.
- b. The owner of the sign(s) shall notify the city community development office in writing within three calendar days after the signs initial placement and its location.
- c. Such signs shall be freestanding, not attached to any governmental signs or public infrastructure, and are limited to a maximum sign area of four square feet and a maximum height of three feet.
- d. No more than three signs, providing direction to any single product or activity shall be displayed at any given time.

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- e. A total of no more than one sign providing direction to any single product, or a combined total of no more than two signs providing direction to multiple products in differing locations, shall be displayed on a single lot, or upon public right-of-ways or easements adjacent to said lot, at any given time.
- f. Such signs shall not hide from view or interfere with effectiveness of any governmental sign or traffic control device, nor shall it interfere with a driver's view of approaching, merging or intersecting traffic, and, additionally, shall adhere to the requirements stated within section 30-553(a)
- g. Such signs shall be placed a minimum distance of 12 feet from the edge of the street, and shall not be placed within two feet of a pedestrian walkway.
- h. The placement of all signs, whether on a lot, or in public right-of-way or easement adjacent to a lot, shall require the written consent of that private property owner. Upon a request from the city community development Department, proof of a written consent must be furnished the city within five business days.
- i. Nothing in this section shall be construed to abrogate or affect the more restrictive provisions contained within any state statute or rules, including but not limited to, State Statutes (Chapters 160 and 173) and State Rules (Chapter 8810), relative to the erection of signage within or adjacent to state highway right-of-ways located within the City of Grand Rapids, or Itasca County ordinances, resolutions or regulations relative to the erection of signage within or adjacent to county highway right-of-ways located within the city.
- (8) Temporary on-premise signage for the purpose of selling or promoting a development project are permitted, provided:
- a. Such signage for projects of 30 acres or less, one sign, with a maximum sign area of 32 square feet and a not exceeding a ten feet in height may be erected on the project site.
- b. Such signage for projects over 30 acres, two signs, adhering to the same dimensional standards described in section 30-677(5)c, may be erected on the project site.
- c. Such signage shall be located at least ten feet from the nearest property line on the property to be sold, leased or rented, and in all cases shall be in compliance with section 30-553(a).
- d. Such signage shall be removed when the development project is sold out, fully leased or rented.
- (9) Receptacles, not exceeding six inches in diameter and 24 inches in length, used exclusively for distribution of newspapers and advertising materials, may be maintained within the public right-of-way if the person or company desiring to place such a receptacle within the public right-of-way first obtains the written consent of the owner of the property abutting such right-of-way. The written consents are to be kept as a part of such person's or company's business records, which are to be made available to the city upon demand. Such receptacles shall be placed so that they do not interfere with city maintenance or snow plowing crews during the course of employment. Any person or company desiring to maintain such receptacles within the public right-of-way must execute an agreement, the effect of which would hold the city harmless from any liability or claim from injury or property damage which might arise because of the

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existence of such receptacles within the public right-of-way. Placement of such receptacles shall be limited to areas within the city which have rural mail delivery.

(10) One temporary construction or identification sign of not more than 100 square feet may be installed upon a construction site at its primary entrance in any district denoting the name of the architect, engineer, contractor and/or future business, provided the sign shall not be installed prior to the issuance of a building permit for the proposed construction and provided further that the sign shall be removed within 30 days following occupancy of the building.

(11) Permanent church directional signs shall be permitted in all districts provided the total area of such signs shall not exceed four square feet and shall not be considered off-premises advertising signs for the purpose of section 30-678(h). Each church shall be permitted up to two off-premise directional signs.

(12) Temporary signs which advertise a special event of a public service nature may be displayed in any business or industrial district for 30 days or less each calendar year.

(13) On-premises signs or banners advertising the grand opening or similarly identifiable opening of a new or relocated business for a period not to exceed 60 days.

(Code 1978, § 23.8(E); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007; Ord. No. 07-05-09, 5-29-07; Ord. No. 08-07-06, 7-14-2008)

Sec. 30-678. - Off-premises advertising signs.

(a) *Description of ownership.* Every off-premises advertising sign shall indicate plainly the owner of such sign.

(b) *Location.* Off-premises advertising signs are permitted in the GB and SGB zones.

(c) *Height.* The maximum height of an off-premises advertising sign shall not exceed the district requirements for building height or 35 feet whichever is the lesser.

(d) *Sign area.* The maximum sign area of an off-premises advertising sign shall not exceed 100 square feet. An off-premises sign is subject to the aggregate sign area per lot, as referred to in section 30-679(3)a.

(e) *Spacing.* No off-premises advertising sign shall be placed within 500 feet of another off-premises advertising sign. Such 500 feet shall be measured along the nearest edge of the street or highway to which an off-premises advertising sign is displayed and between points directly opposite the centers of the off-premises advertising signs. For the purpose of calculating the 500 feet, multiple-faced or back-to-back type signs shall be considered as one sign.

(f) *Setback requirements.* All off-premises advertising signs shall be set back in conformance with the setback requirements for buildings in the district in which the sign is located.

(g) *Interference with traffic.* No off-premises advertising sign shall be placed on a site or constructed or maintained in such a manner that the sign will substantially obstruct the vision of pedestrians and motorists entering and leaving any street or highway intersection so as to create a dangerous traffic hazard. Off-premises advertising signs shall be constructed and maintained so as to prevent beams or rays of light from being directed at any portion of a street or highway with such brilliance, intensity, or glare so as to impair the vision of pedestrians and motorists.

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(h) *Proximity to natural features.* No off-premises advertising sign shall in any way obstruct the view from any public street or natural features located in a conservancy district.

(i) *Permitted arrangements.* Off-premises advertising signs are permitted as multiple-faced and back-to-back type signs; however, not more than two displays are allowed on each face of a sign structure. Off-premises advertising signs shall not be constructed as roof signs or wall signs.

(j) *Design and materials.* All off-premises advertising signs, the sign area of which exceeds 50 square feet, shall contain a border 12 inches in width around the sign area. The border shall provide the appearance of wood grain and the sign support structure shall be painted in an earth tone color.

(Code 1978, § 23.8(F); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007; Ord. No. 07-05-09, 5-29-07; Ord. No. 08-07-06, 7-14-2008)

Sec. 30-679. - District regulations for on-premises signs.

In addition to those signs permitted in all districts, the following on-premises signs are permitted within each specific district subject to the size and location requirements established in this section:

(1) *Signs in residential districts.*

a. One nameplate sign for each dwelling which shall not exceed three square feet in area per surface, and no sign shall be so constructed so as to have more than two sides. Such sign may indicate the name and address of the occupant.

b. One nameplate for each dwelling group of four or more dwelling units, which shall not exceed three square feet plus one square foot for each unit over one per surface, and no signs shall be so constructed as to have more than two surfaces.

c. Nonresidential uses permitted within the R districts shall not have a total square footage of sign surface in excess of one-half square foot per front foot of lot.

(2) *Signs in LB, SLB, M, and SM districts.* Within LB, SLB, M, and SM districts, the aggregate sign area per lot for advertising, business and nameplate signs shall not exceed one square foot per front foot of lot.

(3) *Signs in GB, SGB, CBD, MU, and SMU districts.* Within GB, SGB, CBD, MU, and SMU districts, wall, freestanding signs and, where specifically prescribed, portable signs, are permitted subject to the following regulations:

a. The aggregate sign area per lot for advertising, business and nameplate signs shall not exceed the sum of:

1. Two square feet per front foot of lot.

2. One square foot for each foot of side yard abutting a public right-of-way 50 feet or more in width. (If the rear of the property abuts a public owned parking lot, and is to be used as a primary building entrance, it is considered to be the same as a public right-of-way allowing one square foot of signage per linear foot of rear lot frontage.)

b. No individual on-premises sign shall exceed 250 square feet in sign area.

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c. In a business district where the established building setback is less than required by section 30-591, a sign attached to the principal structure may encroach into the required yard for signs, or in the case where there is no yard, into the public right-of-way, a distance not to exceed 4½ feet, subject to the following restrictions:

1. Any sign extending more than six inches into the public right-of-way shall provide a minimum clearance of ten feet above ground.
2. The sign shall not extend more than 4½ feet from the building wall to which it is attached.
3. No part of such sign or superstructure shall extend nearer than three feet to the vertical line extended from the face of the curb.

d. There shall be no more than one freestanding sign per 300 feet of street frontage on any lot.

e. Within the CBD, MU and SMU zoning districts, a maximum of one portable sign, per lot, shall be allowed, subject to the following restrictions:

1. Portable signs may not be displayed without a permit.
2. Portable signs shall be limited to a maximum height of 42 inches and a maximum width and depth of 30 inches. (For three-dimensional signs, compliance with this section will be based on a cross sectional measurement of the sign at its point of maximum dimension.)
3. Portable signs shall be constructed of wood, plastic or metal, and shall have a professional appearance, and shall complement and not compete with, the character of the downtown.
4. Portable signs shall not be electrified or have moving parts.
5. Portable signs on display shall be braced or secured, as needed, to prevent motion.
6. The text and images on portable signs shall be limited to an advertising message related to the business being conducted on the lot upon which it is located, or, as allowed under section 30-679 (3)e.10 adjacent to.
7. No portable sign may be erected or maintained if it prevents free ingress or egress from any door, window, or fire escape.
8. No portable sign shall obstruct or impede the movement or vision of pedestrian or vehicular traffic, or create a hazardous or unsafe condition.
9. Portable signs shall be setback from the property line a minimum of two feet.
10. Subject, also, to the following, portable signs may be located on public sidewalks and street boulevard areas, under the jurisdiction of the city, in situations where buildings extend to the property line or to within 30 inches of the property line, thus making the location of the sign on private property impractical:

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- i. Portable signs must be positioned directly adjacent to the lot frontage on the private property side of the sidewalk or boulevard.
 - ii. Portable signs shall not be attached to trees, utility poles, governmental signs, public benches, streetlights, or other public infrastructure.
 - iii. Portable signs shall only be displayed during normal business hours.
 - iv. The owner shall remove the portable sign, during snow removal and other maintenance operations.
 - v. All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right of way shall, as a condition of the use of such public property for sign work, agree to hold harmless and indemnify the city and its officers, agents and employees against any and all claims of negligence resulting from such work insofar as this subdivision has not specifically directed the placement of a sign.
- f. Within the GB and SGB zoning districts a maximum of one on-premise portable sign, per lot, shall be allowed, subject to the following restrictions:
1. Portable signs may not be displayed without a permit.
 2. Portable signs may not be displayed for more than 90 days per calendar year.
 3. Portable signs shall be limited to 32 square feet of sign area per side. (For three-dimensional signs, compliance with this section will be based on a cross sectional measurement of the sign at its point of maximum dimension.)
 4. Portable signs shall be constructed of wood, plastic or metal, and shall have a professional appearance.
 5. Portable signs on display shall be braced or secured, as needed, to prevent motion.
 6. The text and images on portable signs shall be limited to an advertising message related to the business being conducted on the premises within which it is located.
 7. Portable signs may not be placed in the right-of-way. Portable signs shall be setback from the property line a minimum ten.
 8. No portable sign shall obstruct or impede the movement or vision of pedestrian or vehicular traffic, or create a hazardous or unsafe condition.

(4) *Signs in industrial districts.* Within the industrial districts, wall and freestanding signs are permitted subject to the following restrictions:

- a. The aggregate sign area per lot for advertising, business and nameplate signs shall not exceed the sum of:
 1. Two square feet per front foot of lot.
 2. One square foot per foot of side yard abutting a public right-of-way 50 feet or more

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in width.

(5) *Signs in RC and SRC districts.* Within RC and SRC districts, wall, freestanding signs and, where specifically prescribed, portable signs, are permitted subject to the following regulations:

- a. The aggregate sign area per lot for advertising, business and nameplate signs shall be the greater of 500 square feet or the sum of one square foot per front foot of lot and one square foot for each foot of side yard abutting a public right-of-way 50 feet or more in width. (If the rear of the property abuts a public owned parking lot, and is to be used as a primary building entrance, it is considered to be the same as a public right-of-way allowing one square foot of signage per linear foot of rear lot frontage.)
- b. No individual on-premises sign shall exceed 250 square feet in sign area.
- c. There shall be no more than one freestanding sign per 300 feet of street frontage on any lot.
- d. Within the RC and SRC zoning districts a maximum of one on-premise portable sign, per lot, shall be allowed, subject to the following restrictions:
 1. Portable signs may not be displayed without a permit.
 2. Portable signs may not be displayed for more than 90 days per calendar year.
 3. Portable signs shall be limited to 32 square feet of sign area per side. (For three-dimensional signs, compliance with this section will be based on a cross sectional measurement of the sign at its point of maximum dimension.)
 4. Portable signs shall be constructed of wood, plastic or metal, and shall have a professional appearance.
 5. Portable signs on display shall be braced or secured, as needed, to prevent motion.
 6. The text and images on portable signs shall be limited to an advertising message related to the business being conducted on the premises within which it is located.
 7. Portable signs may not be placed in the right-of-way. Portable signs shall be setback from the property line a minimum ten feet.
 8. No portable sign shall obstruct or impede the movement or vision of pedestrian or vehicular traffic, or create a hazardous or unsafe condition.

(Code 1978, § 23.8(G); Ord. No. 04-11-17, 11-9-2004; Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007; Ord. No. 07-05-09, 5-29-07; Ord. No. 08-07-06, 7-14-2008)

Sec. 30-680. - Structural requirements.

(a) *Application of the building code: general.* All signs shall be constructed in accordance with the state building and electrical codes in effect at the time that a sign permit is applied for. All signs shall be constructed in a safe and secure manner so that no sign will endanger persons or property.

(b) *Structural supports.* All off-premises advertising signs, the sign area of which exceeds 50 square

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feet, shall be constructed on a single freestanding self-supporting metal pole. All other signs shall have structural support made of any material or materials that provide adequate and safe support for such signs.

(c) *Display surface.* The display surface of signs may be constructed of wood, metal or plastic.

(d) *Nonstructural trim.* The nonstructural trim surrounding the display surface of signs may be constructed of wood, metal or plastic.

(e) *Lighting.* Signs may be illuminated by an artificial light source, whether it is an integral component of the sign or is intended to direct artificial light upon the sign. Signs shall not be erected or maintained which are not effectively shielded so as to prevent:

(1) Beams or rays of light from being directed at any portion of the traveled way of any street or highway.

(2) Beams of such intensity or brilliance as to cause glare, or impair the vision of the operator of any motor vehicle.

(f) *Flashing lights.* Signs shall not be erected or maintained that contain any flashing light or any lights that give the illusion of movement unless such light or lights are more than ten feet above the ground and more than 150 feet from any intersection controlled by a traffic signal.

(Code 1978, § 23.8(H); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007; Ord. No. 07-05-09, 5-29-07; Ord. No. 08-07-06, 7-14-2008)

Sec. 30-681. - Maintenance.

All signs shall be maintained so as not to threaten danger to persons or property. Abandoned signs and signs that have become damaged, dangerous, or dilapidated shall be repaired or removed immediately. The city shall have the rights and shall follow the procedures set forth in Minn. Stat. §§ 463.15—463.261 with respect to any abandoned, dangerous, or dilapidated sign.

(Code 1978, § 23.8(l)(5); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007; Ord. No. 07-05-09, 5-29-07; Ord. No. 08-07-06, 7-14-2008)

Secs. 30-682—30-700. - Reserved.

⁽³³⁾ **Cross reference**— Streets, sidewalks and other public places, ch. 58. (Back)

DIVISION 11. - OVERLAY RESTRICTIONS AND ZONES

[Sec. 30-701. - Airspace overlay regulations.](#)
[Sec. 30-702. - \(PUD\) overlay regulations \(mandatory\).](#)
[Sec. 30-703. - Planned unit development \(PUD\).](#)
[Sec. 30-704. - Mining overlay district.](#)
[Sec. 30-705. - Interim urban services overlay district.](#)

[Secs. 30-706. - Minnesota Trunk Highway 38 overlay district.](#)

[Sec. 30-707. - Scenic byway commercial overlay district.](#)

[Secs. 30-708—30-730. - Reserved.](#)

Sec. 30-701. - Airspace overlay regulations.

(a) *Purpose and intent.* It is the purpose of this section to regulate the height of structures and objects of natural growth and otherwise regulate the use of property in the vicinity of the city airport in order to protect the public health, safety, order, convenience, prosperity and general welfare and prevent hazards.

(b) *Jurisdiction.* The airspace overlay zones shall encompass all of the lands within the city designated as zones A, B and C as shown on the official zoning map of the city.

(c) *Applicable regulations.* Refer to article III of this chapter.

(Code 1978, § 23.9(C); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-702. - (PUD) overlay regulations (mandatory).

(a) *Purpose and intent.* There are certain areas within the city that have very unique natural characteristics (wooded), are environmentally sensitive (wetlands), or are marginally developable due to such adverse external influences as high traffic volumes and/or nonresidential uses. It is very desirable to encourage the clustering of development within these areas in an effort to preserve larger expanses of open space.

(b) *Jurisdiction.* Within the areas so designated on the official zoning map of the city the use of PUD shall be mandatory except for lots or parcels of record consisting of two or less acres at the time of adoption of the ordinance from which this article is derived. Where such lots or parcels of record exist, residential development may be allowed by the city in accordance with the existing zoning.

(c) *Applicable regulations.* Refer to section 30-703

(Code 1978, § 23.9(D); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-703. - Planned unit development (PUD).

(a) *Purpose, ownership, uses, eligibility.*

(1) *Purpose and intent.* PUD is established to permit flexibility in the regulations of land development; to encourage innovation and variety in the design, layout and type of structures constructed; to achieve an efficiency in the use of land, natural resources, energy, and the providing of public services and utilities; to encourage usable open space; and to provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the city and state. It is the intent of PUD to provide a process for rezoning which results in real property development utilizing a comprehensively prepared site plan which allows for flexibility and variances in building sites, densities and yards; allows for the mixing of uses and housing types and provides for usable open space as well as the preservation of natural features.

(2) *Eligibility requirements.* PUD may be applied within any district provided the following requirements are met:

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- a. The site shall be not less than two acres in size.
- b. Land to be incorporated in a PUD shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.

(3) *Uses permitted.* As a process, PUD conveys no right to the use of land other than permitted by the district within which located. Zoning shall be required to be in accordance with the city comprehensive plan and uses permitted are those allowed by the zoning district.

(4) *Development guidelines.* Within a PUD, the basic zoning district regulations may be negotiated and variances granted by mutual consent of the city and the land owner(s) in accordance with the uses established by the city comprehensive plan. The following shall apply:

- a. No variance shall be negotiated for yards adjacent to exterior property lines or public streets.
- b. No variances shall be negotiated for off-street parking or screening except as provided for in section 30-625
- c. A maximum variance from basic density requirements of up to 25 percent may be negotiated provided the findings under subsection (b)(7) of this section can be made.

(b) *Planned unit development procedures.*

(1) *Preliminary discussion.* Prior to filing a petition, the proponent must request a meeting with the city to discuss the potential for PUD approval and consistency with city plans, etc. Such requests shall be made by addressing a letter to the city planning commission. Such letter shall be accompanied by a preliminary sketch plan which indicates the density; street pattern; building square footage, height and type and a time schedule. The proposal will be discussed at the next regular planning commission meeting. Guidance will be provided in concept by the planning commission to assist the proponent with the preparation of a preliminary development plan.

(2) *Application and fees.* Depending on the outcome of the preliminary discussion, the proponent shall initiate the PUD process by filing an application signed by the owner with and paying the established fee to the zoning administrator not less than 15 days prior to the planning commission meeting on a form provided by the city and including the information required in section subsection (b)(3) of this section.

(3) *Plan requirements.* The following information shall be provided in graphic and written form:

- a. An existing conditions map showing property boundaries, topography; existing natural features, including trees, watercourses, ponds; soil conditions; buildings; streets, etc.
- b. Preliminary development plan indicating the proposed uses of land; acreage; densities; building square footage, types and heights; public and private street locations; walkway locations; recreation areas and facilities; and any other information that will be necessary to evaluate the proposal.
- c. A staging plan indicating the proposed sequence of development and a general grading scheme. This plan can be indicated on the overall plan sheet.
- d. A preliminary plat which shall include all of the information required in article V of this

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chapter.

e. Final development plan for phase 1. Plans and support information shall be as prescribed for conditional use permits (refer to section 30-531(b)) plus such protective covenants or agreements as might be intended or required by the city. This information shall be provided in a neat package stapled together and accompanied by the application and 15 copies of a transmittal letter.

(4) *Planning commission review.* The zoning administrator shall distribute the material to the planning commission for review at the next planning commission meeting. Within 60 days of the application date, the planning commission shall recommend approval, disapproval or modification of the preliminary development plan and the phase I final development plan to the city council. If the proposal is within a shoreland area, the plans will also be forwarded to the commissioner of the department of natural resources for review and comment.

(5) *City council receipt.* The city council will consider the recommendations of the planning commission at its next meeting and may require modifications to the plan at that time. The city council will then set a date for a public hearing.

(6) *Hearing and mailed notices.* The city clerk or zoning administrator shall give notice of the public hearing in accordance with the procedures established for rezoning. Refer to section 30-454(c).

(7) *City council action and findings.* The city council shall consider the advise of the planning commission, the commissioner of the department of natural resources and the public and shall approve, disapprove or suggest modifications to the preliminary and final development plans. If the city council approves such plans it shall also approve the rezoning for phase I. The city council shall not approve a PUD unless it finds as follows:

- a. The proposed development is consistent with the city comprehensive plan.
- b. The development is more compatible, having used PUD, with surrounding development than if PUD had not been used.
- c. The open space gain warranted the use of PUD to grant variances.
- d. The final development plan is in substantial conformance with the approved preliminary development plan.

(8) *Conditions and records.* The city council may impose such conditions as it deems necessary on the preliminary and final development plans and shall maintain a record of all approved plans, amendments and conditions for continuing reference.

(9) *Final development plans - Subsequent phases.* As rezoning is needed for subsequent development phases, the proponent shall prepare final development plans for each phase and shall petition the city for rezoning in accordance with the procedures of this section. The application for rezoning shall be accompanied by the information specified for final development plans in subsection (b)(3) of this section. The planning commission shall review and recommend on each development phase and the city council shall, prior to action on the request, hold a public hearing in accordance with the procedures established for rezoning. Each proposed phase shall be in substantial conformance with the approved preliminary development plan.

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(10) *Resubmission*. No application for PUD which has been denied by the city council shall be resubmitted by the applicant for a period of one year following the date of denial.

(11) *Lapse and extension*. If within one year after the date of rezoning a building permit has not been issued, the planning commission may review the zoning and recommend to the council that the rezoning be extended or rescinded. Before acting on the planning commission recommendation, the city council shall conduct a public hearing and notice shall be given in the same manner as the original petition. The city council may rescind or extend the zoning previously granted and the preliminary and final development plans for up to one year upon finding that:

- a. A good faith effort has been made to use the PUD;
- b. There is reasonable expectation that the PUD will be used; and
- c. The facts upon which the original PUD was issued are essentially unchanged.

(12) *Building permits*. At the time of building permit approval, the building plans shall be reviewed by the zoning administrator and building official to establish their compliance with the approved preliminary and final development plans. If they do not comply, the plans shall be reviewed by the planning commission and city council and a public hearing shall be conducted by the city council all in accordance with the procedures established in subsection (b) of this section.

(Code 1978, § 23.10(B); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-704. - Mining overlay district.

(a) *Purpose and Intent*. The purpose of the mining overlay district is to provide for current or future heavy mining activities that may be governed by Minn. Stat. §§ 93.44—93.51, and separate these uses from incompatible uses.

(b) *Lands subject to overlay district*. The mining overlay district is defined by the official zoning map and may overlay other zoning districts.

(c) *Conditional Uses*. Following the date of adoption of the ordinance from which this section derives no entity shall engage in new or expand existing operations, or renew operations that have not been active within five years of the effective date of this section without first obtaining a conditional permit. Any operation begun prior to the adoption of the ordinance from which this section derives and which is active on the effective date of this section may continue operations for five years at which time the operation shall have obtained a permit or ceased operation. The following are conditional uses in the mining overlay district:

- (1) Mineral extraction, mineral processing, metals production, mineral or metal storage, storage and stockpiling of mining and mineral processing waste materials and byproducts, storage of mining and processing equipment and includes those facilities and activities regulated by Minn. Stat. §§ 93.44—93.51.
- (2) Structures necessary for mining, mineral processing, and metals production operations and ancillary facilities and activities.
- (3) Transmission and distribution lines, and pipelines of public and private utility companies within existing public rights-of-way.

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- (4) Towers.
 - (5) Extractive use operations.
 - (6) Other industrial determined to be compatible with the purpose of the mining overlay district.
- (d) In addition to the information required in section 30-531(b), the following shall be provided in the application for a conditional use permit:
- (1) A statement that the applicant has the right by ownership or lease to extract and to reclaim the land described in the application.
 - (2) A statement estimating the expected duration of the extractive use operation, including starting and completion dates.
 - (3) A detailed map or maps at a 1" = 100" scale or larger showing proposed location of any buildings, equipment storage areas, operation areas, and any other uses incorporated in the excavation process.
 - (4) A site development plan detailing the following:
 - a. Dust, noise, other emission of potential concern and mitigation plans.
 - b. Hours and duration of operation.
 - c. Proposed vegetation and topographic alterations.
 - d. Erosion control plan.
 - (5) A written plan for reclamation of the affected area detailing:
 - a. The nature and extent of the reclamation.
 - b. A detailed map at a 1" = 100" scale or larger showing which parts of the land shall be reclaimed for forest, pasture, crop, dwellings, structures or other uses.
 - c. Proposed topographic contours after any filling.
 - d. Depth of proposed restored topsoil.
 - e. Type of fill proposed to be used.
 - f. Estimated progress and completions dates.
- (e) The following performance standards must be met for the issuance and continuation of a conditional use permit. Additional requirements may be imposed by the city:
- (1) The minimum lot area shall be 40,000 square feet.
 - (2) The minimum lot width shall be 300 feet at the building setback line.
 - (3) Setbacks.
 - a. The minimum side yard setback for primary buildings and accessory structures shall be

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30 feet.

b. The minimum rear yard setback for primary buildings and accessory structures shall be 50 feet.

c. The minimum side and rear yard setback for structures housing livestock shall be 100 feet.

d. Extraction operations, including excavating or stockpiling and machinery, shall not be conducted or placed closer than:

1. 100 feet to the boundary of any adjoining property.

2. 50 feet to the right-of-way of any existing or platted roadway

3. 250 feet to an established residence other than the owner/operator of said extractive use.

4. 200 feet to the boundary of an incorporated municipality and ordinary high water mark.

(4) Vegetation clearing plan. Clearing of the site shall conform to the approved development and reclamation plan, and existing trees, shrubs and vegetation shall not be prematurely stripped.

(5) Screening. Adequate planting, screening, buffering and/or berming shall be provided sufficient to screen the operation from public view from roadways and adjacent properties.

(6) Entrance and exit standards.

a. Ingress and egress access points from or onto any roadway shall be identified and only those access points shall be used. All access points shall be approved by the appropriate state, county and/or local government having jurisdiction. Access points shall be located to avoid the routing of vehicles from the mining operation over roadways that primarily serve residential areas.

b. Access points shall be constructed to avoid traffic safety hazard and to minimize the view into the extractive use site.

c. During the hours of operation, "Trucks Hauling" signs shall be placed along the public roadways leading to the extractive use site entrances at a distance of not less than 500 feet from the entrances. Size and type of sign shall be approved by the applicable road authority. Signs shall be removed or covered during non-operating hours.

d. Accesses shall be controlled by the owner/operator of the extractive use operation.

e. Dust control shall be implemented as necessary, from the processing site to the nearest paved road, on operations that have over ten one-way hauling trips or five round-trips per day.

f. Hours of operation.

1. Overall extractive use operation shall be from 6:00 a.m.—7:00 p.m. Monday through Saturday.

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2. Emergency situations, concerning public safety, shall be approved by the city.
 3. There shall be no mechanical equipment operation started before 6:00 a.m.
- g. Spillage onto roadways. Precautions shall be taken to minimize the deposit of dirt and extracted material from trucks onto the public roadways. Trucks used in hauling materials from the operation shall be loaded in such a manner as to minimize spillage onto public roadways. Any spillage shall be removed promptly by the operator at the operator's own expense.
- h. Amount of cover removed. The amount of soil, groundcover, and/or overburden to be removed shall be the minimum amount necessary.
- i. Use of explosives. When explosives are used, the operator shall use the utmost care and take all necessary precautions not to endanger life or damage or destroy property. The method of storing and handling explosives shall conform with all state and federal laws and regulations.
- j. Dust and noise control. Operating procedures will be implemented to control dust and noise to minimize impacts on adjoining properties and roadways.
- k. Reclamation plan required. All extractive uses requiring a permit shall have a reclamation plan with the following minimum terms:
1. Slopes after reclamation. No portion of the reclaimed slope of the site shall exceed three feet horizontal to one foot vertical incline after reclamation unless the naturally occurring slope is steeper than 3:1 in which case final slopes shall not be steeper than the original natural slope.
 2. Topsoil storage and reapplication. All feasibly recoverable topsoil on an extractive use site shall be saved for future application, unless it can be demonstrated that it is not all needed for reclamation. Topsoil shall be reapplied to the finished slopes as uniformly as possible. Sites which lack adequate topsoil shall have the topsoil applied preferentially to the finished sloped areas.
 3. Seeding/revegetation/stabilization.
 - i. Seeding mixture shall be in accordance with the recommendations of the Itasca County Soil and Water Conservation District, and shall use native seeds to the fullest extent possible.
 - ii. Planting of woody vegetation may be accepted in combination with other stabilization techniques.
 - iii. Sodding may be required for drainageways, ditch checks, highly erodible areas of a site as shown on the reclamation plan or as required by the city.
 - iv. Riprap may be required for drainageways, ditch outlet, culvert ends or bridge openings as shown on the reclamation plan or as required by the city.
 - v. All seeding/revegetation and stabilization on inactive portions of the pit shall be implemented upon completion of extractive activities. The final revegetation /

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restoration being completed within one year of cessation of the operation and verified by the zoning administrator.

vi. The areas which are reclaimed for purposes of a Minnesota Department of Natural Resources Wildlife Management area and/or wetland mitigation shall be allowed exceptions to enhance wildlife habitat.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-705. - Interim urban services overlay district.

(a) *Purpose and intent:* The purpose of the interim urban services overlay district is to preserve the ability for areas planned for future urban services to subdivide in an efficient manner while allowing for reasonable use (including subdivision) of the land in the interim period.

(b) *Applicability:* The interim urban services overlay district is intended for areas of the community that are currently agriculture or undeveloped but are expected to be developed with urban services (municipal sewer and water) at some point in the future.

(c) *Permitted/conditional/restricted uses:* Permitted, conditional or restricted uses within the interim urban services overlay district shall be as stipulated by the underlying zoning district.

(d) *Supplemental regulations:* No parcel that is five acres or less shall be further subdivided until such time as urban services are extended and connected to the property. Subdivision of parcels greater than five acres shall be required to demonstrate the ability to be served by sanitary sewer and public water of the parcel. Applications for subdivision shall be required to follow one of the following procedures:

(1) As part of the subdivision application process, submit a "ghost plat" that places housing pads or commercial sites on a lot designed to meet the existing zoning standards such that the lot may be efficiently subdivided at a future date to facilitate a denser, urban development pattern. The ghost plat shall demonstrate how municipal sewer and water services may be engineered to serve the site as if it were part of the approved project; or,

(2) The applicant shall utilize the PUD approach outlined in section 30-703 to apply flexible design standards and use of innovative engineering approaches that allow for interim rural development patterns while preserving long term conversion to urban development patterns. Use of the PUD approach shall preserve the requirements of the underlying zoning district as it pertains to density and land use.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Secs. 30-706. - Minnesota Trunk Highway 38 overlay district.

(a) *Purpose and intent:* The purpose of the Minnesota Trunk Highway 38 overlay district is to implement the policy directions from the Grand Rapids Comprehensive Plan by incorporating in its entirety and as amended from time to time Itasca County's Minnesota Trunk Highway 38 (Edge of the Wilderness National Scenic Byway) Sign Ordinance.

(b) *Applicability:* The Minnesota Trunk Highway 38 overlay district is intended for areas along Trunk Highway 38 extending from the centerline, 600 feet in either direction from the northerly boundary of Grand Rapids Township to the east/west quarter section line of Section 9. In cases where the City of Grand Rapids existing ordinances and policies conflict with the Minnesota Trunk Highway 38 Overlay

District, the more restrictive provision applies.

(c) *Administration and enforcement:* All duties as outlined in Section 11 of the County's ordinance shall be carried out by the City of Grand Rapids Zoning Administrator and administrative ordinances or policies.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-707. - Scenic byway commercial overlay district.

(a) *Purpose and intent:* The purpose of the Scenic Byway commercial overlay district is to ensure commercial development along designated scenic byway corridors is in keeping with the intrinsic environmental qualities of the corridors as articulated by established corridor management plans such as, the Minnesota Trunk Highway 38 Edge of the Wilderness Corridor Management Plan.

(b) *Jurisdiction:* The scenic byway commercial overlay zone shall encompass all lands shown as such on the official zoning map of the city.

(c) *Applicable regulations:* All regulations set forth under this chapter shall apply with the following additions and clarifications:

(1) *Allowed uses.* Permitted, conditional or restricted uses within the scenic byway commercial overlay district shall be as allowed under section 30-512 for the underlying zoning district.

(2) *Subdivision.* Lands within scenic byway commercial overlay districts shall be subdivided in accordance with this chapter and will be subject to the following additional requirements:

a. *Access and circulation plan.* In order to improve safety and preserve the effective movement of traffic along the highway corridor, subdivision of the property shall, to the maximum extent possible, provide for access to the individual properties from a centralized access point or points by way of publicly dedicated frontage or backage roads. All public easements and road right-of-way that are needed to allow the construction of service roads, trails and/or the needed expansion of highway right-of-way shall be dedicated to the city or state.

b. *Ghost platting.* If the lands within the Scenic Highway overlay district are not currently served with municipal sewer and water, nor planned to be immediately served, as part of the subdivision application process, a "ghost plat" shall be developed and provided for review. The ghost plat shall illustrate how commercial uses may be developed in such a manner that the parcels may be efficiently subdivided at a future date to facilitate a denser, urban development pattern, when municipal sewer and water service becomes available. The ghost plat shall demonstrate how municipal sewer and water services may be engineered to serve the site as if it were part of the approved project.

(3) *Stormwater management.* Site drainage plans must be submitted to ensure consistency with the stormwater management objectives of the city. Plans will be carefully reviewed to ensure both that proposed stormwater ponding areas contain sufficient storage capacity and whatever additional measures are necessary to guarantee that the quality of runoff from the site meets or exceeds the city's standards.

(4) *Site development requirements.* The purpose of these requirements is to ensure that the commercial development provide compatible design, size and layout considerations to the unique

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character and natural environment along a scenic byway.

- a. Building setbacks shall be twice the required zoning district setback as provided for in Table 2-B of section 30-512
- b. Building design: Buildings shall incorporate high quality materials that provide long term durability and design appeal and shall incorporate the use of natural materials or materials of natural appearance whenever possible. Concrete cinder block and metal siding are prohibited on building facades that face Trunk Highway 38. Facade colors shall be low reflectance and subtle. High intensity colors are prohibited but complementary colors that accent primary colors are acceptable. Alterations or enlargements to any building or structure within the district shall meet the same standards as new construction.
- c. Accessory buildings. No building or structure of a temporary character, trailer, tent or shack shall be constructed, placed or maintained upon the property except as accessory to and during the construction of permanent buildings.
- d. Parking lot requirements. Parking lots shall be located in the rear and/or side yard areas of the properties. Lighting shall not produce unnecessary glare or light pollution.
- e. Public utilities on site shall be placed underground to the extent possible.
- f. To the extent possible, and consistent with the tree preservation requirements in section 30-595, mature trees along the perimeter of the site shall be preserved to maintain the natural and rural character of the development.
- g. Bufferyard requirements. A Type "D" bufferyard shall be applied to all yards in the overlay district.
- h. Signage. All signage shall be in compliance with the requirements referenced within section 30-706 (Minnesota Trunk Highway 38 Overlay District).

(Ord. No. 08-03-02, 3-10-08)

Secs. 30-708—30-730. - Reserved.

DIVISION 12. - FLOODPLAIN RESTRICTIONS ^[34]

⁽³⁴⁾ **State Law reference**— Floodplain Management Law, Minn. Stat. § 103F.101 et seq.; floodplain management ordinances, Minn. Stat. § 103F.121.

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Subdivision II. - Administration and Enforcement
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Subdivision I. - In General

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[Sec. 30-734. - Establishment of official zoning map.](#)
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[Sec. 30-737. - Interpretation: boundaries.](#)
[Sec. 30-738. - Regulatory flood protection elevation.](#)
[Sec. 30-739. - Violations.](#)
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Sec. 30-731. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use or structure means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Basement means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

Board of zoning appeals means the planning commission if a separate board of appeals has not been designated.

Conditional use means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

- (1) Certain conditions as detailed in this article exist.
- (2) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

Equal degree of encroachment means a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Flood means a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that result in the inundation of normally dry areas.

Flood frequency means the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood fringe means that portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the flood insurance study for the city.

Floodplain means the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

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Floodproofing means a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway means the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

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

Principal use or structure means all uses or structures that are not accessory uses or structures.

Reach means a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Regional flood means a flood which is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the flood insurance study.

Regulatory flood protection elevation means an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

Structure means anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in section 30-786(g) and other similar items.

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

(Code 1978, § 23.16(B)(8); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-732. - Statutory authorization; findings of fact and purpose.

(a) *Statutory authorization.* The legislature of the state of has, in the Floodplain Management Law (Minn. Stat. § 103F.101 et seq.) and Minn. Stat. ch. 462, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the city council does ordain as provided in this division.

(b) *Findings of fact.* The flood hazard areas of the city are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(c) *Methods used to analyze flood hazards.* This division is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the state department of natural resources.

(d) *Statement of purpose.* It is the purpose of this division to promote the public health, safety, and general welfare and to minimize those losses described in subsection (b) of this section by provisions contained in this division.

(Code 1978, § 23.16(A); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-733. - Lands upon which this division applies.

This division shall apply to all lands within the jurisdiction of the city as shown on the official zoning map and/or the attachments thereto as being located within the boundaries of the floodway or flood fringe districts.

(Code 1978, § 16(B)(1); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-734. - Establishment of official zoning map.

The official zoning map, together with all materials attached thereto, is adopted by reference and declared to be a part of this division. The attached material shall include the flood insurance study for the city prepared by the Federal Insurance Administration dated June 1979, the flood boundary and floodway map dated December 18, 1979, and flood insurance rate map dated December 18, 1979. The official zoning map shall be on file in the office of the city clerk and the zoning administrator.

(Code 1978, § 23.16(B)(2); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-735. - Abrogation and greater restrictions.

It is not intended by this division to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.

(Code 1978, § 23.16(B)(5); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-736. - Warning and disclaimer of liability.

This division does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This division shall not create liability on the part of the city or any officer or employee of the city for any flood damages that result from reliance on this division or any administrative decision lawfully made there under

(Code 1978, § 23.16(B)(6); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-737. - Interpretation; boundaries.

(a) In their interpretation and application, the provisions of this division shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

(b) The boundaries of the zoning districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the official zoning map, as for example where there appears to be a conflict between a

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mapped boundary and actual field conditions and there is a formal appeal of the decision of the zoning administrator, the board of appeals shall make the necessary interpretation. All decisions will be based on elevations on the regional 100-year flood profile and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the planning commission and to submit technical evidence.

(Code 1978, § 23.16(B)(4); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-738. - Regulatory flood protection elevation.

The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

(Code 1978, § 23.16(B)(3); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-739. - Violations.

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

(b) Nothing contained in this section shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include, but are not limited to:

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

(2) When an ordinance violation is either discovered by or brought to the attention of the zoning administrator, the zoning administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate department of natural resources and Federal Emergency Management Agency Regional Office along with the community's plan of action to correct the violation to the degree possible.

(3) The zoning administrator shall notify the suspected party of the requirements of this division and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the zoning administrator may order the construction or development immediately halted until a proper permit or approval is granted by the community. If the construction or development is already completed, then the zoning administrator may either:

- a. Issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls.
- b. Notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.

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(4) If the responsible party does not appropriately respond to the zoning administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this division and shall be prosecuted accordingly. The zoning administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this division.

(Code 1978, § 23.16(L); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Secs. 30-740—30-760. - Reserved.

Subdivision II. - Administration and Enforcement ^[35]

⁽³⁵⁾ **Cross reference**— Administration, ch. 2.

[Sec. 30-761. - Zoning administrator.](#)
[Sec. 30-762. - Permit requirements.](#)
[Sec. 30-763. - Appeals, variances, hearings.](#)
[Sec. 30-764. - Conditional uses.](#)
[Sec. 30-765. - Nonconforming uses.](#)
[Sec. 30-766. - Amendments.](#)
[Secs. 30-767—30-780. - Reserved.](#)

Sec. 30-761. - Zoning administrator.

A zoning administrator designated by the governing body shall administer and enforce this division. If the zoning administrator finds a violation of the provisions of this division, the zoning administrator shall notify the person responsible for such violation in accordance with the procedures stated in section 30-739.

(Code 1978, § 23.16(J)(1); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Cross reference— Officers and employees, § 2-61 et seq.

Sec. 30-762. - Permit requirements.

(a) A permit issued by the zoning administrator in conformity with the provisions of this division shall be secured prior to the:

- (1) Erection, addition, or alteration of any building, structure, or portion thereof;
- (2) Use or change of use of a building, structure, or land;
- (3) Change or extension of a nonconforming use; and
- (4) Placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.

(b) Application for a permit shall be made in duplicate to the zoning administrator on forms furnished

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by the zoning administrator and shall include the following where applicable:

- (1) Plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot;
 - (2) Existing or proposed structures, fill, or storage of materials; and
 - (3) The location of the foregoing in relation to the stream channel.
- (c) Prior to granting a permit or processing an application for a conditional use permit or variance, the zoning administrator shall determine that the applicant has obtained all necessary state and federal permits.
- (d) It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the zoning administrator stating that the use of the building or land conforms to the requirements of this division.
- (e) Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this division, and punishable as provided by section 30-739
- (f) The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this division. Floodproofing measures shall be certified by a registered professional engineer or registered architect.
- (g) The zoning administrator shall maintain a record of the elevation of the lowest floor, including the basement, of all new structures and alterations or additions to existing structures in the floodplain. The zoning administrator shall also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.

(Code 1978, § 23.16(J)(2); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-763. - Appeals, variances, hearings.

- (a) The board of zoning appeals shall adopt rules for the conduct of business and may exercise all of the powers conferred on such boards by state law.
- (b) The board of zoning appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this division.
- (c) The board of zoning appeals may authorize upon appeal in specific cases such relief or variance from the terms of this division as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities. In the granting of such variance, the board of zoning appeals shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation which

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justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.

(d) Upon filing with the board of zoning appeals of an appeal from a decision of the zoning administrator, or an application for a variance, the commission shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The board of zoning appeals shall submit by mail to the commissioner of natural resources a copy of the application for proposed variances sufficiently in advance so that the commissioner will receive at least ten days notice of the hearing.

(e) The board of zoning appeals shall arrive at a decision on such appeal or variance within 60 days. In passing upon an appeal, the commission may, so long as such action is in conformity with the provisions of this division, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the zoning administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance, the board of zoning appeals may prescribe appropriate conditions and safeguards such as those specified in section 30-764(6), which are in conformity with the purposes of this division. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this division punishable under section 30-739. A copy of all decisions granting variances shall be forwarded by mail to the commissioner of natural resources within ten days of such action.

(f) Appeals from any decision of the board of zoning appeals may be made, and as specified in the city's official controls and also state statutes.

(g) The zoning administrator shall notify the applicant for a variance that:

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

(Code 1978, § 23.16(J)(3); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-764. - Conditional uses.

The planning commission shall hear and consider applications for conditional uses permissible under this division. Applications shall be submitted to the zoning administrator who shall forward the application to the planning commission for consideration. In addition:

(1) Upon filing with the planning commission an application for a conditional use permit, the planning commission shall submit by mail to the commissioner of natural resources a copy of the application for proposed conditional use sufficiently in advance so that the commissioner will receive at least ten days' notice of the hearing.

(2) The planning commission shall arrive at a decision on a conditional use within 60 days. In granting a conditional use permit the planning commission shall prescribe appropriate conditions and safeguards, in addition to those specified in subsection (6) of this section, which are in conformity with the purposes of this division. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a

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violation of this division punishable under section 30-739. A copy of all decisions granting conditional use permits shall be forwarded by mail to the commissioner of natural resources within ten days of such action.

(3) Procedures to be followed by the planning commission in passing on conditional use permit applications within all floodplain districts.

a. Require the applicant to furnish the following information and additional information as deemed necessary by the zoning administrator for determining the suitability of the particular site for the proposed use:

1. Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the stream channel.

2. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

b. Transmit one copy of the information described in subsection (3)a.1. of this section to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

c. Based upon the technical evaluation of the designated engineer or expert, the planning commission shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

(4) In passing upon conditional use applications, the planning commission shall consider all relevant factors specified in other sections of this division, and:

a. The danger to life and property due to increased flood heights or velocities caused by encroachments.

b. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.

c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

e. The importance of the services provided by the proposed facility to the community.

f. The requirements of the facility for a waterfront location.

g. The availability of alternative locations not subject to flooding for the proposed use.

h. The compatibility of the proposed use with existing development and development

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anticipated in the foreseeable future.

- i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- k. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
- l. Such other factors which are relevant to the purposes of this division.

(5) The planning commission shall act on an application in the manner described in this section within 60 days from receiving the application, except where additional information is required pursuant to subsection (4) of this section. The planning commission shall render a written decision within 60 days from the receipt of such additional information.

(6) Upon consideration of the factors listed in subsection (4) of this section and the purpose of this division, the planning commission shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this division. Such conditions may include, but are not limited to, the following:

- a. Modification of waste treatment and water supply facilities.
- b. Limitations on period of use, occupancy, and operation.
- c. Imposition of operational controls, sureties, and deed restrictions.
- d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- e. Floodproofing measures, in accordance with the state building code and this division. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(Code 1978, § 23.16(J)(4); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-765. - Nonconforming uses.

A structure or the use of a structure or premises which was lawful before the passage or amendment of this division but which is not in conformity with the provisions of this division may be continued subject to the following conditions:

- (1) No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.
- (2) Any alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP-1 through FP-4 [r58][RT D0559]floodproofing classifications) allowable in the

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state building code, except as further restricted in this section.

(3) The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the city's initial floodplain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50 percent of the current market value of the structure, then the structure must meet the standards of section 30-782 or section 30-783 for new structures depending upon whether the structure is in the floodway or flood fringe, respectively.

(4) If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this division. The assessor shall notify the zoning administrator in writing of instances of nonconforming uses which have been discontinued for a period of 12 months.

(5) If any nonconforming use or structure is destroyed by any means, including floods, to an extent of 50 percent or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this division. The applicable provisions for establishing new uses or new structures in section 30-782 or section 30-783 will apply depending upon whether the use or structure is in the floodway or flood fringe district, respectively.

(Code 1978, § 23.16(K); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-766. - Amendments.

(a) The floodplain designation on the official zoning map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the commissioner of natural resources if he determines that, through other measures, lands are adequately protected for the intended use.

(b) All amendments to this division, including amendments to the official zoning map, must be submitted to and approved by the commissioner of natural resources prior to adoption. Changes in the official zoning map must meet the Federal Emergency Management Agency's (FEMA) technical conditions and criteria and must receive prior FEMA approval before adoption. The commissioner of natural resources must be given ten days' written notice of all hearings to consider an amendment to this division and such notice shall include a draft of the ordinance amendment or technical study under consideration.

(Code 1978, § 23.16(M); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Secs. 30-767—30-780. - Reserved.

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[Sec. 30-781. - Zoning districts generally.](#)

[Sec. 30-782. - Floodway district \(FW\).](#)

[Sec. 30-783. - Flood fringe district \(FF\).](#)

[Sec. 30-784. - Subdivisions.](#)

[Sec. 30-785. - Public utilities, railroads, roads, and bridges.](#)

[Sec. 30-786. - Manufactured homes and manufactured home parks; placement of travel trailers and travel vehicles.](#)

[Secs. 30-787—30-800. - Reserved.](#)

Sec. 30-781. - Zoning districts generally.

(a) The following districts are established:

(1) *Floodway district.* The floodway district shall include those areas designated as floodway on the flood boundary and floodway map adopted in section 30-734

(2) *Flood fringe district.* The flood fringe district shall include those areas designated as floodway fringe on the flood boundary and floodway map adopted in section 30-734

(b) No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this division and other applicable regulations which apply to uses within the jurisdiction of this division. Within the floodway and flood fringe districts, all uses not listed as permitted uses or conditional uses in sections 30-782 and 30-783 shall be prohibited. In addition, a caution is provided here that:

(1) New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this division and specifically section 30-786

(2) Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this division and specifically section 30-765; and

(3) As-built elevations for elevated or floodproofed structures must be certified by ground surveys and floodproofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this division and specifically as stated in division 12, subdivision II of this article.

(Code 1978, § 23.16(C); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-782. - Floodway district (FW).

The following applies to the floodway district (FW):

(1) *Permitted uses.*

a. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

b. Industrial/commercial loading areas, parking areas, and airport landing strips.

c. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game

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farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

d. Residential lawns, gardens, parking areas, and play areas.

(2) *Standards for floodway permitted uses.*

a. The use shall have low flood damage potential.

b. The use shall be permissible in the underlying zoning district if one exists.

c. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

(3) *Conditional uses.*

a. Structures accessory to the uses listed in subsection (1) of this section and the uses listed in this subsection.

b. Extraction and storage of sand, gravel, and other materials.

c. Marinas, boat rentals, docks, piers, wharves, and water control structures.

d. Railroads, streets, bridges, utility transmission lines, and pipelines.

e. Storage yards for equipment, machinery, or materials.

f. Placement of fill.

g. Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of section 30-786(g).

h. Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 100-year frequency flood event.

(4) *Standards for floodway conditional uses.*

a. All uses.

1. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

2. All floodway conditional uses shall be subject to the procedures and standards contained in section 30-764. The conditional use shall be permissible in the underlying zoning district if one exists.

b. Fill.

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1. Fill, dredge spoil and all other similar materials deposited or stored in the floodplain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
 2. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
 3. As an alternative, and consistent with this subsection, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year regional flood but only after the governing body has received an appropriate plan which ensures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the office of the county recorder.
- c. Accessory structures.
1. Accessory structures shall not be designed for human habitation.
 2. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.
 - i. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
 - ii. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
 3. Accessory structures shall be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the state building code. As an alternative, an accessory structure may be floodproofed to the FP-3 or FP-4 floodproofing classification in the state building code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All floodproofed accessory structures must meet the following additional standards, as appropriate:
 - i. The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and
 - ii. Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly floodproofed.
- d. Storage of materials and equipment.
1. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 2. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan

approved by the governing body.

e. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of applicable statute. Community-wide structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

(Code 1978, § 23.16(D); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-783. - Flood fringe district (FF).

The following applies to the flood fringe district (FF):

(1) *Permitted uses.* Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use districts. If no pre-existing, underlying zoning use districts exist, then any residential or nonresidential structure or use of a structure or land shall be a permitted use in the flood fringe provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for flood fringe permitted uses listed in subsection (2) of this section and the standards for all flood fringe permitted and conditional uses listed in subsection (5) of this section.

(2) *Standards for flood fringe permitted uses.*

a. All structures, including accessory structures, must be elevated on fill so that the lowest floor, including the basement floor, is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure erected thereon.

b. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet for the outside dimension at ground level may be internally floodproofed in accordance with section 30-782(4)c.

c. The cumulative placement of fill where at any one time in excess of 1,000 cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless such fill is specifically intended to elevate a structure in accordance with subsection (2)a. of this section.

d. The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.

e. The provisions of subsection (5) of this section shall apply.

(3) *Conditional uses.* Any structure that is not elevated on fill or floodproofed in accordance with subsection (2) of this section or any use of land that does not comply with the standards in subsection (2) of this section shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in subsections (4) and (5) of this section and section 30-764

(4) *Standards for flood fringe conditional uses.* Alternative elevation methods other than the use

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of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if the enclosed area is above-grade on at least one side of the structure; is designed to internally flood and is constructed with flood resistant materials; and is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

- a. Design and certification. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the state building code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent floodwater from entering or accumulating within these components during times of flooding.
- b. Specific standards for above-grade, enclosed areas. Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
 1. The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. When openings are placed in a structure's walls to provide for entry of floodwaters to equalize pressures, the bottom of all openings shall be no higher than one-foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 2. That the enclosed area will be designed of flood-resistant materials in accordance with the FP-3 or FP-4 classifications in the state building code and shall be used solely for building access, parking of vehicles or storage.
- c. Basements, as defined in section 30-731, shall be subject to the following:
 1. Residential basement construction shall not be allowed below the regulatory flood protection elevation.
 2. Nonresidential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with this subsection (4) of this section.
- d. All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation shall be floodproofed in accordance with the structurally dry floodproofing classifications in the state building code. Structurally dry floodproofing must meet the FP-1 or FP-2 floodproofing classification in the state building code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures floodproofed to the FP-3 or FP-4 classification shall not be permitted.
- e. When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel

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operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the governing body. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

f. Storage of materials and equipment.

1. The storage or processing of materials that are in time of flooding flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

2. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.

g. The provisions of subsection (5) of this section shall also apply.

(5) *Standards for all flood fringe uses.*

a. All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the board of zoning appeals must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

b. Commercial uses. Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two feet or be subject to flood velocities greater than four feet per second upon occurrence of the regional flood.

c. Manufacturing and industrial uses. Measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in subsection (5)b. of this section. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas.

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

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- e. Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the official zoning map.
- f. Standards for travel trailers and travel vehicles are contained in section 30-786(g).
- g. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

(Code 1978, § 23.16(E); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-784. - Subdivisions.

(a) No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the floodplain districts shall contain a building site at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this division and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the floodplain, the floodway and flood fringe boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

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

(Code 1978, § 23.16(G); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-785. - Public utilities, railroads, roads, and bridges.

(a) *Public utilities.* All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain shall be floodproofed in accordance with the state building code or elevated to or above the regulatory flood protection elevation.

(b) *Public transportation facilities.* Railroad tracks, roads, and bridges to be located within the floodplain shall comply with sections 30-782 and 30-783. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

This section is not intended as a substitute for a comprehensive city or county subdivision ordinance. It can, however, be used as an interim control until the comprehensive subdivision ordinance can be amended to include necessary floodplain management provisions.

(c) *On-site sewage treatment and water supply systems.* Where public utilities are not provided:

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- (1) On-site water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the systems; and
- (2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this section.

(Code 1978, § 23.16(H); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-786. - Manufactured homes and manufactured home parks; placement of travel trailers and travel vehicles.

- (a) New manufactured home parks and expansions to existing mobile manufactured home parks shall be subject to the provisions placed on subdivisions by section 30-784
- (b) The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in floodplain districts will be treated as a new structure and may be placed only if elevated in compliance with section 30-783. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with section 30-783(5), then replacement manufactured homes will not be allowed until the property owner develops a flood warning emergency plan acceptable to the governing body.
- (c) All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
- (d) Travel trailers and travel vehicles that do not meet the exemption criteria specified in subsection (e) of this section shall be subject to the provisions of this section and as specifically spelled out in subsections (g) and (h) of this section.
- (e) Travel trailers and travel vehicles are exempt from the provisions of this section if they are placed in any of the areas listed in subsection (f) of this section and further they meet the following criteria:
 - (1) Have current licenses required for highway use.
 - (2) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick-disconnect type utilities commonly used in campgrounds and trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it.
 - (3) The travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.
- (f) Areas exempted for placement of travel/recreational vehicles are as follows:
 - (1) Individual lots or parcels of record.
 - (2) Existing commercial recreational vehicle parks or campgrounds.

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(3) Existing condominium type associations.

(g) Travel trailers and travel vehicles exempted in subsection (e) of this section lose this exemption when development occurs on the parcel exceeding \$250.00 for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/floodproofing requirements and the use of land restrictions specified in sections 30-782 and 30-783

(h) New commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five units or dwelling sites shall be subject to the following:

(1) Any new or replacement travel trailer or travel vehicle will be allowed in the floodway or flood fringe districts provided such trailer or vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with section 30-783(5). Any fill placed in a floodway for the purpose of elevating a travel trailer shall be subject to the requirements of section 30-782

(2) All new or replacement travel trailers or travel vehicles not meeting the criteria of subsection (h)(1) of this section may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of 30-764. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Such plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with section 30-785(c).

(Code 1978, § 23.16(l); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Secs. 30-787—30-800. - Reserved.

DIVISION 13. - SHORELAND MANAGEMENT ^[36]

⁽³⁶⁾ **State Law reference**— Shoreland development, Minn. Stat. § 103F.201 et seq.; local shoreland management ordinances, Minn. Stat. § 103F.221.

[Sec. 30-801. - Generally.](#)

[Sec. 30-802. - Shoreland classification system and land use districts.](#)

[Sec. 30-803. - General site development design standards.](#)

[Sec. 30-804. - Shoreland alterations.](#)

[Sec. 30-805. - Placement and design of roads, driveways, and parking areas.](#)

[Sec. 30-806. - Stormwater management.](#)

[Sec. 30-807. - Special provisions for commercial, industrial, public/semipublic, agricultural, forestry and extractive uses and mining of metallic minerals and peat.](#)

[Sec. 30-808. - Nonconformities.](#)

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[Sec. 30-809. - Planned unit developments \(PUD's\).](#)
[Secs. 30-810—30-899. - Reserved.](#)

Sec. 30-801. - Generally.

(a) Statutory authorization. These shoreland management rules have been adopted pursuant to the authorization and policies contained in Minn. Stat. ch. 103F, Minnesota Regulations, Parts 6120.2500—6120.3900, and the planning and zoning enabling legislation in Minn. Stat. ch. 462.

(b) The uncontrolled use of shorelands of the city affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The state legislature has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the city.

(c) The provisions of this division shall apply to the shorelands of the public water bodies as classified in section 30-802. Pursuant to state regulations, parts 6120.2500—6120.3900, no lake, pond, or flowage less than ten acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this division.

(d) The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this division and other applicable regulations.

(Code 1978, § 23.17(A); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-802. - Shoreland classification system and land use districts.

(a) *Shoreland classification system.* The public waters of the city have been classified below consistent with the criteria found in state regulations, part 6120.3300, and the protected waters inventory map for the county. The shoreland area for the waterbodies listed in the following subsections (a)(1) and (a)(2) of this section shall be as defined in section 30-481 and as shown on the official zoning map.

(1) Lakes.

LAKE CLASSIFICATION	LAKE NAME	PWI* I.D. NUMBER
Natural environment	Lily Lake	31-375
	Horseshoe Lake	31-376
	Nagel Lake	31-377
Recreational development	McKinney Lake	31-370
	Crystal Lake	31-372

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	Hale Lake	31-373
	Forest Lake	31-374
General development	Blandin Reservoir	31-533
	Pokegama Lake	31-532

* Protected Waters Inventory

(2) Rivers.

River Classification	River Name	Location
Urban River	Mississippi River	Blandin Dam to the N/S ¼ section line of Section 27-55-25
Forested River	Mississippi River	N/S ¼ section line of Section 27-55-25 to the south line of township 55 north, range 25 west
Tributary River	Prairie River	All areas of township 55 north, range 25 west under City's zoning jurisdiction

(b) *Land use district descriptions.* The land use districts described in section 30-481 and the delineation of a land use district's boundaries on the official zoning map, must be consistent with the goals, policies, and objectives of the comprehensive land use plan and the following criteria, considerations, and objectives:

(1) General considerations and criteria for all land uses:

- a. Preservation of natural areas;
- b. Present ownership and development of shoreland areas;
- c. Shoreland soil types and their engineering capabilities;
- d. Topographic characteristics;
- e. Vegetative cover;
- f. In-water physical characteristics, values, and constraints;
- g. Recreational use of the surface water;
- h. Road and service center accessibility;
- i. Socioeconomic development needs and plans as they involve water and related land resources;

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- j. The land requirements of industry which, by its nature, requires location in shoreland areas; and
- k. The necessity to preserve and restore certain areas having significant historical or ecological value.

(2) Factors and criteria for planned unit developments:

- a. Existing recreational use of the surface waters and likely increases in use associated with planned unit developments;
- b. Physical and aesthetic impacts of increased density;
- c. Suitability of lands for the planned unit development approach;
- d. Level of current development in the area; and
- e. Amounts and types of ownership of undeveloped lands.

(3) The land use districts for shoreland areas are described in section 30-481, and shall be properly delineated on the official zoning map for the shorelands of this community. These land use districts are in conformance with the criteria specified in state regulation, part 6120.3200, subp. 3.

(4) Permitted uses. Please refer to Table 1 in section 30-512 for a listing of the types of uses allowed in the shoreland zones. Table 1 identifies three types of uses: permitted uses, restricted uses, and conditional uses. Refer to section 30-512 for a description of these types of uses.

(Code 1978, § 23.17(B); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007; Ord. No. 07-12-12, 12-10-2007)

Sec. 30-803. - General site development design standards.

(a) Except as noted elsewhere in this division, land within the shoreland districts is subject to the same site development regulations as nonshoreland areas (see division 7 of this article). For purposes of consistency in this article, the following zones shall be considered equal:

S R R	=	RR
S R- 1	=	R-1
S R- 1a	=	R-1a
S R- 2	=	R-2
S R-	=	R-3

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S R- 4	= R-4
SL B	= LB
S G B	= GB
S M U	= MU
S M	= M
S R C	= RC
SI- 1	= I-1
SI- 2	= I-2
S P U	= PU

Wherever the requirements of two or more sections are contradictory, the strictest requirement shall apply.

(b) Yard and bulk requirements. Please refer to Tables 17C-1 and 17C-2 in section 30-512 for a listing of the yard and bulk requirements for principle structures (setbacks, lot area, lot width, etc.) that apply to lands located in the shoreland districts.

(c) Additional special provisions.

(1) Residential subdivisions with dwelling unit densities exceeding those in the tables referred to in subsection (b) of this section can only be allowed if designed and approved as residential planned unit developments under section 30-809. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Table 17C-1 in division 4 of this article can only be used if publicly owned sewer system service is available to the property.

(2) Subdivisions of duplexes, triplexes, and quads on natural environment lakes must also meet the following standards:

- a. Each building must be set back at least 200 feet from the ordinary high water level;
- b. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;

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- c. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
 - d. No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.
- (3) One guest cottage may be allowed on riparian lots meeting or exceeding the duplex lot area and width dimensions presented in Table 17C-1 in division 4 of this article provided the following standards are met:
- a. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit;
 - b. A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and
 - c. A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
- (4) Lots intended as controlled accesses to public waters or as recreation areas for use by owners of non-riparian lots within subdivisions are permissible and must meet or exceed the following standards:
- a. They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
 - b. If docking, mooring, or over-water storage of more than six watercraft is to be allowed at a controlled access lot, then the width of the lot, keeping the same lot depth, must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

TABLE 17C-3

Controlled Access Lot Frontage Requirements

Ratio of Lake Size to Shore Length (acres/miles)	Required Increase in Frontage
Less than 100	25
100—200	20
201—300	15
301—400	10
Greater than 400	5

- c. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot.

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d. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

(5) Additional structure setbacks. The following additional structure setbacks apply, regardless of the classification of the waterbody:

	Setback From:	S e t b a c k (i n f e e t)
(1)	Top of bluff	30
(2)	Unplatted cemetery	50

(6) Bluff impact zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

(7) Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

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(8) When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows in subsection (d) of this section.

(d) Design criteria for structures.

(1) High water elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including the basement, is placed or floodproofed must be determined as follows:

- a. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;
- b. For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with state rules governing the management of floodplain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and
- c. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in subsection (d)(1)a. of this section if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

(2) Water-oriented accessory structures. Each lot may have water-oriented accessory structures not meeting the normal structure setback in section 30-803(b) if the water-oriented accessory structures comply with the following provisions:

- a. The structures or facilities must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet total. Detached decks must not exceed eight feet above grade at any point;
- b. The setback of the structure or facility from the ordinary high water level must be at least ten feet;
- c. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
- d. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
- e. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and

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f. As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

(3) Stairways, lifts, and landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

a. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;

b. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;

c. Canopies or roofs are not allowed on stairways, lifts, or landings;

d. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;

e. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and

f. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subsections (d)(3)a.—e. of this section are complied with in addition to the requirements of state regulations, chapter 1340 (handicap accessibility code).

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

(5) Steep slopes. The zoning administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

(Code 1978, § 23.17(C); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-804. - Shoreland alterations.

Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

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(1) *Vegetation alterations.*

a. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas stated in this section are exempt from the vegetation alteration standards stated in this section.

b. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in section 30-807(b), (c) respectively, is allowed subject to the following standards:

1. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.

2. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:

i. No more than one-third of the existing trees and brush and shrubs may be removed. Trees and brush and shrubs shall be considered separately in complying with this provision;

ii. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;

iii. Along rivers, existing shading of water surfaces is preserved; and

iv. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

c. Use of fertilizer and pesticides in the shoreland management district must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation, or both.

(2) *Topographic alterations/grading and filling.*

a. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this subsection must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.

b. Public roads and parking areas are regulated by section 30-805

c. Notwithstanding subsections (2)a. and b. of this section, a grading and filling permit will be required for:

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1. The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones; and
 2. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
- d. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
1. Grading or filling in any wetland shall require a permit pursuant to the Wetland Conservation Act;
 2. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
 3. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
 4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
 5. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the county soil and water conservation district and the United States Soil Conservation Service;
 6. Fill or excavated material must not be placed in a manner that creates an unstable slope;
 7. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
 8. Fill or excavated material must not be placed in bluff impact zones;
 9. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minn. Stat. § 103G.245;
 10. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
 11. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.
- e. Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

(Code 1978, § 23.17(D); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-805. - Placement and design of roads, driveways, and parking areas.

(a) Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

(b) Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

(c) Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subsection are met. For private facilities, the grading and filling provisions of section 30-804(2) must be met.

(Code 1978, § 23.17(E); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-806. - Stormwater management.

The following general and specific standards shall apply:

(1) *General standards:*

a. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.

b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

c. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.

(2) *Specific standards.* Impervious surface coverage of lots shall not exceed the standards outlined in subsection (3) of this section.

(3) *Permitted impervious surface coverage.* Except as permitted below, the impervious surface coverage of lots within shoreland areas shall not exceed those spelled out in Table 17C-2 in section 30-512

a. Single-family development within the SR-1, SR-1a and SR-2 zones on legal lots of

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record that fall below the minimum lot size and width standards may be permitted to cover up to 50 percent of the lot with impervious surfaces. Development on conforming lots within the SR-1, SR-1a and SR-2 zones shall be limited to the provisions of Table 17C-2 in section 30-512

b. Development within the SR-3, SLB, SGB, SM, RC, SI-1, SI-2 and SPU zones will be held to the following restrictions:

1. An existing site which is being altered, remodeled or expanded without increasing the amount of existing impervious surface will be allowed through the normal plan review process established in section 30-456
2. New construction on, or modifications to, an existing site which will result in the expansion of the existing impervious surface coverage up to the standards outlined in Table 17C-2 in division 4 of this article may be allowed through the normal plan review process established in section 30-456 provided that:
 - i. All other requirements of this division are met;
 - ii. The lot is served by municipal water and sewer service; and
 - iii. The lot shall provide for the collection and treatment of stormwater runoff in compliance with the city's stormwater management plan and shall require review and approval by the city engineer and the county soil and water conservation district.
3. Where a development/redevelopment project falls under the stormwater collection and treatment provisions of subsection (3)b.2. of this section and the impervious surface coverage of the property on which such a project is located will exceed 75 percent, the proposed stormwater treatment plans shall be submitted to the state department of natural resources division of waters for review at the same time they are presented to the city engineer and the soil and water conservation district for review.
4. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
5. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

(Code 1978, § 23.17(F); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Cross reference— Utilities, ch. 70.

Sec. 30-807. - Special provisions for commercial, industrial, public/semipublic, agricultural, forestry and extractive uses and mining of metallic minerals and peat.

(a) *Standards for commercial, industrial, public, and semipublic uses.*

- (1) Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with

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frontage on public waters. Those uses with water-oriented needs must meet the following standards:

a. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this division, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;

b. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and

c. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:

1. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;

2. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and

3. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

(2) Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

(b) *Agriculture use standards.* General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level. Use of fertilizer and pesticides in the shoreland management district must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation, or both.

(c) *Forest management standards.* The harvesting of timber and associated reforestation or conversion of forested use to a nonforested use must be conducted consistent with the following standards:

(1) Timber harvesting and associated reforestation must be conducted consistent with the

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provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."

(2) Forest land conversion to another use requires issuance of a conditional use permit and adherence to the following standards:

- a. Shore and bluff impact zones must not be intensively cleared of vegetation; and
- b. An erosion and sediment control plan is developed and approved by the local soil and water conservation district before issuance of a conditional use permit for the conversion.

(3) Use of fertilizer, pesticides, or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation.

(d) *Extractive use standards.*

(1) A conditional use permit is needed for any extractive use within a shoreland district. See section 30-531 for more details on the CUP process and requirements.

(2) Setbacks for processing machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

(e) *Mining of metallic minerals and peat.* Mining of metallic minerals and peat, as defined in Minn. Stat. §§ 93.44—93.51, shall be a permitted use provided the provisions of Minn. Stat. §§ 93.44—93.51 are satisfied.

(Code 1978, § 23.17(G); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-808. - Nonconformities.

All legally established nonconformities as of the date of the ordinance from which this article is derived may continue, but they will be managed according to applicable state statutes and other regulations of this community for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

(1) *Deck additions.* Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:

- a. The structure existed on the date the structure setbacks were established;
- b. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
- c. The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and
- d. The deck is constructed primarily of wood, and is not roofed or screened.

(2) *PUD provisions.* PUD provisions as provided in section 30-809

(Code 1978, § 23.17(I); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-809. - Planned unit developments (PUD's).

(a) *Types permissible.* Planned unit developments (PUD's) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in section 30-802 and the official zoning map.

(b) *Processing of PUD's.* Planned unit developments must be processed as per section 30-703

(c) *Application.* The applicant for a PUD must submit the following documents prior to final action being taken on the application request:

(1) A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.

(2) A property owner's association agreement (for residential PUD's) with mandatory membership, and all in accordance with the requirements of subsection (f) of this section.

(3) Deed restrictions, covenants, permanent easements or other instruments that:

a. Properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUD's; and

b. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in subsection (f) of this section.

(4) When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.

(5) Those additional documents as requested by the zoning administrator that are necessary to explain how the PUD will be designed and will function.

(d) *Site "suitable area" evaluation.* Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in subsection (e) of this section.

(1) The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions	Unsewered (feet)	Sewered (feet)
Recreational development lakes	267	267
Natural environment lakes	400	320

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General development lakes (1st Tier)	200	200
General development lakes (2 + Tier)	267	200
All river classes	300	300

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

(e) *Residential and commercial PUD density evaluation.* The procedures for determining the base density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.

(1) Residential PUD base density evaluation. The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses in this subsection and the design criteria in subsection (f) of this section.

(2) Commercial PUD base density evaluation. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable spaces.

a. Select the appropriate floor area ratio from the following table:

Commercial PUD
 Floor Area Ratios

*Average Unit
 Floor Area

(sq. ft.)	See Note #1 (below)	See Note #2 (below)	See Note #3 (below)
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027

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1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

* For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

NOTE #1 Sewered general development lakes; first tier on unsewered general development lakes; and urban river segments.

NOTE #2 Second and additional tiers on unsewered general development lakes; recreational development lakes.

NOTE #3 Natural Environment Lakes

b. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.

c. Divide the total floor area by tier computed in subsection (e)(2)b. of this section by the average inside living area size determined in subsection (e)(1) of this section. This yields a base number of dwelling units and sites for each tier.

d. Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses in this section and the design criteria in subsection (f) of this section.

(3) Density increase multipliers:

a. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in section 30-803 are met or exceeded and the design criteria in subsection (f) of this section are satisfied. The allowable density increases in subsection (e)(3)b. of this section will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.

b. Allowable dwelling unit or dwelling site density increases for residential or commercial planned unit developments:

Density Evaluation Tiers	Maximum Density Increase Within Each Tier
First	50
Second	100

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Third	200
Fourth	200
Fifth	200

(f) *PUD design requirements.*

(1) Maintenance and administration requirements. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.

(2) Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:

- a. Commercial uses prohibited (for residential PUD's);
- b. Vegetation and topographic alterations other than routine maintenance prohibited;
- c. Construction of additional buildings or storage of vehicles and other materials prohibited; and
- d. Uncontrolled beaching of watercraft prohibited.

(3) Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:

- a. Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
- b. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
- c. Assessments must be adjustable to accommodate changing conditions; and
- d. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

(4) Open space requirements. Planned unit developments must contain open space meeting all of the following criteria:

- a. At least 50 percent of the total project area must be preserved as open space;
- b. Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;
- c. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;

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- d. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
 - e. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
 - f. Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;
 - g. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
 - h. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUD's, at least 50 percent of the shore impact zone must be preserved in its natural state.
- (5) Erosion control and stormwater management. Erosion control and stormwater management plans must be developed and the PUD must be:
- a. Designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
 - b. Designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except for commercial PUD's 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with section 30-804
- (6) Centralization and design of facilities. Centralization and design of facilities and structures must be done according to the following standards:
- a. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the state department of health and section 30-803 and section 30-560. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;
 - b. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from

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the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with subsection (e)(3) of this section for developments with density increases;

c. Shore recreation facilities, including, but not limited to, swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;

d. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the city, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;

e. Accessory structures and facilities, except water-oriented accessory structures, must meet the required principal structure setback and must be centralized; and

f. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in section 30-803 and are centralized.

(g) *Conversions.* Other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met:

(1) Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

(2) Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.

(3) Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

a. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;

b. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and

c. If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements

when they are rebuilt or replaced.

(4) Existing dwelling unit or dwelling site densities that exceed standards in section 30-809(e) may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

(Code 1978, § 23.17(J); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Secs. 30-810—30-899. - Reserved.

DIVISION 14. - LARGE SCALE COMMERCIAL DEVELOPMENT STANDARDS

[Sec. 30-900. - Purpose and intent.](#)
[Sec. 30-901. - Applicability.](#)
[Sec. 30-902. - Site design standards.](#)
[Sec. 30-903. - Building design standards.](#)
[Sec. 30-904. - Other requirements.](#)
[Secs. 30-905—30-949. - Reserved.](#)

Sec. 30-900. - Purpose and intent.

(a) *Purpose.* The purpose of these standards are to ensure large scale commercial development is to provide compatible design, size and layout considerations to the unique built and natural environment of Grand Rapids.

(b) *Intent.* The intent of these development standards is to provide standards that influence building and site design of large scale development that creates a smaller scale, feel and relationship to the small town atmosphere of Grand Rapids. Large scale commercial development has the potential to distract, disrupt or adversely impact the natural and built environment of Grand Rapids and the surrounding area. When properly implemented, the standards contained in this section minimize impacts to better integrate these developments within the context of the community. This section establishes standards that regulate the location, appearance and function of buildings; off-street parking and circulation; vehicular and pedestrian access; loading areas; yard spaces; and preservation of natural site amenities. It is not the intent of the City of Grand Rapids to unnecessarily over-regulate large scale commercial development when these uses provide retail services and create market dynamics that are a benefit to the greater good of Grand Rapids and its market area.

(Ord. No. 05-05-08, 5-18-2005; Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-901. - Applicability.

(a) *New large scale commercial development.* The standards contained in this section apply to commercial development that has a building footprint area exceeding 70,000 square feet.

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(b) *Existing large scale commercial development.* When triggered by occupation; change in use; building enlargement, expansion, or modification; or site modifications to commercial development with building footprints exceeding 70,000 square feet, the provisions of Section 30-458 are applicable.

(c) *Procedure.* All commercial development meeting the applicability criteria of this section will be reviewed by the conditional use permit process contained in Section 30-531

(Ord. No. 05-05-08, 5-18-2005; Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-902. - Site design standards.

The following section outlines the guidelines and standards required for large scale commercial development within the City of Grand Rapids. The following site and building design standards present the objectives for development with regards to site planning and building design.

(1) *Site planning.* Site planning as it relates to the commercial and community context shall be considered. Buildings shall be located to relate to adjacent streets, other adjacent commercial development, residential neighborhoods, and community features. Grand Rapids has a wealth of natural features which need proper attention and consideration during the site planning process. These features create intrinsic site value when properly integrated into development planning by providing opportunities to create outdoor spaces that convey community identity.

(2) *Building setbacks.* Building setbacks are as required by applicable zoning districts.

(3) *Parking and vehicular circulation.*

a. Standards for minimum and maximum parking space ratios, parking lot space sizes and design, and interior landscaping are applicable.

b. The distribution of parking spaces shall be arranged to provide convenient vehicular and pedestrian movement. Consideration for the distance from the furthest parking space to building entries shall be given as well as the route by which people walk from their car to the building entry.

c. Off-street parking spaces shall be located in two yard spaces. This standard may be relaxed if:

1. The majority of parking area is screened by natural vegetation or outlot development sites.

2. Parking in only one yard space will preserve features of the site that can be considered as site amenities.

d. A traffic study shall accompany the application showing the proposed amount of traffic generated by the development and its impact on surrounding roadways including existing and proposed levels of service at intersections. The developer shall consult with city staff to establish parameters of study and its scope.

e. Parking lots shall incorporate other natural features, design elements, or functional elements such as stormwater management systems internally within the parking lot to break up the parking lot into smaller areas to minimize negative visual impacts.

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- f. Driveways and isles shall be located in a manner to relate to surrounding roadway systems, driveways serving adjacent development, and other land uses that may be negatively impacted by high levels of traffic.
 - g. Differing pavement surfaces shall be used to define vehicle isles and pedestrian walkways and crossing areas.
 - h. Pedestrian walkways shall be incorporated into the parking lot to minimize potential conflicts with vehicles.
- (4) *Pedestrian and bicycle circulation*
- a. Sidewalks and/trails shall be provided along the all sides of the site perimeter with street frontage. Trails shall be provided as needed to connect the site to community trail systems and/or link to natural site amenities. Widths and locations of the sidewalks and trails shall be determined by their intended use and guided by the city.
 - b. Bicycle racks shall be provided in close proximity to building entrances.
- (5) *Landscaping and screening*
- a. Minimum standards for tree preservation and landscaping shall apply as regulated in sections 30-594 and 30-595
 - b. Special landscaping attention shall be given to loading areas. Buffering techniques that incorporate berming shall be used when adjacent to residential areas if a building entrance is not present.
 - c. Mature trees along the perimeter of the site shall be preserved to create development "rooms" that aid to minimize the scale of development.
 - d. Additional landscaping to minimize the impacts of large parking areas and building size shall be provided as determined necessary by the city.
- (6) *Community spaces.* Sites should provide attractive and inviting pedestrian scale features, spaces and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Pedestrian ways should be anchored by special design features such as towers, arcades, porticoes, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces. The features and spaces should enhance the building as integral parts of the community fabric. Other features to be considered for site amenities include patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkways, outdoor play area, kiosk area, water feature, clock tower, steeple, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the City, adequately enhances such community and public spaces.
- (7) *Walls and fences.* Walls and fencing may be used in cases where natural landscaping is not adequate for screening purposes. Fencing materials and design shall relate to the building design and character when used. Additional landscaping treatment may be required to soften the fence from public view.
- (8) *Outdoor storage, trash collection and loading.* Loading areas and outdoor storage areas

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exert visual and noise impacts on surrounding development and residential areas. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances. In addition, the following standards apply:

- a. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way or residential areas.
- b. All storage, collection, and compaction of trash shall occur within the principal building.
- c. Loading docks, truck parking, utility meters, HVAC equipment, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
- d. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and designs of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the buildings.

(9) *Shopping cart management.* Defined areas for the storage of shopping carts shall be provided. Overnight outdoor storage within parking lots shall not be permitted.

(Ord. No. 05-05-08, 5-18-2005; Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-903. - Building design standards.

The size of large commercial buildings can have a positive or negative impact on community character. By identifying appropriate building design standards for large commercial development, these buildings can become community assets that help promote the image, identity and economy of Grand Rapids. By encouraging designs that play down size, relate to community character and provide a human scale, provide a higher probability of producing positive benefits to the community including their eventual reuse.

(1) *Building width and facade.* The building width and facade treatment may be the most important design considerations as they convey first and lasting impressions of the development. Long building facades with no articulation can present a generic low quality image. Grand Rapids development character needs to reinforce smaller scale character elements that have a greater degree of human scale. The following standards shall apply to building facades and exterior walls.

- a. For exterior walls that front on a public street, the facade shall be articulated so that there are projections and recesses every 100 feet. The minimum projection and recess shall be 5 feet.
- b. *Materials and colors.* Buildings shall incorporate high quality materials that provide long term durability and design appeal. Concrete cinder block and metal siding are prohibited on building facades that face public streets. Facade colors shall be low reflectance and subtle. High intensity

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colors are prohibited but complementary colors that accent primary colors are acceptable.

- c. *Building height.* As prescribed by the zoning district.
- d. *Rear facades.* Rear facades or facades not fronting public streets should be designed to compliment the front facade.
- e. *Entries and window treatment*
 - 1. Buildings shall incorporate canopies, awnings, or porticos that clearly identify building entry locations. The size and design of these treatments shall integrate with the overall building architecture.
 - 2. Windows should be incorporated into street facing facades except for those facades that are loading areas. Windows shall have functional two-way glass.
- f. *Roof treatment.* Variations in roof lines should be used to add interest to and reduce the massive scale of large buildings. Rooftop equipment shall be designed to blend into the building or be concealed through the use of features such as parapets, mansard roofs, gable roofs, hip roofs, or dormers.
- g. *Signage.* Signage both wall and freestanding, shall be consistent with the over all building design character. Sign area and height shall be as prescribed in division 10, article VI.
- h. *Lighting.* A comprehensive lighting plan shall be developed for building and site lighting. Lighting shall not produce unnecessary glare or light pollution.

(Ord. No. 05-05-08, 5-18-2005; Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-904. - Other requirements.

The following shall also be required:

- (1) *Adaptability for reuse plan.*
 - a. The building design for a retail use shall demonstrate how the building is designed for adaptation to a multi-tenant building in the event of the abandonment of the large scale commercial store. The design may include, but is not limited to, compartmentalized construction, including plumbing, electrical, service, heating, ventilation, air conditioning and wall placement. The plans shall also demonstrate how the exterior of the building can be divided into separate tenancies, facades can be adapted to separate entrances, parking can be shared, and the exterior can be maintained as a multi-tenant building.
 - b. When a business relocates to another building, the owner shall not place restrictions on the use or occupancy of the previously occupied property through the use of deed restrictions, covenants, or other means which would encumber the property's reuse in the open market. Every attempt shall be made by the owner to sell or lease the building to a use(s) allowed under zoning district requirements without prohibition of similar uses that may pose competition.
- (2) *Environmental review.* Large scale commercial development with buildings over 125,000

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square feet are required to prepare an Environmental Assessment Worksheet (EAW) as prescribed by Minnesota Rules Chapter 4410. The city will serve as the responsible governmental unit (RGU) for review of the EAW unless otherwise assigned.

(Ord. No. 05-05-08, 5-18-2005; Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Secs. 30-905—30-949. - Reserved.

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Sec. 30-950. - Purpose and intent.

(a) The Federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 ("the Act") grants the Federal Communications Commission exclusive jurisdiction over the regulation of the environmental effects of radio frequency emissions from telecommunications facilities and the regulation of radio signal interference among users of the radio frequency spectrum.

(b) Consistent with the Act, the regulation of towers and telecommunications facilities in the city will not have the effect of prohibiting any person from providing wireless telecommunications services. The general purpose of this section is to regulate the placement, construction, and modification of telecommunication towers and facilities in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the city. In addition, this section recognizes the contractual control for the purpose of preserving public health, safety, and welfare that can be exercised over telecommunications facilities when those facilities are located on property owned or controlled by governmental entities. Specifically, the purposes of this section are:

- (1) To regulate the location of telecommunication towers and facilities;

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- (2) To protect residential areas and land uses from potential adverse impacts of telecommunication towers and facilities;
- (3) To minimize adverse visual impacts of telecommunication towers and facilities through design, site, landscaping, and innovative camouflaging techniques;
- (4) To promote and encourage shared use and collocation of telecommunication towers and antenna support structures;
- (5) To avoid damage to adjacent properties caused by telecommunication towers and facilities by ensuring that those structures are soundly and carefully designed, constructed, modified, maintained and promptly removed when no longer used or when determined to be structurally unsound;
- (6) To ensure that telecommunication towers and facilities are compatible with surrounding land uses; and to facilitate the provision of wireless telecommunications services to the residents and businesses of the city in an orderly fashion.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-951. - Definitions.

Are located in Section 30-421.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-952. - Development of towers; approvals required.

- (a) *General construction prohibition.* A tower may not be constructed in any zoning district unless such tower is a conditional or permitted use in the zoning district in which construction will take place.
- (b) *Conditional use permits required.* A tower may not be constructed in any zoning district unless a conditional use permit has been issued by the city council if the tower is a conditional use in the zoning district in which construction will take place.
- (c) *Building permit required.* A tower may not be constructed in any zoning district unless a building permit has been issued by the building official.
- (d) *City property.* The city may authorize the use of city property for towers in accordance with the procedures of this Code. The city has no obligation to allow the use of city property for this purpose.
- (e) *Zoning districts.* A tower is not a permitted use in any zoning district. Towers shall be allowed as a conditional use in the following zoned areas:
 - (1) I-1, SI-1, I-2, SI-2 and AP districts.
 - (2) Publicly owned or operated land in residential, commercial, and public use districts.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 300-953. - Application process.

- (a) A person desiring to construct a tower must submit an application for a building permit and, if

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applicable, for a conditional use permit, to the zoning administrator.

(b) An application to develop a tower must include:

- (1) Name, address, and telephone number of the applicant;
- (2) Name, address, and telephone numbers of the owners of the property on which the tower is proposed to be located;
- (3) Written consent of the property owner(s) to the application;
- (4) Written evidence from an engineer that the proposed structure meets the structural requirements of this Code;
- (5) Written information demonstrating the need for the tower at the proposed site in light of the existing and proposed wireless telecommunications network(s) to be operated by persons intending to place telecommunications facilities on the tower;
- (6) A copy of relevant portions of a lease signed by the applicant and property owner(s), requiring the applicant to remove the tower and associated telecommunications facilities upon cessation of operations on the leased site, or, if a lease does not yet exist, a written agreement to include such a provision in the lease to be signed; and
- (7) An application fee established from time to time by resolution of the city council.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-954. - Performance standards.

(a) *Collocation capability.* Unless the applicant presents clear and convincing evidence to the city council that collocation is not feasible, a new tower may not be built, constructed or erected in the city unless the tower is capable of supporting at least two telecommunications facilities comparable in weight, size, and surface area to each other.

(b) *Setback requirements.* A tower must comply with the following setback requirements:

- (1) Towers shall meet the principle structure setbacks of the underlying zoning district provided the tower does not encroach upon any easement.
- (2) Towers shall not be located between a principle structure and a public street.
- (3) A tower's setback may be reduced or its location in relation to a public street varied, if the city council reasonably deems it necessary to allow better site integration.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-955. - ;Engineer certifications.

Towers must be designed and certified by an engineer to be structurally sound and in conformance with the Uniform Building Code, and any other standards set forth in this code.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-956. - Height restriction.

A tower may not exceed 125 feet in height. Measurement of tower height must include the tower structure itself, the base pad, and any telecommunications facilities attached thereto. Tower height is measured from grade. Measurement of antenna support structure height must include the structure itself and any telecommunications facilities attached thereto. This provision, however, is not a separate grant of authority to construct an antenna support structure or a grant that such a structure may be any particular height.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-957. - Lighting.

Towers may not be artificially lighted except as required by the Federal Aviation Administration. At time of construction of a tower, in cases where there are residential uses located within a distance that is three times the height of the tower from the tower, dual mode lighting must be requested from the Federal Aviation Administration. Notwithstanding this provision, the city may approve the placement of an antenna on an existing or proposed lighting standard, provided that the antenna is integrated with the lighting standard.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-958. - Exterior finish.

Towers not requiring Federal Aviation Administration painting or marking must have an exterior finish as approved in the site plan.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-959. - Fencing.

Fences constructed around or upon parcels containing towers, antenna support structures, or telecommunications facilities must be constructed in accordance with the applicable fencing requirements in the zoning district where the tower or antenna support structure is located, unless more stringent fencing requirements are required by Federal Communications Commission regulations.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-960. - Landscaping.

Landscaping on parcels containing towers, antenna support structures or telecommunications facilities must be in accordance with landscaping requirements as approved in the site plan. Utility buildings and structures accessory to a tower must be architecturally designed to blend in with the surrounding environment and to meet such setback requirements as are compatible with the actual placement of the tower. Ground mounted equipment must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-961. - Accessory buildings and equipment.

No more than one accessory building is permitted per tower. Accessory buildings may be no more than 200 square feet in size. Telecommunications facilities not located on a tower or in an accessory building must be of stealth design.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-962. - Security.

Towers must be reasonably posted and secured to protect against trespass. All signs must comply with applicable sign regulations.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-963. - Design.

Towers must be of stealth design.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-964. - Non-tower facilities.

Telecommunications facilities are permitted only as follows:

(1) Telecommunications facilities are a conditional accessory use in the LB, SLB, CBD, GB, HC, SB, MU, M, SM, PU, and SPU Districts, provided that the owner of such a telecommunications facility, by written certification to the building official, establishes the following facts at the time plans are submitted for a building permit:

- a. That the height from grade of the telecommunications facilities and antennae support structure does not exceed the maximum height from grade of the antenna support structure by more than 20 feet;
- b. That the antenna support structure and telecommunications facilities comply with the International Building Code; and
- c. That telecommunications facilities located above the primary roof of an antenna support structure are set back one foot from the edge of the primary roof for each one foot in height above the primary roof of the telecommunications facilities. This setback requirement does not apply to antennas that are mounted to the exterior of antenna support structures below the primary roof, but that do not protrude more than six inches from the side of the antenna support structure.

(2) Notwithstanding anything to the contrary contained in this ordinance, telecommunications facilities are a permitted accessory use on antenna support structures owned or otherwise under the physical control of the city, a school district, or the state or federal government provided a building permit has been issued by the city council and provided further that the owner of such a telecommunications facility, by written certification to the building official, establishes the following facts at the time plans are submitted for a building permit:

- a. That the height from grade of the telecommunications facilities and antennae support

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structure does not exceed the maximum height from grade of the antenna support structure by more than 20 feet;

b. That the antenna support structure and telecommunications facilities comply with the Uniform Building Code; and

c. That telecommunications facilities located above the primary roof of an antenna support structure are set back one foot from the edge of the primary roof for each one foot in height above the primary roof of the telecommunications facilities. This setback requirement does not apply to antennas that are mounted to the exterior of antenna support structures below the primary roof, but that do not protrude more than six inches from the side of the antenna support structure.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-965. - Removal of towers.

Abandoned or unused towers and associated aboveground facilities must be removed within twelve months of the cessation of operations of the telecommunications facility at the site unless an extension is approved by the city council. Any tower and associated telecommunications facilities that are not removed within twelve months of the cessation of operations at a site are declared to be public nuisances and may be removed by the city and the costs of removal assessed against the property pursuant to state law and the Code.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-966. - Shoreland Management Ordinance.

To the extent that any conflict exists between any provision of this section of the Code and any provision of the Shoreland Management Ordinance, the more restrictive provision shall apply.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-967. - Additional requirements.

(a) *Inspections.* The city may conduct inspections at any time, upon reasonable notice to the property owner and the tower owner to inspect the tower for the purpose of determining if it complies with the International Building Code and other construction standards provided by the city code, federal and state law. The expense related to such inspections will be borne by the property owner. Based upon the results of an inspection, the building official may require repair or removal of a tower.

(b) *Evaluation and monitoring.* As a condition of approval for telecommunication facilities the applicant shall reimburse the City for its costs to retain outside expert technical assistance to evaluate any aspect of the proposed site of telecommunications facilities, including but not limited to other possible sites within the city. The owner of a telecommunications facility shall provide the city with current, technical evidence of compliance with FCC radiation emission requirements, annually or more frequently at the city's reasonable request. If the owner does not promptly provide the city with satisfactory technical evidence of FCC compliance, the city may carry out tests to ensure FCC radiation compliance using a qualified expert. The owner shall reimburse the city for its reasonable costs in carrying out such compliance testing.

(c) *Maintenance.* Towers must be maintained in accordance with the following provisions:

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- (1) Tower owners must employ ordinary and reasonable care in construction and use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage, injuries, or nuisances to the public.
- (2) Tower owners must install and maintain towers, telecommunications facilities, wires, cables, fixtures and other equipment in compliance with the requirements of the National Electric Safety Code and all Federal Communications Commission, state, and local regulations, and in such a manner that they will not interfere with the use of other property.
- (3) Towers, telecommunications facilities, and antenna support structures must be kept and maintained in good condition, order, and repair.
- (4) Maintenance or construction on a tower, telecommunications facilities or antenna support structure must be performed by qualified maintenance and construction personnel.
- (5) Towers must comply with radio frequency emissions standards of the Federal Communications Commission.
- (6) If the use of a tower is discontinued by the tower owner, the tower owner must provide written notice to the city of its intent to discontinue use and the date when the use will be discontinued.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-968. - Variances.

(a) *Initial criteria.* The city council may grant a variance to the setback separation or buffer requirements, and maximum height provision of this subdivision based on the criteria set forth in section 30-453(e)1.

(b) *Additional criteria.* In addition to consideration of a variance based on the criteria set forth in section 30-453(e)1) into consideration, the City Council may also grant a variance by considering the requirements imposed by the Act and showing by the applicant with written or other satisfactory evidence that:

- (1) The location, shape, appearance or nature of use of the proposed tower will not substantially detract from the aesthetics of the area nor change the character of the neighborhood in which the tower is proposed to be located;
- (2) The variance will not create a threat to the public health, safety or welfare;
- (3) In the case of a requested modification to the setback requirement, the size of plat upon which the tower is proposed to be located makes compliance impossible, and the only alternative for the applicant is to locate the tower at another site that poses a greater threat to the public health, safety or welfare or is closer in proximity to a residentially zoned land;
- (4) In the case of a request for modification of separation requirements, if the person provides written technical evidence from an engineer that the proposed tower and telecommunications facilities must be located at the proposed site in order to meet the coverage needs of the applicant's wireless communications system and if the person agrees to create approved landscaping and other buffers to screen the tower from being visible to the residential area;

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(5) In the case of a request for modification of the maximum height limit, that the modification is necessary to (1) facilitate collocation of telecommunications facilities in order to avoid construction of a new tower; or (2) to meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from an engineer.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-969. - Failure to comply.

(a) *City's right to revoke.* If the permittee fails to comply with any of the terms imposed by the conditional use permit, the city may impose penalties or discipline for noncompliance, which may include revocation of the permit, in accordance with the following provisions:

(1) *Procedure.* Except as provided below, the imposition of any penalty shall be preceded by (i) written notice of the permittee of the alleged violation, (ii) the opportunity to cure the violation during a period not to exceed thirty days following receipt of the written notice, and (iii) a hearing before the city council at least fifteen days after sending written notice of the hearing. The notices contained in (i) and (iii) may be contained in the same notification. The hearing shall provide the permittee with an opportunity to show just cause why the permit should not be subject to discipline.

(2) *Exigent circumstances.* If the city finds that exigent circumstances exist requiring immediate permit revocation, the city may revoke the permit and shall provide a post-revocation hearing before the city council not more than fifteen days after permittee's receipt of written notice of the hearing. Following such hearing, the city council may sustain or rescind the revocation, or may impose such other and further disciplines as it deems appropriate.

(3) *Record.* Any decision to impose a penalty or other discipline shall be in writing and supported by substantial evidence contained in a written record.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)