CHAPTER 9. ZONING REGULATIONS

(11-2024)

Part 1. General Zoning Provisions

901.01 INTENT AND PURPOSE

This chapter is adopted for the purpose of:

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

Dividing the city into zones and districts and regulating therein the location and use of structures and land.

Promoting orderly development of the residential, agricultural, recreational and public areas.

Providing adequate light, air and convenience of access to property.

Limiting congestion in the public rights-of-way.

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.

Providing for the compatibility of different land uses and the most appropriate use of land throughout the city.

Providing for the administration of this ordinance and amendments thereto.

Defining the powers and duties of the administrative officers and bodies, as provided hereinafter.

Prescribing penalties for the violation of the provisions of this ordinance or any amendment thereto.

901.02 RELATION TO COMPREHENSIVE MUNICIPAL PLAN

It is the policy of the city that enforcement, amendment, and administration of this ordinance be accomplished with due consideration of the recommendations contained in the city's Comprehensive Plan.

901.03 USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS

Whenever, in any zoning district, a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case, the council or the planning commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable, and if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The city council, planning commission or property owner shall, if appropriate, initiate an amendment to the zoning ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the city.

901.04 DEFINITIONS

For the purpose of these regulations, the following terms, phrases, words, and their definitions shall have the meaning given in this section. Words used in the present tense shall include the future tense; words in the singular number shall include the plural; and words in the plural shall include the singular.

Accessory Building or Use: A subordinate building or use that is located on the same lot on which the main building or use is situated and is reasonably necessary and incidental to the conduct of the primary or principal use of such building or main use.

Agricultural Business Operation:
A site-specific business reliant on the property's active agriculture which may include multiple related uses managed as one operation.

Agriculture, Cultivation:
Agricultural uses that involve the cultivating of soil and harvesting of crops, including horticulture; floriculture; grain production; forest crop; and specialty crop production such as viticulture; maple syrup; mint and willow; and truck farming.

Agriculture, Direct Market: *(Also See Farmers Market)*
A use involving the sale of agricultural products which are produced on site and sold directly to consumers, including uses such as roadside stands, pick-your-own fruits and vegetables and Christmas tree farms.

Agriculture, General:
Agricultural uses with higher amounts of input and output compared to cultivation agriculture. including but not limited to animal husbandry; grazing; dairying; apiculture; etc.

Alley: A public right-of-way which affords secondary access to abutting property.

Animal Husbandry**:**
The raising of livestock; limited to less than MPCA definitions of a feedlot (Minn. R. ch. 7020)

Apartment: A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family. Includes buildings with two or more dwelling units and efficiency units.

Automobile service stations**:** A building or a clearly defined space on a lot where gasoline, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, spark plugs, and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased, or washed, or have their ignition adjusted, tires inflated or batteries charged or where repairs essential to the actual operation of motor vehicles are executed or performed but shall not include an automobile washing establishment.

Auto or Motor Vehicle Reduction Yard: A lot or yard where one or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage or abandonment. (See also Junk Yard.)

Bakery Production: Means a place for preparing, cooking, or baking or products primarily intended for off-premise distribution. This definition includes confectionary works.

Banners and Pennants: Attention-getting devices which resemble flags and are of a paper, cloth or plastic-like consistency.

Basement: A portion of a building located partly underground and having 1/2 or less of its floor-to-ceiling height below the average grade of the adjoining ground.

Boarding House: A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for three or more unrelated persons, but not to exceed ten persons.

Boat House: A structure used solely for the storage of boats or boating equipment.

Buildable Area: The portion of a lot remaining after required yards have been provided.

Building: Any structure having a roof which may provide shelter or enclosure for any use or occupancy of persons, animals or chattel. When said structure is divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building Height: The vertical distance from: (a) the average elevation of the adjoining ground level; or (b) the established grade adjacent to the building, whichever is lower to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the highest gable on a pitched or hip roof.

Building Setback: The minimum horizontal distance between the building and the specified lot line as prescribed in this ordinance.

Business: Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

Cabinet and Woodworking Establishments: A wood shop that does layouts, cutting, fitting and assembly of residential and commercial cabinets.

Campground: An area accessible by vehicle and containing campsites or camping spurs for tent and trailer camping.

Unless otherwise noted in this section, words and phrases contained in Minn. Stat. § 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.

Cannabis Cultivation: A cannabis business licensed to grow cannabis plants withing the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings, and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.

Cannabis Retail Business: A retail location and the retail location(s) of a mezzobusiness with a retail operations endorsement, microbusiness with a retail operations endorsement, medical combination business operating a retail location, (and/excluding) lower-potency hemp edible retailers.

Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.

Lower-potency Hemp Edible: As defined in Minn. Stat. § 342.01 subd. 50.

Office of Cannabis Management: The Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.

Place of Public Accommodation: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

Preliminary License Approval: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. § 342.17.

Public Place: A public park or trail; public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants, bars, any other food or liquor establishment, hospitals, nursing homes, auditoriums, arenas, gyms, meeting rooms, common areas of rental buildings, and other places of public accommodation

Residential Treatment Facility: As defined under Minn. Stat. § 245.462 subd. 23.

Retail Registration: An approved registration issued by the City to a state-licensed cannabis retail business.

School: A public school as defined under Minn. Stat. § 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. § 120A.24.

State License: An approved license issued by the State of Minnesota's Office of Cannabis Management.

Cellar: That portion of the building having more than 1/2 of the floor-to-ceiling height below the average grade of the adjoining ground.

Church: 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.

Clinic - Medical**:** Any establishment where human patients are examined and treated by doctors. optometrists/ophthalmologists, or dentists but not hospitalized overnight. A facility providing dental. medical. psychiatric. or surgical service for sick or injured persons exclusively on an outpatient basis. including emergency treatment. diagnostic services. training, administration. and services

Clinic- Veterinary: Any establishment where animal patients are examined and treated by veterinarians for acute, overnight, or hospital treatment.

Club or Lodge: A club or lodge is a nonprofit association of persons who are bona fide members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises, providing adequate dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed, providing such serving is secondary and incidental to the operation of the dining room for the purpose of serving food and meals and providing further that such serving of alcoholic beverages is in compliance with the applicable federal, state and municipal laws.

Commercial Recreation: Bowling alley, cart track, golf, pool hall, vehicle racing or amusement, dance hall, ski lodge, skating, tavern, theater, firearms range and similar uses.

Commercial Uses: All permitted accessory, and conditional uses allowed in the "C-B" and "C" Districts, except for multiple family units.

Conditional Use: A use, which because of special problems of control the use permits, requires reasonable, but special, unusual and extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the Comprehensive Plan.

Conditional Use Permit: A permit issued by the Council in accordance with procedures specified in this ordinance, as a flexibility device to enable the council to assign dimensions to a proposed use or conditions surrounding it after

consideration of adjacent uses and their functions and the special problems which the proposed use presents.

Condominium: A multiple dwelling containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling is subject to the provisions of the Minnesota Condominium Law.

Cooperative (Housing): A multiple family dwelling owned and maintained by the residents. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

Daycare Facility - In Home**:** A single-family dwelling in which a permanent occupant of the dwelling provides for the care of children or adults. Those receiving care are not all related to the occupant or to each other and are not the legal wards or foster children of the attendant adult. For the purpose of this title. such activities shall meet all requirements of home occupations. The home must meet all state standards for registration and inspections and not exceed state limits for number of clients.

Daycare Center, Commercial: (Group) Any state licensed facility. public or private. which for gain or otherwise regularly provides one or more persons with care. training, supervision. habilitation. rehabilitation. or developmental guidance on a regular basis. for periods less than twenty-four (24) hours per day. in a place other than the person's own home. Commercial group daycares include. but are not limited to: family daycare homes. group family daycare homes. daycare centers. day nurseries. nursery schools. daytime activity centers. day treatment programs and other "nonresidential programs".

Dental Services**:** relating to the teeth and the work of a dentist.

Dental Instruments: Any instrument used in the practice of dentistry including a variety of hand or machine-driven cutting instruments for soft and calcified tissues, forceps, elevators, clamps, reamers, wire pliers, pluggers, carvers, explorers, and other instruments unique to the dental specialties (oral surgery, endodontics, orthodontics, periodontics, prosthodontics, and restorative dentistry).

Department Store: A business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed, enclosed and are exhibited and sold directly to the customer for whom the goods and services are furnished.

Design Transfer Manufacturing and Wholesale Shops. An establishment whose business involves the placing and/or transferring of photographs, logos, or other designs onto articles of clothing, backpacks or other articles. This use applies to the manufacture of articles for wholesale purposes, only, and may include embroidery of names, logos or other text. This use generally includes catalog sales. This use typically involves the preparation of custom artwork, and is for the mass production of articles. Although silk screening is typically employed for this use, heat transfer, Direct-To-Garment (DTG) and/or similar equipment are also acceptable.

Dog Kennel: **SEE CHAPTER 5**

Drive-In: Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where fast service to the automobile occupants is the principal service offered.

Dry Cleaning: An establishment only for drop-off and pick-up of garments or other materials for dry cleaning or custom cleaning that is performed off premises;

Dwelling: A building of one or more portions thereof occupied or intended to be occupied exclusively for human habitation, but not including rooms in motels, hotels, nursing homes, boarding houses, nor trailers, tents, cabins, or trailer coaches. A dwelling shall not be interpreted to include lodging rooms.

Dwelling - Attached: A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling - Detached: A dwelling which is entirely surrounded by open space on the same lot.
Dwelling - Duplex: A building having accommodations for and occupied exclusively by not more than two families.

Dwelling - Mobile Home: A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and
assembly operations, location on jacks or other temporary or permanent foundations,
connections to utilities and the like. A travel trailer is not to be considered as a mobile home.

Dwelling - Multiple: A building having accommodations for and occupied exclusively by more than two families.

Dwelling - Townhouse: A one- or two-story single-family building having one or more walls in common with another single-family building oriented and designed so each unit has separate, individual front and rear entrances.

Elderly Apartments: An apartment, townhouse, or condominium, as defined herein, which is specifically and exclusively rented, sold or maintained for the benefit of residents over the age of 62 years.

Electric Vehicle (EV)

An electric vehicle is a vehicle that uses one or more electric motors for propulsion. It can be powered by a collector system, with electricity from extravehicular sources, or it can be powered autonomously by a battery. EVs include, but are not limited to, road and rail vehicles, surface and underwater vessels, electric aircraft, and electric spacecraft. For road vehicles, together with other emerging automotive technologies such as autonomous driving, connected vehicles, and shared mobility, EVs form a future mobility vision called Connected, Autonomous, Shared, and Electric Mobility.

Electric Vehicle (EV) Charging Station See 901.26

Essential Services: Underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, or other similar equipment and accessories in conjunction therewith; but not including buildings.

Family: An individual, or two or more persons each related by blood, marriage, or adoption living together as a single housekeeping unit, or a group of not more than 4 persons not so related, maintaining a common household.

Farm: A tract of land which is principally used for commercial agriculture, all of which is owned and operated by a single family, farm corporation, individual or corporation.

Farmers Market: A use which principally involves the retail sale of farm and garden products from multiple local area farmers.

Such use shall principally involve the sale of farm and garden products. but other types of merchandise may be sold. provided such merchandise occupies not more than 25% of the indoor and outdoor display area of the farm market.

At least one off-street parking space shall be provided for each 200 square feet

of indoor and outdoor display area.

Financial Institutions: a company that deals with money (as a bank, savings and loan, credit union, etc.).

Flood: A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

Flood Plain: The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

Floor Area: The sum of the gross horizontal areas of the several floors of a structure excluding stairs and unenclosed porches. Measurements shall be made from the outside of exterior walls.

Food Manufacturing Establishment: means a building or part of a building where food is prepared for sale to other establishments for human consumption. For purposes of this subdivision, "prepared" means a process of canning, cooking, freezing, dehydrating, milling, repacking or cutting.

Funeral Home**:** A building that provides facilities for funerals: a chapel for funeral services; rooms for viewing the remains in caskets (slumber rooms. reposing rooms. viewing rooms. visitation rooms) before final services or cremation: rooms for preparation of bodies (embalming, cosmetic treatment and clothing of the deceased); display rooms and storage for caskets: garages for hearses and other equipment: and administrative offices. A funeral home may include family living quarters for the funeral director/owner.

Garage - Private: An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service nor industry is carried on.

Garage - Repair: Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

General and Professional Offices: General, business, or professional, finance, insurance, editorial, real estate services, administrative, office building, consultant services such as advertising, engineering, architects, designers, medical, dental, and similar type uses.

Grain and Seed Elevator: A facility engaged in the receipt, handling, storage, and shipment of bulk, raw agricultural commodities such as corn, wheat, oats, barley, sunflower seeds, and soybeans.

Greenhouses And Nurseries-Commercial**:** A retail establishment for the growth. wholesale and/or display of plants. shrubs. trees and landscape material used in indoor and outdoor planting, conducted within or without an enclosed building.

Grocery Store: A place of business established primarily for the retailing of food.

Group Home**:** A building or residence licensed by the state as a rooming or boarding house and that provides lodging, care and daily assistance for people that are unable to live independently, such as the elderly, mentally ill, or chemically dependent.

Health Clubs: A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

Home Occupation/ Business: A business, profession, occupation or trade for gain or support conducted by an owner-occupant on the same parcel as the principal dwelling, which is incidental and secondary to the principal use of the premises.

Hotel: A building having provision for six or more guests in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests or both, 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.

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

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

Laboratory Health Care: A facility primarily involved in the testing, diagnosis, or observation of medical or dental samples collected at heath care facilities. The samples are generally sent to the laboratory from off-premises facilities.

Laundry, Dry Cleaning or Dying Establishments: A facility used for the cleaning of fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in water or volatile solvents.

Lot: A parcel, piece or portion of land designated by metes and bounds, registered land survey, plat, or other means and separated from other parcels or portions by said description which is recorded or to be recorded in the Office of the County Register of Deeds.

Lot Area: The area of a lot in a horizontal plane bounded by the lot lines.

Lot, Corner: A lot situated at the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred and thirty-five degrees.

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line.

Lot, Interior: A lot other than a corner lot, including through lots.

Lot Line: A lot line is the property line bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this ordinance.

Lot Line, Front: That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street except that a corner lot in a non-residential area shall be deemed to have frontage on both streets.

Lot Line, Rear: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than 10 feet in length or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

Lot, Through: Any lot other than a corner lot which abuts more than one street.

Lot of Record: A platted lot or metes and bounds parcel which has been recorded in the Office of the Register of Deeds prior to the adoption of this chapter.

Lot Width: The horizontal distance between the side lot lines of a lot measured parallel to the front lines of the lot at the setback line.

Lumber Yard: A parcel or building or both where bulk supplies of lumber and other building materials are stored, offered or kept for retail sale and may include storage on or about the premises of such material.

Manufacturing - Heavy: All manufacture, compounding, processing, packaging, treatment or assembly of products and materials that may emit objectionable and offensive influences beyond the lot on which the use is located.

Manufacturing - Light: All uses which include the compounding, processing, packaging, treatment, or assembly of products and materials provided such use will not generate offensive odors, glare, smoke, dust, noise, vibrations, or other objectionable influences that extend beyond the lot on which the use is located.

May: Means permissive.

Mobile Home: A manufactured, transportable, single family dwelling unit subject to tax or registration and suitable for year-round occupancy and containing water supply, waste disposal, and electric conveniences designed or attachments to outside systems. Its design allows mobile homes to be mounted on wheels and used as a
conveyance on highways and streets.

Mobile Home Park: An approved Mobile Home Park which has utility services as specified by the State of Minnesota.

Modular Home: A manufactured, single-family dwelling unit, suitable for year-round occupancy and containing water supply, water disposal and electrical conveniences designed for attachment to outside systems, all constructed in conformance with building, fire and plumbing codes.

Motor Courts, Motor Hotel, or Motel: A building or group of buildings other than a hotel used primarily as a temporary residence of a motorist.

Motor Fuel Station: A retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services generally associated with the operation and maintenance of motor vehicles. These may include sale of petroleum products, sale and servicing of tires, batteries, automotive accessories, and replacement items, washing and lubrication services, and the performance of minor automotive maintenance and repair.

Nonconforming Structure or Use: Any structure or use which on the effective date of this ordinance does not, even though lawfully established, conform to the applicable conditions if the structure or use was to be erected under the guidance of this ordinance.

Nursing Home: A private home for the care of children or the aged or infirmed or place of rent for those suffering bodily disorder. Such a home does not contain equipment for surgical care or for the treatment of disease or injury, nor does it include maternity care or care for mental illnesses or infirmities.

Off-Street Loading Space: A space accessible from the street, alley, or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one truck of the type typically used in the particular business.

Open Sales Lot: Land devoted to the display of goods for sale, rent, lease, or trade where such goods are not enclosed within a building.

Open Space Recreational Use: Recreational use particularly oriented to and utilizing the character of an area; including biking and riding trails, primitive campsites, campgrounds, waysides, parks and recreational areas.

Open Storage: Storage of any material outside of a building.

Outdoor Recreation, Private (also see Recreational Field or Building):
Land uses which offer recreation activities primarily outdoors, including such uses as private parks, sportsmen's clubs, golf courses and ski hills, and which are operated for members or on a commercial basis for members of the public and may include multiple related uses managed as one operation.

Outdoor Recreation, Public (also see Recreational Field or Building):
Land uses which offer recreation activities primarily outdoors, owned and operated by municipality. The municipality may contract without outside entity for operation.

Parking Space: An area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one automobile which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

Party Wall: A common wall which divides two independent structures.

Performance Standard: 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: An individual, to include both male and female and shall also extend and be applied to bodies political and corporate and to partnership and other unincorporated associations.

Personal And Professional Services: See General and Professional Offices

Personal Health and Beauty Services: The selling of services that involve personal health and beauty care and treatment to clients on a walk in or appointment basis. These services include, but are not limited to: barbershops, beauty salons, nail salons, and tanning salons.

Photographer's or Artist's Studio/Film Processing: Work space for one or more photographers, artists or artisans, including the accessory sale of art produced on the premises.

Planned Unit Development: A large lot or tract of land developed as a unit rather than as individual development wherein two or more buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries.

Planning Commission: The Planning Commission of Shafer.

Pole building (pole barn):
Pole building construction uses large poles or posts buried in the ground or on a foundation to provide the vertical structural support, along with girts to provide horizontal support.

Printing/Duplication Shop: An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving.

Public Uses: Uses owned or operated by municipal, school districts, county, state, or other governmental units.

Public Water: Any waters of the State which serve a beneficial public purpose, as defined by Minnesota Statutes. However, no lake, pond or floodage of less than ten acres in size and no river or stream having a total drainage area less than two square miles. Such public water shall be determined by the Minnesota Department of Natural Resources. Any body of water created by a private user where there was no previous shoreland for a designated private use as approved by the Commission

of the Minnesota Department of Natural Resources is not included as a public water.

Recreational Equipment, Sales, Service And Repair: A use that sells, services and repairs recreational vehicles and equipment.

Recreational Field or Building: An area of land, water, or any building in which amusement, recreation or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theater, whether provision is made for the accommodation of an assembly or not. A golf course, arena, baseball park, stadium, circus or gymnasium is a recreation field or building for the purpose of this chapter.

Recreational Vehicle: Any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle built on a single chassis and four hundred (400) square feet or or maximum 70 feet overall length and 8.5 feet wide, including, but not limited to, recreational camping vehicles as defined by Minnesota Statutes Annotated 327.14 subdivision 7, boats, and off highway vehicles such as snowmobiles, trail bikes, motorcycles and other all-terrain vehicles.

Recreational Vehicle Storage Facility: Any facility and/or property utilized for the storage, either temporarily or permanently, of recreational vehicles on property not owned by the owner(s) of the recreational vehicle. This includes boat or RV storage. This term excludes Impound Yards, Towing Facilities, and any dismantling, Scrap and Salvage Service, or Junk Yards.

Recycling Facility: A facility in which recyclable materials are recycled, reprocessed and treated to return such products to a condition in which they may again be used for production.

Regional Flood: A flood which is representative of large floods known to have occurred generally in Minnesota, and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the one hundred year recurrence interval.

Restaurants - Traditional: An establishment serving food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within a building and which does or does not serve liquor.

Restaurants - Fast Food/ Convenience: Restaurants where customers are served their food at a counter or in a motor vehicle in packages prepared to leave the premises or to be taken to a table or counter to be consumed.

Retail Sales And Service: A use engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods and similar type uses.

Riding Stable, Commercial: Any establishment where seven or more adult horses are kept for riding or recreation or where any number of horses are stabled for compensation, sale or show.

Riding Stable, Private: Any establishment where six or fewer adult horses are kept for riding or private recreation.

Salvage Yard: See Junk Yard.

Scientific and research instruments and equipment - manufacture and assembly:
A scientific instrument is a device or tool used for scientific purposes, including the study of both natural phenomena and theoretical research. Included but not limited to:
Altimeters, Ammeter, Anemometer, Audiometer, Barometer, Electron Microscope, Endoscope, Fathometer.
Research instruments are often used in the fields of social sciences and health sciences. These tools can also be found within education that relates to patients, staff, teachers and students. The format of a research instrument may consist of questionnaires, surveys, interviews, checklists or simple tests.
Manufacture and Assembly of the above said items and similar.

Setback: The minimum horizontal distance between a building and street right-of-way or property line. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure at ground level.

Sewage Disposal System: Any system for the collection, treatment, and dispersion of sewage, including but not limited to septic tanks, soil absorption systems, and drain fields.

Shall: Means mandatory.

Shipping Container: A standardized steel box designed for the storage and transportation of goods no larger than eight feet (8') wide, eight feet six inches (8' 6") tall, and forty feet (40') long

Sign: The term "sign" shall mean any written announcement, declaration, demonstration, display, illustration, insignia or illumination used to advertise or

promote the interest of any person when the same is displayed or placed out of doors in view of the general public and shall include every detached sign.

Sign, Flashing: An illuminated sign on which the artificial light is not maintained constant in intensity and color at all times in which such sign is in use.

Sign, Gross Area of: The area within the frame shall be used to calculate the gross area except that the width of the frame in excess of 12 inches shall be added thereto. When letter or graphics are mounted without a frame, the gross area shall be the area bounded by straight lines 6 inches beyond the periphery of said letters or graphics. Each surface utilized to display a message or to attract attention shall be measured as a separate sign. However, only one side of a double face sign shall be measured in computing the gross area thereof.

Sign, illuminated: Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes.

Sign, Nameplate: Any sign which states the name or address or both of the business or occupant of the lot where the sign is placed or may be a directory listing the names, address and business or occupants.

Sign, Off Premises: A sign which directs attention to a business, commodity, service,
or entertainment not exclusively related to the premises where such sign is located.

Sign, On Premises: A sign located on the premises or property of an individual, business or organization when the sale or lease of the premises or the identification, products or services of the individual, business or organization are the subject of the sign.

Signs, Political Campaign: Signs or posters announcing the candidate(s) seeking political office and/or political issues, and data pertinent thereto.

Signs, Portable: A sign so designated as to be movable from one location to another and which is not permanently attached to the ground, sales display device or structure.

Sign, Projecting: A sign, other than a wall sign, which is affixed to a building and which extends perpendicular from the building wall.

Sign, Public: Signs of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical

points of interest, memorial plaques, and the like, when signs are erected by or on order of a public officer or employee in the performance of official duty.

Sign, Real Estate: A business sign placed upon a property advertising that particular property for sale, for rent, for lease, or sold.

Slope: The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

Solar Collector/ Solar Energy System: See 901.25: Solar Energy Sources and Renewable Energy Systems

Special Use Permit: A permit specially and individually granted by the Board, after a public hearing thereon by the Planning Commission, for any use listed as a special use in any district.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it; or if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story.

Street: A public right-of-way which affords a primary means of access to abutting property, and shall also include avenue, highway or road.

Street Width: The width of the right-of-way, measured at right angles to the centerline of the street.

Storage - Mini-Storage/Self Storage: Indoor storage of customer's personal items within partitioned buildings with individual access to each partitioned area.

Structure: Anything constructed or erected, the use of which requires location on the
ground; or attached to something having a location on the ground. This shall include signs.

Structure, Nonconforming: Any structure which is legally existing upon the effective date of this ordinance, which would not conform to the applicable regulations if the structure were to be erected under the provisions of this ordinance.

Structural Alteration: any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

Subdivision: The division of any parcel of land into 2 or more lots, blocks, and/or sites, with or without streets or highways and includes resubdivision.

Supply Yard: A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

Townhouse: A type of dwelling unit reflecting a method of ownership under which the homeowner holds the fee title to the dwelling and the underlying platted lot with a homeowner's association owning the common grounds within the development. Dwelling units will normally have two or more stories and will share a common wall with adjoining structures.

Trade Schools: a secondary school teaching the skilled trades.

Use: The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this ordinance.

Useable Open Space: A required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both; available and accessible to and useable by all persons occupying a dwelling unit or rooming unit on the lot and their guest. Such areas shall be grassed and landscaped or covered only for a recreation purpose. Roofs driveways and parking areas shall not constitute useable open space.

Use, Accessory: A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

Use, Special: The occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each Zoning Use District, which for their respective conduct, exercise or performance in such designated use districts may require reasonable but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, condition, modification or regulations in such use district for the promotion or preservation of the general public welfare, health, convenience or safety therein and in the city, and therefore may be permitted in such use district only by a special use permit.

Use, Nonconforming: Use of land, buildings or structures legally existing at the time of the adoption of this ordinance which does not comply with all the

regulations of this ordinance or any amendments thereto governing the zoning district in which such use is located.

Use, Open: The use of a lot without a building or including a building incidental to the open use.

Use, Permitted: A public or private use which of itself conforms with the purposes and objectives of a particular district which conforms with all requirements, regulations and performance standards of such a district.

Use, Principal: The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.

Variance: The waiving action of the literal provisions of the Zoning Ordinance to instances where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property under consideration.

Warehouse: The holding of packaged or wholly or partially finished materials, foods or products within enclosed buildings which will not create significant impacts to surrounding uses. Examples of such use includes wholesale establishments primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers. The use does not include those uses which are consistent with the definition of mini storage/self storage nor boat, trailer, nor RV storage.

Watershed: The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

Watershed Management or Flood Control Structure: A dam, floodwall, wing-dam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term "watershed management or flood control structure" does not include pilings, retaining walls, gablon baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by period from the Commissioner of the Minnesota Department of Natural Resources.

Wholesaling: The selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

Yard: An open space on a lot, which is occupied, and unobstructed by a structure from its lowest ground level to the sky except as expressly permitted in this ordinance. A yard shall extend along a lot line and at right angles to such lot line

to a depth or width specified in the yard regulations for the district in which such lot is located.

Yard, Front: A yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest line of the building.

Yard, Rear: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

Yard, Side: A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

Zoning District: An area or areas within the limits of the zoning jurisdiction for which the regulations and requirements governing use are uniform.

Zoning Administrator: A person appointed by the city council to enforce the zoning ordinance.

Zoning Map: The maps or map incorporated into this ordinance as part thereof, and as amended, designing the zoning district.

901.05 RULES AND GENERAL PROVISIONS

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

Where the conditions of this chapter are comparable with conditions imposed by any other law, ordinance, statute, resolution or regulation, the regulations which are more restrictive shall prevail.

No structure may be erected, converted, enlarged, reconstructed or altered, and no structure or land may be used for any purpose nor in any manner which is not in conformity with the provisions of this chapter.

No cellar, garage, tent, trailer, basement or accessory building shall at any time be used as a dwelling unit except mobile homes as regulated in this ordinance and a basement home may be used as a dwelling for a period not exceeding three years, pending completion of structure above. The basement portion of a finished home or apartment building may be used for normal eating and sleeping purposes,

provided it is properly damp-proofed, has suitable fire protection and exits, and is otherwise approved by the building inspector.

Public utility services, erected, constructed, altered or maintained by public utilities or by governmental departments or commissioners, because of their nature and function, are permitted uses in all districts, subject to the application and granting of a special use permit where substations or other structures are to be built.

901.06 NONCONFORMING USES AND STRUCTURES

Subd. 1. Existing Nonconforming Use. Any lawful nonconforming use existing as of the passage of this ordinance, other than those constituting a nuisance, may be continued, except that any nonconforming use or building may not be:

Changed to another nonconforming use;

Re-established after discontinuance for 6 months; or if it has been changed to be in conformity;

Rebuilt after damage exceeding 50 percent of its value;

Expanded.

Subd. 2. Outdoor Advertising. No outdoor advertising structure may continue as a nonconforming use for more than 12 months after the effective date of this chapter.

Subd. 3. Outstanding Permit. Any structure which will, under chapter, become nonconforming but for which a building permit has been lawfully granted prior to the effective date of this chapter or amendment thereof and continues to completion within one year shall thereafter be a legally existing nonconforming structure.

Subd. 4. Repairs and Maintenance. Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary non-structural repairs and incidental alterations that do not extend or intensify the nonconforming uses.

901.07 DISTRICTS CREATED

For the purpose of this chapter, the following districts shall be created:

"R-1"	Single Family Residential District (High Density)
“R1A”	Single Family Residential (Medium Density)
“R1B”	Single Family Residential (Low Density)
"R-2"	Multiple Family Residential District
"R-M"	Mobile Home Park District
"C"	Commercial
"CB"	Central Business District
"I"	Industrial District
"A-O"	Agricultural Open Space District

901.08 ZONING MAP

Boundaries of the above districts are hereby established as shown on that certain map entitled "Zoning Map of the City of Shafer, Minnesota", which is properly approved and filed in the office of the clerk and hereinafter referred to as the "Zoning Map." Said map and all of the notations, references and other information shown therein shall have the same force and effect as if fully set down herein and are hereby made a part of this ordinance by reference

901.09 ZONING DISTRICT BOUNDARIES

District boundaries on said map are intended to follow street right-of-way lines, street centerlines, or lot lines unless such boundary line is otherwise indicated on

the map. In the case of unsubdivided property, or in any case where street or lot lines are not used as boundaries, the district boundary lines shall be determined by use of dimensions or the scale appearing on the map.

901.10 ANNEXED LAND

All land that is annexed into the city shall be placed in the Agricultural Open Space (A-O) District until such time as a study is completed to determine the appropriate zoning district. (11-2005)

901.11 USES PERMITTED

In each district there shall be uses permitted as a principal use, uses permitted as an accessory use, and uses permitted only with the issuance of a conditional use permit under the provisions of this ordinance.

Uses not listed hereinafter may be petitioned for inclusion in the appropriate district, and so authorized by a majority vote of the Planning Commission.

USES CHART

4 Zoning districts: C=Commercial, CB=Central Business, I=Industrial, A-O=Agricultural-Open Space P= Permitted C= CUP required A= Accessory use

	C	CB	I	A-O	
SFR				P	

Retail: Sales and Services	P	P			
	P	P			EV Charging Stations
	P	P			Grocery Store
	P	P			Restaurants, Traditional
	P	P			Restaurants, Fast Food/Convenience
	C	C			Group Daycare Center, Commercial
General And Professional Offices	P	P			
Clinics	P	P			Medical And Veterinary
Clubs And Lodges	P	P			Health Clubs:
	P	P			Personal Health and Beauty Services:
Laboratory Health Care			C		
Financial Institutions	P	P			General And Professional Services:
Second-Story Apartments	P	P			Conforming To R-2 District
Garages	A	A			
Pole Buildings	C	C	C	C	
Nursing Homes	C	C			
Motels And Hotels	C	C			
Drive-In Businesses Where People Are Served While In Automobiles	C	C			
Funeral Homes	C	C			
Storage: Mini-Storage/Self Storage	C	C			
Warehouses			C		
Recreational Vehicle Storage Facility	C	C			
Recreational Equipment, Sales, Service And Repair	C		C		
Recycling Facility			C		

Salvage Yard			C		Also See 904.16 Junk Yards
Supply Yard	P	P			
Automobile Service Station	C	C			Automotive Services, Sales, Service, And Storage, Excluding Gasoline Filling Stations.
Gas Stations	P	P			Gas Stations, Service Stations, Or Fuel Sales, EV Charging Stations
Cabinet And Woodworking Establishments			P		
Dry-Cleaning And Dying Establishments: Laundries			P		
Grain And Seed Elevators				P	
Lumber Yards			P		
Manufacturing - Heavy: Any Use Involving Pollution Or Other Hazards			C		
Manufacture - Light: Processing, Storage Or Commercial Uses Determined By The Planning Commission To Be Of The Same General Character As The Permitted Uses Above And Found Not To Be Obnoxious, Unhealthful, Or Offensive By Reason Of The Potential Emission Or Transmission Of Noise, Oxidation,			C		
Smoke, Dust, Odors, Toxic Or Noxious Matter Or Glare Or Heat					
Trade Schools			P		
Junk Yards, Auto Reduction Yards And Open Storage Yards			C		Also See 904.16 Junk Yards
Planned Unit Developments Which Shall Only Be Permitted On An Area Of At Least One Acre.			C		

I ngs And Agricultural Uses I he Growing Of Crops, Raising Livestock, Poultry, And Raising Of Horses				P	Agriculture, Cultivation Domestic Fowl *Refer To Chapter 5 Animals*
Riding Stable, Commercial				P	
Riding Stable, Private				P	
Greenhouses And Nurseries, Commercial:	P			P	
Public Or Private Recreational Facilities, Including But Not Limited To Golf Courses, Miniature Golf Courses, Driving Ranges And Archery Ranges				P/C	Public (City Owned) Facilities Allowed Private Facilities Need CUP
Shipping Containers	C*		C**		
Cannabis Retail	P	P			
Cannabis Event	P	P			
Lower-Potency Hemp Edibles	P	P			
Indoor cannabis cultivation			C		
Cannabis manufacturing. processing. extraction			C		
Hemp manufacturing			C		
Cannabis wholesale			C		
Outdoor cannabis cultivation				C	

Prohibited Uses. Animal Feedlots, Animal Waste Lagoons					**Prohibited-Keep Stated As Is**

*Subject to the standards set forth in City Code Section 902.06, Subd. 11.
**Subject to the standards set forth in City Code Section 902.08, Subd. 12.

Subd. 2(b). Exception for Shipping Containers. The rear and side yard setback for shipping containers as allowed and defined in the Code shall be 5 feet each.

Subd. 9. Uses Requiring Conditional Use Permit.

Pole buildings (refer to Chapter 10, 1001.05)

Laboratory Health Care;

Heavy and light manufacturing or any use involving pollution or other hazards;

Junk yards, auto reduction yards and open storage yards;

Recreational Equipment, Sales, Service and Repair;

Recycling Facility;

Salvage Yard;

Shipping Containers;

Warehouses;
Other manufacture, processing, storage or commercial uses determined by the planning commission to be of the same general character as the permitted uses above and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, oxidation, smoke, dust, odors, toxic or noxious matter or glare or heat;
Planned unit developments which shall only be permitted on an area of at least one acre.

Subd. 12. Standards for issuance of a conditional use permit for shipping containers. The City Council shall not approve a conditional use permit for use of a shipping container unless the shipping container meets the following standards:

A. The shipping container may not be larger than eight feet (8') wide, eight feet six inches (8'6") tall and forty feet (40') long.

B. The shipping container must meet the applicable setback requirements.

C. No more than one (1) shipping container allowed per acre. The maximum number of shipping containers on any size property is two (2).

D. The shipping container must be in proper state of repair and without any visible graffiti.

E. The shipping container shall be painted to match the principal structure on the property.

901.12 **LOT SIZE REQUIREMENTS**

Subd. 1. Requirements Specified by District. Lot size requirements shall be specified under each zoning district. In addition, the following regulations shall be complied with.

Subd. 2. New Lots. No use shall be established or hereinafter maintained on a lot recorded after the effective date of this ordinance which is of less area or width than prescribed hereinafter for such use in the zoning district in which it is to be located.
Subd. 3. Existing Lots. In any residential district on a lot of record on the effective date of this ordinance, a single-family dwelling may be established provided that the measurements of the lot area and width are within 80% of the requirements of this chapter and provided that it can be demonstrated that a proper and adequate sewage disposal system can be installed.

Subd. 4. Conversion of Buildings. No building shall be converted so as to conflict with, or further conflict with, the lot size requirements of the district in which such building is located.

Subd. 5. Soil Tests. In areas not served by public water and sewer disposal systems, soil tests may be required to insure the sanitary function of private on-site systems. If tests indicate that the soils are not adequate, the size of the lot area will be increased in lot area until the size is deemed adequate.

Subd. 6. Reduced Requirements if Extensive Park Area. Where a proposed plat is submitted incorporating an extensive park area as an integral part of the subdivision and serving each lot within the plat, minimum lot area frontage and width requirements for the district in which the plat is located may be reduced subject to conditions and approval of plans by the planning commission and city council. Land area taken from individual lots to create the park must be over and above the percent of total land area required for park purposes under the subdivision regulations.

Subd. 7. One Building Per Lot. Not more than one principal building shall be located on a lot.

Subd. 8. Right-of-Way Not Part of Lot Area. Public right-of-ways are not a part of the buildable lot area and, therefore, shall not be included as part of the minimum lot area required.

Subd. 9. Site Plan Required for Non-Conforming Lots. Requests for building on a non-conforming lot shall be accompanied by a site plan locating all structures proposed on the lot and all structures existing on adjacent lots, and the proposed

well and septic tank, if any. The applicant shall demonstrate that no pollution or health hazard will result.

901.13 YARD REQUIREMENTS

Subd. 1. Requirements Specified by District. Yard requirements shall be set forth under each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereafter indicated and shall be unobstructed from the ground level to the sky.

Subd. 2. Yard Allocated To Only One Building. 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.

Subd. 3. Corner Lots. On a corner lot, nothing shall be placed or allowed to grow in such a manner as to materially impede vision between a height of 2 1/2 and 10 feet above street level for a distance of 30 feet from intersecting streets.

Subd. 4. Through Lots. Through lots in any district shall have a required front yard on each street.

Subd. 5. Conforming With Neighboring Setbacks. In any district where the average depth of at least two existing front yards for buildings on lots within 150 feet of the lot in question and within the same block front is less or greater than the minimum front yard depth required for the district, the required front yard shall not be less than the average depth of such existing front yards; however, the depth of a front yard in any "R" district shall not be less than 20 feet from the right-of-way line of minor streets and 100 feet from the centerline of major thoroughfares.

Subd. 6. Forty Percent Landscape Requirement. In no event shall off-street parking space, structures of any type, buildings, or other features cover more than 60 percent of the lot area resulting in less than 40 percent landscaped in residential districts.

Subd. 7. Exceptions to Rear Yard Requirements. The following shall not be considered to be encroachments on rear yard requirements: accessory structures which are at least 10 feet from the rear lot line, recreational equipment, laundry drying equipment, picnic tables, open arbors and trellises, balconies, breezeways, porches, detached outdoor living rooms, and outdoor eating facilities which are not less than 2 feet from any lot line.

(9-2020)

Subd. 8. General Exceptions to Yard Requirements. The following shall not be considered to be encroachments on yard requirements:

Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, mechanical devices, cornices, eaves, gutters and the like, provided they do not extend more than 2-1/2 feet;

Terraces, steps, uncovered porches, stoops or similar structures, which do not distance of less than 2 feet from any lot line; Off-street parking spaces except as hereinafter regulated.

Off-street parking spaces except as hereinafter regulated.

Subd. 9. Party Walls. Buildings may be excluded from side yard requirements if party walls are utilized or if the adjacent buildings are planned to be constructed as an integral structure and a conditional use permit is secured.

901.14 FENCES AND POOLS (9-2004) (9-2020) Subd. 1. Purpose. The intent and purpose of the Fence Requirements Ordinance is to ensure safe sight lines and to minimize the potential negative visual impact or hazards of high or unsightly fences, walls and/or retaining walls. Fences shall be defined as any partition, structure wall, or gate erected to serve as a dividing marker, enclosure, physical barrier or visual barrier. Existing fences that were constructed legally and/or that were in place at the time the property was annexed to the City and lawfully existing on the date this standard becomes effective that do not meet the current fencing standards shall be considered a legal non-conforming use, but shall continue to be held in compliance with the City nuisance standards if found to be in disrepair and shall be subject to the nonconforming use standards under the City Code. Subd. 2. Special Requirements. A. Construction and maintenance. Every fence shall be constructed in a substantial, workmanlike manner of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Fences shall be constructed so that their more attractive side faces neighboring property. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. B. Permit required. No person shall construct or cause to be constructed or erected within the City any fence without first securing a building permit. C. Measuring Fence Height. Fence height shall be measured from the average height of the grade adjacent to where the fence is to be located. If a fence is to be constructed on top of a berm, the height shall be measured from the bottom of the berm. Fence height includes the height of the fence, wall, or picket and does not include the posts, or arbors and trellises at entrance gates. D. Maintenance. Every fence will be maintained. No fence is allowed to become or remain in a condition of disrepair including, but not limited to noticeable leaning, missing slats, broken supports, and overgrowth of weeds or vines. E. Location. All fencing shall be located at least one foot (1') behind the sidewalk and a minimum of three feet (3') open area clearance is required around any fire hydrant or electrical transformers. Exceptions – The provisions of this subpart do not apply to: (1) Approval of fence heights by the Planning Commission, which are greater than six feet (6') high, in order to provide screening of adjacent

uses as a part of site plan review; (2) Temporary construction fences installed to protect the public from injury during construction or to maintain security for development (a permit must be obtained for these and they must be removed at completion of construction); (3) For agricultural fencing purposes which do not adjoin residential developments or areas; (4) Fences required by State law to surround or enclose public utility installations, public schools, or other public buildings; or (5) Fences for uses such as tennis or sports courts, which may be a maximum of fifteen feet (15') high if the fence meets all of the required setbacks for an accessory building in the zone in which it is located. F. Fence not to extend beyond the property line. All fences shall be located entirely upon the private property of the persons constructing or causing the construction of such fence unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties, and the written agreement shall be filed with the City as part of the permit. The zoning administrator may require any applicant for a fence permit to establish the boundary lines of his property by a survey made by a registered land surveyor. (05-2024) Subd. 3. Permitted use. Fences may be permitted within or along property

Subd. 4. Nonpermitted use. The following fence types and locations are prohibited in the City:

Electric fence and barbed wire, except in agricultural district, and provided that said fence has a setback of at least twenty (20) feet from the boundary of any public highway or right-of-way, including but not limited to alleys, streets, trails and/or sidewalks, and does not otherwise constitute a nuisance pursuant to the City code; (05-2011)

Fences within a public right-of-way;

Solid concrete or masonry walls over three feet in height;

Swimming pools without fencing;

Keeping agricultural animals without fencing.

Subd. 5. Swimming pool definitions. (05-2006)

A swimming pool is any structure, basin, chamber, or tank for holding water designed for human use with a water surface area of 150 square feet or more or water depth of 24 inches or more, intended or used for swimming, wading or other recreational use by the owner or tenant of the property upon which the pool is constructed, or by the family or invited guests. The term “swimming pool” includes but is not limited to portable pools, treatment pools, therapeutic pools, whirlpools, spa pools and hot tubs meeting the definition of this subdivision.

Subd. 6. Construction of pools.

Pools and special-purpose pools shall not be located beneath utility lines nor over underground utility lines of any type;

While being constructed, the pool or spa area must be fenced with a portable fence, such as a snow fence not less than four feet in height;

No pool or special-purpose pool shall be located within any public or private utility, easement, ingress or egress easement, drainageway, marsh or other location in which it will represent a threat to the natural environment.

Subd. 7. Swimming pool fencing. (05-2006)

1. All swimming pools shall be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in either vertical or horizontal direction, except for doors and gates. The fence shall be of a type not readily climbed by children. A dwelling or accessory building may be used as part of such enclosure. An above-ground pool with a wall greater than four (4) feet in height does not require a fence if the wall cannot be readily climbed by children;

2. All gates or doors through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use and be provided with hardware for permanent locking devices, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. Pool gates shall be locked when the pool is not in use. The opening between the bottom of the fence and the ground or other surface shall not be more than four (4) inches;

3. When it is necessary to fill the pool prior to the installation of the required fencing, a temporary fence (such as snow fence) may be installed in a substantial manner; with the approval of the building official. The maximum time allowed for a temporary fence shall be thirty (30) days.

4. Fences must comply with fence ordinance, Chapter 9, Section 901.14 of this Code.

Subd. 8 Exceptions. (05-2006)

This section does not apply to above-ground outdoor swimming pools having at least four-foot high vertical or outward inclined sidewalls, provided that the pool has a self-closing and self-latching lockable gate or sole access is by means of a removable ladder, ramp or stairs, which must be removed when the pool is not in use, or has a cover able to be latched and which is secured when the pool is not in use. The cover should be constructed of material impenetrable by toddlers and subject to city inspection.

Subd.9. Permits.

No person shall construct or have constructed a swimming pool or special-purpose pool without a building permit.

Subd. 10 Miscellaneous pool regulations.

Nuisance. The conduct of persons in the operation of pools shall be the responsibility of the owner and the tenant, and such conduct of persons in operation of the pool shall be done in a manner so as to avoid any nuisance or breach of the peace, and it shall be unlawful to allow loud noises to go beyond the boundaries of the property upon which the pool or special-purpose pool is located;

Filling. The filling of pools from fire hydrants or other public facilities is prohibited without prior approval of the Public Works Director or authorized designee, and then, only under the conditions set forth in Chapter 4, Section 402.01, Subd. 12. (01-2018)

Drainage. All back flushing of swimming pool or special-purpose pool drainage shall be directed onto the property of the owner or onto approved drainageways. Drainage onto public streets or other public drainageways requires a permit from the zoning administrator.

(9-2020)

Subd. 11 Fences on Drainage Easements.

Fences are allowed on drainage easements so long as the fence does not impede the drainage of water from the property into a drainage pond. The owner of the fence shall remove the fence at the owner's expense for access by the City for maintenance of the drainage easement. As a condition of the grant of a permit for a fence on a drainage easement, the owner shall give license to the City to enter the property for routine maintenance purposes.
The owner of the fence shall remove the fence at the owner's expense for access should the easement become active and a use of the easement is required by the City or any legitimate utility company.

901.15 STREET LIGHTING STANDARDS

Subd.1. All residential street lighting within the city must provide no less than an average of 0.15 to 0.20-foot candles, in accordance with AASHTO guidelines.

Subd. 2. The style for residential street lighting fixtures is the "Lantern" without spikes, and shall be used in all new residential districts and as set forth below.

Subd. 3. The standards in this section shall apply to all future developments and subdivisions, and shall be retroactively applied to all subdivisions in which street lighting has not been installed as of the effective date of this ordinance. In the event pre-existing street lighting is modified, street lighting must be completed in conformance with this section.

901.16 PUBLIC NUISANCES

Subd. 1. Public Nuisance Defined. Whoever by his act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

1. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or

2. Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or

3. Is guilty of any other act or omission declared by law or this ordinance to be a public nuisance and for which no sentence is specifically provided.

Subd. 2. Public Nuisances Affecting Health. The following are hereby declared to be nuisances affecting health:

1. Exposed accumulation of decayed or unwholesome food or vegetable matter;

2. All diseased animals running at large;

3. All ponds or pools of stagnant water;

4. Carcasses of animals not buried or destroyed within 24 hours after death;

5. Accumulations of manure, refuse, or other debris;

6. Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;

7. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;

8. All noxious weeds and other untended or unmowed growths of vegetation upon public or private property. Whenever a prairie or wild flower restoration plan is on file with the city, native prairie grasses and wildflowers shall be allowed to grow to full height.

9. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;

10. All public exposure of persons having a contagious disease;

11. Any offensive trade or business as defined by statute not operating under local license.

Subd. 3. Public Nuisances Affecting Morals and Decency. The following are hereby declared to be nuisances affecting public morals and decency:

1. All gambling devices, slot machines, and punch boards other than devices used by a non-profit corporation or agency for charitable gambling as approved and licensed by the State of Minnesota;

2. Betting, bookmaking, and all apparatus used in such occupations;

3. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;

4. All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, persons are permitted to resort for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining such a place;

Subd. 4. Public Nuisances Affecting Peace and Safety. The following are declared to be nuisances affecting public peace and safety:

1. All snow and ice not removed from public sidewalks 12 hours after the snow or other precipitation causing the condition has ceased to fall;

2. All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;

3. All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;

4. All unnecessary noises and annoying vibrations;

5. Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this code or other applicable law;

6. Radio aerials or television antennae erected or maintained in a dangerous manner;

7. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk;

8. All hanging signs, awnings, and other similar structures over streets and sidewalks so as to endanger public safety, or not constructed and maintained as provided by ordinance;

9. The allowing of rain water, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;

10. Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;

11. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;

12. Waste water cast upon or permitted to flow upon streets or other public property;

13. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, abandoned structures or other material, in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or safety hazards from such accumulation;

14. Any well, hole, or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;

15. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;

16. The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance;

17. The depositing of garbage or refuse on a public right-of-way or on adjacent private property;

18. Structures which have been partially, substantially or completely destroyed by fire, tornado, wind, or other natural disaster which are not completely restored, removed or secured within five days of the natural disaster in such a way that the structure is likely to cause injury to the person or property of anyone.

19. All other conditions or things which are likely to cause injury to the person or property of anyone.

Subd. 5. Duties of City Officers. The City maintenance person shall enforce the provisions of this ordinance relating to nuisances affecting health and public safety. The police department shall enforce provisions relating to other nuisances and shall assist the other designated officer(s) in the enforcement of provisions relating to nuisances affecting public safety. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

Subd. 6. Notice and Abatement.

1. Notice. Handwritten Notice of Violation; Notice of City Council Hearing; Notice of City Council Order; and Notice of Motion for Summary Enforcement Hearing shall be given as set forth in this subdivision.

    a. Notice of Violation. Written Notice of Violation shall be served by the Officer Charged with Enforcement on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premises are not occupied, the owner of record is unknown, or the owner of record or occupant refused to accept service of the Notice of Violation, the Notice of Violation shall be

served by posting it on the premises.

b. Notice of City Council Hearing. Written Notice of City Council Hearing to determine or abate nuisance shall be served on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of council hearing, Notice of City Council Hearing shall be served by posting it on the premises. Such Notice of City Council Hearing shall contain the time, date, place and subject of such hearing.

c. Notice of City Council Order. Except for those cases determined by the city to require summary enforcement, any written Notice of City Council Order shall be made as provided in Minnesota Statute 463.17 (Hazardous and Substandard Building Act).

d. Notice of Motion for Summary Enforcement. Any written Notice of Motion for Summary Enforcement shall be made as provided in Minnesota Statute 463.17 (Hazardous and Substandard Building Act).

2. Procedure. Whenever the Officer Charged with Enforcement determines that a public nuisance is being maintained or exists on premises in the city, the Officer shall notify, by written Notice of Violation, the owner of record or occupant of the premises of such fact and order that such nuisance be terminated or abated. The Notice of Violation shall:

a. Identify the nuisance.
b. Identify the steps to be taken to abate the nuisance;
c. Specify the time within which the nuisance is to be abated.

If compliance with the Notice of Violation is not made within the time specified, the Officer Charged with Enforcement shall report that fact forthwith to the Council. Thereafter, the Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the Notice of Violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the Council the city may seek injunctive relief by serving a copy of the City Council order and notice for summary enforcement.

3. Emergency Procedure: Summary Enforcement. In cases of emergency, where delay in abatement required to complete the notice and procedure

requirements set forth in subdivisions 1 and 2 above will permit a continuing nuisance to unreasonable endanger public health, safety or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the Officer Charged with Enforcement shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement of the nuisance will unreasonably endanger public health, safety or welfare. The Officer Charged with Enforcement shall notify in writing the occupant or owner of the premises of the nature of the nuisance and of the city's intention to seek summary enforcement and the time and place of the council meeting to consider the question of summary enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety, or welfare will be unreasonable endangered by delay, abatement required to complete the procedure set forth in Subdivision 1 above, and may order that such nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

4. Immediate Abatement. Nothing in this ordinance shall prevent the city without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

Subd. 7. Recovery of Cost.

Personal liability. The owner of premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city clerk or other official designated by the council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the city clerk.

Assessment. If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minnesota Statutes, Section 429.101 against each separate lot or parcel to which the charges are attributable. The Council may then spread the charges against such property under that statute and other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the council may determine in each case.

Subd. 8. Penalty.

Any person convicted of violating any provisions of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed $1000 or imprisonment for not more than 90 days, or both, plus the cost of prosecution in either case.

901.17 MOBILE STORAGE STRUCTURES (08-2008)

Mobile storage structures may be located as a temporary structure on property within the City. They are allowed for a period not exceeding 72 hours in duration on a public street and not exceeding three weeks on private property, from time of delivery to time of removal. No more than one (1) mobile storage structure may be located on a specific piece of property within the City at one time. Such temporary structure may not be located on a specific property more than two (2) times in any sixty-calendar-day period. Such temporary structure shall be located no closer than 10 feet to the property line unless on a driveway and must be placed on an impervious surface. Such structure may not be placed in a fire lane or sidewalk. Such structure may not exceed eight feet six inches (8'6") in height, 10 feet in width or 20 feet in length. It shall be the obligation of the owner or user of such temporary structure to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the temporary structure.

901.18 INOPERATIVE MOTOR VEHICLES (04-2013)

Subd. 1 Additional Controls Upon Junk Vehicles. The remedies contained herein may be exercised independently or in conjunction with those remedies provided for in Section 16A of the Minnesota Code and/or other provisions of the Shafer City Code:

A. "Motor Vehicle" means any vehicle normally propelled by an engine and authorized to be driven upon a public street.
B. "Vital Component Parts" means those parts of a motor vehicle, which are essential to the mechanical functioning of the vehicle, including, but not limited to the motor, drive train, wheels, and tires.

C. "Inoperative Motor Vehicle" means a motor vehicle lacking any of its vital component parts, or not capable of being driven or propelled under its own power in a safe and legal manner as required by state law, or not currently registered for driving upon a public street or highway as required by state law.

Subd. 2 Nuisance. Inoperative motor vehicles are hereby declared a public nuisance in Shafer.

Subd. 3 Unlawful Storage. It is unlawful for any person, firm, partnership, or cooperation to pile, store, or keep an inoperative motor vehicle on private property unless said vehicle is completely contained within fully enclosed garage or building.

Subd. 4 Warning. Any person or entity deemed by the City to be in violation of this ordinance shall be warned of the violation, in writing, and given at least thirty (30), but no more than ninety (90) days to come into full compliance with the provision of Subd. 4.

Subd. 5 Misdemeanor. Any person, or the president, or responsible employee of any entity who fails to comply with the provisions of subdivision 4 within the time limit set forth in the warning provided in subdivision 5 shall be guilty of a misdemeanor, punishable by incarceration of up to ninety (90) days and a fine of up to $1,000.00 or both.

Subd. 6 Separate Violations for Each Vehicle. A person shall be guilty of a separate misdemeanor for each inoperative vehicle stored or kept in violation of subdivision 1.

901.19 IMPOUNDED AND ABANDONED PROPERTY (04-2013)

Subd. 1 Impoundment and Sale. Unless otherwise provided for in the City Code, the following property may be impounded when impoundment is necessary and in the public interest or in the interest of preservation of the private property:

D. Any vehicle parked in violation of the ordinances and regulations of the City.
E. Any property which unlawfully interferes with, obstructs or tends to obstruct or render dangerous for passage or unsafe any public street, lands or waters.
F. Any property lawfully coming into possession of the City and remaining unclaimed by the owners.

Subd. 2 Abandoned Motor Vehicles. All abandoned motor vehicles as defined by Minnesota Statutes 168B.02, which are impounded by the City shall be dealt with as provided in Minnesota Statutes, Chapter 16B, and this Section shall not apply to these vehicles.

Subd. 3 Care. Impounded property shall be stored and cared for to reasonably insure its preservation and shall be returned to the owner at the earliest opportunity. Any cost of storage or care shall be paid by the owner before return of the property. If the cost of care and storage exceeds the value of the property, or the property is of no value, it may be disposed of after reasonable efforts have been made to locate the owner. City staff handling the property shall record the efforts made to locate and notify the owner.

Subd. 4 Found Property. When found property or money is delivered to the City, a receipt shall be issued to the finder. The found property or money shall be held by the City for a period of six (6) months unless claimed by the true owner, during which period the officer charged with enforcement shall attempt to locate the owner. The officer charged with police enforcement shall attempt deliver the property or money to the true owner upon proof of ownership satisfactory to the Sheriff, but only after ten (10) days notice by mail to any other person who has submitted to the City a written claim of ownership. If the true owner does not claim the property or money during the six month period, the Sheriff's Department shall deliver it to the person (other than an officer or City employee) who delivered it to the City if, within thirty (30) days after delivery to the City, such person indicated in writing that the person wished to assert a claim to the property or money as a finder. If found money in not claimed by the true owner or the finder within six month period, the money shall be deposited in the City's general fund. If found property is not claimed by the true owner or finder within the six (6) month period, it may be sold by the City in the same manner as impounded property.

Subd. 5 Public Sale. Impounded property may be sold at public auction to the highest bidder for cash after ten (10) days posted of the sale and after mailing a copy of the sale notice to the owner of the property by certified mail no less than five (5) days before the sale, at the owner's last known address if this address can be reasonably ascertained.

Subd. 6 Private Sale. Impounded property may be sold at a private sale after it has been in the possession of the City for at least three (3) months. The sale may occur after publication of a notice of sale in the official newspaper once not less than ten (10) days before the date of the sale and after mailing a copy of the sale notice to the owner of the property by certified mail not less than five (5) days

before the sale, at the owner's last known address if this address can reasonably be ascertained.

Subd. 7 Notice. The required notice shall state the time and place of a sale, a description of the property, the cost of removal and storage for which the sale shall be held and that the sale is pursuant to this Section.

Subd. 8 Conduct of Sale. The Chisago County Sheriff's Department shall conduct the sale and execute and deliver to the purchaser a certificate of sale.

Subd. 9 Proceeds of Sale. The proceeds of the sale shall be applied to expenses of sale, then to the costs of impounding, including removal, storage and care. Any balance remaining shall be placed in the general fund of the City subject to the right of the owner to claim it upon application and satisfactory proof of ownership within six (6) months after the sale.

901.20 SEXUAL OFFENDERS AND SEXUAL PREDATORS (04-2015)

FINDINGS AND INTENT

Subd. 1 Repeat sexual offenders, sexual offenders who use physical violence and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses, and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

Subd. 2 It is the intent of this article to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.

901.21 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:

Subd. 1 Designated offender means any person who has been convicted of a designated sexual offense, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, or has been categorized as a Level III sex offender under Minnesota Statute § 244.052 or successor statute.

Subd. 2 Designated sexual offense means a conviction, adjudication of delinquency, commitment under Minnesota Statute §§ 253B, or admission of guilt under oath without adjudication involving any of the following offenses: 609.342; 609.343; 609.344; 609.345; 609.352; 609.365; 617.23; 617.246; 617.247; 617.293; successor statutes; or a similar offense from another state.

Subd. 3 Permanent residence means a place where the person abides, lodges, or resides for fourteen (14) or more consecutive days.
Subd. 4 Temporary residence means a place where the person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

901.22 **SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION; PENALTIES, EXCEPTIONS.**

Subd. 1 Prohibited location of residence It is unlawful for any designated offender to establish a permanent residence or temporary residence: a) within 2,000 feet of any school, licensed day care center, park, or playground; or b) within 1,000 feet of any designated public school bus stop, place of worship which provides regular educational programs (i.e. Sunday school), or other places where children are known to congregate.

Subd. 2 Prohibited activity. It is unlawful for any designated offender to participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, or wearing an Easter Bunny costume on or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this paragraph.

Subd. 3 Measurement of distance

A. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to nearest outer property line of a school, designated public school bus stop, day care center, park, playground, place of worship, or other place where children regularly congregate.

B. The City Clerk shall maintain an official map *(when available by Law Enforcement Entity)* showing prohibited locations as defined by this Ordinance. The Clerk shall update the map at least annually to reflect any changes in the location of prohibited zones.

Subd. 4 Penalties A person who violates this section shall be punished by a fine not exceeding $1,000.00 or by confinement for a term not exceeding 90 days, or by both such fine and confinement. Each day a person maintains a residence in violation of this ordinance constitutes a separate violation.

Subd. 5 Exceptions A designated offender residing within a prohibited area as described in 902.22 Subd. 1) does not commit a violation of this section if any of the following apply:

A. The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statute § 243.166, § 243.167, or successor statute, prior to April 15, 2015.

B. The person was a minor when he/she committed the offense and was not convicted as an adult.

C. The person is a minor.

D. The school, designated public school bus stop or day care center within 2,000 feet of the person's permanent residence was opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statute § 243.166 or § 243.167.

E. The residence is a property owned or leased by the Minnesota Department of Corrections.

901.23 PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND SEXUAL PREDATORS; PENALTIES

Subd. 1 It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent

residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this Chapter, if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited zone described in Section 902.22, Subd. 1.

Subd. 2 A property owner's failure to comply with provisions of this Section shall constitute a violation of this Section, and shall subject the property owner to the code enforcement provisions and procedures as provided in Chapter 9 of this Code, including the provisions of Chapter 1 that allow the City to seek relief as otherwise provided by law.

Subd. 3 If a property owner discovers or is informed that a tenant is a designated offender after signing a lease or otherwise agreeing to let the offender reside on the property, the owner or property manager must evict the offender.

901.24 SEVERABILITY

Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

901.25 SOLAR ENERGY SOURCES AND RENEWABLE ENERGY SYSTEMS (04-2017)

SECTION 1. SCOPE. This ordinance applies to the regulations of on-site renewable energy systems within the City of Shafer, Chisago County, MN. The ordinance focuses on solar systems which are located on the site for which the generation of energy will be used, with excess energy distributed into the electrical grid, if any and as agreed upon by Xcel Energy, or other applicable energy service provider.

SECTION 2. PURPOSE AND INTENT. It is the goal of the city to provide a sustainable quality of life for the city's residents, making careful and effective use of available natural resources to maintain and enhance this quality of life. Cities are enabled to regulate land use under Minnesota Statutes 394 and 462 for the purpose of "promoting the health, safety, morals, and general welfare of the community."
As part of this regulatory power, Shafer believes it is in the public interest to encourage renewable energy systems that have a positive impact in energy conservation, with limited adverse impact on the community. While Shafer strongly encourages increased energy conservation and improved energy efficiency, the city also finds that increased use of appropriate renewable energy systems will be an important part of improving urban sustainability.
The renewable energy regulations are intended to supplement existing zoning ordinances and land use practices, and ensure these systems are appropriately designed, sited and

installed. These regulations are in place to balance the need to improve energy sustainability through increased use of renewable energy systems with concerns for preservation of public health, welfare, and safety, as well as environmental quality, visual and aesthetic values, and existing neighborhood social and ecological stability.

SECTION 3. Chapter 9 Part 1 of the Shafer City Code, entitled "General Zoning Provisions" is hereby amended to add the following:

SOLAR ENERGY SOURCES AND SYSTEMS

A. DEFINITIONS, SOLAR ENERGY SOURCES AND SYSTEMS

The following words, terms and phrases, when used in this Section, shall have the meaning provided herein, except where the context clearly indicates otherwise:

Building-Integrated Solar System. An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.

Ground Mounted Panels. Freestanding solar panels mounted to the ground by use of stabilizers or similar apparatus.

Photovoltaic System. An active solar energy system that converts solar energy directly into electricity.

Roof or Building Mounted SES. Solar energy system (panels) that are mounted to the roof or building using brackets, stands or other apparatus.

Roof Pitch. The final exterior slope of a building roof calculated by the rise over the run, typically, but not exclusively, expressed in twelfths such as 3/12, 9/12, 12/12.

Solar Access. A view of the sun, from any point on the collector surface that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.

Solar Collector. A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System (SES). An active solar energy system that collects or stores solar energy and transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Hot Water System. A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

B. DISTRICTS

Solar energy systems (SES) shall be allowed as an accessory use in all zoning districts.

C. PLACEMENT AND DESIGN

Height

1. Roof or building mounted SES shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar systems other than building integrated solar systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices.

Ground mounted SES shall not exceed the height of an allowed accessory structure within the zoning district when oriented at maximum tilt.

Placement

1. Ground mounted SES must meet the accessory structure setback and accessory structure code for the zoning district in which it is installed.

2. Roof or Building Mounted SES. The collector surface and mounting devices for roof or building mounted SES shall not extend beyond the required setbacks of the building on which the system is mounted.

Coverage

Ground-mounted SES may not exceed the area restrictions placed on accessory structures within the subject zoning district.

Visibility

1. SES shall be designed to blend into the architecture of the building or be screened from routine view from public rights-of-way other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.

2. Building Integrated Solar Systems - Building integrated solar systems shall be

allowed regardless of visibility, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the zoning district in which the building is located.

3. Ground-mounted SES shall be screened from view to the extent possible without reducing their efficiency. Screening may include walls, fences, or landscaping.

D. GENERAL STANDARDS

1. Notification. Prior to the installation or erection of a SES, the operator must provide evidence showing their regular electrical service provider has been informed of the customer's intent to install an interconnected, customer-owned SES. Off-grid systems shall be exempt from this requirement.

2. Feeder lines. Any lines accompanying a SES, other than those attached to on-site structures by leads, shall be buried within the interior of the subject parcel, unless there are existing lines in the area which the lines accompanying an SES can be attached.

3. Commercial. All SES shall be limited to the purpose of on-site energy production, except that any additional energy produced above the total onsite demand may be sold to the operator's regular electrical service provider in accordance with any agreement provided by the same or applicable legislation.

4. Restrictions on SES Limited. No homeowners' agreement, covenant, common interest community, or other contract between multiple property owners within a subdivision of Shafer shall restrict or limit solar systems to a greater extent than Shafer's renewable energy ordinance.

5. Shafer encourages solar access to be protected in all new subdivisions and allows for existing solar to be protected consistent with Minnesota Statutes. Any solar easements filed, must be consistent with Minnesota Statutes, Chapter 500, Section 30.

E. ABANDONMENT

1. An SES that is allowed to remain in a nonfunctional or inoperative state for a period of twelve (12) consecutive months, and which is not brought in operation within the time specified by the city, shall be presumed abandoned and may be declared a public nuisance subject to removal at the expense of the operator.

SECTION 4. GENERAL ORDINANCE PROVISIONS

Interpretation In interpreting this ordinance and its application, the provisions of these regulations shall be held to be the minimum requirements for the protection of public

health, safety and general welfare. This ordinance shall be construed broadly to promote the purposes for which it was adopted.

C o n f l i c t This ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law except as provided herein. If any provision of this ordinance imposes restrictions different from any other ordinance, rule or regulation, statute or provision of law, the provision that is more restrictive or imposes high standards shall control.

S e v e r a b i l i t y If any part or provision of this ordinance or its application to any developer or circumstance is judged invalid by any competent jurisdiction, the judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered and shall not affect or impair the validity of the remainder of these regulations or the application of them to other developers or circumstances.

SECTION 5: This ordinance shall become effective Thirty (30) days after its passage and publication according to law.

(Adopted by Shafer City Council on April 4, 2017. Effective date May 4, 2017)

901.26 ELECTRICAL VEHICLE CHARGING STATIONS

(a) An electric vehicle charging station shall mean a public or private parking space located together with a battery charging station which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle.

(b) Electric vehicle supply equipment, as defined in the National Electric Code, shall obtain any required building permits, electrical permits or other applicable permits prior to their location, construction, installation, or operation in the Village of Commercial Point.

(c) Electric Vehicle Charging Stations on Non-Residential Properties. Electric vehicle charging stations shall be permitted in the C, C-B, I, zoning districts, and areas designated for non-residential use in PUD zoning districts, subject to the following regulations:

(1) Properties with five or less electric vehicle charging stations that do not have overhead canopies shall be permitted per to the following:

A. Zoning conformance review and approval shall be required

B. Electric vehicle charging stations shall not be located within the front yard setback of the applicable zoning district and shall be located no less than ten feet from the side or rear property lines. Electric vehicle charging

stations shall be located no less than 30 feet from any residential zoning district.

(2) Non-residential properties with more than five electric vehicle charging stations, or charging stations that include overhead canopies, shall be permitted per the following:

A. Site development review and approval.

B. Electric vehicle charging stations shall not be located within the front, side, or rear setbacks of the applicable zoning district.

C. Electric vehicle charging stations shall be screened from adjacent residential uses with landscaping, fencing, or a combination thereof and achieve at least 50% opacity at installation.

(3) Parking spaces designated for electric vehicular charging stations shall not apply to the required minimum number of parking spaces.

(4) Signage shall only be located on the electronic vehicle charging station and shall not exceed four square feet in area per charging station.

Part 2. Provisions Affecting Specific Zoning Districts

902.01 R-1 SINGLE FAMILY RESIDENTIAL (HIGH DENSITY) 04-2003

Subd. 1. Purpose. The purposes of the single family residential district is to provide for high density, single family detached residential dwelling units and directly related, complimentary uses.

Subd. 2. Yard Requirements.

Minimum Lot Area: 10,000 square feet for any lot which abuts not more than one city street, county road, state or federal public highway or public transportation right-of-way, 11,000 square feet for any lot which abuts more than one city street, county road, state or federal public highway, or public transportation right-of-way.

Minimum Lot Width: 100 feet for all lots at the front setback line. The horizontal distance between the side lot lines of a lot measured parallel to the front lines of the lot, shall not be less than 60 feet at any point.

Front Yard Setback: 35 feet

Rear Yard Setback: 10 feet

Side Yard Setback: 10 feet

Subd. 2(b) Exception for Accessory Buildings. (06-2013)
For accessory buildings as allowed and defined in the Code, the rear and side yard setbacks shall be 5 feet each.

Subd. 3. Minimum Ground Floor Area Per Dwelling. 900 square feet.

Subd. 4. Foundation Requirements. Foundation width: All dwelling units shall have a foundation of at least 24 feet in width which supports the exterior walls of the unit.
Fifty percent foundation requirement: All dwelling units shall have a permanent foundation under at least 50% of the ground floor area of the unit.

Subd. 5. Roof Pitch Requirement. All dwelling units shall have a minimum roof pitch of at least a four-foot vertical drop over 12 feet of horizontal roof surface.

Subd. 6. Height Requirements. General restrictions: Height restrictions shall be 35 feet for all structures, except as hereinafter modified.

Exceptions: Height limitations shall be increased 100 percent when applied to the following structures: church spires, belfries; cupolas and domes which do not contain usable space; monuments; water towers; fire and hose towers; observation towers; flag poles, chimneys; parapet walls extending not more than three feet above the limiting height of the building; cooling towers; and elevator penthouses.

Conditional use permits: Heights in excess of those allowed under this section and other sections shall be permitted only by conditional use permit granted by resolution of the governing body determining that such structure would not be dangerous and would not adversely affect adjoining or adjacent property. Conditional use permits granting increased building height shall require setbacks from residential lots at least equal to the total height of the structure, and the distance between two principal buildings must be no less than one-half the sum of the heights of the two structures.

Sloping lots: On any lot sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of 25 percent or more (measured in the general direction of the side lot lines) an additional 12 feet of height may be permitted in such main building provided the lowest floor shall not be less than 10 feet below the average established property line grades along the front of the lot. The floor of the basement shall be considered the lowest floor and a cellar floor shall not be counted.

Subd. 7. Accessory Buildings and Structures. No accessory building prior to principal building: No accessory building or structure other than a fence or a temporary construction office shall be permitted on any lot prior to the time of construction of the principal building to which it is accessory except a private garage, which prior to construction of the residence can be used only for storage purposes pertaining to, and until the completion of, the principal structure. All accessory uses must comply with the front, side and rear yard setback requirements. Accessory uses shall be limited to two with a maximum combined floor area of 1,500 square feet. (April 2026)

Garage on side street: Whenever a garage is so designed that it is to be entered directly from a side street or alley, the distance between the doors and the lot line shall be 18 feet or more.

Setback: Except as hereinafter modified, accessory buildings shall comply with the yard requirements of Subdivision 2 and shall be considered attached to principal building for purpose of establishing required yards unless located ten (10) feet or more from the principal building.

Location: No accessory building shall be located in a front yard or within a utility easement.

Height: Accessory buildings shall not exceed the height of the principal building on the lot.

Size: No accessory building shall exceed 1,500 square feet in size except as expressly permitted as a conditional use.

Design: The architectural design and appearance of all buildings and structures shall be consistent with surrounding buildings and structures. Every lot in this district shall have a garage with a minimum area designed to accommodate not less than two automobiles.

Subd. 8. Permitted principal uses.

Single family residences;

Parks, public schools, and other city-owned similar public uses;

Churches, libraries;

Essential services not involving a structure;

Greenhouses, nurseries, gardens, excepting retail sales.

Subd. 9. Permitted Accessory Uses.

Off-street parking spaces and garages as required in this chapter;

Recreational vehicles and equipment

Subd. 10. Uses Requiring a Conditional Use Permit.

Pole buildings (refer to Chapter 10, 1001.05)

Elderly apartments;

Golf courses, driving ranges, archery ranges; and miniature golf courses.

Home occupation/Business

Subd. 11. Off-Street Parking Requirements.

Individual parking spaces shall be no smaller than 10 feet by 20 feet. There shall be a minimum of two parking spaces per dwelling unit.

Subd. 12. Trunk Charges. The City shall require a separate water trunk charge and a separate sewer trunk charge for each single-family unit in an amount set forth in the current fee schedule. The purpose of the sewer trunk charge is to provide wastewater treatment facilities and trunk gravity sewer capacity (cost difference of diameter gravity sewer). The purpose of the water trunk charge is to provide contribution toward the cost of construction, improvement or expansion of the water tower, wells, water treatment and trunk main excess capacity (cost difference of furnishing and installing larger diameter water main instead of eight inch or smaller diameter water main). The trunk fees shall be set forth according to recommended estimates based upon projected water usage of the proposed single family residence as determined by generally accepted engineering standards as reviewed by the City Engineer. (10-2004)

902.02 R-1A SINGLE FAMILY RESIDENTIAL (MEDIUM DENSITY) 04-2003

Subd. 1. Purpose. The purpose of the single family residential district is to provide for medium density, single family detached residential dwelling units and directly related, complimentary uses.

Subd. 2. Yard requirements.

Minimum Lot Area: 15,000 square feet for any lot which abuts not more than city street, county road, state or federal public highway or public transportation right-of-way; and 16,500 square feet for any lot which abuts more than one city street, county road, state or federal highway, or public transportation right-of-way.

Minimum Lot Width: 100 feet for all lots at the front setback line. The horizontal distance between the side lot lines of a lot measured parallel to the front lines of the lot, shall not be less than 60 feet at any point.

Front Yard Setback: 35 feet

Rear Yard Setback: 10 feet

Side Yard Setback: 10 feet

Subd. 2(b) Exception for Accessory Buildings. (06-2013)

For accessory buildings as allowed and defined in the Code, the rear and side yard setbacks shall be 5 feet each.

Subd. 3. Minimum Ground Floor Area Per Dwelling. 1,100 square feet.

Subd. 4. Foundation Requirements. All dwelling units shall have a foundation of at least 24 feet in width which supports the exterior walls of the unit.

Fifty percent foundation requirement: All dwelling units shall have a permanent foundation under at least 50% of the ground floor area of the unit.

Subd. 5. Roof Pitch Requirement. All dwelling units shall have a minimum roof pitch of at least a four-foot vertical drop over 12 feet of horizontal roof surface.

Subd. 6. Height Requirements. General restrictions: Height restrictions shall be 35 feet for all structures, except as herein modified.

Exceptions: Height limitations shall be increased 100 percent when applied to the following structures: church spires, belfries; cupolas and domes which do not contain usable space; monuments; water towers; fire and hose towers; observation towers; flag poles, chimneys; parapet walls extending not more than three feet above the limiting height of the building; cooling towers; elevator penthouses.

Conditional Use Permits: Heights in excess of those allowed under this section and other sections shall be permitted only by conditional use permit granted by resolution of the governing body determining that such structure would not be dangerous and would not adversely affect adjoining or adjacent property. Conditional use permits granting increased building height shall require setbacks from residential lots at least equal to the total height of the structure, and the distance between two principal buildings must be no less than one-half the sum of the heights of the two structures.

Sloping Lots: On any lot sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of 25 percent or more (measured in the general direction of the side lot lines) an additional 12 feet of height may be permitted in such main building provided the lowest floor shall not be less than 10 feet below the average established property line grades along the front of the lot. The floor of the basement shall be considered the lowest floor and a cellar floor shall not be counted.

Subd. 7. Accessory Buildings and Structures. No accessory building prior to principal building: No accessory building or structure other than a fence or a temporary construction office shall be permitted on any lot prior to the time of construction of the principal building to which it is accessory except a private garage, which prior to construction of the residence can be used only for storage purposes pertaining to, and until the completion of, the principal structure. All accessory uses must comply with the front, side and rear yard setback requirements. Accessory uses shall be limited to two with a maximum combined floor space of 1,500 square feet. (April 2026)

Garage on Side Street: Whenever a garage is so designed that it is to be entered directly from a side street or alley, the distance between the doors and the lot line shall be 18 feet or more.

Setback: Except as hereinafter modified, accessory buildings shall comply with the yard requirements of Subdivision 2 and shall be considered attached to principal building for purpose of establishing required yards unless located ten (10) feet or more from the principal building.

Location: No accessory building shall be located in a front yard or within a utility easement.

Height: Accessory buildings shall not exceed the height of the principal building on the lot.

Size: No accessory building shall exceed 1,500 square feet in size except as expressly permitted as a conditional use.

Design: The architectural design and appearance of all buildings and structures shall be consistent with surrounding buildings and structures.

Every lot in this district shall have a garage with a minimum area designed to accommodate not less than two automobiles.

Subd. 8. Permitted Principal Uses.

Single family residences;

Parks, public schools, and other city-owned similar public uses;

Churches, libraries;

Essential services not involving a structure;

Greenhouses, nurseries, gardens, excepting retail sales.

Subd. 9. Permitted Accessory Uses.

Off-street parking spaces and garages as required in this chapter;

Recreational vehicles and equipment

Subd. 10. Uses Requiring a Conditional Use Permit.

Pole buildings (refer to Chapter 10, 1001.05)

Elderly apartments;

Golf courses, driving ranges, archery ranges; and miniature golf courses.

Home occupation/Business

Subd. 11. Off-Street Parking Requirements.

Individual parking spaces shall be no smaller than 10 feet by 20 feet. There shall be a minimum of two parking spaces per dwelling unit.

Subd. 12. Trunk Charges.

The City shall require a separate water trunk charge and a separate sewer trunk charge for each single-family unit in an amount set forth in current fee schedule. The purpose of the sewer trunk charge is to provide wastewater treatment facilities and trunk gravity sewer capacity (cost difference of diameter gravity sewer). The purpose of the water trunk charge is to provide contribution toward the cost of

construction, improvement or expansion of the water tower, wells, water treatment and trunk main excess capacity (cost difference of furnishing and installing larger diameter water main instead of eight inch or smaller diameter water main). The trunk fees shall be set according to recommended estimates based upon projected water usage of the proposed single family residence as determined by generally accepted engineering standards as reviewed by the City Engineer. (10-2004)

902.03 R-1B SINGLE FAMILY RESIDENTIAL (LOW DENSITY) 04-2003

Subd. 1. Purpose. The purposes of the single family residential district is to provide for low density, single family detached residential dwelling units and directly related, complimentary uses.

Subd. 2. Yard Requirements.

Minimum Lot Area: 20,000 square feet for any lot which abuts not more than one city street, county road, state or federal public highway or public transportation right-of-way; and 22,000 square feet for any lot which abuts more than one city street, county road, state or federal highway, or public transportation right-of-way.

Minimum Lot Width: 100 feet for all lots at front setback line. The horizontal distance between the side lot lines of a measured parallel to the front lines of the lot, shall not be less than 60 feet at any point.

Front Yard Setback: 35 feet

Rear Yard Setback: 10 feet

Side Yard Setback: 10 Feet

Subd. 2(b) Exception for Accessory Buildings. (06-2013)

For accessory buildings as allowed and defined in the Code, the rear and side yard setbacks shall be 5 feet each.

Subd. 3. Minimum Ground Floor Area Per Dwelling: 1,300 square feet.

Subd.4. Foundation Requirements. All dwelling units shall have a foundation of a least 24 feet in width which supports the exterior walls of the unit.

Fifty percent foundation requirement; All dwelling units shall have a permanent foundation under at least 50 % of the ground floor area of the unit.

Subd. 5. Roof Pitch Requirements. All dwelling units shall have a minimum roof pitch of a least a four-foot vertical drop over 12 feet of horizontal roof surface.

Subd. 6. Height Requirements. General restrictions: Height restrictions shall be 35 feet for all structures, except as hereinafter modified.

Exceptions: Height limitations shall be increased 100 percent when applied to the following structures: church spires; belfries; cupolas and domes which do not contain usable space; monuments; water towers; fire and hose towers; observation towers; flag poles; chimneys; parapet walls extending not more than three feet above the limiting height of the building; cooling towers; and elevator penthouses.

Conditional Use Permits: Heights in excess of those allowed under this section and other sections shall be permitted only by Conditional Use Permit granted by resolution of the governing body determining that such structure would not be dangerous and would not adversely affect adjoining or adjacent property. Conditional use permits granting increased building height shall require setbacks from residential lots at least equal to the total height of the structure, and the distance between two principal buildings must be no less than one-half the sum of the heights of the two structures.

Sloping Lots: On any lot sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of 25 percent or more (measured in the general direction of the side lot lines) an additional 12 feet of height may be permitted in such main building provided the lowest floor shall not be less than 10 feet below the average established property line grades along the front of the lot. The floor of the basement shall considered the lowest floor and a cellar floor shall not be counted.

Subd. 7. Accessory Buildings and Structures. No accessory building prior to principal building; No accessory building or structure other than a fence or temporary construction office shall be permitted on any lot prior to the time of construction of the principal building to which it is accessory except a private garage, which prior to construction of the residence can be used only for storage purposes pertaining to. And until the completion of, the principal structure. All accessory uses must comply with front, side and rear yard setback requirements.

Accessory uses shall be limited to two with a maximum combined floor space of 1,500 square feet. (April 2026)

Garage on Side Street: Whenever a garage is so designed that it is to be entered directly from a side street or alley, the distance between the doors and the lot line shall be 18 feet or more.

Setback: Except as hereinafter modified, accessory buildings shall comply with the yard requirements of Subdivision 2 and shall be considered attached to principal building for purpose of establishing required yards unless located ten (10) feet or more from the principal building.

Location: No accessory building shall be located in a front yard or within a utility easement.

Height: Accessory buildings shall not exceed 250 square feet in size except as expressly permitted as a conditional use.

Size: No accessory building shall exceed 1,500 square feet in size except as expressly permitted as a conditional use.

Design: The architectural design and appearance of all buildings and structures shall be consistent with surrounding buildings and structures.

Every lot in this district shall have a garage with a minimum area designed to accommodate not less than two automobiles.

Subd. 8. Permitted Principal Uses.

Single family residences;

Parks, public schools, and other city-owned similar public uses;

Churches, libraries;

Essential services not involving a structure;

Greenhouses, nurseries, gardens, excepting retail sales.

Subd. 9. Permitted Accessory Uses.

Off-street parking spaces and garages as required in this chapter;

Recreational vehicles and equipment.

Subd. 10. Uses Requiring a Conditional Use Permit.

Pole buildings (refer to Chapter 10, 1001.05)

Elderly apartments;

Golf courses, driving ranges, archery ranges, and miniature golf courses.

Home occupation/Business

Subd. 11. Off-Street Parking Requirements.

Individual parking spaces shall be no smaller than 10 feet by 20 feet. There shall be a minimum of two parking spaces per dwelling unit.

Subd. 12. Trunk Charges.

The City shall require a separate water trunk charge and a separate sewer trunk charge for each single-family unit in an amount set forth in current fee schedule. The purpose of the sewer trunk charge is to provide wastewater treatment facilities and trunk gravity sewer capacity (cost difference of diameter gravity sewer). The purpose of the water trunk charge is to provide contribution toward the cost of construction, improvement or expansion of the water tower, wells, water treatment and trunk main excess capacity (cost difference of furnishing and installing larger diameter water main instead of eight inch or smaller diameter water main). The trunk fees shall be set according to recommended estimates based upon projected water usage of the proposed single family residence as determined by generally accepted engineering standards as reviewed by the City Engineer. (10-2004)

902.04 R-2 MULTIPLE FAMILY HOUSING

Subd.1. Purpose. The purpose of the multiple family residential district is to provide for high and medium density housing in two-family and multiple-family structures and directly related, complimentary uses.

Subd. 2. Yard Requirements.

Minimum Lot Area: 10,000 square feet for single family residence lots, 15,000 square feet for multiple-family residence lots.

Minimum Lot Width: 100 feet for single-family lots, 100 feet for multiple-family residence lots.

Front Yard Setback: 25 feet

Rear Yard Setback: 10 feet

Side Yard Setback: 10 feet

Subd. 2(b) Exception for Accessory Buildings. (06-2013)

For accessory buildings as allowed and defined in the Code, the rear and side yard setbacks shall be 5 feet each.

Subd. 3. Minimum Unit Size. 600 square feet for multiple family units; 900 square feet for single family units.

Subd. 4. Foundation Requirements. Foundation width: All dwelling units shall have a foundation of at least 24 feet in width which supports the exterior walls of the unit.

Fifty percent foundation requirement: All dwelling units shall have a permanent foundation under at least 50% of the ground floor area of the unit.

Subd. 5. Roof Pitch Requirement. All dwelling units shall have a minimum roof pitch of at least a four-foot vertical drop over 12 feet of horizontal roof surface.

Subd. 6. Height Requirements. General restrictions: Structures in the R-2 District shall be a maximum of three stories, or 40 feet in height, whichever is greater.

Exceptions: Height limitations shall be increased 100 percent when applied to the following structures: Church spires, belfries; cupolas and domes which do not

contain usable space; monuments; water towers; fire and hose towers; observation towers; flag poles, chimneys; parapet walls extending not more than three feet above the limiting height of the building; cooling towers; elevator penthouses; and farm silos.

Conditional Use Permits: Heights in excess of those allowed under this section and other sections shall be permitted only by conditional use permit granted by resolution of the governing body determining that such structure would not be dangerous and would not adversely effect adjoining or adjacent property. Conditional use permits granting increased building height shall require setbacks from residential lots at least equal to the height, and the distance between two principal buildings must be no less than one-half the sum of the heights of the two structures.

Sloping Lots: On any lot sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of 25 percent or more (measured in the general direction of the side lot lines) an additional 12 feet of height may be permitted in such main building provided the lowest floor shall not be less than 10 feet below the average established property line grades along the front of the lot line. The floor of the basement shall be considered the lowest floor and a cellar floor shall not be counted.

Subd. 7. Accessory Buildings and Structures. No accessory building prior to principal building: No accessory building or structure other than a fence or a temporary construction office shall be permitted on any lot prior to the time of construction of the principal building to which it is accessory except a private garage, which prior to construction of the residence can be used only for storage purposes pertaining to, and until the completion of, the principal structure. All accessory uses must comply with the front, side and rear yard setback requirements. Accessory uses shall be limited to one. (02-2005)

Pole construction buildings are accessory buildings and structures and must comply with all the requirements of this subdivision. Pole construction buildings shall not be constructed in the R-2 District without a conditional use permit.

Garage on Side Street: Whenever a garage is so designed that it is to be entered directly from a side street or alley, the distance between the doors and lot line shall be 18 feet or more.

Setback: Except as hereinafter modified, accessory buildings shall be 10 feet or more from all lot lines of adjoining lots and shall be considered attached to principal building for purpose of establishing required yards unless 10 feet or more from the principal building.

Location: No accessory building shall be located in a front yard or within a utility easement.

Height: Accessory buildings shall not exceed 20 feet in height.

Size: No accessory building shall exceed 1,000 square feet in size except as expressly permitted as a conditional use.

Design: The architectural design and appearance of all building and structures shall be consistent with surrounding building and structures.

There shall be a minimum of three garages for every four dwelling units in the R-2 district. Each garage shall have a minimum size of 240 square feet.

Subd. 8. Permitted Principal Uses.

All uses listed as permitted uses in the R-1 district;

Two-family residences;

Townhouses as defined in this ordinance;

Swimming pools, tennis courts, and other recreational facilities which are operated for the enjoyment and convenience of the residents on the principal use residence and their guests;

Tool houses, sheds and similar buildings for storage of domestic supplies and noncommercial recreation equipment;

Boarding or renting of rooms within principal building to not more than one person;

Essential services;

Fencing, screening and landscaping as permitted in this chapter;

Piers and docks;

Temporary signs not exceeding 6 square feet appertaining to lease, use or sale of premises, subject to side yard setback requirements;

Residential structures containing more than one dwelling;

Rooming houses, boarding houses;

Row houses;

Elderly apartments.

Subd. 9. Permitted Accessory Uses.

All uses listed as permitted accessory uses in the R-1 district.

Subd. 10. Uses Requiring a Conditional Use Permit.

Pole buildings (refer to Chapter 10, 1001.05)

Retail sales conducted on the premises of a greenhouse, nursery or truck garden;

Specialty farms and like activities;

Private schools;
Cemeteries;

Off-street parking lots;

Excavation, filing operation, sand, gravel mining and other like activities;

Essential public service structures;

Building heights exceeding those permitted heretofore shall be permitted only by conditional use permit granted by resolution of the governing body determining that such structure would not be dangerous and would not adversely affect adjoining or adjacent property. Conditional use permits granting increased building height shall require setbacks from residential lots at least equal to the total height of the structure, and the distance between two principal buildings must be no less than one-half the sum of the heights of the two structures;

Planned unit developments such as regulated by this ordinance;

Radio, TV and similar towers;

Home occupation/Business

Resorts and tourist accommodations;

Nursing homes, rest homes.

Subd. 11. Off-Street Parking Requirements.

Individual parking spaces shall be no smaller than 10 feet by 20 feet. There shall be a minimum of one parking space per dwelling unit.

Subd. 12. Trunk Charges. The City shall require a separate water trunk charge and a separate sewer trunk charge for each single-family unit in a multi-family structure in an amount set forth in the current fee schedule. The purpose of the sewer trunk charge is to provide wastewater treatment facilities and trunk gravity sewer capacity (cost difference of diameter gravity sewer). The purpose of the water trunk charge is to provide contribution toward the cost of construction, improvement or expansion of the water tower, wells, water treatment and trunk main excess capacity (cost difference of furnishing and installing larger diameter water main instead of eight inch or smaller diameter water main). The trunk fees shall be set according to recommended estimates based upon projected water usage of each proposed single family unit in a multiple family residence as determined by generally accepted engineering standards as reviewed by the City Engineer. (10-2004)

902.05 R-M MOBILE HOME PARK DISTRICT

Subd. 1. Purpose. The purpose of the R-M mobile home park district is to provide for mobile home uses in an appropriate, safe, sanitary and attractive environment.

Subd. 2. Permitted Principal Uses.

Mobile homes in mobile home parks.

Subd. 3. Permitted Accessory Uses.

Off-street private parking facilities;

Recreational vehicles and equipment;

Swimming pools, tennis courts and other recreational facilities;

Fencing, screening, and landscaping;

Tool houses, sheds, and similar storage buildings;

Central office and central community buildings of mobile home park.

Fully enclosed garages and carports. (02-2005)

Subd. 4. Conditional Uses.

Home occupation/Business

Subd. 5. General Provisions.

Manufactured Homes Regulated. No manufactured home shall be permitted on any lot or parcel within the City which is not located within an approved manufactured home park as established herein.

Manufactured Homes Prohibited. Manufactured homes shall be prohibited that:

1. Do not conform to the requirements of the Minnesota Manufactured Home Building Code contained within Sections 327.31 through 327.35 of the Minnesota Statutes.

2. Are in any unsanitary condition or having an exterior in bad repair.

3. Are structurally unsound and do not protect the inhabitants against the elements.

4. Are constructed prior to 1976.

Outdoor Camping Prohibited. There shall be no outdoor camping anywhere in a manufactured home park.

Sales Lot Prohibited. No sales lot for new or used manufactured homes shall be permitted within a manufactured home park.

Purchase as a Condition of Rent. No person shall be required to purchase a manufactured home from any particular person or place as a condition of rental of a lot.

Advertising. Advertising shall be limited to one sign not to exceed 25 square feet with lighting, height, and location as approved by the governing body. Signs shall be set back at least 15 feet from the front lot line.

Registry Required. The operator of every manufactured home park shall maintain a registry of the manufactured home park showing:

1. The name and address of each guest or permanent resident.

2. The make, type, and license number of each manufactured home.

3. The date each unit entered the park.

Accessory Building, Structures and Uses. No accessory building prior to principal building: No accessory building or structure other than a fence or a temporary construction office shall be permitted on any lot prior to the time of construction of the principal building to which it is an accessory except a private garage, which prior to construction of the residence can be used only for storage purposes pertaining to, and until the completion of, the principal structure. Accessory buildings shall be limited to one per lot. Accessory buildings and uses shall be ten (10) feet from other buildings and from other accessory buildings, structures and uses. (02-2005)

Garages. Garages and carports must be designed in a style and built with material which is architecturally compatible with the style of the mobile home on the same lot. (02-2005)

Skirting. The area beneath a manufactured home in a manufactured home park shall be skirted or enclosed, provided that such enclosure must be designed to provide an opening for maintenance and inspection purposes.

Clothes Lines. Laundry and clothes shall be hung out to dry only on lines located in approved areas established and maintained exclusively for that purpose in manufactured home parks.

Sewer and Water. A manufactured home park shall be provided with an approved centralized sewage disposal system and water supply system, both of which must meet the minimum requirements of applicable local and state regulations.

If a municipal system exists, and it is feasible, the manufactured home park shall be required to use the public system. The capacity of the water supply shall be sufficient to provide for fire protection in addition to an adequate household supply system for the park.

Screening. All manufactured home parks shall be screened in an aesthetic manner to protect the privacy of adjacent lot owners.

Appearance. All manufactured home parks and campgrounds shall be constructed and maintained in a manner compatible with the appearance and use of the surrounding area.

Subd. 6. Inspection.

Compliance With Ordinance. The inspector is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with these regulations, including the power to enter at reasonable times upon any private or public property for said purposes.

Registration Record. The inspector, Chief of Police, or their duly authorized representatives shall have the power to inspect the register containing a record of all residents of the mobile home park.

Access. It shall be the duty of the park management to give the building inspector free access to all lots at reasonable times for the purpose of inspection.

Repairs. It shall be the duty of every occupant of a mobile home park to give the owner thereof or his agent or employee access to any part of such mobile home park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter.

Subd. 7. Environmental, Open Space and Access Requirements.

General Requirements. Condition of all soil, ground water level, drainage, and topography shall not create hazards to the property or the health and safety of the

occupants. the site should not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable or sudden flooding.

Soil and Ground Cover Requirements. Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone, screenings, or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

Site Drainage Requirements. The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner.

Use Requirements. No part of any park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.

Required Separation Between Mobile Homes. Mobile homes shall be separated from each other by at least fifteen (15) feet. Mobile homes placed end-to-end must have minimum clearance of fifteen (15) feet; an accessory structure such as an awning, cabana, storage cabinet, carport, windbreak and porch which has a floor area exceeding twenty-five (25) feet, and has an opaque top or roof, shall for purposes of all separation requirements, be considered to be part of the mobile home; and minimum lot sizes shall be not less than 5,000 square feet. (2-2005)

Open Space. A minimum of 500 square feet per mobile home shall be provided for definable play areas and open space within all mobile home parks developed after adoption of this chapter. Such areas of open space and play area shall not be areas included within any setback nor shall they include any areas of less than twenty (20) feet in length or width.

Required Setbacks, Buffer Strips and Screening. All mobile homes shall be located at least thirty (30) feet from any property line abutting upon a public street or highway and at least ten (10) feet from other property boundary lines; there shall be a minimum distance of fifteen (15) feet between the mobile home stand and abutting park street; and all mobile home parks located adjacent to residential, recreational, commercial or industrial land uses shall provide screening such as fences, shrubs, trees, along the property boundary line separating the park and such uses, and shall be maintained in a neat and orderly fashion.

Average Density. Notwithstanding the type of development concept used, the maximum density shall be seven (7) mobile homes per acre.

Park Street System and Car Parking.

1. General Requirements. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways or other means.

2. Park Entrance. Entrances to mobile home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of 100 feet from its point of beginning.

3. Internal Streets. Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:

   A. All streets except minor streets shall be a minimum of thirty (30) feet in width from face of curb to face of curb. Streets without curb shall be considered minor streets.

   B. Dead-end streets shall be limited in length to 500 feet and shall be provided at the closed end with a cul-de-sac having an outside roadway diameter of at least one hundred (100) feet. All dead-end streets shall be marked with approved signs at the entrance to the dead-end street.

4. Street Construction and Design Standards.

   A. Pavements. All streets shall be provided with a paved concrete or bituminous surface. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Street surfaces shall be maintained free of cracks, holes and other hazards.

   B. Grades. Longitudinal grades of all streets shall range between 0.4% and 8.00%. Transverse grades (crown) of all streets shall be sufficient to insure adequate transverse drainage.

C. Storm Sewers. If conditions warrant, an adequate storm sewer system shall be provided to dispose of all runoff water. The storm sewer system shall be connected to existing city storm sewer systems upon city approval.

D. Intersections. Within fifty (50) feet of an intersection, street shall be at right angles. A distance of at least eighty-five (85) feet shall be maintained between the center lines of said intersection streets. Intersections of more than two streets at one point shall be avoided.

E. Car Parking. Off-street parking areas for the use of park occupants and guests. Such areas shall be furnished at a rate of at least two (2) car spaces for each mobile home lot, of which at least one-half of the spaces may be in compounds. All off-street parking areas shall be paved concrete or bituminous surface.

F. Required Illumination of Park Street Systems. All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained at levels of illumination for the safe movement of pedestrians and vehicles at night: (a) All parts of the park street systems: 0.6 foot candle and (b) Potentially hazardous locations such as major street intersections and steps or stepped ramps: individually
illuminated, with a minimum of 0.6 foot candle.

5. Trees. A minimum of one tree per lot is required. In open area and park area, a minimum of twenty (20) trees per acre is required.

Subd. 8. Service Building and Other Community Service Facilities.

General. The requirements of this section shall apply to service buildings, recreation buildings and other community service facilities such as management offices, repair shops, storage areas, sanitary facilities, laundry facilities, indoor recreation areas, and commercial uses supplying essential goods or services for the exclusive use of park occupants.

Structural Requirements for Buildings. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites,

and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

Barbecue Pits, Fireplaces, Stoves and Incinerators. Cooking shelters, barbecue pits, fireplaces, wood-burning stoves and incinerators shall be so located, constructed and maintained and used as to minimize fire hazards and smoke nuisances both on the property on which used and on neighboring property, and shall comply with all appropriate ordinances, laws or other regulations.

Subd. 9. Refuse Handling. The storage, collection and disposal of refuse in the mobile home parks shall be so conducted as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards or air pollution.

Subd. 10. Insect and Rodent Control.

Grounds, Buildings and Structures. Shall be maintained free of insects and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the City Health Code.

Parks. Parks shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

Storage Areas. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one foot above ground.

Screens. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

Brush, Weeds and Grass. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

Subd. 11. Fire Protection.

Litter, Rubbish, Etc. Mobile home parks shall be kept free of litter, rubbish and other flammable material.

Fire Extinguishers. Portable fire extinguishers rated for classes A, B, and C fires shall be kept visible and in service buildings and at other locations conveniently maintained in good operating condition. Their capacity shall be not less than ten (10) pounds.

Fires. Fires shall be made only in stoves, indoor incinerators and other equipment intended for such purposes.

Fire Hydrants. Fire hydrants shall be installed if the park water supply system is capable to serve them in accordance with the following requirements: (a) The water supply system shall permit the operation of standard city fire hydrants; and (b) Fire hydrants, if provided, shall be located within 300 feet of any mobile home, service building, or other structure in the park.

Subd. 12. Responsibilities of the Park Management.

General Requirements. The person to whom a license for a mobile park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

Register Required. It shall be the duty of the operator of the mobile home park to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information: the name and address of each mobile home occupant; the name and address of the owner of such mobile home; the make and year of each mobile home; and the date of arrival and departure of each mobile home.

Inspection of Register. The park shall keep the register available for inspection at all times by law enforcement officers, public health officers and other officials whose duty necessitates acquisition of the information contained in the register. The register record for such occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.

Subd. 13. Penalty. Anyone violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not to exceed $1000 or imprisonment for not more than 90 days, or both, plus the cost of prosecution in either case. (10-2007)

Subd. 14. Trunk Charges.

The City shall require a separate water trunk charge and a separate sewer trunk charge for each single-family unit in an amount set forth in current fee schedule. The purpose of the sewer trunk charge is to provide wastewater treatment facilities and trunk gravity sewer capacity (cost difference of diameter gravity sewer). The purpose of the water trunk charge is to provide contribution toward the cost of construction, improvement or expansion of the water tower, wells, water treatment and trunk main excess capacity (cost difference of furnishing and installing larger diameter water main instead of eight inch or smaller diameter water main). The trunk fees shall be set according to recommended estimates based upon projected water usage of the proposed mobile home unit as determined by generally accepted engineering standards as reviewed by the City Engineer. (10-2004)

902.06 C COMMERCIAL DISTRICT

Subd. 1. Purpose. The commercial district is designed and intended to promote the development of uses which require large concentrations of automobile traffic and commercial activities.

Subd. 2. Yard Requirements.

Minimum Lot Area: 15,000 square feet;

Minimum Lot Width: 100 feet;

Front Yard Setback: 60 feet;

Rear Yard Setback: 35 feet;

Side Yard Setback: 20 feet

Subd. 2(b). Exception for Accessory Buildings and Shipping Containers

A. For a residential dwelling which is an existing non-conforming use, defined in Section 901.06 Subd. 1, the rear and side yard setbacks for accessory buildings as allowed and defined in the Code shall be 5 feet each.
B. The rear and side yard setback for shipping containers as allowed and defined in the Code shall be 5 feet each.

Subd. 3. Foundation Requirements. Foundation width: All dwelling units shall have a foundation of at least 24 feet in width which supports the exterior walls of the unit.

Fifty percent foundation requirement: All dwelling units shall have a permanent foundation under at least 50% of the ground floor area of the unit.

Subd. 4. Roof Pitch Requirement. All dwelling units shall have a minimum roof pitch of at least a four-foot vertical drop over 12 feet of horizontal roof surface.

Subd. 5. Height Requirement. The principal building on any lot in the general business district shall not exceed 25 feet in height.

Subd. 6. Permitted Uses.

Retail sales and services;

EV Charging Stations

Grocery Stores;

Restaurants; Traditional and Fast Food/Convenience

Personal Health and Beauty Services;

General and professional offices;

Clinics; Medical and Veterinary

Clubs and lodges; including Health Clubs

Financial institutions;

Second-story apartments which conform to the applicable requirements of the R-2

district.

Supply Yard;

Gas stations;

Greenhouses and nurseries-Commercial;

Cannabis retail;

Cannabis events;

Lower-potency hemp edible retail;

Subd. 7. Accessory Uses.

Required off-street parking spaces;

Garages.

Subd. 8. Uses Requiring Conditional Use Permit.

Pole buildings (refer to Chapter 10, 1001.05)

Automobile service stations;

Nursing homes;

Motels and hotels;

Drive-in businesses where people are served while in automobiles;

Funeral homes;

Recreational Vehicle Storage Facility;

Mini-storage/Self Storage;

Group Daycare Center-Commercial;

Recreational Equipment, Sales,
Service And Repair

Shipping Containers

Subd. 9. Off-Street Parking Requirements.

Individual parking spaces shall be no smaller than 10 feet by 20 feet. There shall be a minimum of one parking space per 200 square feet of building area.

Subd. 10 Trunk Charges. The City shall require a separate water trunk charge and a separate sewer trunk charge for each commercial business building or for each separate business in a multi-business building in an amount set forth in the current fee schedule. The purpose of the sewer trunk charge is to provide wastewater treatment facilities and trunk gravity sewer capacity (cost difference of diameter gravity sewer). The purpose of the water trunk charge is to provide contribution toward the cost of construction, improvement or expansion of the water tower, wells, water treatment and trunk main excess capacity (cost difference of furnishing and installing larger diameter water main instead of eight inch or smaller diameter water main). The trunk fee shall be set according to recommended estimates based upon projected water usage of the proposed business as determined by generally accepted engineering standards as reviewed and approved by the City Engineer. (10-2004)

Subd. 11. Standards for issuance of a conditional use permit for shipping containers. The City Council shall not approve a conditional use permit for use of a shipping container unless the shipping container meets the following standards:

F. The shipping container may not be larger than eight feet (8') wide, eight feet six inches (8'6") tall and forty feet (40') long.

G. The shipping container must meet the applicable setback requirements.

H. No more than one (1) shipping container allowed per acre. The maximum number of shipping containers on any size property is two (2).

I. The shipping container must be in proper state of repair and without any visible graffiti.

J. The shipping container shall be painted to match the principal structure on the property.

902.07 **CB CENTRAL BUSINESS DISTRICT**

Subd. 1. Purpose. The central business district is designed and intended to allow commercial and industrial pursuits to be carried on simultaneously in the same general area and to provide a buffer zone between the commercial activities conducted along Minnesota Highway 8 and the industrial activities which exist along the northern section of the City.

Subd. 2. Yard Requirements.

Minimum Lot Area: 14,000 square feet;

Minimum Lot Width: 100 feet;

Front Yard Setback: 50 feet;

Rear Yard Setback: 30 feet;

Side Yard Setback: 15 feet

Subd 2(b) Exception for Accessory Buildings. (06-2013)

For a residential dwelling which is an existing non-conforming use, as defined in Section 901.06, Subd. 1, the rear and side yard setbacks for accessory buildings as allowed and defined in the Code shall be 5 feet each.

Subd. 3. Foundation Requirements. Foundation width: All dwelling units shall have a foundation of at least 24 feet in width which supports the exterior walls of the unit.

Fifty percent foundation requirement: All dwelling units shall have a permanent foundation under at least 50% of the ground floor area of the unit.

Subd. 4. Roof Pitch Requirement. All dwelling units shall have a minimum roof pitch of at least a four-foot vertical drop over 12 feet of horizontal roof surface.

Subd. 5. Height Requirement. The principal building on any lot in the general business district shall not exceed 25 feet in height.

Subd. 6. Permitted Uses. All uses permitted in the Commercial District.

Subd. 7. Accessory Uses.

Required off-street parking spaces;

Garages.

Subd. 8. Uses Requiring Conditional Use Permit.

Pole buildings (refer to Chapter 10, 1001.05);

Automobile service stations;

Nursing homes;

Recreational Vehicle Storage Facility;

Mini-storage/Self Storage;

Group Daycare Center-Commercial.

Subd. 9. Off-Street Parking Requirements.
Individual parking spaces shall be no smaller than 10 feet by 20 feet. There shall be a minimum of one parking space per 200 square feet of building area.

Subd. 10 Trunk Charges. The City shall require a separate water trunk charge and a separate sewer trunk charge for each commercial and industrial property in an amount set forth in the current fee schedule. The purpose of the sewer trunk charge is to provide wastewater treatment facilities and trunk gravity sewer capacity (cost difference of diameter gravity sewer). The purpose of the water trunk charge is to provide contribution toward the cost of construction, improvement or expansion of the water tower, wells, water treatment and trunk main excess capacity (cost difference of furnishing and installing larger diameter water main instead of eight inch or smaller diameter water main). The trunk fee shall be set according to recommended estimates based upon projected water usage of the proposed business or industrial user as determined by generally accepted engineering standards as reviewed and approved by the City Engineer. (10-2004)

902.08 I INDUSTRIAL DISTRICT

Subd. 1. Purpose. The industrial district is established to provide exemplary standards of development for industrial areas, to insure compatibility with other land uses and to provide for industrial employment opportunities for residents of the community.

Subd. 2. Yard Requirements.

Minimum Lot Area: 13,000 square feet

Minimum Lot Width: 100 feet

Front Yard Setback: 25 feet

Rear Yard Setback: 25 feet

Side Yard Setback: 10 feet

Subd. 3. Foundation Requirements. Foundation width: All dwelling units shall have a foundation of at least 24 feet in width which supports the exterior walls of the unit.

Fifty percent foundation requirement: All dwelling units shall have a permanent foundation under at least 50% of the ground floor area of the unit.

Subd. 4. Roof Pitch Requirement. All dwelling units shall have a minimum roof pitch of at least a three-foot vertical drop over 12 feet of horizontal roof surface.

Subd. 5. Height Requirement. The principal building on any lot in the general business district shall not exceed 25 feet in height.

Subd. 6. Landscaping. Substantial landscaping and screening shall be installed and maintained on industrial sites adjacent to residential districts to effectively separate the uses and promote the public health, safety and welfare.

Subd. 7. Permitted Uses.

Bakery Production;

Cabinet and woodworking establishments;

Dental instruments and supplies;
Dry-cleaning and dying establishments;

Electric Vehicle Charging Stations

Laundries; *see Laundries, Dry Cleaning or Dying Establishments*
Lumber yards;

Photographic manufacturing;
Design, Transfer, Manufacturing and Wholesale Shops;

Scientific and research instruments and equipment - manufacture and assembly;

Trade schools;

Subd. 8. Permitted Accessory Uses.

Off-street parking and loading as required in this chapter.

Subd. 9. Uses Requiring a Conditional Use Permit.

Pole buildings (refer to Chapter 10, 1001.05)

Laboratory Health Care;

Heavy and light manufacturing or any use involving pollution or other hazards; Junk yards, auto reduction yards and open storage yards;

Recreational Equipment, Sales, Service and Repair;

Recycling Facility;

Salvage Yard;

Warehouses;

Other manufacture, processing, storage or commercial uses determined by the planning commission to be of the same general character as the permitted uses above and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, oxidation, smoke, dust, odors, toxic or noxious matter or glare or heat;

Planned unit developments which shall only be permitted on an area of at least one
acre.

Indoor cannabis cultivation;

Cannabis manufacturing, processing, extraction;

Hemp manufacturing;

Cannabis wholesale;

Subd. 10. Off-Street Parking Requirements.

Individual parking spaces shall be no smaller than 10 feet by 20 feet. There shall be a minimum of one parking space per every two employees, or one parking space for each 1,000 square feet of building area, whichever is greater.

Subd. 11. Trunk Charges. The City shall require a separate water trunk charge and a sewer trunk charge for each industrial building or structure, or for each separate industrial user in a multi-industry building or structure in an amount set forth in the current fee schedule. The purpose of the sewer trunk charge is to provide

wastewater treatment facilities and trunk gravity sewer capacity (cost difference of diameter gravity sewer). The purpose of the water trunk charge is to provide contribution toward the cost of construction, improvement or expansion of the water tower, wells, water treatment and trunk main excess capacity (cost difference of furnishing and installing larger diameter water main instead of eight inch or smaller diameter water main). The trunk fee shall be set according to recommended estimates based upon projected water usage of the proposed industrial user as determined by generally accepted engineering standards as reviewed and approved by the City Engineer. (10-2004)

902.09 A-O AGRICULTURAL OPEN SPACE DISTRICT

Subd. 1. Purpose. The agricultural-open space area is established to provide for the continued pursuit of agricultural enterprises in sparsely populated areas within the community.

Subd. 2. Lot Requirements.

Minimum Lot Area: 5 acres

Front Yard Setback: 35 feet

Rear Yard Setback: 100 feet

Side Yard Setback: 35 feet

Subd. 3. Foundation Requirements. Foundation width: All dwelling units shall have a foundation of at least 24 feet in width which supports the exterior walls of the unit.

Fifty percent foundation requirement: All dwelling units shall have a permanent foundation under at least 50% of the ground floor area of the unit.

Subd.3.a. Minimum Ground Floor Area Per Dwelling: 960 Square feet. (11-2016)

Subd. 4. Roof Pitch Requirement. All dwelling units shall have a minimum roof pitch of at least a three-foot vertical drop over 12 feet of horizontal roof surface.

Subd. 5. Height Requirement. The principal building on any lot in the general business district shall not exceed 50 feet in height.

Subd. 6. Permitted Uses.

Single family residences;

Farm buildings and agricultural uses involving the growing of crops, raising livestock, poultry, and raising of horses: (08-2005)

Public recreational facilities, including but not limited to golf courses, miniature golf courses, driving ranges and archery ranges.

Riding stables, both Commercial and Private;

Grain and Seed Elevators;

Greenhouses and Nursery – Commercial;

Subd. 6a. Uses Requiring a Conditional Use Permit.

Pole buildings (refer to Chapter 10, 1001.05);

Private recreational facilities, including but not limited to golf courses, miniature golf courses, driving ranges and archery ranges~~.~~;

Outdoor cannabis cultivation;

Subd. 7. Permitted Accessory Uses. None.

Subd. 8. Prohibited Uses. Animal Feedlots, Animal Waste Lagoons (11-2005)

Subd. 9. Off-Street Parking Requirements.

Individual parking spaces shall be no smaller than 10 feet by 20 feet. There shall be a minimum of two parking spaces per dwelling unit.

Part 3. Signs

903.01 GENERAL PROVISIONS (02-2006)

No person or persons may hereafter construct, place or maintain, or cause to be placed or maintained, any signs within the City of Shafer, except as regulated in this ordinance.

903.02 FINDINGS AND PURPOSE

1. Findings. Exterior signs have a substantial impact on the character and quality of the environment. Signs provide an important medium through which individuals may convey a variety of messages. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare. The City's zoning regulations have included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of the type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the city has had a positive impact on traffic safety and the appearance of the community.

2. Purpose. It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this ordinance to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this ordinance is to regulate the number, location, size, type illumination and other characteristics of signs within the city in order to promote the public health, safety and welfare; maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community; improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goal of public safety and aesthetics; and provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the city.

903.03 DEFINITIONS

Abandoned Sign - Any sign structure that has ceased to be used for the display of sign copy, or any sign regarding a business or activity on the site of the sign where such business or activity has ceased to be conducted for a period of more than six (6) consecutive months.

Address Sign - A sign communicating the street address and/or the name of the occupant of a property.

Animated Sign - A sign employing actual motion or the illusion of motion. Animated signs include signs or devices motivated by natural environmental input, signs powered by electric motors or other mechanically induced means and signs producing the illusion of movement by means of electronic, electrical or electromechanical input.

Awning - An architectural projection supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials on a supporting framework. [See "Canopy (Attached)"]

Awning Sign - A sign displayed on or attached flat against the surface or surfaces of an awning. Awning signs must meet the same sign area standards as wall and canopy signs.

Balloon – A flexible, non-porous bag inflated with either air or helium that causes it to rise and float in the atmosphere.

Banner - A flexible substrate on which copy or graphics may be displayed. Pennants also meet this definition.

Billboard - See Off Premise Sign.

Building Elevation - The entire side of a building, from average ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

Canopy (Attached) - A multi-sided overhead structure supported by attachment to a building on one or more sides, and either cantilevered from such building or supported by columns at additional points, or both. A marquee is considered a form of an attached canopy.

Canopy (Freestanding) - A multi-sided overhead structure supported by columns, but not enclosed by walls.

Changeable Sign - A sign with the capability of content change by means of manual or remote input, including signs that are manually or electrically activated.

Copy – The graphic elements comprising the content of a sign, excluding numerals identifying street address only.

Daily Sidewalk Sign – An on-premises sign placed by the business located on the property to promote its business during regular business hours placed in a manner not to impede, interfere or obstruct vehicular traffic or pedestrian traffic.

Development Complex Sign - A freestanding or wall sign identifying a multiple, non-residential occupancy containing three or more tenants.

Directional Sign - Any sign that is designed for the purpose of providing direction for pedestrian or vehicular traffic.

Directory Sign - A wall sign that identifies individual tenants within a development that do not have their own exclusive exterior entrance.

Double-Faced Sign - A sign with two identical faces that is designed so only one face can be viewed at one time. Double-faced signs shall be considered to be two signs for the purposes of computing sign area.

Event Sign - A sign on private property used exclusively to advertise temporary events that are community events, such as parades, fairs, sporting events, or other such activities. All such event signs shall be temporary signs.

Exterior Sign - Any sign placed upon the exterior of a building.

Externally Illuminated Sign - A sign characterized by the use of artificial light reflecting off its surface.

Facade - The face of a building from the lowest exposed point to the roof.

Flashing Sign - See Animated Sign.

Freestanding Sign - A sign principally supported by a structure affixed to the ground and not supported by a building.

Frontage (Property) - The dimension, in feet, of the parcel as measured along the street of the business mailing address.

Frontage (Building) - The length of the exterior building wall or structure oriented toward the frontage road.

Government Sign - A sign erected by a government body.

Height – The distance between the uppermost portion of the sign and the average natural grade of the ground immediately below the sign.

Height, Maximum - The vertical distance measured from the average natural grade of the ground within one (1) foot of the perimeter of the base of the sign, to the top of the sign.

Height, Minimum - The vertical distance measured from the average natural grade of the ground within one (1) foot of the perimeter of the base of the sign, to the bottom of the sign.

Holiday Sign - A sign or display that contains or depicts a message pertaining to a

national, state, local or religious holiday.

Integral Sign - A sign carrying the name of a building, its date of erection and incidental information about its construction, and made an integral part of the structure.

Interior Sign - Any sign placed within a building, but not including Window Signs. (Interior Signs in residential districts are not regulated by this ordinance.)

Internally Illuminated Sign - A sign characterized by the use of artificial light projecting outward through its surface.

Logo Signs - Any brand name, trademark, logo, distinctive symbol or other similar device or thing used to identify a particular business, institution or activity.

Mansard - An inclined decorative roof-like projection that is attached to an exterior building facade.

Memorial Sign - A sign attached to a building noting its natural, historic, community or architectural significance.

Menu Board - A freestanding menu sign oriented to the drive-through lane for a restaurant, and which has no more than twenty percent (20%) of the total area for such sign utilized for business identification.

Monument Sign- A freestanding sign in which the entire base is of a permanent material in contact with the ground.

Mullion - A vertical strip separating windowpanes.

Multiple-Faced Sign - A sign containing three (3) or more faces.

Mural - A picture rather than words, numbers or symbols, applied to a wall.

Name Plate Sign – A sign which states the name or address, or both, of the business or occupant of the lot where the sign is placed.

Obsolete Sign – On-premise sign that no longer advertises or identifies a use conducted on the property on which the sign is erected.

Off-Premise Signs - A sign advertising products, goods, services, or places of business or services offered at a location other than the lot upon which the sign is maintained.

On-Premise Sign - A sign used for the purpose of displaying messages pertinent

to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

Parapet - The extension of a building facade above the line of the top of the structural roof assembly.

Pennant - See Banner.

Permanent Sign - Any sign that is not temporary. Banners and pennants shall not be considered permanent signs.

Pole Sign - See Freestanding Sign.

Political Sign - A temporary sign intended to influence voting at a primary, general or other election.

Portable Sign – See Temporary Sign.

Projecting Sign - A sign attached to a building or extending in whole or part more than eighteen (18) inches and less than six feet beyond the surface of the building to which the sign is attached.

Reader Board Sign - A sign intended to display a message through the use of manually or electronically changed letters, which is permanently attached to a freestanding sign or post, or affixed to a wall of the principal building.

Real Estate Sign - A temporary sign advertising the open house, sale, lease, or rental of the property or premises upon which it is located.

Religious Symbols - Pictures, designs, sculptures or similar objects that represent or suggest religious faith, ideas, or qualities.

Rotating Sign - Any sign that revolves.

Roof Line - The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

Roof Sign - A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades and architectural projections such as canopies or marquees shall not be considered to be roof signs.

Security Sign - A sign identifying the presence of a security system.

Sign - Any device visible from a public right-of-way that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

Sign Area - The area of the board(s) or module(s) containing the sign message, but not including the supporting structure. The area to be calculated is the area within the smallest rectilinear perimeter that contains the entire signboard or module. The area of a sphere shall be computed as the area of a circle.

Sign Face - The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

Temporary Sign - A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

Temporary Help Wanted Sign - A sign displayed for the purpose of hiring persons to work on the property.

Tenant Space - For the purpose of this Section, a tenant space is considered to be a business area that has its own exclusive interior or exterior entrance within a multiple-occupancy development.

V Sign - Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than ninety degrees (90) with the distance between the sign faces not exceeding five feet at their closest point. V-signs shall be considered to be two signs for the purposes of computing sign area.

Wall or Fascia Sign - A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen (18) inches from the building or structure wall, including signs affixed to architectural projections from a building, provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

Window Sign - A sign attached to, placed upon, or painted on a window or door of a building, or located within one (1) foot of the interior of a window that is intended for viewing from the exterior of such building.

903.04 **PERMITS**

1. **Application:** Unless exempted under section 903.05, all persons seeking to

place a sign within the City limits of the City of Shafer and as regulated by the terms of this Section shall obtain a permit. The applicant shall first file an application in writing with the City Clerk or Zoning Administrator for the City of Shafer. Every such application shall:

A. Identify and describe the work completely, including size, height, location, materials, true colors and lighting to be used. All applications must include color samples for review. Color rendition and intensity of lighting shall be indicated.

B. Provide legal description for the land on which the proposed sign is to be placed, including lot, block, tract, and/or metes and bounds description, as well as house and street address and similar description that will readily identify and definitely locate the proposed sign

C. Be accompanied by a photograph of the site.

D. Be accompanied by a site plan with dimensions and specifications sufficient to determine consistency with this and other applicable laws and ordinances.

E. Be signed by the applicant or authorized agent.

F. Provide such other information as may reasonably be required by the City Building Official.

G. Be accompanied by an application fee, if applicable, as set forth in the current City fee schedule.

H. Be accompanied by a zoning administrator fee, as set forth in the current City fee schedule.

I. Where signs may be integral with architecture, additional design requirements may be addressed in related ordinances.

2. **Sign Permits:** Applications for sign permits shall be reviewed by the City Building Official and the City Zoning Administrator to check compliance with the laws and ordinances under their jurisdiction, and permits will be granted or denied by the City Clerk, in consultation with the City Building Official and City Zoning Administrator. 8-2008

3. **Expiration of Permit:** Every permit issued by the City of Shafer under the provisions of this ordinance shall become null and void if the sign or work authorized by such permit is not completed within 120 days from the date the permit is issued. The City Council shall have the sole discretion to grant extensions for good cause shown.

4. **Right to Appeal:** Any applicant who files an application for a permit and is denied shall have the right to an appeal under section 905.03 of the City Code.

4. **Sign Removal:** Any signs constructed in the City without a permit shall be removed by and at the expense of the owner(s) of the sign. If the owner does not remove such sign(s) within ten (10) working days of receiving notice of non-compliance for failure to obtain a permit, the City Building Official may order the immediate removal of any such sign(s).

903.05 EXEMPT SIGNS

The following signs shall be exempt from the provisions of this ordinance, except they must meet the General Provisions under section 903.08:

1. Official notices authorized by a court, public body or public safety official.

2. Interior window signs in commercial and industrial districts, subject to the following limitations:

(a) The aggregate area of all such signs shall not exceed twenty-five percent (25%) of the window area on which such signs are displayed. Window panes separated by mullions shall be considered as one continuous window area.

(b) Window signs shall not be counted against the sign area permitted for other sign types.

3. Public Signs. Public signs of a non-commercial nature and in the public interest erected by or on the order of a public officer in the performance of his/her public duty, such as safety signs, danger signs, traffic signs, directional signs, information signs, trespassing signs, memorial plaques, signs of historic interest and the like. (05-2006)

4. Pedestrian, vehicular traffic, and parking directional signs in parking lots or on buildings, provided such signs are no more than eight (8) square feet in area and six (6) feet in height. For a parcel, a maximum of one (1) such sign shall be allowed at each access/egress point of a development. No advertising message of any kind is allowed on these signs.

5. Memorial signs on buildings.

6. All United States flags are exempt. Flagpole height must comply with height regulations. Up to six (6) flags may be displayed on a commercial lot. Additional flags shall be permitted for public holidays.

7. Seasonal decorations within the right-of-way during the appropriate public holiday season in commercial areas which do not obstruct the line-of-sight.

8. Street address signs, and combination nameplate and street address signs which contain no advertising copy and which do not exceed six (6) square feet in area.

9. Temporary signs for garage and similar sales or events, not more than 8 square feet and in place no longer than 4 days. These may not be placed on public rights-of-way or attached to trees or utility poles.

10. Temporary signs for seasonal retail sales allowed as part of a conditional home occupation license, not more than 8 square feet and in place no longer than 4 days. Not more than 8 times per year.

11. Signs denoting the architect, engineer, or contractor working upon a work site and real estate signs pertaining to the sale, development or rental of the property. Such signs shall be removed within ten (10) days after completion of construction or the sale, lease or development of ninety (90) percent of the property. No more than three (3) such signs will be allowed at one time. The total area of all such signs on a property shall not exceed the following size limitations:

SIGNS FOR ARCHITECT, ENGINEER OR CONTRACTOR WORKING UPON SITE AND REAL ESTATE SIGNS RELATING TO DEVELOPMENT PROPERTY		
PROJECT AREA	**RESIDENTIAL/PUBLIC-INSTITUTIONAL**	**COMMERCIAL/INDUSTRIAL**
Under 2.5 acres	8 sq. Ft.	32 sq. Ft.
2.5 to 10arcres	64 sq. Ft.	64 sq. Ft.
10.1 to 25acres	150 sq. ft.	150 sq. ft.
25.1 plus acres	300 sq. ft.	300 sq. ft

12. Campaign signs of any size may be posted from August 1 in a state general election year until ten (10) days following the state general election.

13. Sale signs for seasonal roadside agricultural vendors.

14. Signs temporarily displayed to advertise a city Council-approved community event, charitable event, or benefit shall be permitted for non-residential uses in a residential district and in all commercial and industrial districts subject to the following limitations:

a) Such signs shall be limited to one sign per street front. Double sided signs are considered one sign under this subsection.

b) Such signs may be displayed for not more than 30 days. The signs shall be erected no more than thirty (30) days prior to the community event, and shall be removed not more than two (2) days after the event or grand opening.

c) The total area of any such sign shall not exceed 128 square feet.

15. Government signs in all districts.

16. Signs that are not visible beyond the boundaries of the lot or parcel upon which they are located.

17. Holiday Signs.

18. Security Signs.

19. Public Event Signs

20. Religious Symbols and directional signs to religious facilities.

21. Temporary Help Wanted Signs - One temporary help wanted sign per lot for the purpose of hiring persons to work on the property shall be permitted

on the property, provided such sign does not exceed 32 square feet and is removed within 14 days.

903.06 **PROHIBITED SIGNS**

The following devices and locations shall be specifically prohibited:

1. No person with a home occupation as defined in the Zoning Ordinance shall be permitted to erect a sign advertising the home occupation, except as otherwise permitted by the City.

2. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.

3. Except as provided for elsewhere in this ordinance, private signs encroaching upon or overhanging public right-of-way. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.

4. Signs that blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings visible from the roadway.

5. Portable signs except as allowed for temporary signs.

6. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:

a) The primary purpose of such vehicle or trailer is not the display of signs.

b) The signs are magnetic, decals, or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.

c) The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the

business to which such signs relate.

7. Vehicles and trailers used primarily as static displays, advertising a product or service, or utilized as storage, shelter or distribution points for commercial products or services for the general public.

8. Inflatable or flying devices such as, but not limited to, balloons, streamers or pinwheels except those that are permitted temporary signs.

9. Signs erected, painted or drawn upon sidewalks, rocks, trees or natural features.

10. Signs that are structurally unsafe or in disrepair or which create a hazard by their condition, location or lighting.

11. Permanent signs or placards of any size attached or added to any sign beyond that included in the application and permit.

12. Abandoned signs.

13. Animated signs as defined in this ordinance, except flashing signs primarily giving time, date, temperature, weather conditions, or similar public information.

14. Rotating signs, excepting stationary signs with rotating internal panels to change messages.

15. A sign that violates any provision of any law of the State relative to off premises signs.

16. Temporary signs that advertise a business, product, or service, which is not produced or conducted on the lot upon which the sign is located, except that temporary off-site signs may be allowed as identified in 903.05, (10).

903.07 NON-CONFORMING SIGNS

It is recognized that signs exist within the zoning districts which were lawful before this sign ordinance was enacted, but which will be prohibitted under the terms of this section. It is the intent of this sign ordiancne that nonconforming signs shall not be enlarged upon or expanded, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this sign ordinance to permit legal nonconforming signs existing on the effective date of this

sign ordinance to continue as legal nonconforming signs provided such signs are safer, are maintained so as not to be unsightly, and have not been abandoned or removed subject to the follwing provisions:

a) No sign shall be enlarged or altered in a way which increases its nonconformity.

b) If the use of the nonconforming sign or sign structure is discontinued for a period of one year, the sign or sign structure shall not be reconstructed or used except in conformity with the provisions of this ordinance. In such case, the sign, and all structures supporting the sign, shall be removed within thirty (30) days of the time set forth in this subsection. If the sign and structure are not removed within the time requirements herein, the city shall have authority to enter the land upon which the sign is located and remove the sign and structure, and the city may assess all costs related to the removal of same against the land upon which the sign is located pursuant to the provisions of Section 901.16 of the City Code.

c) Should such nonconforming sign or sign structure be damaged or structure be destroyed by any means to an extent greater than fifty (50) percent of its market value and all required permits for its reconstruction have not been applied for within 180 days of when the sign or sign structure was damaged, it shall not be reconstructed or used except in conformity with the provisions of this ordinance. In such case, the sign, and all structures supporting the sign, shall be removed within thirty (30) days of the deadline set forth in this subsection. If the sign and structure are not removed within the time requirements herein, the city shall have authority to enter the land upon which the sign is located and remove the sign and structure, and the city may assess all costs related to the removal of same against the land upon which the sign is located pursuant to the provisions of Section 901.16 of the City Code.

d) Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations of the zoning district in which it is located after it is moved.

e) No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, expanded or moved except in changing the sign to a sign permitted in the zoning district in which it is located.

f) When a building loses its nonconforming status all signs devoted to the

structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color which will harmonize with the structure.

903.08 **GENERAL PROVISIONS**

1. **Conformance to Codes.** All signs shall conform to the provisions of this ordinance and the provisions of the Building Code and of any other applicable ordinance or regulations within the City of Shafer.

2. **Projections Over Public Ways.** Signs advertising a special community event (those specifically sanctioned by the City Council) may be permitted in or over public rights-of-way, subject to approval by the Building Official as to the size, location and method of erection. The Building Official may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility.

3. **Traffic Visibility.** No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape, or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal, or device. Signs over County or State Highways are not permitted.

4. **Formula for Calculating Sign Size.** The formula for calculating the allowable aggregate total size of all business signs on a parcel is to multiply the frontage of the parcel upon which the business is located by the number indicated in the tables that provide the standards for signage in each zoning district. Fifty square feet of sign area is allowable for parcels with less than 40 feet of frontage. The maximum sign area is dependent upon the district in which the property is located. On corner lots, the allowable sign area on the street which is not the street of the business mailing address will be the same as the mailing address street. (11-2007)

5. **Maintenance, Repair and Removal.**

   a) It shall be the duty of the owner of any sign to maintain the sign in good repair. The City may order special repair to be made in order that the appearance and safety of the sign may be maintained.

   b) No matter shall be permitted to hang loose from any sign.. The owner of any sign shall keep the area within twenty (20) feet of any portion of the sign clear and free of garbage refuse, weeds, rubbish, paper or other offensive material of any kind.

6. **Obsolete Sign Copy.** In addition to the limitations on an Abandoned Sign, an On-Premise sign that no longer advertises or identifies a use conducted

on the property on which said sign is erected must have the sign copy covered or removed within thirty (30) days after written notification from the City Building Official; and upon failure to comply with such notice, the City Building Official is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure, or ground on which the sign is located. If the owner of the sign does not remit payment for such removal within (60) days after removal of signs, the City may take whatever actions are allowed by law to collect such amount, including imposing a lien on the property upon which the sign is located.

7. **Obstructions.** No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit-ways, window or door openings used as a means of egress, or to prevent free passage from one part of a roof to another part thereof or access thereto. In addition, no sign shall be attached in any form, shape or manner that will interfere with any opening required for ventilation. No sign shall obstruct any drainage ways. No sign shall be placed so as to interfere with access of Fire Department personnel on the property.

8. **Designation of Ownership.** Every freestanding sign shall be legibly marked with the name and address of the owner of such sign and the permit number on the sign or pole.

9. **Lighting.** Except where otherwise stated in this ordinance, signs may be illuminated by artificial light sources. Only business signs on the premises may be lighted. Signs shall not be erected or maintained which are not effectively shielded so as to prevent:

a) beams or rays of light from being directed at any portion of the traveled way of any street or highway, or;

b) beams of such intensity or brilliance as to cause glare, or impair the vision of the operator of any motor vehicle, or be confused with vehicle lights. Internally lighted signs behind translucent panels are allowed. External lighting must be directed toward the sign and must illuminate only the sign surface.

c) beams or rays of light that cause negative impacts on adjacent properties.

10. **Sign Setbacks.** All signs shall be set back 10 feet from the lot lines, except in the Centeral Business District, where signs shall have a one (1) foot setback from the front lot line.

11. **Development Complex Signage.** The following standards apply to signs for development complexes:

a) For properties with three or more tenants:

(1) Development complexes may display one development complex sign. This sign shall not exceed 125 square feet in area for a freestanding sign or 15% of the building facade (125 square foot maximum) upon which it is displayed for wall signage. Individual freestanding signs identifying the tenants' business shall not be displayed.

(2) Individual tenants of multiple occupancy structures shall not display separate business signs unless the tenants business has an exclusive exterior entrance. The number of signs shall be limited to one wall sign per entrance, and each sign shall be limited to the maximum wall size permitted in the district. The signs shall be located only on exterior walls that are directly related to the use being identified.

(3) If there is a development complex with three or more tenants that does not have exclusive exterior entrances; a directory sign shall be permitted for each common public entrance. Each directory sign area shall not exceed a total of 24 square feet and shall be located within 25 feet of the common public entrance being served. The size of individual business identification signing within the directory shall be established during the review process. Attention shall be given to the possible number of tenant or occupancy bays that may be served by the common public entrance for which the directory sign is intended.

b) For properties with two tenants, each with an exclusive exterior entrance:

(1) One wall sign not to exceed 10% of the building facade upon which it located that does not count against the allowable signage for the property. This sign shall be located only on exterior walls that are directly related to the use being identified.

12. **Sign Program** A sign program shall be required for all development complexes consisting of three or more tenant spaces in commercial areas. The program shall be filed with the project application and shall be

processed concurrently. The purpose of the program shall be to integrate signs with building and landscaping design to form a unified architectural statement. This shall be achieved by:

a) Using the same type of cabinet supports or method of mounting for sign and the same type of construction material for components, such as sign copy, cabinets, returns and supports, allowing for uniformity and quality in appearance.

b) Using the same form of illumination of the signs.

c) For wall signs, specifying uniform sign positioning for both anchor tenants and minor tenants.

13. **Gas Station/Convenience Stores** In addition to the total sign area already permitted, gasoline service stations/convenience stores are allowed the following signage:

a) Lettering and/or logos on pump island canopies - Regardless of the number of pump island canopies on the site, no more than three canopy faces may be signed. The maximum sign surface area of the lettering and/or logos shall not exceed 25 percent of each canopy face. These signs shall not protrude above or below the canopy.

b) A maximum of 16 square feet of area to indicate gasoline prices. This area may only include the numerals and references to types of gasoline that are not identified with a specific business. Any area for numerals or types of gasoline over 16 feet is counted against the allowable signage on the site.

c) One sign indicating a special service area such as a car wash no larger than six square feet in area. This sign may contain no advertising messages.

14. **Resemblance to Government Signs** No sign erected by a non-governmental person may imitate any sign erected by a government agency, or display such words as "stop" or "danger" except that such signs may be used in shopping centers or other traffic areas where first approved by the City Planning Commission.

15. **Public Nuisance** Any sign which is obscene, as defined by MN Statute 617.241, Subd. 1(a) shall be considered a nuisance and is prohibited. Any sign which emits an audible sound, odor, or visible matter shall be

considered a public nuisance and is prohibited.

903.09 VARIANCES

The City Council shall have the authority to approve or deny variances from the provisions of the Sign Ordinance. An applicant for variance shall proceed as required under Section 905.04. The City Council shall use the same standards for evaluating sign variances as are found in said Section 905.04 and the Council shall make findings showing that all of the following conditions exist:

a) There are special conditions or circumstances affecting the property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of the applicant's land.

b) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

c) The granting of the variance will not be detrimental to the public welfare or injurious to the other property in the area in which the property is situated and will not have an adverse effect upon traffic or traffic safety.

903.10 OFF-PREMISE SIGNS

1. Except as allowed under Section 903.12, 3 (Signs permited in the commercial districts contiguous to Highway 8), 903.13 and temporary signs, off-premises signs are prohibited.

2. Non-conforming off-premise signs constituting the principal use of a land

parcel must be removed prior to a zoning or building permit being issued for construction or reconstruction of a residential, commercial or industrial building, activity or facility on the same land parcel.

3. The following limitations will be applied to existing non-conforming off premises signs:

a) Off premise advertising signs not lighted in conformance with this Chapter must be removed or the means of lighting brought into conformance within two (2) years of enactment of this ordinance.

b) No other enhancement, enlargement, or relocation of non-conforming off-premises signs is allowed, except to bring a sign into conformance with this ordinance.

903.11 **TEMPORARY SIGNS**

Temporary use of portable or movable signs shall be allowed in excess of and in addition to the sign limitations of this ordinance.

1. General Provisions.

a) Such signs shall comply with setback provisions for freestanding signs in each zoning district.

b) Such signs shall be limited to thirty-two (32) square feet in area, and total temporary signage shall be limited to forty (40) square feet per property or per applicant. Two-sided signs are permitted. The square footage on each side of the sign shall be counted toward total square footage allowed.

c) A permit shall be obtained from the City Clerk for each location and time period for placement of such signs.

d) Temporary signs shall advertise an activity on the property on which they are located, except that temporary off-site signs may be allowed as identified in 903.05 (10).

e) All pennants, streamers, banners, and other forms of temporary signs must be maintained and not be frayed, torn, or tattered.

f) Temporary signs may not be displayed longer than 365 days per year by any one business.

g) Temporary help wanted signs may be either on premises or off premises signs.

2. The following provisions shall apply for banners, balloons, flags, or posters:

a) Any balloon, banner, flag, pennant, poster, or advertising display may be located on a property for continuous periods not to exceed thirty (30) days. No more than two (2) such signs no larger than thity two (32) square feet each will be allowed at any one time. (11-2007)

3. The following provisions shall apply for freestanding signs, reader boards, and other temporary ground signs:

a) Any freestanding sign, or reader board may be located on a property. No more than one (1) such sign will be allowed.

903.12 **SIGN STANDARDS BY DISTRICT**

1. SIGNS PERMITTED IN RESIDENTIAL ZONING DISTRICTS:

a) Home occupations shall not have signage, other than a name plate sign not to exceed one square foot and except as otherwise permitted by the City as part of a Conditional Home Occupation License.

b) Clubs, lodges, civic and religious organizations, schools, churches, synagogues, or other public or private non-residential uses allowed in residential areas are permitted to have one sign not to exceed 32 square feet in size and six (6) feet in height. Any illumination of such signs must be external and must illuminate only the sign surface.

a) Apartment buildings, housing developments or subdivisions are permitted two signs at the main entrance as designated by the City Planning Commission, with each sign not to exceed 32 square feet or six (6) feet in height. One sign not to exceed 16 square feet shall be allowed at each secondary entrance. Any illumination of such signs must be external and must illuminate only the sign surface.

d) No other signs are allowed in residential districts, except authorized temporary signs or exempt signs.

2. SIGNS PERMITTED IN THE CENTRAL BUSINESS AND COMMERCIAL BUSINESS DISTRICTS (Not contiguous to Highway 8):

Certain signage proposals within these districts may be reviewed by the Planning Commission in order to ensure that the intent of this section is met.

a) Prohibited signs within the Central Business and Commercial Business Districts for properties located in an area not contiguous to the Highway 8 Right-of-Way:

(1) Roof signs extending above the peak of the roof.

b) No more than two wall signs are allowed for any property, except where otherwise allowed in this Section or by approval of the Planning Commission after design review.

c) No more than one freestanding sign is allowed for any property, except where otherwise allowed in this Section or by approval of the Planning Commission after design review.

d) Projecting signs, including canopy signs, shall not project more than six feet from a building and must not be more than eight (8) square feet in area.

e) Lettering on awning signs is restricted to the side panels or the front drop.

f) Solid materials that have the appearance of wood or metal and reflect the character of the district.

g) Signs within any Business district must be reviewed by the Planning Commission if any one of the following is proposed:

(1) Three or more wall signs for a single property.

(2) Any one-wall sign exceeding more than ten (10) percent of the building facade on which it is located.

(3) Rooftop signage.

(4) A freestanding sign greater than ten (10) feet in area.

(5) Murals.

(6) Electronic Reader Boards.

h) The following procedure shall be used for review of all sign permits within any Business District:

(1) Once the City Building Official has determined that the permit application is complete and requires design review by the Planning Commission, the Planning Commission must complete its design review and provide its report and recommendation to the City Building Official within sixty (60) days.

(2) In the event the Planning Commission recommends against the issuance of a Sign Permit, the Planning Commission shall furnish the applicant and the City Building Official with a copy of recommendations for changes necessary to be made before the Planning Commission will reconsider the

application.

i) Appeal: Any individual having a legal interest in property affected by the Planning Commission's decision pursuant to this Section shall have a right to appeal the decision pursuant to the provisions of 905.03 of the City Code, except that the City Council shall hear the appeal rather than the Planning Commission.

Table of permitted signs and sign area:

SIGNS PERMITED IN THE CENTRAL BUSINESS AND COMMERCIAL BUSINESS DISTRICTS (NOT CONTIGUOUS TO HIGHWAY 8)					
Total Signage	Maximum Sign Area Wall, Canopy, or Marquee	Maximum Sign Area Freestanding	Maximum Sign Area Monument	Maximum Sign Height Freestanding	Maximum Sign Height Monument
1.25 sq. ft. per lineal foot of frontage (Max 125 ft.)	10 % of building facade upon which it is located	32 sq. ft.	25 sq. ft.	20 ft.	6 feet

3. SIGNS PERMITTED IN THE COMMERCIAL BUSINESS DISTRICTS (Contiguous to Highway 8):

Certain signage proposals within these districts may be reviewed by the Planning Commission in order to ensure that the intent of this section is met.

a) Prohibited signs within the Commercial Business Districts for properties located in an area contiguous to the Highway 8 right-of-way:

(1) ~~Internally illuminated signs.~~ (Deleted 07-14)

(2) Roof signs extending above the peak of the roof.

(3) Exterior neon signs.

b) No more than two wall signs are allowed for any property, except where otherwise allowed in this Section or by approval of the Planning Commission after design review.

c) No more than one freestanding sign is allowed for any property, except where otherwise allowed in this Section or by approval of the Planning Commission after design review.

d) Projecting signs, including canopy signs, shall not project more than six feet from a building and must not be more than eight (8) square feet in area.

e) Lettering on awning signs is restricted to the side panels or the front drop.

f) Solid materials that have the appearance of wood or metal and reflect the character of the district.

g) Signs within any Business district must be reviewed by the Planning Commission if any one of the following is proposed:

(1) Three or more wall signs for a single property.

(2) Any one-wall sign exceeding more than ten (10) percent of the building facade on which it is located.

(3) Rooftop signage.

(4) A freestanding sign greater than ten (10) feet in area.

(5) Murals.

(6) Electronic Reader Boards.

h) The following procedure shall be used for review of all sign permits within any Business District:

(1) Once the City Building Official has determined that the permit application is complete and requires design review by the Planning Commission, the Planning Commission must complete its design review and provide its report and recommendation to the City Building Official within sixty (60) days.

(2) In the event the Planning Commission recommends against the issuance of a Sign Permit, the Planning Commission shall furnish the applicant and the City Building Official with a copy of recommendations for changes necessary to be made before the Planning Commission will reconsider the application.

i) Appeal: Any individual having a legal interest in property affected by the Planning Commission's decision pursuant to this Section shall have a right to appeal the decision pursuant to the provisions of 908.03 of the City Code.

permitted signs and sign area:

SIGNS PERMITED IN THE COMMERCIAL BUSINESS DISTRICTS (CONTIGUOUS TO HIGHWAY 8)					
Total Signage	Maximum Sign Area Wall, Canopy, or Marquee	Maximum Sign Area Freestanding	Maximum Sign Area Monument	Maximum Sign Height Freestanding	Maximum Sign Height Monument
2.00 sq. ft. per lineal foot of frontage (Max 200 ft.)	10 % of building facade upon which it is located	120 sq. ft.	75 sq. ft.	24 ft.	8 feet

4. SIGNS PERMITTED IN THE INDUSTRIAL ZONING DISTRICTS

a) The following signs are permitted in the industrial zoning districts:

(1) No more than two wall signs are allowed on a property, except where otherwise permitted in this Section.

(2) No more than one monument sign is allowed on a property.

(3) Signs must be externally illuminated and must be illuminated only on the sign surface.

Table of permitted signs and sign area:

Total Signage	Maximum Sign Area Wall, Canopy, or Marquee	Maximum Sign Area Freestanding	Sign Area Monument	Maximum Sign Height Freestanding	Maximum Sign Height Monument
2 sq. ft. per lineal foot of frontage (Max 200 ft.)	15% of bldg. facade upon which it is located	Not Permitted	75 sq. ft.	Not Permitted	8 feet

903.13 **BILLBOARDS**

Off-premise signs are allowed as provided in this section.

1. Billboards permitted

a) In general. Freestanding billboards are permitted subject to the requirements of this section. In no case shall a billboard sign be placed on the roof or wall of a building structure.

b) Location. Billboard signs shall be permitted only on parcels zoned commercial, industrial and agricultural, which are adjacent and contiguous to the right-of-way of U.S. Highway 8.

c) Maximum Size. Except for a stationary sign that has revolving, internal panel allowing periodic changes of advertisement, billboard sign structures shall not contain more than two (2) signs per face, nor shall any one sign face exceed a surface area of three hundred (300) square feet.

d) Sign Height. Billboard sign structures shall have a maximum height of thirty (30) feet, and the bottom of the sign face shall be a minimum of fourteen (14) feet off the ground as measured from the grade on the edge of the pavement adjacent to Highway 8.

e) Setback Requirements. Billboard sign sturctures must maintain a ten (10) foot mimimum front setback off the Highway 8 right of way, or at least eighty-five (85) feet from center line of Highway 8, whichever is further. Where an adjacent building structure within the same block has a front setack different than those required, the mimimum front setback shall be the average of the required setback and the actual setback of the adjacent structure. Billboards shall not be set back from the Highway 8 right-of-way more than 100 feet as measured from the portion of the sign furthest from the right-of-way.

f) Distance from other uses and from other similar structures. No billboard structure shall be permitted within five hundred (500) feet of an adjoining residential district boundary line or any public park, school, library, church, or government building. All billboard sign structures shall be spaced at least one thousand (1,000) feet from any other billboard. Distance shall be measured as the radius of circles with already existing signs serving as the center of said circles. All billboard signs must be at least two hundred (200) feet from any road intersection.

g) Billboard Construction and Maintenance. Billboard support structures shall be steel monopole construction and shall be painted in earth tones, such as rust, brown, or gray, unless constructed of a material designed to be unpainted and to oxidize naturally. Billboards shall be maintained in good, upright condition and sign faces shall be kept free of sagging, peeling, or torn copy.

h) Ground Maintenance. The area around the base of billboards in all areas shall be maintained in a neat and orderly fashion, including annual mowing.

i) Lighting and mechanical devices. No billboard shall display any moving parts nor be illumitated with any flashing or intermittent lights, except as allowed in subparagraph c) of this section.

j) State Statutues. All billboard sign structures shall also be subject to the provisions of the "Minnesota Outdoor Advertising Control Act," which appears in Chapter 173 , Minneosta Statutes.

2. Non-conforming billboards. Signs which existed prior to January 1, 2006, and which were constructed in compliance with the terms of any prior ordinance, or signs which were constructed in compliance with the regulations of some other public entity but became nonconforming upon the annexation of the sign location into the city are designated as legal nonconforming signs and shall be regulated as follows:

a) Whenever a nonconforming sign or part thereof, is altered, replaced, converted, or changed, the entire sign must be brought into compliance with the provisions of this ordinance. No such sign shall be moved in whole or in part to any other location where it would remain nonconforming. The routine maintenance, repair, or changes of message of such signs, however, is permitted.

b) Any nonconforming sign, the use of which has been discontinued for a period of 180 consecutive calendar days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and shall not thereafter be reestablished except in full compliance with this ordinance.

c) If any nonconforming sign requires change, repair or maintenance which would contstitute an expense of more than fifty (50) percent of the new replacement cost of the sign, and all required permits for its reconstruction have not been applied for within 180 days of when the sign or sign structure was damaged, such sign must either be removed or brought within the requirements of this section. Any sign that must be removed shall be done so within sixty (60) days from the date of receipt of notice from the Building Official. Any sign requiring change, repair, or maintenance to become conforming must be restored within one hundred eighty (180) days from the date of notice.

3. Sign Credit Required for New Billboards. No billboard sign shall be constructed or erected after January 1, 2006, except to the extent that such billboard replaces an existing legal nonconforming billboard. Any person wishing to erect a new billboard must completely remove one legal billboard sign of equal or greater size and its supporting structure in order to receive a sign credit, as follows:

a) Evidence of the removal of a legal nonconforming sign must be furnished to the satisfaction of the Building Official, who will issue a certificate indicating approval of a sign credit.

b) Any credit certificate issued by the Building Official shall remain in effect for two (2) years from the date of issuance. If a replacement sign conforming to the requirements of this chapter is not installed within such time period, an additional sign credit must be obtained.

c) If a sign has been removed as a result of public purchase or condemnation of the sign initiated by the city, then the sign owner will be entitled to either financial compensation or a sign credit, but not both alternatives. Where the city is not otherwise legally obligated to pay financial compensation, the city retains the right to designate whether the sign owner will receive financial compensation or a sign credit. If however a sign is removed by a public entity other than the city, the sign owner will not be entitled to a sign credit. Nothing herein shall be construed to require compensation for any rights for which the law does not otherwise require compensation.

d) Credits may be transferred between parties through legal means.

903.14 **REPEAL**

All prior ordinances pertaining to the subjects treated in this Ordinance shall be deemed repealed from and after the effective date of this Ordinance, except as they are included and re-ordained in whole or in part in this Ordinance; provided, this repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this Ordinance.

903.15 **SEVERABILITY**

If any section, subsection, sentence, clause, or phrase of this sign ordinance is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this sign ordinance. The City Council hereby declares that it would have adopted the sign ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

903.16 **VIOLATIONS, ENFORCEMENT, PENALTY**

1. Any sign constructed in the City in violation of this ordinance shall be

removed by and at the expense of the owner(s) of the sign. If the owner does not remove the sign(s) within 10 (ten) working days of receiving notice of non-compliance, the City Building Official may order the immediate removal of all such sign(s). Any sign not in compliance with the previous sign ordinance at the time of adoption of this ordinance shall be deemed in violation of this ordinance and shall not be deemed a non-conforming sign.

2. In the event that the City Building Official is required to order the removal of any sign(s) in violation of this ordinance, all costs associated with the removal of such sign(s), including reasonable attorney's fees, shall be the responsibility of the owner of the sign(s).

3. Any person, firm or corporation who violates any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction may be sentenced in accordance with Minn. Stat. §609.03, as amended."

Part 4. Environmental Review Program and Control Standards

904.01 PURPOSE

The purpose of the environmental review program section is to provide for the preparation and review of environmental assessment worksheets (EAW), environmental impact statements (EIS), and other environmental documents required under Minnesota Statutes Chapter 116D, as amended, to implement the environmental review program, in accordance with applicable rules of the Minnesota Environmental Protection Board, a copy of which is on file with or available through the clerk.

904.02 ACTION REQUIRING ENVIRONMENTAL ASSESSMENT WORKSHEETS (EAW)

Subd. 1. General. The purpose of an environmental assessment worksheet (EAW) is to assess rapidly in a worksheet format whether a proposed action is a major action with the potential for significant environmental effects, and in the case of a private action, is of more than local significance.

Subd. 2. EAW Required. An EAW shall be prepared on any of the following actions, except for those exempted.

1. Construction of a new industrial park of over 320 acres in size.

2. Construction of a facility or integral group of facilities with at least 250,000 square feet of commercial or retail floor space or at least 175,000 square feet of industrial floor space, or a mixture of commercial, industrial and retail floor space totaling at least 250,000 square feet, unless located in an industrial park for which an EIS has already been prepared.

3. Any industrial, commercial or residential development of 40 or more acres, any part of which is within a flood plain area, as defined by the "Statewide Standards and Criteria for Management of Floodplain Areas of Minnesota."

4. Construction of a commercial or industrial development, any part of which is within a shoreland area (as defined by Minnesota Statutes Chapter 105.485 (1974), covering 20,000 or more square feet of ground space, not including access roads or parking areas, and located on a parcel of land having 1,500 feet or more of shoreland frontage.

5. Construction of a facility that generates more than a maximum of 2,500 vehicle trips per hour or a maximum of 12,500 vehicle trips per eight-hour period.

6. Construction or opening of a facility for mining gravel, other non-metallic minerals, and fuels involving more than 320 acres, except for peat fuels.

7. An action that will eliminate or significantly alter a wetland of Type 3, 4, or 5 (as defined in U.S. Department of Interior, Fish and Wildlife Service, Circular 39, "Wetlands of the U.S., 1956") of 50 or more acres, either singly or in a complex of two or more wetlands.

8. Any marina and harbor project of more than 20,000 square feet of water surface area.

9. Construction of a new or additional residential development that includes 100 or more units in an unsewered area or 500 or more units in a sewered area.

10. Construction of a residential development consisting of 50 or more residential units, any part of which is within a shoreland area.

11. Construction of a development consisting of "condominium-type" campgrounds, mobile home parks, or other semi-permanent residential and/or recreational facilities, any part of which is within a shoreland area or flood plain exceeding a total of 50 units or, if located in areas other than the above, exceeding a total of 100 units.

12. Conversion of 40 or more continuous acres of forest cover to a different land use.

Subd. 3. Optional EAW. The council may, upon recommendation by the zoning administrator or clerk, require that an optional EAW be prepared on any proposed action if the action may be a major action and appears to have the potential for significant environmental effects.

The following guidelines shall also be considered in determining whether an optional EAW shall be required:

1. Is the action to be in or near an area that is considered to be environmentally sensitive or aesthetically pleasing?

2. Is the action likely to have disruptive effects such as generating traffic and noise?

3. Are there public questions or controversy concerning the environmental effects of the proposed actions?

4. Is the action in or near a wetland or on soils unsuitable or sensitive towards the proposed action?

5. Is the action more than a local impact?

904.03 ACTION REQUIRING ENVIRONMENTAL IMPACT STATEMENTS (EIS)

An environmental impact statement (EIS) shall be required whenever it is determined that an action is major, and has the potential for significant environmental effects. In making this determination, material effects on the environmental variables specified in applicable rules of the Minnesota Environmental Quality Board will indicate whether an EIS should be prepared. In the case of a private action, it must also be determined that the action is of more than local significance.

In determining whether an action is major, it is of more than local significance, or has potential for significant environmental effects, the factors outlined in applicable rules of the Minnesota Environmental quality Board shall be considered and satisfactorily met.

904.04 ACTION NOT REQUIRING ENVIRONMENTAL DOCUMENTS

Subd. 1. General. The following actions shall not require the preparation of an EAW or EIS:

1. When a substantial portion of the action has been completed or implemented and an EIS on the action would not be able to influence remaining implementation or construction of the action to minimize adverse environmental consequences.

2. When there has been adequate environmental review of an action within the jurisdiction of the council pursuant to Minnesota Statutes Sections 116G.01 et Seq. (1988) (the Critical Areas Act of 1973), or Minnesota Statutes Sections 116C.04(2)(b)(1988) (the Environmental Quality Council Act of 1973).

3. When, and so long as, a public agency denies a governmental approval required for the action.

4. When an imminent and substantial danger to the public health, safety, or welfare makes it necessary to undertake a major action that has the potential for significant environmental effects, and application of this section would be impractical. In such cases, the proposer shall consult with the chairman of the Minnesota Environmental Quality Board to arrange an alternative means of environmental review before taking the action.

5. Any action exempt by state agencies.

6. All national pollutant discharge elimination system permits granted by the Minnesota Pollution Control Agency, under the authority given it by the Environmental Protection Agency of the United States of America, unless otherwise provided by resolution of the Minnesota Environmental Quality Board.

7. Any federal permits for which review authority has been delegated to a non-federal public agency by the federal government if exempted by resolution of the Minnesota Environmental Quality Board.

8. Where in the opinion of the city, strict observance of this section would jeopardize the public health, safety, or welfare, or would otherwise generally compromise the public interest, the city shall comply with this section as far as practicable. In such cases, the city shall carry out alternative means of public notification and shall communicate the same to the chairman of the Minnesota Environmental Quality Board.

Subd. 2. EAW Exemptions. Unless an action is included under another part of this section, the following items are categories for which an EAW shall not be required. The following list is not intended to imply that EAWs must be prepared on actions not included in this listing. In cases where EAWs are neither exempt nor mandatory, the city should prepare EAWs only where it is probable that the actions will cause significant environmental effects and an EAW is needed to guide the decision on whether an EIS is required.

1. Operation, maintenance, or repair work involving no substantial change in existing structures, land uses, or water quality.

2. Construction or alteration of a single or multiple residence with four dwelling units or fewer and accessory appurtenant structure and utilities, when not in conjunction with the construction or alteration of two or more such residences.

3. Construction or alteration of a store, office, or restaurant designated for occupancy of 20 persons or fewer, if not in conjunction with the construction or alteration of two or more stores, offices, or restaurants

accumulating an occupancy load of more than 30 persons, unless designated to be a historical structure.

4. Restoration or reconstruction of a structure in whole or in part, being increased or expanded by less than 25 percent of its original size, square footage, or capacity, and aggregating less than 5,000 square feet, provided that such structure has not been designated to be of historical, cultural, archeological, or recreational value of a public agency.

5. Repaving or reconstruction of existing highways not involving the addition of new travel lanes or acquisition of additional right-of-way.

6. Installation of traffic control devices on existing streets, roads, and highways, other than installation of multiple fixtures on extended stretches of highway.

7. Licensing or permitting decisions relating to individual persons or activities directly connected with an individual's household, livelihood, transportation, recreation, health, safety, and welfare; such as motor vehicle licensing, hunting licenses, professional licenses, and individual park entrance permits.

8. Purchase of operating equipment, maintenance equipment, or operating supplies.

9. Sales or lease of surplus governmental property other than land, radioactive material, pesticides or buildings.

10. Loan, mortgage, guarantee, or insurance transactions in connection with new or existing structures or uses.

11. Borrowing for purposes other than capital construction or land purchase.

12. Maintenance of existing landscaping, native growth, and water supply reservoirs, excluding the use of pesticides.

13. Utility extensions as follows: water service mains of 500 feet or less and one and a half inches diameter or less; sewer lines of 500 feet or less and eight inch diameter or less; electrical service lines of 500 feet or less and 240 volts or less; gas service mains of 500 feet or less and one inch diameter or less; and telephone service lines of 500 feet or less.

14. Construction of accessory appurtenant structures including garages, carports, patios, swimming pools, fences, barns, or other similar agricultural structures, excluding feedlots or other similar buildings not changing land use or density.

15. Grading or filling 750 cubic yards or less.

16. Local bus stops and bus shelters or transit signs, which do not require accessory parking facilities.

17. Minor temporary uses of land having negligible or no permanent effect on the environment, including such things as carnivals and sales of Christmas trees.

18. Filling of earth into previously excavated land with materials compatible with the natural material on the site.

19. Individual land use variances including minor lot line adjustments and side yard and setback variances, not resulting in the creation of a new subdivided parcel of land or any change in land use character or density.

20. Basic data collection, training programs, research, experiment management, and resource valuation projects which do not result in an extensive or permanent disturbance to an environmental resource, and does not

constitute a substantial commitment to a further course of action having potential for significant environmental effects.

21. Accessory signs appurtenant to any commercial, industrial, or institutional facility not regulated by an agency of the state.

904.05 REVIEW PROCEDURES AND ADMINISTRATION

Subd. 1. Administration. The zoning administrator or clerk shall be the person responsible for the administration of the environmental review program.

Subd. 2. Applicant to Provide Data. The applicant for a permit for any section for which environmental documents are required shall supply in the manner prescribed by the zoning administrator or clerk all unprivileged data or information reasonably requested by the city, that the applicant has in his possession or to which he has reasonable access.

Subd. 3. Determination of Need for EAW or EIS. The council shall be responsible for determining whether an action is one for which an EAW or EIS is required under this ordinance.

Subd. 4. Preparation of EAW or EIS. All EAWs and EISs shall be prepared under the supervision of the zoning administrator or clerk, reviewed by the planning commission, and reviewed and approved by the council.

Subd. 5. Recommended Changes. When reviewing an EAW or EIS, the zoning administrator or clerk and the planning commission may suggest design alternatives or other action including no action, which would lessen the environmental impact of the action. The council may require these design alterations to be made as a condition for issuing the permit.

Subd. 6. Review. After an EAW is prepared, the planning commission shall review the EAW and recommend to the council whether or not it should require the preparation of an EIS. The council shall require an EIS when it finds that action is major and has potential for significant environmental effects.

904.06 ENFORCEMENT

Subd. 1. No Permit Prior to Review. No permit shall be issued for a project for which environmental documents are required, until the entire environmental review procedures established by this ordinance are completed.

Subd. 2. No Work Prior to Review. No work shall commence and any work in progress on any project for which environmental documents are required shall cease until the environmental review procedures established in this ordinance are fully complied with.

904.07 COST OF PREPARATION AND REVIEW

Subd. 1. Costs Paid by Applicant. No permit for an action for which an EAW or EIS is required shall be issued until all costs of preparation and review are paid by the applicant; all information required is supplied; the environmental review process has been completed as provided in this section; and pursuant to any written agreement entered into between the applicant and the council as provided under Subd. 2 below.

Subd. 2. Division of Costs. The applicant for a permit for any action for which an EAW or EIS is required and the council may, in writing, agree as to the different divisions of costs for the preparation and review of any EAW or EIS.

904.08 CHANGES IN STATE AND/OR FEDERAL ENVIRONMENTAL REGULATIONS

EAW and EIS applicants shall comply with procedures and requirements contained herein as well as all amendments and additions to state and federal rules, regulations and laws. If this ordinance is found to be inconsistent with changing requirements,

the clerk and city attorney shall be so notified in writing at the earliest possible date by the applicant.

904.09 PENALTIES

Any person who violates any provision of this ordinance shall, upon conviction thereof, be fined not more than $10,000 for each offense, or imprisoned for not more than 90 days, or both. Each day that the violation is permitted to exist constitutes a separate offense. (10-2007)

904.10 NUISANCE STANDARDS

Subd. 1. Federal, State and Local Regulations Apply. All uses shall comply with all federal, state and local pollution and nuisance laws and regulations, including, but not limited to, glare, smoke, dust, odors, and noise. The burden of proof for compliance of appropriate performance standards shall lie with the applicant.

Subd. 2. Noise. Any use established shall be so operated that no undue or objectionable noise resulting from the use is transmitted beyond the boundaries of that lot or property on which the use is located. This standard shall not apply to incidental traffic, parking, loading, construction or maintenance operations unless the noise is persistent or reoccurring and poses a threat to the health, safety or welfare of nearby residents.

Subd. 3. Vibration. Any use creating periodic earth-shaking vibration shall be prohibited if such vibrations are perceptible to persons beyond the lot line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction.

Subd. 4. Waste Material. No toxic, harmful waste material shall be washed into the public storm sewer system nor the sanitary sewer system without first having received a permit to do so. Storage areas for waste material shall be located and fenced in a satisfactory manner to avoid being a public nuisance. No toxic or harmful liquid or solid waste shall be disposed of in the city without first obtaining a permit to do so.

Subd. 5. Glare and Heat. Any use requiring an operation producing an intense heat or light transmission shall be performed with the necessary shielding to prevent

such heat or light from being objectionable at the lot line of the site on which the use is located. Lighting in all instances shall be diffused or directed away from R districts and public street.

Subd. 6. Smoke and Particulate Matter. Any use established, enlarged or remodeled after the effective date of this ordinance shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to or shall endanger the public health, safety, comfort or general welfare.

Subd. 7. Toxic or Noxious Matter. Any use established shall be so operated as not to discharge across the boundaries of the lot or through percolation into the atmosphere or the subsoil beyond the boundaries of the lot wherein such use is located toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property or business.

Subd. 8. Odors. Any use established, enlarged or remodeled shall be so operated as to prevent the emission of odorous or solid matter of such quality and quantity as to be objectionable at any point beyond the lot line of the site on which use is located.

Subd. 9. Water Pollution. All uses and activities shall conform to all applicable federal, state and local water pollution standards and/or controls in effect.

904.11 STORAGE STANDARDS

Subd. 1. Exterior Storage. All materials and equipment shall be stored within a building or fully screened so they will not be visible from adjoining properties, except for the following: laundry drying and recreational equipment, construction and landscaping materials and equipment currently being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking except as otherwise regulated herein.

For properties which are less than 20,000 square feet, no more than two (2) boats, unoccupied trailers, camper trailers, or other recreational vehicles may be stored in the rear yard, not less than ten (10) feet distant from any property line.

For properties 20,000 square feet or more, but less than five (5) acres, this number shall increase to five (5).

Subject to the limitations noted above, one currently licensed/registered boat, unoccupied trailer, camper, or recreational vehicle may be stored on the side yard adjacent to the garage according to the following specifications. The boat or trailer must be kept on a concrete or acceptable gravel base material pad of sufficient size that no part of the boat or trailer is not on the pad. The pad shall not extend past the front or rear of the garage. If gravel or concrete pavers are used for the pad, prior to the pad being installed, at least four (4) inches of soil shall be removed and a weed barrier installed prior. No weed barrier is necessary if black top or concrete is used. Acceptable gravel base material for the pad are lime rock, pea gravel, class V, ¾ minus gravel or recycled blacktop/concrete combination, any of which must be a minimum of four (4) inches. Any material covering the area from the pad to the driveway shall be considered a part of the pad for storage/parking purposes.

(08-2007) Alternatively, one currently licensed/registered boat, unoccupied trailer, camper, or recreational vehicle, licensed/registered to one of the residents, may be parked in the driveway. (01-2018)

In no event shall more than two boats, unoccupied trailers, campers, or recreational vehicles be stored on properties which are less than 20,000 square feet, and in no event shall more than five boats, unoccupied trailers, campers, or recreational vehicles be stored on properties 20,000 square feet or more, but less than five (5) acres.

Existing uses shall comply with this provision within 12 months following enactment of this ordinance. (08-2007) (amended 01-2018)

Subd. 2. Bulk Storage (Liquid). Persons responsible for all uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall apply for and obtain a special use permit in order that the governing body may have assurance that fire, explosion or water or soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare. All existing, above ground liquid storage tanks having a capacity in excess of 2,000 gallons shall secure a conditional use permit within 12 months following enactment of this chapter; the governing body may require as a condition to the permit, the development of dyking around said tanks, suitably sealed, to hold a leakage capacity equal to 115 percent of tank capacity. Any existing storage tank operations that, in the opinion of the governing body, constitutes a hazard to the public safety shall discontinue within 5 years following enactment of the ordinance.

All newly constructed bulk liquid storage facilities shall be surrounded with a sealed dyke to hold a leakage capacity equal to 115 percent of tank capacity.

904.12 VISUAL STANDARDS

Where any business or industrial use is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property if abutting property owners petition the planning commission for said action and the commission shall find the petition to be valid or, at the latest, within three years form the adoption of this ordinance if requested by the planning commission. The general type and extent of the screening (such as a fence and/or landscaping) shall be selected by the planning commission to visually separate the different land uses or to discourage children from entering or playing in the industrial area.

904.13 MAINTENANCE STANDARDS

In all districts, all structures, required landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

904.14 DRAINAGE STANDARDS

No land shall be developed and no use shall be permitted that results in water runoff causing flooding, or erosion on adjacent properties. Such runoff shall be properly channeled into a storm drain, water course, ponding area or other suitable facility.

904.15 INOPERATIVE MOTOR VEHICLES

No person shall leave any partially dismantled, inoperative, wrecked or junked vehicle on any public road or public property.

No person in charge or control of any property shall allow any partially dismantled, inoperative, wrecked or junked vehicle to remain on the property longer than 30 days where said vehicle is visible from a public road or the main floor of any dwelling; nor shall they allow any unlicensed vehicle capable of being operated to remain on such property, except as a vehicle used on the property without the requirement of a license.

Any person violating this provision shall be guilty of a misdemeanor.

904.16 **JUNK YARDS**

Subd. 1. Definitions. Except where otherwise indicated, the following definitions shall apply in the interpretation and enforcement of this ordinance.

1. "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

2. "Junk" shall mean old iron, steel, brass, copper, tin, lead or other base metals; old cordage, ropes, rags, fibers or fabrics; old rubber, old bottles or other glass, bones, wastepaper, and other discarded material which might be prepared to be used again in another form; and any or all of the foregoing; any motor vehicles, no longer used as such, or to be used for scrap metal or stripping or parts. "Junk" shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of the business or materials or objects held and used by a manufacturer as an integral part of his own manufacturing process.

3. "Junkyard" shall mean a yard, lot, or place covered or uncovered, outdoors or in an enclosed building, containing junk as defined above, upon which occurs either the buying, selling, offering for sale any such junk, in whole or in parts, for a business or commercial purposes.

4. "Junk Dealer" shall mean a person who operates a junkyard as defined above, anywhere within the City.

Subd. 2. Application. No person, firm, corporation, or association shall engage in the occupation of Junk Dealer or operate a junkyard as defined above anywhere in the City, without having first secured a Special Use Permit and a license in the manner hereinafter set forth.

Subd. 3. Application for License.

1. An application for a license shall be in writing and signed by the applicant. The application must state the name and address of the applicant, the location and description of the premises where the business will be conducted, and the nature of the business. The application shall be filed with the City Clerk and accompanied with a fee as set by the City Council.

2. The Council shall make such investigation with respect to the application as it deems necessary. The application shall be denied if the business premises is to be located so close to any residence or at any place where by reason of the nature and development of the surrounding property the value thereof would be unreasonably depreciated or the best interests and general welfare of the City would be adversely affected.

3. A license issued by the City shall be for one year from date of issuance.

4. The annual fee shall be set by the City Council.

5. No license shall be transferable without the approval of the City Council and the approved transfer must meet all requirements of the original license and premises.

6. Upon approval of license and before issuance of license, applicant must place with Council a bond in the amount of $1,000.00 for the purpose of premises being brought back to standard if the junkyard is closed.

7. All licenses must be posted at all times in a conspicuous manner on the licensed premises.

Subd. 4. General Requirements for Issuance of License.

1. Thirty days following the issuance of the Special Use Permit but prior to the issuance of the license, the junkyard operator shall fence the entire premises.

2. The area shall be enclosed by a solid vertical mass or fence of uniform material and color and which is at least eight feet high, as measured by street level.

3. During the period said license is in effect, the fence shall be maintained to comply with the intent of the ordinance.

4. Within one year of the issuance of the original license, a living fence shall be planted by the junkyard operator. This fence shall consist of evergreen trees or other suitable species of plant approved by the Council. Said living fence shall be maintained and that any plant or tree that dies or is destroyed shall be replaced during the next growing season. Said living fence is only required on the portion of property abutting a public street.

Subd. 5. General Operating Conditions.

1. The licensed premises shall be kept in a neat, orderly, safe, and sanitary condition, and in compliance with all applicable laws, regulations and ordinances.

2. No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises.

3. Junk may not be piled so high as to show over the required fence.

4. Junk shall be arranged to permit easy access to all junk for firefighting purposes.

5. Gasoline and oil shall be removed and disposed of in an approved manner from any scrapped engines or vehicles on the premises.

Subd 6. Violation of Ordinance/License.

1. Any person who violates this ordinance shall be guilty of a misdemeanor.

2. Any cost incurred by the City by prosecuting a violator of this ordinance shall be borne by the violator.

3. The license may be revoked for reason of violation.

Subd. 7. Disclosure. If any section, sentence, clause, or phrase of this ordinance is for any reason found to be held unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance.

904.17 HAZARDOUS ELEMENTS STANDARDS

Subd. 1. Explosives. Any use requiring the storage, utilization or manufacturing of products which could decompose by detonation, shall be located not less than 400 feet from any R district line or any buildings on adjacent land and any public right-of-way, provided that this section shall not apply to the storage or usage of liquified petroleum or natural gas for normal residential or business purposes.

Subd. 2. Radiation and Electrical Emission. No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation at any point of any equipment including but not limited to radio and television reception other than that of the creator of the disturbance.

904.18 SANITARY LANDFILLS

All dumps and sanitary landfills shall conform to the regulations and standards adopted by the Minnesota Pollution Control Agency and the county.

904.19 LAND RECLAMATION

Under this ordinance, land reclamation is the reclaiming of land by depositing of materials so as to elevate the grade. Land reclamation shall be permitted only by conditional use permit in all districts. Any lot or parcel upon which 200 cubic yards or more of fill is to be deposited shall be deemed land reclamation and shall be allowed only with a conditional use permit.

904.20 EROSION CONTROL STANDARDS

Subd. 1 Sod and Seed.

A. The builder or lot purchaser except as otherwise permitted in this section, shall spread a minimum of four (4) inches of topsoil. All boulevard, front and side yard areas to the rear of the structure shall be sodded. Seed and mulch may be installed in the back yard. Weather permitting, sod and seed shall be planted within sixty (60) days after a home is constructed on a lot.

(1) An exception to the above requirements shall be allowed for an area not to exceed more than fifty (50%) percent of the usable side and back yards to be restored to native prairie grasses or wild flowers indigenous to the state of Minnesota, when planted and maintained as part of a garden, or landscape treatment. A minimum width of six feet of sodded turf grass shall be established and maintained along the edge of the property and abutting both sidewalk and roadway. The owner shall file with the city a form showing what will be planted, which form shall be approved by the city prior to planting. The form shall be provided by the city. Native planting areas shall, by definition, not include noxious weeds. Non-native plants and invasive species shall not be allowed.

(2) Weather permitting, sod, seed and native plants shall be planted within sixty (60) days after a home is constructed on a lot, or within sixty (60) days of commencement of conversion from turf to prairie restoration or wildflower.

B. The builder shall furnish a cash landscaping escrow. The escrow shall be set according to the city fee schedule, and the purpose is to guarantee compliance with the following: (1) the landscaping requirement; (2) lot grading requirements from the certificate of survey; (3) to certify that the elevation of the sod in relationship to the building and the water service curb stop box is acceptable to the City; and (4) submittal of a certified as-built lot Certificate of Survey to City for some lots.

C. The distance from building siding, untreated wood, to top of the sod shall be a minimum of 6" to satisfy building code requirements.

D. Curb stop (water shut off) elevation in relationship to sod surface shall be approved by the City after sod is installed. The landscaping escrow submitted by the builder to the City shall be retained until all required work is approved.

E. For all lots, the City shall verify that final lot grading satisfies grading plan requirements and that the work was performed to City Requirements after the sod and trees are installed. In addition, a certified As-Built Lot Certificate of Survey is required for lots that have Emergency Overflow (E.O.F.) swales, and any other lot that abuts any drainage way, swale, or critical drainage flow path.

F. If all the landscaping requirements are not timely completed, the City may enter the lot, perform the work, and apply the landscaping escrow toward the cost. Upon satisfactory completion of the landscaping, the escrow funds, without interest, less any draw made by the City, shall be returned to the person who deposited the funds with the City.

Subd. 2. Trees

A. Lots with Existing Trees

The builder shall furnish a cash tree preservation escrow of $ 1,000.00 per lot for each lot with at least one existing significant tree at the time of the building permit application. A significant tree is defined as a tree that is six (6) inches in diameter measured two (2) feet above the ground level.

B. Lots without Trees

Trees shall be planted for new subdivisions. In new subdivisions where two (2) trees of the following sizes do not already exist on each lot, trees shall be planted on each lot. The following tree specifications shall apply to each platted lot in the proposed subdivision:

(1) Required Subdivision Trees:

a. Two (2) balled and burlapped trees will be required per lot. These trees shall be planted in the front yard, outside of any easement dedication.

b. Caliper: A minimum of two and one half (2-1/2) inches in trunk diameter measured two (2) feet above the ground level.

(2) Location. Front yard trees shall be planted in the front yard, but at a distance of at least ten (10) feet from the front property line, and five (5) feet from any side property line. No required subdivision tree shall be planted inside of any drainage or utility easement, as verified through the final plat recorded with the county, or within a forty (40) foot clear view triangle on corner lots. The clear view triangle is the area established for visibility clearance at the intersection. The area of the clear view triangle is defined as follows; beginning at the intersection of the projected lot lines of the corner lot, thence forty (40) feet along one lot line, thence diagonally to a point forty (40) feet from the point of beginning on the opposite line.

(3) Type

Trees shall consist of nursery stock and be no less than the following sizes:
Deciduous trees: no less than two and one half (2-1/2) inches in diameter.
Coniferous trees: no less than six (6) feet high.
Trees can include those species shown on the following table:

a. Deciduous Trees:

Maple	Oak
Linden (Basswood)	Birch
Ash	Gingko (male only)
Honey Locust	Kentucky Coffeetree
Hackberry	Green Ash
European Larch	

b. Coniferous Trees:

Fir	Eastern Hemlock
Green Spruce	Canadian Hemlock
Colorado Blue Spruce	Northern White Cedar
Black Hills Spruce	Cedar
Austrian Pine	Tamarack
White Pine	

c. Other species of trees may be approved by the building inspector or zoning administrator. Trees which can cause a public nuisance, such as cotton producing trees, or can be a public hazard, such as bug infection or weak bark, are prohibited.

C. Wooded Areas:

Wooded lots may be exempt from the provisions of this section provided that existing tree cover fulfills the aforementioned requirements for front yard trees.

D. Custom Graded Lots:

(1) On a lot with at least one significant tree, the builder shall prepare an individual lot tree preservation plan (TPP) on the site survey which is consistent with the original TPP for the plat.

(2) The individual lot TPP shall be certified by a Forester or Landscape Architect, signed by the homeowner and submitted to the City for approval with the building permit.

E. Mass Graded Lots:

On a lot with at least one significant tree to be saved, the builder shall follow the original TPP for the plat.

F. Tree Replacement Requirements:
If significant trees are destroyed or damaged, the builder shall replace the significant trees which were to be saved under the TPP, but which were ultimately destroyed or damaged. The subdivider and builder shall be required to replace each of the significant trees destroyed or damaged with two (2) replacement trees. If tree replacement is required on the individual lot because the builder destroyed or damaged a tree, which was to be saved, the applicant's forester or landscape architect shall determine the location of installation of the replacement trees.

G. Escrow Release:
Prior to the release of the cash tree preservation escrow, the applicant's Forester or Landscape Architect shall certify to the City in writing that all tree protection measures identified on the TPP were installed from the start of construction through the end of construction, and that tree replacement has been completed, if necessary. Upon satisfactory completion, the tree preservation cash escrows funds, without interest, less any draw made by the City, shall be returned to the party who deposited the funds with the City.

H. City May Perform Work:
If tree preservation and installation is not timely completed, the City is hereby granted license to enter the lot, perform the work and apply the tree preservation escrow toward the cost.

Subd. 3 Landscaping Other Than Trees, Sod, and Seed

A. Landscaping rocks, black dirt, soil, and other landscaping material shall not be temporarily or permanently dumped on City streets or drainage easement,
and such action constitutes a violation of the code. The prohibition under this subsection is due to safety concerns for drivers and the resulting problems of interruption of storm water flow, increased erosion and flooding.

B. Installing shrubs within a street right-of-way is not permitted.
Installing flowers and rock gardens in the street right-of-way is prohibited. Trees must be pruned so as not to obstruct visibility within the street right-of-way.

C. If shrubs are not installed in the proper location, the City shall require the owner to move them. If the landscaping is not moved within thirty (30) days of written notice by the city to the owner, the City may enter the lot, perform the work and apply the landscaping escrow toward the cost. (12-2003)

Subd. 4 Erosion and Sedimentation Control

A. All construction projects permitted by the City of Shafer and its designees, which result in the temporary disturbance of vegetative or non-vegetative surfaces protecting soils from erosion, require the use of this ordinance. Permits and activities affected by this ordinance include all building permits and installation of private utilities.

B. The City or its designee may impose special conditions to permits, which stipulate alternative erosion control procedures at the construction site, as recommended by the Building Official.

C. Public and private streets are to be cleaned daily by the "permitee."

D. Erosion Control Plan for Residential Building Permits:

1. The permittee shall submit a site survey that shows all approved methods of erosion and sediment control measures to be installed in conjunction with this activity. Approved methods of erosion and sediment control include, but are not limited to silt fences, hay bales, fiber blanket and temporary seeding, depending on the site characteristics and the season.

2. Silt fence must be properly installed and maintained along the back of the curb or sidewalk if applicable, along the entire length of the curb or sidewalk for the lot. Permittee shall furnish an erosion control plan for each lot with a building permit that meets the City's requirements. The silt fence shall continue around the full perimeter of the lot, except that the City or its designee may delete the requirement for silt fence on an uphill side of a lot.

3. A rock construction entrance in accordance with the City's Standard Specifications shall be installed and maintained, including placing a minimum of six (6") inches of one to three (1-3) inch rock over any sidewalk and curb and gutter immediately after the basement is backfilled and prior to any other work on the building.

4. The City of Shafer or its designee shall review the site plan to ensure that adequate erosion and sediment control measures are proposed. Any modifications by the City of Shafer and its designee shall be included in the approved Erosion Control Plan for the construction site.

E. Implementation of Erosion Control Plan:

1. Prior to the start of any excavation for the construction or remodeling of a residential home, the permittee shall have in place an approved erosion control plan. Additional erosion control may be required as directed by the City or its designee.
2. The permittee shall maintain the erosion control measures to the satisfaction of the City throughout the entire construction process. If the erosion control is not being maintained to the City's satisfaction, the City and its designee shall withhold additional inspections and/or the Certificate of Occupancy. (Failure to install and maintain the erosion control shall be a violation of the City's Ordinance and, in addition to withholding inspections or the Certificate of Occupancy, the City shall also follow established procedures on notification or doing remedial work as deemed appropriate by the City.)
3. All erosion control measures shall be maintained by the permittee in an acceptable condition until front and side yard sod and rear yard seed or sod is established and/or structural surfaces are constructed to protect the soil from erosion.

F. Financial Security:

1. Each single-family home permittee shall be required to post a builder's deposit, as set forth in the current fee schedule, at the time of issuance of the building permit. The builder's deposit shall be held by the City to ensure that the permittee complies with the City's ordinances concerning erosion control, grading, landscaping and tree preservation.

2. The City shall combine the Builder's Deposit with any other deposits (i.e. trees, sod, seed, driveway, retaining wall) that may be required of the permittee for the type of construction taking place on the site.

3. The Builder's Deposit shall be released once all City requirements concerning erosion control have been met. The City or its designees will give no partial releases of the deposit.

4. The City or its designee shall apply all costs for remedial work or correction of erosion control deficiencies in the permittee's erosion control measures against the builder's deposit. The City shall draw on the builder's deposit if all areas of the site that were disturbed by construction activities are not restored within one year from the date that an occupancy permit was issued. The permittee shall forfeit all financial deposits being held by the City and its designees if work is not completed within two (2) years after an occupancy permit is issued for the structure. The City of Shafer reserves the right to complete the work in accordance with Subd. 4-H of this ordinance.

G. Erosion Control Plan Inspection and fees:

1. The City and its designees shall make periodic inspections of the site to ensure compliance with this ordinance.
2. As-Built Survey: The City and its designees shall review the permittee's as-built survey submitted after the completion of grading activities to ensure that it conforms to the overall erosion control plan for the area.
3. Prior to issuance of a building permit, the permittee shall pay a fee for erosion control inspections. The fee shall be as set forth in the current City fee schedule.

H. Notification of Failure of Erosion Control Plan:

The City shall notify the permittee of any erosion control measures that are not in compliance with City requirements or the permittee's NPDES Permit (National Pollutant Discharge Elimination System administered by the Minnesota Pollution Control Agency). It is the responsibility of the permittee to comply with the NPDES Permit that is issued for the site.

1. Notification by the City:
Forty-eight hours after notification by the City or its designee or seventy-two hours after the failure of erosion control measures, the City or its designee may begin remedial work to bring erosion control measures into compliance with City requirements, if permittee has failed to do so in the time periods provided.

2. Erosion Off-Site:
If erosion breaches the perimeter of the site, the permittee shall immediately develop a cleanup and restoration plan, obtain the right-of-entry from the adjoining property owner, and implement the cleanup and restoration plan within forty-eight hours of obtaining the adjoining property owner's permission. Unless written approval is received by the City or its designee, corrective action for off-site erosion breached must be taken within seven days. If the permittee does not repair the damage caused by the erosion, the City may do so and may apply costs to correct the erosion and establish necessary erosion control measures against the builder's deposit.

3. Erosion on Streets, Wetlands or Water Bodies:

If eroded soils impact streets, wetlands or other water bodies or impact appears imminent, the City requires immediate cleanup and repair by the permittee.

a. Permittee shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.

4. Failure to do Corrective work:

When a permittee fails to conform to any provision of this Ordinance within the time stipulated, the City of Shafer and its designee shall take the following actions:

a. Withhold the scheduling of inspections and/or issuance of a Certificate of Occupancy or issue Stop Work Order.
b. Direct the correction of the deficiency by City forces or separate contract. The issuance of a permit constitutes a right-of-entry for the City or its contractor to enter upon the construction site for the purpose of correcting "deficiencies in erosion control measures."
c. All costs incurred by the City in establishing and correcting erosion control measures and enforcing the requirements under

this Chapter, shall be reimbursed by the Permittee. Costs shall first be applied against the builder's deposit. If all additional costs are not paid within thirty days of billing by the City, the City shall put a lien against the real estate on which the building or structure is located, or recover by obtaining a judgment against the owner of the real estate on which the building or structure is located. A lien may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, Section 429.061 to 429.081, but the assessment is payable in a single installment.

Subd. 5. Escrows and Financial Guarantee

A. Landscape Escrow and Financial Guarantee

The cash Landscape Escrow and Financial Guarantee shall be as set forth in the current city fee schedule.

B. Tree Escrow

The cash tree preservation escrow shall be as set forth in the current city Fee Schedule for each lot with at least one existing significant tree.

Subd. 6. Sump Pump

Discharging water from sump pump into the street shall not be permitted, pursuant to section 403.02 of the code, because such practice may cause unsafe driving conditions during winter freeze and thaw cycle. Discharge to the underground storm sewer or backyard is allowed.

Subd. 7. Sidewalk and Curb & Gutter Protection

The builder shall protect sidewalks, as well as curb and gutter, from construction vehicles by placing a minimum of six (6) inches of Class 5 gravel or crushed concrete on top of the sidewalk and curb & gutter before any vehicles shall cross.

Sidewalks, or curb and gutter, which are cracked or other damage during construction shall be replaced with new sidewalk or curb and gutter prior to the release of the landscape escrow.

Subd.8. Fence For Construction Debris

Prior to commencing any earth disturbing activity, the building contractor shall furnish and install a three (3) foot high chicken wire fence with seven (7) foot long metal stakes to hold up the fence. A similar fence shall be furnished and installed by the building contractor with a minimum size of ten (10) feet by ten (10) feet for holding construction debris. The purpose of this requirement is to minimize construction debris being blown onto another property. Furnishing and installing a dumpster shall be allowed in lieu of a chicken wire fence, providing that the dumpster shall not be located on a sidewalk, and further providing that the truck servicing the dumpster shall drive only across sidewalks that are protected by gravel or crushed concrete.

Subd. 9. Curb Stop (Water Shut Off)

Curb stops, or water shutoffs, shall not be located within a driveway or sidewalk.

The builder shall review the location of the curb stop in relation to the proposed driveway or sidewalk. If the plans indicate the curb stop will be located in the driveway or sidewalk then the builder shall notify the City's Zoning Administrator, and amend the plans to relocate the curb stop prior to installation of the driveway or sidewalk.

904.21 **URBAN STORM WATER POLLUTION CONTROL STANDARDS 04-2003**

Subd. 1.0 Purpose.

The purpose of this ordinance is to control or eliminate storm water pollution along with soil erosion and sedimentation within the city. It establishes standards and specifications for conservation practices and planning activities, which minimize storm water pollution, soil erosion and sedimentation.

Subd. 2.0 Scope.

Except where a variance is granted, any person, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision proposing a land disturbance activity within the city shall apply to the city for the approval of the storm water pollution control plan. No land shall be disturbed until the plan is approved by the city and conforms to the standards set forth herein.

Subd. 3.0 Definitions.

Unless specifically defined below, the words or phrases used in this ordinance shall have the same meaning as they have in common usage. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "must" are always mandatory and not merely directive.

Applicant: Any person or entity that applies for a building permit, subdivision approval or a permit to allow land disturbing activities. Applicant also means that person's agents, employees, and others acting under this person's direction.

Best Management Practices (BMPs): Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies. (Examples of BMPs can be found in the current versions of the Minnesota Pollution Control Agency's publications, "Protecting Water Quality in Urban Areas", and, "Storm-Water and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm-Water and Snow-Melt Runoff on Wetlands", the United States Environmental Protection Agency's, "Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices", (as a reference for BMPs) and the Minnesota Department of Transportation's, "Erosion Control Design Manual".)

Buffer: A protective vegetated zone located adjacent to a natural resource, such as a water of the state, that is subject to direct or indirect human alteration. Such a buffer strip is a integral part of protecting an aquatic ecosystem through filtering, pollutants and providing adjacent habitat. The width of a buffer strip is the width along each bank of a stream. Therefore a 30 foot-wide stream with 100 foot buffer strips has a total of 230 feet. Acceptable buffer vegetation includes preserving existing predevelopment vegetation and/or planting locally distributed native Minnesota trees, shrubs and grassy vegetation. Alteration of buffers is strictly limited. Buffer areas are designated with permanent markers.

Developer: A person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.

Discharge: The release, conveyance, channeling, runoff, or drainage, of storm water, including snowmelt, from a construction site.

Energy Dissipation: This refers to methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to; aprons, riprap, splash pads, and

gabions that are designed to prevent erosion.

Erosion: Any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of people and nature.

Erosion Control: Refers to methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

Erosion Sediment Practice Specifications or Practice: The management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by either the state, county, city or local watershed group, whichever is more stringent.

Exposed Soil Areas: All areas of the construction site where the vegetation (trees, shrubs, brush, grasses, etc.) or impervious surface has been removed, thus rendering the soil more prone to erosion. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site. It does not include stockpiles or surcharge areas of gravel, concrete or bituminous. Once topsoil is exposed it is considered "exposed soil", until it meets the definition of "final stabilization".

Filter Strips: A vegetated section of land designed to treat runoff as overland sheet flow. They may be designed in any natural vegetated form from a grassy meadow to a small forest. Their dense vegetated cover facilitates pollutant removal and infiltration.

Final Stabilization: Means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of seventy-five (75) percent of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures have been employed. Simply sowing grass seed is not considered final stabilization. (Examples of vegetative cover practices can be found in the current version of the Minnesota Department of Transportation's publication, "Supplemental Specifications to the Standard Specifications for Construction".)

Hydric Soils: Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Hydrophytic Vegetation: Macrophytic (large enough to be observed by the naked eye) plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Impervious Surface: A constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the surface in greater

quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, gravel roads, soil compacted by the movement of heavy equipment which significantly increases imperviousness.

Land Disturbance Activity: Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within this government's jurisdiction, including clearing & grubbing, grading, excavating, transporting and filling of land. Within the context of this rule, land disturbance activity does not mean:

A) Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work.
B) Construction, installation, and maintenance of fences, signs, posts, poles, and electric, telephone, cable television, utility lines or individual service connections to these utilities, which result in creating under five thousand (5,000) square feet of exposed soil.
C) Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural (forestry) crops.
D) Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have otherwise required an approved erosion and sediment control plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the city's requirements as soon as possible.

Native Vegetation: The presettlement group of plant species native to the local region, that were not introduced as a result of European settlement or subsequent human introduction.

Ordinary High Water Mark: This is generally the boundary elevation where the vegetation changes from predominately aquatic (where "aquatic" broadly means that the vegetation can survive moist conditions) to terrestrial. This elevation delineates 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. Water often reaches this elevation in spring. For rivers and streams the ordinary high water mark is usually the top of the bank. It is less well defined for lakes and wetlands. The definition in Minnesota Statute 103G.005, subdivision 14 says that the "..."Ordinary high water level" means the boundary of water basins, watercourses, public waters, and public waters wetlands, and:

(1) the ordinary high-water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to

leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;

(2) for watercourses, the ordinary high water level is the elevation of the top of the bank of the channel: and

(3) for reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

The term "ordinary high-water mark" is further defined in Minnesota Rule 6120.2500, subpart11. Ordinary high water marks are determined by the Minnesota Department of Natural Resources' area hydrologist.

Outstanding Resource Value Waters (ORVW): Minnesota Rule 7050.0180, subpart defines ORVW's as, "...waters within the Boundary Waters Canoe Area Wilderness, Voyageur's National Park, and Department of Natural Resources designated scientific and natural areas, wild, scenic, and recreational river segments, Lake Superior, those portions of the Mississippi River from Lake Itasca to the southerly boundary of Morrison County that are included in the Mississippi Headwaters Board comprehensive plan dated February 12, 1981, and other waters of the state with high water quality, wilderness characteristics, unique scientific or ecological significance, exceptional recreational value, or other special qualities which warrant stringent protection from pollution".

Paved Surface: A constructed hard, smooth surface made of asphalt, concrete or other pavement material. Examples include, but are not limited to, roads, sidewalks, driveways and parking lots.

Permanent Cover: Mass "final stabilization". Examples include grass, gravel, asphalt, and concrete. See also the definition of "final stabilization".

Runoff Coefficient: The fraction of total precipitation that is not infiltrated into or otherwise retained by the soil, concrete, asphalt or other surface upon which it falls, that will appear as the conveyance as runoff. This coefficient is usually estimated for an event or on an average annual basis.

Sediment: The product of an erosion process: solid material both mineral and organic, that is in suspension is being transported, or has been moved by water, wind, or ice, and has come to rest on earth's surface either above or below water level.

Sedimentation: The process or action of depositing sediment.

Sediment Control: The methods employed to prevent sediment from leaving the development site. Sediment control practices include silt fences, sediment traps,

earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

Soil: The inconsolidated mineral and organic material on the immediate surface of the earth. For the purpose of this document stockpiles of gravel, aggregate, concrete or bituminous materials are not considered "soil" stockpiles.

Stabilized: The exposed ground surface after it has been covered by sod, erosion control blanket, riprap, or other material that prevents erosion. Simply sowing grass seed is not considered stabilization.

Storm Water: Storm water, "means precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage". Storm water does not include construction site dewatering.

Storm Water Pollution Control Plan: A joint storm water and erosion and sediment control plan that is a document containing the requirements of section 4, that when implemented will decrease soil erosion on a parcel of land and off-site nonpoint pollution. It involves both temporary and permanent controls.

Structure: Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, and paved storage.

Subdivision: Any tract of land divided into building lots for private, public, commercial, industrial, development, or sale, rent or lease.

Temporary Protection: Short term methods employed to prevent erosion. Examples of such protection include; straw, mulch, erosion control blankets, wood chips, and erosion netting.

Urban: Of, relating to, characteristic of, constituting a city.

Vegetated or Grassy Swales: A vegetated earthen channel that conveys storm water, while treating the storm water by biofiltration. Such swales remove pollutants by both filtration and infiltration.

Water of the State: As defined in Minnesota Statutes 115.01, subdivision 22 the term "..."waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or boarder upon the state or any portion thereof". Disposal systems or treatment works operated under either a Minnesota Pollution Control Agency permit, an agency certificate of compliance or constructed wetlands designed for wastewater treatment.

Wet Detention Facility: A permanent man-made structure, containing a permanent pool of water, used for the temporary of runoff.

Wet Retention Facility: The same as a wet detention facility.

Wetlands: As defined in Minnesota Rules 7050.0130, subpart F, "..."wetlands" are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:

(A) A predominance of hydric soils;
(B) Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and
(C) Under normal circumstances support a prevalence of such vegetation.

Subd. 4.0 Storm Water Pollution Control Plan.

Every applicant for a building permit, subdivision approval, or a permit to allow land distributing activities must submit a storm water pollution control plan to the city engineer. No building permit, subdivision approval, or permit to allow land disturbing activities shall be issued until the city approves this plan. At a minimum these pollution abatement control practices must conform to those in the current version of the Minnesota Pollution Control Agency's publication, "Protecting Water Quality in Urban Areas".

A. General Policy on Storm Water Runoff Rates. For rivers, wetlands and streams, storm water discharge rates from storm water treatment basins shall not increase over the predevelopment two (2) year, ten (10) year and one hundred (100) year peak storm discharge rates, based on the last ten (10) years of how that land was used. Also accelerated channel erosion must not occur as a result of the proposed activity.

B. The Storm Water Pollution Control Plan and the Grading Plan. The storm water pollution control plan's measures, the limits of disturbed surface and the location of buffer areas shall be marked on the approved grading plan, and identified with flags, stakes, silt fence, signs etc. on the development site before work begins.

C. Inspections of the Storm Water Pollution Control Plan's Measures. At a minimum such inspections shall be done weekly by either the city, developer's designated representative, and after every storm or snow melt event large enough to result in runoff from the site.

D. Minimum Requirements of the Storm Water Pollution Control Plan. The plan shall contain or consider:

(1) The name and address of the applicant and the location of the activity.
(2) Project description: the nature and purpose of the land disturbing activity and the amount of grading, utilities, and building construction involved.
(3) Phasing of construction: time frames and schedules for the project's various aspects.
(4) A map of the existing site conditions: existing topography, property information, steep slopes, existing drainage systems/patterns, types of soils, waterways, wetlands, vegetative cover, one hundred (100) year flood plain boundaries, locations of existing and future buffer strips and labeling the portions of the site that are within trout stream or Outstanding Resource Value Water watersheds.
(5) A site construction plan that includes the location of the proposed land disturbing activities, stockpile locations, erosion and sediment control plan, construction schedule, and the plan for the maintenance and inspections of the storm water pollution control measures.
(6) Adjacent areas: neighboring streams, lakes, residential areas, roads, etc., which might be affected by the land disturbing activity.
(7) Designate the site's areas that have the potential for serious erosion problems.
(8) Erosion and sediment control measures; the methods that will be used to control erosion and sedimentation on the site, both during and after the construction process.
(9) Permanent stabilization: how the site will be stabilized after construction is completed, including specifications, time frames or schedules.
(10) Calculations: any that were made for the design of such items as sediment basins, wet detention basins, diversions, waterways, infiltration zones and other applicable practices.

E. General Storm Water Pollution Control Plan Criteria. The plan shall address the following:

(1) Stabilizing all exposed soils and soil stockpiles and the related time frame or schedule.

(2) Establishing permanent vegetation and the related time frame or schedule.

(3) Preventing sediment damage to adjacent properties and other designated areas such as streams, wetlands, lakes and unique vegetation such as oak groves, rare and endangered species habitats.

(4) Scheduling for erosion and sediment control practices.

(5) Where permanent and temporary sedimentation basis will be located.

(6) Engineering the construction and stabilization of steep slopes.

(7) Measures for controlling the quality and quantity of storm water leaving a site.

(8) Stabilizing all waterways and outlets.

(9) Protecting storm sewers from the entrance of sediment.

(10) What precautions will be taken to contain, when working in or crossing water bodies.

(11) Restabilizing utility construction areas as soon as possible.

(12) Protecting paved roads from sediment and mud brought in from access routes.

(13) The eventual disposing of temporary erosion and sediment control measures.

(14) How the temporary and permanent erosion and sediment controls will be maintained.

(15) How collected sediment and floating debris will be disposed.

F. Minimum Storm Water Pollution Control Measures and Related Inspections. These minimum control measures are required where bare soil is exposed. Due to the diversity of individual construction sites, each site will be individually evaluated. Where additional control measures are needed, they will be specified at the discretion of the city engineer. The city will determine what action is necessary.

(1) All grading plans and building site surveys must be reviewed by the city for the effectiveness of erosion control measures

in the context of site topography and drainage.

(2) Sediment control measures must be properly installed by the builder/developer before construction activities begin. Such structures may be adjusted during dry weather to accommodate short term activities, such as those that require the passage of very large vehicles. As soon as this activity is finished or before rainfall, the erosion and sediment control structures must be returned to the configuration specified by the city. All erosion and sediment control measures must be in place before a footing inspection will be done.

(3) Diversion of channeled runoff around disturbed areas, if practical, or the protection of the channel.

(4) Easements. If a storm water management plan involves directing some or all of the site's runoff, the applicant or his designated representative shall obtain from adjacent property owners any necessary easements or other property interests concerning the flowing of such water.

(5) The scheduling of the site's activities to lesson their impact on erosion and sediment creation, so as to minimize the amount of exposed soil.

(6) Control runoff as follows (Either 1 and 2 or 1 and 3):

(A) Unless precluded by moderate or heavy snow (Mulching can still occur if a light snow cover is present), stabilize all exposed inactive disturbed soil areas within one hundred (100) feet of any water of the state, or within one hundred (100) feet of any conveyance (curb, gutter, storm sewer inlet, drainage ditch, etc.) with sod, seed or weed-free mulch. This must be done, if the applicant will not work the area for seven (7) days on slopes greater than three (3) feet horizontal to one (1) foot vertical (3:1), fourteen (14) days on slopes ranging from 3:1 to 10:1 and twenty-one (21) days for flatter slopes.

(B) For disturbed areas greater than five (5) acres construct temporary or permanent sedimentation basins. Sedimentation basins must have a minimum surface area equal to at least 1% of the area draining to basin, and be constructed in accordance with accepted design specifications including access for operations and maintenance. Basin discharge rates must also be controlled to prevent erosion in the discharge channel. The applicant is required to obtain a National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) construction storm water permit from the Minnesota Pollution Control Agency for any project that disturbs one (1) acre or more of lane, or if it is part of a larger common plat of development or sale with a

planned disturbance equal to or greater than one (1) acre.

(C) For disturbed areas less than five (5) acres sedimentation basins are encouraged, but not required, unless specifically required by the city engineer. The applicant shall install erosion and sediment controls at locations directed by the city. Minimum requirements include silt fences, rock check dams, or other equivalent control measures along slopes. Silt fences are required along channel edges to reduce sediment reaching channel. Erosion and sediment controls must be regularly inspected and maintained.

(7) Sediment basins related to impervious surface area. Where a project's ultimate development replaces surface vegetation with one (1) or more acres of cumulative impervious surface, and all runoff has not been accounted for in a local unit of government's existing storm water management plan or practice, the runoff must be discharged to a wet sedimentation basin prior to entering waters of the state.

(A) At a minimum the work shall conform with the current version of the Minnesota Pollution Control Agency's publication, "Protecting Water Quality in Urban Areas", and the current requirements found in the same agency's NPDES/SDS permits for storm water associated with construction activities.

(B) All sediment shall be removed from the wet sedimentation basins prior to acceptance by the city.

(8) Generally, sufficient silt fence shall be required to all sheet flow runoff generated at an individual site, until it can either infiltrate or seep through silt fence's pores.

(9) Temporary stockpiling of fifty (50) or more cubic yards of excess soil on any lot or other vacant area shall not be allowed without issuance of a grading permit for the earth moving activity in question.

(10) For soil stockpiles greater than ten (10) cubic yards the toe of the pile must be more than twenty-five (25) feet from a road, drainage channel or storm water inlet. If such stockpiles will be left for more than seven (7) days, they must be stabilized with mulch, vegetation, tarps or other means. If left for less than seven (7) days, erosion from stockpiles must be controlled with silt fences or rock check dams.

(A) If for any reason a soil stockpile of any size is located closer than twenty-five (25) feet from a road, drainage channel or storm water inlet, and will be left for more than seven (7) days, it must be covered with tarps or

controlled in some other manner.

(11) All sand, gravel or other mining operations taking place in the development site shall have a Minnesota Pollution Control Agency National Pollutant Discharge Elimination System General Storm Water permit for industrial activities and all required Minnesota Department of Natural Resources permits.

(12) Temporary rock construction entrances meeting City specifications may be required wherever vehicles enter and exit a site.

(13) Parking is prohibited on all bare lots and temporary construction entrances, except where street parking is not available. Gravel entrances are to be used for deliveries only as per the development contract.

(14) Streets must be cleaned and swept whenever tracking of sediments occurs and before sites are left idle for weekends and holidays. A regular sweeping schedule shall be established.

(15) Water (impacted by the construction activity) removed from the site by pumping must be treated by temporary sedimentation basins, geotextile filters, grit chambers, sand filters, up-flow chambers, hydo-cyclones, swirl concentrators or other appropriate controls. Such water shall not be discharged in a manner that causes erosion or flooding of the site, receiving channels, adjacent property or wetland.

(16) All storm drain inlets must be protected during construction as instructed by the City engineer.

(17) Catch basins. All newly installed and rehabilitated catch basins must be protected during construction and until significant home construction is complete. Catch basins and storm sewer lines must be cleaned of all sediment prior to acceptance by the city.

(18) Roof drain leaders. All newly constructed and reconstructed buildings must route roof drain leaders to pervious areas (not natural wetlands) where the runoff can infiltrate. The discharge rate shall be controlled so that no erosion occurs in the pervious areas.

(19) Sediment Control. Developers shall install sediment control measures (silt fence, sod, organic sock, hay bales, etc.) adjacent to all newly constructed streets.

(A) Developer shall be solely responsible for maintaining sediment control measures adjacent to newly constructed streets until building permits are issued for individual lots.

(B) Developer and builder shall be responsible for maintaining sediment controls on individual lots after a building permit is issued. Developer shall remain responsible for maintaining sediment control measures on lots that have not been issued a building permit.

(20) Follow-up inspections must be performed by the city on a regular basis to ensure that erosion and sediment control measures are properly installed and maintained. In all cases the inspectors will attempt to work with the applicant and/or builder to maintain proper erosion and sediment control at all sites.

(A) In cases where cooperation is withheld, construction stop orders may be issued by the city, until erosion and sediment control measures meet specifications. A second erosion and sediment control/grading inspection must then be scheduled and passed before the final inspection will be done.

(21) Removal of topsoil more than one (1) acre during the life of the project shall not be done, unless written permission is given by the city engineer. Excessive removal of topsoil can cause significant soil erosion problems.

(22) Inspection and maintenance. All storm water pollution control management facilities must be designed to minimize the need of maintenance, to provide easy vehicle and personnel access for maintenance purposes and be structurally sound. These facilities must have a plan of operation and maintenance that ensures continued effective removal of the pollutants carried in storm water runoff. The city or its designated representative shall inspect all storm water management facilities during construction, during the first year of operation and at least once every five (5) years thereafter. The city will keep all inspection records on file for a period of five (5) years.

(A) Inspection and maintenance easements. It shall be the responsibility of the applicant to obtain any

necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purpose.

G. Permanent Storm Water Pollution Controls.

(1) The applicant shall either install, construct, or pay the city technical, engineering, legal and administrative fees for all storm water management facilities necessary to manage increased runoff, such that the predevelopment two (2) year, ten (10) year, and one hundred (100) year peak storm discharge rates are not increased. These predevelopment rates shall be based on the last ten (10) years of how that land was used. Accelerated channel erosion must not occur as a result of the proposed land disturbing or development activity. An applicant may also make an in-kind or a monetary contribution to the development and maintenance of community storm water management facilities designed to serve multiple land disturbing and development activities undertaken by one or more persons, including the applicant.

A) The following information shall be submitted with the storm water pollution control plan:

1) Drainage maps for both existing and proposed conditions.

2) Existing and proposed curve numbers used in calculations.

3) A description of soil types.

4) All calculations certified by a professional engineer identifying the existing and proposed peak runoff rates off-site for the 2-year, 10-year, and 100-year storm event for all watersheds.

5) All information used in determining the peak runoff rates.

6) First floor and lowest opening elevations for all existing proposed buildings.

(2) The applicant shall consider reducing the need for storm water management facilities by incorporating the use of natural topography and land over such as natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of treated (e.g. settled) water without compromising the integrity or quality of the wetland or pond.

(3) The following storm water management practices must be investigated in developing the storm water management part of the storm water pollution control plan in the following descending order of preference:

A) Protect and preserve as much natural or vegetated area on the site as possible, minimize impervious surfaces, and directing runoff to vegetated areas rather than to adjoining streets, storm sewers and ditches.

B) Flow attenuation of treated storm water by the use of open vegetated swales and natural depressions.

C) Storm water wet detention facilities (including percolation facilities if required by the city); and

D) A combination of successive practices may be used to achieve the applicable minimum control requirements specified in subsection (D) above. The applicant shall provide justification for the method selected.

H. Minimum Design Standards for Storm Water Drainage Facilities. Storm water drainage facilities shall be designed to convey the flow if surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to protect against surface erosion and siltation of surface water, and to prevent the discharge of excess runoff onto adjacent properties.

(1) The rational method or other approved method shall be used to design all storm sewers.

(2) All storm sewers shall be designed to convey the 10-year storm event.

(3) A map identifying all of the individual drainage areas, and storm sewer design sheets identifying drainage area, runoff coefficient, time of concentration, intensity, runoff, slope, diameter, length, and capacity of the pipe, velocity within the pipe and invert elevations shall be submitted with the plans. All normal and high water levels of existing and proposed storm water ponds, wetlands, lakes, streams and rivers shall be included on the plans.

(4) Catch basins shall have a minimum depth of 3.5 feet.

(5) 4-inch perforated drain tile shall be installed behind all new curb where a sand base is used. The drain tile shall be connected to the proposed storm sewer facilities.

I. Minimum Design Standards for Storm Water Wet Detention Facilities. At a minimum these facilities must conform to the most current technology as reflected in the current version of the Minnesota Pollution Control Agency's publication, "Protecting Water Quality in Urban Areas" and the current requirements found in the same agency's NPDES permits for storm water associated with construction activities. All storm water detention basins shall be designed in accordance with the Walker Method for Wet Detention Basins. The following standards shall be utilized:

(1) The permanent pool shall be equal to or greater than the runoff from a 2.5-inch rainfall for fully developed watershed conditions, with 25% volume over sizing to allow for sedimentation.

(2) The average pond depth obtained by dividing the permanent pool volume by the permanent pool area shall be a minimum of 3 feet.

(3) Side slopes shall be a maximum of 4:1 above normal water level (NWL) and a maximum of 3:1 below the NWL with a 10:1 bench located below the NWL.

(4) Pond inlets and outlets shall be located so as to minimize short-circuiting to the ponds.

(5) A 20-foot minimum easement shall be provided to all ponds to allow access for city maintenance crews.

(6) Concrete outlet structures shall be provided for all storm water basins in accordance with city standards.

(7) The minimum floor elevation for all structures adjacent to storm water ponds, wetlands, lakes or other water way shall be at least 2 feet above the 100-year flood elevation.

(8) The lowest opening in any structure adjacent to storm water ponds, wetlands, lakes, or other water ways shall be at least 1 foot above the emergency overflow elevation. A minimum freeboard of 1 foot is required between the 100-year flood elevation and the emergency overflow elevation.

(9) The minimum floor elevation for all structures adjacent to land-locked storm water ponds, wetlands, lakes, or other water ways shall be at least 2 feet above the back to back 100-year flood elevation.

J. Minimum Protection for Natural Wetlands.

(1) Runoff must not be discharged directly into wetlands without appropriate quality (i.e., treated) and quantity runoff control, depending on the individual wetland's vegetation sensitivity. See the current version of the Minnesota Pollution Control Agency's publication, "Storm-Water and Wetlands: Planning and Elevation Guidelines for Addressing Potential Impacts of Urban Storm- Water and Snow-Melt Runoff on Wetlands" for guidance.

(2) Wetlands must not be drained or filled, wholly or partially, unless replaced by either restoring or creating wetland areas of at least equal public value. Compensation, including the replacement ratio and quality of replacement should be consistent with the requirements outlined in the Board of Water and soil Resources rules that implement the Minnesota Wetland Conservation Act 0f 1991 including any and all amendments to it.

(3) Work in and around wetlands must be guided by the following principles in descending order of priority:

A) Avoid both the direct and indirect impact of the activity that may destroy or diminish the wetland.

B) Minimize the impact by limiting the degree or magnitude of the wetland related activity.

C) Rectify the impact by repairing, rehabilitating, or restoring the affected wetland environment with one of at least equal public value.

D) Reduce or eliminate the adverse impact over time by preservation and maintenance operations during the life of the activity.

K. Vegetated Buffer Protection for Rivers, Streams and Wetlands.

1) At the minimum a vegetated buffer strip on each bank the width of either the 100-year flood plain or one hundred (100) feet (forty (40) feet for non-Outstanding Resource Value Waters wetlands) whichever is larger, shall be provided. If possible, such a buffer

strip shall consists of predevelopment native vegetation. Ideally for a river or stream, a tree canopy in the part of the buffer zone closest to the stream channel should be established. Buffer width shall be increased at least two (2) feet (four (4) feet for wetlands) for every one (1) percent of slope of the surrounding land. Natural wetlands adjacent to rivers and streams are not counted as buffers, and therefore their widths are not counted as part of the channel's buffer strip. Such wetlands rate their own forty (40) foot plus vegetated buffer strip.

A) Detailed buffer design is usually site specific. Therefore the city engineer can require a larger buffer than the minimum.

B) For newly constructed buffer sites the design criteria should follow common principles and the example of nearby natural areas. The site should be examined for existing buffer zones and mimic the slope structure and vegetation as much as possible. Buffer design and protection during construction should do any or all of the following: slow water runoff, trap sediment, enhance water infiltration, trap fertilizers, pesticides, pathogens, heavy metals, trap blowing snow and soil, and act as corridors for wildlife. The amount of stress put on these functions will determine the buffer zone's final configuration.

C) The applicant or designated representative shall maintain the buffer strip for the first two (2) years. After that, the city, or a party designated by the city, shall maintain the buffer strip.

D) Drain tiles will short-circuit the benefits of vegetated buffer strips. Therefore drain tiles on the development site shall be identified and rendered inoperable.

E) Buffer strips can be made into perpetual conservation easements.

F) Buffer strips shall be marked as such with permanent markers.

G) The city engineer may allow buffer area averaging in cases where averaging will provide additional protection to either the resource or environmentally valuable adjacent upland habitat, provided that the resource's total buffer area remains the same. Care shall be taken in averaging do that the buffer's usefulness is not short-circuited.

2) Water courses used solely for drainage, such as road side ditches, are exempt from this provision. Minnesota Pollution Control Agency Class 7 limited resource (Waters not protected for aquatic habitat or recreational use) value waters are also exempt from this provision, unless the Class 7 water is directly tributary to either a Minnesota Department of Natural Resources designated trout stream or a state designated Outstanding Resource Value Water.

L. Models/Methods/Computations. Hydrologic models and design methodologies used for the determining runoff characteristics and analyzing storm water management structures must be approved by the city engineer. Plans, specifications and computations for storm water management facilities submitted for review must be sealed and signed by a registered professional engineer. All computations must appear in the plans submitted for review, unless otherwise approved by the city engineer.

Subd. 5.0 Review.

The city engineer shall review the storm water pollution control plan. This review must be completed within ninety (90) days of receiving the plan from the applicant.

A. Permit Required. If the city determines that the storm water pollution control plan meets the requirements of this ordinance, the city shall issue a permit valid for a specific period of time, that authorizes the land disturbance activity contingent on the implementation and completion of the storm water pollution control plan. The fee shall be as set forth in the current city fee schedule.

B. Denial of Permit. If the city determines that the storm water pollution control plan does not meet the requirements of this ordinance, the city shall not issue a permit for the land disturbance activity.

(1) All land use and building permits for the site in question must be suspended until the applicant has an approved storm water pollution control plan.

Subd. 6.0 Modification of Plan.

An approved storm water pollution control plan may be modified on submission of a written application for modification to the city, and after written approval by the city engineer. In reviewing such an application, the city engineer may require additional reports and data.

A. Records Retention. The city shall retain the written records of such modifications for at least five (5) years.

Subd. 7.0 Financial Securities.

The total security amount in the project's development contract with the city (sanitary sewer, water main, storm sewer, street construction, monuments, street lighting, street signs, etc.) shall also provide security for the performance of work approved by the city in the storm water pollution control plan related remedial work, if the development contract's security totals three thousand dollars ($3,000) per acre for the maximum acreage of soil that will be simultaneously exposed during the project's construction. (see the definitions of "exposed soil area" and "final stabilization" for clarification.) If this security is less than the three thousand dollars ($3,000) per acre value, then it shall be increased to that at least amount.

A. The city may request a greater financial security, if the city considers that the development 1 site is especially prone to erosion, or the resource to be protected is especially valuable.

B. The fact that the total security in the project's development contract can be drawn from to pay for the performance of the work approved by the city in the storm water pollution control plan and any storm water pollution control plan related remedial work shall be clearly stated in the developer's contract with the city.

C. Maintaining the Financial Security. If at any time during the course of the work this amount falls below 50% of the required deposit, the applicant shall make another deposit in the amount necessary to restore the required amount within ten (10) days. Otherwise the city may:
(1) Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.

(2) Revoke any permit issued by the city to the applicant for the site in question and any other of the applicant's site within the city's jurisdiction.

B. Proportional Reduction of the Financial Security. When more than one-third of the applicant's maximum exposed soil area achieves final stabilization, the city can reduce the total required amount of the financial security by one-third,

if recommended by the city engineer. When more than two-thirds of the applicant's maximum exposed soil area achieves final stabilization, the city can reduce the total required amount of the financial security to two-thirds of the initial amount, if recommended by the city engineer.

C. Action Against the Financial Security. The city may act against the financial security if any of the conditions listed below exist. The city shall use funds from this security to finance any corrective or remedial work undertaken by the city or a contractor under contract to the city an to reimburse the city for all direst cost incurred in the process of remedial work including, but not limited to, technical, engineering, legal and administrative staff.

(1) The applicant ceases land disturbing activities and/or filling and abandons the work site prior to completion of the grading plan.

(2) The applicant fails to conform to any city approved grading plan and/or the storm water pollution control plan as approved by the city, or related supplementary instructions.

(3) The techniques utilized under the storm water pollution control plan fail within one year of installation after final inspection.

(4) The applicant fails to reimburse the city for corrective action taken under Section 8.

(5) Emergency action under either part 7.D or any part of Section 8.

D. Emergency Action. If circumstances exist such that noncompliance with this ordinance poses an immediate danger to the public health, safety and welfare, as determined by the city engineer, the city may take emergency preventative action. The city shall also take every reasonable action possible to contact and direct the applicant to take any necessary action. Any cost to the city may be recovered from the applicant's financial security. The city shall have the right to immediately enter the applicant's land, and when necessary, adjoining property owner's land to take remedial action.

E. Returning the Financial Security. Any unspent amount of the financial security deposit with the city for faithful performance of the storm water pollution control plan and any storm water and pollution control plan related

remedial work must be released not more than one (1) full year after completion of the installation of all such measures and the establishment of final stabilization.

Subd. 8.0 Notification of Failure of the Storm Water Pollution Control Plan.

The city shall notify the applicant, when the city is going to act on the financial securities part of this ordinance.

A. Notification by the city. The initial contact will be to the party or parties listed on the application and/or the storm water pollution control plan as contracts. Except during an emergency action under Section 7.4, 2 working days after notification by the city or 3 working days after the failure of erosion control measures, whichever is less, the city at its discretion, may begin corrective work. Such notification should be in writing, but if it is verbal, a written notification should follow as quickly as practical. If after making a good faith effort to notify the responsible party or parties, the city has been unable to establish contact, the city may proceed with corrective work.

    (1) There are conditions when time is of the essence in controlling erosion. During such a condition the city may take immediate action, and then notify the applicant as soon as possible.

B. Erosion Off-Site. If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of-entry from the adjoining property owner, and implement the cleanup and restoration plan within 2 working days of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the city, shall more than seven (7) calendar days go by without corrective action being taken. If in the discretion of the city, the applicant does not repair the damage caused by the erosion, the city may do the remedial work required and charge the cost to the applicant.

C. Erosion into Street, Wetlands or Water Bodies. If eroded soils (including tracked soils from construction activities) enter or appear likely to enter streets, wetlands, or other water bodies, prevention strategies, cleanup and repair must be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.

D. Failure to Do Corrective Work. When an applicant fails to conform to any provision of this Sections 7 or 8 within the time stipulated, the city may take the following actions:

(1) Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.

(2) Revoke any permit issued by the city to the applicant for the site in question or any other of the applicant's sites within the city's jurisdiction.

(3) Direct the correction of the deficiency by city forces or by a separate contract. The issuance of a permit constitutes a right-of-entry for the city or its contractor to enter upon the construction site for the purpose of correcting deficiencies in erosion control.

(4) All costs, including technical, engineering, legal and administrative, incurred by the city in correcting storm water pollution control deficiencies must be reimbursed by the applicant. If payment is not made within thirty (30) days after costs are incurred by the city, payment will be made from the applicant's financial securities as described in Section 7.

(5) If there is an insufficient financial amount in the applicant's financial securities as described in Section 7, to cover the costs incurred by the city, then the city may assess the remaining amount against the property. As a condition of the permit, the owner shall waive notice of any assessment hearing to be conducted by the city, concur that the benefit of the property exceeds the amount of the proposed assessment, and waive all rights by virtue of Minnesota Statute 429.081 to challenge the amount or validity of assessment.

Subd. 9.0 Variance.

Variance requests are governed by the provision of 905.04 of city code.

(A) Variance Request. Required by the city code.

Subd. 10.0 Enforcement.

The city shall be responsible enforcing this ordinance.

(A) Penalties. Any person, firm, or corporation failing to comply with or violating any of these regulations, shall be deemed guilty of a misdemeanor and be subject to a fine of $1000.00 or 90 days in jail or both. All land use and building permits must be suspended until the applicant has corrected the violation. Each day that a separate violation exists shall constitute a separate offense.

Subd. 11.0 Right of Entry and Inspection.

(A) Powers. The applicant shall allow the city and their authorized representatives, upon presentation of credentials to:

(1) Enter upon the permitted site for the purposes of obtaining information, examination of records, conducting investigations or surveys.

(2) Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations.

(3) Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site.

(4) Inspect the storm water pollution control measures.

(5) Sample and monitor any items or activities pertaining to storm water pollution control measures.

Subd. 12.0 Abrogation and Greater Restrictions.

It is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

Subd. 13.0 Severability.

The provisions of this ordinance are severable, and if any provisions of this ordinance, or application of any provision of this ordinance to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this ordinance must not be affected thereby.

Subd. 14.0 Effective Date.

This ordinance will take effect and be in force after its passage and official publication.

Part 5. Variances, Permits and Appeals

905.01 **ZONING ADMINISTRATOR (1-2005)**

The clerk or such other person designated by the Council shall act as the city's zoning administrator and shall:

Enforce this chapter;

Refer building applications to the city's designated building inspector who will issue building permits, and make and maintain records thereof, and conduct inspections of buildings and use of land to determine compliance with the terms of this chapter and other appropriate county ordinances;

Maintain permanent and current records of this ordinance, including but not limited to all maps, amendments, and special uses, variances, appeals and applications therefor;

Receive, file and forward all applications for appeals, variances, special uses or other matters to the designated official bodies;

Institute in the name of the city, any appropriate actions or proceedings against a violator as provided for;

Serve as an ex-officio non-voting member of the planning commission, and shall be paid for attendance at Planning Commission meetings at the same per meeting rate as Planning Commission members. In the event that the Zoning Administrator is also serving as council member or Mayor, he/she will be deemed as serving as a council representative at Planning Commission meetings, he/she will be allowed to vote as a council member/Mayor and will only be paid as council member/Mayor. (03-2009)

Any other duties relating to the purposes of this or related ordinances which may be delegated to him or her by the council.

The requirement for a zoning permit shall include but not be limited to new structures, fences, signs and as otherwise required in the City Code, and is not required for repairs and remodels which do not change the function or footprint of existing structures. (02-2005)

Failure to obtain a zoning permit shall cause the fee to be doubled. (02-2005)

905.02 BUILDING PERMIT

Hereafter no person shall erect, alter, or move any building or structure or part thereof without first securing a building permit.

905.03 BOARD OF ADJUSTMENTS AND APPEALS

Subd. 1. Establishment of Board. The planning commission is hereby constituted and established as the board of adjustments and appeals.

Subd. 2. Powers and Duties. The board shall have the powers and duties as are given it by state law, including that of hearing appeals or requests on the following cases:

A. Appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative officer in the enforcement of this ordinance.

B. Requests for variances from the literal provisions of this ordinance in instances where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

C. Appeals from any action of an administrative officer in denying or granting a building permit.

Subd. 3. Public Hearing. Within sixty days after filing of a request for a variance or an appeal from an administrative order or determination, the board or council shall hold a hearing thereon and shall hear such persons as wish to be heard, either in person or by agent or attorney. Notices of any hearing shall be mailed not less than ten days before the date of the hearing to the person or persons who file an appeal or request and in case of a request for a variance to each owner of property situated wholly or partially within 350 feet of the property to which the variance relates insofar as the names and addresses of such owners can be determined by the board from records available. If the board holds the hearing, within a reasonable time after the hearing, the board shall make its recommendations to the council. The council shall make the final decision.

Subd. 4. Records. The board shall provide for a record of its proceedings, which shall include the minutes of its meetings, its findings and the action taken on each matter heard by it including its recommendation. The clerk shall maintain a permanent record of the disposition of all appeals and requests for variances.

Subd. 5. Conditions. The board may recommend the imposition of conditions to insure compliance and to protect adjacent properties. The board may not recommend as a variance any use that is not permitted under this ordinance for the property in the zone where the affected person's land is located.

Subd. 6. Appeal. Any person or persons jointly or severally aggrieved by any decision of the council may appeal to the District Court as provided by law. The appeal shall be heard and determined by the court without a jury.

905.04 **VARIANCES**

Subd. 1. General. Where the council finds that extraordinary and unnecessary hardships may result from strict compliance with this chapter, variances may be granted provided that such variations will not have the effect of nullifying the intent and purpose of the comprehensive plan, zoning map or the zoning ordinance. *Pursuant to MN State Statute 14.055 Rule Variances; Standards*

Subd. 2. Application. An application for a variance shall be filed with the zoning administrator stating the exceptional conditions and peculiar difficulties claimed.

Subd. 3. Referral to Council or Board of Adjustment and Appeals. The request shall be referred to the Council or Board of Adjustment and Appeals for a public hearing and recommendations pursuant to Section 905.03.

Subd. 4. Action by Council. In considering approval for variance, the council shall consider the advice and recommendations of the Board of Adjustment and Appeals if any and the effect of the proposed variance upon the health, safety and general welfare of the community existing and anticipated, and the effect of the proposed variance upon the comprehensive plan. If the council determines that the special conditions apply to the structure or land in question are peculiar to such property, and do not apply generally to other land or structures in the district in which said land is located, and that the granting of the variance is necessary and that granting the variance will not in any way impair health, safety, comfort, morals, or in any other respect be contrary to the intent of this ordinance and the comprehensive plan, and that the granting of such variance will not merely serve as a convenience to the applicant, but is necessary to alleviate demonstrable hardship or difficulty, the council may grant such variances and impose conditions and safeguards therein. Variances may be denied by motion of the council and such motion shall constitute a finding and determination that the conditions required for approval do not exist. No application for a variance which has been denied wholly or in part shall be resubmitted for a period of six months from the date of said order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment and Appeals.

Subd. 5. Termination of Variance. A violation of any condition set forth in granting a variance shall be a violation of this ordinance and automatically terminates the variance.

A variance shall become void one (1) year after it was granted unless made use of.

(12-2003)

Subd. 6. Fees. Any person filing an application for a variance shall pay an application fee as set forth in the current City fee schedule before any work on the application may commence. The application fee is payable at the time the application is filed with the City clerk and is not refundable. The applicant shall further pay a deposit with the City, as set forth in the current fee schedule, to reimburse the City for all engineering, technical, legal and administrative costs incurred by the City in processing the application. Any amount of the deposit remaining after all such costs are reimbursed to the City shall be refunded to the applicant, All such costs shall be paid by the applicant prior to final action by the City on the application.

905.05 **CONDITIONAL USE PERMIT**

Subd. 1. General. Whenever this ordinance requires a conditional use permit, an application therefor in writing shall be filed with the zoning administrator. Refer to the R-1, R-2, etc. section for eligible permits.

Subd. 2. Application. The application shall be accompanied by:

A. A site plan of the proposed use showing such information as may be necessary or desirable, including, but not limited to, the following:

Site plan drawn at scale showing parcel and building dimensions;

Location of all buildings and their square footages;

Curb cuts, driveways, access roads, parking spaces and off-street loading areas;

Existing topography;

Finished grading and drainage plan;

Type of business or activity and proposed number of employees;

Proposed floor plan of any building with use indicated;

Sanitary sewer and water plan with estimated use per day;
Soil type and soil limitations for the intended use.

B. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be made part of the permit application.

C. A location map showing the general location of the proposed use within the city.

D. a map showing all principal land use within 350 feet of the parcel for which application is being made.

Subd. 3. Referral to Council or Planning Commission. The application and related file shall be referred to the council or planning commission for study concerning the effect of the proposed use on the comprehensive plan and on the character and development of the neighborhood.

Subd. 4. Public Hearing. Within 30 days after filing an application, a date shall be set for a public hearing thereon by the city council or planning commission. Notice of any such hearing shall be mailed not less than 10 days before the date of hearing to the applicant and to each property owner situated wholly or in part within 350 feet of the property to which the conditional use permit relates, insofar as the names and addresses can be determined from the clerk from records available to the public. If the hearing is conducted by the planning commission, it shall transmit the findings to the council within 60 days from the date of filing the application.

Subd. 5. Action by Council. The council shall consider the advice and recommendation of the planning commission if any and the effects of the proposed use upon the health, safety and welfare of the city and of the occupants of the immediate neighborhood. Should the council find that the proposed use when conducted under the specified conditions will not be detrimental to the health, safety, or general welfare, they may grant a conditional use permit specifying the conditions for location and use requested. The council may also attach additional conditions as deemed necessary to the permit, to reflect any conditions peculiar to the site in question. Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity to the

terms of such permit and of any conditions designated in connection therewith. A periodic review of the permit and its conditions shall be maintained. The permit shall be issued for a particular use and not for a particular person or firm.

Subd. 6. Termination of permit. A violation of any condition set forth in a conditional use permit shall be a violation of this chapter and automatically terminate the permit.

A conditional use permit issued hereunder shall become void one year after it was granted unless made use of.

(12-2003)

Subd. 7. Fees. Any person filing an application for a conditional use permit shall pay an application fee as set forth in the current City fee schedule before any work on the application may commence. The application fee is payable at the time application is filed with the City clerk and is not refundable. The applicant shall pay a deposit with the City, as set forth in the current fee schedule, to reimburse the City for all engineering, technical, legal and administrative costs incurred by the City in processing the application. Any amount of the deposit remaining after all such costs are reimbursed to the City shall be refunded to the applicant. All such costs shall be paid by the applicant prior to final action by the City on the application.

905.06 AMENDMENT OF ZONING ORDINANCE

Subd. 1. Amendment by Council. The provisions of this ordinance may be amended by the council.

Subd. 2. Initiation for Amendment. The council or the planning commission may, upon their own motion, initiate a request to amend the text or the districting map of this chapter. Any person owning real estate may petition the council to amend the district boundaries so as to affect his real estate or a larger parcel which includes said real estate.

Subd. 3. Application for Amendment. All petitions or requests for amendments shall be filed with the zoning administrator. When said application involves the changing of zoning districts and boundaries thereof, it shall be accompanied by a map or plat showing the lands proposed to be changed, type of soil, and all lands

within 200 feet of the boundaries of the property proposed to be rezoned, together with a certified list of names and addresses of the owners of the land in such area.

Subd. 4. Referral to the Planning Commission. All petitions or requests for amendments shall be referred to the planning commission unless otherwise determined by the council. The planning commission shall make its recommendation to the council within sixty days of filing of the request or within sixty days of any continuance of such matter granted at the applicant's written request, by filing such recommendation with the zoning administrator. **(03-2009)**

Subd. 5. Public hearing. Within 30 days after filing an application, a date shall be set for a public hearing thereon by the city council or planning commission. The zoning administrator shall cause to be published a notice of public hearing in the official newspaper at least ten days but not more than thirty days prior to the date of the hearing. If the request is for a change in district boundaries affecting an area of five
acres or less, a similar notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates. For the purpose of giving mailed notice, the zoning administrator may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the zoning administrator and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made

Subd. 6. Action by Council. The zoning administrator shall thereupon refer such matter to the council for consideration on the next regular meeting, at which time the council shall act thereon. Notice of council action shall be made to the applicant.

Subd. 7. Fees. Any person filing an application for an amendment of the zoning ordinance shall pay a fee as set forth in the current fee schedule before any work on the application may commence. The application fee is payable at the time application is filed with the city clerk and is not refundable. The applicant shall further pay a deposit with the City, as set forth in the current fee schedule, to reimburse the City for all engineering, technical, legal and administrative costs incurred by the City in processing the application. Any amount of the deposit remaining after all such costs are reimbursed to the City shall be refunded to the

applicant. All such costs shall be paid by the applicant prior to final action by the City on the application. (12-2003)

905.07 **INTERIM USE PERMIT (09-2006)**

Subd. 1 Purpose The purpose of an interim use permit is to allow a reasonable use of property for uses not specifically permitted in a zoning district on a temporary basis as deemed appropriate by the city council upon recommendation of the advisory planning commission and benefit the public good.

Subd. 2 Definition "Interim use" is a temporary use of property until a particular date, or until the occurrence of a particular event.

Subd. 3 Evaluation Criteria The council may issue interim use permits for an interim use of property if:

a. The use is deemed to be temporary in light of the Comprehensive Guide Plan designation for the property site on which the use is located and the use conforms to the bulk and performance standards of the zoning regulations herein;
b. The date or event that will terminate the use can be identified with certainty;
c. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
d. The user agrees to any conditions that the council deems appropriate for permission of the use; and
e. The use meets the standards set forth in the zoning regulations herein governing conditional use permits.

Subd. 4 [Reserved]

Subd. 5 Termination Any interim use permitted hereunder shall terminate upon the earlier of a specified date, or upon the occurrence of a particular event, which is specified in the permit.

Subd. 6 Revocation All interim use permits shall be subject to an annual administrative review. The purpose of such review shall be to determine that the

conditions of a permit issued hereunder are within compliance. Any interim use permit may be revoked for failure to comply with any condition of the permit following notice of the noncompliance and a hearing by the city council all interested parties being given opportunity to be heard.

Subd. 7 Public Hearings Public hearings on the granting of interim use permits shall be held in the manner provided in Minnesota Statute 462.357, Subd. 3.

Subd. 8 Reapplication No application of a property owner for an interim use permit, shall be considered within a period of one year following a denial of such request, except that a new application may be permitted if new evidence or a change of circumstances warrant it.

Subd. 9 Fees Any person filing an application for an interim use permit shall complete the following at the time of filing of the application: 1) payment of a non-refundable application fee as set forth in the current fee schedule; 2) payment of a cost deposit with the city, as set forth in the current fee schedule, to reimburse the City for all engineering, technical, legal and administrative costs incurred by the City in processing the application; and 3) execution of a Deposit and Disbursement Agreement with the City. All costs incurred by the City relating to the application shall be paid by the applicant prior to final action by the City in the application. Any amount of the cost deposit remaining after all such costs are reimbursed to the City shall be refunded to the applicant. Payment of the application fee and the cost deposit, and execution of the Deposit and Disbursement agreement, shall be completed before any work on the application may commence.

905.08 **DEMOLITION PERMITS (05-2011)**

Hereafter demolition permits shall be required for the demolition, in whole or in part, of any building or structure that is serviced by utilities, including but not limited to sewer, water, gas and/or electricity.

Part 6. Towers and Antennae

906.01 **PURPOSE**

In order to accommodate the communication needs of residents and business while protecting the public health, safety, and general welfare of the community, the Council finds that these regulations are necessary in order to:

(1) facilitate the provision of wireless telecommunication services to the residents and businesses of the City;

(2) minimize adverse visual effects of towers, and development inconsistent with the city's comprehensive plan, through careful location, design and sitting standards;

(3) avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and,

(4) maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

906.02 **DEFINITIONS**

The following words and terms when used in this Chapter shall have the following meanings unless the context clearly states otherwise:

Antenna- Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas such as whip antennas.

Co-location- Requirement that towers be structurally designed to accommodate multiple users and regulated to require multiple users.

Commercial Wireless Telecommunication-Licensed (or authorized by F.C.C,) commercial wireless telecommunication services including

cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Public Utility-Person, corporations, or governments supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For the purpose of this ordinance, commercial wireless telecommunication service facilities shall not be considered public utility uses, and are defined separately.

Tower-Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces and masts, intended primarily for the purpose of mounting an antenna, meteorlogical device, or similar apparatus above grade.

Tower, Multi-User-A tower to which is attached the antennas of more than one commercial wireless telecommunication service provider or governmental entity.

Tower, Single-User- A tower to which is attached only the antennas of a single user, although the tower may be designed to accommodate the antennas of multiple users as required in this Code.

906.03 **CONDITIONAL USE PERMIT REQUIRED**

Construction and placement of towers in all zoning districts shall require a conditional use permit.

As part of the conditional use, the applicant shall reimburse the City for all administrative, technical and legal costs incurred by the City in reviewing the application. The continuing validity of a conditional use permit is contingent upon payment of these costs. Permitee shall notify the city prior to transfer of the permit to a third party.

906.04 **TOWERS IN RESIDENTIAL ZONING DISTRICTS**

Towers in residential zoned areas shall be allowed only as follows:

(1) Towers supporting licensed amateur radio, citizen band radio and television antennas, conforming to all applicable provisions of this Code, shall be allowed only in the rear yard of residentially

zoned parcels. Roof mounted structures supporting satellite dishes, and radio, televisions and telephone antennas shall be allowed.

(2) Towers supporting commercial antennas and conforming to all applicable provisions of this Code, shall be allowed only in the following residentially zoned locations:

(a) Church sites, when camouflaged such as within steeples or bell towers;
(b) Park sites, when compatible with the nature of the park; and
(c) Government, school, utility, and institutional sites.

906.05 SHOWING OF NEED AND CO-LOCATION REQUIREMENTS

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

(1) A proposal for a new commercial wireless telecommunication service tower shall be supported with a showing by the applicant that a significant coverage gap exits for wireless services users in the City that can be adequately filled by the proposed location and that such location is the least intrusive alternate available to fill the service gap. To demonstrate that the proposed location is the least intrusive alternative the applicant must show that no other antenna locations provide or would provide adequate coverage to the proposed area within the City. Further, an application for new wireless service shall not be approved unless the City Council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one mile search radius of the proposed tower due to one or more of the following reasons:

(a) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

(b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

(c) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

(d) Other reasons that make it infeasible to locate the planned telecommunication equipment upon an existing or approved tower or building.

(2) Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for multiple users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

906.06 TOWER CONSTRUCTION REQUIREMENTS

All towers erected, constructed, or located within the City, and all wiring therefor, shall comply with the requirements set forth of Chapter 10 of this Code.

906.07 TOWER AND ANTENNA DESIGN REQUIREMENTS

Proposed or modified towers and antennas shall meet the following design requirements:

(1) Towers and antennas shall be designed to blend into the surrounding Environment through the use of color and /or camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

(2) Commercial wireless telecommunication service towers shall be of a monopole design.

906.08 **TOWER SETBACKS**

Towers shall conform with each of the following minimum setbacks requirements:

(1) In residentially zoned areas, the required setback for antenna and tower not rigidly attached to a building shall be not less than the height of the antenna and tower, or the setback requirements under section 902, whichever is greater.

(2) In non-residentially zoned areas, the required setback from adjacent property, street or existing or planned public right-of-way for the tower shall not be less than the height of the tower, including all antenna and other attachments, or the setback under section 902, whichever is greater.

(3) Towers shall not be located between a principal structure and a public right of way, with the following exceptions:

a) In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial public right of way or easement.

(4) An exception to the set back requirement under this section, and section 902 of the code, shall be allowed in industrial districts, where towers may encroach into the rear setback area, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easement.

(5) In its sole discretion, the City Council may reduce a tower setback otherwise required by ordinance for the purpose of allowing integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar

structure, where credible engineering data presented by the applicant demonstrates no safety risk from the setback modification.

906.09 **TOWER LIGHTING**

Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

906.10 **SIGNS AND ADVERTISING**

The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

906.11 **ACCESSORY UTILITY BUILDING**

All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetive screening better reflects and complements the architectural character of the surrounding neighborhood.

906.12 **ABANDONED OR UNUSED TOWERS OR PORTIONS OF TOWERS**

Abandoned or unused towers or portions of towers shall be removed as follows:

(1) All abandoned or unused towers and associated facilities shall be removed within six months of the cessation of operations at the site unless a time extension is approved by the City Council.
A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time application.

The owner of the tower must provide written notice to the City immediately upon cessation of operations at the site. All sales must be reported to the City. In the event that a tower is not removed within six months of the cession of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property, unless the property is owned by the city. In such case the lessee shall be obligated to pay the costs of said removal.

(2) Unused portions of towers above a manufactured connection shall be removed within six months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new conditional use permit.

(3) The owner of the tower shall maintain the structure in a safe condition. Non-maintained towers or unsafe conditions are subject to enforcement under Section 901.16 of the City Code and Chapter 10 of the City Code.

906.13 ANTENNAS MOUNTED ON ROOFS, WALLS AND EXISTING TOWERS

The placement of wireless telecommunication antennas on roofs, walls, and existing towers may by approved by the City Council, provided the antennas meet the requirements of this Code, after submittal of :

1) a final site and building plan as specified by the City Code, and

2) a report prepared by qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.

906.14 INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS

No telecommunications service governed under this section shall interfere with public safety telecommunications transmissions. All applicants for new services or changes in existing service shall be accompanied by an intermodulation study, carried out at applicants' expense, that demonstrates no interference with public

safety telecommunications transmissions. In the event a permittee creates radio frequency interference with public safety telecommunications, after documentation by credible testing, the permittee shall remedy the interference within five (5) business days, at its sole cost, or be subject to revocation of the permit granted by the City.

906.15 **ADDITIONAL SUBMITTAL REQUIREMENTS**

In addition to the information required elsewhere in this Code, development applications for towers shall include the following supplemental information:

(1) A report from a qualified and licensed professional engineer which:

(A) describes the tower height and design including a cross section and elevation;

(B) documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;

(C) describes the tower's capacity, including the number and type of antennas that it can accommodate;

(D) documents what steps the applicant will take to avoid interference with established public safety telecommunications;

(E) includes an engineer's stamp and registration number;

(F) includes soil sample reports, which indicates sufficient ground support; and

(G) includes other information necessary to evaluate the request.

(2) For all commercial wireless telecommunication service towers, a written commitment from the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

(3) Before the issuance of a building permit, the following information

shall be submitted:

(A) Proof that the proposed tower complies with regulations administered by Federal Aviation Administration; and

(B) a report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the aforementioned structural and electrical standards.

(4) Towers on city-owned property shall comply with the following:

(A) When a permit is granted for the construction of a tower on City owned property, the applicant shall obtain adequate insurance and commit to lease agreement which includes compensation for the use of public land and other necessary provisions and safeguards. The compensation shall be established by the City Council after considering the comparable rates in other Cities, potential expenses, risks to the City and other appropriate factors.

(B) The applicant will submit a letter of credit, performance bond or other security acceptable to the City to cover the estimated costs of antenna or tower removal, in the event the tower is built and the owner fails to remove it.

(C) The applicant must reimburse the City for any cost it incurs due to the presence of the applicant's antennas or towers.

(D) When a permit is granted for the construction on industrial, business or any type of residential land, the applicant shall present a letter certifying that there is a bond or insurance on the property to cover any accidents or costs, such as power outages, personal or property damages, which may occur because of the presence of the applicant's antennas or towers.

(E) The applicant shall pay all costs incurred by the City related to the application, including engineering, legal, testing, research and all other costs.

(5) Violations. Any person who shall violate any of the provisions of this Section shall be guilty of a misdemeanor.

906.16 **HEIGHT**

(1) Structure Height

(a) Towers. The height of towers shall be determined by measuring the vertical distance from the tower's point of contact with the ground or rooftop to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the combined height of the structure and tower must meet the height restrictions of this section.

(b) The final determination of height shall be made by the City Council in accordance with the guidelines of Section 906.16 (2) & (3) of the City Code.

(2) Height Limitations

(a) In all residential zoning districts, the maximum height of any tower, including all antennas and other attachments, shall be 30 feet. An exception shall allow the total height of structure, including antenna, shall not exceed 10 feet above the place of attachment on the roof.

(b) In all non-residential zoning districts, the maximum height of any tower, including all antennas and other attachments, shall not exceed 199 feet, subject to the set back requirements under section 906.08 and chapter 902 of the code.

(3) Applicability

(a) In accordance with the Federal Communication Commission's preemptive ruling PRBI, towers erected for the primary purpose

of supporting licensed amateur radio antennas may exceed 75 feet in height provided that a determination is made by the City Council that the proposed tower height is technically necessary to successfully engage in amateur radio communication.

906.17 **CONSTRUCTION AND MAINTENANCE OF ANTENNA AND SUPPORTING TOWERS**

(1) Permits

(a) It shall be unlawful for any person, firm, or corporation to erect, construction in place, place or re-erect, replace, or make major repairs any tower without first making application for a building permit and securing a permit therefor as hereinafter provided. In emergency situations, the tower owner may make repairs on the condition it seeks a permit within 48 hours of commencing the repairs.

(b) The applicant shall provide at the time of application sufficient information to indicate that construction installation, and maintenance of the antenna and tower will not create a safety hazard or damage to the property of other persons.

(c) Permits are not required for:

(1) Adjustment or replacement of the elements of an antenna array affixed to a tower or antenna, provided that replacement does not reduce the safety factor.

(2) Antennas and / or towers erected temporarily for test purposes, for emergency communication, or for broadcast remote pick-up operations, provided that all requirements of Subsection (d) are met. Temporary antenna shall be removed within 72 hours following installation, or the end of the emergency.

(2) Fee

The fee to be paid is that prescribed under Building Permit Fees, Chapter 12 of the City Code.

(3) Construction Requirements

All antennas and towers erected, constructed, or within the City, and all wiring therefor, shall comply with the following requirements:

(a) All applicable provisions of this Code.

(b) Towers shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronics Industry Association.

(c) With the exception of necessary electric and telephone service and connection line approved by the Issuing Authority, no part of any antenna or tower nor any lines, cable, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line.

(d) Towers and associated antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.

(e) All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight feet above the ground at all points, unless buried underground.

(f) Every tower affixed to the ground in a non-residential zone shall be protected by a perimeter fence of a minimum six

foot heights to discourage climbing of the tower by unauthorized persons.

(g) All towers shall be constructed to conform with the requirements of the most current applicable E.I.A. tower standard.

(h) Antennas and towers shall not be erected in any R-1, R-2, and R-M zoning districts in violation of the following restrictions:

(1) The height of any tower and antenna shall be equal to less than five feet of the length of the distance from the base of the antenna and tower to the nearest overhead power line which serves more than one dwelling or place of business.

(2) Metal towers shall be constructed of, or treated with, corrosive resistant material. Wood poles shall be impregnated with rot resistant substances.

(i) All towers erected within the City must conform to the Applicable performance standards in Chapter 10 of this Code.

(4) Existing Antennas and Towers

Antennas and towers in residential districts and in existence as of February 8, 2001, which do not conform to or comply with this Section are subject to the following provisions:

(a) Towers may continue in use for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with this Section.

(b) If such towers are hereafter damaged or destroyed due

to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location, and physical dimensions upon obtaining a building permit therefor, but without otherwise complying with this Section, provided, however, that if the cost of repairing the tower to the former use, physical dimensions, and location would be ten percent or more of the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with this Section.

(5) Lights and Other Attachments

No antenna or tower shall have affixed or attached to it in any way, except during time of repair or installation any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Agency or the Federal Communications Commission, nor shall any tower have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.

(6) Number of towers and Antennas

Only one tower shall exist at any one time on any one residential parcel as defined in the City Zoning Code.

(7) Inspections

All towers may be inspected at least once each year by a city official to determine compliance with original construction standards. The cost of the inspection shall be the responsibility of the property owner or tower owner if the property is leased. Deviation from original construction for which a permit is obtained constitutes a violation of this Section. Notice of violations will be sent by registered mail to the owner and he will have 30 days from the date notification is issued to make repairs, unless a public safety emergency exists under 901.15. The owner will notify the city clerk that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results. At the city's request, the tower owner shall provide

on an annual basis proof of compliance with federal R.F radiation emissions standards. If the owner does not promptly provide such proof with annual testing in accordance with federal R.F radiation emissions standards, the city may retain a qualified testing engineer, the cost of which shall be borne by the tower owner, to assure compliance herewith.

(8) Violations

Any person who shall violate any of the provisions of this Section shall be guilty of a misdemeanor.

(9) Interpretation

It is not the intention of this Section to interfere with, abrogate, or annul any covenant or other agreement between parties, provided, however, where this Section imposes a greater restriction upon the use or premises for antennas or towers than are imposed or required by other ordinances, rules, regulations, or permits, or by covenants or agreements, the provisions of this Section shall govern.

Part 7. Planned Unit Development

907.01 **PURPOSE (4-2004)**

The purpose of a planned unit development (the "PUD") is to provide a district which will encourage the following:

a. Flexibility in land development and redevelopment in order to utilize new techniques of building design, construction and land development:

b. Provision of housing affordable to all income groups;

c. Energy conservation through the use of more efficient building designs and sittings and the clustering of buildings and land uses;

d. Preservation of desirable site characteristics and open space and protection of sensitive environmental features, including poor soils and trees;

e. More efficient and effective use of land, open space and public facilities through mixing of land uses and assembly and development of land in larger parcels;

f. High quality of design and design compatible with surrounding land uses, including both existing and planned;

g. Sensitive development in transitional areas located between different land uses and along significant corridors within the city; and

h. Development which is consistent with the comprehensive plan.

907.02 **DEFINITIONS**

Any term used in this subpart which is defined in this Code shall have the meaning given such term in the Code unless otherwise defined in this

subpart or unless the context in which the term is used in this subpart requires a different meaning.

907.03 **AUTHORIZATION**

Planned unit development authorization may, but is not required to, allow some or all of the following:

Subd. 1 Variety. Within a comprehensive site design concept a mixture of land uses, housing types and densities.

Subd. 2 Sensitivity. By departing from the strict application of required setbacks, yard areas, lot sizes, minimum house sizes, minimum requirements, and other performance standards associated with traditional zoning, planned unit development can maximize the development potential of land while remaining sensitive to its unique and valuable characteristics.

Subd. 3 Efficiency. The consolidation of area for recreation and reductions in street lengths and other utility related expenses.

Subd. 4 Density transfer. The project density may be clustered, basing density on number of units per acre instead of specific lot dimensions.

Subd. 5 District integration. Various combinations of uses which are allowed in separate zoning districts, such as:

a. Mixed residential, allowing both densities and unit type to be varied within the project; or
b. Mixed commercial, industrial, residential or institutional land use within the integration of compatible land uses within the project.

907.04 **ALLOWED USES**

Subd. 1 Allowed uses and changes. Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official city zoning map and as such category is defined in this chapter. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and development agreement. The PUD development agreement shall identify all of the proposed land uses, and those uses shall become permitted uses with the acceptance of the development agreement. Any change in the uses presented in the development agreement will be considered an amendment to the PUD and will follow the procedures specified in section 907.07. If necessary, where the PUD development agreement does not, in the City's opinion, sufficiently describe and define future development in the PUD district, the City may require that such future development be addressed in one or more subsequent development agreements between the City and the developer. Nothing in this subdivision 1 shall allow a development agreement to include a use not permitted within the underlying zoning classification.

Subd. 2 Density The density of development within a PUD shall be the same as would be in the underlying zoning district under typical development standards. If the property involved in the PUD includes more land in more than one zoning district, the number of dwelling units or the square footage of commercial, industrial or institutional uses in the PUD shall be proportional to the amount that would be allowed separately on the parcels located in each of the underlying zoning districts.

907.05 **REQUIRED STANDARDS; CITY CONSIDERATIONS**

The city shall consider the proposed PUD from the point of view of all standards and purposes of the comprehensive land use plan to achieve a maximum coordination between the proposed development and the surrounding uses, the conservation of woodlands and wetlands, the

protection of health, safety and welfare of the community and residents of the PUD. To these ends, the City Zoning Administrator, Planning Commission and/or City Council or other individual, subcommittee appointed by the City Council to undertake such task (collectively, the planning agencies) shall consider the:

a. Location of the buildings, compatibility, parking areas and other features with respect to the topography of the area and existing natural features such as streams and large trees;
b. Efficiency, adequacy and safety of the proposed layout of internal streets and driveways;
c. Adequacy and location of green areas;
d. Adequacy, location and screening of parking areas; and
e. Such other matters as the planning agency may find to have a material bearing upon the stated standards and objectives of the comprehensive land use plan.

907.06 **COORDINATION WITH SUBDIVISION REGULATIONS; SIMULTANEOUS REVIEW PROCESS**

Subdivision review under the city's subdivision regulations shall be carried out simultaneously with the review of the PUD upon filing of a joint PUD and subdivision application. The plans required under this and the next article shall be submitted in a form which will satisfy the requirements of the subdivision ordinance for the preliminary and final plat. Additional subdivisions of any outlots or other portions of the PUD development area shall require compliance with such subdivision ordinances. (9-2006)

907.07 **REVISIONS AND/OR CHANGES**

Subd. 1 Minor changes. Minor changes to the PUD relating to the location, placement and height of the structures may be authorized by the Planning Commission or other individual, subcommittee or committee appointed by the City Council to undertake such task and only if required by engineering or other circumstances not foreseen at the time the final development agreement for such PUD was approved and filed with the City Clerk.

Subd. 2 Other changes. Changes to the PUD relating to uses, significant changes in the location, size or height of structures, any rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and all other changes to the approved final development agreement may be made only after a public hearing conducted by the City Council. Any changes shall be recorded as amendments to the recorded copy of the final development agreement or in the discretion of the City Council, in one or more separate, additional and consistent development agreements, which shall be recorded in the office of the county recorder.

Subd. 3 Continued applicability. All of the provisions of this section applicable to the original district within the PUD district is established shall apply to the PUD district except as otherwise provided in approval of the final development agreement.

Subd. 4 Review. After approval of the PUD zoning district, if substantial development has not occurred within the time period set forth in the final development agreement, the City Council may instruct the planning commission to initiate rezoning to the original zoning district. It shall not be necessary for the City Council to find that the rezoning was in error.

907.08 **LAPSE OF APPROVAL**

A planned development district shall lapse and become null and void after one year following the date of Planned Development zoning approval, unless prior to the expiration of one year, a Building Permit is issued by the building inspector and development is commenced and diligently pursued toward completion on the subject site, or unless a staged development plan beyond one year was approved as a part of the original Planned Development conditions of approval. A Planned Development District approval may be renewed for a second one year period by the City Council for good cause.

907.09 **AREA, SETBACK, HEIGHT AND LOT COVERAGE REGULATIONS**

Subd. 1. Lot area regulations.

a. The minimum total lot area shall not be less than twenty (20) acres. Lots of less than twenty (20) acres may qualify only if the applicant can show that the minimum lot area requirement should be waived because a PUD is in the public interest and that one or both of the following conditions exist:

1. Unusual features of the property itself or the surrounding neighborhood are such that development under standard provisions of the normal district would not be appropriate in order to conserve a feature of importance to the neighborhood or community;
2. The property is adjacent or across the street from property which has been developed under the provision of this section and will contribute to the amenities of the neighborhood.

b. A PUD may provide for a variety of housing types in any one (1) of the basic residential zoning districts. The total number of dwelling units allowed in a development shall be determined by either the area standards of the zoning district in which the proposed development is to be located, or the density specified by the Planning Commission or City Council consistent with the intent of the City's land use plan. A plan may provide for a greater number of dwelling units per acre than would be permitted by the regulations otherwise applicable to the site, but if the density or intensity of the land use exceeds by more than ten (10) percent than permitted by the regulations otherwise applicable to the site including state standards, the applicant has the burden to show that such excess will not have an undue or adverse impact on existing public facilities and on the reasonable enjoyment of neighboring property. The Planning Commission and City Council, in determining the reasonableness of the increase in the authorized dwelling units per acre, shall recognize that increased efficiency in public facilities and services to be achieved by:

1. the location, amount and proposed use of common open space:
2. the location, design and type of dwelling units; and
3. the physical characteristics of the site.

Subd. 2 Front, Rear and Side Yard Building Setback Regulations.

Building setbacks from all property lines which form the perimeter of the total property in the PUD shall be twenty-five (25) feet or the height of the structure, whichever is greater.

a. Building setbacks for single-family detached structures shall be as follows:

From	Setback
Collector or arterial street right-of-way	40 feet
Local street right-of-way	35 feet
Private street pavement	25 feet
Side lot line	10 feet

b. Setbacks for multifamily, commercial or other structures shall be as follows:

Setback	From
Collector or arterial street right-of-way	40 feet
Local street right-of-way	35 feet
Private street pavement	25 feet
Side lot line	Height of structure or zero lot line as approved by City Council

c. The Council may alter these requirements if it determines that greater or lesser setbacks are needed to protect natural features of the property, enhance the quality, variety of housing stock or feasibility of housing styles with the development.

d. In each case the final PUD plans shall indicate all setbacks for single-family, multi-family and other buildings with the proposed PUD.

Subd. 3 Building Height Regulations No structure shall be over three stories or thirty-five feet (35') in height.

Subd. 4 Coverage

a. In residence districts the total ground area occupied by buildings within a PUD shall not exceed twenty (20) percent of the

total land area within the PUD. If the PUD is to be staged as regulated below, open space shall be dedicated within the PUD so that the ground coverage of the completed portions of the PUD shall not exceed the maximum allowable coverage.

b. In non-residence districts the total ground area occupied by buildings in a PUD shall not exceed thirty-five (35) percent of the total site area.

907.10 – 907.30 **RESERVED**

DIVISION 2. PHASING AND GUARANTEE OF PERFORMANCE

907.31 **TIME SCHEDULE**

The Planning Commission shall compare actual development accomplished in the various PUD zones with the approved development schedule as set forth in the applicable final development agreement.

907.32 **EXTENSIONS**

Upon recommendation of the planning commission and for good cause shown by the property owner, the City Council may extend the limits of the development schedule.

907.33 **CONSTRUCTION PROGRESS**

The construction and provision of all the common open space and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units, if any. The building inspector and the planning commission shall review all of the building permits issued for the PUD and examine the construction which has taken place on the site. If they find that the rate of construction of dwelling units is greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, they shall forward this information to the City Council for action.

907.34 **GUARANTEE OF PERFORMANCE**

A letter of credit, or other security, acceptable to the city shall be required to guarantee performance by the developer. The amount of this letter of credit, or other security, and the specific elements of the development program that it is intended to guarantee, will be stipulated in the final development agreement.

907.35 **CONTROL OF PLANNED UNIT DEVELOPMENT FOLLOWING COMPLETION**

Subd. 1 Governing agreement. After the certificate of occupancy has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the planned development shall be governed by the final development agreement.

Subd. 2. Changes. After the certificate of occupancy has been issued, no changes shall be made in the approved final development agreement except upon written application as follows:

a. Minor changes. Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the planning commission or other individual, subcommittee or committee appointed by the City Council to undertake such task if they are consistent with the purposes and intent of the final development agreement. No change authorized by this subdivision 2 may increase the cubic volume of any building or structure by more than ten (10) percent.

b. Destruction. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development agreement unless an amendment to the final development agreement or a separate supplemental development agreement is approved under section 907.07.

c. Open space changes. Changes in the use of the common open space may be authorized by an amendment to the final

development agreement or by a separate supplemental development agreement under section 907.07.

d. Other changes. Any other changes in the final development agreement must be authorized by an amendment to the final development agreement or by a separate supplemental development agreement under section 907.07.

907.36 **PROCEDURE FOR PROCESSING A PLANNED UNIT DEVELOPMENT.**

Subd. 1. General. There are four stages to the initial PUD process: 1) pre-application conference; 2) an application conference; 3) the preliminary plan stage; and 4) the final plan agreement stage, as described in subdivisions 2 through 4 of this section and as further addressed in subdivision 5 of this section.

a. Pre-Application Conference: The pre-application conference shall be with the Chair of, and Council member on, the Planning Commission, and shall be for the purpose of explaining the stages of the initial PUD process noted above. There shall be a fee of $50.00 upon scheduling the pre-application conference.

b. Application: After the pre-application conference, if the applicant wishes to proceed, a completed joint PUD and subdivision application, on a form prescribed by City, shall be submitted to the Planning Commission for review and acceptance. After review and acceptance by the Planning Commission the application shall be filed with the City Clerk along with an application fee as set forth in the current City fee schedule. The applicant shall also execute a Deposit and Disbursement Agreement and pay a pre-development deposit in an amount as set forth in the current City fee schedule to secure reimbursement of preliminary administrative, engineering, technical and legal cost incurred by the city in reviewing the application. (10-2016)

Subd. 2. Application conference. The applicant of the proposed PUD shall arrange for and attend a conference with the City Council or Planning Commission after

filing of an application. The Application Conference shall be held separately from, and prior to, the public hearing with the City Council or Planning Commission for preliminary plat approval required pursuant to Chapter 8 of this code. The primary purpose of the Application Conference shall be to provide the City Council or Planning Commission with an informational sketch plan and general information regarding the proposed PUD and to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the applicant's proposal for the area for which it is proposed and its conformity to the provisions of this section before incurring substantial expense in the preparation of plans, surveys and other data. Prior to scheduling the Application Conference, the applicant shall execute a Deposit and Disbursement Agreement prepared by the City requiring a predevelopment deposit to secure reimbursement of preliminary City costs of administrative, technical, engineering and legal expenses incurred by the City in reviewing the application. The amount of the deposit shall be as set forth in the current City fee schedule. Execution or the Deposit and Disbursement Agreement and payment of the pre-development deposit under this Chapter shall satisfy the requirements for the same under Chapter 8 of the city code. (11-2024)

Subd. 3. Preliminary plan stage.

a. Purpose. The preliminary plan stage provides an opportunity for the applicant to submit a plan (the "preliminary plan") to the City showing the applicant's basic intent regarding subdivision of the development property and the general nature of the entire development without incurring substantial costs for architectural, planning, legal or other services. The preliminary plan shall include the following:

1. Specific location of residential and nonresidential land uses with approximate type and intensities of development.
2. Overall maximum PUD density.
3. Specific location of major streets and pedestrian ways.
4. Location and extent of public and common open space.
5. Staging and time schedule of development.
6. Other specific criteria for development.
7. Names and addresses of the applicant, the surveyor of land making plat, and the property owners of record within 350 feet of the outer boundaries of the PUD.
8. The documentation required by subsection (c)(3).

b. Schedule. The schedule regarding the preliminary plan stage is as follows:

1. The applicant for a PUD meets with the Council or Planning Commission to discuss the proposed development.

2. The applicant files with the City Clerk the preliminary plan, which shall include the preliminary plat, together with all supporting data required by this section or requested by the Council or Planning Commission.

3. Within 45 days after verification by the City Clerk that the required preliminary plan and supporting data is adequate, the Council or Planning Commission shall hold a public hearing. The public hearing shall be held simultaneously with the public hearing required for preliminary plat approval under Chapter 8 of the city code.

4. The Council or Planning Commission shall conduct the hearing. If the Planning Commission conducts the hearing it shall report its findings and make recommendations to the City Council. Notice of the hearing shall consist of a legal property description and a description of the PUD development request, and shall be published in the official newspaper at least ten (10) days prior to the hearing, and written notification of the hearing shall be mailed at least ten (10) days prior to the hearing to owners of land within 350 feet of the outer boundary of the property in question. The Planning Commission shall, within thirty (30) days after it conducts the public hearing, take one of the following actions:

    a. Recommend approval;
    b. Recommend approval with conditions; or
    c. Recommend denial.

5. The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.

6. The City Council may but is not required to hold a public hearing after the receipt of the report and recommendations from the Planning Commission. The City Council may approve the preliminary plan and attach such conditions as it deems reasonable.

Documentation. All submissions required by this subdivision 3 shall be supplied on electronic data files compatible with the City's computer system (the "electronic submissions") and shall also be supplied in hard copy (paper) format (the "copies"). Accordingly, at the preliminary plan stage three sets of electronic submissions containing ten copies of the following exhibits, analyses and plans shall be submitted to the City:

1. Generally. The preliminary plat containing the information set forth in Chapter 8 of the City code, the information required by section 907.36 including additional information described in this subdivision 3, c.

2. General information.

a. The land owner's name and address and his interest in the subject property.

b. The applicant's name and address if different from the landowner.

c. The names and addresses of all professional consultants who have contributed to the development of the preliminary plan being submitted, including attorney, land planner, engineer and surveyor.

d. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including a certified abstract of title or registered property report prepared at least 30 days, and not more than 45 days, prior to the public hearing of the city council or the planning commission or such other evidence as the City attorney may require to show the status of title or control of the subject property.

d. Present status.

1. The address and legal description of the property.

2. The existing zoning classification and present use of the subject
property and all lands within 1,000 feet of the property.

3. A map depicting the existing development of the property and all land within 1,000 feet and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within 100 feet of the property.

4. A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing relationship to the City's comprehensive land use plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City.

5. Graphic reproductions of the existing site conditions at a

scale of one inch equals 100 feet. All of the graphics should be the same scale as will be used in the final development agreement to allow easy cross reference. The use of overlays is recommended for clear reference. Such graphic reproduction shall include:

a. Contours; minimum two-foot intervals.

b. Location, type and extent of tree cover.

c. Slope analysis showing the proposed development's compliance with existing State department of Natural Resources and Soil Conservation Service requirements.

d. Location and extent of water bodies, wetlands and streams, flood plains within 300 feet of the property.

e. Significant rock outcroppings.

f. Existing drainage patterns.

g. Vistas and significant views.

h. Soil conditions as they effect development.

6. Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.

7. A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:

a. Area devoted to residential uses.

b. Area devoted to residential use by building type.

c. Area devoted to common open space.

d. Area devoted to open space.

e. Approximate area devoted to streets.

f. Approximate area devoted to and number of off-street parking and loading spaces and related access.

g. Approximate area and floor area devoted to commercial uses.

h. Approximate area and floor area devoted to industrial or office use.

8. When the proposed PUD includes provisions for public or common space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such space or service facilities.

9. In the event certain areas or structures are provided within the planned unit development for private recreational use or as service facilities, the owner of such land and building shall enter into an agreement with the City to assure the continued operation and maintenance to a predetermined reasonable standard. These common areas may be placed under the ownership of one of the following, depending upon which is most appropriate:

a. Dedicated to public where a community-wide use would be anticipated;

b. Landlord control;

c. Homeowner's association provided all of the following conditions are met:

1. The homeowner's association must be established prior to any sale;

2. Membership must be mandatory for each owner, and any successive buyer;

3. The open space restrictions must be permanent, not for a given period of years;

4. The association must be responsible for liability, local taxes, and the maintenance of residential and other facilities;

5. Landowners must pay their pro rate share of the cost and the assessment levied by the association that can become a lien on the property in accordance with state law;

6. The association must be able to adjust the assessment to meet changed needs.

10. Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.

11. Schematic utilities plans indicating placement of water, sanitary and storm sewers.

12. The City may excuse an applicant from submitting any specific item of information or document required in the preliminary plan stage which it finds to be unnecessary to the consideration of the specific PUD proposal submitted by the applicant.

13. The City may require submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

Subd. 4. Final plan stage. Following preliminary plan approval, including approval of the preliminary plat, the application for the PUD shall proceed and be acted upon in accordance with this subsection 4 and Final Plat Approval under Chapter 8 of the city code. The final plan shall consist of and be based upon the following provisions: (9-2006)

a. Purpose. The final plan stage specifically defines and ultimately governs the development pursuant to the PUD. Therefore, the final plan stage refines and identifies the nature of the entire development in such detail as shall be required by the City in deciding whether or not to approve the PUD. Accordingly, the final plan should depict and outline the proposed implementation of the preliminary plan for the PUD. Information from the preliminary plan may be included for background and to provide a basis for the final plan submissions and the final development agreement. (9-2006)

b. Documentation. Three (3) sets of electronic submissions and ten (10) copies of each of the following shall be submitted to the City during the final plan stage:

1. An executed written final development agreement, drafted by the City attorney, and all exhibits, attachments and addenda to the agreement. The agreement shall contain a provision requiring the applicant to reimburse the City for all costs incurred from work performed by City staff related to the PUD, including but not limited to the costs of administration, engineering, technical and legal.

2. A final plat and all information required by sections 801.15 and 801.16 of the City Code.

3. Proposed plans drawn to a scale of not less than one inch equals 100 feet (or other scale requested by the planning commission) containing at least the following information:

   a. Proposed name of the development (which shall not duplicate or be similar in pronunciation to the name of any plat recorded in the county where the subject property is situated).
   b. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property.
   c. The location, size, use and arrangement, including heights in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including mobile homes, and existing buildings which will remain, if any.
   d. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements.
   e. Location, designation and total area of all common open space.
   f. Location, designation and total open area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.
   g. Proposed lots (including outlots) and blocks, if any and numbering system.

h. The location, use and size of structures and other land uses on adjacent properties.

i. Detailed sketches and provisions of proposed landscaping.

j. General grading and drainage plans for the developed PUD.

k. Any other information that may have been required by the Planning Commission or City Council in conjunction with the approval of the preliminary plan.

4. An accurate legal description of the entire area within the PUD for which final development plan approval is sought.

5. A tabulation indicating the number of any residential dwelling units and expected population.

6. A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g.drugstore, dry cleaner, supermarket).

7. Preliminary architectural typical plans indicating use, floor plan, elevations and exterior wall finishes of proposed building, including mobile homes.

8. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, right-of-way, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structure, including mobile homes and uses.

9. Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan.

10. A soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Soil Conservation Service or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.

c. Waiver and additional documentation.

1. The City may excuse an applicant from submitting any specific item of information or document required in the final plan stage which it finds to be unnecessary to the consideration of the specific PUD proposal submitted by the applicant.

2. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

Subd. 5. Phased development. When the PUD is to be constructed in stages, units or phases, at the preliminary plan stage and as updated thereafter through the final plan stage, the applicant shall submit to the City the following:

a. Schedule. A schedule for the development of such stages, units or phases stating the approximate beginning and completion date for each such stage, unit or phase and the overall chronology of development to be followed from stage to stage.

b. Additional or amended documentation. Such additional or amended documentation, including plats, development agreements and the documentation required during the preliminary plan stage and the final plan stage, as shall be required, in the City's discretion, to adequately describe the development during a given stage, unit or phase and ensure that such construction is performed in accordance with the PUD and other City ordinances. The need for such additional or amended documentation shall be addressed in the development agreement agreed upon during the final plan stage; however, the requirements of this and the previous article shall apply to any developer of property within the PUD whether or not such developer is the applicant or the applicant's successor or assign.

c. Waiver. If the City determines that the stages, units or phases of the construction of the PUD are sufficiently addressed in the final development agreement, the City may waive any of the requirements of this chapter as to any particular stage, unit or phase; however, a waiver of any requirements as to such stage, unit or

phase shall not serve as a waiver of any other requirements under this chapter or a waiver of any requirements as to any other stage, unit or phase.

907.37 **OTHER GENERAL REQUIREMENTS**

Subd.1. Specific and Standards Modification. The uniqueness of each proposal for a PUD requires that specifications and standards for streets, utilities may be subject to minor modifications from the specifications and standards established in this and other City ordinances governing their construction. The City Council may therefore, waive or modify the specifications or standards where it is found that they are not required in the interests of the residents of the entire City. The plans and profiles of all streets, utilities and services shall be reviewed, modified if necessary, and approved by the City Engineer, Fire Chief and Building Inspector, prior to the final approval of the PUD plan by the City Council. All utilities including electrical will be placed under ground.

Subd. 2. Certification of Plans. All architectural and engineering plans shall be designed and certified by a professional registered architect or engineer. The site plans may be prepared by a professional site planner, but must be certified by a registered engineer or architect. Landscape plans shall be prepared by a certified and licensed landscape architect.

907.38 Vacated (9-2006)

907.39-907.65 RESERVED