



City of Pillager

LAND USE & SUBDIVISION ORDINANCE

Adopted 12-12-2023

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SECTION 1, PILLAGER ZONING ORDINANCE

This Ordinance shall be referred to and cited as the Pillager Zoning Ordinance, except herein, where it shall be cited as the Ordinance.

SECTION 2, INTENT AND PURPOSE

This Ordinance is established under the Authority granted by the Minnesota Statutes, in particular the Municipal Planning Act, Minnesota Statutes Sections 462.351 to 462.364, the Municipal Shoreland Act, Minnesota Statutes Section 379, and Policies in Minnesota Statutes, Section 105, 115 and 116 and any Amendments thereto. This Ordinance hereby repeals Pillager Ordinances No. 34, 43.1, 45.1, and 45.2 and amendments thereto.

This Ordinance is adopted for:

1. Protect public health, safety, comfort, convenience, and general welfare.
2. Promoting order in development by dividing the area of the city into zones.
3. Regulating the location, construction, reconstruction, alteration, and use of the structures and land.
4. Conserving the city's natural and scenic beauty and attractiveness for the public's health.
5. Providing for adequate light, air, and access to the property by regulating the use of the land and buildings and the bulk of structures in relation to surrounding properties.
6. Providing for administering the ordinance's provisions and defining the authority and duties of the Administrator, Planning Commission, Board of Adjustment, and City Council and this Ordinance.
7. Conserving the natural and scenic beauty and attractiveness of the city for the health and welfare of the public.
8. Inauguration and effectuating the goals of the comprehensive plan.

SECTION 3, RULES AND DEFINITIONS

For this ordinance, the following rules shall apply to the interpretation of the language used herein:

1. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation and an individual.
2. The singular includes the plural and the plural the singular.
3. The present tense includes the past and future tenses and the future the present.
4. The word “may” is permissive; the term shall is mandatory. Mandatory compliance with the Ordinance shall allow for variances thereto.
5. All distances expressed in feet shall be to the nearest tenth of a foot horizontally or vertically.
6. In a conflict, the most restrictive provision shall apply.

3.1 Definitions:

Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases for this chapter shall have the purposes and inclusions subjoined to them:

ANS/TIA/EIA: American National Standard; Telecommunication Industry Association; Electronic Industrial Association.

ACCESSORY FACILITY OR STRUCTURE: (Relating to Telecommunication Facilities): Any facility or structure serving or being used by or in conjunction with wireless telecommunication facilities or support structures, including but not limited to utility or transmission equipment, storage sheds, or cabinets.

ACCESSORY USE: A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

ADMINISTRATOR: The person appointed Zoning Administrator by the City Council, as provided by this chapter.

ADULT ESTABLISHMENT: Adult Entertainment Employee: Any person who performs any service on the premises of a sexually oriented business on a full-time, part-time, or contract basis, whether or not the person is denominated an adult entertainment employee, independent contractor, agent, or otherwise. Adult entertainment employee does not include a person exclusively on the premises for repair or maintenance or delivering goods to the premises.

ADULT USE ESTABLISHMENT: Adult use establishments include, but are not limited to, the following list of activities or businesses: adult body painting studios, adult bookstores, adult cabarets, adult entertainment facilities, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult health/sports clubs, adult sauna/steam room/bath houses/adult companionship establishments, adult rap/conversation parlors, adult novelty businesses, adult motion picture arcades, adult modeling studios and other premises enterprises, establishments, companies or places open to some of or all members of the public and membership clubs at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas." This definition does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry by State licensed registered persons. Activities classified as obscene, as defined by Minnesota Statutes 617.241, are not lawful or included in the definitions of adult uses.

DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS UPON: This means the dominant or principal theme of the object described by such a phrase. For instance, when the term refers to films that are distinguished or characterized by an emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or description of "specified sexual activities" or "specified anatomical areas."

AIRPORT OR HELIPORT: Any land or structure used or intended for the landing and takeoff of aircraft and any appurtenant land or construction used or designed for port buildings or other port structures or rights-of-way.

ALLEY: A public right-of-way that affords secondary means of access to abutting property.

AMBIENT NOISE LEVEL: The background noise level before installing the wind energy conversion system.

ANIMALS:

- A. Domestic pets: Fish, dogs, cats, birds, and similar animals.
- B. Domestic farm animals: Cattle, hogs, horses, bees, sheep, goats, chickens, and other commonly known farm animals.

ANTENNA: Any structure, device, or system of electrical conductors that transmit or receive electromagnetic waves to provide cellular, paging, personal communications services (PCS), and microwave communications. Such structures and devices include but are not limited to, directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whips.

APARTMENT: A room or suite of rooms with cooking facilities available, which is occupied as a residence by a single family and includes buildings with three (3) or more dwelling units.

AUTO OR MOTOR VEHICLE REDUCTION YARD: A lot or yard where one or more licensed motor vehicles, or the remains thereof, are kept for more than seven (7) days to dismantle, wreck, crush, repair, rebuild, sale of parts, sell as scrap, storage or abandonment.

AUTOMOBILE REPAIR, MAJOR: The general repairable building or reconditioning of engines, motor vehicles, or trailers, including bodywork, framework, welding, and primary painting service.

AUTOMOBILE REPAIR, MINOR: The replacement of any part or repair of any part which does not require the removal of the engine head or pan, engine, transmission, or differential; incidental body and fender work, minor painting and upholstering service when said service above stated is applied to passenger automobiles and trucks, not over seven thousand (7,000) pounds gross vehicle weight.

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

BED AND BREAKFAST: An owner-occupied residence where, for compensation, lodging and certain meals are provided to overnight guests.

BEST MANAGEMENT PRACTICES (BMPs): Erosion and sediment control and water quality best management practices that are the most effective and practical means of controlling, preventing, and minimizing degradation of surface water, including avoidance of impacts 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. Best Management Practices referenced in this ordinance are from the Minnesota Storm Water Manual version 1.1, and as amended from time to time, published by the Minnesota Pollution Control Agency.

BLUFF: A topographic feature such as a hill, cliff, or embankment, having all the following characteristics: a) part or all of the feature is in a shoreland area; b) the slope rises at least twenty-five feet (25') above the ordinary high water level of the water body; c) the grade of the slope from the toe of the bluff to a point twenty-five feet (25') or more above the ordinary high water level averages thirty percent (30%) or greater; and d) the slope drains toward the water body.

BLUFF IMPACT ZONE: A bluff and land within thirty feet (30') from the top of the bluff.

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 (3) or more persons, but not to exceed eight (8) persons.

BUFFER STRIP: Land area used to separate one use from another visibly or to shield or block structures, noise, lights, or other potential nuisances.

BUILDING: Any structure with a roof that may provide shelter or enclosure for persons, animals, or chattel. When the 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 the 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 INTEGRATED SOLAR ENERGY SYSTEM: A solar energy 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. Building integrated systems include, but are not limited to, active photovoltaic or hot water systems contained within roofing materials, windows, walls, skylights, and awnings, or passive systems designed to capture direct solar heat.

BUSINESS: Any occupation, employment, or enterprise wherein merchandise is exhibited or sold, occupies time, attention, labor, and materials, or where services are offered for compensation.

CARPORT: An automobile shelter having one or more sides open.

CELLAR: That portion of a building having more than one-half (1/2) of the floor-to-ceiling height below the average grade of the adjoining ground.

CHILD CARE, CENTER: A facility that is maintained, for the whole or part of the day, for the care of five or more children who are eighteen (18) years of age or younger and who are not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term shall not include any facility licensed as a foster care home or any facility defined as a Child Care Family Home.

CHILD CARE, FAMILY HOME: A primary residence where, for the whole or part of the day, an owner of the place, licensed as a childcare provider, cares for five or more children who are eighteen (18) years of age or younger and who are not related to the owner, whether such facility is operated with or without compensation for such care.

CHURCH: A building, 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 spiritual body organized to sustain public worship.

CLUB OR LODGE: A nonprofit association of persons who are bona fide members paying annual dues, use of the 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.

COLOCATION: The act of siting telecommunications facilities in the exact location of the same support structure as other telecommunications facilities. "Colocation" also means locating telecommunications facilities on an existing system (for example, buildings, water tanks, towers, utility poles, etc.) without needing a new support structure.

COLUMBARIUM (COLUMBARIA): An above-ground repository of niches designed to inter the deceased's cremains.

COLUMBARIUM INDIVIDUAL NICHE(S): An individual recess within a columbarium designated to contain the remains of one deceased within a single cremation urn or container; or the remains of two deceased within two cremation urns or containers.

COMMERCIAL FEEDLOT: An area where fifteen (15) or more animals per acre are fed solely for wholesale or retail sale.

COMMERCIAL KENNEL: Any premises where three (3) or more dogs, at any one time, over six (6) months of age, are owned, boarded, bred, or offered for sale.

COMMERCIAL RECREATION: Bowling alley, cart track, jump center, golf, pool hall, vehicle racing for amusement, dance hall, skating, tavern, theater, firearms range, and similar uses.

COMMERCIAL STORAGE (MINI STORAGE): The following definitions are applicable: Mini-Warehouse or Self-Service Storage Facility – a business facility, other than a storage warehouse, with buildings divided into separate compartments for lease that may include climate-controlled units exclusively used for the storage of non-explosive and non-volatile materials and used to meet the temporary storage needs of households and small businesses, with no commercial transactions permitted other than the rental of the storage units. This does not include the rental of trucks or equipment as an accessory use.

COMMERCIAL WIND ENERGY CONVERSION SYSTEM (CWECS): A wind energy conversion system with a total nameplate generating capacity of no less than forty kilowatts (40 kW) but no greater than one hundred kilowatts (100 kW).

COMMISSION: The Planning Commission of the City.

COMMUNITY SOLAR GARDEN: A solar energy system that provides retail electric power (or a financial proxy for retail management) to multiple community members or businesses residing or located off-site from the location of the solar energy system, consistent with Minnesota Statutes 216B.1641 or successor statute. A community solar garden may be either an accessory or a principal use.

COMPREHENSIVE PLAN: Unless otherwise stated, the General Plan for land use, transportation, and community facilities is prepared and maintained by the Planning Commission.

CONDITIONAL USE: 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 notable, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, conditions, modifications or regulations in such use districts for the promotion or preservation of the general public welfare, health, convenience or safety therein and the City, and therefore, may be permitted in such use district only by a conditional use permit.

CONDITIONAL USE PERMIT: A permit specially and individually granted by the City Council after review and recommendation by the commission for any conditional use so permitted in any use district.

CONSTRUCTION OFFICE: The principal place of business used by a company or individual engaged in building or road construction, including on-site fabrication of components, on-site storage, and equipment maintenance.

CONTROLLED INTERSECTION: An intersection with two (2) or more stop signs or traffic signals.

CURB LEVEL: The grade elevation established by the Governing Body of the curb in front of the center of the building. Where no curb level has been set, the engineering staff shall determine a curb level or its equivalent for this chapter.

DAYCARE FACILITY: Any facility, public or private, which for gain regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance, for periods of less than twenty-four (24) hours per day, in a place other than the person's own home. Daycare facilities include, but are not limited to, family daycare homes, group family daycare homes, daycare centers, day nurseries, nursery schools, development achievement centers, day treatment centers, adult daycare centers, and day services.

DECK: A horizontal, unenclosed platform with or without attached railing, seats, trellises, or other features, connected or functionally related to a principal use or site.

DETENTION FACILITY: A permanent natural or manufactured structure, including wetlands, for the temporary storage of runoff, which contains an endless or semipermanent pool of water.

DEWATERING: Removal of water for construction activities.

DUPLEX, TRIPLEX, OR QUAD: A dwelling structure on a single lot having two, three, or four dwelling units respectively being attached by common walls, and each unit being equipped with separate sleeping, cooking, eating, living, and interior sanitation facilities.

DWELLING SITE: A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

DWELLING UNIT: A structure or portion of a structure or other shelter designed as short- or long-term living quarters for one or more persons, including rental or time-share accommodations such as a motel, hotel, resort rooms, and resort cabins. Any kitchen, bathroom, or plumbing structure shall be considered a dwelling unit.

DWELLING, SINGLE FAMILY: A dwelling unit separated from any other dwelling unit.

DWELLING, MULTI-FAMILY: Two or more dwelling units attached by any point, including duplexes, triplexes, townhouses, and multi-level units, regardless of type of ownership.

DWELLING, GUEST QUARTERS: A structure used as a dwelling unit that may contain sleeping spaces and kitchen and/or bathroom facilities in addition to those provided in the primary dwelling unit on a lot; dependent upon the principal structure for primary utilities, services, entrance, parking, and accesses; and not for rent or lease. Any accessory structure containing kitchen or bathroom facilities or plumbing.

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, traffic signals, hydrants, or other similar equipment and accessories in conjunction in addition to that; but not including buildings.

FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

FALL ZONE: The area defined as the furthest distance from the wind energy conversion system base, in which the system will collapse in the event of a structural failure.

FAMILY: An individual, or two (2) or more persons, each related by blood, marriage, or adoption, living together as a single housekeeping unit or a group of not more than four (4) persons not so related, maintaining a typical household.

FENCE: Any partition, structure, wall, or gate erected as a dividing marker, barrier, or enclosure.

FINAL STABILIZATION: All soil disturbing activity is completed, and exposed soils have been stabilized with a vegetative cover with a density of seventy percent [70%] over the entire site.

FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building, including interior balconies, mezzanines, basements, and attached accessory buildings, excepting that area primarily devoted to the window display, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized as dead storage, heating, and utility rooms, inside off-street parking or loading space.

FLOOR AREA RATIO: The numerical value obtained by dividing the floor area of a building or building by the lot area on which such buildings are located.

FORESTRY: The management, including growing or harvesting of a forest, woodland, or plantation, including the construction, alteration, or maintenance of woods, roads, and landings, and related research and educational activities.

FRONT YARD: A yard extending along the entire width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to a depth required in the yard regulations for the district where such lot is located.

GARAGE, PRIVATE: A detached accessory building, or portion of the principal building, including a carport, used primarily for storing passenger vehicles, trailers, or one truck of a rated capacity not over ten thousand (10,000) pounds gross vehicle weight.

GARAGE, PUBLIC: A building, or portion of a building, except any herein defined as a "private garage" or as a "repair garage," used for the storage of motor vehicles or where any such cars are kept for remuneration or hire in which any sale of gasoline, oil, and accessories is only incidental to the principal use.

GARAGE, REPAIR: A building or space for the repair or maintenance of motor vehicles, not including factory assembly of such vehicles, auto wrecking establishments, or junkyards.

GENERAL FLOOR PLANS: A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

GRAY WATER: Domestic wastewater generated in households or office buildings from streams without fecal contamination.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system with a supporting framework placed on, or anchored in, the ground and independent of any building or other structure. Garages, carports, or similar structures incorporating building-integrated or building-mounted solar energy systems shall not be classified as ground-mounted. They shall be subject to regulations governing accessory structures.

HEIGHT: The distance measured from ground level to the highest point on a tower or structure, including antennas.

HOBBY: An activity or interest pursued outside one's regular work primarily for pleasure.

HOME OCCUPATION: The accessory use of a home for a business or commercial enterprise by the person residing in that unit. The service must be incidental and secondary to the principal residential use of the dwelling unit. It must not change the residential character of the dwelling unit or adversely affect the nature of the surrounding neighborhood. "Home occupation" does not refer to a hobby.

HOTEL: A building having provision for nine (9) 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 where no provision is made for cooking in any guestroom, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge.

HOUSE/BUILDING NUMBERS: A set of numbers or letters with a minimum height of four inches (4") visible from across the street or avenue that specifies the street address of the house or building.

HUB HEIGHT: When referring to a wind turbine, the distance measured from ground level to the center of the turbine hub of a wind energy conversion system.

HYDRIC OR HYDROPHILIC SOILS: Soils that have an affinity for water or swell and are not easily coagulated, such as colloids.

HYDROPHYTIC VEGETATION: Vegetation has an affinity to thrive under saturated or nearly saturated conditions.

INTERIM USE: A temporary use of property to which reasonable conditions may be attached and which will expire on a specific date, after a particular event, or until zoning regulations no longer permit it.

INTERIM USE PERMIT: A permit specially and individually granted by the City Council after review and recommendation by the commission for any interim use so permitted in any use district.

INTENSIVE VEGETATION CLEARING: The substantial removal of more than twenty-five percent (25%) of trees or shrubs in a contiguous patch, strip, row, or block within one hundred feet (100') of the ordinary high-water mark of a river.

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

LAND DISTURBING 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 the City of Pillager's jurisdiction, including construction, clearing, grubbing, grading, excavating, transporting, and filling of land.

LANDINGS: A flat stairway area and does not include boat landings.

LANDSCAPING: Plantings, such as trees, grass, and shrubs.

LIFTS: A mechanical conveyance for access up and down a slope does not mean a boat lift.

LOT: A parcel of land occupied or used or intended for occupancy or used by a use permitted in this chapter, abutting on a public street, and of sufficient size to provide the yards required.

LOT AREA: The lot area in a horizontal plane bounded by the lot lines.

LOT CORNER: A lot situated at the junction of and abutting on two (2) or more intersecting streets, or a lot at the point of deflection in alignment with a continuous street, the interior angle of which does not exceed one hundred thirty-five degrees (135°).

LOT DEPTH: The mean horizontal distance between the front and rear lot lines.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: 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 chapter.

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 road, except that a corner lot in a nonresidential area shall be deemed to have frontage on both streets. A lot line abutting a controlled access highway from which there is no direct access to the lot shall not be considered a front lot line for building or structure setback requirements.

LOT LINE, REAR: The boundary of a lot opposite the front lot line. In the case of a corner lot or other lot with more than one front lot line, the rear lot line shall be opposite the front lot line of the shortest dimension or as otherwise determined by the Zoning Administrator after considering the lot's layout about the surrounding lots. If the rear lot line is less than ten feet (10') in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet (10') in size within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE: Any boundary of a lot that is not a front or rear lot line.

LOT OF RECORD: A parcel of real property in separate ownership as shown by the real estate records of the Cass County Recorder as of January 1, 1981.

LOT, THROUGH: A lot with a pair of opposite lot lines abutting two (2) substantially parallel streets is not a corner lot. On a through lot, both street lines shall be the front lines for applying 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 front building setback line.

MANUFACTURED HOME: A manufactured home used for living purposes that is transportable in one or more sections and is less than twenty-four feet (24') in width, with or without a permanent foundation.

MANUFACTURED HOME PARK: Any premises on which parked two (2) or more occupied manufactured homes, or any premises used or held out to supply to the public a parking space for two (2) or more such trailers; does not include sales lots on which automobiles or unoccupied trailers, new or used, are parked for purposes of inspection or sale.

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. Such services include but are not limited to, the following: sawmill, papermills, boat manufacturing, refineries, commercial feedlots, acid, cement, explosives, flour, feed and grain milling or storage, meat packing, slaughterhouses, coal or tar asphalt distillation, rendering of fat, grease, lard or tallow, alcoholic beverages, poisons, exterminating agents, glue or size, lime, gypsum, plaster of paris, tanneries, automobile parts, paper and paper products, glass, chemicals, crude oil and petroleum products, including storage, electric power generation facilities, vinegar works, junkyard, auto reduction yard, foundry, machine shop, forge, casting of metal products, rock, stone and cement products, and including all uses permitted in the I-1 Industrial District.

MANUFACTURING, LIGHT: All uses, which include the compounding, processing, packaging, treatment, or assembly of products and materials, provided such service will not generate offensive odors, glare, smoke, dust, noise, vibrations, or other objectionable influences that extend beyond the lot on which the service is located. Generally, these are industries dependent upon raw materials refined elsewhere. Such services include but are not limited to, the following: lumberyards, machine shops, products assembly, sheet metal shops, plastics, electronics, general vehicle repair, bodywork and painting, contractors' shops and storage yard, food and nonalcoholic beverages, signs, and displays, printing, publishing, fabricated metal parts, appliances, clothing, textiles, and used auto parts.

METEOROLOGICAL TOWER (MET): A tower and associated equipment used primarily to measure wind speed and directions, plus other pertinent data relevant to siting a wind energy conversion system.

MOTOR COURT, MOTEL HOTEL, OR MOTEL: A building or group of buildings, other than a hotel, used primarily as a temporary residence of a motorist.

MOTOR FREIGHT TERMINAL: A building or area in which freight brought by motor truck is transferred and stored for movement in intrastate or interstate shipment by motor truck.

MOTOR FUEL STATION: A retail place of business engaged primarily in the sale of motor fuels but also may be involved in supplying goods and services generally required in the operation and maintenance of motor vehicles. These may include sales of petroleum products, sales and servicing of tires, batteries, automotive accessories, and replacement items, washing and lubrication services, and the performance of minor automotive maintenance and repair.

MOTOR FUEL STATION CONVENIENCE STORE: A store operated in conjunction with a significant motor fuel station or truck stop to offer for sale goods not essential to the motoring public.

MPCA: Minnesota Pollution Control Agency.

NONCOMMERCIAL WIND ENERGY CONVERSION SYSTEM (NCWECS): A wind energy conversion system no more significant than forty kilowatts (40 kW) in total nameplate generating capacity.

NONCONFORMING STRUCTURE: Any structure existing upon the effective date hereof which would not conform to the applicable zoning laws and restrictions if the structure were to be erected under the provisions of this chapter.

NONCONFORMING USE: The use of land, buildings, or structures legally existing at the time of adoption of this chapter that does not comply with all the regulations of this chapter or any amendments hereto governing the zoning district(s) in which such use is located.

NOXIOUS MATTER OR MATERIALS: Material capable of causing injury to living organisms by chemical reaction or can cause detrimental effects on the physical or economic well-being of individuals.

NPDES: National Pollutant Discharge Elimination System.

NUDE OR NUDITY OR STATE OF NUDITY: Means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than the fully opaque cover of any part of the areola.

NURSERY DAY: A use where care is provided for pay for three (3) or more children under kindergarten age for periods of four (4) hours or more per day.

NURSERY, LANDSCAPE: A business growing and selling trees, flowering, and decorative plants and shrubs, which may be conducted within or without a building.

NURSING HOME: A private home for the care of children or the aged or infirm, or place of rest for those suffering bodily disorders. Such a home does not contain equipment for surgical care or the treatment of disease or injury, nor does it include maternity care or care for mental illnesses or infirmities.

OPEN SALES LOT: Land devoted to displaying goods for sale, rent, lease, or trade, where such interests are not enclosed within a building.

OPEN STORAGE: Storage of any material outside of a building.

OPEN USE: The use of a lot without a building or including a structure incidental to the unrestricted use with a ground floor area equal to five percent (5%) or less of the size of the lot.

ORDINARY HIGH-WATER LEVEL/MARK: The highest level has been maintained for a sufficient time to leave evidence upon the landscape. The ordinary high-water mark is commonly where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. In areas where the ordinary high-water level is not evident, setbacks shall be measured from the stream bank of the following water bodies with permanent flow or open water: the main channel, adjoining side channels, backwaters, and sloughs.

OUTDOOR BOILERS: A freestanding combustion unit outside the home or structure to be heated with a firebox surrounded by a reservoir.

PARKING SPACE: A suitably surfaced and permanently maintained area on privately owned property, either within or outside of a building of sufficient size to store one standard automobile.

PARTY WALL: A wall that divides two (2) independent structures.

PERFORMANCE STANDARD: The 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.

PERMANENT COVER: Final stabilization.

PERMITTED USE: A public or private use which, of itself, conforms with the purposes and objectives of a particular district and works with all requirements, regulations, and performance standards (if any) of such districts.

PLANNED UNIT DEVELOPMENT (PUD): An urban development having two (2) or more principal uses or structures on a single lot and developed according to an approved plan.

PORTABLE STORAGE UNIT: A storage unit designed, constructed, or reconstructed to be capable of movement via towing, hauling, or attachment to a vehicle from one site to another and designed to be used without a permanent foundation. Portable storage units shall include semi-trailers and similar units which have been modified to make them unable to be readily transported from one location to another. Storage buildings constructed on skids, properly licensed fish houses, and similar structures designed for everyday use as residential storage structures shall not be considered portable storage units for this title.

PRINCIPAL USE: The primary use of land or buildings as distinguished from subordinate or accessory services. A "principal use" may be either permitted or conditional.

PROPERTY LINE: The surveyed and legal boundaries of a parcel of property may also coincide with a right-of-way of a road, cartway, and the like.

PUBLIC HEARING: A meeting where data on a particular topic is heard, and said time, date, location of the meeting, and the subject has been advertised in the official newspaper of the City before the hearing.

PUBLIC LAND: Land owned or operated by Municipal, school district, County, State, or other governmental units.

PUBLICATION: Notice placed in the official City newspaper stating the meeting's time, location, date, and topic description.

REAR YARD: A yard extending along the entire width of the rear lot line between the side lot lines and extending toward the front lot line for a depth specified in the yard regulations for the district where such a lot is located.

RECREATION EQUIPMENT (IN RESIDENTIAL DISTRICTS): Play apparatus, such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and recreational vehicles not exceeding twenty-six feet (26') in length, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses, swimming pools, playhouses exceeding twenty-five (25) square feet of floor area, or sheds utilized for storage of equipment.

RECREATIONAL VEHICLE: Any structure or vehicle that can be readily adapted to or does provide facilities for a person to eat or sleep, which is mounted on wheels or has provisions for wheels, such as a motor home, travel trailer, camper, or converted vehicle.

RESIDENTIAL FACILITY: Any facility, public or private, which for gain regularly provides one or more persons with a twenty-four (24) hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the person's own home. "Residential facilities" include, but are not limited to, State institutions under the control of the Commissioner of Human Services, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, supportive living residences for functionally impaired adults, or schools for disabled children.

RETAIL SHOPPING: Stores and shops selling personal services or goods over the counter. These include antiques, art and school supplies, auto accessories, bakeries, barbershops, beauty shops, bicycles, books and stationery, candy, cameras and photographic supplies, carpets and rugs, catering

establishments, china and glassware, Christmas tree sales, clothes pressing, clothing and costume rental, custom dressmaking, department stores and junior department stores, drugs, dry goods, electrical and household appliances, sales and repair, florist, food, furniture, furrier shops, garden supplies (year round operation only), gifts, hardware, hats, hobby shops for retail of items to be assembled or used away from the premises, household appliances, hotel and apartment hotels, interior decorating, jewelry, including repair, laboratories, medical and dental research and testing, laundry and dry cleaning pickup, processing to be done elsewhere, laundromat, leather goods and luggage, locksmith shops, musical instruments, office supply equipment, optometrists, paint and wallpaper, phonograph records, photography studios, service station, restaurant (when no entertainment or dancing is provided), shoes, sporting goods, tailoring, theater (except open air drive-in), tobacco, toys, variety stores, wearing apparel and similar type uses.

RETENTION FACILITY: A permanent natural or manufactured structure that provides for the storage of stormwater runoff using a permanent or semi-permanent pool of water.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system affixed to a principal or accessory building.

ROTOR DIAMETER: The circle's diameter is described by the moving rotor blades of the wind energy conversion system.

SEDIMENT CONTROL: Methods employed to prevent sediment from leaving the site.

SEMI-NUDE: Means a state of dress in which opaque clothing covers no more than the genitals, anus, anal cleft or cleavage, pubic area, vulva, and nipple of the female breast, as well as a portion of the body covered by supporting straps or devices.

SETBACK: The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high-water level, sewage treatment system, top of bluff, road, highway, property line, or other facility. Three feet of the roof overhang stoops not exceeding thirty (30) square feet, and steps from stoop to ground not over four feet wide may protrude into the setback.

SETBACK INTERIOR LOT: The closest horizontal distance between the lot line and the foundation or wall of a structure when the lot line is not the exterior boundary of the development. Three feet of the roof overhang stoops not exceeding thirty (30) square feet and not protruding over six feet from the foundation, and steps from stoop to ground not over four feet wide may protrude into the setback.

SETBACK SIDE, EXTERIOR: The closest horizontal distance between the exterior boundary side lot line and the foundation or wall of a structure. This setback takes precedence over the setback interior lot, where any conflict exists. Three feet of the roof overhang stoops not exceeding thirty (30) square feet and not protruding over six feet from the foundation, and steps from stoop to ground not over four feet wide may protrude into the setback.

SETBACK ROAD: The closest horizontal distance between the road right-of-way line and the foundation or wall of a structure. Three feet of roof overhang stoops not exceeding thirty (30) square feet and not protruding over six feet from the foundation, and steps from stoop to ground not over four feet wide may protrude into the setback.

SETBACK WATERFRONT: The closest horizontal distance between the ordinary high-water mark and a structure's foundation, wall, or edge. Three feet of the roof overhang stoops not exceeding thirty (30) square feet and not protruding over six feet from the foundation, and steps

from stoop to ground not over four feet wide may protrude into the setback.

SETBACK PUMP: The distance from the street right-of-way line to the centerline of the motor fuel station pump island is measured as a perpendicular distance from the right-of-way.

SHELTER, FALLOUT, OR BLAST: A structure or portion of a structure intended to protect human life during periods of danger to human life from nuclear fallout, blasts, air raids, storms, or other emergencies.

SIDE YARD: A yard extending along the side lot line between the front and rear yards, having a width as specified in the yard regulations for the district where such a lot is located.

SIGN: 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 given to 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 character is used.

SIGN, GROSS AREA OF: The area within the frame shall be used to calculate the gross area, except that the width of the structure over twelve inches (12") shall be added to it. When letters or graphics are mounted without a frame, the gross area shall be bounded by straight lines six inches (6") beyond the periphery of said letters or graphics. Each surface used to display a message or attract attention shall be measured as a separate sign. However, only one side of double-faced signs shall be counted in computing the gross area.

SIGN ILLUMINATED: Any sign with 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 occupation of the lot where the sign is placed or maybe a directory listing occupants' names, addresses, and companies.

SIGNIFICANT CULTURAL SITE: Any archaeological or historic site, standing structure, or any other property that: a) is listed on the National Register of Historic Places; b) is listed in the State Register of Historic Sites; c) is determined to meet the qualifications for listing on the National Register of Historic Places or the State Register of Historic Sites after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society; or d) is determined by the City Council to be a significant local heritage preservation landmark.

SMALL WIRELESS FACILITY: The meaning given in Minnesota Statutes, section 237.162, subdivision 11, as amended from time to time.

SOLAR COLLECTOR SURFACE: Any part of a solar energy system that absorbs solar energy for the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.

SOLAR ENERGY: Radiant energy from the sun can be collected by a solar collector in the form of heat or light.

SOLAR ENERGY SYSTEM: A device or structural design feature intended to provide for the collection, storage, and distribution of solar energy for heating or cooling, electricity generating, or water heating.

SOLAR ENERGY SYSTEM, GROUND MOUNTED: A solar energy system installed onto the ground directly or using brackets or poles.

SOLAR ENERGY SYSTEM, ROOF-MOUNTED: A solar energy system mounted to the roof of a dwelling or other building.

STAIRWAYS: Any structure providing access up or down a slope.

STEEP SLOPE: Land where agricultural activity or development is not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available County soil surveys or other technical reports. Where specific information is unavailable, "steep slopes" are lands with average slopes over twelve percent (12%) or more, which are not bluffs.

STORM WATER: Defined under Minnesota Rules 7077.0105, subparagraph 41[b], and includes precipitation runoff, stormwater runoff, snowmelt runoff, and any other surface runoff and drainage.

STORMWATER MANAGEMENT PLAN: A designer's plan to manage urban stormwater runoff for a particular project or drainage area. It typically addresses such subjects as characterization of the site development grading plan; peak rates of runoff, flow duration, runoff volumes for various return frequencies; locations, criteria, and sizes of detention or retention ponds and conveyances; runoff control features; land parcels, easement locations, opinions of probable costs, measures to enhance runoff quality, salient regulations, and how the plan addresses them, and consistency with secondary objectives such as public recreation, aesthetics, public safety, and groundwater recharge. It is usually submitted to regulatory officials for their review for adoption.

STORY: That portion of a building is included between the surface of any floor and the surface of the floor 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 at least fifty feet (50') in width affords a primary means of access to abutting property and shall also include avenue, highway, or road, excepting existing public rights-of-way of lesser width.

STREET SIDE GROUND FLOOR DWELLING UNITS: A dwelling unit within a larger building structure designed or used for permanent or temporary residency purposes.

STRUCTURE: Anything erected requires more or less permanent location on the ground or attached to something having a permanent place on the floor. This shall include signs whose highest point is more than seven feet (7') above the adjacent ground surface.

SURFACE WATER OR WATERS: All streams, lakes, rivers, ponds, marshes, wetlands, reservoirs, springs, drainage systems, waterways, watercourses, and irrigation systems, whether natural or artificial, public or private.

TELECOMMUNICATIONS FACILITIES: Cables, wires, lines, waveguides, antennas, or any other equipment or facilities associated with the transmission or reception of telecommunications located or installed on or adjacent to a tower or antenna support structure. The term does not include a) a satellite

earth station antenna two meters (2 m) in diameter or less located in an Industrial or Commercial District; b) a satellite earth station antenna one meter (1 m) or less in diameter, wherever located; and c) a tower.

TOTAL HEIGHT: When referring to a wind turbine, the distance measured from ground level to the blade extended at its highest point.

TOWER: Any ground or roof-mounted pole, spire, structure, or combination thereof that is designed and constructed primarily to support one or more antennas, electrical generators, rotor blades, or meteorological equipment, including guy towers, monopole towers, and self-supporting lattice towers, including any support thereto.

TOWER ACCESSORY STRUCTURE: A structure located at the base of a tower for housing based on transmitting equipment.

TOWER HEIGHT: The total height of a wind energy conversion system exclusive of the rotor blades.

TRUCK STOP: A motor fuel station devoted principally to the needs of tractor-trailer units and trucks, including eating and sleeping facilities.

USE: The purpose of 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 or defined by the performance standards of this chapter.

VARIANCE: A legally permitted deviation from the provisions of this Ordinance as deemed necessary by the Board of Adjustment when the strict interpretation of the Ordinances would create undue hardship and be impractical because of circumstances relating to lot size, shape topography, or other characteristics of the property, and when the deviation from the Ordinance with any attached conditions will still be in keeping with the spirit and intent of the Ordinance. Variances cannot create a land use not permitted in a zone.

VEGETATIVE BUFFER: A strip of well-rooted, natural, chemically untreated vegetation, the width of which is outlined in this chapter, consisting of a mixture of grasses, shrubs, and trees immediately adjacent to the ordinary high-water level.

VETERINARY: Those uses concerned with the diagnosis, treatment, and care of animals, including animal or pet hospitals.

WAREHOUSING: The storage of materials or equipment within an enclosed building as a principal use.

WASTEWATER: Water used in washing, flushing, manufacturing, etc.

WETLANDS: Lands in transition between terrestrial and aquatic systems where the water table is at or near the surface or the land is covered by shallow water. "Wetlands" are characterized by hydric soils, saturated or inundated with surface water, have a frequency or duration of hydrophytic vegetation, or support a prevalence of such vegetation under normal circumstances. Wetlands may be counted toward green space in a planned unit development.

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

WIND ENERGY CONVERSION SYSTEM (WECS): Any device or facility, such as a wind charger, windmill, or wind turbine, consisting of one or more wind turbines under common ownership or operating control, and may include power lines, transformers, substations, meteorological towers, cables/wires and other buildings accessory to such facility, whose primary purpose is to convert wind energy into electrical energy to supply electricity to an off-site customer or on-site to an individual system owner/property owner.

WIND TURBINE: Any piece of electrical generating equipment which captures and converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blade, tower, base, and pad transformers, if any, and other related equipment.

WIRELESS COMMUNICATIONS: Any "personal wireless services," as defined by the Federal Communication Act of 1996, including FCC-licensed commercial wireless telecommunications services, such as cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized portable radio (ESMR), global system of mobile communications (GSM), paging and similar services that currently exist or may be developed.

WIRELESS FACILITIES: The meaning given in Minnesota Statutes 237.162, subdivision 13, as amended occasionally.

WIRELESS SUPPORT STRUCTURE: The meaning given in Minnesota Statutes 237.162, subdivision 16, as amended from time to time.

YARD: A required open space on a lot unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this chapter. 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 where such lot is located.

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

SECTION 4, GENERAL PROVISIONS

4.1 Application of this Ordinance:

- 1) The provisions of this Ordinance shall be held to be the minimum requirements for maintaining public health, safety, morals, and welfare.
- 2) Where the provisions of this Ordinance are either more restrictive or less restrictive than applicable provisions of other laws, ordinances, statutes, resolutions, covenants, or regulations, the more restrictive shall prevail.
- 3) Except as this Ordinance specifically provides, with provision for variances granted to it, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for any purpose nor in any manner that does not conform with this Ordinance.

4.2 Environmental Documents and Concurrent Permits:

- 1) the property owner shall be responsible for securing necessary concurrent permits, such as State Waste Disposal Permits, Planned Unit Development Permits, Corp or Engineers Permits, and Public Water Permits.
- 2) The proposer of any project exceeding the limits defined in the Environmental Quality Council's rules and regulations for the Environmental review program shall submit a draft Environmental Assessment Worksheet for the City to review with other pertinent data.

4.3 Nonconforming Uses and Structures:

- 1) Allowed to Continue. Any use or structure lawfully existing before the effective date of this Ordinance or subsequent amendment which made the use or structure nonconforming may be continued, including through repair, replacement, restoration, maintenance, or improvement, at the size and in the manner of operation existing upon such date, subject to the following conditions:
 - a. A nonconforming use or structure shall not be expanded, enlarged, or extended on the same property or onto an adjoining lot of record except as expressly allowed in this section. Prohibited expansion, enlargement, or extension shall include anything that increases the intensity of the use, including, but not limited to, a change to a more intense nonconforming use or a physical expansion of the existing service that increases the height, volume, and/or area dimensions of the nonconforming use. The City Council may only allow a development or extension of a nonconforming structure with a variance if the expansion or extension increases the nonconforming aspect of the structure. To the extent the expansion or enlargement of a nonconforming principal or accessory structure is allowed by this section, no such development or enlargement may occur except upon issuance of the appropriate permits and provided that the use of the property conforms to the zoning district regulations, that the product or enlargement meets current zoning district regulations, and

no other nonconformities are created. All further increases of nonconforming structures shall require a variance; and

- b. Routine maintenance of a structure containing or relating to a lawful nonconforming use is permitted, including any necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use. Nothing in this section prevents placing a structure into a safe condition after it has been declared unsafe by the City.
- 2) Alterations. Alterations may be made to a building containing nonconforming dwelling units when the alterations will improve the livability of such units, provided that such alterations do not increase the number of dwelling units in the building. The City must approve such alterations.
- 3) Damaged. Whenever a nonconforming structure or use is damaged by fire, collapse, flood, explosion, earthquake, war, riot, act of God or public enemy or to the extent of 50 percent (50%) or less of its estimated market value as indicated in the County Assessor's records at the time of damage, it may be reconstructed upon receipt of all required permits. The nonconforming structure or use shall not be permitted to be rebuilt if the damage is more significant than 50 percent (50%) of the estimated market value as indicated in the County Assessor's records at the time of damage and no zoning permit has been applied for within 180 days of when the property was damaged. Suppose a permit is applied for within 180 days. In that case, the City may impose reasonable conditions upon any such zoning permit it may issue to mitigate any newly created impact on adjacent property.
- 4) Replaced Use or Structure. When another use or structure replaces any lawful nonconforming use of any structure or land, the new use or structure must conform to the provisions of this Ordinance. It shall not be changed to any nonconforming use or structure after that.
- 5) Discontinued. If the nonconforming use of land is discontinued for twelve (12) months, the subsequent use of the land or the structure shall conform with the provisions of this Ordinance.
- 6) Public Nuisances. Nonconforming uses or structures that the City declares public nuisances shall not be allowed to continue as legal nonconforming uses or structures.
- 7) Nonconformities in Floodplains. No repair, replacement, maintenance, improvement, or expansion of a nonconforming use or structure in a floodplain area shall be allowed if such activity would jeopardize the property's continued eligibility in the National Flood Insurance Program, would increase flood damage potential, or would increase the degree of obstruction to flood flows in the floodway.
- 8) Nonconformities in Shorelands. Nonconformities located within the Shoreland Overlay District are subject to the provisions of Minnesota Statutes, section 462.357, subdivision 1e, paragraphs (d) to (j). Section 6.2.

4.4 Nonconforming Lots:

- 1) Lots of Records. All lots of record existing as of the date of this Ordinance and all prior zoning ordinances in the City that do not meet the minimum lot area and lot width requirements may be allowed as building sites without a variance from lot size or width requirements provided that it satisfies all of the following:
 - a. The use is permitted in the zoning district and is not precluded by any applicable overlay district;
 - b. The lot was created compliant with official controls in effect at the time;
 - c. The setback requirements of this Ordinance are met; and
 - d. The applicable wastewater regulations are met.
- 2) Lots of Records in Shorelands. Lots of records in the office of the County Recorder as of the date shoreland regulations were adopted for the City that is located within a shoreland and does not satisfy the requirements of this Ordinance for lot size or lot width are subject to the following:
 - a. A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:
 - i. All structure and septic system setback distance requirements can be met;
 - ii. A Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed, or the lot is connected to a public sewer; and
 - iii. The impervious surface coverage is at most twenty-five (25%) percent of the lot.
 - b. In a group of two or more contiguous lots of record under shared ownership, an individual lot shall be considered as a separate parcel of land for sale or development if it meets the following requirements:
 - i. The lot must be at least sixty-six (66%) percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;
 - ii. The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and local government controls;
 - iii. Impervious surface coverage must not exceed twenty-five (25%) percent of each lot; and
 - iv. Development of the lot must be consistent with the City's comprehensive plan.
 - c. A lot not meeting the requirements to be considered a separate parcel of land for sale or development as set out above must be combined with one or more contiguous lots. Hence, they equal one or more conforming lots as possible.
 - d. Notwithstanding the requirements to be considered separate parcel of land for sale or development as set out above, contiguous nonconforming lots

of record in shoreland areas under common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of section 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.

- e. In evaluating all variances, zoning, and land use permit applications, or conditional use requests, the City shall require the property owner to address, when appropriate, stormwater runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
- f. A portion of a conforming lot may be separated from an existing parcel as long as the remainder meets the lot size and sewage treatment requirements of the zoning district for a new lot and the newly created property is combined with an adjacent parcel.

4.5 Building Standards:

- 1) All structures and appurtenances shall be constructed by the general standards of the building industry.
- 2) One-family residential structures shall be placed on a permanent foundation, have a ground floor area of not less than 700 square feet of livable space, and the minimum dimension of the main body of the dwelling unit shall not be less than 20 feet in width.
- 3) Two Family structures (duplex) shall be placed on a permanent foundation, have a ground floor area of not less than 1,200 square feet of livable space, and the minimum dimension of the main body of the dwelling unit shall not be less than 20 feet in width.
- 4) Three, Four, and above family structures shall be placed on a permanent foundation, have a floor area of not less than 500 square feet of livable space per unit, and the minimum dimension of the main body of the dwelling unit shall not be less than 20 feet in width.
- 5) Sanitary facilities shall conform to Minnesota Pollution Control Agency Standards. "Individual Sewage Treatment Systems Standards- 6 MCAR and 4.8040". Further, all sanitary systems shall be constructed by installers licensed by the State of Minnesota to install onsite disposal systems.

4.6. Allowed Uses:

- 1) Only those uses specifically listed in this Ordinance as being allowed as a permitted, conditional, interim, or accessory use may occur within the City. All other uses not expressly allowed by this Ordinance are prohibited, except that the City Council may allow a use not listed explicitly upon submission of an application and a finding by the City Council that the proposed use is substantially similar to an allowed use as provided in this

Ordinance. The uses allowed on lots located within the Shoreland Overlay District or the Floodplain Overlay District are further restricted by the regulations of the Shoreland Management Ordinance or the Floodplain Management Ordinance. Only use allowed within the City shall be established or expanded by obtaining all required permits and complying with all applicable standards and regulations in this Ordinance and all other City ordinances.

4.7. Uses Allowed by Statute:

- 1) The legislature has adopted various provisions by statute requiring local governments to treat specific uses as permitted or conditional uses within their jurisdictions for zoning regulations. Notwithstanding the general prohibition of uses not expressly allowed by this Ordinance, this Ordinance shall be interpreted as also allowing those uses the legislature expressly requires the City to allow. Such uses shall be classified as provided in the legislative mandate. They shall only be allowed in those areas described in the applicable statute and only to the extent and scope as prescribed in the statute. For example, Minnesota Statute, section 462.357, subdivision 7 requires a licensed daycare facility serving 12 or fewer persons to be considered a permitted single-family residential use of the property. As such, this Ordinance shall be interpreted as allowing that specific use as a permitted residential use, but only up to a capacity of 12 persons. A proposed use that exceeds the scope described in the statute shall only be allowed if the expanded use is expressly allowed by this Ordinance. Furthermore, suppose the statute indicates the use is to be allowed as a conditional use. In that case, the use may only occur upon submitting an application and receipt of a conditional use permit from the City. All mandated uses shall obtain a land use permit and all other permits and permissions as required by this Ordinance and all other applicable laws.

4.8. Substantially Similar Uses.

- 1) An owner proposing to undertake a use they believe is substantially similar to a use expressly allowed by this Ordinance in the same zoning district may apply to the City to request a finding that the use is permitted. Such application shall be on the form supplied by the City, and it must fully explain the proposed use and how it is similar to a permitted use. The City Council shall act on complete applications to determine whether the proposed use is substantially similar to an allowed use in the same zoning district. If the City Council finds the proposed use is substantially similar, it shall also determine whether it shall be deemed a permitted, interim, conditional, or accessory use for this Ordinance. The owner must then apply for and obtain all required permits based on the City Council's classification of the use and any other applicable regulations. The City Council shall maintain a record of all uses it expressly finds to be substantially similar. It will make a reasonable effort to include those uses in this Ordinance the next time it is amended. If the City Council finds the proposed use is not substantially similar to an allowed use, the owner may submit a separate application to seek.

4.9. Shoreland Management

- 1) The provisions of this Ordinance were prepared to be at least as restrictive as the “Statewide Standards for Management of Shoreland Areas” effective July 3, 1989 (and/or most recent), except as specifically authorized by the DNR. The shoreland standards shall be the first City reference document. They shall govern in case of oversight, exclusion, or question in this Ordinance. They shall govern the City’s administration of this Ordinance in shoreland matters where the DNR sets standards.

4.10 Use of Accessory Structure

- 1) All accessory structures or uses over 200 square feet require establishing a principal structure when placed on a lot less than 2.5 acres in size.
- 2) All accessory structures under 200 square feet do not require a building permit but must maintain a 5-foot setback from the property line.

SECTION 5, ZONING DISTRICTS AND DISTRICTS PROVISIONS

5.1 Zoning District and District Provisions

- 1) The City of Pillager is now divided into zoning districts as shown on the official zoning district map, which procedures of Section 10.4 may subsequently amend.
- 2) The boundaries are generally in the center of streets, on lot lines, on shorelines, in the center of streams or rivers, and following the contour of the land.
- 3) The following Districts are hereby established:

a.	Rural Residential District	RR
b.	General Residential District	R-1
c.	Multiple-Family Residential District	R-2
d.	Commercial District	C
e.	Downtown Commercial District	DC
f.	Industrial District	I
g.	Shoreland Overlay District	SL

5.2 Rural Residential (RR)

- 1) Purpose: To establish and maintain a district that is semi-rural and rural in character and to prevent the occurrence of premature urban development.
- 2) Permitted Uses:
 - a. Single-family Dwellings- Dwellings, single family 20 feet or wider on a foundation; minimum size 700 square feet.
 - b. Essential services, buildings, and structures.
 - c. Public and private parks, playgrounds, athletic fields, and other recreation uses of supporting nature parks and gardens.

- d. Residential and nonresidential programs as regulated by Minnesota Statutes 245A.11 and 245A.14, as amended, except where such programs are considered multifamily residential use by said statutes.
- e. Home occupations All Home Occupations shall comply with the following general provisions and standards:
 - i. Machine shops, body shops, repair of internal combustion engines (other than minor engine repair), welding, manufacturing, or any other objectionable use as determined by the City Council shall not be permitted as a Home Occupation.
 - ii. No manufacturing business shall be allowed.
 - iii. The Home Occupation shall be incidental and subordinate to the residential use of the dwelling.
 - iv. Exterior alterations or modifications that change the residential character or appearance of the dwelling, any accessory buildings, or the property itself shall be prohibited.
 - v. The Home Occupation shall meet all applicable Fire and Building Codes.
 - vi. Exterior display or storage of equipment or materials is prohibited.
 - vii. Signage is permitted, as in Chapter 6 (Signs), for the zoning district in which the Home Occupation is located.
 - viii. No Home Occupation shall produce light glare, noise, odor, or vibration that will have an objectionable effect upon the adjacent or nearby property.
 - ix. No equipment shall be used in the Home Occupation which will create electrical interference to surrounding properties.
 - x. Frequent shipment and delivery of products, merchandise, or supplies shall be limited to between 8:00 a.m. and 6:00 p.m. They shall occur only in single rear axle straight trucks or smaller vehicles commonly used to serve residential neighborhoods.
 - xi. No Home Occupation shall be conducted between nine o'clock (9:00) PM and seven o'clock (7:00) AM unless said occupation is contained entirely within the principal building and will not require any on-street parking facilities. The City Council shall have the authority to further restrict the hours of operation as necessary to meet the purpose of this section.
 - xii. On the premises, retail sales shall be prohibited except for the retail sales of products or goods produced or fabricated on the premises as a result of the Home Occupation, except for the occasional sale of items that are primarily sold mail order or sold over the Internet or incidental to the products or goods produced or fabricated on the premises.
- f. Solar Energy System, roof-mounted.
- g. Keeping of Chickens per performance standards.

3) Conditional Uses:

- a. Churches
- b. Duplex
- c. Planned Unit Development, individually owned or rented units, medical, hospital, or extended care facilities.

- d. Other residential, institutional, or government service uses determined by the City Council to be of the same general character as the permitted and conditional uses above and found not detrimental to existing uses or the public health, safety, and welfare.
- 4) Accessory Uses:
 - a. Normal uses accessory to principle uses are allowed, except the principle use must first be established.
- 5) Performance Standards:

Minimum Lot width	150 feet
Minimum Lot area square feet	40,000-sqft
Front setback measured from the property line	30 feet (Local and County Road)
Front setback measured from the property line	40 feet (State Road)
Rear yard	20-feet
Side yard	20-feet
Corner side yard	30 feet
Maximum Impervious Surface Coverage	30%
Building Height Maximum	35 feet
Maximum Density	One Unit / 40,000-sqft

5.3 General Residential (R-1)

- 1) Purpose: to establish and maintain a district that is urban in character and which relates closely to the commercial districts for service, and which has the potential for a city sewer and water system.
- 2) Permitted uses:
 - a. Any use permitted in the RR District
 - b. Single family dwellings-Dwellings, single family 20 feet or wider on a foundation; minimum size 700 square feet.
 - c. Duplex structures shall be 20 feet or wider on a foundation; minimum size of 1,200 square feet.
 - d. Public and private parks, playgrounds, athletic fields, and other recreation uses of supporting nature to parks and gardens.
 - e. Residential and nonresidential programs as regulated by Minnesota Statutes 245A.11 and 245A.14, as amended, except where such programs are considered multifamily residential use by said statutes.
 - f. Keeping of Chickens per performance standards.
- 3) Conditional Uses:
 - a. Planned Unit Developments
 - b. Commercial childcare facilities
 - c. Triplex, fourplex or greater, the gross floor area of at least five hundred (500) square feet per dwelling unit.
 - d. Medical facilities
 - e. Vegetation removal, precise cutting

- f. Licensed residential and non-residential programs are permitted multi-family use by Minnesota Statutes 245A.14, as amended.
 - g. Nursing home or home for the aged, including assisted living, memory care, or similar.
 - h. Other residential, institutional, or government service uses determined by the City Council to be of the same general character as the permitted and conditional uses above and found not detrimental to existing uses or the public health, safety, and welfare.
- 4) Accessory Uses Permitted:
- a. Normal uses accessory to the principle uses are allowed, except that the principle use must first be established.
- 5) Performance Standards:
- | | |
|---|------------------------|
| Minimum lot width | 75 feet |
| Minimum lot area square feet (with sewer) | 7,500-sqft |
| Minimum lot area square feet (without sewer) | 20,000-sqft |
| Front setback measured from the property line | 30 feet |
| Rear yard | 10-feet |
| Side yard | 10-feet |
| Corner side yard | 20 feet |
| Maximum Impervious Surface Coverage | 40% |
| Building Height Maximum | 35 feet |
| Maximum Density (with sewer) | One Unit / 7,500-sqft |
| Maximum Density (without sewer) | One Unit / 20,000-sqft |

5.4 Multiple-Family Residential (R-2)

- 1) Purpose: The R-2 District intends to provide for a single-family, duplex, triplex, fourplex, or greater structures and directly related complementary uses.
- 2) Permitted Uses:
 - a. Any use permitted use in the Rural Residential or R1 District
 - b. Single family, duplex, triplex, fourplex, or greater structures
- 3) Conditional Uses:
 - a. Planned Unit Developments
 - b. Commercial childcare facilities
 - c. Medical facilities
 - d. Vegetation removal, precise cutting
 - e. Licensed residential and non-residential programs are permitted multi-family use by Minnesota Statutes 245A.14, as amended.
 - f. Nursing home or home for the aged, including assisted living, memory care, or similar.
 - g. Other residential, institutional, or government service uses determined by the City Council to be of the same general character as the permitted and conditional uses

above and found not to be detrimental to existing uses or the public health, safety, and welfare of the public.

4) Accessory Uses:

- a. Normal uses accessory to the principle uses are allowed, except that the principle use must first be established.

5) Performance Standards:

Minimum lot width	75 feet
Lot Area (with Sewer)	7,500 square feet, plus 3,000 square feet for each additional dwelling unit over two.
Lot Area (without sewer)	15,000 square feet, plus 3,000 square feet for each additional dwelling unit over two.
Front setback measured from the property line	30 feet
Rear yard	10-feet
Side yard	10-feet
Corner side yard	20 feet
Maximum Impervious Surface Coverage	45%
Building Height Maximum	40 feet

5.5 Commercial District

- 1) Purpose: The Commercial District intends to create and maintain a district for commercial purposes, which can provide the goods and services for the residents and tourists of the community.
- 2) Permitted Uses:
 - a. Retail establishments
 - b. Food service establishments
 - c. On and/or off sale liquor establishments
 - d. Personal services
 - e. Professional services
 - f. Entertainment and amusement services
 - g. lodging services, including hotels and motels
 - h. Vegetation removal, select cutting
 - i. Signs - onsite
 - j. Gas stations, light repair shops
 - k. Warehousing
 - l. Professional office buildings, including chiropractors, massage therapists, and similar medical uses
 - m. Recreational centers
 - n. Theaters
 - o. Restaurants, taverns, a microbrewery with taproom
 - p. Public buildings

- q. Churches
 - r. Commercial childcare facility facilities
- 3) Conditional Uses:
- a. Commercial Storage / Mini Storage (also, see section 25 for additional standards)
 - b. Outside storage
 - c. Assembly plants
 - d. Vehicle body repair, machine shops
 - e. Packaging plants
 - f. equipment and auto repair services
 - g. Other commercial uses determined by the City Council to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses or the public health, safety, and welfare of the public.
- 4) Performance Standards:
- | | |
|--|-------------|
| Lot Width Minimum | 100 feet |
| Lot Size (with sewer) | 15,000 sqft |
| Lot Area (without sewer) | 20,000 sqft |
| Property Line Setback Front Right of Way | 30 feet |
| Property Line Setback Side | 10 feet |
| Property Line Setback corner side | 20 feet |
| Property Line Setback Rear yard | 20 feet |
| Building Height Maximum | 40 feet |
| Maximum impervious coverage | 60 percent* |

*Impervious Coverage. Impervious coverage may be increased by up to 15% if the following is provided:

- 1. A stormwater retention plan showing containment of the parcel's 10-year, 24-hour storm event.
- 2. Berms, infiltration ponds, swales, filtration strips, or other permanent means shall eliminate direct stormwater runoff to adjacent properties and wetlands.

5.6 Downtown Commercial (DC)

- 1) Purpose: To provide a zoning classification for a mix of high-density residential and commercial uses. Development in this zone relies less on automobile traffic and more on walking, biking, and other similar modes of transportation. Infrastructure must be in place to provide on-street parking and walkways and connection to municipal water and sanitary sewer utilities.
- 2) Permitted Uses:
 - a. Retail establishments
 - b. Food service establishments
 - c. On and/or off sale liquor establishments
 - d. Personal services
 - e. Professional services
 - f. Entertainment and amusement services

- g. Lodging services, including hotels and motels
 - h. Gas stations, light repair shops
 - i. Warehousing
 - j. Professional office buildings, including chiropractors, massage therapy, and similar medical uses
 - k. Recreational centers
 - l. Theaters
 - m. Restaurants, taverns, a microbrewery with taproom
 - n. Public buildings and facilities
 - o. Churches
 - p. Commercial childcare facilities
 - q. Dwellings on the second floor or above
- 3) Conditional Uses:
- a. Outside storage
 - b. Light manufacturing
 - c. equipment and auto repair services
 - d. Other commercial uses determined by the City Council to be of the same general character as the permitted and conditional uses above and found not detrimental to existing uses and the general health, safety, and welfare of the public.
- 4) Prohibited Uses:
- a. Mini/Commercial Storage
- 5) Performance Standards:
- | | |
|---|------------|
| Lot Width Minimum | 25feet |
| Lot Size | 2,250-sqft |
| Property Line Setback Front Right of Way (City road) | 1-foot |
| Property Line Setback Front Right of Way (County or State road) | 1-foot |
| Property Line Setback Side | 0 feet |
| Property Line Setback Rear yard | 5-feet |
| Setback, parking from building or lot line | 1-foot |
| Impervious Coverage with storm sewer available | 100% |
| Impervious Coverage without storm sewer public | 70% |
| Building height Maximum | 45-feet |

5.6 Industrial (I)

- 1) Purpose: the purpose of the industrial district is to establish the appropriate location for the manufacturing, distribution, wholesaling, or storing of raw materials, partially finished products, or finished products.
- 2) Permitted Uses:
- a. Any permitted or conditional use allowed in the C1 or DC Districts
 - b. Fabrication
 - c. Commercial storage
 - d. Manufacturing

- e. Automobile painting, upholstering, tire recapping, and major repair when conducted within a completely enclosed building
 - f. Bus terminals and maintenance garage
 - g. Ice, cold storage plants, bottling works
 - h. Laundries
 - i. Machine Shops
 - j. Paint Mixing
 - k. Paper products from previously processed paper
 - l. Radio and television studios
 - m. Research laboratories
 - n. Warehousing and wholesaling
 - o. Restaurants
 - p. Creamery
 - q. Open storage when incidental to a principal use and conducted within a completely fenced area
- 3) Conditional Uses
- a. Airports, truck and freight terminals, and open sales lots.
 - b. Radio or Television transmission towers.
 - c. Cement, concrete, stone cutting, brick, glass, batteries (wet cells), ceramic products, mill working, metal polishing and plating, paint (pigment manufacturing), vinegar works, rubber products, plastics, meat packing, flour, feed, grain milling, coal, or tar asphalt distillation, rendering results, a distillation of bones, sawmill, lime, gypsum, plaster of paris, glue, size, cloth, paper mill, creosote plant, acid manufacture, refuse and garbage disposal and similar uses.
 - d. Commercial stockyards and slaughtering of animals.
 - e. Crude oil, gasoline, or other liquid storage tanks.
 - f. Storage, utilization, or manufacture of materials or products which could decompose by detonation.
 - g. Auto wrecking, junkyard, used auto parts, open storage, and similar uses.
 - h. Incineration or reduction of waste material other than customarily incidental to the principle use.
 - i. Poison, fertilizer, fuel briquettes manufacture or processing.
 - j. Kilns or other heat processes fired by means other than electricity.
 - k. Open storage.
 - l. Other commercial or industrial uses determined by the City Council to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses or public health, safety, and welfare of the public.
- 4) Performance Standards:
- Whenever an "I" District abuts a "Residential District, a fence or compact evergreen screen not less than 50 percent opaque nor less than 6 feet in height, except adjacent to a street where it shall be not less than three or more than 4 feet in height, shall be erected and maintained in the front portion of the lot, along the side or rear property line that abuts the Residential District.

Lot Width Minimum	100-feet
Lot Size	40,000-sqft
Property Line Setback Front Right of Way	40-feet
Property Line Setback Side	20-feet
Property Line Setback Rear yard	20-feet
Setback, parking from building or lot line	1-foot
Building height Maximum	45-feet
Impervious Coverage	50%*

*Impervious Coverage. Impervious coverage may be increased by up to 15% if the following is provided:

- 1) A stormwater retention plan showing containment of the parcel's 10-year, 24-hour storm event.
- 2) Berms, infiltration ponds, swales, filtration strips, or other permanent means shall eliminate direct runoff of stormwater to adjacent properties and wetlands.

5.7 Shoreland Overlay (SL)

1. Purpose: Provide for the wise development of Shoreland of public waters by establishing minimum lot size, width, and water frontage for lots suitable as building sites; regulating the placement of structures about shorelines and roads; regulating the type and placement of sanitary and waste disposal facilities; and the regulation of Shoreland grading and filling.
2. Statutory Authorization-Shoreland Management:
The Shoreland of the City of Pillager, Minnesota, hereby designated as a Shoreland Overlay District under the authorization contained in the laws of the State of Minnesota Chapter 379 and in furtherance of the policies declared in Minnesota Statutes Chapters 105, 115, 116, and 462.
3. Public Waters Classification:
The public waters of the State of Minnesota located within the City of Pillager, County of Cass, State of Minnesota, have been classified and numbered by the Minnesota Department of Natural Resources; that classification shall apply for all purposes under this Ordinance.
 - a. Crow Wing River – Forested (FT) River Classification (300 -feet from the Ordinary High-Water mark)
 - b. Pillager Creek – Tributary (TB) River Classification (300 -feet from the Ordinary High-Water mark)
4. Permitted Uses in Shoreland:
All permitted uses are allowed and regulated by the applicable zoning district underlying this Shoreland overlay district as indicated on the official “Zoning District Map.”
5. Conditional Uses in Shoreland:

All conditional uses and applicable attached conditions are allowed and regulated by the applicable zoning district underlying this Shoreland overlay district as indicated on the official “Zoning District Map.”

6. Permitted Accessory Uses in Shoreland:

Any use permitted as an accessory by the applicable zoning district underlying this Shoreland overlay district as indicated on the official “Zoning District Map”.

7. Excluded Uses:

Triplex, fourplex, or greater dwellings

8. Performance Standards:

The following dimensional requirements shall apply to all shorelands of all public waters within the City of Pillager. Where the requirements of the underlying zoning district, as shown on the official zoning map, are more restrictive than those set forth herein, then the more restrictive standards shall apply. For lots newly platted or created by metes and bounds description after the effective date of this Ordinance, the following shall apply:

Lot Area, Height, Lot Widths, and Yard Requirements:	Forested	Tributary
Lot Area SQFT	20,000	20,000
Water frontage and building line lot width Single Family Sewered	200’	75’
Water frontage and building line lot width Single Family Unsewered	200’	100’
Water frontage and building line lot width Duplex Sewered	300’	115’
Water frontage and building line lot width Duplex Unsewered	300’	150’
Building setbacks from Ordinary High water mark) (sewered)	150’	50’
Building setbacks from Ordinary High water mark) (unsewered)	150’	100’
Building setbacks from roads and highways right of way line (Federal, State, or County)	50’	50’
Building setbacks from roads and highways right of way line (local)	20’	20’
Elevation of the lowest floor above the Highest known water level	3’	3’

Sewage system setback from ordinary High-water mark	100'	75'
Sewage system elevation above the highest Groundwater level or bedrock	4'	4'
Impervious Surface Coverage	25%	25%
Height Structure Maximum	25'	25'
Top, toe, and sides of a bluff	30'	30'

Substandard lots: see chapter 4.4 of this ordinance.

9. General Provisions:

- a. Deck Additions: deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high-water level if all of the following criteria are met:
 - i. The structure existed on the date the structure setbacks were established.
 - ii. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure.
 - iii. The deck encroachment toward the ordinary high-water level does not exceed 15 percent of the existing setback of the structure from the ordinary high-water level or is no closer than 30 feet from the OHWL, whichever is more restrictive; and
 - iv. The deck is constructed primarily of wood and is not roofed or screened.
- b. Placement and Design of Roads, Driveways, and Parking Areas. These facilities must be designed to take advantage of natural vegetation and topography to achieve maximum screening as viewed from public waters. They must be constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local SWCD and comply with the following standards:
 - i. Roads, driveways, and parking areas must meet structure setbacks and not be placed within bluff and shore impact zones when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas and must be designed to minimize adverse impacts;
 - ii. Watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met;
 - iii. Private watercraft access ramps, approach roads, and access-related parking areas are prohibited.
 - iv. For public roads, driveways, and parking areas, documentation must be provided by a qualified individual that they are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district or other applicable technical materials.

- c. Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to significant topographic alterations for access up and down bluffs and steep slopes to shore areas. Stairways, lifts, and landings must meet the following design requirements:
 - i. Stairways and lifts must be four feet wide on residential lots. Wider stairways may be used for commercial properties, public recreational uses, and planned unit developments;
 - ii. Landings for stairways and lifts on residential lots must be at most 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public-space recreational uses, and planned unit developments;
 - iii. Canopies or roofs are not allowed on stairways, lifts, or landings;
 - iv. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
 - v. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
 - vi. Facilities such as ramps, lifts, or mobility paths for physically disabled persons are also allowed to access shore areas if they are consistent with the dimensional and performance standards of sub-items 1 and 2 of this section and the requirements of Minnesota Rules Chapter 1341.
- d. Water-oriented Accessory Structures or Facilities. Each residential lot may have one water-oriented accessory structure or facility if it complies with the following provisions:
 - i. The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. The structure or facility may include detached decks not exceeding eight feet above grade at any point or at-grade patios;
 - ii. The structure or facility is not in the Bluff Impact Zone;
 - iii. The setback of the structure or facility from the ordinary high water level must be at least ten feet;
 - iv. The structure is not a boathouse or boat storage structure as defined under Minnesota Statutes, Section 103G.245;
 - v. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
 - vi. The roof may be used as an open-air deck with safety rails but must not be enclosed with a roof or sidewalls or used as a storage area;
 - vii. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;
 - viii. Water-oriented accessory structures may have the lowest floor placed lower than the elevation specified in the shoreland overlay district. If the structure is designed to accommodate internal flooding, constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation, and, if extended duration

flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

10. Shoreland Alterations:

- a. Removing natural vegetation shall be restricted to prevent erosion into public waters, consume nutrients in the soil, and preserve shoreland aesthetics. Removal of Natural vegetation in the shoreland overlay district shall be subject to the following provisions:
 - i. Selective removal of natural vegetation shall be allowed, provided that sufficient vegetative cover remains to screen cars, dwellings, and other structures when viewed from the water.
 - ii. Clear cutting of natural vegetation shall be prohibited.
 - iii. Natural vegetation shall be restored insofar as feasible after any construction project is completed to retard surface runoff and soil erosion.
 - iv. The provisions of this section shall not apply to permitted uses that generally require the removal of natural vegetation.
 - v. Grading and filling in shoreland areas or any alterations of the natural topography where the slope of the land is toward public water or a watercourse leading to public water must be authorized by a conditional use permit. The permit may be granted subject to the conditions that:
 - a. The smallest amount of bare ground is exposed for as short a time as feasible;
 - b. Temporary ground cover, such as sod, is planted
 - c. Methods to prevent erosion and trap sediment are employed;
 - d. Fill is stabilized to accepted engineering standards.
 - e. Excavations on shoreland where the intended purpose is a connection to public water shall require a permit from the Zoning Administrator before construction is begun. Such a permit may be obtained only after the Commissioner of Natural Resources has issued a permit for work in the beds of public waters.

SECTION 6, SIGNS

6.1 Signs

1. The purpose of this provision is to protect the general welfare and safety of the City by providing a policy of aesthetic development to prevent signs from intruding on the City's rural character, adequate signs for property identification purposes, and adequate signage.
2. All new free-standing signs, such as, but not limited to, monument or pylon signs, are considered structures and require an approved permit before being erected.
3. Residential signage under 4 sqft does not require a permit. However, all other performance standards of this section shall apply.

4. Non-residential signage does not require a permit when attached flat against a building or wall. However, all other performance standards of this section shall apply.
5. No sign shall be erected or maintained at any angle to a building or structure which the sign extends or projects over the street or highway.
6. Noncommercial Speech: Notwithstanding any other provisions of this section, the noncommercial speech exemption provided by Minnesota Statutes section 211B.045 (or successor statute) is hereby incorporated by reference, which shall also include the period thirteen (13) weeks before any special election until ten (10) days following the special election.
7. Changing the display surface on a sign(s) or complete replacement of a sign(s) when such change or replacement would be consistent with a previously issued permit or a sign considered a legal nonconformity would not require a new permit.
 - a. The following signs shall be exempt from the requirements of this section.
 - b. Signs affixed on property owned by a County, State, or Federal governmental body or a public school district unless expressly prohibited by this section.
 - c. Interior Signs
 - d. Signs which are integrally attached to or part of:
 - i. Waste roll-offs, dumpsters, garbage cans, portable storage units, or similar equipment owned and maintained by a commercial business for waste collection or temporary storage.
 - ii. Signs affixed on City-owned property, which the City Council or their designee has approved.
 - iii. Murals located on a building used primarily for commercial or industrial purposes maintained by the property owner or their designee.
 - iv. Signs required by law.
8. Setbacks as measured from the property line.

	Residential	Commercial	Downtown Commercial	Industrial
Front Yard	5'	5'	0'	10'
Side Yard	5'	5'	0'	10'

Rear	5'	5'	0'	10'
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9. Residential Zones

- a. Signs shall not be internally lighted but may be of reflective material.
- b. No sign area shall be larger than four (4) square feet.
- c. The maximum cumulative total of signage shall be at most 12 square feet.
- d. No sign shall be placed in the public right-of-way.
- e. No sign shall be greater than 5-feet in height.

10. Residential Districts (3 Dwelling Units or More): Within any residential zoning district, where a property contains three (3) or more dwelling units may have one sign up to thirty-two (32) square feet in size, which may be externally illuminated, with a maximum height of eight feet (8').

11. Non-Residential Zones

- a. Any free-standing monument or pylon sign shall first obtain an approved permit from the City.
- b. Performance standards:

Zoning District	Maximum sign area for one sign	Maximum Sign Height (measured from the top of the sign)	Cumulative Maximum sign area
Commercial	300 sq. ft	30'	50 sq. ft. or 3 sq. ft. per front foot of lot, which abuts a public right-of-way, whichever is greater, but not to exceed 1,200 sq. ft.
Downtown Commercial	100 sq. ft	25'	50 sq. ft. or 2 sq. ft. per front foot of lot which abuts a public right-of-way, whichever is greater
Industrial	300 sq. ft	30'	4 sq. ft per front foot of a lot that abuts a public right-of-way

Note: For buildings where more than 2 sides abut a public right-of-way or which can be accessed from a parking lot, seating area, or secondary entrance available to customers on a side not abutting a public right-of-way, an additional 50 square feet of signage shall be allowed beyond what would otherwise be entitled.

SECTION 7, FENCE REGULATIONS

7.1 Fence Regulations

1. The requirements of this subchapter shall apply to all new or replacement fences, walls, or shrubbery erected or installed from and after the effective date of this subchapter. Still, they shall not apply to the mere repair of existing fences.
2. General Requirements:
 - a. All fencing over 30 inches shall require a permit.
 - b. No fence shall contain barbed wire or be charged with electric current except where expressly allowed in this ordinance.
 - c. No fence, wall, or other obstruction to vision above a height of 30 inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection.
 - d. Fences must be maintained not to endanger life or property, and any fence which, through lack of repair, type of construction, imperils health, energy, or property, or the well-being of a neighborhood shall be deemed a nuisance.
 - e. All fences must be on the private property of the person, firm, or corporation constructing the fence.
 - f. All fences must comply with all other law requirements or this code for fence installation and materials.
3. All Zoning Districts Regulations:
 - a. Prohibited material. No fence or wall shall be constructed of any electrically charged element or barbed wire unless specifically allowed in this section.
 - b. Approved material. Allowable Materials. Fences must be made of stone, brick, finished wood, rigid plastic, chain link, treated or cedar wood, split rail fences, or other materials commonly used for fencing. Materials not expressly listed above may only be authorized by conditional use permit, except that the following types of fences are prohibited: barbed wire (except as authorized in section 5 of this Section), electrical fencing, razor wire, creosote lumber, chicken wire (unless used for the enclosure of gardens), concrete block or poured concrete, plastic webbing, plywood or pressed wood. Notwithstanding the above prohibitions, commercially available snow fencing may be allowed between November 1 and March 15 of each calendar year.

- c. Maximum height. Height. No fence shall exceed six (6) feet in height on any property, measured six inches above the adjacent ground surface.
 - d. Maintenance. Every fence or wall shall always be maintained in a good and safe condition. Any fence or wall damaged or missing element shall be repaired or replaced promptly.
 - e. Setbacks. 2 feet unless fence can be maintained entirely from 1 side, and then 0 feet measured from the property line. All fencing along property boundary lines shall be located entirely upon the property of the person constructing or causing the construction of the fence. The property owner shall maintain both sides of the fence. Fences shall be installed with the finished side(s) facing the neighboring property or properties. No fence shall be installed to obstruct the view of vehicular or pedestrian traffic on adjacent streets or public ways. All fences shall be installed to allow necessary maintenance without trespass on a neighboring property. All fences shall be placed a minimum of 10 feet from the ordinary high-water mark of a lake, two (2) feet from an alley lot line unless the fence can be maintained entirely from the non-alley side, and 10 feet from any city, county or state road surface or out of the road right-of-way, whichever is more restrictive.
4. Submission Requirements. When requesting a certificate of compliance for a fence, a certificate of survey from a licensed surveyor showing the parcel and proposed fence must be submitted to the city unless any of the following exceptions apply:
- a. The proposed fence will be located entirely on the subject property and meet all required setbacks at the sole discretion of the City.
 - b. Stakes from a previously completed survey are still in place and appropriately marked at the sole discretion of the City; or
 - c. A signed, written statement from all neighboring property owners adjacent to the proposed fence is provided and indicates that said neighbors do not dispute the proposed fence location.
5. Industrial Districts:
- a. Approved material. Approved fencing materials include stone, brick, finished wood, rigid plastic, chain-link, treated cedar wood, split rail fences, or other materials commonly used. Other materials may only be approved by conditional use permit, except that the following types of fences are prohibited unless specifically allowed otherwise: barbed wire electrical fencing, razor wire, creosote lumber, chicken wire (unless used for the enclosure of gardens), concrete block or poured concrete, plastic webbing, plywood or pressed wood. Notwithstanding the above prohibitions, commercially available snow fencing may be allowed between November 1 and March 15 of each calendar year. The use of barbed wire is allowed on the top portion of fencing on commercial (C2) or Industrial zoned property not to exceed 18 inches on barbwire.

- b. Maximum height. Fences not exceeding 84 inches (7') in height may be constructed, As measured from 6 inches above the adjacent ground level.
- c. Setbacks. 2 feet unless the fence can be maintained entirely from 1 side, and then 0 feet measured from the property line.

SECTION 8, PARKING AND LOADING

8.1 Parking and Loading

1. General Requirements:
 - a. Onsite parking shall be provided in all zones, except in the downtown commercial zone, with adequate drive access to prevent the need to back onto collector streets or highways.
 - b. All parking shall be paved or provided with an all-weather surface, such as compacted Class 5 gravel, and be adequately drained, all as determined by the City Council.
 - c. Parking shall be provided at the minimum following ratios, except as determined by the City Council following review and recommendation by the planning and zoning commission and city staff.
 - d. Residential Parking Requirements: 2 stalls per residential unit (1, 2, 3, 4 unit), 1.5 stalls per dwelling unit over 4 units
 - e. Commercial Parking Requirements: No parking ratio; however, all parking shall be onsite.
 - f. Industrial: No parking ratio; however, all parking shall be onsite.
 - g. Onsite parking shall be at most 5 feet from a lot line.
 - h. The following handicapped parking shall be applied:

<i>Total Parking Spaces</i>	<i>Accessible Parking Spaces Required</i>	<i>“Van-Accessible” Spaces Required</i>
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1

2. Loading:
 - a. All required loading berths shall be off-street and located on the same lot as the principal use served. Loading shall not occupy front yard space. Berths shall not be used for storage.

SECTION 9, DRAINAGE

9.1 Drainage

1. All development shall contain provisions for adequate surface or subsurface stormwater runoff and snow melt directed to natural drainage ways. A storm frequency of a five-year return period shall be provided for with no structural flooding or ponding.
2. All development shall provide for the continuance of natural drainage ways and shall be so constructed as to be one foot above the water level in the drainage way created by a storm of a 100-year return period of a one percent chance of occurrence.
3. All drainage structures provided shall be sufficient in size to pass a five-year storm along a natural drainage way and a 100-year storm along a drainage way.
4. The use of natural or manufactured stormwater storage areas is encouraged. These areas should be vegetated and designated to lower after a storm naturally.

SECTION 10, MANUFACTURED HOMES

10.1 Manufactured Homes

1. Manufactured homes shall comply with the standards contained within this Section.
2. Seal or Label Requirement. A manufactured home installed in the City must have a seal or label issued by the Minnesota Commissioner of Administration or by the United States Department of Housing and Administration signifying that the home complies with the regulations applicable to such homes.
3. Anchoring. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists floatation, collapse, and lateral movement. Anchoring methods may include but are not limited to using over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state anchoring requirements for resisting wind forces.
4. Installation. A manufactured home shall be installed by an installer licensed by the State of Minnesota. The installation shall follow Minnesota Rules Chapter 1350 and the manufacturer's instructions.
5. Non-Compliant Homes. Manufactured homes not meeting the definition in Minnesota Statutes, section 327.31, subdivision six, or that do not comply with the Minnesota Manufactured Home Building Code standards are prohibited. They shall not be placed within the City. Alterations to the structural components of a

manufactured home are only allowed if made in full compliance with Minnesota Manufactured Home Building Code and all other applicable laws, rules, and regulations.

SECTION 11, SOLAR ENERGY SYSTEMS

11.1 Solar Energy Systems

1. Roof-mounted Solar Energy Systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built unless the collector and mounting system have been explicitly engineered to extend beyond the edge safely, and setback standards are not violated.
2. Ground-mounted system's total collector (panels) area shall not exceed half the building footprint of the principal structure.
3. Ground-mounted systems shall be exempt from impervious surface standards if the soil under the collector (panel) is maintained and in a non-compacted vegetation state.
4. Ground-mounted systems are considered structures and shall meet setback and height requirements.

SECTION 12, STORAGE CONTAINERS

12.1 Storage Containers

1. The use of semitrailers, shipping containers, and other similar structures or containers for storage on the residentially zoned property for more than 90 days in any one calendar year period is prohibited. This prohibition shall not apply to construction storage trailers used on-site during a construction project, provided all required permits are obtained, the project remains compliant, and the trailer is removed from the lot upon completion.

SECTION 13, PLANNED UNIT DEVELOPMENTS (PUD)

13.1 Planned Unit Developments (PUD)

1. General: Planned Unit Development requires the assistance of professional planning and usually involves the approval of multiple agencies or other governmental bodies. Where circumstances are favorable, Planned Unit Developments (P.U.D.s) provide more latitude in land use than normal development to allow for planning, clustering facilities, and consolidating green space and internal recreational amenities.

2. Types of PUDs Permissible. Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards of Section 5 of this ordinance is allowed if the criteria in this Section are met.
3. Processing of PUDs. Planned unit developments must be processed as a conditional use, and the application, review, and cost reimbursement procedures applicable to a major subdivision, as expressed in this code, shall be followed to consider and act on a PUD. An expansion to an existing commercial PUD involving 6 or fewer new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use, provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 10. Approval can only occur once all applicable environmental reviews are complete.
4. Application for a PUD. The applicant for a PUD must submit the following documents:
 - a. Site plan and/or plat
 - b. Locations of property boundaries;
 - c. Surface water features;
 - d. Land proposed structures and other facilities;
 - e. Land alterations;
 - f. Sewage treatment and water supply systems (where public systems will not be provided);
 - g. Topographic contours at ten-foot intervals or less; and
 - h. Identification of buildings and portions of the project that are residential, commercial, or a -combination of the two (if the project combines commercial and residential elements)
 - i. Covenants and incorporating documents providing for a homeowner's association, where appropriate.
 - j. Vegetation removal, select cutting
 - k. Internal private access roads on common property.
 - l. Maintenance of all facilities by the association
 - m. Parking for two vehicles per unit.
 - n. Screened or inside storage areas
 - o. Subdivision by plat or condominium plan
 - p. Recreation facilities as the Planning Commission requires.
 - q. Screening and landscaping as required by the Planning Commission.
 - r. DNR approval before final City approval if within shoreland area.
5. Minimum Density Requirements: New Development

R-1

RR

Minimum Land Acre Required

1 acre

5 acres

The minimum lot size for a dwelling		
Single-family per unit	3,200 sq ft	3,200 sq ft

6. An architect shall design new multi-family buildings that appear compatible with the surrounding land use.
7. New multifamily building shall have two-hour fire-rated party floors and walls.
8. Preliminary Submission All PUD's
 - a. Boundary Survey
 - b. two ft. contour interval topography
 - c. Specimen tree location
 - d. Locations of existing structures
 - e. Locations of structures on adjoining property
 - f. Onsite soils data
 - g. Proposed facilities
 - h. Buildings
 - i. Recreation facilities
 - j. Drives and parking
 - k. Grading limits
 - l. Planting
 - m. Lighting and signing
 - n. Sewage disposal system concept
 - o. Water supply system concept
 - p. Drainage
 - q. Additional plans as necessary to define project
 - r. Phasing should also be indicated
 - s. Preliminary plat or preliminary condominium plan
 - t. Floor plans and elevation views of new structures
 - u. Operation concept
9. Final Submission All PUD's
 - a. Multifamily building and other structure plans by the architect.
 - b. Clustered sewage disposal plans by an engineer
 - c. Clustered water supply system concept by an engineer.
 - d. Drive and parking plans with elevations
 - e. Drainage and erosions control plan
 - f. Planting plans
 - g. Recreational facilities plan
 - h. DNR approval where appropriate
 - i. PCA Minnesota Health Department and Corp of Engineers approval where appropriate.
 - j. Title opinion
 - k. Surveyors plat check on plat or condominium plan
 - l. Final covenants

- m. Final plat or final condominium plan by surveyor
- n. Financial assurance of 125 percent of the construction cost of common facilities
- o. Development contract

10. As-Built Plans

- a. As built, plans shall be filed with the City on sewer and water systems.

SECTION 14, MOBILE HOME/MANUFACTURAL HOUSING DEVELOPMENT

14.1 Mobile Home/Manufactural Housing Development

1. Development of this type creates a heavy demand and reliance on municipal facilities, including sewer, water, and fire protection. In addition, these developments are often the densest in a community requiring heavier streets, more recreation facilities, and nearby shopping.
2. Minimum Standards:
 - a. Minimum Parcel size 5 acres
 - b. The minimum lot size for each dwelling unit is 6,000 sqft
 - c. Minimum land in common ownership or not used in lots 25%
 - d. Individual winterized sewer, water, and electrical connections for each site
 - e. Other requirements: As applicable, all 13.1 Planned Unit Developments requirements shall apply except as noted herein.

SECTION 15, EXTRACTIVE USES AND RESTORATION

15.1 Extractive Uses and Restoration

1. In all permitted districts, C.U.P. shall only permit mining. Such permit shall include, as a condition: a site plan, a completion plan, and a haul route plan with provision for road restoration as provided in the following.
2. All excavation and extraction shall conform to the following:
 - a. Distance from property lines. No quarrying operation shall be carried on or any stockpile place closer than 50 feet from any property line unless a greater distance is specified by the C.U.P. where such is deemed necessary for the protection of adjacent property, provided that this distance requirement may be reduced to 25 feet only with the written consent of the owners of the affected adjacent non-residence property.
 - b. Distance from the public right of way. If the site of the mining or quarrying operation is adjacent to the right of way of any public street or road, no part of such operation shall take place closer than 50 feet to the nearest line of such right of way.
 - c. Fencing. Fencing shall be erected and maintained around the entire site or excavated portions thereof and shall be of a type specified in the C.U. P.

- d. Equipment. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. Power drives or power-producing machinery, not including vehicles, shall be housed or operated at least 1,000 feet from a residential use district.
 - e. Processing. C.U.P. may authorize crushing, washing, refining, or other similar processing as an accessory use; however, such accessory processing shall not conflict with the use regulations of the district where the operation is located. Processing shall not be permitted in the residential districts. All processing equipment shall be located at least 1,000 feet from any residence and 200 feet from the OHW of any lake or stream.
3. Rehabilitation. To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted an extraction/mining permit as herein provided shall furnish a performance bond running to the City in an amount to be determined by the City Engineer acceptable to the Planning Commission as a guarantee that such applicant, in restoring, reclaiming and rehabilitating such land and haul road shall, within a reasonable time and to the satisfaction of the City meet the following minimum requirements:
- a. Surface rehabilitation. All excavation shall be made either to a water-producing depth, with a water depth of not less than five (5) feet, or the surface of such area which is not permanently submerged shall be graded or backfilled to contour and shape the peaks and depressions thereof, to produce a gently drained surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. Four (4) inches of black topsoil shall be placed on all sites, except beaches, that will remain above water level. Haul roads will be restored to their condition before the beginning of the extraction operation,
 - b. Vegetation. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as herein above provided.
 - c. Banks of excavation have yet to be backfilled. The banks of all excavation not backfilled shall be sloped not steeper than three (3) feet horizontal to one (1) foot vertical, and vegetation on said bank shall be permanently established.
4. Application; contents; procedure. An application for such operation shall provide the following information in addition to that required by the CUP process:
- a. Name of the person or corporation conducting the actual removal operation;
 - b. Size of the area from which the removal is to be made;
 - c. Type of resources or materials to be removed;
 - d. Proposed method of removal and whether or not blasting or other use of explosives will be required;
 - e. Description of equipment to be used;
 - f. Method of rehabilitation and reclamation of the pit area;
 - g. Identification of haul roads.

SECTION 16, LANDFILLS

16.1 Landfills

1. No landfills are allowed in the City of Pillager.

SECTION 17, BED AND BREAKFASTS

17.1 Bed and Breakfasts

1. In districts where permitted or allowed by conditional use, a bed and breakfast inn shall comply with the following standards:
 - a. The bed and breakfast inn shall be part of an owner-occupied residential structure and owner-operated.
 - b. The use shall comply with applicable Federal, State, County, and City rules and regulations.
 - c. The exterior appearance of the structure shall not be altered from its single-family character.
 - d. All guestrooms, and access to guestrooms, shall be located within the principal residential structure.
 - e. The total number of units shall be limited to four (4), not including the owner.
 - f. The property must meet all density requirements of the ordinance as a single-family dwelling.
 - g. Guests are limited to a stay of at most 14 consecutive days.
 - h. No food preparation or cooking facilities shall be conducted in the guestrooms.
 - i. All requirements of the zoning district must be followed.
 - j. The owner shall provide licensure information to the City before operation shall begin.
 - k. No property may be leased or rented to several individuals greater than the structure's bedroom and/or septic capacity.

SECTION 18 PROPOSED TELECOMMUNICATION TOWERS

18.1 Proposed Telecommunication Towers

1. Purpose and Intent. Establish predictable and balanced regulations that protect the City's public health, safety, and general welfare.
 - a. Facilitate providing telecommunications services and facilities, including commercial wireless telecommunication services in Pillager.
 - b. Minimize adverse visual effects of towers through careful design standards.
 - c. Avoid potential damage to adjacent properties from tower or antenna failure and weather-related occurrences through structural standards, careful siting, and setback requirements.

- d. Encourage using existing towers and buildings to accommodate commercial wireless telecommunication service antennas to minimize the number of towers needed to serve the city.
2. Permits Required. It shall be unlawful for any person, firm, or corporation to erect, construct, place, or re-erect any tower unless it replaces a like building without first applying to the City and securing a permit. A construction, dimension, lighting design, or design type change shall also require a permit. The city may administratively approve the placement of antennae on previously approved towers.
3. Tower and Antenna Design Requirements. Proposed or modified towers and antennas shall meet the following design requirements:
 - a. Towers and antennas shall blend into the surrounding environment through color and camouflaging architectural treatment except in instances where federal or state authorities dictate the color.
 - b. No tower shall have been constructed thereon or attached to it, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.
 - c. Towers and antennas shall be certified by a qualified and licensed professional engineer to conform to applicable state structural building standards.
 - d. Towers and their 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. Metal towers shall be constructed of or treated with corrosive-resistant material.
4. Tower Setbacks. Towers and all accessory structures or buildings shall conform to the following minimum setback requirements:
 - a. Towers shall be set back from all property lines and existing structures an amount equal to the structure's height.
 - b. Guy wires for towers shall be no closer than twenty-five (25) feet to any property line and shall meet the setback of the underlying land use district concerning the public road right of way.
 - c. Suitable protective anti-climbing fencing, with a minimum height of six (6) feet, shall be provided around any tower and guy wires.
5. Co-Location Requirements. All commercial wireless telecommunication towers erected, constructed, or located within the City shall comply with the following requirements:
 - a. Documentation of the area to be served, including maps demonstrating the size of communication cells and a search ring for the antenna location. A narrative describing a search ring for the request, with at least one (1) mile

- radius, clearly explains why the site was selected, what existing structures were available, and why they are unsuitable for locations or co-locations.
- b. Documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the search ring of the service area due to one or more of the following reasons:
 - i. 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 current or approved tower cannot be reinforced, modified, or replaced to accommodate planned equipment at a reasonable cost.
 - ii. 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 or radio frequency engineer., The interference cannot be prevented at a reasonable cost.
 - iii. Existing or approved towers and buildings within the search radius that are sixty (60) feet or over in height that cannot accommodate the planned equipment at a height necessary to function reasonably, as documented by a qualified and licensed professional engineer.
 - iv. Other unforeseen reasons make locating the planned telecommunications equipment upon an existing or approved tower or building unfeasible.
 - c. Any proposed tower shall be designed, structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 99 feet in height or for at least one other user if the tower is between 35 and 99 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept mounting at varying sizes.
 - d. An agreement stating that the site will be designed for not less than three users with applicant and property owner commitment to co-location, whereby any prohibition of additional users on a tower will be considered a violation of the permit and city policy. The agreement shall also state that the property owner and/or applicant shall remove any unused or abandoned tower. Said agreement shall be signed by the applicant and the property owner and shall be attached to and become a part of the permit.
6. Antennas Mounted on Existing Buildings or Towers. The placement of telecommunication antennas, including those on existing buildings, towers, or structures, shall meet the requirements of the underlying land use district and this section. A site and building plans must be submitted to the City as part of the land use permitting process. Where a tower is non-conforming due to the requirements of this section, additional telecommunication antennas may be

allowed to be placed on the tower after being reviewed by the Zoning Administrator.

7. Accessory Utility Buildings. All buildings and structures accessory to a tower shall:
 - a. Be architecturally designed to blend with the surrounding environment and meet the height and setback limitations established for each land use district.
 - b. Have ground-mounted equipment screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
8. Tower Lighting. A tower shall not be illuminated by artificial means. It shall not have affixed or attached to it in any way except during the time of repair or installation, any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Administration, the Federal Communications Commission, or state agency. When incorporated into the approved tower design, light fixtures may be attached to the tower to illuminate ball fields, parking lots, or similar areas.
9. Abandoned or Unused Towers. Abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless the Zoning Administrator approves a time extension. If a tower is not removed within 12 months of the end of operations at a site, the City may remove the tower and associated facilities, and the removal costs are assessed against the property.
10. Public Safety Telecommunications Interference. Commercial wireless telecommunications services shall not interfere with public safety telecommunications. All applications shall include adequate information that will be reviewed by the Planning & Zoning Commission before a permit may be issued. Before introducing new service or existing service changes, telecommunication providers shall notify the City at least ten (10) calendar days before any modifications and allow the City to monitor interference levels during the testing process.
11. Signs and Advertising. Using any tower portion for signs other than warning or equipment information is prohibited.
12. Non-conforming Towers. To avoid requiring new towers and to minimize the number of towers needed to serve the city, the following provisions shall apply to non-conforming towers. Telecommunication towers in existence at the time of this Ordinance may be permitted to increase tower height after being issued a

conditional-use permit. The Planning & Zoning Commission shall consider the following criteria as part of the conditional use permit process:

- a. Tower safety concerns, including tower collapse, falling ice, and airplane traffic.
- b. Land use character and history of tower(s).
- c. Comparative visual impact to the surrounding lands of the proposed tower height increase.
- d. Disturbance or conflict with agricultural uses on the property.
- e. Other factors tend to reduce conflicts or are incompatible with the character and need of the area.

13. Screening and Landscaping Requirement. A screening and landscaping plan to screen the tower base, accessory utility buildings, utility structures, and security fencing shall be submitted. The plan shall show the location, size, quantity, and type of landscaping materials. Landscape materials shall be capable of screening all year and must be six (6) feet in height by the end of the second growing season. Gravel or other durable surface or other weed prevention measures shall be applied within the fenced area to prevent the growth of weeds. A maintenance plan for landscaped materials shall also be submitted.

14. Additional Submittal Requirements. In addition to the information required elsewhere, applications shall include the following information:

- a. A report from a licensed professional engineer describes the commercial wireless telecommunication service tower's capacity, including the number and type of antennas it can accommodate.
- b. A letter of intent from the commercial wireless telecommunication service tower owner committing the tower owner and 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.
- c. The location of all public and private airports within a three (3) mile radius of the tower site.
- d. Applicant must obtain FAA approval and/or provide documentation that FAA approval is not needed.
- e. Applicant must obtain FCC licensure and approval for various communications applications. No interference with local television and radio reception will be allowed.
- f. An intermodulation study provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems only if that is the basis for not co-locating.
- g. The applicant must submit proof of Liability and Worker's Compensation.
- h. For towers over five hundred (500) feet, an Environmental Assessment Worksheet (EAW) is required, and the applicant shall be responsible for providing the city with all necessary information to complete the EAW before the issuance of a permit from the city.
- i. The owner of the tower shall provide the city with an acceptable financial guarantee in an amount equal to one and one-half (1&1/2) times the cost

to remove the tower and related infrastructure, including footings and other underground improvements to a depth of thirty-six (36) inches below existing grade, and to restore the site. Failure to remove the structure shall cause the City to remove the tower and associated equipment at the expense of the property owners.

15. Towers Not Requiring a Permit. Permits are not required for the following:
 - a. A satellite earth station antenna four (4) feet in diameter or less, located in an industrial or commercial district, meeting required setbacks.
 - b. A satellite earth station antenna three (3) feet or less in diameter, meeting the required setbacks.
 - c. A tower less than fifty (50) ft. as measured from the ground.

SECTION 19, AUTO SALVAGE YARDS

19.1 Auto Salvage Yards

1. Auto salvage yards are to be allowed in industrial-zoned property.
2. The following standard shall apply to Auto Salvage Yards:
 - a. Parts salvage is allowed.
 - b. Screening sufficient to block the view from 100 feet away is required.
 - c. A defined perimeter must be approved and maintained.
 - d. Stacking is not allowed.
 - e. This facility shall not be allowed in any drainage way or wetland.
 - f. Public road access is required.
 - g. The Planning Commission may require fencing in addition to the screening.

SECTION 20, KEEPING OF CHICKENS

20.1 Keeping of Chickens

1. Definitions.
 - a. “Chicken” means a female chicken or hen. A rooster or male chicken is expressly excluded from the definition of chicken and is prohibited.
 - b. “At Large” shall mean a chicken out of its chicken run, off the premises, or not under the custody and control of the owner, or another person, either by leash, cord, chain, or otherwise controlled or restrained.
 - c. “Chicken Coop” means a structure housing chickens made of wood or other similar materials that provide shelter from the elements.
 - d. Chicken Run” means a fenced outside yard for the keeping and exercising of chickens.
 - e. “Owner” shall mean the resident, property owner, custodian, or keeper of any chicken.
 - f. “Premises” means any platted lot or group of contiguous lots, parcels, or tracts of land.

2. Chickens Limited. It is unlawful for any person to own, control, keep, maintain, or harbor hen Chickens on any residential premises in the City unless a permit is issued as provided herein.
 - a. Residential Tenants. In the case of rental residential property, including multi-family residential property, the property owner must obtain a permit, and written permission must be given by the property owner to the tenant for a tenant to keep or harbor chickens on said residential premises.
 - b. Number Limited. A permit shall be issued for the keeping or harboring up to 12 hen chickens.
 - c. Roosters Prohibited. The keeping of roosters or male chickens is prohibited.
3. Permit. The granting of a permit under this ordinance shall be at the sole discretion of the City. A person shall only maintain a Chicken Coop and/or Chicken Run if granted a permit by the City. The permit shall be subject to all terms and conditions of this Section and any additional requirements deemed necessary by the City to protect the public health, safety, and welfare, including state or federal laws. The necessary permit may be obtained from the City Clerk's office. Included with the information required before the permit issuance is a scaled diagram that indicates the location of any Chicken Coop and Chicken Run and the approximate size and distance from adjoining structures and property lines. The Council may revoke or suspend a permit for keeping chickens for violating this Section following written notice and a public hearing.
4. Chicken Confinement.
 - a. Every person who owns, controls, keeps, maintains, or harbors hen chickens must keep them always confined on the premises in a Chicken Coop or Chicken Run while in the city. Any Chicken Coop and/or Chicken Run shall be screened with a solid fence or landscaped buffer with a minimum height of four (4) feet. Any Chicken Coop and Chicken Run shall be at least 20 feet from any residential structure or any other premises on any adjacent lots.
5. Chicken Coops and Chicken Runs.
 - a. All Chicken Coops and Chicken Runs must be located within the rear yard subject to the required setbacks for the principal building and at least 20 feet from any dwelling or other premises on adjacent lots. All Chicken Coops must be a minimum of 4 square feet per chicken in size and must not exceed 6 feet in total height. Attached fenced-in Chicken Runs must be at most 20 square feet per chicken, and fencing must be at most six feet in total height. Chicken runs may be enclosed with wood and/or woven wire materials and may allow chickens to contact the ground. Chicken feed must be kept in metal, predator-proof containers. Chicken manure shall not be placed in yard compost piles.
 - b. Chicken coops must either be:

- i Elevated with a clear open space of at least 24 inches between the ground surface and framing/floor of the coop; or,
 - ii The coop floor, foundation, and footings must be constructed using rodent-resistant construction.
 - c. Chicken Coops cannot be located in any part of a home and/or garage.
 - d. Chickens must be secured in a Chicken Coop daily from sunset to sunrise.
6. Conditions and Inspection. No person who owns, controls, keeps, maintains, or harbors Chickens shall permit the premises where the Chickens are kept to be or remain in an unhealthy, unsanitary, or noxious condition or to permit the premises to be in such condition that foul odors are carried to adjacent public or private property. Any Chicken Coop and Chicken Run authorized by permit under this Section may be inspected at any reasonable time by the City Animal Control Officer or other city agent.
 7. Violations. Any person who owns, controls, keeps, maintains, or harbors Chickens in the city limits without obtaining or maintaining a current permit or after a permit has been suspended or revoked by Council action shall be guilty of a petty misdemeanor. Violations of this ordinance may also constitute a nuisance, and a person in violation may be liable for civil damages, including costs and attorney fees to remedy the nuisance.

SECTION 21, KEEPING OF FARM ANIMALS

21.1 Keeping of Farm Animals

1. Definitions: Farm animals are commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the following families: equestrian (horses, mules); bovine (cows, bulls); sheep; poultry (chickens, turkeys); fowl (duck, geese); swine (including pot-bellied pigs); goats; bees; and other animals associated with a farm, ranch or stables.
2. The Keeping of Farm Animals (except chickens under section 20 of this ordinance) is not allowed within the city limits of Pillager.

SECTION 22, RECREATIONAL VEHICLES AND CAMPING

22.1 Recreational Vehicles and Camping

The intent of section 22 is to allow for temporary recreational use or camping on privately owned property.

1. All recreational vehicles (RV) must be designated to operate on roads without a special permit and must have a current license. These provisions apply to all recreational vehicles, including fish houses, licensed as such.

- a. RV's must meet dwelling setback requirements for the zone they are located in.
 - b. the occupant must have the property owner's permission before placing an RV. The consent must be written when the property owner is unavailable on site while the RV is present.
- 2. Properties with principal dwelling.
 - a. Any owner or tenant on a lot may use a recreational vehicle for guests for up to (14) consecutive days or a total not to exceed (28) cumulative days in a calendar year.
- 3. Properties where a dwelling is being constructed.
 - a. A recreational vehicle is allowed up to 12 months during construction, with an extension for an additional 12 months in conjunction with an extension of a zoning permit.

SECTION 23, NUISANCES

23.1 Nuisances

- 1. Whoever, by their 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:
 - a. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of public members.
 - b. Interferes with, obstructs, or renders dangerous for passage any public highway or right-of-way, or waters used by the public; or
 - c. Is guilty of any other act or omission declared by law or any other part of this code as a public nuisance and for which no sentence is expressly provided.
- 2. Public Nuisances Affecting Health. The following are hereby declared to be nuisances affecting health:
 - a. Exposed accumulation of decayed or unwholesome food or vegetable matter.
 - b. All diseased animals running at large.
 - c. All ponds or pools of stagnant water.
 - d. Carcasses of animals not buried or destroyed within 24 hours after death.
 - e. Accumulations of manure, refuse, or other debris.
 - f. Privy vaults and garbage cans that are not rodent-free or fly-tight or so maintained as to constitute a health hazard or emit foul and disagreeable odors.
 - g. The pollution of any public well or cistern, stream or lake, canal, or body of water by sewage, industrial waste, or other substances.
 - h. All noxious weeds and other rank growths of vegetation upon residentially zoned property, public or private, exceeding 8 inches.

- i. Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities.
 - j. All public exposure of people having a contagious disease; and
 - k. Any offensive trade or business as defined by statute not operating under local license.
- 3. Public Nuisances Affecting Peace and Safety The following are declared to be nuisances affecting public peace and safety:
 - a. All snow and ice not removed from public sidewalks 48 hours after the snow or other precipitation causing the condition has ceased to fall.
 - b. All trees, hedges, billboards, or other obstructions that prevent people from having a clear view of all traffic approaching an intersection.
 - c. All wires and limbs of trees so close to the surface of a sidewalk or street constitute a danger to pedestrians or vehicles.
 - d. All obnoxious noises in violation of Minn. Rules Ch. 7030, as they may be amended from time to time which are hereby incorporated by reference into this code.
 - e. The discharging of the exhaust or permitting the discharging of the exhaust of any stationary internal combustion engine, motorboat, motor vehicle, motorcycle, all-terrain vehicle, snowmobile, or any recreational device except through a muffler or other device that effectively prevents loud or explosive noises from that place and complies with all applicable state laws and regulations.
 - f. The using or operation or permitting the using or operation of any radio receiving set, musical instrument, phonograph, paging system, machine, or other device for producing or reproducing sound in a distinctly and loudly audible manner to disturb the peace, quiet, and comfort of any person nearby. Operation of any device referred to above between the hours of 10:00 p.m. and 7:00 a.m. in a manner to be audible at the property line of the structure or building in which it is located or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.
 - g. No person shall participate in any party or other gathering of people giving rise to noise, unreasonably disturbing the peace, quiet, or repose of another person. When a police officer determines that a group is creating a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance occurs, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of such premises who knows the disturbance shall make every reasonable effort to see that the disturbance is stopped.
 - h. Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds except under conditions as are permitted by this code or other applicable law.
 - i. Radio aerials or television antennae erected or maintained in a dangerous manner.

- j. 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 unrestricted use of the street or sidewalk.
- k. All hanging signs, awnings, and other similar structures over streets and sidewalks, so situated to endanger public safety or not constructed and maintained as provided by ordinance.
- l. The allowing of rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;
- m. Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way.
- n. All dangerous, unguarded machinery in any public place or so situated or operated on private property as to attract the public;
- o. Wastewater cast upon or permitted to flow upon streets or other public properties;
- p. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, 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 accumulation;
- q. Any well, hole, or similar excavation which is left uncovered or in another condition as to constitute a hazard to any child or other person coming on the premises where it is located;
- r. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;
- s. 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 the substance;
- t. The depositing of garbage or refuse on a public right-of-way or adjacent private property;
- u. All other conditions or things which are likely to cause injury to the person or property of anyone.

4. Noises prohibited.

- a. General prohibition. No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value. The specific restrictions of this section do not limit this general prohibition.
- b. Defective vehicles or loads. No person shall use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.
- c. Loading, unloading, unpacking. No person shall create loud or excessive noise in loading, unloading, or unpacking any vehicle.

- d. Radios, phonographs, paging systems, and the like. No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine, or other device for the production or reproduction of sound in a distinct and loudly audible manner as to unreasonably disturb the peace, quiet, and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine, or other device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of 50 feet if the source is located outside a structure or building, shall be prima facie evidence of a violation of this section.
- e. Schools, churches, hospitals, and the like. No person shall create any excessive noise on a street, alley, or public grounds adjacent to any school, institution of learning, church, or hospital when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of such institution.
- f. Hourly restriction of specific operations.
- g. Domestic power equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power maintenance equipment except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday. Snow removal equipment is exempt from this provision.
- h. Refuse hauling. No person shall collect or remove garbage or refuse in any residential district except between 6:00 a.m. and 10:00 p.m. on any weekday or between 9:00 a.m. and 9:00 p.m. on any weekend or holiday.
- i. Construction activities. No person shall engage in or permit construction activities involving any electric, diesel, or gas-powered machine or other power equipment except between 7:00 a.m. and 10:00 p.m. on any weekday or between 9:00 a.m. and 9:00 p.m. on any weekend or holiday.
- j. Noise impact statements. The Council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation, alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the Council. It shall evaluate each such statement and consider its evaluation in approving or disapproving the license or permit applied for or the zoning change requested.
- k. Reflected glare or light from private exterior lighting exceeding 0.5 foot-candles as measured on the property line where the lighting is located when abutting any residential parcel and one foot-candle when abutting any commercial or industrial parcel.
- l. Reflected glare or light from private exterior lighting exceeding 0.5-foot candles as measured on the property line where the lighting is located when abutting any residential parcel and one-foot candle when abutting any commercial or industrial parcel.

5. Nuisance Parking and Storage

- a. Declaration of a nuisance. The outside parking and storage on residentially-zoned property of large numbers of vehicles and vehicles, materials, supplies, or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it:
 - i. Obstructs views on streets and private property,
 - ii. Creates cluttered and otherwise unsightly areas,
 - iii. Prevents the full use of residential streets for residential parking,
 - iv. Introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited,
 - v. Decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood,
 - vi. Otherwise adversely affects property values and neighborhood patterns.

6. Unlawful parking and storage.

- a. A person must not place, store, or allow the placement or storage of ice fish houses, boat trailers, skateboard ramps, playhouses, or other similar non-permanent structures outside continuously for longer than 24 hours in the front-yard area of residential property unless more than 100 feet back from the front property line. This restriction shall not apply to parking or placements on driveways with an improved surface such as, but not limited to, class 5, bituminous, or concrete.
- b. A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in connection with a business, outside on residential property, unless shielded from public view by an opaque cover or fence.
- c. All vehicles shall be parked on an improved surface, such as, but not limited to, class 5, bituminous, or concrete.
- d. A person must not cause, undertake, permit, or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:
- e. No more than six (6) vehicles per lawful dwelling unit may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the city because of nonresidential characteristics of the property. This maximum number does not include vehicles of occasional guests who do not reside on the property.
- f. Vehicles parked or stored outside the front yard must be on a paved or graveled parking or driveway area.
- g. Vehicles, watercraft, and other articles stored outside on residential property must be owned by a person who resides there. Students who are away at school for periods but still claim the property as their legal residence will be considered residents on the property.
- h. Storage Containers. Using semitrailers, shipping containers, and other similar structures or containers for storage on a lot for more than 90 days

in any one year is prohibited. This prohibition shall not apply to construction storage trailers used on-site during a construction project, provided all required permits are obtained for the project, the project remains in compliance, and the trailer is removed from the lot upon completion of the project.

7. Inoperable Motor Vehicles

- a. It shall be unlawful to keep, park, store, or abandon any motor vehicle which is not in operating condition, partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling or salvage of any kind, or which is not properly licensed for operation with the state, pursuant to M.S. §168B.011, Subd. 3, as it may be amended from time to time.
- b. This section does not apply to a motor vehicle enclosed in a building and/or kept out of view from any street, road, or alley and which does not foster complaint from a resident of the city. A privacy fence is permissible.
- c. Any motor vehicles described in this section constitute a hazard to the health and welfare of the residents of the community in that such vehicles can harbor noxious diseases, furnish a shelter and breeding place for vermin, and present physical danger to the safety and well-being of children and citizens; and vehicles containing fluids which, if released into the environment, can and do cause significant health risks to the community.

8. Building Maintenance and Appearance

- a. Declaration of a nuisance. Buildings, fences, and other structures that have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they (a) are unsightly, (b) decrease adjoining landowners and occupants' enjoyment of their property and neighborhood, and (c) adversely affect property values and neighborhood patterns.
- b. Standards. A building, fence, or other structure is a public nuisance if it does not comply with the following requirements:
- c. No part of any exterior surface may have deterioration, holes, breaks, gaps, loose or rotting boards, or timbers.
- d. Every exterior surface with a surface finish, such as paint, must be maintained to avoid noticeable deterioration of the finish. No wall or other exterior surface may have peeling, cracked, chipped, or otherwise deteriorated surface finish on more than 20% of:
- e. Any one wall or other flat surface; or
- f. All door and window moldings, eaves, gutters, and similar projections on any one side or surface.
- g. No glass, including windows and exterior light fixtures, may be broken or cracked, and no screens may be torn or separated from moldings.

- h. Exterior doors and shutters must be hung properly and have an operable mechanism to keep them securely shut or in place.
- i. Cornices, moldings, lintels, sills, bay or dormer windows, and similar projections must be kept in good repair and free from cracks and defects that make them hazardous or unsightly.
- j. Roof surfaces must be tight and have no defects that admit water. All roof drainage systems must be secured and hung correctly.
- k. Chimneys, antennae, air vents, and similar projections must be structurally sound and in good repair. These projections must be adequately secured to an exterior wall or roof where applicable.
- l. Foundations must be structurally sound and in good repair.

9. Animals

- a. **Habitual Noise.** The owning, keeping, or harboring of any animal that shall by any noise unreasonably and/or excessively disturb the peace of any nearby neighbor. This shall include, but is not limited to, the creation of any noise by an animal that can be heard by any person, including any enforcing officer or law enforcement officer, from a location of the animal owner's property where the animal is being kept, and which noise occurs repeatedly over at least a five minute period with one minute or less lapse of time between each animal noise during the five minute period. The city recognizes that the most common complaints are about barking dogs and crying cats but have made provisions for all animals that cause any noise unreasonably and/or excessively disturb the peace. This provision shall not apply to dogs responding to trespassers or dogs teased or similarly provoked to bark. It shall be unlawful for any person to keep or harbor an animal that habitually barks, bays, howls, or cries.
- b. **Damage to Property.** Any animal that damages property (not the owner's property), including plantings, lawns, gardens, structures, or other property, or deposits fecal matter off the owner's property that the owner fails to remove promptly.
- c. **Animal Waste.** It shall be unlawful for the owner or a person attending any animal to allow it to defecate on any public or private property other than that owned by the owner or attendant or that is under their direct control and with the consent of the owner or to permit any accumulation thereof on the owner or attendant's property. If such animal does defecate on public or private property in violation of the provisions herein set forth, it shall not be a violation of the provisions herein if said owner or attendant shall immediately and thoroughly clean up and remove the fecal material from the said property and properly dispose of it in a manner permitted by law.
- d. **Running at large is prohibited.** Any animal (domestic, non-domestic, or farm animal) running at large is hereby declared a public nuisance. A person who owns, harbors, or keeps an animal that runs at large shall be guilty of a misdemeanor. Any animal that chases, molests, or approaches pedestrians or bicyclists threateningly upon the streets, sidewalks, right-of-

way, or any public property or habitually chases automobiles on the public streets or highways shall be considered running at large.

- e. Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person, to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the city has posted an area with signs reading "Dogs or Cats Prohibited."
- f. Any person who has received a permit to harbor hen chickens must keep them confined in a chicken coop or run at all times while in the city.
- g. Inhumane living conditions. It shall be unlawful for anyone within City limits to house an animal kept under unsanitary and/or inhumane conditions.
- h. Dangerous or potentially dangerous dog or animal. It shall be unlawful for anyone within City limits to keep an animal deemed dangerous or potentially dangerous by an enforcing officer or licensed veterinarian.

SECTION 24, DOMESTIC ANIMALS

24.1 Domestic Animals

1. the following definitions shall apply to this subchapter unless the context indicates or requires a different meaning.
 - a. Animal. Animal means any mammal, reptile, amphibian, fish, bird (including fowl and poultry), or another member commonly accepted as part of the animal kingdom, including, but not limited to, cattle, horses, mules, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, guinea hens, dogs, cats, and feathered fowl. Animals shall be classified as follows:
 - b. Domestic. Domestic animals shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domestic rabbits, fish, non-poisonous, non-venomous, and non-constricting reptiles or amphibians, and other similar animals.
 - c. Non-Domestic. Non-domestic animals are considered naturally wild, not naturally trained or domesticated, or inherently dangerous to people's health, safety, and welfare. Unless otherwise defined, such animals shall include:
 - i. Any member of the large cat family (family Felidae), including lions, cougars, bobcats, leopards, and jaguars, excluding accepted domesticated house cats.
 - ii. Any naturally wild canine family member (Canidae), including wolves, foxes, coyotes, dingoes, and jackals, excluding commonly accepted domesticated dogs.
 - iii. Any crossbreeds, such as the crossbreed between a wolf and a dog or a coyote and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.

- iv. Any member or relative of the rodent family, including any skunk, raccoon, squirrel, or ferret, excluding those otherwise defined or commonly accepted as domesticated pets.
 - v. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families, including rattlesnakes, boa constrictors, pit vipers, crocodiles, and alligators.
 - vi. Any other animal not explicitly listed above but which can be reasonably defined by these definitions, including, but not limited to: bears, deer, monkeys, and game fish.
- d. **Farm Animal.** Farm animals shall mean those commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the following families: equestrian (horses, mules); bovine (cows, bulls); sheep; poultry (chickens, turkeys); fowl (duck, geese); swine (including pot-bellied pigs); goats; bees; and other animals associated with a farm, ranch or stables.
- e. **Owner.** The term "owner" means any person who owns, harbors, feeds, boards, keeps, or otherwise possesses an animal and is presumed to be the owner or tenant of the residence real estate at which the animal is usually kept, remains, or to which the animal returns; or the owner or manager in charge of the establishment or premises at which the animal is kept, remains or to which it returns. Any parent or guardian of any non-emancipated minor owner under eighteen (18) years of age shall be presumed to be the actual owner of the animal and the responsible party for the animal's care, control, licensing, and action.
- f. **At Large.** At Large shall mean off the owner's premises and not under the owner's or other person's custody and direct control, either by leash, cord, chain or otherwise restrained or confined.
- g. **Enforcing Officer.** The Council is hereby authorized to appoint City personnel, in addition to law enforcement officers, to enforce the provisions of this ordinance. In the appointed personnel or law enforcement officer's duty of enforcing the ordinance's requirements, they may designate assistants from time to time, with the consent of the City Council.
- h. **Dangerous Dog and Potentially Dangerous Dog.** The terms "dangerous dog" and "potentially dangerous dog" have the same meanings defined by Minnesota Statute section 347.50, included herein or as amended occasionally.
- i. "Dangerous dog" means any dog that has, without provocation, inflicted substantial bodily harm on a human being on public or private property.
 - ii. killed a domestic animal without provocation while off the owner's property; or,
 - iii. been found to be potentially dangerous, and after the owner has noticed that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

- iv "Potentially dangerous dog" means any dog that:
- v when unprovoked, inflicts bites on a human or domestic animal on public or private property.
- vi when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or,
- vii has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.
- i. Dangerous Animal and Potentially Dangerous Animal. These terms shall be synonymous with the definitions of Dangerous Dog and Potentially Dangerous Dog and apply to any animal.
- j. Dog Kennel. Any place, building, tract of land, boat, or vehicle wherein dogs are kept, congregated, or confined.
- k. Premises. Any building, structure, shelter, or land whereon dogs or other animals are kept or confined.
- l. Under Restraint. Any animal on the premises of the owner or person harboring and keeping the animal and owner or person harboring, and keeping the animal must be outside with the animal and have the animal in sight and under control. In contrast, the animal is loose on the premises. The animal is considered to be under restraint if the animal is within a private motor vehicle or controlled by a leash, not to exceed ten feet in length. This provision also applies to an animal within a fenced-in area on the owner's premises.

2. Number allowed.

- a. No household within the City shall own or possess more than three adult dogs or cats. An adult dog or cat shall be any dog or cat over the age of six (6) months.
- b. Exception. Any resident or household that has more than the number of cats allowable under this subsection, or more dogs and cats than the acceptable combined limit under this subsection, shall be able to retain all animals as of the date the Ordinance Amendment is approved until which time the animal is no longer alive or residing at the property. At that time, the resident or household will become subject to the number of dogs and cats allowable herein.
 - i In the event a resident or household has more than the number of dogs or cats, or more than the combined limit, at the time this Ordinance Amendment is approved and one or more of the animals is not properly licensed, the owner shall have ninety (90) days from the enactment of the Ordinance Amendment to either surrender or re-home the animal(s) humanely to comply with the limitations herein or, contact the City Council, via an Agenda Request form available from the City Clerk, to request an exception for animals owned before the time of enactment. For the

Council to approve such a request, the owner must comply with all other provisions of this Ordinance, including payment of all applicable fees and penalties.

3. Impounding

- a. Any animal declared a public nuisance may be subject to impound by any enforcing officer as appointed by the City Council.
 - b. Notice to owner and redemption. The owner shall be notified within a reasonable time after the impound of any animal. The owner of any animal so impounded may reclaim the animal upon payment of applicable impound fees (as described below), the license fee (if unlicensed), and late licensing penalties, if applicable.
 - c. If the owner is unknown, a written notice shall be posted for five (5) days at City Hall describing the animal and the place and time it was found. The notice shall also state the time and date the five (5) day redemption period shall expire. All ownership rights shall strictly expire and be null and void for all animals unclaimed by the owner at the expiration of the five (5) day redemption period.
 - d. Impound fee. Impound fees will be determined from time to time by the City Council. The fee will increase with each additional impoundment of the same animal in a calendar year. Additional charges for maintenance and keeping of the animal, as well as the cost of any needed rabies inoculation, shall be due and payable before the animal's release.
4. Permissible Return of Unrestrained Animals. If an animal is found unrestrained and its owner can be identified and located, it need not be impounded but may be taken to the owner instead. In such cases, however, proceedings may be taken against the owner for violating this Ordinance.
5. Immobilization. Any enforcement officer, law enforcement officer, or assistant may use a so-called tranquilizer gun or another instrument to immobilize a dog or any other animal when the animal threatens any public member's health, safety, or general welfare.
6. Bites. Whenever the owner of any animal learns that the animal has bitten a human being, the owner shall immediately provide for the animal's impoundment for ten days. The animal shall be kept apart from other animals until it is determined whether it has or has had rabies. The owner may do impounding if the animal had a current rabies vaccination when the bite occurred and if approved by the Police Department. If the animal did not have a current rabies vaccination when the bite occurred, the animal shall be impounded at the city or by a licensed veterinarian. In either case, impounding shall be at the owners' expense.
7. Rabies. Any rabies animal shall be handled under the rules and regulations of the shelter/humane society/veterinary hospital.

8. Miscellaneous Provisions

- a. Implied Consent. An animal owner shall be deemed to have implied consent to entry on their premises by an animal control officer or a police officer to enforce this subchapter.
- b. Cruelty. In accordance with MN Statute 343.21, no owner shall fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, and veterinary care when needed to prevent suffering. No owner shall fail to provide humane care and treatment to animals. No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse any animal, or cause or permit any fight or other combat between animals and humans.
- c. Abandonment. In accordance with MN Statute 343.21, no person shall abandon any animal.
 - i. Exception: Any person relinquishing ownership to a shelter, humane society, or veterinary hospital shall not be considered in violation.

SECTION 25, COMMERCIAL STORAGE (MINI STORAGE)

25.1 Commercial Storage

For this section, the following definitions are applicable: Mini-Warehouse or Self-Service Storage Facility – a business facility other than a storage warehouse, with buildings divided into separate compartments or a building with open storage for lease that may include climate-controlled units exclusively used for the storage of non-explosive and non-volatile materials and used to meet the temporary storage needs of households and small businesses, with no commercial transactions permitted other than the rental of the storage units or facility. This does not include the rental of trucks or equipment as an accessory use.

The Council finds that the over-development of Mini-Warehouses and/or Self-Service Storage businesses within the territorial confines of the Pillager City limits would be detrimental to the City's development and effectively limit the ability of the City to attract diverse types of business and that it is in the best interest of the overall economic development to provide for orderly growth and balance the development of these businesses to have a diverse and stable economy.

Therefore, no commercial storage facilities shall be located on parcels within 500 feet of the Minnesota State Highway 210 (MN 210) corridor or in the Downtown Commercial Zone.

SECTION 26, RESERVED

SECTION 27, RESERVED

SECTION 28, RESERVED

SECTION 29, ADMINISTRATION

29.1 Zoning Administrator

1. The City Council shall appoint the Zoning Administrator.
2. Duties and responsibilities of the Zoning Administrator:
 - a. Determine if applications are complete and comply with the terms of the Ordinance.
 - b. Direct or conduct inspections of sewage systems and other uses of the land to determine compliance with the terms of the Ordinance.
 - c. Maintain permanent and current records of the Ordinance including, but not limited to, maps, amendments, Zoning or Use Permits, Conditional Use Permits, Variances, appeals and applications, and a separate file for future conditions or expiration of permits.
 - d. Review, file, and forward applications for appeals, Variances, Conditional Uses, and Zoning amendments.
 - e. To review and approve all metes and bounds property divisions within the City.
 - f. Enforce the provisions of this Ordinance by reviewing complaints and pursuing contacts with any violator by standard procedures as adopted and modified from time to time.
 - g. Mail notices concerning public hearings for Variances, Conditional Uses, and Zoning Changes.
 - h. Under the direction of the Chairperson of the Planning Commission, prepare and distribute meeting agendas at least one week before the meeting.
 - i. Attend meetings and provide research and findings to the Board of Adjustment/Planning Commission.
 - j. Issue permitted Land Use/Zoning Permits upon application for structures on lots conforming to this Ordinance when the conditions of the Ordinance are met; to issue Conditional Use Permits when directed by the City Council; to issue notices of a Zoning change when directed by the City Council.
 - k. To mail a copy of the findings to applicants.
 - l. To file copies of Conditional Use Permits and Variances with the County Recorder.
 - m. To provide notice of public hearings and supporting documentation to the DNR when required by this Ordinance or State Law or where shoreland management controls are to be considered.
 - n. To ensure that the City Council, Planning Commission, and Board Adjustment review land use applications or public hearing applications as prescribed by State Statutes.
 - o. To conduct periodic and final inspections with a member of the Planning & Zoning Committee of property subject to conditions of approval relating to variances, conditional use permits, and other land use applications.

- p. Keep the City updated regarding state and county land use regulation changes.

29.2 Planning and Zoning Commission

1. The City Council shall act as the Planning Commission and Board of Adjustment.
2. Organization of the Planning Commission.
 - a. The Commission shall elect a chairperson and vice-chairperson from its members for one year.
 - b. The Commission shall meet as needed, with the first meeting each year to establish a chairperson and vice-chairperson.
 - c. Special meetings shall be advertised in the official newspaper and posted in the City Hall at least 10 days before the meeting.
3. Duties and responsibilities of the Planning Commission under this Ordinance.
 - a. To hold hearings after proper public notice in the official newspaper and individual notice by regular mail of any property owners within a minimum of 350 feet of any land use. Such notices shall be given at least 10 days before the hearing date.
 - b. To decide within the required timeframe the following:
 - i. Recommendations to the City Council regarding requested Zoning District boundary changes or amendments to the Ordinance.
 - ii. To review and provide recommendations to the City Council on proposed plats and to provide guidance on final plats to the City Council.
 - iii. To review and provide recommendations to the City Council on variances, conditional use permits, and interim use permits to the City Council.
 - iv. To review and approve all metes and bounds property divisions within the City that result in parcels under 5 acres.
 - v. To review and provide recommendations to the City Council on requests for Conditional Use Permits with complete findings to justify the decision.
 - vi. To periodically review the Zoning map and Ordinances, consider their role in shaping the community's growth, and recommend changes to the City Council of these documents to guide development and current land use toward the goals of the Comprehensive Plan.
 - vii. To review the Zoning Administrator's past actions and direct future actions.
 - viii. To recommend timely that the City Council review the Comprehensive Plan when appropriate.
 - ix. To keep a record of the proceedings, notifications, and justifications for their actions.

- x. It shall be the duty of each member to be present at all Planning Commission and Board of Adjustment meetings.

29.3 City Council

1. City Council. The City Council shall have the following duties under this Ordinance:
 - a. Appoint the Zoning Administrator by a majority vote or terminate the Zoning Administrator by a 4/5 vote.
 - b. Confirm the appointments by the Mayor of members to the Board of Adjustment/Planning Commission members by a majority vote or remove members by a 4/5 vote.
 - c. To decide within the required timeframe the following:
 - i. Recommendations from the Planning Commission for changes in Zoning Ordinance and Zoning District boundaries.
 - ii. Recommendations from the Planning Commission for acceptance of proposed plats, Conditional Use Permits, final plats, condominium plats, and other matters directed to them.
 - iii. To hear or initiate appeals from the actions of the Board of Adjustment and the Planning Commission, where their action usually is final.
 - iv. To direct enforcement of this Ordinance.
 - v. To act as the Planning Commission when no official Commission has been formed.

29.4 Conditional Use Permits

1. Conditional Use Permits shall run with the property for structures or other specified uses, as recommended by the Planning Commission after a public hearing and approved by the City Council.
 - a. All applications for a Conditional Use Permit shall be submitted to the Zoning Administrator 30 days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application.
 - b. The Zoning Administrator shall notify all property owners within a minimum of 350 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days before the public hearing.
 - c. The Zoning Administrator shall send the same notice and supporting documentation at least ten days before this hearing to the DNR if the proposed is in shoreland.
 - d. At the applicant's option, the applicant may request a sketch plan review with no action by the Planning Commission and with no fee by giving 14 days' notice thereof to the Zoning Administrator, meeting time permitted.

- e. Submissions for C.U.P. The applicant shall complete the Conditional Use Permit application approved by the Planning Commission. The application shall contain submittal requirements, approval criteria, consideration procedure, and City contact information. The City shall not accept applications where the applicant has past due fees or charges due to the City until the account is made current.
- f. The Zoning Administrator shall accept no Conditional Use Permit application from a contractor or property owner having outstanding violations. Conditional Use Permits can only be requested by contractors or property owners with outstanding violations upon resolution of the violation to the satisfaction of the Planning Commission.
- g. In permitting a new Conditional Use or alteration of an existing Conditional Use, the Planning Commission may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions that the Planning Commission considers necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to, the following:
 - i. Increasing the required lot size or yard dimension.
 - ii. Limiting the height, size, or location of buildings.
 - iii. Controlling the location and number of vehicle access points.
 - iv. Increasing the street width.
 - v. Increasing or decreasing the number of required off-street parking spaces.
 - vi. Limiting signs' number, size, location, or lighting.
 - vii. Requiring berming, fencing screening, landscaping, or other facilities to protect adjacent or nearby property.
 - viii. Designating sites for open space.
 - ix. Advanced stormwater runoff management treatment.
 - x. Reducing impervious surfaces.
 - xi. Increasing setbacks from the ordinary high-water level.
 - xii. Restoration of wetlands.
 - xiii. Limiting vegetation removal and/or riparian vegetation restoration.
 - xiv. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas.
 - xv. Other conditions the zoning authority deems necessary.
- h. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters assuming summer, leaf-on vegetation shall be attached to permits.

2. The Planning and Zoning Commission shall decide the issue considering the following. The following must be met:
 - a. The use or development is an appropriate conditional use in the land use zone.
 - b. The use or development, with conditions, conforms to the comprehensive land use plan.
 - c. The use with the condition is compatible with the existing neighborhood.
 - d. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance, or prosperity of the City.
 - e. For Conventional Subdivisions, the property contains physical constraints, which make it unable to be developed by the Conservation Subdivision method.
 - f. The following must be considered:
 - i. The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate area.
 - ii. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominantly in the area.
 - iii. The conditional requirements at public cost for public facilities and services will not harm the community's economic welfare.
 - iv. The conditional use will have vehicular approaches to the property designed to avoid traffic congestion or indifference with traffic on surrounding public thoroughfares.
 - v. Adequate measures have been taken to provide sufficient off-street parking and loading space for the proposed use.
 - vi. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner that no disturbance to neighboring properties will result.
 - vii. The conditional use will not result in the destruction, loss, or damage of a natural, scenic, or historical feature of major significance.
 - viii. The conditional use will promote the prevention and control of pollution of the ground and surface waters, including sedimentation and management of nutrients.
3. When costs to the City in processing and reviewing an application exceed the original application fees, the applicant shall reimburse the City for additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees, and other professional services the City may need to retain in reviewing permits,

4. Violations of the conditions of a Conditional Use Permit shall automatically suspend the permit. The Planning Commission shall conduct a review of the violation. The Planning Commission shall recommend conditions for reinstating the access or revocation to the City Council. The City Council shall decide to reinstate or revoke the suspended permit.
5. Failure by the owner to act on a Conditional Use Permit within 12 months, or failure to complete the work under a Conditional Use Permit within 2 years, unless extended by the Planning Commission, shall void the permit. A second extension shall require a new public hearing.
6. A C.U.P. application that has been denied shall not be submitted, in an exact or substantially similar form, for at least 12 months from the date of denial.
7. Appeals from the action of the City shall be filed with District Court within 30 days after Council action.
8. The Conditional Use Permit shall be filed with the County Recorder within 45 days.
9. The Conditional Use Permit shall be filed with the Commissioner within 10 days.
10. The conditional use permit runs with the land and applies to subsequent purchasers so long as the conditions are met.
11. Planned Unit Development Procedure and Submissions.
12. The applicant may submit a Sketch Plan to the Planning Commission for review and discussion at least 14 days before the meeting.
13. Based on the discussion, the applicant can formally apply by submitting preliminary documents, prepared with professional help, including, as a minimum, the C.U.P. application, and further shall contain the following:
 - a. Proposed concept of plan operation.
 - b. Proposed plat or floor plan, if applicable.
 - c. Proposed recreational amenities.
 - d. Proposed timing.
 - e. Proposed final security.
 - f. Proposed development contract.
14. The Planning Commission shall review the submissions and make a recommendation to the City Council within a reasonable timeframe with a complete finding of facts.
15. The City Council shall review the recommendations and decide within a reasonable time.

16. The applicant shall then proceed within the time frame accepted under the preliminary proposal to provide final documents as required, including:
 - a. Financial security.
 - b. Development contract.
 - c. Title opinion.
 - d. Final plat or floor plan.
 - e. Surveyors plat check.
 - f. Final covenants and associated documents.
 - g. Final schedule.
 - h. Final site plan, which will control development.
 - i. MPCA/MnDH approval letter on sewage system & water supply.

29.5 Variances

1. Variances shall only be granted where an unusual hardship on the land exists. Variances shall only be approved for instances where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. Variances shall only be granted when it is demonstrated that granting of the variance will be in keeping with the spirit and intent of the ordinance.
2. Variances shall not create a use not provided for in a zoning district.
3. Variances shall run with the property and shall be transferable with the property. Variances shall not be transferred to other properties.
4. Variances shall run with the property for structures or other specified uses after a public hearing.
5. All applications for a Variance shall be submitted to the Zoning Administrator 30 days before the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the proposal's details, an accurate legal description, and the appropriate fee. The fee or contract owner of the property shall sign the application.
6. The Zoning Administrator shall notify all property owners within a minimum of 350 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days before the public hearing.
7. The Zoning Administrator shall send the same notice, with supporting documentation, at least 10 days before this hearing to the DNR if the proposed is in shoreland.
8. At the applicant's option, the applicant may request a sketch plan review with no action by the Board of Adjustment and with no fee by giving 14 days' notice thereof to the Zoning Administrator, meeting time permitted.

9. Submissions for Variances. The applicant shall complete the Variance application approved by the Board of Adjustment. The application shall contain submittal requirements, approval criteria, consideration procedure, and City contact information. The City shall not accept applications where the applicant has past due fees or charges due to the City until the account is made current.
10. Variances shall be decided within the required time frame with consideration for the following:
- a. The applicant establishes that there are practical difficulties, as defined in this ordinance, in complying with the official control, and
 - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner, and
 - c. The strict interpretation of the Ordinance would be impractical because of circumstances relating to lot size, shape, topographic or other characteristics of the property not created by the landowner, and
 - d. The deviation from the Ordinance with any attached conditions will still be in keeping with the spirit and intent of the Ordinance and the Comprehensive Plan, and
 - e. The variance will not create a land use not permitted in the zone, and
 - f. The variance will not alter the essential character of the locality, and
 - g. The variance is not for economic reasons alone, but reasonable use of the property does not exist under the Ordinance.
 - h. The Board of Adjustment shall require the property owner to address the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:
 - i. Advanced stormwater runoff management treatment.
 - ii. Reducing impervious surfaces.
 - iii. Increasing setbacks from the ordinary high water level.
 - iv. Restoration of wetlands.
 - v. Limiting vegetation removal and/or riparian vegetation restoration.
 - vi. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
 - vii. Other conditions the zoning authority deems necessary.
 - i. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters assuming summer, leaf-on vegetation shall be attached to permits.
 - j. When costs to the City in processing and reviewing an application exceed the original application fees, the applicant shall reimburse the City for additional costs. Such expenses may include but are not limited to payroll,

mailing costs, consultant fees, and other professional services the City may need to retain in reviewing permits.

- k. The Zoning Administrator shall accept no Variance application from a contractor or property owner having outstanding violations. Variances can only be requested by contractors or property owners with outstanding violations upon resolution of the violation to the satisfaction of the Planning Commission.
- l. Failure by the owner to act within 12 months on a Variance unless extended by the Board of Adjustment shall void the Variance. A second extension shall require a new public hearing. This provision shall apply to any Variance outstanding during the Ordinance adoption.
- m. A Variance application that has been denied shall not be submitted, in an exact or substantially similar form, for at least 12 months from the date of denial.
- n. Violations of the conditions of a Variance shall void the variance.
- o. Appeals from the action of the City Council shall be filed with the District Court within 30 days after Council action.
- p. The Variance shall be filed with the County Recorder within 45 days.

29.6 Interim Uses

- 1. Interim Uses shall run with the property for structures or other specified uses, as recommended by the Planning Commission after a public hearing and approved by the City Council. All interim uses are temporary and shall terminate on a specific date or at the occurrence of a specific event, which shall be designated when the permit is approved.
- 2. All applications for an Interim Use Permit shall be submitted to the Zoning Administrator 30 days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee.
- 3. The fee or contract owner of the property shall sign the application.
- 4. The Zoning Administrator shall notify all property owners within a minimum of 350 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days before the public hearing. The Zoning Administrator shall send the same notice at least 10 days before this hearing to the DNR if the proposed is in shoreland.
- 5. Submissions for Interim Use Permit (IUP). The submissions for an IUP shall be the same as those required for a Conditional Use Permit, as detailed.
- 6. The Zoning Administrator shall accept no Interim Use Permit application from a contractor or property owner having outstanding violations. Interim Use Permits

can only be requested by contractors or property owners with outstanding violations upon resolution of the violation to the satisfaction of the Planning Commission.

7. In permitting a new Interim Use or alteration of an existing Interim Use, the provisions of Section 30.4 shall apply to allow the Planning Commission to impose conditions on the approval.
8. The Planning and Zoning Commission shall decide the issue with consideration to the following:
 - a. The use or development is an appropriate interim use in the land use zone.
 - 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 governing body deems appropriate for permission of the use.
9. The provisions of 30.4 must be considered as they would with a conditional use permit request.
10. When costs to the City in processing and reviewing an application exceed the original application fees, the applicant shall reimburse the City for additional costs. Such expenses may include but are not limited to payroll, mailing costs, consultant fees, and other professional services the City may need to retain in reviewing permits. The City may require establishing an escrow account when the application is made.
11. Violations of the conditions of an Interim Use Permit shall automatically suspend the permit. The Planning Commission shall conduct a review of the violation. The Planning Commission shall recommend conditions for reinstating the permit or revocation to the City Council. The City Council shall decide to reinstate or revoke the suspended permit.
12. Failure by the owner to act on an Interim Use Permit within 12 months shall void the permit.
13. Appeals from the action of the City shall be filed with District Court within 30 days after Council action.
14. The Interim Use Permit runs with the land and applies to subsequent purchasers of the land so long as the conditions are being met.
15. A change in this Code may terminate an interim use.

29.7 Land Use / Zoning Permits / Building Code

1. Permits are required for all new structures, and any change in structure dimensions, structural components, number of bedrooms, construction or repair of a sewage system, and any grading and filling in shoreland are not exempted by this ordinance. Permits shall only be issued to the owner of the property.
2. Where a proposed use requires the action of the Board of Adjustment, Planning Commission, or Council or posting of financial security, said action shall occur. The Conditional Use Permit, Variance, Zoning District change, final plat plan approval, metes, and bound division approval shall be issued, or security posted before the Zoning Permit is issued.
3. The City shall only accept applications where the applicant has past due fees or charges due to the City once the account is made current.
4. The Zoning Administrator shall accept no applications from a property having outstanding violations.
5. The required permits shall contain the parcel number of the property, the signature of the fee or contract owner, and any other reasonable information needed to determine compliance with this Ordinance.
6. Lot corners shall be visible on the lot. The Zoning Administrator may require a new survey when stakes are not visible or have been removed through erosion, construction, or other action and require a new certificate with existing and recorded dimensions.
7. Unless extended by the Zoning Administrator, where a Permit has been issued but no action has occurred within 12 months, the Zoning Permit shall be null and void. Exterior work on the structure shall be complete within 12 months from the issuance of the Permit. The time limit may be extended up to six months by the Zoning Administrator for good cause. The Planning Commission shall decide on a second extension.
8. Granting of a Permit shall occur when all requirements of the Ordinance have been met but shall not be considered a statement of compliance with regional, State, or Federal codes, statutes, or laws or approval of the design of the structure or accessories, or description of the property. Subsequent actions of the Zoning Administrator shall not be considered acceptance of structural components or quality but rather to determine general compliance with the Ordinance.
9. If the Zoning Administrator determines that any violation of the permit or other section of the Ordinance has occurred, the access shall become null and void.
10. As determined by the Zoning Administrator, additional permits may be required.

SECTION 30, SUBDIVISION

30.0 Subdivision

1. Pre-Application Meeting. A pre-application meeting shall be held at the subdivider's option, including the subdivider, City Zoning Administrator, City Engineer if requested by the Zoning Administrator, and the City Clerk. Discussion at this meeting shall be limited to the procedure, Ordinance requirements, and timing.
2. Sketch Plan Review Meeting with Planning Commission. An on-site review of a sketch plan by the Planning Commission is required before applying for a preliminary plat.
 - a. The subdivider shall submit a digital copy of the sketch plan 14 days before the regular Planning Commission meeting in a format compatible with Cass County's coordinate-based parcel data. At that time, the subdivider shall also request a site visit as part of the formal agenda.
 - b. The Planning Commission shall walk the property with the applicant. Commission members shall strive to identify any unique features of the property that should appear on a preliminary plat submittal.
 - c. The Planning Commission shall not take action on the proposal but may make suggestions to facilitate the preparation of an approvable preliminary plat or plan.
3. The City of Pillager may require that an applicant establish an escrow account or other financial security to reimburse the City for direct costs relating to professional services provided during the project's review, approval, and inspection. The City may charge the applicant a rate equal to the value of the service to the City. Services provided by City staff or contract professionals will be billed at an established rate.
4. Metes and Bounds Subdivision Approval. Where appropriate under the provisions of this Ordinance, the subdivider shall submit documents containing the essential information of a proposed plat or plan and including dimensions computed to one hundredth (1/100th) of a foot and bearing added to equivalent accuracy to the Planning Commission for approval. The review of the Planning Commission need not include a public hearing.
5. The subdivider shall submit 5 copies of his proposal to the Zoning Administrator 30 days before the regular Planning Commission meeting and pay the corresponding fee.
6. The Zoning Administrator shall review the proposed subdivision for compliance with the Zoning Ordinance, including a field review at his discretion.
7. The Planning Commission shall decide on the approval of the subdivision within a reasonable time based on the resulting lots complying with the Ordinance, the feasibility of the resulting lots for their intended purpose, and the provision for

access to adjacent properties. Conditions may be attached to an approval requiring appropriate improvements. No more than one (1) subdivision into two (2) parcels shall be allowed in a three (3) year period of time. An additional parcel for the right of way or commonly owned driveway access may also be allowed.

8. The resulting land descriptions shall be prepared and signed by a Registered Land Surveyor and comply with all provisions of this Ordinance.
9. Failure of the subdivider to act after approval of a Metes and Bounds subdivision within one (1) year shall only allow the approval if extended by the Planning Commission. A second extension shall require a new public hearing.
10. Preliminary Plat or Preliminary Condominium Plat Approval. The preliminary Plat or Preliminary Condominium plan approval constitutes formal approval of the concept and design of the subdivision. The Planning Commission review shall include a public hearing and may consist of a field review at their discretion. All reports of City staff, DNR, road authorities, and Parks Commission and citizen comments shall be reviewed and included in the hearing record. Related variance requests, rezoning requests, and conditional use requests shall be heard concurrently with a subdivision request.
 - a. The subdivider shall submit 5 copies of his proposed plat or condominium plat to the Zoning Administrator 30 days before the regular Planning Commission meeting, pay the required fees, and request a public hearing.
 - b. The Zoning Administrator shall notify all property owners within 350 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least ten (10) days ahead of the public hearing, including sufficient legal property description in the advertisement.
 - c. The Zoning Administrator shall distribute one (1) copy to each Planning Commission member if the proposal is adjacent to a County Highway, one (1) copy to the County Engineer, and if the plat is in shorelands, one (1) copy to the DNR postmarked at least ten (10) days before the public hearing for review and comment.
 - d. The Zoning Administrator shall review the proposed plat or plan as to content standards, necessary variances from the Zoning Ordinance and this Ordinance, necessary rezoning or necessary conditional use permits, and advise the subdivider and the Planning Commission of his findings.
 - e. The subdivider shall make additional applications for the necessary permits at least 30 days before the regular Planning Commission or Board of Adjustment meeting if the subdivider desires a concurrent public hearing for variance, conditional use, or rezoning.
 - f. The Planning Commission shall hold the Public Hearing and may continue the hearing as it deems necessary to allow all factual input it considers necessary to allow a decision. Lack of submission of comments by outside agencies shall be construed to mean the agency has no objections.

- g. The Planning Commission shall recommend the approval or disapproval of the Preliminary Plat or Preliminary Condominium Plat to the Council within one hundred twenty (120) days of submission, and the findings shall be sent to the subdivider. The Planning Commission shall consider the following in its decision:
 - i. Is the property properly zoned?
 - ii. Does the proposal conform to the requirements of the Zoning Ordinance?
 - iii. Does the proposal conform to the requirements of the Subdivision Ordinance?
 - iv. Have the concerns of the affected agencies been addressed?
- 11. The City Council shall review the findings and recommendations of the Planning Commission at their next regular meeting and make the final determination.
- 12. The City Council will hear any appeal within thirty (30) days of the Planning Commission's action and will re-notify anyone noticed for the Public Hearing. Said appeals will be filed with the City Clerk within fifteen (15) days of the decision.
- 13. Failure of the subdivider to act after approval of the Preliminary Plat or Preliminary Condominium Plat within one (1) year shall only void the approval if extended by the Planning Commission. A second extension shall require a new public hearing.
- 14. Final Plat or Final Condominium Plat Approval. Upon approval by the Planning Commission, the subdivider shall cause the Final Plat or Final Condominium Plat, documents, and concurrent documents to be prepared and submitted to the Planning Commission for recommendation to the City Council. All coincident variance requests, conditional use permit requests, and/or rezoning requests shall either have been decided or be pending approval simultaneously with the Final Plat.
 - a. The subdivider shall submit 5 paper copies of the Final Plat or Final Condominium Plat and concurrent documents to the Zoning Administrator 30 days before the Planning Commission meeting.
 - b. The Zoning Administrator shall distribute the information received to the City Attorney, the City Engineer, and an independent Registered Land Surveyor, who shall review the submission for conformance with the standards and comment to the Planning Commission. The Zoning Administrator shall compare the Final Plat to the Preliminary Plat and comment. The City Attorney shall ascertain that all parties interested in the parcel to be divided are indicated as signers of the documents. The City Engineer shall determine that the required improvements have been completed or included in a development contract and that the required security has been posted with the City Council. The independent Registered Land Surveyor shall compare the approved Preliminary Plat

- with the Final Plat, provide a Plat check of the Final Plat, and verify that the Final Plat meets the survey standards required by Minnesota Statutes.
- c. The Planning Commission shall review the reports of the City Attorney, City Engineer, Zoning Administrator, and independent Registered Land Surveyor and make recommendations to the City Council within 45 days of submission. The Planning Commission shall consider the following:
 - i. Has the applicant complied with all conditions and requirements upon which the preliminary approval is expressly conditioned, whether through performance or execution of appropriate agreements assuring performance?
 - ii. Does the Final Plat or Final Condominium Plat agree with the Preliminary Plat or Preliminary Condominium Plat?
 - iii. Does the City Attorney agree that all parties interested in the property are shown as document signers?
 - iv. Does the City Engineer agree that all improvements required are satisfactorily completed or are guaranteed by contract with adequate financial security?
 - v. Does an independent Professional Land Surveyor agree that the final document meets the statutory requirements?
 - vi. Has financial security been posted in the appropriate amount?
15. The City Council shall review the proposal at their next regular meeting and decide on the approval within sixty (60) days of submitting the Final Plat or Final Condominium Plat to the City.
16. Following approval by the City Council, the subdivider shall submit to the Zoning Administrator two (2) double mounted cloth backed prints on card stock (hard shells) and two (2) mylar prints of the Final Plat or Final Condominium Plat for signature by the Mayor and Clerk
17. Upon signature, the subdivider shall file all pertinent documents with the County Recorder. Failure to file a Final Plat or Plan within two (2) years shall void the approval unless extended by the City Council.

SECTION 31, FEES

1. The Council shall adopt a schedule of fees from time to time for all permits. No permit or request brought before the Board of Adjustment or Planning Commission shall be issued until the fees are paid. All late applications or after-the-fact applications shall require an additional fee whether the permit is issued.
2. The City shall only accept applications where the applicant has past-due fees or charges due to the City once the account is made current.

31.1 Financial Requirements

1. Applications will not be accepted as complete where an applicant has utility charges, delinquent taxes, delinquent assessments, or other fees past due with the City or County. The past due account must be paid to bring the account current before an application will be accepted.
2. When processing or reviewing an application costs exceed the original application fees, the applicant shall reimburse the City for additional costs. Such expenses may include but are not limited to payroll, mailing costs, consultant fees, and other professional services the City may need to hire in reviewing permits. Outstanding fees shall be paid before the permit issuance and construction of the project begins.

31.2 Required Decision-Making Time Frames

1. The City of Pillager shall make land use decisions under time frames established in Minnesota Statutes. It shall be the applicant's responsibility to submit a completed application packet, which shall, by definition, include the application forms approved by the City, the site plan with all information required by this ordinance, and remit proper fees for the land use application. Once the Zoning Administrator or appointee has received the completed application packet, the review time frame shall commence.

31.3 Notifications to the Department of Natural Resources.

1. All amendments to this shoreland ordinance must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules. The City of Pillager will submit the proposed ordinance amendments to the commissioner or designated representative at least 30 days before public hearings.
2. All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the commissioner or the commissioner's designated representative at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
3. All approved ordinance amendments, subdivisions/plats, and final decisions approving variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

4. Any request to change the shoreland management classification of public waters within the City of Pillager must be sent to the commissioner or the commissioner's designated representative for approval and must include a resolution and supporting data as required by Minnesota Rules, part 6120.3000, subp.4.
5. Any request to reduce the boundaries of shorelands of public waters within the City of Pillager must be sent to the commissioner or the commissioner's designated representative for approval and include a resolution and supporting data. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

SECTION 32, ENFORCEMENT

32.1 Violations and Penalties

1. The violation of any provision of this Ordinance or the violation of the conditions or provisions of any permit issued under the Ordinance shall be a misdemeanor. Each act of violation and every calendar day on which such violation occurs or continues shall be a separate offense.
2. The failure of any officer of the City or Board or employees of the City to act, pursuant to this Ordinance except as an individual acting on his behalf, shall not be an offense and shall not subject the officer, Board, or employee to any penalty except that provided for under Performance of City Personnel under the City Personnel Policies. The City shall not be liable for problems arising from the use of lot corners provided by the property owner.
3. In the event of a violation or threatened violation of any provision of this Ordinance or the conditions of any permit issued under the Ordinance, the City, in addition to other remedies, may act or institute action to prevent, restrain, correct, or abate such violation or threatened violation.

SECTION 33, SEPARABILITY, SUPREMACY, EFFECTUATION, AMENDMENTS

1. Separability, every section, provision, or part of this Ordinance or any permit issued under this Ordinance is declared separable from every other section, provision, or portion thereof to the extent that if any section, provision, or part of this Ordinance or any permit issued under this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.
2. Supremacy, when any condition implied by this Ordinance on the use of land or buildings is either more restrictive or less restrictive than applicable conditions imposed by statute, rules, and regulations, other City ordinances or regulations, or other jurisdictions, the more restrictive shall apply. The Ordinance does not abrogate any easements, restrictions, or covenants imposed on the land by private declaration or agreement. Still, where such provisions are less restrictive than an applicable provision of this Ordinance, the Ordinance shall prevail.
3. Effectuation, this Ordinance shall be in full force and effect from and after its passage by the City Council and subsequent publication.
4. Amendment, the City Council may adopt amendments by a 4/5 vote to either the Zoning Ordinance or Zoning map about the land uses within a district or the boundaries of the district(s). Such amendments shall not be issued indiscriminately but shall only be used to reflect changes in the community's goals or changes in the conditions of the City.
5. Procedure
 - a. The Council, the Planning Commission, or any property owners may initiate an amendment.
 - b. If initiated by the City Council, the proposed amendment shall be referred to the Planning Commission for up to sixty (60) days for public hearing.
 - c. The Zoning Administrator shall review the proposed changes and make a recommendation to the Planning Commission.
 - d. The Planning Commission shall cause all property owners within a minimum of 350 feet of the proposed Zoning District change to be notified by regular mail. It shall publish a hearing notice for either a Zoning District change or Zoning Ordinance change in the Legal Section of the official newspaper at least (10) days before the public hearing.
 - e. The Planning Commission shall provide notice and proposed amendment to the DNR ten (30) days before the public hearing if the amendment includes the shoreland area or shoreland management controls.
 - f. The Planning Commission shall hold the hearing and make a recommendation within sixty (60) days of the date of application to the City Council. Adoption of a new zoning map shall require published notice only.

- g. The City Council shall review the recommendations and make a timely decision. An amendment requires a 4/5 vote to be enacted.
- h. The City Clerk shall publish a summary of the text of the change or description of boundary change or a new zoning map (whichever is appropriate) in the official newspaper within one week after action by the Council and shall send a copy to the DNR.

SECTION 34, ORDINANCE DATES

Legal Notice of Hearing

Published: October 16, 2023

Public Hearing Held: November 7, 2023

Adopted by the City Council: 12-12-2023



Adam Sparrow, Mayor

Attest: Lori Blumke

Lori Blumke, City Clerk