

SECTION X

PERFORMANCE STANDARDS

10.1 Campgrounds/Campsites.

1. Campsites will be allowed only as an existing permitted use or new conditional use within a resort in the CW district.
2. General. Campgrounds/RV parks shall be considered a form of planned unit development and administered there under as Conditional Uses in the zone where said use is allowed, except no density increases will be considered.
3. Minimum parcel size. No new campground or recreational vehicle park shall be allowed on a parcel of less than 20 acres.
4. Dwelling site requirements. The dwelling sites must conform to the Minnesota Department of Health Standards and the following:
 - A. Campsites or recreational vehicle sites shall have a minimum of 3,000 square feet designated for each family unit, with a minimum of 40 feet, center to center.
 - B. A strip of land with a minimum width of 40 feet shall be reserved for a service road adjacent to each of the designated sites.
 - C. Parking shall be off the road.
 - D. Recreational facilities as determined by P.U.D.
 - E. A water system capable of providing 100 gallons per site, per day, at 200 psi at the most remote fixture for RV sites, or within 400 feet of each campsite for non RV sites.
 - F. Conforming onsite sewage collection and disposal system sized for 100 gallons per campsite per day.
 - G. Solid waste facilities consisting of one 30 gallon can for each 4 campsites or one dumpster for each 20 sites, constructed to prevent overturning or cover removal by animals, and screened.
 - H. Fire pit for each campsite.
 - I. Campsites for recreational vehicles shall have sewer connection, water connection and electric connection, or recreational vehicles shall be self-contained and a wastewater disposal station for the first and each 100 such vehicles at least 50 feet from the nearest campsite shall be provided.
 - J. Drinking water and restroom facilities with showers shall be provided, all within 400 feet of every site not served with full facilities.
 - K. Grass or other complete ground cover shall be maintained except in parking areas and roads.
 - L. Recreation vehicles shall be moved off site or into a designated storage area for at least 4 months of every year.
 - M. Evidence shall be provided, prior to final approval, that the licenses and approval process of Minnesota Department of Health has been adhered to.
 - N. All sites shall be well drained.
5. The submission requirements for a campground shall be the same as P.U.D.'s, except as determined not applicable by the Zoning Administrator.

10.2 Extractive Uses and Restoration.

1. Extractive Uses. Extractive uses, where allowed, shall be permitted only by Conditional Use Permit. Such permit shall include, as a condition: a site plan, a completion plan and a haul route with a provision for road restoration.
2. Restoration. Upon completion of mining or other extraction, the site shall be shaped and natural overburden replaced, then natural topsoil placed thereon and seeded. The haul road shall be restored to the condition prior to the beginning of the extraction operation.
3. No processing machinery shall be placed closer than 1,000 feet from any residence or 200 feet from the OHW of any lake or stream.

10.3 Home Occupation.

1. General. Each home occupation in the City shall require a permit. Home occupation permits are not transferable to a new owner/renter/occupant, thus the permit will not run with the property, nor be transferable to a different property.
2. Standards.
 - A. All business activities including storage shall be inside buildings.
 - B. All activities shall be clearly incidental to the use of the property for residential purposes.
 - C. Hours of operation shall be limited by Conditional Use Permit to be compatible with the residential use.
 - D. Number of employees shall be limited by Conditional Use Permit.
 - E. On the premises, retail sales will be allowed only of products manufactured on those premises unless specifically authorized by Conditional Use Permit.
 - F. All activities will be controlled to prevent nuisance problems of noise, vibration, smoke, dust, fumes or litter.

10.4 Auto Salvage Yards/Junk Yards.

Commercial activity of this type is provided in nearby communities. Land use of this nature is not provided for in the comprehensive plan and will not be considered in any land use District.

10.5 Landfills.

1. No landfills are allowed in the City of Longville due to the close proximity to the lakes and streams.
2. Cass County has the responsibility for this service.
3. Disposal of trees, stumps, rock, brush and other natural products by burying is allowed on construction sites as determined by the permit.

10.6 Nuisance Standards.

1. Performance Standards.
 - A. Compliance required. Every use permitted by this Ordinance shall be so established and maintained as to comply with the provisions of this section. The Council may require the complaining party to

- provide such tests or investigations by an independent testing organization satisfactory to the Council as are necessary to show noncompliance with these standards. The entire cost of such investigations and tests shall be paid for by the complaining party unless the results disclose non-compliance with these standards; in the event, the entire cost shall be borne by the owner or operator. This provision does not preclude the City from making any investigations and tests it finds appropriate to determine compliance with these standards.
- B. Noise. Noises emanating from any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NCP 7010. In no instance shall noise emanations constitute a nuisance.
 - C. Odor. No use shall cause the discharge of toxic, noxious or odorous matter beyond the limits of the site where it is located in such concentrations as to be obnoxious or otherwise detrimental to the public health, safety, comfort or welfare or cause injury to property or business.
 - D. Glare. Direct or reflected glare, such as from floodlights, spotlights or high temperature process, and as differentiated from general illumination, shall not be visible beyond the sight of origin at any property line. Any lights used for exterior illumination shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted where in view of adjacent property or public right-of-way. Except for public street lights, any light or combination of lights which cast light on a public street shall not exceed one foot-candle as measured from the property line of said street. Any light or combination of lights which cast light on residential property shall not exceed one footcandle as measured from the property line of said property.
 - E. Vibration. Vibration at any property line shall not be discernible to the human sense of feeling for three (3) minutes or more duration in any one (1) hour period. Vibration of any kind shall not produce at any time an acceleration of more than one-tenth (1/10) gravities or result in any combination of amplitudes and frequencies beyond the "safe" range of Table VII United States Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting" on any structure. The methods and equations of that bulletin shall be used to compute all values for the enforcement of this provision.
 - F. Smoke. The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations APC 7017. Open burning shall require a DNR burning permit.
 - G. Dust and Other Particulate Matter. The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 7011.
 - H. Fumes or Gases. Fumes or gases shall not be emitted at any point in concentrations that are noxious, toxic or corrosive. The values given in Table I (Industrial Hygiene Standards - Maximum Allowable Concentration for eight hour day, five days per week), Table III (Odor Thresholds), Table IV (Concentrations of Substances Causing Pain in the Eyes), and Table V (Exposure to Substances Causing Damage to Vegetation) in the latest revision of Chapter 5, "Physiological Effects" that contains such tables, in the "Air Pollution Abatement Manual" published by the Manufacturing Chemists' Association, Inc., Washington D.C., are hereby established as guides for the determination of permissible concentration and amounts. The City may require detailed plans for the elimination of fumes or gases before the issuance of a Zoning Permit.
 - I. Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices as are normally used in the handling of such materials. Such hazards shall be kept removed from adjacent activities to a distance that is compatible with the potential danger involved.
 - J. Wastes.
 - 1. All waste generated shall be disposed of in a manner consistent with all Minnesota Pollution Control Agency rules.

2. Any accumulation of waste generated on any premises not stored in containers which comply with Minnesota Pollution Control Agency rules, or any accumulation of mixed solid waste generated on any premises which has remained thereon for more than one week, or any accumulation of infectious, nuclear, pathological, or hazardous waste which is not stored or disposed in a manner consistent with Minnesota Pollution Control Agency rules, is a nuisance and may be abated and the cost of abatement may be addressed against the property where the nuisance is found.
 3. The accumulation, storage, processing, and disposal of waste on any premises, which is not generated on that premises, is prohibited, except as specifically provided in this Ordinance.
- K. Air Pollution. Every activity shall conform to State regulations relating to air quality standards and air pollution control.
- L. Erosion and Drainage.
1. No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion, or deposit of sediment on adjacent properties.
 2. All storm sewer inlets and drainage ways that are functioning during construction shall be protected so that sediment laden water does not enter the conveyance system without first being filtered or otherwise treated to remove sediment.
 3. All on-site storm water conveyance systems must be designed and constructed to withstand the design volume of storm water with appropriate stabilization to prevent scour and erosion. Erosion controls must be provided at the outlets of all storm sewer pipes or drainage ways.
 4. All temporary and permanent erosion and sediment control practices shall be maintained and repaired to assure the continued performance of their intended function.
 5. All disturbed ground left inactive for seven or more days shall be stabilized by seeding or sodding or by mulching or covering or other equivalent control measure.
 6. All temporary erosion control devices, including silt fence, gravel, hay bales or other measures shall be removed from the construction site and properly disposed of or recycled. This removal and disposal must occur within 60 days of the establishment of permanent vegetative cover on the disturbed area.
- M. Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity at any point or any electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.
- N. Fertilizers, herbicides and pesticides. No person shall place, spread or store fertilizers, herbicides and/or pesticides in any manner other than that recommended by the manufacturer or in any manner which allows any escape of nutrients or toxins into the air, ground water or surface water of the City.
- O. Buildings. No person shall allow a building, mobile home/manufactured house, or other structure to be abandoned, deteriorated or a safety hazard. All abandoned, deteriorated or unsafe structures shall be removed. If the owner fails to remove the structure, the City shall do so and assess the cost against the property through the County taxation method.
- P. Bulk Storage (liquid). All uses associated with the bulk storage of all gasoline, liquid fertilizer, chemical, flammable and similar liquids shall comply with County, State and Federal agency requirements, and have documents from those respective agencies stating the use is in compliance.

10.7 Storage.

1. Exterior Storage.
 - A. All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: Laundry drying, recreational equipment, construction and landscaping materials and equipment currently being used for construction of the premises, woodpiles, agricultural equipment and materials if these are used or

- intended for use on the premises, off-street parking except as otherwise regulated herein. Boats, recreational vehicles, less than 30 feet in length and fish houses are permissible if stored in the rear yard not less than 10 feet distance from any property line.
- B. Abandoned vehicles shall not be stored outside in any District. Existing abandoned vehicles shall be removed within 30 days after the adoption of this Ordinance.

2. Bulk Storage.

- A. All uses associated with the bulk storage of oil, gasoline, liquid propane, liquid fertilizer, chemicals and similar liquids shall comply with the requirements of the Minnesota State Fire Marshall, the Minnesota Pollution Control Agency and Minnesota Department of Agriculture Office and when in excess of normal domestic requirements shall have documents from those offices stating that the use is in compliance. No storage facility shall be constructed or placed where spillage from the facility would drain to a drainageway or public waters without providing complete containment.

10.8 Visual Standards - Screening.

- 1. No use shall create, maintain or continue any activity or structure which has a strong negative visual impact or offends the morals or violates the standards of the City.
- 2. Where any business or industry is adjacent to property zoned residential or any use cannot meet the visual standards of the City, screening shall be provided by the business or offending use.
- 3. Screening required shall be in addition to normal landscaping and planting, and consist of a visual obstruction completely containing the activity on the commercial or offending use property assuming off-leaf conditions.
- 4. Screening may consist of dense evergreen planting 8 feet or more in height, wood walls with 100% obstruction, a building wall consisting of aesthetically pleasing materials (with no signing) or similar structures. All structural elements shall meet required setbacks.

10.9 Sanitation Standards.

- 1. Solid Waste. All solid waste shall be disposed of in accordance with the standards of Cass County.
- 2. Domestic Sewage. All structures shall discharge into a municipal sanitary system.
- 3. Agriculture or Animal Wastes. Within the shoreland area, 1000 feet from a lake or 300 feet from a watercourse, no waste products from agriculture or animal husbandry operations shall be deposited by man at any greater rate than the plant and soil system can absorb the nutrients; nor shall any wastes be allowed to accumulate where surface waters flow directly to public waters or watercourses.
- 4. Water Supply.
 - A. All structures shall be connected to a municipal water supply, if made available.
 - B. All domestic and agricultural wells shall conform to the Minnesota Department of Health Standards for wells.
 - C. All water systems shall meet the requirements of the Minnesota Department of Health Standards for water systems.
 - D. All wells being abandoned shall be sealed according to Minnesota Department of Health Standards and report to Minnesota Department of Health and the City.

10.10 Parking and Loading.

1. Onsite parking or garage space shall be provided in all Districts, except as specifically exempted, with adequate drive access to prevent the need to back onto collector streets or County Highways. Onsite parking spaces shall not be used for storage.
2. Parking sites shall be a minimum of 20 feet long and 10 feet wide.
3. Parking shall be provided at the following ratios unless modified in the Conditional Use Permit for the principal structures:
 - A. 2 stalls per dwelling unit
 - B. 1 additional stall per employee in home occupation
 - C. 1.5 stalls per dwelling unit, multi-family over 20 units per complex, Motel/Hotel units
 - D. 1 stall per 3 seats-churches and other assembly places
 - E. 1 stall per 100 square feet of office space
 - F. 1 stall per 100 square feet of retail space
 - G. 1 stall per 3 seats for restaurants
4. In lieu of providing parking as required in Section 10.9(3), a property owner may purchase parking credits from a fund established by the City to provide municipal parking. This option will only be available once a fund has been established under guidelines approved by the City Council.
5. Onsite parking shall not be closer than 10 feet from a lot line.
6. All parking shall be paved or provided with all weather surface and be adequately drained to a pervious surface designed to allow entrapment of silts and nutrients prior to discharge to a public water.
7. More than 5 parking stalls contiguously located and any commercial parking adjacent to residential shall be landscaped according to a plan approved by the City.
8. Loading – General. All required loading berths shall be off-street and shall be located on the same lot as the principal use served. Loading shall not occupy front yard space. Berths shall not be used for storage.
9. Loading Berth Size and Surface. Loading berth shall be 15 feet in width and 50 feet long with 14 feet of vertical clearance. Berths shall have all weather surface and be well drained.

10.11 Drainage.

1. General.
 - A. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
 - B. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities and methods used to retain sediment on the site.
 - C. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds must be used.

- D. Preference must be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and man-made materials and facilities.
- E. All development shall contain provisions for adequate surface or subsurface runoff of storm water and snow melt directed to natural drainageways. A storm frequency of a 5-year, 24-hour storm period shall be provided for with no structural flooding or ponding.
- F. All development shall provide for the continuance of natural drainageways, and structures shall be so constructed as to be 1 foot above the water level in the drainageway created by a storm of a 100 year return period or a 1% chance of occurrence.
- G. All drainage structures provided shall be sufficient in size to pass a 5-year, 24 hour storm to a natural drainageway and to pass a 100-year, 24-hour storm along a drainageway.
- H. The use of natural or manmade stormwater storage areas is encouraged. These areas should be vegetated and designed to naturally lower after a storm.
- I. No filling of areas inundated by the 100-year, 24-hour storm along drainageways shall be allowed, except by Conditional Use Permit.
- J. All parking areas, heavy areas, storage areas and impervious areas shall be designed to allow entrapment of silts and nutrients prior to discharge to a natural drainage way or public water. Newly constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming or surface debris before discharge.

10.12 Signs

1. Findings, Purpose and Intent.
 - A. Findings. The City hereby finds as follows:
 1. Exterior signs have a substantial impact on the character and quality of the environment.
 2. Signs provide an important medium through which individuals may convey a variety of messages.
 3. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
 - B. Purpose and Intent. It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this ordinance to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this article is to:
 1. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the City in order to promote the public health, safety and welfare.
 2. Maintain, enhance and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community.
 3. Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics.
 4. Provide for fair and consistent enforcement of the sign regulations set for herein under the zoning authority of the City.
2. Required Permits. Except for signs listed in section 10.12, Subdivision 3 and signs placed by the City, County or State to relate the laws or ordinances, all other signs are considered structures and require a Zoning Permit.
3. Exempt Signs. The following signs can be erected without a permit:

- A. Notwithstanding any other provision of this Ordinance, all signs of any size containing Non-Commercial Speech may be posted in any number from August 1 in a (state) general election year until ten days following the (state) general election and (thirteen) weeks prior to any special election until ten days following the special election.
- B. Temporary signs pertaining only to the construction, sale or rental of the premises are allowable provided they do not exceed 18 square feet in any zone and are removed within 30 days of the completion of construction, sale or rental.
- C. Temporary signs not exceeding 48 square feet, including banners, streamers and portable signs, are allowed for special events such as grand openings and promotions, provided they are approved in writing by the Zoning Administrator and are not in place more than 14 days during any 90 day period.

4. General Provisions.

- A. Setbacks. Signs shall conform to building yard regulations for the zoning district in which signs are located.
- B. Placement of signs shall consider protecting sight distance at intersections, driveways and curves.
- C. Illumination. External illumination for signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or neighboring residential properties.
- D. Electrical Signs. Electrical signs must be installed in accordance with the current electrical.
- E. All flashing, revolving and intermittently lighted signs and all portable signs are prohibited, except as specifically allowed in Section 10.12, Subdivision 3.
- F. Except as hereinafter provided, no signs shall be erected or maintained at any angle to a building or structure so that the sign extends or projects over the street, highway or public right-of-way. No sign which is erected or maintained flat against any building or structure shall extend or project more that fifteen inches over the street, highway or public right-of-way.
- G. Unauthorized Signs. The following signs are unauthorized signs:
 - a. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with effectiveness of any official traffic-control device or any railroad sign or signal.
 - b. Signs painted, attached or in any other manner affixed to trees, rocks or similar natural surfaces, or attached to public utility poles, bridges, towers or similar public structures.

5. Signs in Commercial and Downtown Districts

- A. All signs on a property must be coordinated to create an overall appearance in regards to size and color.
- B. For properties with an established and operational commercial use, up to 10% of any principle structure façade area which directly abuts and lies generally parallel the road right-of-way or publicly traveled roadway may be dedicated to signage.
 - 1. The permitted sign area may be split up into several signs or used for one sign.
 - 2. Any attached sign that protrudes from a structure 2 feet or less will be counted as part of the building façade signage.
 - 3. Façade area may be transferred from one side to another so long as the area used as signage never exceeds 10% of the side it is on.
 - 4. No credit is given for façade area not directly abutting and lying generally parallel the road right-of-way or publicly traveled roadway.

- C. Each property with an established and operational commercial use is allowed one freestanding sign, if the sign can meet the required setbacks and its placement does not obstruct lines of sight or pedestrian corridors.
 - 1. Buildings located in a 45 mile per hour speed zone or higher are allowed up to 96 square feet of freestanding sign that shall not exceed 15 feet in height.
 - 2. Buildings located in a less than 45 mile per hour speed zone are
 - 3. allowed up to 64 square feet of freestanding sign and signs for multi-business buildings are allowed an additional 8 square feet for each business after the first.
 - 4. The sign may not exceed 10 feet in height.
 - 5. For corner lots, one freestanding sign that conforms to these standards is allowed on each roadway.
 - 6. Any attached sign that protrudes from a structure more than 2 feet will be considered a freestanding sign.
 - D. When a commercial use is discontinued and a new conforming use is not established within 180 days, all signs on the property shall be removed.
 - E. E. No signs are allowed on accessory structures.
6. Signs in Residential Districts
- A. Signs shall not be internally or externally lighted but may be reflective.
 - B. No sign shall be larger than 6 square feet, except for a permitted home
 - C. Occupation where 12 square feet is allowed.
 - D. The sign may not exceed 6 feet in height.
 - E. Only one sign per parcel shall be allowed.
7. Directory Signs. To facilitate economic growth and reduce the overall amount of signage within the City, the City of Longville may, at its discretion, establish and/or provide for directory signs in any zone. Directory signs should be in lieu of other signage, such as an existing off-site sign or signage provided by the Minnesota Department of Transportation.
8. Additional Sign Allowances.
- A. Property owners seeking to display more signs than what is allowed in this section may obtain permission to do so by Conditional Use Permit. Such application for a Conditional Use Permit shall include submittal of a sign concept plan for the entire parcel. In addition to Conditional Use Permit criteria, the basis for approval or denial shall include and evaluation of:
 - 1. Necessity of the additional signage,
 - 2. Alternatives to additional signage
 - 3. Continuity with signage on adjacent parcels
 - 4. Aesthetic impacts, and
 - 5. Perceived effectiveness of proposed signage.
9. Non-Conforming Signs. It is recognized that signs exist within the zoning districts which were lawful before this Ordinance was enacted, which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. It is the intent of this Ordinance that non-conforming signs shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this sign ordinance to permit legal nonconforming signs existing on the effective date of this Ordinance, or amendments thereto, to continue as legal nonconforming signs provided such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed subject to the following provisions:
- A. No sign shall be enlarged or altered in a way which increases its nonconformity.

- B. Should such sign or sign structure be destroyed by any means to an extent greater than fifty percent of its replacement cost and no sign permit has been applied for within 180 days of when the property was damaged, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
 - C. Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
 - D. When a structure loses its status as a legal non-conforming structure, all signs on the property shall be brought into conformance with this Code within sixty (60) days.
10. Substitution Clause. The owner of any sign which is otherwise allowed by this Ordinance may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provisions to the contrary.

10.13 Grading in Shoreland Areas.

1. Grading and filling in shoreland areas, wetland or in the bed of public waters, or any alterations of the natural topography when the slope of the land is toward a public water or watercourse involving the movement of more than 10 cubic yards of material in a bluff or shore impact zone or more than 50 cubic yards of material anywhere else within a shoreland area, must be authorized by permit except for excavation for permitted structures, drives sewer systems and parking areas. The following conditions shall apply:
 - A. The smallest amount of bare ground is exposed for as short a time as feasible.
 - B. 4 inches of topsoil is replaced and temporary ground cover such as mulch is used and permanent ground cover such as sod is planted.
 - C. Methods to prevent erosion and trap sediment are employed.
 - D. Fill is stabilized to acceptable engineering standards and must not create an unstable slope.
 - E. Plans to place fill or excavated material on steep slopes must be reviewed by a qualified professional for continued slope stability and must not create finished slopes of 30% or greater.
 - F. Fill or excavated material must not be placed in bluff impact zones.
 - G. Fill placed in a public water below the ordinary high water line requires a DNR Waters Permit and a Corps of Engineers Permit.
 - H. Excavation in the bed of public waters requires a DNR Waters Permit and a Corps of Engineers Permit.
 - I. Only clean fill consisting of sand, gravel or rock will be allowed where contact with water is anticipated. Mineral soil may be allowed elsewhere.
 - J. Alterations to topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
 - K. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket is permitted if the finished slope does not exceed 3 feet horizontal to 1 foot vertical, the landward extent of the riprap is within 10 feet of the ordinary high water level and the height of the riprap above the ordinary high water level does not exceed 3 feet.
2. Grading or filling in any type 2, 3, 4, 5, 6, 7, 8 wetland is prohibited.
3. Connections to public waters of boat slips, canals, lagoons, harbors and similar inland excavations are prohibited.

4. Public and private roads, driveways and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from public waters.
 - A. Roads, driveways and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zone, when other reasonable and feasible placement alternative exists. If no alternatives exist, they may
 - B. be placed within these areas, and shall be designed to minimize adverse impacts.
 - C. Public and private watercraft access ramps, approach roads and accessrelated parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met.

SECTION XI

SEPARABILITY, SUPREMACY, EFFECTUATION, AMENDMENTS,NOTICES

11.1 Separability.

Every section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance is declared separable from every other section, provision or part thereof to the extent that if any section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

11.2 Supremacy.

When any condition implied by this Ordinance on the use of land or buildings is more restrictive or less restrictive than applicable conditions imposed by statute, rules and regulations, other City ordinance or regulation or other jurisdiction, the more restrictive shall apply. The Ordinance does not abrogate any easements, restriction or covenants imposed on the land by private declaration or agreement, but where such provisions are less restrictive than an applicable of this Ordinance, the Ordinance shall prevail.

11.3 Effectuation.

This Ordinance shall be in full force and effect from and after its passage by the City Council and subsequent publication.

11.4 Amendment.

The City Council may adopt amendments by 4/5 vote to either the Zoning Ordinance or Zoning map in relation to 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 as a means to reflect changes in the goals of the community or changes in the conditions of the City.

1. Procedure.

- A. An amendment may be initiated by the Council, the Planning Commission or by any property owner.
- B. The Zoning Administrator shall review the proposed changes and make a recommendation to the Planning Commission.
- C. The Planning Commission shall make a reasonable attempt to cause all property owners within a minimum of 350 feet of proposed Zoning District change to be notified by regular mail and shall publish a hearing notice for either a Zoning District change or Zoning Ordinance change in the legal section of the official newspaper and shall provide notice to the DNR at least 10 days ahead of the public hearing. The Planning Commission shall hold the hearing and make a timely recommendation to the City Council. Adoption of a new Zoning Map shall require published notice only. The Planning Commission shall consider the criteria for land use categories, Sec 9.1(8), in its decision.
- D. The City Council shall review the recommendations and shall make a timely decision. An amendment requires a 4/5 vote to be enacted.

- E. 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 30 days after action by the Council and shall send a copy to the DNR.

11.5 Notices.

Failure to receive notice called for by this Ordinance shall not invalidate any action taken by the City so long as the City acted reasonably in its attempt to provide such notice.