

## Use Districts:

Add Personal Boat Slips and City Boat Slips as a permitted use in all use districts (except TC and TC-T):

- 1102.200 – A
- 1102.300 – R-S
- 1102.400 – R-1
- 1102.500 – R-2
- 1102.600 – R-3
- 1102.1000 – C-1
- 1102.1100 – C-2
- 1102.1200 – C-3
- 1102.1400 – I-1

Dedicated waterfront is a permitted use in R-1 – 1102.401

Controlled access lot is a CUP in R-1 – 1102.403 (7); and in R-2 – 1102.503 (9)

Marinas are a CUP in R-2 - 1102.503 (5) and (6); and in C-2 – 1102.1103 (9) and (10)

## Conditions in Use Districts

- Controlled Access Lot (R-1 – 1102.403 (7); and in R-2 – 1102.503 (9)) - relocated conditions all into 1102; updated conditions; fix formatting in 1102.503(9)
- Marinas (R-2 - 1102.503 (5) and (6); and in C-2 – 1102.1103 (9) and (10)) – relocated conditions all into 1102; updated conditions in 1102.1103 to match conditions in 1102.503

**(7) Controlled Access Lot on General Development Lake. Conditions**

- a. The lot ~~must~~shall be suitable for the intended use as a Mooring Facility.
- b. The lot ~~must~~shall be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided access rights on the lot.
- c. The lot ~~must~~shall meet, at a minimum, the width and area requirements for a Single-Family residential riparian lot.
- d. The allowable number of Boat Slips for a Controlled Access Lot shall be based on the conditions identified in Subsection 1104.307(3); provided however, in no case shall the number of Boat Slips exceed one (1) Boat Slip for every ~~50~~48.75 feet of lot width. Lot width shall be the lesser of either the shoreline as measured at the ordinary high water elevation or a straight line measured between where the two side lot lines intersect with the ordinary high water elevation (or the straight extension of the side lot lines if the side lot lines do not intersect with the ordinary high water elevation). Regardless of

measurement method, any shoreland area which is unusable (wetland, swamp, bog, marsh, etc.) or which does not abut or lie within 10 feet of navigable water, shall not count toward lot width. ~~as measured at the Ordinary High Water Elevation.~~

e. All restricted watercraft moored at the lot shall be owned and registered to owners or tenants of the subdivision lots or their immediate family. For purposes of this requirement, "immediate family" means the spouse, parents and children (all including step- and foster-) of the owner or tenant or the owner or tenant's spouse. Use of slips by persons described in this provision is not considered "rental" of slips.

e.f. Rental of slips is prohibited.

f.g. Covenants ~~must~~shall be recorded against the Controlled Access Lot and all benefiting lots that specify which lot owners have authority to use the Controlled Access Lot and what activities are allowed. The activities may include watercraft launching, loading, storing, beaching, mooring, or docking. The covenants may also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants ~~must~~shall limit the total number of watercraft allowed to be securely moored, docked, or stored over water, and ~~must~~shall require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alteration. The covenants ~~must~~shall also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical, from view from public water, assuming summer, leaf-on conditions.

g.h. Functioning restroom facilities shall be accessible on the lot for all users of the lot 24 hours per day during the boating season (from May 1 through September 30). The restrooms shall either be connected to municipal sanitary sewer or shall be Portable Toilets as approved by the Zoning Administrator.

h.i. No dock, mooring facility or other structure shall be located so as to:

- Obstruct the navigation of any lake;
- Obstruct reasonable use or access to any other dock, mooring facility or other structure;
- Present a potential safety hazard; or
- Be detrimental to significant fish and wildlife habitat or protected vegetation.

i.j. Docks and mooring facilities shall be set back a minimum of ten (10) feet from side property lines as measured at the Ordinary High Water Elevation. Docks and mooring facilities shall be located a minimum of ten (10) feet from a straight line extension of the side property lines of the lot into the Lake. This requirement may be adjusted, at the discretion of the Zoning Administrator, in cases where topography significantly limits the placement of docks.

- ~~j.k.~~ One (1) paved off-street parking space shall be provided for each four (4) Boat Slips for which the owners, lessees or users do not live within one thousand (1,000) feet of the Controlled Access Lot. In addition, a landscaping buffer shall be installed and maintained between the parking and the Ordinary High Water Elevation sufficient to capture and filter all run-off from the parking area.
- ~~k.l.~~ The storage of materials that are flammable, explosive, or potentially injurious to human, animal, or plant life upon any Controlled Access Lot, dock or mooring facility is prohibited.
- ~~l.m.~~ No oscillating, rotating, flashing, moving or advertising signs shall be permitted on any Controlled Access Lot, dock or mooring facility.
- ~~m.n.~~ Access across wetlands is permitted only in accordance with the State and Federal wetland regulations.
- ~~n.o.~~ Controlled Access Lots shall meet the Residential Performance Standards of Subsection 1102.700.
- ~~o.p.~~ Garbage receptacles shall be made available on the lot for use during the boating season (from May 1 through September 30) and all garbage receptacles shall be emptied on a regular basis to avoid the accumulation of refuse.
- ~~p.~~ All docks, mooring facilities, and Controlled Access Lots legally existing on the date of this ordinance which do not meet the above listed conditions shall be considered legally nonconforming and the use may be continued in conformance with Minnesota Statutes Section 462.357 Subd. 1e, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. It is the intent of the City of Prior Lake to allow legally nonconforming Controlled Access Lots to maintain the number of Boat Slips which were approved via permit issued by the City of Prior Lake or Minnesota Department of Natural Resources as of the date of adoption of this ordinance. Below is a list of legally nonconforming Controlled Access Lots and the number of Boat Slips permitted for each.

Permit #	Association Name	Parcel ID Number (PIN)	Water Body	# of Slips Permitted
88-6322	Windsong on the Lake	252360310	Lower Prior Lake	26
89-6013	Harbor Community Association	252030070	Lower Prior Lake	60
89-6021	Oakland Beach Homeowners Association	251700010	Lower Prior Lake	39
89-6022	Island View 1st Add. Association	251430700	Upper Prior Lake	36
89-6002	Island View 5th Add. Association	252520320	Upper Prior Lake	20
89-6035	Mitchell Pond Association	251550260	Lower Prior Lake	23
89-6272	Fish Point Beach Homeowners Association	259360520	Lower Prior Lake	9
89-6290	Pixie Point Homeowners Association	250500011	Lower Prior Lake	5
89-6378	Lakeside Manor Association	250550260	Lower Prior Lake	53
89-6456	Willow Beach Association	251080020	Upper Prior Lake	46
89-6458	Boudin's Manor Association	251530010	Lower Prior Lake	32
City Permit	Spring Lake Estates Association	254400850	Spring Lake	54
City PUD	Crystal Bay Association	254170250	Upper Prior Lake	21

(5) **Marina, Commercial.** Conditions:

- a. The minimum lot size shall be one (1) acre.
- b. The lot shall provide paved off-street parking at a minimum ratio of one (1) parking space per four (4) boat slips; parking shall not be located below the Ordinary High Water Elevation and further meet the standards in Subsection 1104.501(1) of this Ordinance. In addition, a landscaping buffer shall be installed and maintained between the parking and the Ordinary High Water Elevation sufficient to capture and filter all run-off from the parking. Additional off-street parking may be required for boat tours or if the Zoning Administrator determines that an ancillary use requires additional parking.
- c. The lot shall have public bathrooms connected to municipal sanitary sewer as approved by the City.
- d. The lot shall meet the impervious surface coverage requirements in Subsection 1104.306 of this Ordinance. For purposes Subsection 1104.306 (2) and (3), Commercial Marinas shall be defined as a permitted commercial ("C") use.
- e. All General Performance Standards in Section 1107 of this Ordinance shall apply. Bufferyard, Type C, as defined in Subsection 1107.2005, shall be constructed along any "R" Use District. Signage shall be allowed per Subsection 1107.810 for Lake Services and further meet the standards in Subsection 1104.501(3) of this Ordinance.

- f. Hours of operation for boat tours shall be limited to between 7:00 a.m. and 10:00 p.m., seven days a week.
- g. Commercial Marinas shall obtain and comply with a permit issued by the Minnesota Department of Natural Resources. The permit shall determine the number of allowable Boat Slips

**(6) Marina, Recreational. Conditions:**

- a. The minimum lot size shall be one (1) acre.
- b. The allowable number of Boat Slips shall be based on the conditions identified in Subsection 1104.307(3) and (65).
- c. The lot shall provide paved off-street parking at a minimum ratio of one (1) parking space per four (4) Boat Slips; parking shall not be located below the Ordinary High Water Elevation and shall further meet the standards in Subsection 1104.501(1) of this Ordinance. In addition, a landscaping buffer shall be installed and maintained between the parking and the Ordinary High Water Elevation sufficient to capture and filter all run-off from the parking.
- d. The lot shall meet the impervious surface coverage requirements in Subsection 1104.306 of this Ordinance. For purposes Subsection 1104.306 (2) and (3), Recreational Marinas shall be defined as a permitted commercial (“C”) use.
- e. All General Performance Standards in Section 1107 of this Ordinance shall apply. Bufferyard, Type C, as defined in Subsection 1107.2005, shall be constructed along any “R” Use District. Signage shall be allowed per Subsection 1107.810 for Lake Services and shall further meet the standards in Subsection 1104.501(3) of this Ordinance.

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**1106.500 ALLOWED USES:** Uses allowed within a PUD District are limited to may include only those uses allowed generally considered associated in with the general use district which is consistent with the land use category shown for the area on the official Comprehensive Plan Land Use Plan Map. Specific allowed uses and performance standards for each PUD shall be as provided in the City Code Section for the relevant use district and shall be delineated in the PUD an ordinance and development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted uses with the approval of the development plan by the City Council. Any change in the list of uses presented in the development plan will be considered an amendment to the PUD and will follow the procedures specified in City Code Section 1106.711 of this Ordinance.

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1104.307 **Additional Special Provision:**

- (1) Residential subdivisions with dwelling unit densities exceeding those in Subsection 1104.301 and 1104.302 of this subsection shall only be allowed if designed and approved as residential planned unit developments under Subsection 1104.800. Only land above the ordinary high-water level of public water can be used to meet lot area standards, and lot width standards **mustshall** be met at both the ordinary high-water level and at the building line.
- (2) Subdivisions of duplexes, triplexes, and quads on Natural Environment Lakes **mustshall** also meet the following standards:
  - a. Each building **mustshall** be set back at least 200 feet from the ordinary high-water level;
  - b. Each dwelling unit **mustshall** be separately served by public utilities, none of which are shared;
  - c. Watercraft docking units **mustshall** be separately served by public utilities, none of which are shared;
  - d. No more than 25% of a lake's shoreline can be in duplex, triplex or quad developments.

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There are no revisions to 1104.307 (1) or (2) above, but provisions (3), (4), (5), (6) and (7) are moved to a new 1104.310 below.

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1104.308 and 309 remain the same with no revisions.

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**1104.310 Personal Boat Slips and Mooring Facilities:**

- (2) Personal Boat Slips are permitted only on riparian lots. The lot and Personal Boat Slips shall meet the following minimum conditions as determined by the Zoning Administrator:**
- a. **The slips can be located on separate dock structures, but no more than five (5) slips can be located on a lot.**
  - b. **No more than five (5) restricted watercraft may be moored at any one lot at a time.**
  - c. **If three (3) or more restricted watercraft are moored at any one lot at a time, any dock structure on that lot shall be at least ten (10) feet from all side lot lines at the ordinary high water mark.**

- d. All Personal Boat Slips on a lot shall be used in only one of the following manners:
- i. Owner use - all restricted watercraft moored at the lot shall be owned and registered to the property owner or the property owner's immediate family. For purposes of this requirement, "immediate family" means the spouse, parents and children (all including step- and foster-) of the property owner or the property owner's spouse.
  - ii. Tenant use – if the entire dwelling on the lot is being leased to a tenant and the owner occupies no portion of the lot, all restricted watercraft moored at the lot shall be owned and registered to the tenant or the tenant's immediate family (as immediate family is defined above). In no case may the property owner and tenant both moor watercraft at the lot.
  - iii. Boarder use – if a portion of a dwelling on the lot is being leased to a boarder(s) but the owner still occupies a portion of the lot, all restricted watercraft moored at the lot shall be owned and registered to the owner under provision (i) above or the boarder(s) (regardless of number of boarders) may moor only one (1) restricted watercraft at the lot. In no case may the property owner and boarder both moor watercraft at the lot.
- e. Rental of slips is prohibited. Use of slips allowed by (d) above is not considered "rental" of slips.

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~~(2)~~(3) City Boat Slips are permitted only on riparian property owned or controlled by the City of Prior Lake, subject to DNR approval. The City may use the slips as determined and regulated by the City Council including rental of the slips. The City shall not increase the number of boat slips or increase the number of boat slips which the City rents without first holding a public hearing.

~~(3)~~(4) Mooring Facilities, including Controlled Access Lots, Dedicated Waterfronts, Recreational Marinas and Commercial Marinas, shall meet the following conditions as determined by the Zoning Administrator:

- a. The facility shall be compatible with the adjacent land and water uses.
- b. Adequate water depth is available for the proposed facility without churning of bottom sediments.
- c. The facility will not create a volume of traffic on the lake in the vicinity of the facility that will be unsafe or will cause an undue burden.
- d. The facility will not affect the quality of water and the ecology of the lake.
- e. The facility, by reason of noise, fumes or other nuisance characteristics, will not be a source of annoyance to persons in the vicinity of the facility.

- f. Adequate sanitary and parking facilities will be provided in connection with the facility.
- g. Compliance with the provisions of Subsection 1104.307 (4), (5), (6), (7), (8) and/or (9) as applicable.

(5) —(4) —Controlled Access Lots are allowed~~permitted~~ only on riparian lots on General Development Lakes by Conditional Use Permit in the PUD, R-1 and R-2 Zoning Districts. ~~Controlled Access Lots shall comply with all applicable~~the conditions listed in this subsection 1104.310, the applicable Zoning District~~Section 1102~~ and with any other conditions the Planning Commission, or City Council in the case of an appeal, may impose that are intended to promote the health, safety and welfare of the residents within the City. All docks, mooring facilities, and Controlled Access Lots legally existing on the date of this ordinance which do not meet the above listed applicable conditions shall be considered legally nonconforming and the use may be continued in conformance with Minnesota Statutes Section 462.357 Subd. 1e, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. It is the intent of the City of Prior Lake to allow legally nonconforming Controlled Access Lots to maintain the number of Boat Slips which were approved via permit issued by the City of Prior Lake or Minnesota Department of Natural Resources as of the date of adoption of this ordinance. Below is a list of legally nonconforming Controlled Access Lots and the number of Boat Slips permitted for each.

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City Permit	Spring Lake Estates Association	254400850	Spring Lake	54
City PUD	Crystal Bay Association	254170250	Upper Prior Lake	21

Ord. Amd. 115-23, Pub. 10/10/2015

(5) Dedicated Waterfronts are allowed only in R-1 zoning districts. No new Dedicated Waterfront may be established after January 1, 2016. Dedicated Waterfront are permitted a maximum of 1 Boat Slip for every 18.75 feet of Lot width as measured at the Ordinary High Water Elevation. (Ord. Amd. 116-05, publ. 04/02/16)



~~(56)~~ Recreational Marinas ~~are allowed only on riparian lots on General Development Lakes, by Conditional Use Permit in~~ shall be allowed on a riparian lot in the PUD, R-2 or C-2 Zoning Districts. The lot and Recreational Marina shall ~~meet~~ comply with all applicable conditions listed in this subsection 1104.310, the applicable Zoning District and with any other conditions the Planning Commission, or City Council in the case of an appeal, may impose that are intended to promote the health, safety and welfare of the residents within the City. ~~the following minimum conditions as determined by the Zoning Administrator:~~

- ~~a. The minimum lot size shall be one (1) acre.~~
- ~~b. The allowable number of Boat Slips shall be based on the conditions identified in Subsection 1104.307(3) and (5).~~
- ~~c. The lot shall provide paved off-street parking at a minimum ratio of one (1) parking space per four (4) Boat Slips; parking shall not be located below the Ordinary High Water Elevation and shall further meet the standards in Subsection 1104.501(1) of this Ordinance. In addition, a landscaping buffer shall be installed and maintained between the parking and the Ordinary High Water Elevation sufficient to capture and filter all run-off from the parking.~~
- ~~d. The lot shall meet the impervious surface coverage requirements in Subsection 1104.306 of this Ordinance. For purposes Subsection 1104.306 (2) and (3), Recreational Marinas shall be defined as a permitted commercial ("C") use.~~
- ~~e.~~
- ~~f. The lot shall have public bathrooms connected to municipal sanitary sewer or Portable Toilets as approved by the City.~~
- ~~g. All General Performance Standards in Section 1107 of this Ordinance shall apply. Bufferyards, Type C, as defined in Subsection 1107.2005, shall be constructed along any "R" Use District. Signage shall be allowed per Subsection 1107.810 for Lake Services and shall further meet the standards in Subsection 1104.501(3) of this Ordinance.~~

~~(67)~~ Commercial Marinas ~~are allowed only~~ shall be allowed on a riparian lots on General Development Lakes, by Conditional Use Permit in the PUD, R-2 or C-2 Zoning Districts. The lot and Commercial Marina shall comply with all applicable conditions listed this subsection 1104.310, the applicable Zoning District and with any other conditions the Planning Commission, or City Council in the case of an appeal, may impose that are intended to promote the health, safety and welfare of the residents within the City. ~~meet the following minimum conditions as determined by the Zoning Administrator:~~

- ~~a. The minimum lot size shall be one (1) acre.~~

- ~~b. The lot shall provide paved off-street parking at a minimum ratio of one (1) parking space per four (4) boat slips; parking shall not be located below the Ordinary High Water Elevation and further meet the standards in Subsection 1104.501(1) of this Ordinance. In addition, a landscaping buffer shall be installed and maintained between the parking and the Ordinary High Water Elevation sufficient to capture and filter all run-off from the parking. Additional off-street parking may be required for boat tours or if the Zoning Administrator determines that an ancillary use requires additional parking.~~
- ~~c. The lot shall have public bathrooms connected to municipal sanitary sewer as approved by the City.~~
- ~~d. The lot shall meet the impervious surface coverage requirements in Subsection 1104.306 of this Ordinance. For purposes Subsection 1104.306 (2) and (3), Commercial Marinas shall be defined as a permitted commercial ("C") use.~~
- ~~e. All General Performance Standards in Section 1107 of this Ordinance shall apply. Bufferyards, Type C, as defined in Subsection 1107.2005, shall be constructed along any "R" Use District. Signage shall be allowed per Subsection 1107.810 for Lake Services and further meet the standards in Subsection 1104.501(3) of this Ordinance.~~
- ~~f. Hours of operation for boat tours shall be limited to between 7:00 a.m. and 10:00 p.m., seven days a week.~~
- ~~g. Commercial Marinas shall obtain and comply with a permit issued by the Minnesota Department of Natural Resources. The permit shall determine the number of allowable Boat Slips.~~

~~(7) All Recreational Marinas and Commercial Marinas shall obtain a Conditional Use Permit following the procedures set forth in Subsections 1108.205 through 1108.222. The conditions set forth in Subsection 1104.307(3) and either (5) or (6) as applicable, as well as any conditions imposed by the Planning Commission or City Council, shall apply to Conditional Use Permits issue to Recreational Marinas and Commercial Marinas.  
(Ord. Amd. 114-12, publ. 6/28/14)~~

~~(8) Dedicated Waterfront are permitted only in R-1 zoning districts. No new Dedicated Waterfront may be established after January 1, 2016. Dedicated Waterfront are permitted a maximum of 1 Boat Slip for every 18.75 feet of Lot width as measured at the Ordinary High Water Elevation.  
(Ord. Amd. 116-05, publ. 04/02/16)~~

(8) If the City has reason to believe that any provisions in this subsection relating to personal boat slips or mooring facilities are not being complied with, the City has the authority to require the submittal of watercraft registration information, proof of ownership/tenancy of property or watercraft, proof of relationships, use of slip, or other information needed to establish compliance.

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**1101.1000: LAND USE DESCRIPTIONS:** The land use categories permitted by this Ordinance are described in this Subsection. Subsection 1109.102 empowers the Zoning Administrator to make interpretations identifying which land use category a proposed land use fits within.

***Boat Slip.*** An area of water adjacent to a dock or slip structure or within a mooring area which is used for storage of one watercraft.

(Ord. Amd. 114-12, publ. 06/28/14)

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~~***Boat Slips, City.***~~ The mooring of watercraft with permission of the City on property owned or controlled by the City. City boat slips, regardless of number, are not a Mooring Facility.

~~***Boat Slips, Personal.***~~ The mooring of five (5) or fewer restricted watercraft allowed for personal use by the owners and/or tenants of residential riparian lots, as further guided by the Policy Guiding the Placement of Personal Docks in the City of Prior Lake.

***Controlled Access Lot.*** A riparian parcel of land used as a Mooring Facility for non-riparian lot owners with access to public waters.

(Ord. Amd. 114-12, publ. 6/28/14)

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~~***Docks, Personal.***~~ The mooring of six or fewer watercraft allowed for personal use by the owners and/or tenants of low density residential riparian lots, as further guided by the Policy Guiding the Placement of Personal Docks in the City of Prior Lake.

~~(Ord. Amd. 114-12, publ. 6/28/14)~~

***Dedicated Waterfront.*** A Dedicated Waterfront is a parcel of land which has all of the following elements: (i) the parcel of land is used as a Mooring Facility for access to public waters for non-riparian lot owners; (ii) the source of the right to access public waters is by virtue of a grant or dedication on a plat; and (iii) the lots with the right to access public waters are not subject to recorded homeowners' association documents. Only those parcels that exist in this manner as of January 1, 2016 shall qualify as Dedicated Waterfront.

(Ord. Amd. 116-05, publ. 04/02/16)

***Marina, Commercial.*** A mooring facility of seven or more restricted watercraft wherein boat slips are leased and commercial ancillary services common to marinas are provided, including boat tours.

(Ord. Amd. 114-12, publ. 6/28/14)

***Marina, Recreational.*** A mooring facility of seven or more restricted watercraft wherein boat slips are leased and commercial ancillary services common to marinas are not provided.

(Ord. Amd. 114-12, publ. 6/28/14)

**Mooring.** Any containment of watercraft that provides a fixed fastening for the craft, which is located in, on, above, or adjacent to the water.

(Ord. Amd. 114-12, publ. 6/28/14)

**Mooring Facility.** Any area intended for the mooring of seven or more watercraft by docks, mooring buoys, or other means.

**Watercraft.** Any vessel, boat, canoe, raft, barge, sailboard, or any similar device used or useable for carrying and transporting persons on the public waters.

**Watercraft, Restricted.** Watercraft for use on or stored on the public waters except for the following: r-unrestricted watercraft as defined in this section.

~~**Watercraft, Unrestricted.** Watercraft for use on or stored on the public waters which is:~~

- ~~1.—16 feet or less in length and unmotorized; or~~
- ~~2-1. \_\_\_\_\_ 16 feet or less in length which uses a no motor or a motor of 10 horsepower or less; or~~
- ~~3-2. \_\_\_\_\_ 20 feet or less in length and unmotorized, and which is propelled solely by human power.~~

(Ord. Amd. 114-12, publ. 6/28/14)

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~~1109.906 **Enforcing Officer.** The Community Development and Natural Resources Director is the appointed Zoning Administrator who shall enforce this Ordinance under the direction and control of the City Manager.~~