

**ZONING/SHORELAND ORDINANCE #216
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CITY OF MADISON LAKE ZONING ORDINANCE #216

AN ORDINANCE REPEALING ALL ORDINANCES PREVIOUSLY IN EFFECT PERTAINING TO THE REGULATION OF LAND USES WITHIN THE CITY, AND REPLACING IT WITH SECTION 216 ASSIGNING RULES AND REGULATIONS FOR LAND USES, DEFINING CERTAIN TERMS, ESTABLISHING PROCEDURES FOR THE APPROVAL AND RECORDING OF LAND USES, ESTABLISHING LAND USE DISTRICTS AND AN OFFICIAL MAP, PROVIDING FOR AMENDMENTS OF THIS ORDINANCE AND PRESCRIBING PENALTIES FOR VIOLATIONS

NOW BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF MADISON LAKE:

CHAPTER 1 TITLE AND APPLICATION.

Subd. 1. Title.

This Ordinance shall be known as the "Madison Lake Zoning Ordinance" except as referred to herein, where it shall be known as "this Ordinance" and shall supersede any previous Ordinance specifically pertaining to the regulation of land uses/zoning within the City.

Subd. 2. Intent and Purpose.

The intent of this Ordinance is to protect the public health, safety, and general welfare of the City of Madison Lake and its people through the establishment of minimum regulations governing development and use. This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration, and use of structures and land. Such regulations are established to provide adequate light, air and convenience of access to property; to prevent congestion in the public right-of-way; to prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population; to provide for compatibility of different land uses; to provide for administration of this Ordinance; to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties for violation of such regulations; and to define powers and duties of the City Staff, the Board of Adjustment and Appeals, the Planning Commission, and the City Council in relation to the Zoning Ordinance.

Subd. 3. Short Title.

This ordinance shall be known and may be cited as the "Madison Lake Zoning Ordinance of 2000".

Subd. 4. Standard, Requirement.

Where the conditions imposed by any provisions of this Ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule, or regulation of the city, the ordinance, rule, or regulation which imposes the more restrictive condition standard or requirements shall prevail.

Subd. 5. Relation to Comprehensive Plan.

It is the policy of the City of Madison Lake that enforcement, amendment and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the City's Comprehensive Plan as the policy for responsibility to regulate land use and development in accordance with the policies and purpose herein set forth.

Subd. 6. Application.

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

Subd. 7. Conformity.

No structure shall be erected, converted, enlarged, or used for any purpose which is not in conformity with the provisions of this Ordinance.

Subd. 8. Permit Issuance.

Except as herein provided, no building, structure, or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance.

Subd. 9. Uses Not Provided for Within Zoning Districts.

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

Subd. 10. Separability.

It is hereby declared to be the intention of the City that Every Chapter, provision or part of this Ordinance or any permit issued pursuant to this Ordinance, is declared separable from every other Chapter, provision or part thereof to the extent that:

- A. If any court of competent jurisdiction shall adjudge any Chapter, provision or part of this Ordinance or any permit issued pursuant to this Ordinance to be invalid, such judgment shall not affect any other Chapter, provision or part of this Ordinance or any permit issued pursuant to this Ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

Subd. 11. Supremacy.

When any condition imposed by any provision of this Ordinance on the use of land or buildings or on the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by any provision of any other City ordinance or regulation, the more restrictive conditions shall prevail.

This Ordinance is not intended to abrogate any easements, restrictions, covenants, relating to the use of land or imposed on lands within the city by private declaration or agreement, but where the provisions of this Ordinance are more restrictive than any such easement, restriction or covenant or the provision of any private agreement, the provisions of this Ordinance shall prevail.

Subd. 12. Rules.

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural and the plural the singular.
- B. The present tense includes the past and the future tenses, and the future the present.
- C. The word "shall" is mandatory while the word "may" is permissive.
- D. The masculine gender includes the feminine and neuter.

CHAPTER 2 DEFINITIONS AND TERMS.

The following words/terms, wherever they occur in this Ordinance, shall be interpreted as herein defined:

Subd. 1. Accessory Building.

A use incidental to and on the same lot as a principal use.

Subd. 2. Advertising .

A billboard, poster panel board, painted bulletin board, or other communicative device which is used to advertise products, goods, and/or services which are not exclusively related to the premise on which the sign is located.

Subd. 3. Address Sign.

A sign communicating street address only, whether written or in numerical form.

Subd. 4. Agriculture Uses.

Those uses commonly associated with the growing of produce on farms. These include, but are not limited to, field crop farming; pasture for hay; fruit growing; tree, plant, shrub, or flower nursery without building; truck gardening; roadside stand for sale in season; and livestock raising and feeding; but not including fur farms, commercial animal feed lots, and kennels.

Subd. 5. Alley.

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

Subd. 6. Alteration.

As applied to a building or structure, is a change or rearrangement in structural parts, or enlargement or the moving from one location to another.

Subd. 7. Apartment.

A part of a building consisting of a room or suite of rooms which is designed for, intended for, or used as a residence for one family or an individual and equipped with cooking facilities.

Subd. 8. Apartment Building.

Three or more suites of rooms which are designed for, intended for, or occupied as a residence by a single family or an individual, and are equipped with cooking facilities (includes dwelling units and efficiency units).

Subd. 9. Applicant.

Any person who wishes to obtain a zoning permit, zoning, or Subdivision approval.

Subd. 10. Automobile Repair.

General repair, rebuilding or reconditioning engines, motor vehicles, boats, snowmobile, motor cycle or trailers; collision service, including but not limited to, body, frame, or fender straightening or repair; painting and vehicle steam cleaning.

Subd. 11. Automobile Wrecking or Junk Yard.

Any place where two (2) or more vehicles not in running condition and/or not licensed, or parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof; and including any commercial salvaging and scavenging of any other goods, articles, or merchandise.

Subd. 12. Billboard.

See advertising sign.

Subd. 13. *Basement.*

Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

Subd. 14. *Bluff.*

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

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

Subd. 15 *Bluffline.*

A line along the top of a slope connecting the points at which the slope becomes less than thirteen percent (13%).

Subd. 16 *Bluff Impact Zone.*

A bluff and land located within 20 feet from the top of a bluff.

Subd. 17. *Boarding House.*

A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided to three (3) or more persons, not of the principal family therein, pursuant to previous arrangements and not to anyone who may apply, but not including a building providing these services for more than ten (10) people.

Subd. 18. *Boathouse.*

A structure used solely for the storage of boats or boating equipment, not for use as a dwelling.

Subd. 19. *Buildable Area.*

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

Subd. 20. *Building.*

Any structure used or intended for supporting or sheltering any use or occupancy.

Subd. 21. *Building Height.*

The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point of a round or other arch-type roof, to the mean distance of the highest gable on a pitched or hipped roof.

Subd. 22. *Building Line.*

A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Subd. 23. *Building Setback.*

The minimum horizontal distance between the building and the specified lot line as prescribed in this Ordinance.

Subd. 24. Business.

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

Subd. 25. Business Sign.

Any sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used in the identification or promotion of any principal commodity or service, including, but not limited to, entertainment, offered or sold upon the premise where such sign is located.

Subd. 26. Campground.

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

Subd. 27. Carport.

A canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open on three (3) sides.

Subd. 28. Church.

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

Subd. 29. Clear-Cutting.

The removal of an entire stand of vegetation.

Subd. 30. Clinic.

A place for the care, diagnosis and treatment of sick, ailing or injured individuals.

Subd. 31. Club or Lodge.

A non-profit association of persons who are members paying annual dues, use of premises being restricted to members and their guests.

Subd. 32. Commercial Agricultural.

The use of land for the growing and/or production of field crops, livestock, and livestock products.

Subd. 33. Commercial Planned Unit Developments.

Typically uses which provide transient, short-term lodging spaces, room, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks and other primarily service-oriented activities.

Subd. 34. Commercial Recreation.

Bowling alley, cart track, jump center, golf, pool hall, vehicle racing or amusement, dance hall, skating, trampoline, tavern, theatre, boat rental, amusement rides, campgrounds and similar uses.

Subd. 35. Commercial Vehicle.

1. A motor vehicle used in commerce to transport passengers or property that:
 - a. Has a gross vehicle weight rating or gross vehicle weight of at least 26,001 pounds, whichever is greater, or a lesser gross vehicle weight rating or gross vehicle weight the U.S. Secretary of Transportation prescribes by regulation, but not less than a gross vehicle weight rating of 10,001 pounds; or
 - b. That is designed to transport at least 16 passengers, including the driver; or,
 - c. Is used to transport material found by the Secretary, except as identified in 49 USC Sec. 31301(3)C.

2. Off-road motorized construction equipment, including but not limited to, backhoes, motor scrapers, motor graders, compactors, tractors, trenchers, bulldozers, railroad track maintenance equipment, cranes, front end loaders, tractor trailer, straight trucks even if converted offices.
3. Items similar in nature to those described above.

Subd. 36. Uses.

All permitted and accessory uses allowed in Commercial Zoning Districts.

Subd. 37. Commissioner.

The Commissioner of the specified agency including, but not limited to the Commissioner of the Department of Natural Resources, the Commissioner of the Minnesota Department of Transportation, the Commissioner of the Federal Aviation Administration.

Subd. 38. Conditional Use.

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

Subd. 39. Conditional Use Permit.

A permit issued by the Council in accordance with procedures specified in this Ordinance, as a flexibility device to enable the council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

Subd. 40. Condominium.

A multiple dwelling containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, Chapters 515.01 to 515.19.

Subd. 41. Control Measure.

A practice or combination of practices to control erosion and attendant pollution.

Subd. 42. Convenience Food Establishment.

An establishment which serves food in or on disposable or edible containers in individual servings for consumption on or off the premises.

Subd. 43. Cooperative (Housing).

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

Subd. 44. Curb Level.

The level of the established curb in front of the building measured at the center of such front.

Subd. 45. Day Care-Home.

A family dwelling in which foster care, supervision, and training for children is provided during part of a day with no overnight accommodations and where children are delivered and removed daily.

Subd. 46. Day Care-Group Nursery.

A service provided to the public, in which children of school or preschool age are cared for during established business hours.

Subd. 47. Deck

A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

Subd. 48. Detention Facility.

A permanent natural or man-made structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of water.

Subd. 49. District.

A Chapter or Chapters of the City for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.

Subd. 50. Dredging.

To enlarge or clean out a waterbody, watercourse, or wetland.

Subd. 51. Drive-in Establishment.

An establishment which accommodates the patron's automobile from which products purchased from the establishment may be consumed.

Subd. 52. Duplex, Triplex and Quad.

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

Subd. 53. Dwelling-Multiple (Apartments).

A building designated with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other but having hallways and main entrances and exits.

Subd. 54. Dwelling-Single-Family.

A detached dwelling unit designed for occupancy of one (1) family.

Subd. 55. Dwelling Site.

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

Subd. 56. Dwelling-Two-Family.

A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

Subd. 57. Dwelling Unit.

A residential building, structure or shelter or any portion thereof that designed as short or long-term living quarters for one or more persons, including, but not limited to rental or timeshare accommodations and resort rooms and cabins; but not including motels, nursing homes or trailers.

Subd. 58. Easement.

A grant by a property owner for the use of a strip of land which includes but is not limited to the constructing and maintaining of utilities including but not limited to sanitary sewer, water mains, electric lines, telephone line, storm sewer or storm drainageway and gas lines.

Subd. 59. Elderly (Senior Citizen) Housing.

A public agency owned or controlled multiple dwelling buildings with open occupancy, limited to persons over sixty (60) years of age or in accordance with Federal and State Laws and Regulations.

Subd. 60. Efficiency Apartment.

A dwelling unit consisting of one (1) principal room exclusive of bathroom, hallway, closets, or dining alcove.

Subd. 61. Essential Services.

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

Subd. 62. Extractive Us.

The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, Chapters 93.44 to 93.51.

Subd. 63. Family.

An individual or two or more persons related by blood or marriage or a group of not more than five unrelated persons living together on the premises or in a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, hotel, club lodge, sorority or fraternity house, as herein described.

Subd. 64. Farm.

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

Subd. 65. Farm-Dwelling.

A single family dwelling located on a farm which is used or intended for use by the farm's owner, a relative of the owner, or a person employed thereon.

Subd. 66. Feedlot.

A lot or building, or combination of contiguous lots and buildings, intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy farms, swine facilities, beef lots and barns, horse stalls and domesticated animal zoos shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.

Subd. 67. Fence.

A barrier forming a boundary to or enclosing some area.

Subd. 68. Floor Area.

The sum of the gross horizontal area of the several floors of the building, measured from the exterior faces of the exterior walls.

Subd. 69. Forest Land Conversion.

The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stands.

Subd. 70. Forestry.

The management, including logging, of a forest, woodland, or plantation, and related research and educational activities, including, but not limited to, the construction, alteration, or maintenance of woodroads, skidroads, landing and fences.

Subd. 71. Garage.

An accessory building or accessory portion of the principal building intended for and used to store the private passenger vehicles of the family or families resident upon the premises.

Subd. 72. Governmental Sign.

A sign which is erected by a governmental unit for the purpose of identification and directing or guiding of traffic.

Subd. 73. Grading.

Changing the natural or existing topography of land.

Subd. 74. Guest Cottage.

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

Subd. 75. Guest Room.

A room occupied by one (1) or more guests for compensation and in which no provision is made for cooking, but not including rooms in a dormitory for sleeping purposes primarily.

Subd. 76. Hardship.

The same as that term is defined in Minnesota Statutes, Chapter 462 (i.e. The property in question can not be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the request, if granted will not alter the essential character of the locality, economic considerations alone shall not constitute a hardship.)

Subd. 77. Height of Building.

See 'Building Height'

Subd. 78. Home Occupation.

Any occupation or profession engaged in by the occupant of a residential dwelling unit, which is clearly incidental and secondary to the residential use of the premises and does not change the character of said premises.

Subd. 79. Hotel.

Any building or portion thereof occupied as the more or less temporary abiding place of individuals and containing six (6) or more guest rooms, used, designated or intended to be used, let or hired out to be occupied or which are occupied by six (6) or more individuals for compensation, whether the compensation be paid directly or indirectly.

Subd. 80. Hydric Soils.

Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Subd. 81. Hydrophytic Vegetation.

Macrophytic plant life growing in water, soil, or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Subd. 82. Identification Signs.

Signs located in a residential district which identify a Subdivision, apartment complex or similar identifications and set forth the address of the premises where the sign is located; and signs in all other districts which identify the business or owner, and set forth the address of the premises where the sign is located.

Subd. 83. Impervious Surface.

An artificial or natural surface through which water, air, or roots cannot penetrate.

Subd. 84. Industrial Use.

A permitted or accessory use allowed in the Industrial "I-1" District.

Subd. 85. Intensive Vegetation Clearing.

The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Subd. 86. Interim Use Permit.

A permit issued by the Council for a specific period of time in accordance with procedures specified in this Ordinance, as a flexibility device to enable the Council to assign dimensions including a time-limit to a proposed use and conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

Subd. 87. Junk or Salvage Yard.

Land or building where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products from wrecking of automobiles and other vehicles.

Subd. 88. Land Disturbing or Development Activities.

Any change of the land surface including, but not limited to, excavating, filling, grading and the construction of any structure.

Subd. 89. Lodging House.

A building other than a hotel, where for compensation for definite periods, lodging is provided for three (3) or more persons not of the principal family, but not including a building providing this service for more than ten (10) persons.

Subd. 90. Lodging Room.

A room rented as sleeping and living quarters but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodation shall be counted as one (1) lodging room.

Subd. 91. Lot (of Record).

A parcel of land, whether Subdivided or otherwise legally described, as of the effective date of this Ordinance, which is occupied by or intended for occupancy by one (1) principal building or principal use together with any accessory buildings and such open spaces as required by this Ordinance and having its principal frontage on a street or proposed street approved by the Council.

Subd. 92. Lot.

Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of this zoning regulation.

Subd. 93. Lot Area.

The area of a horizontal plane within the lot lines.

Subd. 94. 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 of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

Subd. 95. Lot Coverage.

The area of a lot occupied by *impervious surfaces*, the principal building or buildings and accessory buildings.

Subd. 96. Lot, Depth.

The shortest horizontal distance between the front lot line and the rear lot line measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.

Subd. 97. Lot, Frontage.

The front of a lot shall, for purposes of complying with this Ordinance, be that boundary abutting a public right-of-way or in the case of riparian lots. Lots shall be addressed in accordance with adjoining lots.

Subd. 98. Lot, Lake Frontage (Riparian).

The parcel of property belonging to a riparian lot opposite or across from a public right-of-way. The front of the property for the purpose of this ordinance shall be the portion abutting the water.

Subd. 99. Lot, Line.

A property boundary line of any lot held in single or separated ownership, except that where any portion of a lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

Subd. 100. Lot, Through.

A lot fronting on two parallel streets.

Subd. 101. Lot, Width.

The shortest horizontal distance between the side lot lines measured at right angles at the building line.

Subd. 102. Manufactured Home.

A structure transportable in one or more Chapters used as a dwelling for one family, with or without a permanent foundation when connected to the required utilities, which includes the plumbing, heating, air conditioning, and electrical systems contained therein. No manufactured dwelling shall be moved into the City that does not meet the Manufactured Home Building Code as defined in Minnesota Statutes.

Subd. 103. Manufactured Home Park.

Any site, lot or tract of land under single ownership designed, maintained or intended for the placement of two (2) or more occupied manufactured homes. This also includes any buildings or structures appurtenant to the park.

Subd. 104. Manufacturing - Heavy.

The 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.

Subd. 105. Manufacturing - Light.

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

Subd. 106. Mining Operation.

The removal from the land of stone, sand and/or gravel, coal, salt, iron, copper, nickel, granite, petroleum products or other material for commercial, industrial or governmental purposes.

Subd. 107. Mobile Home.

A dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers and arriving at the site ready for occupancy except for incidental assembly, location on foundation, connection to utilities and the like.

Subd. 108. Modular Home.

A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made permanently affixing the module to the site.

Subd. 109. Motor Fuel Station.

A place where gasoline (stored only in underground tanks), kerosene, motor oil, lubricants and grease for operation of vehicles are stored or sold to the public. This also includes accessories and services for automobiles.

subd. 110. Name Plate.

A sign indicating the name and/or address of a building or the name of an occupant thereof, and the practice of a permitted occupation therein.

Subd. 111. Natural Drainage System.

All land surface areas which by nature of their contour configuration collect, store and channel surface water run-off.

Subd. 112. Natural Obstruction.

Any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within a waterbody, watercourse or wetland by a non-human cause.

Subd. 113. Non-Conforming Building.

A building or portion of thereof existing at the time of adoption of this ordinance and not conforming to the regulations for the district in which it is situated except that such a use is not non-conforming if it would be permitted under a conditional use permit where located.

Subd. 114. Non-Conforming Use of Land.

Any use of a lot which does not conform to the applicable use regulations of the district in which it is located.

Subd. 115. Non-Conforming Use of Structure.

A use of a structure which does not conform to the applicable use regulations of the district in which it is located.

Subd. 116. Non-Riparian Lot.

A lot that does not abut public waters.

Subd. 117. Nursing Home (Rest Home).

A building having accommodations where care is provided for two (2) or more invalids, infirmed, aged convalescent or physically disabled persons that are not of the immediate family; but not including hospitals, clinics, sanitariums or similar institutions.

Subd. 118. Off Street Loading Space.

A space accessible from the street, alley or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) truck of the type typically used in the particular business.

Subd. 119. On-Premise Signs.

A sign located on the premise or property of an individual, business or organization when the sale or lease of the premise or the identification, products or services or the individual, business or organization are the subject of the sign.

Subd. 120. Open Space Recreational Use.

Recreational use particularly oriented to and utilizing the character of an area, including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreational areas.

Subd. 121. Ordinary High Water Mark.

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

Subd. 122. Parking Space.

An area, enclosed in the main building, in an accessory building or unenclosed, suitably surfaced and permanently maintained area, sufficient in size to store one (1) automobile which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

Subd. 123. Permitted Use.

A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards (if any) of such districts.

Subd. 124. Person.

An individual, firm, partnership, association, corporation or organization of any kind.

Subd. 125. Planned Unit Development.

A large lot or tract of land developed as a unit rather than as individual development wherein two (2) or more buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries. This is a type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster Subdivision of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Subd. 126. Planning Commission.

The Planning Commission of the City of Madison Lake.

Subd. 127. Portable Sign.

A sign so designed as to be movable from one (1) location to another and which is not permanently attached to the ground, sales display device or structure.

Subd. 128. Principal Use.

The main use of land or buildings as distinguished from subordinate or accessory uses.

Subd. 129. Public Use.

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

Subd. 130. Public Utility.

Any person, firm, corporation, municipal department or board fully authorized to furnish under municipal regulation to the public, electricity, gas, steam, communication services, telegraph services, transportation, water sewer and storm sewer.

Subd. 131. Public Water.

Any waters as defined in Minnesota Statutes, §103G.005 Subd. 15.

Subd. 132. Recreational Field or Building.

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

Subd. 133. Recreational Vehicle.

A vehicular portable structure used for amusement, vacation or recreational activities, including but not limited to, travel trailers, boat & utility trailers, motor homes, camping trailers, personal watercraft, snowmobiles, four-wheelers and boats.

Subd. 134. Regional Flood.

A flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100 year reoccurrence interval.

Subd. 135. Residential Planned Unit Development.

A use where the nature of residency is non-transient and the majority or primary focus of the development is not service-oriented. For example, residential apartments, timeshare condominiums, townhouses, cooperatives and full fee ownership residences would be considered as residential planned unit developments.

Subd. 136. Restaurant.

An establishment serving food to be consumed primarily while seated at tables or booths within the building.

Subd. 137. Retention Facility.

A permanent natural or man made structure that provides for the storage of storm water runoff by means of a permanent pool of water.

Subd. 138. Riparian.

Land contiguous to the bank of a stream, the shore of a lake or the edge of a wetland.

Subd. 139. Screening.

The use of plant materials, fences or earthen berms to partially conceal the separate land use from the surrounding land use.

Subd. 140. Selective Cutting.

The removal of single scattered trees.

Subd. 141. Sediment.

Solid matter carried by water, sewage or other liquids.

Subd. 142. Semi-Public Use.

The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Subd. 143. Sensitive Resource Management.

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

Subd. 144. Setback.

The minimum horizontal distance between a structure, sewage treatment system, or other facility and the ordinary high water mark or between a structure or other facility and a road or highway right of way line, public right-of-way, top of a bluff, ordinary high water level, property line or other facility.

Subd. 145. Sewage Treatment System.

Any system for the collection, treatment and dispersions of sewage, including but not limited to, septic tanks, soil absorption systems, drain fields or other individual or cluster type sewage treatment system.

Subd. 146. Sewer System.

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

Subd. 147. Shore Impact Zone.

Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Subd. 148. Shoreland.

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

Subd. 149. Sign.

The use of any words, numerals, figures, devices or trademarks by which anything is made known, such as are used to show an individual, firm, profession or business and are visible to the general public.

Subd. 150. Significant Historic Site.

Any archaeological site, standing, structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provision of Minnesota Statutes. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Subd. 151. Slope.

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

Subd. 152. Steep Slope.

Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 18 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Subd. 153. Story.

That portion of a building included above and between the upper surface of a floor and upper surface of floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

Subd. 154. Story, Half.

That portion of a building under a gable, hip or gambrel roof, the wall plate of which, on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

Subd. 155. Street.

A platted public thoroughfare sixty-six (66) feet or more in width, affording for current or future means of access to abutting property.

Subd. 156. Street Frontage.

The proximity of a parcel of land to one (1) or more streets. An interior lot has one (1) street frontage and a corner lot has two (2) street frontages.

Subd. 157. Structure.

Anything which is built, constructed or erected. An edifice or building of any kind or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character, **all impervious surface**, including but not limited to, any building or

appurtenance and including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, poles, and other supporting facilities.

Subd. 158. Subdivision.

Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.

Subd. 159. Substandard Use.

Any use existing prior to the date of this Ordinance which is permitted within the applicable zoning district, but does not meet the minimum lot area, frontage, setbacks or other dimensional standards of this Ordinance.

Subd. 160. Surface Water Oriented Commercial Use.

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

Subd. 161. Temporary Sign.

Any sign which is erected or displayed for a specified period of time.

Subd. 162. Toe of the Bluff.

The lower point of a 50-foot segment with an average slope exceeding 18 percent.

Subd. 163. Top of the Bluff.

The higher point of a 50-foot segment with an average slope exceeding 18 percent.

Subd. 164. Townhouses.

Structures housing two (2) or more dwelling units **in a row of at least three (3) such units** each and contiguous to each other only by sharing one (1) **or more vertical common fire-resistant walls**, such structures to be of the town or row houses type as contrasted to multiple dwelling apartment structures. No single structure shall contain in excess of eight (8) dwelling units, and each dwelling unit shall have separate **entrances**.

Subd. 165. Twin Home.

A two family dwelling in which the units are connected at a common wall along a common property line also twin homes are commonly referred to a "zero lot line home," and in which each of the units and their attendant lot area intended for conveyance as separate dwelling units.

Subd. 166. Use.

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

Subd. 167. Use, Accessory.

A use incidental to and on the same lot as a principal use.

Subd. 168. Vacation

The act of relinquishing a recorded dedication or easement as in a street right-of-way, utility easement, etc.

Subd. 169. Variance.

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

Subd. 170. Vegetation.

The sum total of plant life in some area or a plant community with distinguishable characteristics.

Subd. 171. Waterbody.

A body of water (lake, pond) in a depression of land or expanded part of a river or an enclosed basin that holds water and is surrounded by land.

Subd. 172. Watercourse.

A channel or depression through which water flows, such as rivers, streams or creeks and may flow year around or intermittently.

Subd. 173. Water-Oriented Accessory Structure or Facility.

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

Subd. 174. Watershed.

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

Subd. 175. Wetlands.

Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For the purposes of this definition, wetlands must have the following three attributes:

- A. Have a predominance of hydric soils;
- B. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- C. Under normal circumstances support a prevalence of such vegetation.

Subd. 176. Yard.

An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

Subd. 177. Yard - Front.

A yard extending across the front of the lot between the side of lot lines and lying between the front line of the lot and the nearest line of the building.

Subd. 178. Yard - Rear.

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

Subd. 179. Yard - Side.

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

Subd. 180. Zoning Administrator.

A person appointed by the City Council to enforce the Zoning Ordinance (i.e. the City Clerk).

Subd. 181. Zoning Map.

The maps or map incorporated into this Ordinance as part thereof, and as amended, designating the zoning district.

Revised 06/07/2010

CHAPTER 3 CLASSIFICATION OF DISTRICTS

Subd. 1. Establishment of Districts.

The following zoning districts are hereby established within the City of Madison Lake:

- A-1 Agricultural District
- R-1 Single and Two Family Residential District
- R-2 Multiple Family Residential District
- R-MH Residential-Manufactured Home District
- B-1 Highway Commercial District
- B-2 Central Business District
- B-2 A Central Business Adult Use District
- B-3 Recreational Business District
- I-1 Industrial District
- S Shoreland Overlay District
- ER Environmental Review Overlay District

Subd. 2. Map.

The location and boundaries of the districts established by this Ordinance are hereby set forth on the Zoning Map entitled "Zoning Map of Madison Lake." Said Map is on file with the Zoning Administrator, and hereinafter referred to as the "Zoning Map" which map and all of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this Ordinance by reference.

Subd. 3. Annexation.

In the event of annexation of new areas to the City, such areas shall be considered to be in the "A-1" Agricultural District unless otherwise classified.

Subd. 4. Zoning District Boundaries.

- A. Boundaries indicated as approximately following the centerline of streets, highways, alleys or railroad lines shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, lakes or other bodies of water shall be construed to following such centerlines.
- D. Boundaries indicated as approximately following the City limits shall be construed as following such City limits.
- E. Where a district boundary line divides a lot which was in a single ownership at the time of passage of this chapter, the extension of the regulations for either portion of the lot beyond the district line into the remaining portion of the lot may be interpreted by the Zoning Administrator upon request of the owner.

Subd. 5. District Regulations.

The regulations of this Ordinance within each district shall be minimum regulations, and shall apply uniformly to each class or kind of structure of land, except as hereinafter provided.

- A. No buildings, structures or land shall hereafter be used or occupied and no building structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or smaller rear yards, front yard, side yards or other open spaces than herein required or in any other manner contrary to the provision of this Ordinance.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- D. Except in the case of Planned Unit Development and the Agricultural "A-1" District lots exceeding one (1) acre as provided for in this Ordinance, not more than one (1) principal building shall be located in a lot.
- E. No provision hereunder shall be construed so as to prevent emergency repair/rebuild of existing essential services provided said repair/rebuild does not exceed area, width, height, etc. in existence and conforming to this ordinance prior to the emergent situation.

Subd. 6. Amendments.

It shall be the responsibility of the Zoning Administrator to maintain the Zoning Map. Amendments to said zoning map shall be recorded thereon within thirty (30) days after official publication of amendments. The Madison Lake Zoning Map shall be kept on file in the City Clerk's Office.

CHAPTER 4 “A-1” AGRICULTURAL DISTRICT.

Subd. 1. Purpose.

The purpose of the Agricultural District is to provide for existing rural uses, single-family residences and institutional uses. It is designed for areas within the City which may presently be used for agriculture, but which may be converted to urban uses in the future.

Subd. 2. Permitted Uses.

- A. The following are permitted uses in the non-shoreland overlay portion of the “A-1” Agricultural District:
 - 1. Single-family dwellings.
 - 2. Public parks and playgrounds, recreational areas and wildlife areas/refuges.
 - 3. Hobby Farms.
 - 4. Farming and Agriculture plus related buildings and structures subject to Minnesota Pollution Control Agency standards, and all other applicable local, state, regional and federal standards.
 - 5. Essential services.
- B. The following are permitted uses in the shoreland overlay portion of the “A-1” Agriculture District:
 - 1. Recreational Development Shoreland (Madison Lake, Lake Ballantyne)
 - a. Forest Management.
 - b. Sensitive Resource Management.
 - c. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan consistent with local, state and federal guidelines, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the ordinary high water level.
 - 2. General Development Shoreland (Duck Lake)
 - a. Forest Management.
 - b. Sensitive Resource Management.
 - c. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan consistent with local, state and federal guidelines, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the ordinary high water level.

Subd. 3. Accessory Uses.

The following are permitted accessory uses in the "A-1" Agricultural District:

- A. Private garages, parking areas and car ports for licensed and operable passenger cars and trucks.
- B. Operation and storage of such vehicles, equipment and machinery which are incidental to permitted or conditional uses allowed in this district.
- C. Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment provided said storage is placed in the side and/or rear portion of the lot, furthest from the public right-of-way upon which the lot fronts.
- D. Recreational vehicles and equipment in operable condition and displaying current licenses.
- E. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- F. Home occupations as regulated by Chapter 18 of this Ordinance.
- G. Storage of facilities used solely for the purpose of ice-fishing provided said facilities are stored in the side or rear yard, displaying current licenses and are not used as independent living/sleeping quarters when stored as permitted provided said storage is placed in the side and/or rear yard portion of the lot, lying furthest from the public right-of-way upon which the lot fronts.
- H. Piers and Docks and storage thereof provided said storage is placed in the side or rear lot on the part of the lot furthest from the public right-of-way upon which the lot fronts.
- I. Each lot may have one water-oriented accessory structure not meeting the normal structure setback as defined by Subdivision 5 of this Chapter and Chapter 22, Subd. 3(A) provided the water-oriented structure or facility:
 - 1. Shall not exceed ten (10) feet in height, exclusive of safety rails, and shall not occupy an area greater than twenty-five (25) square feet. Detached decks shall not exceed eight (8) feet above grade at any point.
 - 2. The structure or facility shall be setback from the ordinary high water level a minimum of ten (10) feet.
 - 3. The structure or facility shall 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.
 - 4. The roof may be used as a deck with safety rails, but shall not be enclosed or used as a storage area.
 - 5. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.
 - 6. As an alternative for water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.

Subd. 4. Conditional Uses.

- A. The following are conditional uses in the non-shoreland overlay portion of the "A-1" Agricultural District. (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 10 of this Ordinance):
 - 1. Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:
 - a. When abutting a residential use in a residential use district, the property is adequately screened and landscaped as determined by the Planning Commission and/or City Council.
 - b. Compatibility with the surrounding neighborhood is maintained and required setbacks and side yard requirements are met.
 - 2. Cemeteries
 - 3. Golf courses.
 - 4. Uses determined by the Planning Commission of similar nature to the Conditional Uses cited above and not found to be detrimental to the general health and welfare of the City.
- B. The following uses are conditional uses in the shoreland overlay portion of the "A-1" Agriculture District. (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 10 of this Ordinance):
 - 1. Recreational Development Shoreland (Madison Lake & Lake Ballantyne)
 - a. Parks and historic sites.
 - b. Single family dwelling.
 - c. General Agriculture plus related buildings and structures, subject to Minnesota Pollution Control Agency standards and all other local, state, regional and federal standards; and provided steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan consistent with local, state and federal guidelines, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the ordinary high water level.
 - 2. General Development Shoreland (Duck Lake)
 - a. Parks and historic sites.
 - b. Single family dwelling.
 - c. General Agriculture plus related buildings and structures, subject to Minnesota Pollution Control Agency standards and all other local, state, regional and federal standards; and provided steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan consistent with local, state and federal guidelines, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the ordinary high water level.

Subd. 5. Interim Uses.

- A. The following are conditional uses in the non-shoreland overlay portion of the "A-1" Agricultural District. (Requires a interim use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 11 of this Ordinance):
 - 1. Kennels and riding stables, commercial recreational areas and similar uses, provided that:
 - a. The principal use, function, or activity is recreational in character.
 - b. Not more than thirty percent (30%) of the land area of the site be covered by buildings or structures in the non-shoreland overlay area. In the shoreland overlay area no more than 25% of the land area of the site may be covered by buildings/structures or any combination thereof.
 - c. When abutting a residential use in a residential district, the property is adequately screened and landscaped.
 - d. Animals shall be, at a minimum, kept in an enclosed pen or corral of sufficient height and strength to retain such animals.
 - e. Any building in which animals are kept shall be located a minimum of one hundred (100) feet from a lot line.
 - f. The provisions of all applicable Minnesota Pollution Control Agency standards and all other applicable state and federal standards are complied with, as may be amended.
 - 2. Sale of farm produce from road-side stands.
 - 3. Uses determined by the Planning Commission of similar nature to the Interim Uses cited above and not found to be detrimental to the general health and welfare of the City.

Subd. 6. Performance Standards.

- A. Minimum lot size and width:
 - 1. Non-shoreland overlay areas: Minimum size, one (5) acres, minimum width one hundred fifty (150) feet.
 - 2. Shoreland overlay areas as identified in the following tables:

RECREATIONAL DEVELOPMENT LAKES (Madison/Ballantyne)			
Minimum Single Family Lot Area (square feet)/Lot Width			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
40,000/150	20,000/75	40,000/150	15,000/75

GENERAL DEVELOPMENT LAKES (Duck Lake)			
Minimum Single Family Lot Area (square feet)/Lot Width			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
20,000/100	15,000/75	40,000/150	10,000/75

RECREATIONAL DEVELOPMENT LAKES (Madison/Ballantyne) Minimum Two Family Lot Area (square feet)/Lot Width			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
80,000/225	35,000/135	80,000/265	26,000/135

GENERAL DEVELOPMENT LAKES (Duck Lake) Minimum Two Family Lot Area (square feet)/Lot Width			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
40,000/180	26,000/135	80,000/265	17,500/135

B. Setbacks (as measured from lot lines). When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks including but not limited to, front, side and rear setbacks and setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:

1. Front yard: Fifty (50) feet
2. Side yard:
 - a. Interior lots: Fifteen (15) feet
 - b. Corner lots: Not less than thirty (30) feet on the side yard abutting a public street.
3. Rear yard:
 - a. Principal building: Fifty (50) feet
 - b. Accessory Buildings Per Chapter 22, Subd. 3 of this Ordinance.
4. Structures and independent sewage treatment facilities shall be setback from the Ordinary High Water Mark as follows:

Lake	Structures on unsewered lots	Structures on sewerred lots	Sewage treatment system
Madison/Ballantyne	100 feet	75 feet	75 feet
Duck Lake	75 feet	50 feet	50 feet

5. One water-oriented accessory structure designed in accordance with this Ordinance may be setback a minimum distance of ten (10) feet from the ordinary high water level.
6. All structures shall be setback a minimum of thirty (30) feet from the top of the bluff and in accordance with standards contained in Chapter 22 (General Provisions), Chapter 15 (Surface Water Management) and Chapter 16 (Land Preservation).

Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.

- C. Maximum Building Height: Thirty-five (35) feet or two and one-half (2 ½) stories.
- D. Maximum Site Coverage:
 - 1. Non-shoreland overlay areas: No structure or combination of structures shall occupy more than thirty percent (30%) of the lot area.
 - 2. Shoreland overlay areas: No structure or combination of structures shall occupy more than twenty-five percent (25%) of the lot area.
- E. Uses without water oriented needs shall be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, shall either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer leaf-on conditions.
- F. Additional requirements, including but not limited to shoreland, surface water, home occupation, parking, sign, and general district provisions as set forth within the appropriate Chapters of this Ordinance, as may be amended.

CHAPTER 5 "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT.

Subd. 1. Purpose.

The purpose of the R-1 Single Family Residential District is to provide for low-density, single family residences and directly related complimentary uses.

Subd. 2. Permitted Uses.

- A. The following uses are permitted in the non-shoreland portion of the "R-1" Single Family Residential District:
 - 1. Single-family dwelling.
 - 2. Licensed Day Care Home/facility serving twelve (12) or fewer persons.
 - 3. Public parks and playgrounds.
 - 4. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.
 - 5. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutes limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues, provided that:
 - a. Side yards shall be double that required for the district.
 - b. No building shall be located within thirty (30) feet of any lot line of an abutting lot in an Residential District.
 - c. Said structures are adequately screened form adjacent properties as determined by the Planning Commission and/or City Council except that religious institutions such as churches shall be exempt from this individual provision.
 - d. Adequate screening from abutting residential uses is provided.
 - e. Adequate off-street parking and access is provided on the site or on lots directly abutting the site.

- B. The following uses are permitted in the shoreland overlay portion of the "R-1" Single Family Residential District:
 - 1. Recreational Development Shoreland (Madison/Ballantyne)
 - a. Single family residential dwelling units.
 - b. Forest Management.
 - c. Licensed Day Care Home/facility serving twelve (12) or fewer persons.
 - d. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.

 - 2. General Development Shoreland (Duck Lake)
 - a. Single family residential dwelling units.
 - b. Forest Management.
 - c. Licensed Day Care Home/facility serving twelve (12) or fewer persons.
 - d. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.

Subd. 3. Accessory Uses.

The following are permitted accessory uses in the "R-1" Residential District. These are in addition to Chapter 22, General District Provisions:

- A. Private garages, parking spaces and carports, provided said garage shall not be used for the storage of commercial vehicles.
- B. Recreational vehicles and equipment displaying current licenses and in operable condition.
- C. Home Occupations as regulated by Chapter 18 of this Ordinance.
- D. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- E. The keeping of animals typically classified as animals that are domesticated pets and buildings and structures for the keeping of such animals and storage of related equipment.
- F. Storage of facilities used solely for the purpose of ice-fishing provided said storage is placed in the side and/or rear yard portion of the lot, lying furthest from the public right-of-way upon which the lot fronts and providing said facilities display current licenses and are not used as independent living/sleeping quarters.
- G. Piers and Docks and storage thereof provided said storage is placed in the side and/or rear yard portion of the lot, lying furthest from the public right-of-way upon which the lot fronts.
- H. Fences.
- I. One (1) lodging room per single-family dwelling.
- J. Tool houses, sheds and similar non-commercial storage buildings.
- K. Each lot may have one water-oriented accessory structure not meeting the normal structure setback as defined in Subdivision 6 of this Chapter and Chapter 22, Subd. 3(A) provided the water-oriented structure or facility:
 - 1. Shall not exceed ten (10) feet in height, exclusive of safety rails, and shall not occupy an area greater than twenty-five (25) square feet. Detached decks shall not exceed eight (8) feet above grade at any point.
 - 2. The structure or facility shall be setback from the ordinary high water level a minimum of ten (10) feet.
 - 3. The structure or facility shall 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.
 - 4. The roof may be used as a deck with safety rails, but shall not be enclosed or used as a storage area.
 - 5. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.
 - 6. As an alternative for water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment,

may occupy an area up to 400 square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.

- L. Uses determined by Planning Commission to be similar to those listed in this Subdivision.

Subd. 4. Conditional Uses.

- A. The following are conditional uses in non-shoreland overlay portion of the "R-1" Residential District (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 10 of this Ordinance):

- 1. Essential services: equipment and structures such as transformers, unit substations and equipment houses.
- 2. An apartment or two family residences.
- 3. Municipal administration buildings, post offices, fire stations, museums, art galleries and other municipal service type buildings provided said building(s) shall not be located within fifty (50) feet of any lot in a residential district.
- 4. Residential Planned Unit Developments per Chapter 17 of this ordinance.
- 5. Hospitals and clinics.

- B. The following are conditional uses in shoreland overlay portion of the "R-1" Residential District (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 10 of this Ordinance):

- 1. Recreational Development Shoreland (Madison/Ballantyne):
 - a. Semi-public uses as described and regulated by Chapter 5, Subd. 2(A)6 and Chapter 5, Subd. 4(A)2.
 - b. Parks and Historic sites.
 - c. An apartment or two family residences.
 - d. Boat houses, providing they are not used as a dwelling and they do not contain sanitary facilities.
- 2. General Development Shoreland (Duck Lake)
 - a. Semi-public uses as described and regulated by Chapter 5, Subd. 2(A)6 and Chapter 5, Subd. 4(A)2.
 - b. Parks and Historic sites.
 - c. An apartment or two family residences.
 - d. Boat houses, providing they are not used as a dwelling and they do not contain sanitary facilities.

Subd. 5. Interim Uses.

- A. The following are interim uses in the non-shoreland and shoreland overlay portion of the "R-1" Residential District (Requires an interim use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 11 of this Ordinance):

- 1. Storage of commercial vehicles, provided said vehicles are in operable condition and display current licenses.

2. Use of the basement as an independent resident or living unit providing dwelling unit area requirements of Chapter 7, Subd.6(F) are achieved and adequate off street parking is available per Chapter 20 of this Ordinance.

Subd. 6. Performance Standards.

- A. Minimum lot size and width (lot size/width requirements for lots existing on the effective date of this ordinance may be adjusted to an average of adjoining lots without a variance when adjoining lots are of standard width/size and in conformance with this ordinance).
 - 1. Non-shoreland areas: Minimum lot size 9,000 square feet, minimum lot width 75 feet.
 - 2. Shoreland overlay areas as identified in the following tables:

RECREATIONAL DEVELOPMENT LAKES (Madison/Ballantyne)			
Minimum Single Family Lot Area (square feet)/Lot Width			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
40,000/150	20,000/75	40,000/150	15,000/75

GENERAL DEVELOPMENT LAKES (Duck Lake)			
Minimum Single Family Lot Area (square feet)/Lot Width			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
20,000/100	15,000/75	40,000/150	10,000/75

- B. Setbacks (as measured from lot lines). When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks including but not limited to, front, side and rear setbacks and setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:
 - 1. Front yard: Thirty (30) feet
 - 2. Side yard:
 - a. Interior lots: Ten (10) feet
 - b. Corner lots: Not less than twenty (20) feet on the side yard abutting a public street.
 - 3. Rear yard:
 - a. Principal building: Thirty (30) feet
 - b. Accessory Buildings: Per Chapter 22, Subd. 3 of this Ordinance.
 - 4. Structures and independent sewage treatment facilities shall be setback from the Ordinary High Water Mark as follows:

Lake	Structures on unsewered lots	Structures on sewerred lots	Sewage treatment system
Madison/Ballantyne	100 feet	75 feet	75 feet
Duck Lake	75 feet	50 feet	50 feet

5. One water-oriented accessory structure designed in accordance with this Ordinance may be setback a minimum distance of ten (10) feet from the ordinary high water level.
 6. All structures shall be setback a minimum of thirty (30) feet from the top of the bluff and in accordance with standards contained in Chapter 22 (General Provisions), Chapter 16 (Land & Water Preservation) and Chapter 15 (Surface Water Management).
Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.
- C. Maximum Building Height: thirty-five (35) feet or two and one-half (2 ½) stories.
- D. Floor Area Requirements for Single-Family Dwelling Units: Single-family dwelling units erected in the R-1 District shall have the following minimum floor areas:
1. One or Two bedrooms: One thousand (1000) square feet.
 2. Three bedrooms, or two bedrooms and den: Thirteen hundred (1300) square feet.
 3. Four bedrooms, or three bedrooms and den: Sixteen hundred (1600) square feet.
 4. More than four bedrooms: Nineteen hundred (1900) square feet.
- E. Maximum Site Coverage:
1. Non-shoreland overlay areas: No structure or combination of structures shall occupy more than thirty percent (30%) of the lot area.
 2. Shoreland overlay areas: Structures or combinations of structures on lots shall not occupy more than twenty-five (25) percent of the lot area.
- F. Additional requirements, including but not limited to shoreland, surface water, home occupation, parking, sign, and general district provisions as set forth within the appropriate Chapters of this Ordinance, as may be amended.
- G. The lot width, lot size and floor area requirements for all principal buildings may not be less than those allowed in Subd. 6A, except if all of the following apply.
1. The requirements pertain directly to the proposed replacement of the principal residential use structure on lots of record provided the area and width of lots thereof are within forty-five percent (45%) of the minimum requirements of this ordinance.
 2. The lot of record is within a residential district.
 3. There is a demonstrated need and potential for continued residential use.
 4. The building has an evident re-use as a principal structure in a residential district.
 5. The structure has been and will continue to be maintained in a manner that is compatible with adjacent residential uses and does not present a hazard to public health, safety and general welfare.
 6. The proposed structure is in compliance with Subd. 5 B, C, E, and F of this Chapter.

Revised 06/07/2010

CHAPTER 6 "R-2" TWO-FAMILY RESIDENTIAL DISTRICT.

Subd. 1. Purpose.

The purpose of the R-2 Two-Family Residential District is to provide for low-density, two-family residences and directly related complimentary uses.

Subd. 2. Permitted Uses.

- A. The following uses are permitted in the non-shoreland portion of the "R-2" Two-Family Residential District:
 - 1. Two-family dwelling.
 - 2. Single family dwelling.
 - 3. Licensed Day Care Home/facility serving twelve (12) or fewer persons.
 - 4. Public parks and playgrounds.
 - 5. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.
 - 6. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutes limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues, provided that:
 - a. Side yards shall be double that required for the district.
 - b. No building shall be located within thirty (30) feet of any lot line of an abutting lot in an Residential District.
 - c. Said structures are adequately screened form adjacent properties as determined by the Planning Commission and/or City Council except that religious institutions such as churches shall be exempt from this individual provision.
 - d. Adequate screening from abutting residential uses is provided.
 - e. Adequate off-street parking and access is provided on the site or on lots directly abutting the site.
- C. The following uses are permitted in the shoreland overlay portion of the "R-2" Two Family Residential District:
 - 1. Recreational Development Shoreland (Madison/Ballantyne)
 - a. Single and two family residential dwelling units.
 - b. Forest Management.
 - c. Licensed Day Care Home/facility serving twelve (12) or fewer persons.
 - d. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.
 - 2. General Development Shoreland (Duck Lake)
 - a. Single and two family residential dwelling units.
 - b. Forest Management.
 - c. Licensed Day Care Home/facility serving twelve (12) or fewer persons.
 - d. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.

Subd. 3. Accessory Uses.

The following are permitted accessory uses in the "R-2" Residential District:

- A. Private garages, parking spaces and carports, provided said garage shall not be used for the storage of commercial vehicles.
- B. Recreational vehicles and equipment displaying current licenses and in operable condition.
- C. Home Occupations as regulated by Chapter 18 of this Ordinance.
- D. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- E. The keeping of animals typically classified as animals that are domesticated pets and buildings and structures for the keeping of such animals and storage of related equipment.
- J. Storage of facilities used solely for the purpose of ice-fishing provided said storage is placed in the side and/or rear yard portion of the lot, lying furthest from the public right-of-way upon which the lot fronts, and provided said facilities display current licenses and are not used as independent living/sleeping quarters.
- F. Piers and Docks and storage thereof provided said storage is placed in the side and/or rear yard portion of the lot, lying furthest from the public right-of-way upon which the lot fronts.
- G. Fences.
- H. One (1) lodging room per single-family dwelling.
- I. Tool houses, sheds and similar non-commercial storage buildings.
- J. Each lot may have one water-oriented accessory structure not meeting the normal structure setback as defined in Subdivision 5 of this Chapter and Chapter 22, Subd. 3(A) provided the water-oriented structure or facility:
 - a. Shall not exceed ten (10) feet in height, exclusive of safety rails, and shall not occupy an area greater than twenty-five (25) square feet. Detached decks shall not exceed eight (8) feet above grade at any point.
 - b. The structure or facility shall be setback from the ordinary high water level a minimum of ten (10) feet.
 - c. The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
 - d. The roof may be used as a deck with safety rails, but shall not be enclosed or used as a storage area.
 - e. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.
 - f. As an alternative for water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.
- K. Uses determined by Planning Commission to be similar to those listed in this Subdivision.

Subd. 4. Conditional Uses.

- A. The following are conditional uses in non-shoreland overlay portion of the "R-2" Residential District (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 10 of this Ordinance):
 - 1. Essential services: equipment and structures such as transformers, unit substations and equipment houses.
 - 2. Municipal administration buildings, post offices, fire stations, museums, art galleries and other municipal service type buildings provided said building(s) shall not be located within fifty (50) feet of any lot in a residential district.
 - 3. Residential Planned Unit Developments per Chapter 17 of this ordinance.
 - 4. Hospitals and clinics.
- B. The following are conditional uses in shoreland overlay portion of the "R-2" Residential District (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 10 of this Ordinance):
 - 1. Recreational Development Shoreland (Madison/Ballantyne):
 - a. Semi-public uses as described and regulated by Chapter 5, Subd. 2(A)6 and Chapter 5, Subd. 4(A)2.
 - b. Parks and Historic sites.
 - c. Boat houses, providing they are not used as a dwelling and they do not contain sanitary facilities.
 - 2. General Development Shoreland (Duck Lake)
 - a. Semi-public uses as described and regulated by Chapter 5, Subd. 2(A)6 and Chapter 5, Subd. 4(A)2.
 - b. Parks and Historic sites.
 - c. Boat houses, providing they are not used as a dwelling and they do not contain sanitary facilities.

Subd. 5. Interim Uses.

- A. The following are interim uses in non-shoreland and shoreland overlay portion of the "R-2" Residential District (Requires an interim use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 11 of this Ordinance):
 - 1. Storage of commercial vehicles, provided said vehicles are in operable condition and display current licenses.
 - 2. Use of the basement as an independent resident or living unit providing dwelling unit area requirements of Chapter 7, Subd.6(F) are achieved and adequate off street parking is available per Chapter 20 of this Ordinance.

Subd. 6. Performance Standards.

- A. Minimum lot size and width (lot size/width requirements for lots existing on the effective date of this ordinance may adjusted to an average of adjoining lots without a variance when adjoining lots are of standard width/size but in conformance with this ordinance).

1. Non-shoreland areas:

USE	MINIMUM LOT SIZE	MINIMUM LOT WIDTH
Single Family	9,000 square feet	75 feet
Two Family	12,000 square feet	80 feet

2. Shoreland overlay areas as identified in the following tables:

RECREATIONAL DEVELOPMENT LAKES (Madison/Ballantyne) Minimum Single Family Lot Area (square feet)/Lot Width			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
40,000/150	20,000/75	40,000/150	15,000/75

GENERAL DEVELOPMENT LAKES (Duck Lake) Minimum Single Family Lot Area (square feet)/Lot Width			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
20,000/100	15,000/75	40,000/150	10,000/75

RECREATIONAL DEVELOPMENT LAKES (Madison/Ballantyne) Minimum Two Family Lot Area (square feet)/Lot Width			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
80,000/225	35,000/135	80,000/265	26,000/135

GENERAL DEVELOPMENT LAKES (Duck Lake) Minimum Two Family Lot Area (square feet)/Lot Width			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
40,000/180	26,000/135	80,000/265	17,500/135

B. Setbacks (as measured from lot lines). When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks including but not limited to, front, side and rear setbacks and setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:

1. Front yard: Thirty (30) feet

2. Side yard:
 - a. Interior lots: Ten (10) feet
 - b. Corner lots: Not less than twenty (20) feet on the side yard abutting a public street.
3. Rear yard:
 - a. Principal building: Thirty (30) feet
 - b. Accessory Buildings: Per Chapter 22, Subd. 3 of this Ordinance.
4. Structures and independent sewage treatment facilities shall be setback from the Ordinary High Water Mark as follows:

Lake	Structures on unsewered lots	Structures on sewered lots	Sewage treatment system
Madison/Ballantyne	100 feet	75 feet	75 feet
Duck Lake	75 feet	50 feet	50 feet

5. One water-oriented accessory structure designed in accordance with this Ordinance may be setback a minimum distance of ten (10) feet from the ordinary high water level.
6. All structures shall be setback a minimum of thirty (30) feet from the top of the bluff and in accordance with standards contained in Chapter 22 (General Provisions), Chapter 16 (Land & Water Preservation) and Chapter 15 (Surface Water Management).

Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.

- C. Maximum Building Height: Thirty-five (35) feet or two and one-half (2 ½) stories.
- D. Floor Area Requirements for Single-Family Dwelling Units: Single-family dwelling units erected in the R-2 District shall have the minimum floor areas as identified in Chapter 5, Subd. 6(D).
- E. Floor Area Requirements for Multiple Family Dwelling Units: Multiple family dwelling units erected in the R-2 District shall have the following minimum floor areas:
 1. One bedroom or less: Six hundred (600) square feet
 2. Two bedrooms: Nine hundred (900) square feet.
 3. Three bedrooms: Twelve hundred (1200) square feet.
 4. Three bedrooms and den, or four bedrooms: Fifteen hundred (1500) square feet.
 5. More than four bedrooms: Eighteen hundred (1800) square feet.

- F. Maximum Site Coverage:
1. Non-shoreland overlay areas: No structure or combination of structures shall occupy more than thirty percent (30%) of the lot area.
 2. Shoreland overlay areas: Structures or combinations of structures on lots shall not occupy more than more than twenty-five (25) percent of the lot area.
- G. Additional requirements, including but not limited to shoreland, surface water, home occupation, parking, sign, and general district provisions as set forth within the appropriate Chapters of this Ordinance, as may be amended.
- H. The lot width, lot size and floor area requirements for all principal buildings may not be less than those allowed in Subd. 6A , except if all of the following apply.
1. The requirements pertain directly to the proposed replacement of the principal residential use structure on lots of record provided the area and width of lots thereof are within forty-five percent (45%) of the minimum requirements of this ordinance.
 2. The lot of record is within a residential district.
 3. There is a demonstrated need and potential for continued residential use.
 4. The building has an evident re-use as a principal structure in a residential district.
 5. The structure has been and will continue to be maintained in a manner that is compatible with adjacent residential uses and does not present a hazard to public health, safety and general welfare.
 6. The proposed structure is in compliance with Subd. 5 B, C, F and G of this Chapter.

CHAPTER 7 "R-3" MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

Subd. 1. Purposes.

The purpose of the "R-3" Multiple-Family Residential District is to provide for multiple-family residences and directly related complimentary uses.

Subd. 2. Permitted Uses.

- A. The following uses are permitted in the non-shoreland overlay portion of the "R-3" Residential District:
 - 1. Single-Family Dwelling.
 - 2. Two-Family Dwelling.
 - 3. Licensed Day Care Home or facilities serving sixteen (16) or fewer persons.
 - 4. Multiple-family dwelling structures consisting of three (3) or more units.
 - 5. Public parks and playgrounds.
 - 6. Licensed residential facilities (group homes) serving sixteen (16) or fewer persons.
 - 7. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutes limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues, provided that:
 - a. Side yards shall be double that required for the district.
 - b. No building shall be located within thirty (30) feet of any lot line of an abutting lot in a Residential District.
 - c. A fence shall be erected along the boundary line which is common with private property, except that religious institutions such as churches shall be exempt from this individual provision.
 - d. Adequate screening from abutting residential uses is provided.
 - e. Adequate off-street parking and access is provided on the site or on lots directly abutting the site.
- B. The following uses are permitted in the shoreland overlay portion of the "R-3" Residential District:
 - 1. Recreational Development Shoreland (Madison/Ballantyne):
 - a. Single-Family Dwelling.
 - b. Two-Family Dwelling.
 - c. Multiple-family dwelling structures consisting of three (3) or more units.
 - d. Licensed Day Care Home or facilities serving sixteen (16) or fewer persons.
 - e. Licensed residential facilities (group homes) serving sixteen (16) or fewer persons.
 - f. Forest Management.
 - 2. General Development (Duck Lake):
 - a. Single- Family Dwelling.
 - b. Two-Family Dwelling.
 - c. Multiple-family dwelling structures consisting of three (3) or more units.

- d. Licensed Day Care Home or facilities serving sixteen (16) or fewer persons.
- e. Licensed residential facilities (group homes) serving sixteen (16) or fewer persons.
- f. Forest Management.

Subd. 3. Accessory Uses.

The following are permitted accessory uses in the "R-3" Residential District:

- A. Private garages, parking spaces and carports, provided said garage shall not be used for the storage of commercial vehicles.
- B. Recreational vehicles and equipment in operable condition and displaying current licenses.
- C. Home Occupations as regulated by Chapter 18 of this Ordinance.
- D. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- E. The keeping of animals typically classified as animals that are domesticated pets and buildings and structures for the keeping of such animals and storage of related equipment.
- F. Fences.
- K. Storage of facilities used solely for the purpose of ice-fishing provided said storage is placed in the side and/or rear yard portion of the lot, lying furthest from the public right-of-way upon which the lot fronts, and provided said facilities display current licenses and are not used as independent living/sleeping quarters.
- G. Piers and Docks and storage thereof provided said storage is placed in the side and/or rear yard portion of the lot, lying furthest from the public right-of-way upon which the lot fronts.
- H. One lodging room per single-family dwelling.
- I. Tool houses, sheds and similar non-commercial storage buildings.
- J. Community laundry facilities, storm shelters, park offices and recreational buildings, provided that such structures are of a permanent nature.
- K. Each lot may have one water-oriented accessory structure not meeting the normal structure setback as defined in Subdivision 5 of this Chapter and Chapter 22, Subd. 3(A) provided the water-oriented structure or facility:
 - 1. Shall not exceed ten (10) feet in height, exclusive of safety rails, and shall not occupy an area greater than twenty-five (25) square feet. Detached decks shall not exceed eight (8) feet above grade at any point.
 - 2. The structure or facility shall be setback from the ordinary high water level a minimum of ten (10) feet.
 - 3. The structure or facility shall 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.
 - 4. The roof may be used as a deck with safety rails, but shall not be enclosed or used as a storage area.

5. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.
 6. As an alternative for water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.
- L. Uses determined by Planning Commission to be similar to those listed in this Subdivision.

Subd. 4. Conditional Uses.

- A. The following are conditional uses in the non-shoreland overlay portion of the "R-3" Residential District (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 10 of this Ordinance):
1. Essential services: equipment and structures such as transformers, unit substations and equipment houses.
 2. Municipal administration buildings, post offices, fire stations, museums, art galleries and other municipal service type buildings provided said building(s) shall not be located within fifty (50) feet of any lot in a residential district.
 3. Residential Planned Unit Developments per Chapter 17 of this ordinance.
 4. Hospitals and clinics.
 5. Nursing Homes and similar group housing, but not including hospitals, sanitariums or similar institutions, provided that:
 - a. Side yards are double the minimum requirements established for this district.
 - b. Only the rear yard shall be used for play or recreational areas.
 - c. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
 - d. All state laws governing such use are strictly adhered to and all required operating permits are secured.
 - e. The proposed nursing home or similar group housing is in compliance with all other provisions of this Ordinance.
 6. Elderly (senior citizen housing), provided that:
 - a. Elevator service is provided to each floor level above ground floor.
 - b. The proposed use is in compliance with all other provisions of this Ordinance.
- B. The following are conditional uses in the shoreland overlay portion of the "R-2" Multiple Family Residential District (Requires a conditional use permit as outlined in Chapter 23, Subd. 10):
1. Recreational Development Shoreland (Madison/Ballantyne)
 - a. Residential Planned Unit Developments and thereto directly related surface water oriented commercial uses.
 - b. Semi-public uses as identified and in conformance with standards identified in Sect 6, Subd. 2(A)7 and Sect. 6, Subd. 4(A)1&2.
 - c. Parks and historic sites.

2. General Development Shoreland (Duck Lake)
 - a. Residential Planned Unit Developments and thereto directly related surface water oriented commercial uses.
 - b. Semi public uses as identified and in conformance with standards identified in Sect 6, Subd. 2(A)7 and Sect. 6, Subd. 4(A)1&2.
 - c. Parks and historic sites.

Subd. 5. Interim Uses.

- A. The following are conditional uses in the non-shoreland and shoreland overlay portion of the "R-3" Residential District (Requires an interim use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 11 of this Ordinance):
 1. Storage of commercial vehicles, provided said vehicles are in operable condition and display current licenses.
 2. Use of the basement as an independent resident or living unit providing dwelling unit area requirements of Chapter 7, Subd.6(F) are achieved and adequate off-street parking is provided per Chapter 20 of this Ordinance.

Subd. 6. Performance Standards.

- A. Minimum lot size and width (lot size/width requirements for lots existing on the effective date of this ordinance may adjusted to an average of adjoining lots without a variance when adjoining lots are of standard width/size but in conformance with this ordinance).
 1. Non-shoreland areas:
 - a. Minimum lot size: fifteen-thousand (15,000) square feet
 - b. Minimum lot width: one-hundred (100) feet.
 2. Shoreland overlay areas as identified in the following tables:

RECREATIONAL DEVELOPMENT LAKES (Madison/Ballantyne)			
Minimum Single Family Lot Area (square feet)/Lot Width			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
40,000/150	20,000/75	40,000/150	15,000/75

GENERAL DEVELOPMENT LAKES (Duck Lake)			
Minimum Single Family Lot Area (square feet)/Lot Width			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
20,000/100	15,000/75	40,000/150	10,000/75

RECREATIONAL DEVELOPMENT LAKES (Madison/Ballantyne) Minimum Two Family Lot Area (square feet)/Lot Width			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
80,000/225	35,000/135	80,000/265	26,000/135

GENERAL DEVELOPMENT LAKES (Duck Lake) Minimum Two Family Lot Area (square feet)/Lot Width			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
40,000/180	26,000/135	80,000/265	17,500/135

RECREATIONAL DEVELOPMENT LAKES Minimum Triplex Lot Area (square feet)/Lot Width			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
120,000/300	50,000/195	120,000/375	38,000/190

GENERAL DEVELOPMENT LAKES Minimum Triplex Lot Area (square feet)/Lot Width			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
60,000/260	38,000/195	120,000/375	25,000/190

RECREATIONAL DEVELOPMENT LAKES Minimum Quad Family* Lot Area (square feet)/Lot Width			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
160,000/375	65,000/255	160,000/490	49,000/245

GENERAL DEVELOPMENT LAKES Minimum Quad Family* Lot Area (square feet)/Lot Width			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
80,000/340	49,000/255	160,000/490	32,500/245

* Dwelling unit proposals (new or redeveloped) consisting of greater than four units shall be designed and approved as residential planned unit developments.

B. Setbacks (as measured from lot lines). When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks including but not limited to, front, side and rear setbacks and setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:

1. Front yard: Thirty (30) feet
2. Side yard:
 - a. Interior lots: Five(5) feet
 - b. Corner lots: Not less than twenty (20) feet on the side yard abutting a public street.
3. Rear yard:
 - a. Principal building: Thirty (30) feet
 - b. Accessory Buildings Per Chapter 22, Subd. 3 of this Ordinance.
4. Structures and independent sewage treatment facilities shall be setback from the Ordinary High Water Mark as follows:

Lake	Structures on unsewered lots	Structures on sewerd lots	Sewage treatment system
Madison/Ballantyne	100 feet	75 feet	75 feet
Duck Lake	75 feet	50 feet	50 feet

5. One water-oriented accessory structure designed in accordance with this Ordinance may be setback a minimum distance of ten (10) feet from the ordinary high water level.
6. All structures shall be setback a minimum of thirty (30) feet from the top of the bluff and in accordance with standards contained in Chapter 22 (General Provisions), Chapter 15 (Surface Water Management) and Chapter 16 (Land Preservation).

Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.

- C. Maximum Building Height: Thirty-five (35) feet or two and one-half (2 ½) stories.
- D. Floor Area Requirements for Single-Family Dwelling Units: Single-family dwelling units erected in the R-3 District shall have the minimum floor areas as identified in Chapter 5, Subd. 6(D).
- E. Floor Area Requirements for Multiple Family Dwelling Units: Two-family dwelling units erected in the R-3 District shall have the minimum floor areas as defined in Chapter 6, Subd. 6(E).
- F. Floor Area Requirements for Dwelling Units: Living units in building containing more than two (2) units shall have the following minimum floor areas per unit:
 1. Efficiency apartments: Four hundred (400) square feet.
 2. One (1) bedroom apartments: Six hundred forty (640) square feet.
 3. Two (2) bedroom apartments: Seven hundred twenty (720) square feet.

4. More than two (2) bedroom apartments: One hundred twenty (120) square feet additional for each bedroom.

The minimum areas specified above for multiple unit buildings shall not include areas occupied by stairs, hallways, entryways and utility rooms. Closet space in excess of fifteen percent (15%) of above minimum floor areas shall not be included. No multiple dwelling shall have efficiency units in excess of twenty percent (20%) of the total number of units in the building.

G. Maximum Site Coverage:

1. Non-shoreland overlay areas: No structure or combination of structures shall occupy more than thirty percent (30%) of the lot area.
2. Shoreland overlay areas: Structures or combinations of structures on lots shall not occupy more than more than twenty-five (25) percent of the lot area.

H. Additional requirements, including but not limited to shoreland, surface water, home occupation, parking, sign, and general district provisions as set forth within the appropriate Chapters of this Ordinance, as may be amended.

I. The lot width, lot size and floor area requirements for all principal buildings may not be less than those allowed in Subd. 5 A, D, E & F, except if all of the following apply.

1. The requirements pertain directly to the proposed replacement of the principal residential use structure on lots of record provided the area and width of lots thereof are within forty-five percent (45%) of the minimum requirements of this ordinance.
2. The lot of record is within a residential district.
3. There is a demonstrated need and potential for continued residential use.
4. The building has an evident re-use as a principal structure in a residential district.
5. The structure has been and will continue to be maintained in a manner that is compatible with adjacent residential uses and does not present a hazard to public health, safety and general welfare.
6. The proposed structure is in compliance with Subd. 5 B, C, G and H of this Chapter.

CHAPTER 8 "R-MH" MANUFACTURED HOUSING RESIDENTIAL DISTRICT/ MANUFACTURED HOME PARKS

Subd. 1. Purpose.

The purpose of the "R-MH" Manufactured Housing Residential District is to provide for a district for manufactured housing parks in a specified area of the City. No manufactured home shall be admitted to any park unless it can be demonstrated that it meets the requirements of all State, County and City Codes governing the installation of plumbing, heating and electrical systems.

Subd. 2. Permitted Uses.

- A. The following are permitted uses in the non-shoreland portion of the "R-MH" Residential Manufactured Home District:
 - 1. Single-family detached manufactured housing units when placed in an existing manufactured home park as defined in Subdivision 6.
 - 2. Public Open Space.
- B. The following are permitted uses in the shoreland portion of the "R-MH" Residential Manufactured Home District:
 - 1. Recreational Development Shoreland (Madison/Ballantyne):
 - a. Single-Family detached manufactured housing units when placed in an existing manufactured home park as defined in Subdivision 6.
 - 2. General Development Shoreland (Duck Lake):
 - a. Single-Family detached manufactured housing units when placed in an existing manufactured home park as defined in Subdivision 6.

Subd. 3. Accessory Uses.

The following are permitted accessory uses in the "R-MH" Residential District:

- A. Uses incidental or accessory to the operation of a manufactured home park, provided such uses are only for the benefit and convenience of the occupants of the manufactured home park and approved by the City Council. Such uses shall not occupy more than ten percent (10%) of the area of the park.
- B. Piers and Docks.
- C. Each lot may have one water-oriented accessory structure not meeting the normal structure setback as defined in Subdivision 5 of this Chapter and Chapter 22, Subd. 3(A) provided the water-oriented structure or facility:
 - 1. Shall not exceed ten (10) feet in height, exclusive of safety rails, and shall not occupy an area greater than twenty-five (25) square feet. Detached decks shall not exceed eight (8) feet above grade at any point.
 - 2. The structure or facility shall be setback from the ordinary high water level a minimum of ten (10) feet.

3. The structure or facility shall 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.
4. The roof may be used as a deck with safety rails, but shall not be enclosed or used as a storage area.
5. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.
6. As an alternative for water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.

D. Uses determined by Planning Commission to be similar to those listed in this Subdivision.

Subd. 4. Conditional Uses.

A. The following are conditional uses in non-shoreland portion of the "R-MH" Residential District (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 23, Subdivision 10 of this Ordinance):

1. Manufactured Home Parks, provided that:
 - a. The proposed manufactured home park is in compliance with provisions of Subdivision 6 of this Chapter.
 - b. The proposed manufactured home park is in compliance with all other provisions of this Ordinance.

B. The following are conditional uses in the shoreland overlay portion of the "R-MH" Residential District (requires a conditional use permit based upon procedures set forth in and regulated by Chapter 23, Subdivision 10 of this Ordinance):

1. Recreational Development Shoreland (Madison/Ballantyne):
 - a. Manufactured Home Parks, per Subdivision 6 of this Chapter and in accordance with all other applicable provisions of this Ordinance.
 - b. Public Parks, Historic Sites.
2. General Development Shoreland (Duck Lake):
 - a. Manufactured Home Parks, per Subdivision 6 of this Chapter and in accordance with all other applicable provisions of this Ordinance.
 - b. Public Parks, Historic Sites.

Subd. 5. Interim Uses.

A. The following are conditional uses in non-shoreland portion of the "R-MH" Residential District (Requires an interim use permit based upon procedures set forth in and regulated by Chapter 23, Subdivision 11 of this Ordinance):

1. Manufactured Home Parks, provided that:

- a. The proposed manufactured home park is in compliance with provisions of Subdivision 6 of this Chapter.
 - b. The proposed manufactured home park is in compliance with all other provisions of this Ordinance.
 - 2. Storage of commercial vehicles, provided said vehicles are in operable condition and display current licenses.
- B. The following are interim uses in the shoreland overlay portion of the “R-MH” Residential District (requires an interim use permit based upon procedures set forth in and regulated by Chapter 23, Subdivision 11 of this Ordinance):
- 1. Recreational Development Shoreland (Madison/Ballantyne):
 - a. Manufactured Home Parks, per Subdivision 6 of this Chapter and in accordance with all other applicable provisions of this Ordinance.
 - b. Storage of commercial vehicles, provided said vehicles are in operable condition and display current licenses.
 - 2. General Development Shoreland (Duck Lake):
 - a. Manufactured Home Parks, per Subdivision 6 of this Chapter and in accordance with all other applicable provisions of this Ordinance.
 - b. Storage of commercial vehicles, provided said vehicles are in operable condition and display current licenses.

Subd. 6. Performance Standards.

- A. Minimum lot size: Ten thousand (10,000) square feet per manufactured home park or five thousand (5,000) square feet per manufactured home site, whichever is greater. No more than five (5) manufactured home sites may be provided per acre.
- B. Minimum lot width of district: One hundred (100) feet or fifty (50) feet per manufactured home site, whichever is greater.
- C. District Setbacks (measured from lot lines). When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks including but not limited to, front, side and rear setbacks and setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:
 - 1. Front yard: Twenty-five (25) feet
 - 2. Side yard:
 - a. Interior lots: Ten (10) feet
 - b. Corner lots: Not less than twenty (20) feet on the side yard abutting a public street.
 - 3. Rear yard:
 - a. Principal building: Twenty-five (25) feet
 - b. Accessory Building per Chapter 22, Subd. 3 of this Ordinance.

4. Structures and independent sewage treatment facilities shall be setback from the Ordinary High Water Mark as follows:

Lake	Structures on unsewered lots	Structures on sewered lots	Sewage treatment system
Madison/Ballantyne	100 feet	75 feet	75 feet
Duck Lake	75 feet	50 feet	50 feet

5. One water-oriented accessory structure designed in accordance with this Ordinance may be setback a minimum distance of ten (10) feet from the ordinary high water level.
6. All structures shall be setback a minimum of thirty (30) feet from the top of the bluff and in accordance with standards contained in Chapter 22 (General Provisions), Chapter 15 (Surface Water Management) and Chapter 16 (Land preservation).

Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.

- D. Maximum Building Height: Thirty-five (35) feet or two and one-half (2 ½) stories.
- E. Maximum Site Coverage:
 1. Non-shoreland overlay areas: No structure or combination of structures shall occupy more than seventy (70) percent of the lot area.
 2. Shoreland overlay areas: No structure or combination of structures shall occupy more than twenty-five (25) percent of the lot area.
- F. Additional requirements, including but not limited to, shoreland, surface water, home occupation, parking, sign, and general district provisions as set forth within the appropriate Chapters of this Ordinance, as may be amended.

Subd. 7. **Manufactured Home Park**

A. Intent.

The intent and purpose of this Chapter is to assure quality development equal to that found in other types of residential areas throughout the City. Excellence of design, development and maintenance is the desired objective.

No person shall attempt to develop or operate a manufactured home park within the City without first obtaining a Conditional Use Permit. The requirements of a permit shall prevail over all other standards and requirements notwithstanding the more restrictive Chapters of this Ordinance. A permit for a manufactured home park may contain other requirements beyond those mentioned in this Chapter.

B. Application.

The applicant for a permit, in addition to other requirements, shall include the name and address of the Developer and a general description of the construction schedule and construction cost. The application for a permit shall be accompanied by eight (8) copies of plans that indicate the following:

1. Location and site of the manufactured home park.

2. Location, size and character of all manufactured home lots, manufactured home stands, storage areas, recreational areas, laundry drying areas, central refuse disposal, roadways, parking spaces and sites and all setback dimensions.
 3. Detailed landscaping plans and specifications.
 4. Location and width of sidewalks.
 5. Plans for sanitary sewage disposal, surface drainage, water systems, electrical service, telephone service and gas service. The park must be suitably located for facilities including water supply, sewage disposal and fire protection.
 6. Plans for an overhead street lighting system shall be submitted for approval by the City Engineer.
 7. The proposed method of disposing of garbage and refuse.
 8. Location and size of all streets abutting the manufactured home park, and all driveways from such streets to the park. Access to the manufactured home park must be provided from a public street.
 9. Plans and specifications for all road construction either within the park or directly related to park operation.
 10. Floor plans of all service buildings to be constructed within the manufactured home park.
 11. Such other information as may be required or requested by the community.
 12. Detailed description of maintenance procedures and grounds supervision.
 13. Plans and specifications for severe weather shelters.
- C. Performance Standards for Manufactured Home Parks:
1. Proposed manufactured home parks within the Shoreland Overlay District are subject to Chapter 17, Subd. 4 (Planned Unit Development criteria for shoreland overlay areas).
 2. All land area shall be adequately drained, landscaped to control dust, clean and free from refuse, garbage, rubbish or debris.
 3. All manufactured homes shall be properly connected to a central water supply and a central sanitary sewer system. All water and sewer systems shall be constructed in accordance with plans and specifications approved by the Planning Commission and City Council. Where a public water supply is available to the manufactured home park or at the boundary of the park, a connection to said public water supply shall be provided for each manufactured home.
 4. Access to manufactured home parks shall be as approved by the City.
 5. The area beneath a manufactured housing unit shall be enclosed except that such enclosure must have access for inspection.
 6. Each manufactured home park shall maintain off-street overload parking lot for guests of occupants in the amount of one (1) space for each three (3) sites and located within three-hundred (300) feet of the unit to be served.

7. All utilities, such as sewer, water, fuel, electric, telephone and television antenna lead-ins, shall be buried to a depth specified by the City Engineer, and there shall be no overhead wires or support poles except those essential for street or other lighting purposes.
8. A properly landscaped area shall be adequately maintained around each manufactured home park. All manufactured home parks adjacent to industrial, commercial or residential land uses shall be provided with screening, such as fences or natural growth, along the property boundary lines separating the park from such adjacent uses.
9. Every structure in the manufactured home park shall be developed and maintained in a safe, approved and substantial manner. The exterior of every such structure shall be kept in good repair. All of said structures must be constructed to meet existing City Codes. Portable fire extinguishers rated for electrical and liquid fires shall be kept in all service buildings and other locations conveniently and readily accessible for use by all occupants.
10. All structures shall require a building permit.
11. It shall be the duty of the operator of the manufactured housing park to keep a record of all homeowners and occupants located within the park. The park operator shall keep the record available for inspection at all times by authorized City officials and other public officials whose duty necessitates acquisition of the information contained in the record. The record shall not be destroyed until a period of three years following the date of departure of the registrant from the park. The record shall contain:
 - a. The name and address of each unit occupant.
 - b. The name and address of the owner of each unit.
 - c. The make, model and year of the unit.
 - d. The date of arrival and departure of each unit.
 - e. The number and type of motor vehicles of residents in the park.
12. The operator of any manufactured housing park or a duly authorized attendant and/or caretaker shall be responsible at all times for keeping the park, its facilities and equipment in a clean, orderly, operable and sanitary condition. The attendant or caretaker shall be answerable, along with said operator, for the violation of any provisions of these regulations to which said operator is subject.

D. Manufactured Home Park Lot Requirements.

1. Each manufactured home site shall contain at least five thousand (5,000) square feet of land area for the exclusive use of the occupant and shall be at least fifty (50) feet wide.
2. Manufactured homes shall be placed upon manufactured home lots so that there shall be at least a twenty (20) foot clearance between manufactured homes and twenty (20) feet between the front of the manufactured home and the front lot line and twenty-five (25) feet between the rear of the manufactured home and the rear lot line.
3. The area occupied by a manufactured home shall not exceed fifty percent (50%) of the total area of a manufactured home site; land may be occupied by a manufactured home, a vehicle, a building, a cabana, a carport, an awning, storage closet or cupboard or any structure.
4. The yards shall be landscaped except for necessary driveway and sidewalk needs which shall not exceed one-half (1/2) the width of the site.

5. Each manufactured home lot shall have off-street parking space for at least two (2) automobiles. Each space shall be nine (9) feet by twenty (20) feet minimum.
6. The corners of each manufactured home lot shall be clearly marked.
7. Each site shall be numbered.
8. Each manufactured home lot shall be so designed that automobiles may not be parked within five (5) feet of the front or back of the manufactured home.

CHAPTER 9 "B-1" HIGHWAY COMMERCIAL BUSINESS DISTRICT.

Subd. 1. Purpose.

The purpose of the "B-1" Highway Commercial Business District is to provide for and limit the establishment of motor vehicle oriented or dependent high intensity commercial and service activities and acceptable "quasi-industrial" and wholesale enterprises that do not need an industrial setting but which have considerable customer contact. Permitted uses take advantage of direct access to major highways, frontage roads or streets intersecting a highway in a manner other businesses are not afforded.

Subd. 2. Permitted Uses.

- A. The following are permitted uses in the non-overlay portion of the "B-1" Highway Commercial Business District:
1. Antique stores.
 2. Apparel store.
 3. Auto accessory store.
 4. Barber shops and beauty parlors.
 5. Bowling alleys.
 6. Clinics, medical and dental.
 7. Commercial recreational uses.
 8. Convenience stores, without motor fuel facilities.
 9. Dance halls.
 10. Department store.
 11. Essential services.
 12. Forest Management.
 13. Florists.
 14. Funeral homes and mortuaries.
 15. Gift Shops.
 16. Governmental (including Fire and Police stations) and public related utility buildings and structures.
 17. Green houses, nurseries and garden stores.
 18. Hospitals and medical buildings.
 19. Lumber yard, construction material sales, garden and landscaping sales and services (including produce).
 20. Major automotive repair.
 21. Motel.
 22. Motor/recreational vehicle, farm implement and recreation equipment sales, uses, structures and outdoor sales and storage accessory thereto.
 23. Office or professional building.
 24. Off-sale liquor establishment.
 25. On-sale liquor establishment.
 26. Printing shops.
 27. Private clubs or lodges serving food and beverages.
 28. Restaurants, not of the drive-in, convenience or drive-through type.
 29. Surface Water Oriented Commercial.
 30. Video store.
 31. Wholesale businesses.
 32. Wholesale or warehouse operations.
 33. Uses determined by Planning Commission to be similar to those listed in this Subdivision.

- B. The following are permitted uses in the shoreland overlay portion of the "B-1" Highway Commercial District:
 - 1. Recreational Development Shoreland (Madison/Ballantyne):
 - a. Uses identified in Chapter 9, Subd. 2A, all sub-items, except parks and historic sites.
 - 2. General Development Shoreland (Duck Lake):
 - a. Uses identified in Chapter 9, Subd. 2A, all sub-items, except parks and historic sites.

Subd. 3. Accessory Uses.

The following are permitted accessory uses in the "B-1" Highway Commercial Business District:

- A. Any incidental repair, processing and storage necessary to conduct a principal use, but not to exceed thirty percent (30%) of the floor space of the principal building.
- B. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty (30) percent of the gross floor space of the principal use.
- C. Fences.
- D. Landscaping.
- E. Piers and Docks.
- F. Off-Street Parking Facilities and Off-Street Loading Facilities as regulated by Chapter 20 of this Ordinance.
- G. Apartments/Multi-Family: 1st floor apartments related to Business structures (located in rear of business). 2nd story apartments related to Business structures.

Subd. 4. Conditional Uses.

- A. The following are conditional uses in the non-shoreland overlay portion of the "B-1" Highway Commercial Business District (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 10 of this Ordinance):
 - 1. Commercial Planned Unit Developments as regulated by Chapter 17 of this Ordinance.
 - 2. Drive-in and convenience food establishments, provided that:
 - a. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
 - b. Parking areas shall be screened from the view of abutting residential districts.
 - c. Vehicular access points shall be limited, shall create minimal conflict with through traffic movements, shall comply with all appropriate Chapters of this Ordinance as may be amended and shall be subject to the approval of the City Engineer.
 - d. Provisions are made to control and reduce noise.
 - e. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject to the approval of the City Engineer.
 - f. The entire area shall have a drainage system subject to the approval of the City Engineer.

- g. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
 - h. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
 - i. Parking, lighting, signage, etc. are in compliance with appropriate Chapters of this Ordinance as may be amended.
3. Commercial car washes (drive through, self-service and mechanical) provided that:
- a. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
 - b. Parking areas shall be screened from the view of abutting residential districts.
 - c. Stacking space is constructed, subject to approval by the City Engineer, to accommodate that number of vehicles which can be washed during a maximum thirty (30) minute period.
 - d. Vehicular access points shall be limited, shall create minimal conflict with through traffic movements, shall comply with all appropriate Chapters of this Ordinance as may be amended and shall be subject to the approval of the City Engineer.
 - e. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject to the approval of the City Engineer.
 - f. The entire area shall have a drainage system subject to the approval of the City Engineer.
 - g. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
 - h. Provisions are made to control and reduce noise.
 - i. Parking, lighting, signage, etc. are in compliance with appropriate Chapters of this Ordinance as may be amended.
4. Motor vehicle and truck fuel sales, auto repair and service, provided that:
- a. Motor fuel facilities are installed in accordance with state and city standards.
 - b. Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.
 - c. Wherever fuel pumps are to be installed, pump islands shall be installed.
 - d. A protective canopy located over the pump island(s) may be an accessory structure on the property; however, adequate visibility both on and off site shall be maintained.
 - e. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
 - f. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
 - g. Parking areas shall be screened from the view of abutting residential districts.
 - h. Vehicular access points shall be limited, shall create minimal conflict with through traffic movements, shall comply with all appropriate Chapters of this Ordinance as may be amended and shall be subject to the approval of the City Engineer.
 - i. Provisions are made to control and reduce noise.
 - j. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject to the approval of the City Engineer.
 - k. The entire area shall have a drainage system subject to the approval of the City Engineer.

- l. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
 - m. Parking, lighting, signage, etc. are in compliance with appropriate Chapters of this Ordinance as may be amended.
5. Convenience Store with gasoline, provided that:
- a. The sale of food items is in compliance with state and county standards and subject to the approval of a Health Inspector who shall provide specific written sanitary requirements for each proposed sale location.
 - b. The approximate area and location devoted to non-automotive merchandise sales shall be specified in general terms in the application.
 - c. Motor fuel facilities are installed in accordance with state and city standards.
 - d. Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.
 - e. Wherever fuel pumps are to be installed, pump islands shall be installed.
 - f. A protective canopy located over the pump island(s) may be an accessory structure on the property however adequate visibility both on and off site shall be maintained.
 - g. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
 - h. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
 - i. Parking areas shall be screened from the view of abutting residential districts.
 - j. Vehicular access points shall be limited, shall create minimal conflict with through traffic movements, shall comply with all appropriate Chapters of this Ordinance as may be amended and shall be subject to the approval of the City Engineer.
 - k. Provisions are made to control and reduce noise.
 - l. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject to the approval of the City Engineer.
 - m. The entire area shall have a drainage system subject to the approval of the City Engineer.
 - n. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
 - o. Parking, lighting, signage, etc. are in compliance with appropriate Chapters of this Ordinance as may be amended.
6. Open or outdoor service, sale and rental other than those specified as a permitted use in this district, provided that:
- a. Such outdoor or open services, sales and rentals are limited to fifty percent (50%) of the gross floor area of the principal use.
 - b. When abutting a residential use in a residential use district, the property is adequately screened and landscaped.
 - c. The use does not take up parking space as required for conformity to this Ordinance.
 - d. The entire site other than that taken up by a building, structure or plantings shall be surfaced so as to control dust subject to the approval of the City Engineer.
 - e. Parking, lighting, signage, etc. are in compliance with appropriate Chapters of this Ordinance as may be amended.

- B. The following are conditional uses in the shoreland overlay portion of the "B-1" Highway Commercial District (requires a conditional use permit per Chapter 23, Subd. 10 of this Ordinance):
 - 1. Recreational Development Shoreland (Madison/Ballantyne):
 - a. Parks and historic sites.
 - b. Conditional uses identified in Chapter 9, Subd. 4A, sub-parts 1-6.
 - 2. General Development Shoreland (Duck Lake):
 - a. Parks and historic sites.
 - b. Conditional uses identified in Chapter 9, Subd. 4A, sub-parts 1-6.

Subd. 5. Interim Uses.

- A. The following are interim uses in the non-shoreland overlay portion of the "B-1" Highway Commercial Business District (Requires an interim use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 11 of this Ordinance):
 - 1. "Off-site" advertising signs.
 - 2. Industrial Uses.

Subd. 6. Performance Standards.

- A. Minimum Lot Size: Ten thousand (10,000) square feet (lot size/width requirements for lots existing on the effective date of this ordinance may adjusted to an average of adjoining lots without a variance when adjoining lots are of standard width/size but in conformance with this ordinance).
- B. Minimum lot width: One hundred (100) feet (lot size/width requirements for lots existing on the effective date of this ordinance may adjusted to an average of adjoining lots without a variance when adjoining lots are of standard width/size but in conformance with this ordinance).
- C. Setbacks (measured from lot lines). When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks including but not limited to, front, side and rear setbacks and setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:
 - 1. Front yard: Thirty (30) feet
 - 2. Side yard: Twenty (20) feet, unless abutting a residential district, then thirty-five (35) feet.
 - 3. Rear yard: Twenty (20) feet, unless abutting a residential district, then thirty-five (35) feet.
 - 4. Structures and independent sewage treatment facilities shall be setback from the Ordinary High Water Mark as follows:

Lake	Structures on unsewered lots	Structures on sewered lots	Sewage treatment
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			system
Madison/Ballantyne	100 feet	75 feet	75 feet
Duck Lake	75 feet	50 feet	50 feet

5. One water-oriented accessory structure designed in accordance with this Ordinance may be setback a minimum distance of ten (10) feet from the ordinary high water level.
6. All structures shall be setback a minimum of thirty (30) feet from the top of the bluff and in accordance with standards contained in Chapter 22 (General Provisions), Chapter 15 (Surface Water Management) and Chapter 16 (Land Preservation).

Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.

- D. Maximum Building Height: Forty-five (45) feet or three (3) stories.
- E. Maximum Site Coverage: No structure or combination of structures shall occupy more than sixty (60) percent of the lot area, providing:
 1. Non-shoreland overlay areas: No structure or combination of structures shall occupy more than sixty (60) percent of the lot area.
 2. Shoreland overlay areas within the Hwy. 60 Corridor (one block north of Hwy. 60): No structure or combination of structures shall occupy more than sixty (60) percent of the lot area, providing:
 - a. Appropriate structures and practices are in place for the treatment of storm water runoff and/or prevention of storm water from directly entering a public water; and,
 - b. Wherein surface water management standards and erosion control measures identified in Chapters 15 and 16 of this code are achieved/observed/maintained.
 3. Within the shoreland overlay district structures or combinations of structures on lots not in conformance with sub-items a. and b. above shall not occupy more than twenty-five (25) percent of the lot area.
- F. Uses without water oriented needs shall be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, shall either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer leaf-on conditions.
- G. Surface water-oriented commercial uses and industrial, public or semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
 1. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
 2. Uses that require short-term watercraft mooring for patrons must centralize these facilitates and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
 3. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the provisions contained in Chapter 19 (Signs) and Chapter 22, Subd. 11 (Lighting).

- H. Additional requirements, including but not limited to, shoreland, surface water, home occupation, parking, sign, and general district provisions as set forth within the appropriate Chapters of this Ordinance, as may be amended.

CHAPTER 10 "B-2" CENTRAL BUSINESS DISTRICT. ("B-2 A" ADULT USE DISTRICT)

Subd. 1. Purpose.

The "B-2" Central Business District has been established to encourage the continuation of a viable downtown by allowing prime retail sales and service uses, office, entertainment facilities and public and semi-public uses. The purpose of this district is to provide specifically for regulation of the high intensity commercial uses located within the downtown core of the City.

Subd. 2. Permitted Uses.

A. The following are permitted uses in the non-shoreland portion of the "B-2" Central Business District:

1. Barber shops and beauty parlors.
2. Convenience grocery stores, without motor fuel facilities.
3. Essential services.
4. Funeral homes and mortuaries.
5. Governmental and public related utility buildings and structures.
6. Laundromat/dry cleaning.
7. Municipal buildings/offices, libraries, Postal Service offices.
8. Professional and commercial leased offices.
9. Other retail and service uses, like the following examples:
 - Antique shops.
 - Apparel or clothing stores, tailor shops.
 - Appliance stores.
 - Art gallery or arts supply store.
 - Auto accessory stores.
 - Bakeries.
 - Bank or saving institutions.
 - Bars.
 - Bicycle sales and repair.
 - Book stores and newsstands.
 - Bus terminal.
 - Candy shop.
 - Dance hall, nightclub or tavern.
 - Department store.
 - Drug stores.
 - Florists.
 - Furniture stores.
 - Gift stores, novelty or souvenir shops.
 - Grocery stores.
 - Hardware stores.
 - Health club and gymnasium.
 - Interior decorating stores.

- Jewelry stores.
- Luggage and leather goods.
- Motels and hotels.
- Music studio.
- Newspaper and magazine sales.
- Novelty stores.
- Optical stores.
- Pet stores.
- Photography studios.
- Pottery stores.
- Printing shops.
- Private clubs or lodges serving food and beverages.
- Restaurants, not of the drive-in, convenience or drive-through type.
- Shoe and footwear sales and repair.
- Specialty stores.
- Sporting goods stores.
- Theatres.
- Travel bureau.
- Variety stores.

10. Uses determined by Planning Commission to be similar to those listed in this Subdivision.

11. Motor/recreational vehicle, farm implement and recreation equipment sales, uses, structures and outdoor sales and storage accessory thereto.

B. The following are permitted uses in the shoreland overlay portion of the "B-2" Central Business District:

1. Recreational Development Shoreland (Madison/Ballantyne):

- a. Surface water oriented commercial.
- b. Public, Semi-public uses.
- c. Commercial uses identified in Chapter 10, Subd. 2A, subitems 1, 2, 4, 8 & 9.
- d. Forest Management.

2. General Development Shoreland (Duck Lake):

- a. Surface water oriented commercial.
- b. Public, Semi-public uses.
- c. Commercial uses identified in Chapter 10, Subd. 2A, subitems 1,2,4,8, & 9.
- d. Forest Management.

Subd. 3. Accessory Uses.

The following are permitted accessory uses in the "B-2" Central Business District:

- A. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
- B. Piers and Docks.
- C. Each lot may have one water-oriented accessory structure not meeting the normal structure setback as defined in Subdivision 5 of this Chapter and Chapter 22, Subd. 3(A) provided the water-oriented structure or facility:

1. Shall not exceed ten (10) feet in height, exclusive of safety rails, and shall not occupy an area greater than twenty-five (25) square feet. Detached decks shall not exceed eight (8) feet above grade at any point.
 2. The structure or facility shall be setback from the ordinary high water level a minimum of ten (10) feet.
 3. The structure or facility shall 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.
 4. The roof may be used as a deck with safety rails, but shall not be enclosed or used as a storage area.
 5. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.
 6. As an alternative for water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.
- D. Off-street parking facilities (not including semi-trucks) and off-street loading facilities as regulated by Chapter 20 of this Ordinance.
- E. Apartments/Multi-family: 1st floor apartment related to Business structure (located in rear of business. 2nd floor apartments related to Business structure.

Subd. 4. Conditional Uses.

- A. The following are conditional uses in the non-shoreland portion of the "B-2" Central Business District (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 10 of this Ordinance):
1. Commercial Planned Unit Developments as regulated by Chapter 17 of this Ordinance.
 2. Adult use subject to the following:
 - a. It shall not be located within one thousand (1,000) feet (measured in a straight line between buildings) of an existing adult use.
 - b. It shall not be within five hundred (500) feet (measured in a straight line between buildings) of any PUD district or property which is or is projected to be residential.
 - c. It shall not be located within one thousand (1,000) feet (measured in a straight line between buildings) of an existing school or place of worship.
 - d. It shall not sell or dispense non-intoxicating liquors, nor shall it be located in a building which contains a business that sells or dispenses non-intoxicating or intoxicating liquors.
 - e. It shall not involve or permit any person to engage in any activity or conduct in or about the establishment which is prohibited by local, state or federal law. Nothing in this Chapter shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or City Code provisions prohibiting the exhibition, sale or distribution of obscene material generally or the exhibition, sale or distribution of specified materials to minors.
 - f. It shall not be conducted in a manner that permits the perception or observation from any property not approved as an adult use of any materials depicting, describing or related to "specified sexual activities" or "specified anatomical areas" by any visual or

auditory media, including display, decoration, sign, show window, sound transmission or other means.

- g. It shall prominently display at the entrance and located within two feet of the door-opening device of the establishment a sign which states "This business sells or displays material containing adult themes. Persons under eighteen (18) years of age shall not enter." Said sign shall have letters between three-eighths (3/8) inch and two (2) inches in height.
- h. No person under the age of eighteen (18) shall be permitted on the premises, and no person under the age of eighteen (18) shall be permitted access to material displayed or offered for sale or rent by the establishment.

B. The following are conditional uses in the shoreland overlay portion of the "B-2" Central Business District.

1. Recreational Development Shoreland (Madison/Ballantyne).

- a. Uses identified in Chapter 10, Subdivision 2(A)3, 5 & 7.
- b. Commercial Planned Unit Developments.
- c. Park and historic sites.

2. General Development Shoreland (Duck Lake).

- a. Uses identified in Chapter 10, Subdivision 2(A)3, 5 & 7.
- b. Commercial Planned Unit Developments.
- c. Park and historic sites.

Subd. 5. Interim Uses.

A. The following are interim uses in the non-shoreland portion of the "B-2" Central Business District (Requires an interim use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 11 of this Ordinance):

- 1. Buildings combining residential and non-residential uses allowed in this District provided that:
 - a. Residential uses shall be confined to the second or third floor or rear portion of the building.
 - b. Minimum dwelling unit size requirements established in Chapter 7, Subdivision 5(F) of this Ordinance are achieved.
 - c. Off-Street Parking for residential uses are provided per Chapter 20 of this Ordinance.
 - d. The residential and non-residential uses shall not conflict in any manner.

Subd. 6. Performance Standards.

- A. No minimum lot size for permitted or accessory uses. Lot size may be established by Planning Commission for conditional use.
- B. Minimum lot width: none.
- C. Setbacks (measured from lot lines). When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks including but not limited to, front, side and rear setbacks and setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:

1. Front yard: None
2. Side yard: None, twenty (20) feet if abutting a residential district.
3. Rear yard: None, twenty (20) feet if abutting a residential district.
4. Structures and independent sewage treatment facilities shall be setback from the Ordinary High Water Mark as follows:

Lake	Structures on unsewered lots	Structures on sewered lots	Sewage treatment system
Madison/Ballantyne	100 feet	75 feet	75 feet
Duck Lake	75 feet	50 feet	50 feet

5. One water-oriented accessory structure designed in accordance with this Ordinance may be setback a minimum distance of ten (10) feet from the ordinary high water level.
6. All structures shall be setback a minimum of thirty (30) feet from the top of the bluff and in accordance with standards contained in Chapter 22 (General Provisions), Chapter 16 (Land Preservation) and Chapter 15 (Surface Water Management).

Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.

D. Maximum Building Height: Forty-five (45) feet or three (3) stories.

E. Maximum Site Coverage:

1. Non-shoreland overlay areas: No structure or combination of structures shall occupy more than eighty-five (85) percent of the lot area.
2. Shoreland overlay areas within the Hwy. 60 corridor (one block north and one block south of Hwy. 60): No structure or combination of structures shall occupy more than eighty-five (85) percent of the lot area, providing:
 - a. Appropriate structures and practices are in place for the treatment of storm water runoff and/or prevention of storm water from directly entering a public water; and,
 - b. Wherein surface water management standards and erosion control measures identified in Chapters 15 and 16 of this code are achieved/observed/maintained.
3. Within the shoreland overlay district structures or combinations of structures on lots not in conformance with sub-items a. and b. above shall not occupy more than twenty-five (25) percent of the lot area.

F. Uses without water oriented needs shall be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, shall either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer leaf-on conditions.

G. Surface water-oriented commercial uses with needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:

1. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
 2. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
 3. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the provisions contained in Chapter 19 (Signs) and Chapter 22, Subd. 11 (Lighting).
- H. Additional requirements, including but not limited to, shoreland, surface water, home occupation, parking, sign, and general district provisions as set forth within the appropriate Chapters of this Ordinance, as may be amended.

“B-2 A” CENTRAL BUSINESS ADULT USE DISTRICT.

(REFER TO ADULT USE ORDINANCE #220)

CHAPTER 11 "B-3" RECREATIONAL BUSINESS DISTRICT.

Subd. 1. Purpose.

The purpose of the "B-3" Recreational Business District is to provide for and regulate businesses which are recreational in nature and interspersed in areas predominately residential nature. The recreational business district capitalizes on the unique nature of the community and is recognized as a benefit to the community.

Subd. 2. Permitted Uses.

- A. The following are permitted uses in the "B-3" Recreational Business District:
 - 1. Surface Water Oriented commercial.
 - 2. Public, semi-public uses.
 - 3. Uses determined by Planning Commission to be similar to those listed in this Subdivision.
 - 4. Private residence to be occupied by owner of the recreational facility.
 - 5. Rental of seasonal and non-seasonal facilities

Subd. 3. Accessory Uses.

The following are permitted accessory uses in the "B-3" Recreational Business District:

- A. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
- B. Piers and Docks.
- C. Each lot may have one water-oriented accessory structure not meeting the normal structure setback as defined in Subdivision 5 of this Chapter and Chapter 22, Subd. 3(A) provided the water-oriented structure or facility:
 - 1. Shall not exceed ten (10) feet in height, exclusive of safety rails, and shall not occupy an area greater than twenty-five (25) square feet. Detached decks shall not exceed eight (8) feet above grade at any point.
 - 2. The structure or facility shall be setback from the ordinary high water level a minimum of ten (10) feet.
 - 3. The structure or facility shall 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.
 - 4. The roof may be used as a deck with safety rails, but shall not be enclosed or used as a storage area.
 - 5. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.
 - 6. As an alternative for water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.

D. Off-street parking facilities (not including semi-trucks) and off-street loading facilities as regulated by Chapter 20 of this Ordinance.

E. Apartments/Multi-family: 1st floor apartments related to Business structure (located in rear of business). 2nd story apartment related to business structure.

Subd. 4. Conditional Uses.

A. The following are conditional uses in the "B-3" Recreational Business District (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 10 of this Ordinance):

1. Commercial Planned Unit Developments as regulated by Chapter 17 of this Ordinance.

2. Recreational Camping Areas, subject to the following:

a. Definitions:

(1) Recreational Camping Area means any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents or recreational camping vehicles free of charge or for compensation. "Recreational camping area" excludes:

(aa) Children's camps;

(bb) Industrial camps;

(cc) Migrant labor camps, as defined in Minnesota Statutes and state commissioner of health rules;

(dd) United States forest service camps;

(ee) State forest service camps;

(ff) State wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landing; and

(gg) Temporary holding areas for self-contained recreational camping vehicles created by and adjacent to motor sports facilities, if the chief law enforcement officer of an affected jurisdiction determines that it is in the interest of public safety to provide a temporary holding area.

(2) Recreational Camping Vehicle includes the following:

(aa) Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses;

(bb) Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation;

(cc) Any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and

(dd) Any folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

b. No person, firm or corporation shall establish, maintain, conduct or operate a recreational camping area without first obtaining a license therefor from the state department of health pursuant to Minn. Stat. 327.14 – 327.16.

c. A responsible attendant or caretaker shall be in charge of every recreational camping area at all times, who shall maintain the park or area, and its facilities and equipment in a clean, orderly and sanitary condition.

d. Pursuant to Rules established in Minn. Stat. 327.20, wastewater from recreational camping vehicles shall not be deposited upon the surface of the ground.

e. An adequate, safe and approved water supply shall be provided.

f. Per Minn. Stat. 327.27, the speed limit within the recreational camping ground shall not exceed ten (10) miles per hour, and the speed limit shall be posted throughout the park by the park owner.

- g. No person shall attempt to develop or operate a recreational camping area within the City without first obtaining a conditional use permit. The permit application shall include the name and address of the Developer and requested information, including but not limited to the following:
 - (1) Location and site of the recreational camping ground.
 - (2) Location, size and character of lots.
 - (3) Detailed description of maintenance procedures and grounds supervision.
 - (4) Severe weather shelter specifications and/or plans, as required by Mn. Stat. 327.

Subd. 5. Performance Standards.

- A. Minimum Lot Size: Ten thousand (10,000) square feet (lot size/width requirements for lots existing on the effective date of this ordinance may adjusted to an average of adjoining lots without a variance when adjoining lots are of standard width/size but in conformance with this ordinance).
- B. Minimum lot width: One hundred (100) feet (lot size/width requirements for lots existing on the effective date of this ordinance may adjusted to an average of adjoining lots without a variance when adjoining lots are of standard width/size but in conformance with this ordinance).
- C. Setbacks (measured from lot lines). When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks including but not limited to, front, side and rear setbacks and setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:
 - 1. Front yard: Thirty (30) feet
 - 2. Side yard: Twenty (20) feet, unless abutting a residential district, then thirty-five (35) feet.
 - 3. Rear yard: Twenty (20) feet, unless abutting a residential district, then thirty-five (35) feet.
 - 4. Structures and independent sewage treatment facilities shall be setback from the Ordinary High Water Mark as follows:

Lake	Structures on unsewered lots	Structures on sewerred lots	Sewage treatment system
Madison/Ballantyne	100 feet	75 feet	75 feet
Duck Lake	75 feet	50 feet	50 feet

- 5. One water-oriented accessory structure designed in accordance with this Ordinance may be setback a minimum distance of ten (10) feet from the ordinary high water level.
- 6. All structures shall be setback a minimum of thirty (30) feet from the top of the bluff and in accordance with standards contained in Chapter 22 (General Provisions), Chapter 15 (Surface Water Management) and Chapter 16 (Land Preservation).

Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.

- D. Maximum Building Height: Forty-five (45) feet or three (3) stories.
- E. Maximum Site Coverage: No structure or combination of structures shall occupy more than sixty (60) percent of the lot area, providing:
 - 1. Non-shoreland overlay areas: No structure or combination of structures shall occupy more than sixty (60) percent of the lot area.
 - 2. Shoreland overlay areas within the Hwy. 60 Corridor (one block north of Hwy. 60): No structure or combination of structures shall occupy more than sixty (60) percent of the lot area, providing:
 - a. Appropriate structures and practices are in place for the treatment of storm water runoff and/or prevention of storm water from directly entering a public water; and,
 - b. Wherein surface water management standards and erosion control measures identified in Chapters 15 and 16 of this code are achieved/observed/maintained.
 - c. Within the shoreland overlay district structures or combinations of structures on lots not in conformance with sub-items a. and b. above shall not occupy more than twenty-five (25) percent of the lot area.
- F. Uses without water oriented needs shall be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, shall either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer leaf-on conditions.
- G. Surface water-oriented commercial uses and industrial, public or semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
 - 1. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
 - 2. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
 - 3. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the provisions contained in Chapter 19 (Signs) and Chapter 22, Subd. 11 (Lighting).
- H. Additional requirements, including but not limited to, shoreland, surface water, home occupation, parking, sign, and general district provisions as set forth within the appropriate Chapters of this Ordinance, as may be amended.

CHAPTER 12 "I-1" INDUSTRIAL DISTRICT.

Subd. 1. Purpose.

The purpose of the Industrial District is to establish, preserve and regulate areas in the City for manufacturing, processing, assembly and fabrication, storage and warehousing and other industrial and related uses. These uses shall maintain a high level of performance and appearance, including open spaces and landscaping and encouraging development that is compatible with abutting districts.

Subd. 2. Permitted Uses.

- A. The following uses are permitted in the non-shoreland portion of the "I-1" Industrial District:
1. Manufacturing or assembly of a wide variety of products that produces no exterior noise, glare, fumes, obnoxious products, by-products or wastes or creates other objectionable impact on the environment, including the generation of large volumes of traffic. Examples of such uses include: fabrication or assembly of small products such as opticals, electronic, pharmaceutical, medical supplies and equipment and printing and publishing.
 2. Bottling establishments.
 3. Dry cleaning and dyeing establishments.
 4. Manufacturing of crates, boxes, baskets, furniture, veneer, cabinets and similar wood items.
 5. Manufacturing of plastic, fiberglass and metal products.
 6. Building materials sales and storage, lumberyards provided storage is enclosed.
 7. Warehousing of non-explosive material or equipment.
 8. Offices related to industrial uses.
 9. Machine shops, lumber yards, etc.
 10. Major automotive repair.
 11. Appliance assembly and warehousing, freight terminals and classification yards, concrete products plants, building materials production, clothing or apparel manufacturing and similar uses.
 12. Highway maintenance shops and yards.
 13. Grain elevators.
 14. Uses determined by Planning Commission to be similar in nature to those listed in this Subdivision.
- B. There are no permitted uses within the shoreland overlay portion of the "I-1" district, see Chapter 13, Subd. 4(B).

Subd. 3. Accessory Uses.

The following are permitted accessory uses in the "I-1" Industrial District:

- A. Off-street parking as defined in Chapter 20 of this Ordinance.
- B. Any use customarily incidental to the uses permitted in Subdivisions 2 and 4 of this Chapter, provided the buildings do not exceed thirty percent (30%) of the floor space of the principal building.
- C. Piers and Docks.
- D. Each lot may have one water-oriented accessory structure not meeting the normal structure setback as defined in Subdivision 5 of this Chapter and Chapter 22, Subd. 3(A) provided the water-oriented structure or facility:
 - 1. Shall not exceed ten (10) feet in height, exclusive of safety rails, and shall not occupy an area greater than twenty-five (25) square feet. Detached decks shall not exceed eight (8) feet above grade at any point.
 - 2. The structure or facility shall be setback from the ordinary high water level a minimum of ten (10) feet.
 - 3. The structure or facility shall 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.
 - 4. The roof may be used as a deck with safety rails, but shall not be enclosed or used as a storage area.
 - 5. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.
 - 6. As an alternative for water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.

Subd. 4. Conditional Uses.

- A. The following are conditional uses in the non-shoreland overlay portion of the "I-1" Industrial District. (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 10 of this Ordinance):
 - 1. Government buildings and public facilities.
 - 2. Commercial/Industrial Planned Unit Developments.
- B. The following are conditional uses within the shoreland overlay portion of the "I-1" Industrial District (requires a conditional use permit per Chapter 23, Subd. 10 of this Ordinance):
 - 1. Recreational Development Shoreland (Madison/Ballantyne).
 - a. All permitted uses within the non-shoreland portion of the "I-1" Industrial District.

- b. Surface water-oriented industrial uses with needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
 - 1. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
 - 2. Uses that require short-term watercraft mooring for patrons must centralize these facilitates and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
 - 3. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the provisions contained in Chapter 19 (Signs) and Chapter 22, Subd. 11 (Lighting).
- 2. General Development Shoreland (Duck Lake).
 - a. All permitted uses within the non-shoreland portion of the "I-1" Industrial District.
 - b. Surface water-oriented industrial uses with needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
 - 1. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
 - 2. Uses that require short-term watercraft mooring for patrons must centralize these facilitates and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
 - 3. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the provisions contained in Chapter 19 (Signs) and Chapter 22, Subd. 11 (Lighting).

Subd. 5. Interim Uses.

- A. The following are interim uses in the non-shoreland overlay portion of the "I-1" Industrial District. (Requires an interim use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 11 of this Ordinance):
 - 1. Open or outdoor service, sale and rental as a principal or accessory use, provided that:
 - a. Outside services, sales and equipment rental connect with the principal use is limited to fifty percent (50%) of the gross floor area of the principal use.
 - b. Outside sales areas are fenced and screened from view of neighboring residential uses or an abutting residential district.
 - c. Sales area is grassed or surfaced to control dust.
 - 2. Accessory, enclosed retail, rental service, or processing, manufacturing activity other than that allowed as a permitted use or conditional use within this Chapter, provided that:
 - a. Such use is allowed as a permitted use in a business district.
 - b. Such use does not constitute more than fifty percent (50%) of the gross floor area of the principal use.
 - c. Adequate off-street parking and off-street loading is provided in compliance with Chapter 20 of this Ordinance.
 - d. All signage is in compliance with Chapter 19 of this Ordinance.

3. Storage, utilization or manufacturing of materials or products which could decompose by demolition.
4. Crude oil, gasoline or other liquid storage tanks, bulk fuel sales and storage.
5. Fertilizer and chemical sales and storage
6. Above ground level items identified in Chapter 13, Subd. 5 subsections 4 & 5 above with a capacity of ten thousand (10,000) or more and in existence upon the date of adoption of this Ordinance shall secure a conditional use permit within twenty four (24) months of Ordinance adoption. The City Council may require the development of diking around said tanks which shall be suitable sealed and shall hold a leakage capacity equal to one hundred fifteen (115) percent of said tank capacity.
7. Any existing storage tank that constitutes a public safety hazard as documented by the City Council shall discontinue operations within five (5) years following the effective date of this Ordinance.
8. Any manufacturing, processing, cleaning, storage, testing of materials or goods similar to those listed in Subd. 5 which conform with the performance standards of this Chapter.

Subd. 6. Performance Standards.

- A. Minimum lot size: One (1) acre (43,560 square feet) (lot size/width requirements for lots existing on the effective date of this ordinance may adjusted to an average of adjoining lots without a variance when adjoining lots are of standard width/size but in conformance with this ordinance).
- B. Minimum lot width: One hundred (100) feet (lot size/width requirements for lots existing on the effective date of this ordinance may adjusted to an average of adjoining lots without a variance when adjoining lots are of standard width/size but in conformance with this ordinance).
- C. Setbacks (measured from lot lines). When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks including but not limited to, front, side and rear setbacks and setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:
 1. Front yard: Forty (40) feet
 2. Side yard: Ten (10) feet
 3. Rear yard: Forty (40) feet
 4. Structures and independent sewage treatment facilities shall be setback from the Ordinary High Water Mark as follows:

Lake	Structures on unsewered lots	Structures on sewerred lots	Sewage treatment system
Madison/Ballantyne	100 feet	75 feet	75 feet
Duck Lake	75 feet	50 feet	50 feet

5. One water-oriented accessory structure designed in accordance with this Ordinance may be setback a minimum distance of ten (10) feet from the ordinary high water level.
6. All structures shall be setback a minimum of thirty (30) feet from the top of the bluff and in accordance with standards contained in Chapter 22 (General Provisions), Chapter 16 (Land Preservation) and Chapter 15 (Surface Water Management).

Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.

- D. Maximum Building Height: Forty-five (45) feet or three (3) stories.
- E. Maximum Site Coverage: No structure or combination of structures shall exceed sixty (60) percent of the total lot area, providing:
 1. Non-shoreland overlay area: No structure or combination of structures shall exceed sixty (60) percent of the total lot area.
 2. Shoreland overlay area within the Hwy. 60 corridor (one block north and one block south of Hwy. 60): No structure or combination of structures shall exceed sixty (60) percent of the total lot area, providing:
 - a. Appropriate structures and practices are in place for the treatment of storm water runoff and/or prevention of storm water from directly entering a public water; and,
 - b. Wherein surface water management standards and erosion control measures identified in Chapters 15 and 16 of this code are achieved/observed/maintained.
 3. Within the shoreland overlay district structures or combinations of structures on lots not in conformance with sub-items a. and b. above shall not occupy more than twenty-five (25) percent of the lot area.
- F. Uses without water oriented needs shall be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, shall either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer leaf-on conditions.
- G. Additional requirements, including but not limited to, shoreland, surface water, home occupation, parking, sign, and general district provisions as set forth within the appropriate Chapters of this Ordinance, as may be amended.

CHAPTER 13 “S” SHORELAND OVERLAY DISTRICT

Subd. 1. Authority.

The shoreland standards herein contained are adopted pursuant to the authorization and policies contained in Minnesota Statutes Chapter 123 and the planning and zoning enabling legislation in Minnesota Statutes Chapter 462.

Subd. 2. Purpose.

The uncontrolled use of shorelands the City of Madison Lake affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interest of the public to provide for the wise use and development of shorelands of public waters. The purpose of this Chapter is to preserve and enhance the quality of surface waters, to conserve the economic and natural environmental values of shorelands, and to provide for the wise use of waters and related land resources.

Subd. 3. Applicability.

The provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in this Chapter as may be amended, excluding any lake, pond, or flowage less than ten (10) acres in size. A body of water created by a private user where there was no previous shoreland may, at the discretion of the City Council be exempt from this Chapter of this Ordinance.

Subd. 4. Scope.

The use of any shoreland of public waters; the size and shape of lots; the use, size, type, and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; and the cutting of shoreland vegetation shall be in compliance with the terms of this Ordinance and other applicable regulations.

Subd. 5. District Application.

- A. The "S" Shoreland Overlay District shall be applied to and superimposed upon all zoning districts as contained herein as existing or amended by the text and map of this Ordinance.
- B. The regulations and requirements imposed by the "S" Shoreland District shall be in addition to those established for the underlying district(s) that jointly apply.
- C. Where the requirements of the overlay and underlying district(s) are not congruent the more restrictive requirements shall apply.
- D. Where a portion of a lot is within the shoreland overlay area, shoreland standards shall apply.

Subd. 6. Shoreland Overlay District Public Water Classifications.

The public water of the City of Madison Lake have been classified below consistent with the criteria found in Minnesota Regulations, and the Protected Waters Inventory Map for Blue Earth County, Minnesota:

<u>NAME OF PUBLIC WATER</u>	<u>PUBLIC WATER CLASSIFICATION</u>	<u>CORRESPONDING AREA OF SHORELAND OVERLAY DISTRICT</u>
Madison Lake	Recreational Development	1000 feet from ordinary high water level
Duck Lake	General Development	1000 feet from ordinary high water level
Lake Ballantyne	Recreational Development	1000 feet from ordinary high water level

Subd. 7. Permitted Uses.

Permitted uses within the Shoreland Overlay District are those identified in the appropriate underlying zoning district within the appropriate shoreland overlay classification.

Subd. 8. Accessory Uses.

Accessory uses within the Shoreland Overlay District are those identified in the appropriate underlying zoning district within the appropriate shoreland overlay classification.

Subd. 9. Conditional Uses.

Conditional uses within the Shoreland Overlay District are those identified in the appropriate underlying zoning district within the appropriate shoreland overlay classification.

Subd. 10. Interim Uses.

Interim uses within the Shoreland Overlay District are those identified in the appropriate underlying zoning district within the appropriate shoreland overlay classification.

CHAPTER 14 ENVIRONMENTAL REVIEW OVERLAY DISTRICTS.

Subd. 1. Purpose.

The uncontrolled drainage of surface water directly into public waters within the City of Madison Lake affects the public health, safety and general welfare by not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interest of the public to provide for the protection of public waters and wise use and development of shorelands. The purpose of this Chapter is to preserve and enhance the quality of surface waters, to conserve the economic and natural environmental values of shorelands, and to provide for the wise use of waters and related land resources.

Subd. 2. Applicability.

- A. The "ER" Environmental Review Overlay District shall be applied to and superimposed upon all zoning districts as contained herein as existing or amended by the text and map of this Ordinance within the following area: the area bounded by Walnut Avenue, 2nd Street, Madison Lake, and 4th Street.
- B. The regulations and requirements imposed by the "ER" Environmental Review District shall be in addition to those established for the underlying district(s) that jointly apply.
- C. Where the requirements of the overlay and underlying district(s) are not congruent the more restrictive requirements shall apply.
- D. Where a portion of a lot is within the environmental review overlay area, the most strict standards shall apply.

Subd. 3 Permitted Uses.

Permitted uses within the Environmental Review Overlay District are those identified in the appropriate underlying zoning district.

Subd. 4. Accessory Uses.

Accessory uses within the Environmental Review Overlay District are those identified in the appropriate underlying zoning district.

Subd. 5. Conditional Uses.

Conditional uses within the Environmental Review Overlay District are those identified in the appropriate underlying zoning district classification.

Subd. 6. Interim Uses.

Interim uses within the Environmental Review Overlay District are those identified in the appropriate underlying zoning district classification.

Subd. 7. Performance Standards.

Performance standards within the Environmental Review Overlay District are those identified in the appropriate underlying zoning district classification, except aggregate surface coverage by any/all structure(s) shall not exceed twenty-five (25) percent of the total lot area.

CHAPTER 15 SURFACE WATER MANAGEMENT.

Subd. 1. Findings.

The City of Madison Lake hereby finds that uncontrolled and inadequately planned use of wetlands, woodlands, natural habitat areas, areas subject to soil erosion and areas containing restrictive soils adversely affects the public health, safety and general welfare by impacting water quality and contributing to other environmental problems, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the City of Madison Lake to provide adequate water, sewage, flood control and other community services. In addition, extraordinary public expenditures may be required for the protection of persons and property in such areas and in areas which may be affected by unplanned land usage.

Subd. 2. Purpose.

The purpose of this Chapter is to promote, preserve and enhance the natural resources within the City of Madison Lake and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land disturbing or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land; by minimizing conflicts and encouraging compatibility between land disturbing and development activities and water quality and environmentally sensitive lands; and by requiring detailed review standards and procedures for land disturbing or development activities proposed for such areas, thereby achieving a balance between urban growth and development and protection of water quality and natural areas.

Subd. 3. Scope and Effect.

A. APPLICABILITY.

Every applicant for Subdivision approval, PUD approval, or a residential, commercial or industrial permit to allow land disturbing activities must submit a surface (storm) water management plan to the City. No Subdivision approval or permit to all land disturbing activities, including but not limited to, mining, excavation, filling and grading shall be issued until approval of the surface (storm) water management plan or a waiver of the approval requirement has been obtained in conformance with the provisions of this Ordinance. The provisions of this Chapter apply to all land, public or private, located within the City of Madison Lake.

B. The provisions of this Chapter do not apply to:

- 1. Any part of a Subdivision if a plat for the Subdivision has been approved by the City of Madison Lake on or before the effective date of this Ordinance.
- 2. Any land disturbing activity for which plans have been approved by the watershed management organization within six months prior to the effective date of this Ordinance.
- 3. A lot for which a zoning permit has been approved on or before the effective date of this Ordinance.
- 4. Installation of fence, sign, telephone and electric poles and other kinds of posts or poles.
- 5. Emergency work to protect life, limb or property.

C. The City upon recommendation of the Planning Commission, may waive any requirement of this Chapter upon making a finding that compliance with the requirement will involve an unnecessary hardship and the waiver of such requirement will not adversely affect the standards and requirements set forth in this Chapter. The City may require as a condition of

the waiver, such dedication or construction, or agreement to dedicate or construct as may be necessary to adequately meet said standards and requirements.

Subd. 4 Surface (Storm) Water Management Plan Approval Procedures.

A. Application.

1. A written application for surface (storm) water management plan approval, along with the proposed surface (storm) water management plan, shall be filed with the City Clerk/ Zoning Administrator and shall include a statement indicating the grounds upon which the approval is requested, that the proposed use is permitted by right or as an exception in the underlying zoning district, and adequate evidence showing that the proposed use will conform to the standards set forth in this Chapter. Prior to applying for approval of a surface (storm) water management plan, an applicant may have the surface (storm) water management plans reviewed by the City.
2. Two sets of clearly legible blue or black lined copies of drawings and required information shall be submitted to the City and shall be accompanied by a receipt evidencing payment of fees (if applicable) for processing and approval as set forth in Subdivision 5 (E), and a bond when required by Subdivision 5 (D) in the amount to be calculated in accordance with that Subdivision. Drawings shall be prepared to scale appropriate to the site of the project and suitable for the review to be performed. At a minimum the scale shall be one (1) inch equals one hundred (100) feet.

B. Surface (Storm) Water Management Standards.

1. 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.
2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways and ponds may be used. Preference should be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
4. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with applicable local, state and federal standards.
5. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

C. Surface (Storm) Water Management Plan Required.

1. At a minimum, the surface (storm) water management plan shall contain the following information:
 - a. Existing Site Map: A map of existing site conditions showing the site and immediately adjacent areas, including:

1. The name and address of the applicant; a legal description of the property directly associated with the request; north point; date; scale of drawing; and number of sheets;
 2. Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of adjoining roads, railroads, utilities, Subdivisions, towns, and districts or other landmarks;
 3. Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than two (2) feet;
 4. A delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site, including depth of water, a description of vegetation which may be found in the water, a statement of general water quality, and any classification given to the water body or wetland by the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and/or the United States Army Corps of Engineers;
 5. Location and dimensions of existing surface (storm) water drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate surface (storm) water is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where surface (storm) water collects;
 6. A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the Developer to render the soils suitable; and
 7. Vegetative cover and clearly delineating any vegetation proposed for removal.
- b. Site Construction Plan: A site construction plan including:
1. Locations and dimensions of all proposed land disturbing activities and any phasing of those activities;
 2. Locations and dimensions of all temporary soil or dirt stockpiles;
 3. Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this Chapter;
 4. Schedule of anticipated starting and completion date of each land disturbing activity including the installation of construction site erosion control measures needed to meet the requirements of this Chapter; and
 5. Provisions for maintenance of the construction site erosion control measures during construction.
- c. Plan of Final Site Conditions: A plan of final site conditions on the same scale as the existing site map showing the site changes including:
1. Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;
 2. A drainage plan of the developed site delineating in which direction and at what rate surface (storm) water will be conveyed from the site and settling forth the areas of the site where surface (storm) water will be allowed to collect;
 3. The proposed size, alignment and intended use of any structures to be erected on the site;
 4. A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used; and
 5. Any other information pertinent to the particular project which in the opinion of the applicant is necessary for the review of the project.

Subd. 5. Plan Review Procedure.

- A. Process: Surface (storm) water management plans meeting the requirements of Subdivision 4 shall be submitted by the Zoning Administrator to the City Engineer or Designee for review in accordance with the standards of Subdivision 6. The Planning Commission shall recommend approval, recommend approval with conditions, or recommend denial of the surface (storm) water management plan to the City Council. Following Planning Commission action, the surface (storm) water management plan shall be submitted to the City Council at its next available meeting. City Council action on the surface (storm) water management plan must be accomplished within sixty (60) days following the date the application for approval is filed with the City Clerk/Zoning Administrator.
- B. Duration: Approval of a plan submitted under the provisions of this Chapter shall expire one year after the date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of the approval the applicant makes a written request to the City Clerk/Zoning Administrator for an extension of time to commence construction setting forth the reasons for the requested extension, the City may grant one extension of not greater than one single year. Receipt of any request for an extension shall be acknowledged by the Zoning Administrator within fifteen (15) days. The Zoning Administrator, after consulting with the City Engineer shall make a decision on the extension within thirty (30) days of receipt. Any plan may be revised in the same manner as originally approved.
- C. Conditions: A surface (storm) water management plan may be approved subject to compliance with conditions reasonable and necessary to insure that the requirements contained in this Chapter are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development; require the construction of structures, drainage facilities, storage basins, and other facilities; require replacement of vegetation; establish required monitoring procedures; stage the work over time; require alternation of the site design to insure buffering; and require the conveyance to the City or other public entity of certain lands or interests therein.
- D. Performance Bond: Prior to approval of any surface (storm) water management plan, the applicant shall submit an agreement to construct such required physical improvements, to dedicate property or easement, or to comply with such conditions as may have been agreed to. Such agreement shall be accompanied by a bond to cover the amount of the established cost of complying with the agreement. The agreement and bond shall guarantee completion and compliance with conditions within a specific time, which time may be extended. The adequacy, conditions and acceptability of any agreement and bond shall be determined by the City Council or any official of the City as may be designated by resolution of the City Council.
- E. Fees: All applications for surface (storm) water management plan approval shall be accompanied by a processing and approval fee, if applicable, and as specified by the City Council through resolution.

Subd. 6. Approval Standards.

No surface (storm) water management plan which fails to meet the standards contained in this Chapter shall be approved by the City Council.

Subd. 7. Site Dewatering.

Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators or other appropriate controls as appropriate. Water may not be discharged in a manner that causes erosion or flooding of the site or receiving channels or a wetland.

Subd. 8. Waste and Material Disposal.

All waste and unused building materials, including but not limited to, garbage, cleaning wastes, debris, wastewater, toxic materials or hazardous materials, shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel or surface (storm) sewer system.

Subd. 9. Tracking.

Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.

Subd. 10 Drain Inlet Protection.

All surface (storm) drain inlets shall be protected during construction until control measures are in place with a straw bale, silt fence or equivalent barrier meeting accepted design criteria, standards, and specifications contained in the Minnesota Pollution Control Agency publication entitled "Protecting Water Quality in Urban Areas".

Subd. 11. Site Erosion Control.

- A. The following criteria (1 through 4) apply only to construction activities that result in runoff leaving the site.
 1. Channeled runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below. Sheetflow runoff from adjacent areas greater than ten thousand (10,000) square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff rates of less than one-half (1/2) feet per second across the disturbed area for the one year storm. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.
 2. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
 3. Runoff from the entire disturbed area on the site shall be controlled by meeting either Subsection (a) and (b) or (a) and (c):
 - a. All disturbed ground left inactive for fourteen (14) or more days shall be stabilized by seeding or sodding (only available prior to September 15) or by mulching or covering or other equivalent control measure.
 - b. For sites with more than ten (10) acres disturbed at one time, or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one percent (1%) of the area draining to the basin and at least three (3) feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three (3) feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
 - c. For sites with less than ten (10) acres disturbed at one time, silt fences, straw bales or equivalent control measures shall be laced along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, straw bales or equivalent control measures must include a maintenance and inspection schedule.

4. Any soil or dirt storage piles containing more than ten (10) cubic yards of material should not be located with a downslope drainage length of less than twenty-five (25) feet from the toe of the pile to a roadway or drainage channel. If remaining for more than seven (7) days, they shall be stabilized by mulching, vegetative cover, tarps, or other means. Erosion from piles which will be in existence for less than seven (7) days shall be controlled by placing straw bales or silt fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than twenty-five (25) feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than seven days, and the surface (storm) drain inlets must be protected with straw bale or other appropriate filtering barriers.

Subd. 12. Surface (Storm) Water Management Criteria for Permanent Facilities.

- A. An applicant shall install or construct, on or for the proposed land disturbing or development activity, all surface (storm) water management facilities necessary to manage increased runoff so that the two-year, ten-year, and 100-year storm peak discharge rates existing before the proposed development shall not be increased, and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity. An applicant may also make an in-kind or monetary contribution to the development and maintenance of community surface (storm) water management facilities designed to serve multiple land disturbing and development activities undertaken by one (1) or more persons, including the applicant.
- B. The applicant shall give consideration to reducing the need for surface (storm) water management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.
- C. The following surface (storm) water management practices shall be investigated in developing a surface (storm) water management plan:
 1. Natural infiltration of precipitation on-site, if located outside of areas considered sensitive to groundwater contamination;
 2. Flow attenuation by use of open vegetated swales and natural depressions;
 3. Surface (storm) water retention facilities; and
 4. Surface (storm) water detention facilities.
- D. A combination of successive practices may be used to achieve the applicable minimum control requirements specified in Subsection (1) above. The applicant shall provide justification for the method selected.

Subd. 13. Design Standards for Detention Facilities.

Surface (storm) water detention facilities constructed in the City of Madison Lake shall be designed according to standards approved by the City Engineer.

Subd. 14. Wetlands.

Rules and regulations applicable to wetlands and set forth by the Minnesota Wetland Conservation Act and Federal Clean Water Act are hereby incorporated.

Subd. 15. *Models/Methodologies/Computations.*

Hydrologic models and design methodologies used for the determination of runoff and analysis of surface (storm) water management structures shall be approved by the City Engineer. Plan, specification, and computations for surface (storm) water management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the City Engineer.

Subd. 16. *Watershed Management and Groundwater Management Plans*

Surface (storm) water management plans shall be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with Minnesota Statutes Chapter 123B.231 and 103B.255 respectively, and as approved by the Minnesota Board of Water and Soil Resources in accordance with state law.

Subd. 17 *Easements.*

If a surface (storm) water management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.

CHAPTER 16 LAND PRESERVATION AND WOODLAND PROTECTIONS.

Subd. 1. Purpose.

The purpose of this Chapter is to insure that the natural environment is protected and to minimize any adverse effects development might have on the environment.

Subd. 2. Soil Erosion and Sedimentation Control.

A. General Standards.

1. All development shall conform to the natural limitations presented by the topography and soil in order to create the best potential for preventing soil erosion.
2. Structures and accessory facilities, except stairways and landings, as identified in Chapter 22 (General Provisions), Subd. 17 (Stairways, Lifts and Landings) shall not be placed within a bluff impact zone.
3. Slopes over 18 percent in grade shall not be developed.
4. Development on slopes with a grade between 12 and 18 percent shall be carefully reviewed to insure that adequate measures have been taken to prevent erosion, sedimentation, and structural damage.
5. Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.
6. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time and no exposure shall exceed 65 days unless extended by the Council.
7. Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the disturbed area or new topsoil shall be brought in. The topsoil shall be restored to a depth of four inches and shall be of a quality at least equal to the soil quality prior to development.
8. Public and private properties adjacent to the development site shall be protected from the effects of sedimentation. Any violations of this provision must be corrected by the owner to the satisfaction of the City within five (5) days of receiving notification of such. If the violation is not remedied within the time period specified, the City may correct the problem and assess the costs incurred to the property owner.

B. The following control measures shall be taken to control erosion during construction on exposed slopes:

1. No exposed slopes should be steeper in grade than five (5) feet horizontal to one (1) foot vertical.
2. Exposed slopes steeper in grade than ten (10) feet horizontal to one (1) foot vertical should be contour plowed to minimize direct runoff water.
3. At the foot of each exposed slope, a channel and berm should be constructed to control runoff. The channeled water should be diverted to a sedimentation basin (debris basin, silt basin, or silt trap) before being allowed to enter the natural drainage system.

4. Along the top of each exposed slope, a berm should be constructed to prevent runoff from flowing over the edge of the slope. Where runoff collecting behind said berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. Such measures should consist of either an asphalt paved flow apron and drop chute laid down the slope of a flexible slope drain. At the base of the slope drain or flow apron a gravel energy dissipater should be installed to prevent erosion at the discharge end.
5. Exposed slopes shall be protected to whatever means will effectively prevent erosion considering the degree of slope, soils material, and expected length of exposure. Slope protection shall consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses or temporary seedings of annual grasses. Mulch consists of hay, straw, wood chips, corn stalks, bark or other protective material. Mulch should be anchored to slopes with stakes and netting, or should be worked into the soil to provide additional slope stability.
6. Control measures, other than those specifically stated above, may be used in place of the above control measures if it can be demonstrated that they will as effectively protect exposed slopes.

Subd. 3. *Woodland Preservation.*

- A. Structures and other amenities shall be located in such a manner that the optimum number of trees shall be preserved.
- B. If there are no feasible or prudent alternatives to the cutting of trees on a development site and if trees are cut, trees should be re-planted to restore the density of trees to that which existed before development.
- C. Forestation, reforestation, or landscaping should utilize a variety of tree species and should not utilize any species under disease epidemic. Species planted should be hardy under local conditions and compatible with the local landscape.
- D. Development including grading and contouring shall take place in such a manner that the root zone aeration stability of existing trees will not be affected and should provide existing trees with a watering area equal to not less than one-half of the crown area.

Subd. 4. *Wetland Protection.*

The Federal Clean Water Act and the Minnesota Wetland Conservation Act are hereby incorporated in their entirety by reference.

CHAPTER 17 PLANNED UNIT DEVELOPMENTS.

Subd. 1. Purpose.

- A. The purpose of this Chapter is to provide for planned unit projects within the City of Madison Lake for larger tracts of land under single or unified ownership, developed with community or public sewer.
- B. Planned Unit Development projects may allow:
 - 1. A mixture land uses, housing types and densities within a comprehensive site design concept.
 - 2. Departure from strict application of required setbacks, yard areas, lot sizes, minimum dwelling unit sizes, minimum requirements and other performance standards associated with traditional zoning, thereby maximizing the development potential of land while remaining sensitive to its unique and valuable natural characteristics.
 - 3. Consolidation of areas for recreation and reductions in street lengths and other utility related expenses.
 - 4. The clustering of units/project density, basing density on the number of units per acre rather than specific lot dimensions.
 - 5. A combination of uses which are allowed in separate zoning districts such as:
 - a. Mixed residential uses allowing both densities and unit types to be varied within the project.
 - b. Mixed commercial, industrial, residential or institutional land use with the integration of compatible land uses within the project.
- C. Planned unit development projects shall be developed in accordance with an overall design and an integrated development plan and otherwise in accordance with the City Subdivision Regulations. Such projects shall be consistent with the intent and purpose of this Ordinance and shall not adversely effect the property adjacent to the land included in the project.

Subd. 2. Regulations.

- A. Planned unit developments are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land provided they are allowable per underlying district(s) standards.
- B. Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the City's Official Zoning Map.
- C. Specific allowed uses and performance standards for each PUD shall be delineated in a development plan as approved by the City Council. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted uses within the PUD with the acceptance of the development plan. Any change in the uses presented in the development plan shall require the approval of an amendment to the PUD by the City Council in the manner prescribed by this Chapter.
- D. The PUD adheres to additional requirements, including but not limited to tree, water and woodland preservation, surface water, home occupation, parking, sign, and general district provisions as setforth within the appropriate Chapters of this Ordinance, as may be amended.
- E. All residential planned unit developments shall contain at least five (5) dwelling units or sites.

- F. The density of development within the PUD shall be the same as would be allowed in the underlying zoning district under typical development standards. If the property involved in the PUD includes land in more than one zoning district, the number of dwelling units or the square footage of commercial, industrial or institutional uses in the PUD shall be proportional to the amount that would be allowed separately on the parcels located in each of the underlying zoning districts.
- G. Projects shall be so designed as to provide adequate sewer and water facilities and public access; lots should be of adequate size to provide emergency and/or service vehicle public access. Buildings shall be spaced to allow emergency vehicles freedom to maneuver between buildings.
- H. An application for PUD and the development plan must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approved final plan shall be binding on all owners.
- I. The City shall consider the proposed PUD from the point of view of all standards and purposes of the City's Comprehensive Plan and this Ordinance to achieve a maximum coordination between the proposed development and the surrounding use, the conservation of woodlands and wetlands, the protection of the health, safety and welfare of the community and residents/tenants of the PUD. To those ends, the City shall consider the location of the buildings, compatibility, parking areas and other features with respect to the topography of the area and existing natural features such as streams and large trees; the efficiency, adequacy and safety of the proposed layout of internal streets and driveways; the adequacy and location of green areas; the adequacy, location and screening of parking areas; and such other matters as the City may find to have a material bearing upon the stated standards and objectives of the Comprehensive Plan and the zoning ordinance.

Subd. 4. *Coordination with Subdivision Regulations.*

Subdivision review under the Subdivision regulations shall be carried out simultaneously with the review of the PUD. The plans required under this Chapter shall be submitted in a form which will satisfy the requirements of the existing Subdivision regulations.

Subd. 5. *Development Agreement, Guarantee of Performance, Phasing.*

- A. Prior to final plan approval by the City Council, the Subdivider(s)/Developer(s) shall execute and submit to the Council an agreement for development of the PUD which contains adequate assurances that he/she will provide the following at his/her expense, binding on his/her heirs, personal representatives, and assigns, including, but not limited to:
 - 1. A summary of the Development Plan for the PUD.
 - 2. A listing or schedule of when and what improvements (subject to approval by the City Engineer, as recommended by the Planning Commission and subject to the approval of the City Council) shall be required , phasing (if any), construction timeline, completion date, etc.
 - 3. A certification by the City Engineer or City Clerk that all improvements, agreements, and documents meet the minimum requirements of all applicable ordinances.
 - 4. A provision containing all conditions, if any, imposed by the City Council upon approval of the final plan.

5. A provision outlining the procedure or alternative to be utilized in the financing of required improvements.
 6. A provision requiring a performance bond or letter of credit to guarantee performance by the developer. The amount of this bond or letter of credit, and the specific elements of the development program that it is intended to guarantee shall be stipulated in a Development Agreement.
 7. If the development shall occur in phases, the Development Agreement shall outline the various phases of development.
- B. The City may review all building permits and certificates of occupancy issued for the PUD and examine the construction which has been actualized to determine Developer adherence to the approved Development Agreement prior to authorizing the next phase of development.

Subd. 6. Additional Standards Applicable to the Shoreland Overlay District.

In the shoreland overlay district each proposed new or expansion to an existing planned unit development must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation:

- A. The project shall be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward.

Shoreland(Lake)/Tier	Unsewered (ft)	Sewered (ft)
General Development Shoreland (Duck): first tier	200	200
General Development Shoreland (Duck): All other tiers	267	200
Recreational Development (Madison, Ballantyne): All tiers	267	267

- B. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential (Subsection C) or commercial planned unit development (Subsection D) density evaluation steps to arrive at an allowable number of dwelling units or sites.
- C. Residential planned unit development density evaluation steps and design criteria are contained in sub-items 1-3 as follows (Allowable densities may be transferred from any tier to any other tier further from the waterbody, but shall not be transferred to any other tier closer):
1. The suitable area within each tier is divided by the single residential lot size standard for lakes which shall then be used to yield a base density of dwelling units or sites for each tier.
 2. The data calculated in the above equation is then compared with the proposed locations and numbers of dwelling units or sites for the residential planned unit development.
 3. If all performance standards in the underlying zoning district are achieved and the design criteria identified elsewhere in this Chapter (Chapter 17) are met, the City may allow minimal dwelling unit or site density increases for residential planned unit developments provided they do not exceed the maximum allowable dwelling unit or site density increases for residential PUD identified in the following table:

Density Evaluation Tiers	Maximum Density increase within each tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

D. Commercial PUD 'base' density evaluation:

- Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.
- Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development
Floor Area Ratios*

Average Unit Floor Area (sf)	Sewered general development lakes; first tier on unsewered general development lakes.	Second and additional tiers on unsewered general development lakes; recreational development lakes
200	.040	.020
300	.048	.024
400	.056	.028
500	.065	.032
600	.072	.038
700	.082	.042
800	.091	.046
900	.099	.050
1000	.108	.054
1100	.116	.058
1200	.125	.064
1300	.133	.068
1400	.142	.072
1500	.150	.075

* For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet.

- Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
- Divide the total floor area by tier computed in Item (c) above by the average inside living area size determined in item (a) above. This yields a base number of dwelling units and sites for each tier.
- The project may be eligible for additional density increases if the project meets all design standards in this Chapter and applicable underlying zoning classification(s). The City may allow minimal site density increases for commercial planned unit developments provided they do not exceed the maximum allowable dwelling unit or site density increases for residential PUD identified in the following table:

Density Evaluation Tiers	Maximum Density increase within each tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

E. Maintenance and Design Criteria.

1. Before final approval of a planned unit development in the shoreland overlay district, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
2. Impervious surface coverage within any one tier is limited to a maximum of twenty-five (25) percent of the gross area of the tier.
3. Open space preservation. Deed restrictions, covenants, permanent easement, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments shall include all of the following protections:
 - a. Commercial uses prohibited (for residential PUD/s);
 - b. Vegetation and topographic alterations other than routine maintenance prohibited;
 - c. Construction of additional buildings or storage of vehicles and other materials prohibited; and
 - d. Uncontrolled beaching of watercraft prohibited.
4. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments shall use an owners association with the following features:
 - a. Membership shall be mandatory for each dwelling unit or site purchaser and any successive purchases;
 - b. Each member shall pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
 - c. Assessments must be adjustable to accommodate changing conditions; and
 - d. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
5. Open Space Requirements. Planned unit developments within the shoreland overlay district shall contain open space meeting all of the following criteria:
 - a. At least fifty (50) percent of the total project area must be preserved as open space.
 - b. Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space.
 - c. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
 - d. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites and by the general public.

- e. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
 - f. Open space shall not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities.
 - g. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance or other equally effective and permanent means; and
 - h. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUD's, at least 50 percent of the shore impact zone must be preserved in its natural state.
6. Centralization and design of facilities and structures within the shoreland overlay district are subject to the following:
- a. Non-public water supply and sewage treatment systems shall be centralized and designed and install to meet standards contained in Chapter 21 of this Ordinance.
 - b. On site sewage treatment systems shall be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors shall be provided for a replacement soil treatment system for each sewage system.
 - c. Dwelling units or sites shall be clustered into one or more groups and located on suitable areas of the development. Said units or sites shall be designed and located to meet or exceed dimensional standards included in the shoreland overlay district including, but not limited to, setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water mark shall be increased in accordance with this Chapter for developments with density increases.
 - d. Shore recreation facilities, including but not limited to, swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slap, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (not withstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment may be provided for use by occupants of dwelling units or sites located in other tiers.
 - e. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
 - f. Accessory structures and facilities, except water oriented accessory structures, shall meet the required principal structure setback and shall be centralized.
 - g. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in appropriate underlying zoning classification and Chapter 22, Subd. 3(A) of this ordinance and are centralized.
- F. In the shoreland overlay district, the City may allow land uses and facilities to be converted to residential planned unit developments if the following standards are met, in addition to all other applicable standards of this Ordinance:

1. Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards shall be identified.
2. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.
3. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - a. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.
 - b. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water.
 - c. If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
4. Existing dwelling unit or dwelling site densities that exceed standards in this Chapter may be allowed to continue but must not be allowed to increase, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems or by other means.

Subd. 7. Administrative Procedure.

- A. Upon filing an application for PUD, the applicant of the proposed PUD is encouraged to meet with the City Clerk/Zoning Administrator and Planning Commission in an informal review session to provide an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area in which it is proposed and its conformity to the provisions of this Chapter. The informal review session is intended to prevent the applicant from incurring substantial expense in the preparation of plans, surveys and other data.
- B. The proponents of a Planned Unit Development shall submit a preliminary Subdivision plat and a development and site plans, along with an application for a Conditional Use Permit, to the City Planning Commission and City Council. Such preliminary plat and site plan shall conform to the provisions of this Ordinance and the City Subdivision regulations. Such site plan shall include:
 1. General Information:
 - a. The landowner's name and address and his interest in the subject property.
 - b. The applicant's name and address if different from the landowner.
 - c. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, engineer and surveyor.
 - d. Evidence the landowner has significant control over the subject property.
 - e. Deed restrictions, covenants, permanent easements or other instruments that: properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUD's; and ensure the long-term preservation and maintenance of open

space in accordance with the criteria and analysis specified in Chapters 12, 15, 16, 22 and 23 of this ordinance.

2. Present Status Information:

- a. The address and legal description of the subject property.
- b. The existing zoning classification, site development and present use of subject property and all lands within one thousand (1000) feet of the subject property.
- c. Property boundary lines and dimensions of the subject property.
- d. Graphic Reproductions of Existing Site Conditions including a minimum of (all graphics should be the same scale to allow for easy cross reference):
 - (1) Topographic contours at 10 foot intervals or less.
 - (2) Slope analysis.
 - (3) Location and extent of waterbodies, wetlands, streams and floodplains within the subject property and those within three hundred (300) feet of the subject property.
 - (4) Proposed sewage treatment and water supply systems (if public systems will not be provided).
 - (5) Existing drainage patterns.
 - (6) Soil Conditions.
- e. A written statement generally describing the proposed PUD and the market which it is intended to serve and how the proposed PUD is to be designed, arranged and operated. When requested and/or when appropriate: the number of residential dwelling units and expected population; the gross square footage of commercial and industrial floor space by type of activity (i.e. drug store, supermarket, salon); preliminary architectural plans including floor plan, elevations and exterior wall finishes of proposed building(s). When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial or a combination of the two.
- f. The proposed name of the development.
- g. Existing adjacent development.
- h. Proposed public or community sanitary sewer and water systems, including size, type and capacity.
- i. Proposed roadway, private or public, type and capacity of surfacing Roadways that are private in PUD's shall remain private and are not subject to public maintenance.
- j. Proposed site development and development schedule.
- k. Size and location of proposed and existing buildings on the subject site.
- l. Proposed landscaping.
- m. Site and lot dimensions.
- n. Allocation and disposition of park and open space.
- o. Type of use and density of each building, including a relief drawing of the general building design or theme intended for all buildings other than single and two-family units.

- p. Location, type and sizing of signage.
 - q. A preliminary plat prepared in accordance with the Subdivision Chapter of the City Code.
 - r. A property owners association agreement (for residential PUD's) with mandatory membership, and in accordance with the requirements this Chapter and Chapter 22 of this Ordinance.
 - s. The City may excuse an applicant from submitting any specific item of information or document required which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.
 - t. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD or any aspect thereof.
3. Public hearing: Within thirty (30) days of receiving the preliminary Subdivision plat, development plan, site plan, and application for a Conditional Use Permit from the proponents of a Planned Unit Development the Planning Commission shall hold a public hearing on said proposal. Legal notice of said hearing shall consist of the property's legal description, a description of the request and a general description of the property's location. Said legal notice shall be published in the City's official newspaper a minimum of ten (10) days prior to the hearing and written notification of said hearing shall be mailed at least ten (10) days prior to the hearing to all land owners of record within three hundred fifty (350) feet of the boundary of the property in question, the Minnesota Department of Natural Resources and other applicable entities identified in Chapter 23, Subd. 10 and Chapter 25 of this Ordinance. Failure of property owner to receive said notice shall not invalidate any such proceedings as set forth within this Chapter.
 4. Within thirty (30) days of the public hearing, or such further time as may be agreed to by the applicant, the Planning Commission shall make a finding of fact and submit its recommendation to the City Council. If the Planning Commission fails to act within the time specified herein, it shall be deemed to have recommended the plan for approval.
 5. Upon receiving the recommendation of the Planning Commission, but not longer than sixty(60) days after the completed application was received, unless an extension is provided for in accordance with State Statute 15, the City Council shall place the recommendation on the agenda and take action on said recommendation. Such recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
 6. Upon receiving the report and recommendation of the Planning Commission, the City Council shall either:
 - a. Approve or disapprove the request as recommended by the Planning Commission, or
 - b. Approve or disapprove the recommendation of the Planning Commission with modifications, alterations or differing conditions. Such modifications, alterations or differing conditions shall be in writing and made part of the Council's records, or
 - c. Refer the recommendation back to the Planning Commission for future consideration. This procedure shall be followed only one (1) time on a singular action.
 7. If the Conditional Use Permit for the preliminary plat and site plan is approved, the preliminary plat and site plan shall be attached to and become a part of the Conditional Use Permit. Any modification to the preliminary plat or site plan will require a re-submission to and approval by the City Planning Commission and the City Council.

8. If the Conditional Use Permit is approved, the final plat shall be submitted to the City in accordance with the City Subdivision Regulations and the provisions of this Ordinance.
9. Within one (1) year after the approval of a final plat for a PUD, or such time as may be established by an approved development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within allotted schedule shall automatically render void the PUD permit and all approvals of the PUD plan unless an extension is granted by the City Council.

C. Final Plat.

1. The proponents of a PUD shall submit a final plan to the Planning Commission within one (1) year of the approval of the preliminary plat which shall depict and outline the proposed implementations of the preliminary plan/plat phase. The final plan shall incorporate all changes, modifications and revisions required by the City during approval/conditional approval of the preliminary plan/plat. Information from the general concept stage may be included for background and to provide a basis for the submitted Plan. The final plan shall include, but may not be limited to:
 - a. A final plat and information required by Chapter 25 of this ordinance and/or the City's Subdivision Ordinance.
 - b. Supplementary documents as requested by the City.
2. Within 60 days of receiving the request for final plan/plat approval the Planning Commission shall review the final plan request and forward its recommendation to the City Council for consideration at its next meeting. The City Council shall approve, deny or conditionally approve the request.

Subd. 8, Amendments to Approved PUD

A. Major Changes to an Approved Preliminary PUD.

1. Major change. A proposed major change to an approved PUD requires the submission and reconsideration of a new application for approval. If the major change alters data or evidence submitted during the Conceptual Plan or Preliminary Plan/Plat stage, then the resubmission must begin at the Preliminary Plan/Plat stage. If only the Final Plat evidence or data is altered as a result of the major change, then the resubmission shall begin at the Final Plat stage
2. Public Hearing Required. If major changes are proposed, a new public hearing shall be required during resubmission of the Preliminary or Final plat.
3. All changes to the "original" Final Plat shall be recorded with the County Recorder as amendments to the Final Plat or reflected in the recording of a new "corrected" Final Plat.
4. Major Changes Defined. The following shall be considered major changes to a PUD:
 - a. Changes which alter the concept or intent of the Planned Unit Development;
 - b. Increase in density (increases in the number or size of structures and/or changes in the volume of lots);
 - c. Changes in the height of buildings;

- d. Reductions of proposed open space and/or the alteration of open space, sensitive site features and/or park areas that alter the original intent and propose of such space;
 - e. Changes with eliminate, diminish or compromise the high quality of site planning, design, landscaping or building materials;
 - f. Changes in the development schedule;
 - g. Changes in the road standards;
 - h. Changes which create non-compliance with any special condition attached to the approval of the development plan;
 - i. Changes that significantly alter the location of buildings and/or parking areas;
 - j. Changes in the final governing agreements.
- B. Minor Change. Minor changes shall be any change not defined as a major change. a minor amendment may be made through review and approval by a simple majority vote of the City Council following review/recommendation by the Planning Commission. Minor changes to a previously recorded plat shall be with the County Recorder.

CHAPTER 18 HOME OCCUPATIONS.

Subd. 1. Purpose.

The purpose of this Chapter is to prevent competition with business districts and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood. In addition, this Chapter is intended to provide a mechanism enabling the distinction between permitted home occupations and special or customarily “more sensitive” home occupations, so that permitted home occupations may be allowed through an administrative process rather than a legislative hearing process.

Subd. 2. Regulations.

All occupations conducted in the home shall comply with the provisions of this Chapter, the provisions of the district in which it is located and other Chapters of this Ordinance.

Subd. 3. Process.

Any home occupation as defined in this Ordinance shall require a “home occupation license”. Such license shall be issued subject to the conditions of this Chapter and other applicable City Code provisions and state law. This license may be issued by the Zoning Administrator based upon proof of compliance with the provisions of this Chapter. A fee shall accompany application for the permitted home occupation license if so designated by City Council resolution. If the Zoning Administrator denies a home occupation license to an applicant, the applicant may appeal the decision to the City Council which shall make the final decision. The license shall remain in full force and effect until such time as there has been a change in conditions or until such time as the provisions of this Chapter have been changed. At such time as the City has reason to believe that either event has taken place, a public hearing shall be held before the Planning Commission. The City Council shall make a final decision on whether or not the permit holder is entitled to the license.

Subd. 4. Permitted Home Occupation Regulations.

- A. Permitted home occupations include and are limited to: art studio, dressmaking, secretarial services, family day care, foster care, professional offices and teaching with musical, dancing and other instructions which consist of no more than one pupil at a time and similar uses. The following regulations shall apply:
 - 1. No person other than those who customarily reside on the premises and/or one (1) additional employee shall be in one's employ on the premises.
 - 2. All permitted home occupations shall be conducted entirely within the principal building whenever possible and should not be conducted in an accessory building.
 - 3. Permitted home occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway.
 - 4. The home occupation shall not involve any of the following: repair service or manufacturing which requires equipment other than found in a home; teaching which customarily consists of more than one pupil at a time; over-the-counter sale of merchandise produced off the premises, except for those brand name products that are not marketed and sold in a wholesale or retail outlet.

Subd. 5. Special Home Occupations.

- A. Examples of Special Home Occupations include: barber and beauty services, day care, group nursery, bed and breakfasts as outlined in Subd. 5, D 4, photography studio, saw sharpening, small appliances and small engine repair and other occupations similar in nature. The following regulations shall apply:
1. Any home occupation which does not meet the specific requirements for a permitted home occupation as defined in this Chapter shall require a "special home occupation license" which shall be applied for, reviewed and disposed of in accordance with the provisions of this Ordinance.
 2. Declaration of Conditions. The Planning Commission and the Council may impose such conditions of the granting of a "special home occupation license" as may be necessary to carry out the purpose and provisions of this Chapter.
 3. A "Special Home Occupation License" may be issued for a period of one (1) year after which the license may be reissued for periods of up to five (5) years each. Each application for license renewal shall, however, be processed in accordance with the procedural requirements of the initial special home occupation license.
 4. Special Home Occupation Requirements:
 - a. No person other than a resident shall conduct the home occupation, except where the applicant can satisfactorily prove unusual or unique conditions or need for non-resident assistance and that this exception would not compromise the intent of this Ordinance.
 - b. The home occupation may involve any of the following: stock-in-trade incidental to the performance of the service, repair service or manufacturing which requires equipment other than customarily found in a home, the teaching with musical, dancing and other instruction of more than one pupil at a time.
 - c. Special home occupations may be allowed to accommodate their parking demand through utilization of on-street parking.
 - d. Bed and Breakfasts may be permitted as a special home occupation provided that
 - (1) Four (4) or fewer rooms are for rent for a period not to exceed fourteen (14) consecutive days during any ninety (90) day period.
 - (2) Small functions of less than ten (10) people such as receptions or business meetings shall be permitted on site.
 5. Massage Therapy may be permitted as a special home occupation provided that all requirements outlined in this Chapter and other City Ordinances are met.

Subd. 6. General Provisions.

- A. No home occupation shall produce light glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.
- B. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
- C. Any home occupation shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.
- D. There shall be no exterior storage of equipment or materials used in the home occupation, except personal automobiles used in the home occupation may be parked on the site.

- E. The floor area devoted to the home occupation shall not exceed twenty-five (25) percent of the total ground area occupied by buildings on the lot.
- F. There shall be no display or evidence apparent from the exterior of the lot that the premises are being used for any purpose other than that of a dwelling, with the exception that one (1) non-illuminated sign measuring one and one-half (1½) square feet may be attached to the dwelling.
- G. Whenever within one (1) year after granting a license, the use as permitted by the license shall not have been initiated, then such license shall become null and void unless a petition for extension of time in which to complete the work has been granted by the Council.

Subd. 7. *Non-Conforming Use.*

Existing home occupations lawfully existing on the effective date of this Ordinance may continue as non-conforming uses. They shall however, be required to obtain licenses for their continued operation. Any existing home occupation that is discontinued for a period of more than one (1) year shall be brought into conformity with the provisions of this Ordinance prior to re-institution.

Subd. 8. *Inspection.*

The City hereby reserves the right upon issuing any home license to inspect the premises in which the occupation is being conducted to ensure compliance and the provisions of this Chapter or any conditions additionally imposed.

CHAPTER 19 SIGNS.

Subd. 1. Purpose.

The purpose of this Chapter is to protect, insure, maintain and regain the natural and scenic beauty and attractiveness of the roadside throughout Madison Lake. By the construction of public roads, the public has created views to which the public retains a right of view and it is the intent of these standards to prevent the taking of that right. Signs are recognized as accessory uses and are permitted in all districts subject to the regulations of this Ordinance.

Subd. 2. Prohibited Signs.

- A. No sign shall be allowed that is a hazard to the public health, safety, convenience, welfare or that prevents ingress or egress from any door, window or fire escape that tends to accumulate debris as a fire hazard or that is attached to a standpipe or fire escape.
- B. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. No sign shall be placed so as to destruct or interfere with traffic visibility or traffic control.
- C. Private signs are prohibited within the public right-of-way of any street or easement.
- D. Signs with rotating beams or flashing illumination are prohibited.
- E. Rotating signs are prohibited.
- F. Signs painted or attached to vehicles where the vehicle is parked on a property and not intended to be moved.
- G. Roof signs are prohibited.

Subd. 3 Regulations.

- A. All signs along state and federal highways shall conform to state and federal sign regulations. Billboards erected along US Highway 60 shall be spaced a minimum of two thousand five hundred (2,500) feet apart.
- B. All permanent off-site freestanding signs shall require Conditional Use Permits.
- C. Sign Maintenance.
 - 1. Painting: The owner of any sign shall be required to have such a sign properly painted at least once every two (2) years, if needed, including all parts and supports of the sign, unless such parts or supports are galvanized or otherwise treated to prevent rust.
 - 2. Area Around Signs: The owner, or lessee, of any sign or the owner of the land on which the sign is located shall keep the grass, weeds or other growth cut and the area free from refuse between the sign and the street and also for a distance of six (6) feet behind at the ends of said sign.
- D. Obsolete Signs: Any sign which no longer advertises a bona fide business conducted or a project sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building or land upon which the sign may be found, within ten (10) days after written notice from the Zoning Administrator.

- E. Unsafe or Dangerous Signs: Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or land upon which the sign is located within ten (10) days after written notification from the Zoning Administrator.

Subd. 4. Exemptions.

- A. The following signs do not require a permit, however, they shall conform to the requirements of this Chapter.
 - 1. Signs for one and two-family residential dwellings identifying the occupant or street address, provided that such signs are less than one (1) square foot in area.
 - 2. Pedestrian vehicular traffic and parking directional signs in parking lots, provided such signs are less than eight (8) square feet in area and less than six (6) feet in height.
 - 3. Public signs, street signs, warning signs or signs of public companies for the purpose of safety.
 - 4. Signs denoting the architect, engineer, contractor or owners when placed upon a work site. Such signs shall be removed within ten (10) days after completion of construction.
 - 5. Signs designating candidates seeking public political office, provided that such election sign shall not exceed eight (8) square feet in size. Such signs shall be located on private property, shall not be located so as to obstruct vehicular lines of sign and shall be removed in accordance with state guidelines after the election is held.
 - 6. Flags, badges or insignia of any governmental agency.
 - 7. Emergency signs required by any governmental agency.
 - 8. Temporary real estate signs pertaining only to the sale, rental or development of a lot upon which it is displayed. Such signs shall not exceed six (6) square feet for residential property or twenty-four (24) square feet for other property. One (1) sign shall be permitted for each lot and must be removed within ten (10) days following the sale, lease or development of said property.
 - 9. Banners placed on private property for advertising of a special sales event or grand opening. Such banners shall contain no advertising.
 - 10. Memorial signs or tablets, names of buildings and date of erection when cut into or attached to any masonry surface or incombustible material, provided the sign does not exceed six (6) square feet in area.
 - 11. Home occupation signs, non-illuminated, attached to the wall of a dwelling and not exceeding one and one-half (1 ½) square feet in area.

Subd. 5. Permitted Signs.

- A. The following signs are permitted in the A-1, R-1, R-2, R-MH Districts.
 - 1. Signs over show windows or doors of non-conforming businesses establishments announcing without display or elaboration only the names and occupation of the proprietor and not to exceed three (3) feet in height and twenty (20) feet in length.

2. Bulletin boards for public, charitable or religious institutions not to exceed twenty (20) square feet in an area located on the premises.
3. Religious uses, public institutions, non-residential and residential development signs not exceeding thirty-two (32) square feet in area. Such identification signs may be wall or ground mounted or combination thereof. A ground sign shall not exceed fifteen (15) feet in height. There may be a second sign if the use abuts two (2) or more streets.
4. All signs shall be set back a minimum of five (5) feet from property lines and shall not be located within thirty (30) feet of an intersection.

Subd. 6. Permitted Signs.

- A. The following signs are permitted in the B-1, B-2 and I-1 Districts.
 1. Signs that are placed on the exterior walls of buildings shall not extend more than four (4) inches from a building's wall surface, shall not exceed two hundred (200) square feet in area for any one (1) premises, and shall not exceed thirty (30) feet in height above the average centerline grade of the street it fronts.
 2. Ground and pole signs which do not exceed thirty (30) feet in height above the average centerline street grade, shall meet all yard requirements for the district in which it is located, shall not exceed one hundred (100) square feet on one side nor two hundred (200) square feet on all sides for any one (1) premises.
 3. Window signs that are placed only inside of the commercial buildings, provided not more than fifty percent (50%) of the window is covered.
 4. Projecting signs which provide a minimum undersign clearance of at least ten (10) feet and which do not project more than twenty-four (24) inches over a sidewalk and shall not exceed twenty (20) square feet.
 5. Off-premises advertising signs (billboards) shall only be permitted in the B-1 or I-1 Districts as a conditional use. These signs shall not exceed two hundred (200) square feet in area. Off-premises advertising signs shall meet all setback requirements and shall not be located within one hundred (100) feet of any residential zone, church, school or designated recreation area.

Subd. 7. Signs within the Shoreland Overlay District.

- A. Signs within the Shoreland Overlay District shall be subject to signage provisions applicable to the underlying zoning classification.
- B. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 1. No advertising signs may be placed in or upon public waters, informational and/or safety signs may be placed in or on public waters by a public authority or under a permit issued by the county sheriff.
 2. Signs may be placed, when necessary within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices and shall not be located higher than ten feet above the ground, and must not exceed (thirty-two) 32 square feet in size. If illuminated by artificial lights, the

lights must be shielded or directed to prevent illumination out across public waters. This does not preclude use of navigational lights.

CHAPTER 20

OFF-STREET PARKING.

Subd. 1. Purpose.

It is the purpose of this Chapter to provide for the regulation of and design standards for off-street parking facilities within the City, to minimize congestion of the public right-of-way and to maximize the safety and general welfare of the public.

Subd. 2. Scope.

The off-street parking requirements and off-street loading requirements of this Subdivision shall apply within all zoning districts, except the B-2, Central Business District.

Subd. 3. Calculating Space.

- A. Where calculations result in requiring a fractional space, any fraction less than one-half (1/2) shall be disregarded and any fraction of one-half (1/2) or more shall require one (1) space.
- B. The term "floor area" for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the building structure or use times the number of floors, minus ten (10) percent.
- C. Should a building or structure contain two (2) or more types of uses, each should be calculated separately for determining the total off-street parking spaces required.

Subd. 4. Site Plan Required.

- A. Except for single family dwellings, all applications for a building or an occupancy permit shall be accompanied by a site plan drawn to scale and dimensioned indicating the location of all off-street parking and loading spaces in compliance with the requirements of this Chapter. The Site Plan shall include the following information:
 - 1. Zoning District.
 - 2. North point and scale.
 - 3. All adjacent rights-of-way.
 - 4. The ownership of the entire lot being developed.
 - 5. Dimensions of the lot and parking spaces.
 - 6. The owner's name, address and phone number.
 - 7. Vehicle entrance located on plan.
- B. Required site plans shall be reviewed by the Planning Commission and approved by the City Council, in accordance to the criteria developed in this Subdivision.
- C. Site Plan Criteria.
 - 1. Upon review by the Planning Commission and approval by the City Council, the plan for off-street parking shall meet the following site design standards:
 - a. All areas devoted for parking space and driveways shall be surfaced with permanent materials (i.e. bituminous, concrete, crushed rock, recycled materials, bricks, etc. but not grass or sand/dirt). All parking areas shall be designed to control surface runoff to adjacent properties either with curbing or grading techniques. No landscaped areas shall be used for the parking of vehicles.
 - b. Any lighting used to illuminate off-street parking areas shall be directed away from abutting property and public right-of-way.

- c. No sign shall be so located as to restrict the sight, orderly operation and traffic movement within any parking area. Only signs necessary for the orderly operation of traffic movement or parking regulation shall be permitted in any parking area. Such signs shall not be considered part of the permitted advertising space and shall be subject to regulations pursuant to Chapter 18.
- d. All parking lots shall be screened and landscaped from abutting residential uses or districts by a wall, fence or densely-planted compact hedge or tree cover not less than four (4) feet nor more than eight (8) feet in height.
- e. The parking area shall meet the minimum design standards, and number of stalls required under this Chapter.

Subd. 5. *Reduction of Existing Parking and Loading Spaces.*

Parking or loading spaces existing upon the effective date of this Ordinance shall not subsequently be reduced below the requirements of this Chapter.

Subd. 6 *Change of Use or Occupancy of Land or Building.*

No change of use or occupancy of land, or of use or occupancy of any building, shall be made until there is furnished sufficient parking and loading spaces as required by this Chapter.

Subd. 7. *Use of Parking and Loading Space.*

- A. Required parking or loading spaces shall not be used for storage of goods or for storage of vehicles or trailers that are inoperable or for sale or rent.
- B. Off-street parking facilities accessory to residential uses shall be utilized solely for the parking of the passenger automobiles of the dwelling unit occupants.
- C. Motor vehicles bearing commercial licenses and/or commercially licensed trailers shall not be parked or stored in a platted residential district or public street except when loading, unloading or rendering a service, or as provided by interim use permit.
- D. Under no circumstances shall required parking facilities accessory to residential structures be used for the parking of automobiles belonging to the employees, owners, tenants or customers of nearby business establishments.
- E. Parking in residential areas (off and on street) shall be limited to the use of the residents of those homes. Except for short-term parking (six (6) hours or less) and guest parking. The number of vehicles parked on or in front of a residential lot shall not exceed double the number of persons residing on the premises and having automobile drivers' licenses.

Subd. 8. *Design and Maintenance.*

- A. Drainage and Surfacing: Driveways shall not exceed a grade of six (6) percent and all parking lots except those for less than four (4) vehicles shall be graded according to a drainage plan which has been approved by the City Engineer. Catch basins, sumps and underground storm sewers may be required.
- B. Striping: All lots for five (5) or more vehicles shall have the organization of spaces painted on the surface according to the plan approved by the City.
- C. Circulation: Lots shall be so designed that internal circulation shall be available without utilizing the public street.

- D. Maintenance: It shall be the joint and several responsibility of the lessee and/or owner of the principal use, uses or building to maintain in a neat and adequate manner, the parking area, striping, landscaping and screening.
- E. Lighting: All lighting used to illuminate an off-street parking area shall be shaded or diffused so as to reflect the light away from the adjoining property and away from abutting traffic flow.

Subd. 9. Stall, Aisle, and Driveway Design.

- A. Each parking space shall be not less than nine (9) feet wide and twenty (20) feet in length, exclusive of an adequately designed system of access driveways. Provided, however, that in school parking lots of more than three hundred (300) parking spaces, up to forty percent (40%) of such spaces may be designated and clearly marked as compact car parking spaces. A compact car parking space shall not be less than eight (8) feet wide and eighteen (18) feet in length exclusive of the adequately designed system of access drives. No parking space may be designated as a compact parking space unless the parking space is clearly posted with signs which are reasonably visible even in winter months and which are approved by the Zoning Administrator.
- B. Except in the case of single-family, two-family, and townhouses, parking areas shall be designed so that circulation between parking aisles or driveways occurs within the designated parking lot and does not depend upon a public street or alley and such design does not require backing into the public street. (Width of driveway shall not exceed twenty-two (22') feet.
- C. Except in the cases of single-family, two-family and townhouses, parking areas shall comply with the following standards:

ANGLE OF PARKING (ALONG CURB)	STALL WIDTH	STALL DEPTH	MIN. DRIVEWAY WIDTH
Zero degrees	9'	22'	12'
30 degrees	9'	19'	12'
45 degrees	9'	21'	13'
60 degrees	9'	22'	18'
90 degrees	9'	19'	22'

- D. No curb cut access shall be located less than forty (40) feet from the intersection of two (2) or more street right-of-ways for residential uses, and sixty (60) feet for commercial and industrial areas. This distance shall be measured from the intersection of lot lines.
- E. Curb cut openings shall be a minimum of five (5) feet from the side property line.
- F. All property shall be entitled to at least one (1) curb cut. Single family uses shall be limited to one (1) curb cut access per property.
- G. All parking spaces shall be served by access aisle or driveway connections to a public right-of-way.
- H. In the B-1 and I-1 Districts, no parking or loading space shall be located within ten (10) feet of any property line which abuts a public street or residential district.
- I. Private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Within Shoreland Overlay Districts documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the other local, state, and federal standards.

- J. Private roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
- K. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this Chapter are met. For private facilities within the Shoreland Overlay Area the grading and filling provisions of this Ordinance must be met.

Subd. 10. Number of Required Parking and Loading Spaces.

The following minimum number of off-street parking and loading spaces shall be provided and maintained:

USE	# OF REQUIRED PARKING SPACES
Single family, two family, townhouse dwelling	2 spaces/unit
Multiple family dwelling	2 free spaces/unit
Boarding house, fraternity house, sorority house	2 spaces/3 persons
Bed & Breakfasts	2 spaces/ 3 persons
Elderly housing	1/2 space/unit
Baseball fields, stadiums	1 space/8 seats
Schools	10 per classroom
Public parks/playgrounds	As per Planning Comm.
Church, theatre, auditorium, gymnasium	1 space/4 seats of main assembly hall
Skating rink, dance hall, public auction house	1space/200 sq. ft. of gross floor area
Miniature golf course, archery range, golf driving range	10 spaces respectively
Hospital	1 space/3 beds PLUS 1 space per 2 employees on maximum shift.
Nursing home, day nurseries, sanitariums, or rest homes	4 spaces PLUS one for each 3 beds
Office buildings, professional offices, banks, animal hospitals	4 spaces PLUS 1 space/ 500 sq. ft over 1000 sq. ft.
Undertaking establishments	1 space/50 sq. ft. of gross floor area PLUS 1 space/ official vehicle
Motels, hotels	1 space/rental room PLUS spaces required for restaurant (see restaurant)
Drive-in establishment and convenience food	1 space/20 sq. ft. of gross floor area, with a minimum of 20 spaces.
Bowling Alley	5 spaces/lane or alley
Retail store and service establishment in B-2 District	1 space/200 sq. ft. of floor area
Retail sales and services with 50% or more of floor area devoted to storage, warehouse and/or industry	1 space/200 sq. ft. of gross floor area devoted to sales or service PLUS 1 space/500 sq. ft. of storage area
Automobile service station (motor fuel station)	4 spaces PLUS 2 spaces for each stall
Restaurants, cafes, private clubs, bars, taverns and nightclubs	1 space/100 sq. ft. of gross floor area of dining and bar area PLUS 1 space/80 sq. ft. of kitchen area
Dance halls	1 space/ 35 sq. ft of gross floor area on dance floor.

Car wash: automatic drive through	10 spaces
Car wash: self-service	2 spaces
Auto repair, bus and taxi terminals, boat and marine sales and repair, bottling company, garden supply store, building material sales	8 spaces PLUS one additional space/800 sq.ft. of floor area over 1,000s.f.
Manufacturing, fabricating, or processing of a product or materials, warehouse, storage or post office	1/2 space/employee but no less than 1 space/1000 sq. ft. gross floor area PLUS 1 space per company vehicle kept on premises.

Subd. 11. Joint Facilities.

- A. The City Council may, after receiving a recommendation from the Planning Commission, approve a Conditional Use Permit for one (1) or more businesses to provide the required off-street parking facilities by joint use of one (1) or more sites where the total number of spaces provided are less than the sum of the total required for each business, if the following conditions are satisfactorily met:
1. The building or use for which the application is being made to utilize the off-street parking facilities provided by another building or use shall be located within three hundred (300) feet of such parking facilities.
 2. The applicant shall show that there is no substantial conflict in the operating hours of the two (2) buildings or uses for which joint use of off-street parking facilities is proposed.
 3. The provisions of this Ordinance are considered and satisfactorily met.

Subd. 12. Off-Street Loading Facilities.

Loading space required under this Chapter shall be at least fifty (50) feet long and ten (10) feet wide. The regulations of this Chapter are not applicable in the "B-2" Central Business District. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least ten thousand (10,000) square feet and every lot used for office or research purposes on which there is a building or buildings having a total floor area of at least twenty thousand (20,000) square feet, shall be provided with an off-street loading space. An additional off-street loading space shall be required for lots used for commercial or industrial purposes where the floor area of all buildings exceeds one hundred thousand (100,000) square feet.

CHAPTER 21

WATER SUPPLY/SEWAGE DISPOSAL STANDARDS.

Subd. 1. Purpose.

This Chapter regulates water supply and the location, design, installation, use, and maintenance of individual sewage treatment systems (ISTS) consistent with minimum standards and criteria as instituted by the Minnesota Pollution Control Agency, Water Quality Division, thereby protecting surface and ground waters from adverse affects of or contamination by ISTS, and, thereby promoting the public health, safety, and general welfare.

Subd. 2. Water Supply.

Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

Subd. 3. Independent Sewage Treatment System Provisions.

- A. Once available, all on-site sewage disposal systems shall be connected to the public sanitary system.
- B. Where access to a public sanitary sewer is not available hereunder, the building sewer shall be connected to an independent sewage treatment system complying with rules and regulations contained herein; as prescribed by the Minnesota Pollution Control Agency; and, as contained in all other local, state, or federal mandates.
- C. Rules and regulations applicable to independent sewage treatment systems contained within Minnesota Rules, Chapter 8080, parts 7080.0020; 7080.0060 – 7080.0176; and 7080.0910 are hereby incorporated.
- D. In shoreland overlay districts, ISTS shall be set back from the ordinary high water level in accordance with the setbacks contained in the underlying zoning classification.
- E. The building owner/lessee shall be required to operate and maintain the independent sewage treatment system in a sanitary manner, at all times, without City expense.
- F. Existing ISTS which are failing shall be required to be upgraded, replaced, or repaired in compliance with provisions herein contained and as set forth in Minnesota Rules Chapter 8080, part .0060, as applicable, within 180 days.
- G. All ISTS design, installation, alteration, repair, maintenance, pumping, and inspection activities shall be completed under a license or by a qualified employee, or as exempted under part 7080.0700, subpart 1 (Minnesota Rules).
- H. At such time as a public sewer becomes available to a property served by an independent sewage treatment system, a direct connection shall be made to the public sewer and any septic tanks, cesspools, leaching pits, dry wells, seepage pits, privies, and similar private sewage disposal facilities shall be abandoned in compliance with Minnesota Rules, Chapter 8080.176. Except that in the case where gravity sewer service is not available, the property may be served by an ISTS.
- I. No statement contained herein shall be construed to interfere with any additional requirements that may be imposed by the City or other authority.

Subd. 4. *Permit Requirement.*

- A. Prior to commencement of the construction or the alteration or repair of an independent sewage treatment system, an applicant must obtain a written permit from the City. The permit application shall include:
 - 1. Site evaluation report including items identified in Mn. Rules Chapter 8080.0110, and including a certified statement from the entity that conducted the evaluation.
 - 2. A design summary and drawings including calculations and summaries for all system component sizing.
 - 3. Additional information as requested and provided for within this Ordinance.
- B. The City shall not issue a zoning permit for a bedroom or bathroom addition, or a system replacement on a property served by an ISTS unless the individual sewage treatment system is in compliance with applicable requirements hereunder as evidenced by a certificate of compliance.
- C. A permit for an ISTS shall not become effective until installation has been completed as certified by the City. The City shall be allowed to inspect the work at any stage of construction with or without notification. The applicant shall notify the building inspector when the ISTS is ready for final inspection, and before any underground portions are covered.

Subd. 5. *Recordkeeping.*

- A. The City shall maintain copies of certificates of compliance, notices of noncompliance, permit applications, issued permits, enforcement proceedings, variance requests, and other actions taken. Said records shall be available for review as defined in MN Rules 7080.0310.
- B. The City shall submit an annual report to the commissioner to demonstrate enforcement of this Chapter, provided application has been made thereto.

CHAPTER 22 GENERAL DISTRICT PROVISIONS.

Subd. 1. Purpose.

The performance standards established in this Ordinance are designed to encourage a high standard of development and delineate requirements for Planned Unit Developments, mobile home parks, signs, parking and loading and sewage disposal. Before any zoning permit is approved, the Zoning Administrator shall determine whether the proposed use will conform to these standards. Applicants shall provide data necessary to demonstrate such conformance. Said data may include, but is not limited to: description of equipment to be used; hours of operation; method of refuse disposal; and, type and location of exterior storage. The purpose of this Chapter is to establish general development standards to assure compatible land uses to prevent blight and deterioration and to enhance the health, safety and general welfare of the City.

Subd. 2. Dwelling Unit Restrictions.

- A. No cellar, basement, garage, tent or accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently, except allowed interim use as set forth and regulated by this Ordinance.
- B. Basements may be used as living quarters or rooms as a portion of residential dwellings. Rental unit(s) in basements shall be subject to provisions of the appropriate zoning district.
- C. Tents, play houses or similar structures may be used for play or recreational purposes, but shall not be independent living quarters.
- D. Existing cellars or basements used as an independent dwelling unit and not complying to this Ordinance shall have the status of a non-conforming use, subject to the provisions of this Ordinance.
- E. No dwelling shall hereafter be erected or altered unless there is direct access to it from a public street.

Subd. 3. Accessory Buildings.

- A. In cases where an accessory building is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure. An accessory building, unless attached to and made a part of the principal structure shall not be closer than ten (10) feet to the principal structure.
- B. For the purposes of this Ordinance setbacks shall be measured from the property line. Accessory buildings, including decks, may encroach into the required side and rear yard setbacks within the rear yard of a lot, except, however, that no such encroachment may occur on required:
 - 1. Side yard setbacks abutting a street in the case of a corner lot or structures within a shoreland overlay district. In such cases, the following standards shall apply:
 - a. The accessory structure(s) shall not exceed thirty percent (30%) of the rear yard.
 - b. All accessory buildings in the R-1 and R-2 Residential Districts shall be setback from all adjoining lots a distance equal to the height of the building, shall be located at least ten (10) feet away from any other building or structure on the same lot and shall not be located within a utility easement or within the front yard required setback.
 - c. No detached accessory structure shall be erected or altered so as to encroach in the front yard setback of a lot.

- d. Garages having direct access onto an alley shall be setback twenty (20) feet from the property lot line.
2. Public water setbacks, unless a deck is to be added to a structure existing on the date of the adoption of this ordinance, subject to the following conditions:
 - a. 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;
 - b. The deck encroachment toward the ordinary high water level does not exceed fifteen (15) percent of the existing shoreline setback of the structure from the ordinary high water level or does not encroach closer than thirty (30) feet, whichever is more restrictive; and,
 - c. The deck is constructed primarily of wood, and is not roofed and does not feature screens.
3. In all other cases, other than those noted within Subsection 2 above, accessory buildings shall conform to setbacks which are imposed within the respective zoning district. In districts where gas stations are allowed, pump islands may be located within a required yard provided they are not less than fifteen (15) feet from any street right-of-way line.
4. Within the R-1 district no accessory structures or any combination of accessory structures shall exceed one thousand (1,000) square feet in area. In addition, lot coverage requirements outlined within the respective districts shall be adhered to. This standard limits maximum aggregate sq. ft. to 1,000 sq. ft. regardless of lot size.
5. No lot shall have more than three (3) detached accessory structures.
6. The same or similar quality exterior building material shall be used in the accessory building and the principal building.
7. Except as expressly allowed by conditional use permit, accessory buildings shall comply with the following height limitations and accessory buildings other than garages shall be limited to ten (10) feet in height on all single and two family and townhouse unit lots.
8. Detached garage side walls shall not exceed ten feet and the pitch shall be no greater than that of the principal structure.

Subd. 4. General Building and Yard Regulations.

- A. This Chapter identifies yard, building type and height requirements in each zoning district.
- B. Building Restrictions.
 1. Any person desiring to improve property shall submit to the Zoning Administrator information on the location and dimensions of existing and proposed buildings, location of easements crossing the property encroachments, and any other information which may be necessary to insure conformance to City Ordinances. Applicants shall be responsible for locating all property boundaries and providing certification of said property boundaries.
 2. All buildings shall be so placed that they will not obstruct future streets that may be constructed by the City in conformity with existing streets and according to the system and standards employed by the City.

3. Except in the case of Planned Unit Development and "A-1" Agricultural District, lots exceeding one (1) acre as provided for in this Ordinance, not more than one (1) principal building shall be located in a lot. The words "principal building" shall be given their common, ordinary meaning; in case of doubt or on any question or interpretation, the decision of the Zoning Administrator shall be final, subject to the right of appeal to the Planning Commission and City Council.
4. Mobile homes, buildings, tents or other structures temporarily maintained by an individual or company on the premises associated with the work project and used exclusively to house labor or other personnel occupied in such work project shall be exempt from the requirements of this Ordinance. Such mobile homes, buildings, tents or other structures shall be removed within thirty (30) days from the completion of the work project.

C. Building Type and Construction.

1. No galvanized or unfinished steel, galvalum or unfinished aluminum buildings (walls or roofs) (except those specifically intended to have a corrosive designed finish such as corten steel) shall be permitted in any zoning district except in association with farming operations or industrial uses.
2. Residential dwellings in the R-1, R-2 and R-MH Districts shall have a minimum roof pitch of 4:12, and each roof shall be shingled or feature approved materials. Residential dwelling structures in the R-1 and R-2 Districts shall have a minimum of seventy percent (70%) of the structure a minimum width of twenty-two (22) feet. All residential dwelling structures in the R-1 and R-2 Districts shall be placed on permanent foundations of wood or concrete.
3. Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the property values of the abutting properties or adversely impact the public health, safety and general welfare.
4. Exterior building finishes shall consist of durable finish-type materials of a high grade and quality

D. Building Height.

1. Building heights in excess of those standards contained in the district provisions may be permitted through a conditional use permit, provided that:
 - a. The site is capable of accommodating the increased intensity of use.
 - b. The use does not negatively impact traffic flow or capacity of surrounding public rights of way.
 - c. For each additional story over three (3) stories or for each additional ten (10) feet above forty (40) feet, front and side yard setback requirements shall be increased by five (5) percent.
 - d. Applicants proposing structures constructed exclusively for or hosting telecommunications equipment shall provide written verification of approval from the Federal Communications Commission and the Federal Aviation Administration to the extent required by those agencies.
 - e. The City shall require an applicant who proposes the construction of any structure with a height equal to or greater than two hundred (200) feet above ground level; or the alteration of any structure to a height which is equal to or greater than two hundred (200) feet above ground level to notify the Minnesota Department of Transportation Commissioner and the Federal Aviation Administration Commissioner of said proposal at least thirty (30) days prior to the City Council's consideration of

said request if notice is required by those agencies. Should notice be required by those agencies the applicant shall submit evidence to the City verifying the Minnesota Department of Transportation and the Federal Aviation Administration have been duly notified of said proposed structure prior to City Council approval.

2. Building height limits established for districts shall not apply to the following providing said structures do not exceed two hundred (200) feet above ground level:
 - a. Cooling Towers.
 - b. Elevator penthouses.
 - c. Flag poles.
 - d. Monuments.
3. Building height limits established for districts shall not apply to the following provided a conditional use permit is issued, in accordance with Chapter 23, Subdivision 10.
 - a. Belfries.
 - b. Chimneys or flues.
 - c. Church Spires.
 - d. Cupolas and domes which do not contain usable space.
 - e. Parapet walls extending not more than three (3) feet above the limiting height of the building.
 - f. Poles, towers, and other structures for essential services.
 - g. Necessary mechanical and electrical appurtenances.
 - h. Farming buildings.

E. Yards.

1. No lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this Ordinance, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced. No required open space provided about any building or structure shall be included as part of any open space required for another structure.
2. The following shall not be considered as encroachments on yard setback requirements:
 - a. Chimneys, flues, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like provided they do not project more than two (2) feet into a yard.
 - b. Terraces, steps, uncovered porches, stoops, fire escapes or similar features provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than five (5) feet from any lot line.
 - c. In rear yards: recreational and laundry drying equipment, arbors, and trellises, detached outdoor living rooms, and air conditioning or heating equipment, provided they are at a distance of five (5) feet from the rear lot line.
 - d. A one-story entrance for a detached single family or duplex dwelling may extend into the front yard setback not exceeding five (5) feet.
3. Where adjacent structures have front yard setbacks different from those required, the minimum front yard setback shall be the average setback of such adjacent structures. If only one adjacent lot is occupied by a structure, the minimum front yard shall be the average of the required setbacks and the setback of such adjacent structure. In no case shall the setback requirement exceed the minimum established for the respective zoning district.
4. Through lots or lots in which a public right-of-way is located on two (2) or more sides, the front yard setback requirements shall be provided on all street sides.

Subd. 5. *Controlled Accesses to Public Waters.*

A. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within Subdivisions are permissible and must meet or exceed the following standards:

1. They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
2. If docking, mooring ,or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements t for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements	
Ratio of Lake size to shore length (acres/mile)	Required increase in frontage (percent)
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

3. The shall be jointly owned by all purchasers of lots in the Subdivision or by all purchasers of nonriparian lots in the Subdivision who are provided riparian access rights on the access lot; and
4. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographical and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as must as practical from view from the public water, assuming summer leaf-on conditions.

Subd. 6. *Outdoor Storage and Refuse.*

A. Outdoor storage: Residential, Commercial and Industrial Uses.

1. Residential Uses:
 - a. All outside storage of materials and equipment for residential uses (excluding farms) shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following:
 - (1) Clothes line pole and wire.

- (2) Recreational vehicles and equipment provided said vehicles are in operable condition and display current licenses.
- (3) Construction and landscaping material currently being used on the premises.
- (4) On and off street parking of currently registered and operable passenger vehicles and trucks.
- (5) Lawn furniture or furniture used and constructed explicitly for outdoor use.
- (6) Rear or side yard exterior storage on non-riparian lots or front yard storage on riparian lots of firewood for the purpose of consumption only by the person(s) on whose property it is stored.

- b. Items not specifically identified in Chapter 22, Subdivision 7(A)1a-f or permitted as residential accessory uses in the district shall require an interim use permit subject to the provisions of Chapter 23, Subdivision 11 of this Ordinance. Existing storage uses, except for commercial vehicle parking shall comply to this requirement within twelve (12) months of adoption of this Ordinance.
- c. Non-conforming commercial vehicle parking in residential areas existing upon the date of adoption of this ordinance shall comply to the standards of this Ordinance (requires interim use permit) upon the sale of the property or upon the storage of an additional commercial vehicle(s) upon an individual parcel, whichever occurs first.

2. Commercial/Industrial Uses:

- a. Except as allowed by district use provisions, outside storage of equipment, materials and inventory as a principal or accessory use for commercial and industrial uses shall require an interim use permit subject to the provisions of Chapter 23, Subdivision 11 of this Ordinance. All non-residential outside storage shall conform to the following conditions:
 - (1) The area occupied is not within a required front or required side yard.
 - (2) The storage area is totally fenced, fully screened and landscaped according to a plan approved by the Zoning Administrator.
 - (3) If abutting a Residential District or a residential use, screening and landscaping is provided according to a plan approved by the Zoning Administrator.
 - (4) The storage area is grassed or surfaced to control dust.
 - (5) Any/all lighting shall be directed away from the public right-of-way and from neighboring residences.

B. Refuse.

- 1. All lots within all zoning districts shall be maintained in a neat and orderly manner. No rubbish, salvage materials, junk or miscellaneous refuse shall be openly stored or kept in the open, when the same is construed by the City Council to be a menace or nuisance to the public health, safety or general welfare of the City, or to have a depressing influence upon property values in the area.
- 2. Waste materials are to be picked up and disposed of in accordance with any and all city standards applicable to refuse/waste materials.
- 3. Refuse Ownership: Unless an authorized special collection agreement is made, the entity generating the waste shall at all times retain title and ownership of any and all waste materials, including but not limited to, excluded waste materials (i.e. industrial, infectious and/or hazardous waste). The entity retaining title and ownership of any/all waste materials, including excluded waste material shall remain responsible and liable for said waste material. The entity generating any/all refuse, including but not limited to, excluded waste materials, shall remain responsible at all times for properly disposing of the refuse.

4. Excluded waste materials must be disposed of in a safe and appropriate manner in accordance with local, state and federal law. Release of excluded waste materials to public or independent sewage treatment systems, the environment or the solid waste stream is strictly prohibited.
 5. The Disposal Service shall, upon collection, immediately assume title to and liability for solid waste materials, recyclable and demolition debris.
- C. Vehicles in all districts.
1. Passenger Vehicles and Truck in an inoperative state and unlicensed shall not be parked in residential districts for a period of more than seven (7) days; inoperative shall mean incapable of movement under their own power and in need of repairs or the junkyard

Subd. 7. Fencing, Screening, and Landscaping.

- A. No fence shall exceed four (4) feet in the front yard or six (6) feet in the rear yard in height as measured from the average point between the highest and lowest grade, except security fencing which shall not exceed eight (8) feet including barbed wire toppings. Security fencing is not permitted in R1, R2, and R3 Residential Zoned Districts.
- B. No fence, screen or structure which obstructs view shall be located within thirty (30) feet of any front lot line, and twenty five (25) feet of any corner formed by the intersection of street or trail right-of-ways as measured from the intersecting property lines.
- C. In all zoning districts, all usable open space as defined by this Ordinance shall be planted and maintained in grass, sodding, shrubs or other suitable vegetation or treatment as specified (see Zoning Chapters 15 & 16), unless devoted to drives, sidewalks or patios.
- D. All screening required by the provisions of this Ordinance shall consist of either:
 1. A fence constructed of PVC, masonry, brick, wood or steel which is compatible with surrounding structures and buildings. Any fence located on an individual property must be made of the same material, unless approved by the Zoning Administrator to be of like material.
- E. Except as provided in this Ordinance, fences shall be set back at least three (3) feet from the lot lines or, upon written mutual consent of the abutting property owner(s), they may be placed closer to or along the lot line. The property owner of the fence or screen must submit a copy of the written mutual consent letter from the abutting property owner(s) to the Zoning Administrator.
- F. All fences shall be maintained so as not to endanger life or property. All fences shall be maintained in a satisfactory and safe condition at all times. Any damaged or missing element of any fence or screen shall be repaired and/or replaced immediately with like material. If allowed by the property owner to become and remain in condition of disrepair, danger, or constitute a nuisance, the City shall commence proper proceedings for the abatement thereof, as allowed under the nuisance code.
- G. All residential pools and spas must follow Zoning Code Chapter 22, Subd. 13, Fencing Requirements.

- H. Unless universal, fences shall be constructed so that the finished side (or side without exposed support or posts) faces the neighboring property.
- I. Above ground fences shall not be electric.
- J. All fences or screens six (6) feet or less in height require a zoning permit before installation.
- K. All exterior landscaping must be completed within one (1) year after the date of issuance of a building permit requiring landscaping.

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Subd. 8. Moving of Buildings.

- A. Street or streets, as used in this Chapter, means all streets and highways in the City which are not state trunk highways, county state-aid highways, or county roads.
- B. Permit and application Required.
 - 1. It is unlawful for any person to move a building on any street without a moving permit from the City.
 - 2. The application for a moving permit shall state the approximate size and weight of the structure or building proposed to be moved, together with the places from and to which it is proposed to move the same, and proposed route to be followed, proposed dates and times of moving and parking, and the name and address of the proposed mover. Such application shall also state any municipal utility, street and public property repairs or alterations that will be required by reason of such movement.
 - 3. The moving permit shall state date or dates of moving, hours, routing and movement. Permits shall be issued only for moving buildings by building movers licensed by the state. Fees to be charged shall be separate for each of the following: (1) a moving permit fee to cover use of streets and route approval, and (2) a fee equal to the anticipated amount required to compensate the City for any municipal utility and public property (other than streets) repairs or alterations occasioned by such movement. The latter shall be paid in advance.
- C. Exemption: This Subdivision shall not apply to the State Department of Transportation.
- D. The building mover shall:
 - 1. Move the building over only those streets which are designated for such use in the permit.
 - 2. Notify the City in writing of any desired change in the date or times of moving the building from that indicated in the application and conduct moving operations only on the date and at the times designated in the application or approved in writing by the City and notify the police department at least 24 hours prior to commencing movement of the building.
 - 3. Notify the City in writing of damage caused to property belonging to the City within 24 hours after the damage or injury has occurred.
 - 4. Cause warning lights or signals to be displayed during all times on each side of the building, while situated on a public street, in such manner as to warn the public of an obstruction, and at all times erect and maintain barricades across such streets as shall be

necessary and in such manner as to protect the public from damage or injury by reason of the presence, movement or removal of the building.

5. Not park the building on any City street at any time during the moving process.
6. Comply with the building code, the provisions of the City Code and all other laws.
7. Pay to the City the expense of any traffic officer ordered by the City Clerk to accompany the movement of the building to protect the public from injury.

E. Owner's permit required and application.

1. It is unlawful for any owner of land in the City to or from which a building is to be moved to permit such movement without an owner's permit.
2. A person seeking issuance of an owner's permit shall file a written application with City. If no moving permit is required under this Chapter, the application shall also include the address and legal description of the land on which the building is situated, and if within the City, to which it is proposed to be moved; the route, including identification of streets or roads over which it is to be moved; the distance; the proposed date of movement; and such other information as the City shall require for the determination to be made hereunder. The application shall not be accepted for filing unless accompanied by the following:

- a. Evidence that all real estate taxes and special assessments against the building and land from which it is to be removed are paid in full.
- b. A written statement, bill of sale or other written evidence that the applicant is entitled to move the building.
- c. Written evidence of arrangements with all public utility companies whose wires, lamps or poles are required to be removed, for the removal thereof by the applicant.
- d. A cash deposit from the owner of the lot from which the building is to be moved in the sum of \$2,000.00 as an indemnity to ensure completion of the following work:
 - (1) Proper shut-off of any/all utilities as may be specified by the utility service provider; and,
 - (2) Filling all excavations to grade, removing all rubbish, and leaving the premises in a safe and sanitary condition.
- e. A cash deposit or letter of credit, the amount of which shall be seventy-five (75) percent of the estimated cost, as determined by the City, to bring the building so moved into the City into conformance with applicable building code requirements.
- f. Payment of the permit fee. The permit fee for the moving of a dwelling or building shall be in accordance with the following schedule:

For Principal Building:	\$80.00
For Accessory Building:	\$20.00
For moving through, within or out of the City:	\$15.00

- g. If the building is to be located within the City after its movement, a survey by a licensed surveyor of the land to which the building is to be moved, including the location of the building in relation to the boundaries of the land.
- h. If the building is to be located within the City after its movement, photographs of:
 - (1) Two or more views of the building to be moved;
 - (2) The lot on which the building is to be located; and,
 - (3) The lands, and structures thereon, adjacent to the lot on which the building is to be located.

- i. Upon receipt of the application accompanied by the fee, deposit, statement and information required, the City Clerk shall review the application and make such investigation as shall be deemed appropriate. The Clerk shall also obtain the recommendation of the Chief of Police and City Engineer with respect to the streets on which the building may be moved to assure the greatest degree of safety to persons and property and to minimize congestion. Upon completion of the review and investigation, the City shall:
 - (1) Deny the permit for moving a building to a location other than within the City, stating in writing one or more of the grounds stated in Subdivision 12 of this Chapter, or
 - (2) authorize issuance of a permit; or
 - (3) In all other instances make its report to the Council.

F. Council Approval:

1. Public hearing, (if required).
 - a. Where applicant requests the moving of a building to a location within the City, the Council shall hold a public hearing on whether a permit shall be issued not later than 60 days after the application has been accepted for filing. Notice, including the time, date, place and purpose of the hearing, shall be given by publication and by mailing to the owners of real property situated within 350 feet of the land to which the building is to be moved at least ten days prior to the date of the hearing. Notice containing the same information shall be posted on the property to which the building is to be moved, not less than 30 days prior to the date of the hearing. Failure to give mailed notice or any defect in the notice shall not invalidate the hearing or any proceedings taken thereat.
 - b. Not later than five days after conclusion of the hearing the Council shall either deny the permit in writing, stating one or more of the grounds stated in Subdivision XX of this Chapter, or authorize issuance of a permit.
2. If no public hearing is required.
 - a. Structures may be moved, after securing a moving permit subject to approval by the City Council, but without a public hearing provided the structure is a manufactured housing unit being relocated to an approved Manufactured Home Subdivision and provided said manufactured housing unit is in compliance with applicable State Statutes, the Manufactured Home Building Code and Chapter 8 of this Ordinance.

G. The owner shall:

1. Remove all rubbish and materials and fill all excavations to existing grades at the original building site, if within the City, so that the premises are left in a safe, neat and sanitary conditions. All foundation structures shall be removed to a depth of 18 inches below the finished grade of the earth.
2. Cause any sewer and/or line(s) to be plugged, shut off, or removed if the original site is within the City, in such manner as may be required by the City.
3. If the building is relocated in the City, complete, within 90 days after removal, all remodeling, additions or repairs as indicated in the application, in any document filed in support thereof or in any building permit issued in connection therewith.
4. Take all reasonable precautions to secure the building and to reduce danger to any member of the public until the building is set on its foundation and any remodeling,

additions or repairs, described in the application, have been completed, including but not limited to:

- a. Locking all doors and windows;
- b. Providing sufficient support or bracing so as to stabilize the building to prevent it or any part thereof from sliding, slipping, falling or moving; and
- c. Erecting and maintaining a security fence or wall, the base of which shall be no higher than four inches, and the top of which shall be at least four feet above the surface of the ground and which shall enclose the entire building as well as the excavation for the foundation.

H. Liability to City.

1. The holder or holders of a permit shall be liable jointly and severably for any expenses, damages, or costs paid or incurred by the City as a result of the issuance of a permit or the taking or failure to take any action required of the holder or holders of the permit or the City hereunder.
 2. The City may take or cause to be taken any of the following actions and may retain so much of the cash deposit necessary to reimburse itself for any costs or expenses incurred as a result thereof:
 3. If the City in its sole discretion determines that the premises from which or to which the building is to be moved, if within the City, or the movement of the building on streets is unsafe or constitutes any other unsafe condition, the City in its sole discretion may, but shall not be required to, take or cause such action to be taken to eliminate such unsafe condition or conditions as it shall deem appropriate.
 4. If the premises from which the building has been removed are within the City and such premises are left in an unsafe or unsanitary condition or the provisions of this Chapter with respect to such premises have not been complied with, the City may, but shall not be required, in its sole discretion, to take or cause such action to be taken to remedy such unsafe or unsanitary condition and to place the premises in such condition as to be in compliance with this Chapter.
- I. Upon completion of the moving of a building pursuant to a permit, the amount which the applicant has deposited in conjunction with the filing of the application shall be returned to him/her, less all amounts for which any holder of a permit shall or may become liable to the City and which the City may retain under any provision of this Chapter. The permit fee paid upon filing of the application shall not be returned.
- J. No person shall move any building on any street at any time other than during the hours of 1:00 a.m. to 5:30 a.m.
- K. Any person moving a building through the City for which a permit shall be required shall move such building through the City within a period of no more than seven days.
- L. Any permit granted under the terms of this Chapter may have attached thereto written conditions which shall be strictly adhered to by the permittee.
- M. No permit to move a building shall be granted to the owner unless it is endorsed by a building mover licensed by the state, acknowledging that he/she knows the contents of this Chapter and agrees to be bound hereby and by all conditions placed upon such permit relating to hours, routing, movement, parking and speed limit.

- N. Denial of a permit. Any permit under this Chapter shall be denied upon a finding of any one of the following:
1. Applicant has not complied with any requirement of this Chapter;
 2. Persons or property in the City would be endangered by moving the building, because of shape, size, route or for any other reason;
 3. The building is in such state of deterioration or disrepair or is otherwise so structurally unsafe that it would constitute a danger to persons or property in the City;
 4. The building is structurally unsafe or unfit for the purpose for which moved, if the location to which the building is to be moved is in the City;
 5. The equipment for moving the building is unsafe and persons and property would be endangered by its use;
 6. The building or its use would not be in compliance with zoning, building codes or other provisions of the City Code, if the location to which the building is to be moved is in the City; or
 7. If the location to which the building is to be moved is in the City, the building is in substantial variance with either the established or the expected pattern of building development within the neighborhood to which the building is to be moved. Comparative age, bulk, architectural style and quality of construction of both the building to be moved and the buildings existing in the neighborhood shall be considered in determining whether a building is in substantial variance. If the building to be moved is more than ten years older than the oldest building situated on the lands abutting the land to which the building is to be moved, such fact shall be evidence that the building to be moved is in substantial variance.

Subd. 9. Vision Clearance at Corners, Curb Cuts and Railroad Crossings.

Notwithstanding any part of this Ordinance or any permit or variance granted, no structure, vehicle, vegetation, fence, sign, building or any obstacle or any portion thereof, shall be placed or retained in such a manner to constitute a traffic hazard or obstruct the vision clearance of corners, curb cuts or railroad crossings.

Subd. 10. Lighting.

Any lighting used to illuminate an off-street parking area, sign or structure shall be arranged so as to deflect light away from any adjoining residential properties or uses from the public streets.

Subd. 11. Shoreland Alterations.

- A. Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, and protect fish and wildlife habitat.
- B. Vegetation Alterations.
 1. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas are exempt from vegetation alteration standards which follow.

2. Removal or alteration of vegetation, except for agricultural and forest management uses is allowed subject to the following:
 - a. Vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed.
 - b. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures of facilities, provided the structures, vehicles and other facilities are screened in so far as possible when viewed from the water. This provision is not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

C. Topographic Alterations/Grading and Filling.

1. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued building permits do not require the issuance of a separate grading and filling permit, however a surface water management plan as outlined in Chapter 15 is required. However, the grading and filling standards in this Chapter shall be incorporated into the issuance of permits for the construction of structures, sewage treatment systems, and driveways.
2. A permit is required for:
 - a. The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones.
 - b. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
3. The following considerations and conditions must be adhered to during the issuance of building permits.
 - a. Grading or filling in any type of wetland must be evaluated to determine how extensively the proposed activity would affect the following (this evaluation also includes a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers):
 - (1) Sediment and pollutant trapping and retention.
 - (2) Storage of surface runoff to prevent or reduce flood damage.
 - (3) Fish and wildlife habitat.
 - (4) Recreational use.
 - (5) Shoreline or bank stabilization.
 - (6) Special qualities such as critical habitat for endangered plants and animals, etc.
 - b. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
 - c. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.
 - d. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
 - e. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the United States Soil Conservation Service.
 - f. Fill or excavated material must not be placed in a manner that creates an unstable slope.

- g. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty (30) percent or greater.
 - h. Fill or excavated material shall not be placed within bluff impact zones.
 - i. Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner under State Statutes, Chapter 103G.45.
 - j. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
 - 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 three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.
4. Excavations where connection to public waters is the intended purpose (i.e. boat slips, canals, lagoons, etc) are subject to local controls and may be given only after the commissioner has approved the proposed connection to public waters.

Subd. 12. *Satellite Dishes and Other Dishes.*

- A. Satellite receiving antenna (dishes) of twenty four (24) inches or less in diameter shall be exempt from construction alteration, repair or zoning permit requirements.
- B. Before proceeding with construction, alteration or repair of satellite receiving antenna in excess of twenty four (24) inches in diameter a zoning permit shall be obtained by the owner or his/her agent. Underground utility wires, lines, pipes, etc. shall be located prior to the installation of a satellite receiving antenna.
- C. The construction and installation of all satellite receiving antenna shall conform to applicable building and electrical code regulations and requirements of federal and state communications agencies.
- D. Each satellite receiving antenna shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with the radio and/or television reception to adjacent properties.
- E. Each satellite receiving antenna shall serve only the building located upon the lot on which said satellite receiving antenna is constructed pursuant to this Chapter.
- F. Satellite receiving antenna shall be constructed don non-combustible and corrosive resistant material.
- G. Satellite receiving antenna shall be constructed and erected in a secure and wind-resistant manner to withstand an 85 miles per hour wind.
- H. Satellite receiving antenna shall be adequately grounded for protection against a direct strike of lightning.
- I. Roof mounted satellites shall have a certification from a structural engineer regarding the location stating that the structure is capable of handling the weight of the antenna and does not provide additional stress which the structure cannot bear. Roof mounted satellites in excess of twenty four (24) inches in diameter shall not permitted in a residential district. The maximum height of a roof mounted satellite receiving antenna is 35 feet.
- J. A satellite receiving antenna shall be neutral in color and bear no advertising emblem or information other than the name of the manufacturer in letters not to exceed two inches in

height, it shall be compatible with the appearance and character of the neighborhood and shall be limited to one (1) per lot and shall not exceed ten (10) feet in diameter.

- K. Ground mounted satellite receiving antenna shall be located only in a rear yard a minimum of ten (10) feet from any lot line unless otherwise approved. Screening may be required depending upon the location of the receiver.
- L. Any satellite receiving antenna which is not used for six successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.
- M. The Minnesota Department of Natural Resources shall be notified of the construction of a satellite receiving antenna zoning permit application within a shoreland overlay area.

Subd. 13. Residential Pools and Spas.

A. Definitions.

- 1. Residential swimming pools shall be defined as any constructed pool, permanent or portable, which is intended for non-commercial use as a swimming pool by the owner's family and their guests and which is over twenty-four (24) inches in depth and has a surface area exceeding two hundred (200) square feet.
- 2. Spa shall be defined as a unit primarily designed for therapeutic use which is not drained, cleaned or refilled for each individual. It may be included but not limited to hydrojet circulation, hot water, cold water mineral baths, air induction bubbles or any combination thereof. Industry terminology for a spa includes, but is not limited to, therapeutic pool, hydrotherapy pool, whirlpool, hot spa, etc.

B. Construction.

- 1. Utility Lines. Pools and spas shall not be located beneath utility lines or over underground utility lines of any type.
- 2. Required Setbacks. No person shall build, situate or install a pool or spa within ten (10) feet of any side or rear lot line, nor within six (6) feet of any principal structure nor within any required front yard.
- 3. Temporary Fence Required during Construction. While being constructed, the pool or spa must be fenced with a portable fence, such as snow fence, of not less than four (4) feet in height.

C. Permanent Fencing Required.

- 1. Minimum Height. All outdoor pools hereafter constructed shall be completely enclosed by a fence or wall of the non-climbing type so as to be impenetrable by toddlers, afford no external handholds and a minimum of four (4) feet in height.
- 2. Self Closing. All outdoor fence openings or outdoor points of entry into the pool area shall be equipped with self-closing and self-latching devices. The openings between the bottom of the fence and the ground or other surface shall not be more than three (3) inches.
- 3. Latchable Cover. All outdoor spas shall have either a fence as described in C(1) and C(2) or a latchable cover. The cover shall be constructed of a material impenetrable by toddlers.

D. Permits.

1. No person shall construct, alter or renovate a pool or spa without a zoning permit.

Subd. 14. Stairways, Lifts and Landings.

A. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts shall meet the following design requirements:

1. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
2. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open space recreational properties, and planned unit developments.
3. Canopies or roofs are not allowed on stairways, lifts, or landings.
4. 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.
5. 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.

B. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items 1-5 are complied with in addition to the requirements of Minnesota Regulations, Chapter 1640.

Subd. 15. Land Reclamation, Mining and (Shoreland) Extractive Use Standards.

A. Land Reclamation.

1. Under this Ordinance, land reclamation is the reclaiming of land by depositing of materials so as to elevate the grade. All land reclamation shall require an interim use permit per Chapter 23, Subd. 10 of this Zoning Ordinance, and shall meet the following standards:
 - a. The smallest amount of bare ground is exposed for as short a time as feasible.
 - b. Temporary ground cover 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 accepted engineering standards.
2. Final slopes for cut slopes should be a maximum of 1:1, or one hundred percent (100%); fill slope 3:1 or thirty percent (30%); and grade or construction slope 5:1 or twenty percent (20%).

B. Mining.

1. The extraction of sand, gravel, or other material from the land in the total amount of four hundred (400) cubic yards or more and removal thereof from the site without processing

shall be defined as mining. In all districts, the conduct of mining shall be permitted only upon issuance of an Interim Use Permit. Such permit shall include, as a condition thereof, a plan for a finished grade which will not adversely affect the surrounding land or the development of the site on which the mining is being conducted, and the route of trucks moving to and from the site.

C. Extractive Use Standards Applicable to Shoreland Overlay Districts.

1. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and shall clearly explain how the site will be rehabilitated after extractive activities end.
2. Setbacks for processing Machinery. Processing machinery must be located consistent with setback standards for structures from the ordinary high water levels of public waters and from bluffs.
3. Extractive uses within the Shoreland Overlay District are subject to standards contained in Chapter 22, Subd. 18(B).

Subd. 16. Compliance.

All uses shall comply with all federal, state and local pollution and nuisance laws and regulations, including, but not limited to, glare, smoke, dust, odors and noise. The burden of proof for compliance of appropriate performance standards shall lie with the applicant.

Subd. 17. Wind energy conversion systems (WECS).

A. **Purpose and Intent.**

1. This ordinance is established to regulate the installation and operation of Wind Energy Conversion Systems (WECS) within the City of Madison Lake, not otherwise subject to siting and oversight by the State of Minnesota under the Minnesota Power Plan Siting Act (Minn. Stat. § 116C.51 – 116C.697).

B. **Definitions.**

The following definitions shall apply in the interpretation and enforcement of this division.

1. *Commercial WECS* means a WECS of 40 kilowatts or more in total name plate generating capacity.

2. *Fall zone* means the area defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure.

3. *Feeder Line* means any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid; in the case of interconnection with the high voltage transmission systems, the point of interconnection shall be the substation serving the WECS.

4. *Nacelle* means the part of the WECS that contains the key components of the wind turbine, including the gearbox, yaw system, and the electrical generator.
5. *Non-commercial WECS* means a WECS of less than 40 kilowatts (KW) in total name plate generating capacity.
6. *Rotor diameter* means the diameter of the circle described by the moving rotor blades.
7. *Substations* means any electrical facility designed to convert electricity produced by a wind turbine to a voltage greater than 35,000 volts (35 kilovolts) for interconnection with high voltage transmission lines.
8. *Total height* means the highest point, above ground level, reached by a rotor tip or any other part of the WECS.
9. *Tower* means vertical structures that support the electrical generator, rotor blades, or meteorological equipment.
10. *Tower height* means the total height of the WECS exclusive of the rotor blades.
11. *Transmission line* means those electrical power lines that carry voltages of at least 69,000 volts (69 kilovolts) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
12. *WECS – Wind Energy Conversion System* means an electrical generating facility comprised of one or more wind turbines and accessory facilities including, but not limited to, power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or may be distributed into the electrical grid.
13. *Wind turbine* means any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils, or similar devices, to capture the wind.

C. Application, process, building permits, fees and inspections.

1. *Application.* Applications for approval to construct a WECS shall include the following information:
 - (a) The name(s) of the project applicant.
 - (b) The name(s) of the property owner.
 - (c) The legal description and address of the project.
 - (d) A description of the project including the type, name plate generating capacity, tower height, rotor diameter, and means of interconnecting with the electrical grid.
 - (e) The proposed site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and shall be drawn to scale.
 - (f) An engineer's certification.
 - (g) Documentation of land ownership or legal control of the property.
 - (h) The latitude and longitude of individual wind turbines.

- (i) A USGS topographical map, or map with similar date, of the property and surrounding area, including any other WECS within ten (10) rotor diameters of the proposed WECS.
 - (j) The location of wetlands, lakes, scenic and natural areas within 1,000 feet of the proposed WECS.
 - (k) An acoustical analysis.
 - (l) A Federal Aviation Administration (FAA) Permit Application, if applicable.
 - (m) The location of all known Communication Towers within two (2) miles of the proposed WECS.
 - (n) A decommissioning plan.
 - (o) A description of potential impacts on nearby WECS and wind resources on adjacent properties.
- (2) *Process.* WECS applications will be processed under the procedures for applicable approvals contained within this Chapter.
- (3) *Building permits.*
- (a) It shall be unlawful for any person to erect, construct in place, place or re-erect, replace, or repair any tower without first making application to the building inspections department and securing a building permit therefore as required in this subsection.
 - (b) The applicant shall provide, at the time of application, sufficient information to indicate that construction, installation, and maintenance of the WECS will not create a safety hazard or damage to the property of other persons.
 - (c) Only one non-commercial tower shall exist at any one time on any one property.
 - (d) Before issuance of a building permit, the following information shall be submitted by the applicant:
 1. Proof that the proposed tower complies with regulations administered by the Federal Aviation Administration; and
 2. A report from a State-licensed professional engineer that demonstrates the WECS compliance with structural and electrical standards.
 3. A conditional use permit approved by the City.
 4. Documentation from the utility provider of the WECS connection to the utility provider's grid connection system.
 - (e) Any city cost of testing or verification of compliance shall be borne by the applicant.
- (4) *Fees.* The fee(s) to be paid shall be as prescribed by the City Council.
- (5) *Inspections.* WECS may be inspected by an official of the building department or designated agent to determine compliance with original

construction standards. Deviation from the original construction for which a permit is obtained constitutes a violation of this section. Notice of violations will be sent by registered mail to the owner of the WECS and the property owner upon which the WECS is located who will have thirty (30) days from the date notification is issued to make repairs. Upon completion of the repairs, the owner/applicant shall notify the building official that the repairs have been made.

D. Conditionally Permitted and Prohibited WECS.

- (1) *Conditionally permitted WECS.* Commercial WECS are permitted in A-1 Agricultural districts, and I-1 Industrial zoning districts, except as noted in subpart (3) below, upon issuance of a conditional use permit.
- (2) *Conditionally permitted WECS.* Non-commercial WECS are permitted in R-1 Single Family Residential Districts, R-1 Two-Family Residential Districts, R-3 Multiple-Family Residential Districts, B-1 Highway Commercial Business District, B-2 Central Business District, B-3 Recreational Business Districts, except as noted in subpart (3) below, upon issuance of a conditional use permit.
- (3) *Prohibited WECS.* All WECS are prohibited in the environmental overlay districts and in shoreland overlay districts.
- (4) *Prohibited WECS.* All roof-mounted WECS are prohibited in all zoning districts.

E. Performance Standards.

- (1) *Safety Design Standards.*
 - (a) **Engineering Certification.** For all WECS, the manufacture's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
 - (b) **Clearance.** WECS: Rotor blades must maintain at least fifteen (15) feet of clearance between their lowest point and the ground.
 - (c) **Rotor Safety.** Each WECS shall be equipped with both a manual and an automatic braking device capable of stopping the WECS operation in high winds (40 miles or greater).
 - (d) **Lightning Protection.** Each WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code.
 - (e) **Warnings.** For all WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage, stating the manufacturer's name, and listing an emergency phone number.
- (2) *Standards.*
 - (a) **Total Height.**

1. Commercial WECS shall have a total height of no more than one hundred fifty (150) feet.

(b) Tower Configuration.

1. All towers that are part of a WECS, except meteorological towers, shall be installed with a tubular, monopole type tower and shall be self-supporting without the use of guy wires or other similar features.

(c) Setbacks.

	Commercial WECS	Non-Commercial WECS
Property lines	1.1 times the total height plus ten feet	1.1 times the total height plus ten feet
Neighboring Dwellings	1.25 times the total height	1.25 times the total height
Road Rights-of-Way	The lesser of the fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height	The lesser of the fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height
Other Rights-of-Way	The lesser of 1.1 times the total height plus ten feet or the distance of the fall zone, as certified by a professional engineer plus ten feet	The lesser of 1.1 times the total height plus ten feet or the distance of the fall zone, as certified by a professional engineer plus ten feet
Other Structures	The lesser of the fall zone, as certified by a professional engineer plus ten feet or 1.1 times the total height	The lesser of the fall zone, as certified by a professional engineer plus ten feet or 1.1 times the total height

(d) Color and Finish.

- a. All wind turbines and towers that are part of a WECS shall be white, grey or another non-reflective, non-obtrusive color.
- b. Finishes shall be matte or non-reflective.

- (e) Lighting. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the Federal Aviation Administration (FAA) permits and regulations. No additional lighting, other than building security lighting, is permitted.
- (f) WECS sites. The design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the WECS to the natural setting and then existing environment.
- (g) Signs. The manufacturer's or owner's company name and/or logo may be placed on the nacelle of the WECS. No other signage, other than as required in this Division, shall be permitted.
- (h) Feeder Lines. All communications and feeder lines, equal or less than 34.5 kilovolts in capacity, installed as part of a WECS shall be buried where reasonably feasible. Feeder lines installed as part of a WECS shall not be considered an essential service.
- (i) Waste Disposal. All solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
- (j) Maximum Vibration and Shadow Flicker.
 - a. No WECS shall produce vibrations through the ground that are humanly perceptible beyond the property on which it is located.
 - b. All WECS shall include a shadow flicker analysis study with the application submission.
- (k) Discontinuation and Decommissioning. A WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the City outlining the steps and schedule for returning the WECS to service.
 - 1. All WECS and accessory buildings shall be removed in their entirety including all footings and foundations within ninety (90) days of the discontinuation of use.
 - 2. Each Commercial WECS shall submit a Decommissioning Plan outlining the anticipated means and cost of removing the WECS at the end of its serviceable life or upon becoming a discontinued use. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities. The Decommissioning Plan shall be submitted as part of the conditional use permit application.

3. The City may require financial surety in the form of a cash escrow, irrevocable letter of credit, or performance bond to ensure that decommissioning of the Commercial WECS is completed.

F. Other Applicable Standards.

- (1) Noise. All WECS shall comply with the MPCA and City of Madison Lake standards for noise.
- (2) Electrical Codes and Standards. All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
- (3) Federal Aviation Administration (FAA). All WECS shall comply with FAA standards and permit requirements.
- (4) Building Code. All WECS shall comply with the Minnesota Building Code as adopted by the State of Minnesota and the City of Madison Lake.
- (5) Interference.
 - (a) The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by WECS.
 - (b) The applicant shall notify all communication tower operators within two (2) miles of the proposed WECS location upon application to the City for a permit to operate a WECS.
 - (c) No WECS shall be constructed so as to interfere with public safety telecommunications.

Adopted 06/07/2010

CHAPTER 23 ADMINISTRATION.

Subd. 1. Purpose.

The purpose of this Chapter is to outline administration of this Ordinance and establish procedures for non-conformances, exceptions, variances, conditional use permits and duties of administrating officers and commission.

Subd. 2. Application.

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.
- B. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- C. Except as in this Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed or altered and no structure or land shall be used for any purpose or in any manner which is not in conformity with this Ordinance.

Subd. 3. Existing Lots.

A lot or parcel of land for which a deed, recorded contract for deed or other legal conveyance has been executed prior to the effective date of this Ordinance shall be deemed a buildable lot provided it can meet the minimum setback requirements in the zoning district where it is located.

Subd. 4. Non-Conformance.

- A. Purpose: It is the purpose of this section to provide for the regulation of non-conforming buildings, structures, uses and lots, and to specify those requirements, circumstances and conditions under which non-conforming buildings, structures, uses, and lots will be operated, maintained and regulated. It is necessary and consistent with the establishment of this chapter that non-conforming buildings, structures, uses, and lots will not be allowed to continue without restriction. Furthermore, it is the intent of this section that all non-conformities shall be eventually brought into conformity.
- B. Definitions: The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 - 1. *Maintenance and repair.* In general, normal maintenance and repair, including cosmetic changes and replacement, restoration and improvement may be performed on any nonconforming structure or on any conforming structure containing a nonconforming use, provided however, that no such maintenance or repair shall result in an expansion, relocation or enlargement of the use or structure or increase the extent of the nonconformity, except as otherwise provided by this chapter.
 - 2. *Nonconformity* means any use, lot, or structure which was legally constructed or established prior to the effective date of the ordinance from which this chapter is derived, or subsequent amendment to it, which would not be permitted by or is not in full compliance with the provisions of this chapter.
 - 3. *Nonconforming lot* means a lot of record which does not conform to the width, lot area, or other dimensional requirements of the district in which it is located.

4. *Nonconforming structure* is any structure which was legally constructed prior to the effective date of the ordinance from which this chapter is derived or subsequent amendment to it, which would not be permitted by or is not in full compliance with the provisions of this chapter.
5. *Nonconforming use* means any use which was legally established prior to the effective date of the ordinance from which this chapter is derived, or subsequent amendment to it, which would not be permitted by or is not in full compliance with the provisions of this chapter.
6. *Replacement.* Following damage or destruction, replacement of a nonconformity shall mean that the structure and site, if reinstated with a nonconformity as allowed under the terms of this chapter, shall be reconstructed to match the pre-existing conditions that preceded damage or destruction. Reasonable conditions may be imposed by the planning commission and/or City Council to mitigate any newly created impact on adjacent property.
7. *Structure* for purposes of this article means a permanent building having a roof which may provide shelter or enclosure of persons, animals or personal property.
8. *Use* for purposes of this article means the overall general purpose or activity for which a premise is generally designed, arranged or intended for which it is or may be occupied or maintained.

C. General Requirements.

1. *Right to continue.* Except for a Sexually Oriented Business as defined in the City Code, a nonconformity may be continued in the manner of operation existing at the time of adoption of the ordinance in which this chapter is derived, subject to the provisions of this Article.
2. *Subject to the general requirements of this chapter.* Subject to its right to continue, a property having nonconformity is subject to all provisions of this chapter and future amendments thereto.
3. *Expansion prohibited.* A nonconformity shall not be expanded in any manner. Expansion includes the intensification of the character or operation of a nonconformity. Expansion shall include, but not be limited to: enlargement to a greater height or extend to occupy a greater area of land, increased hours of operation, expansion of the use to a portion of the property not previously used, reducing the size of the parcel containing the nonconformity by subdivision or administrative lot line adjustment, expansion of a parking area or increased number of employees.
4. *Damaged or destroyed structures.* If any nonconformity is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value as indicated in the records of the County Assessor at the time of damage, and no building permit has been applied within 180 days of when the property is damaged, the Planning Commission and City Council may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property. If the building permit has not been applied for within one year of the date of destruction, any right to continue the nonconformity is terminated and any future use of the land must comply fully with this chapter.

5. *Termination of rights through discontinuation of the use.* If a nonconformity is discontinued for a period of more than one year, any right to continue the nonconformity is terminated and any future use of the land must comply fully with this chapter.

D. Special Requirements.

1. *City Approvals.*

- a. *Condition for approval.* The City may not issue a Conditional Use Permit (CUP), Planned Unit Development (PUD), or building permit for an additional which increases the leasable floor are or density for any property that is not in compliance with the provisions of this Chapter.
- b. *Exception.* If a new use requiring a CUP or PUD is proposed for part of a multiple tenet building, and there are no exterior modifications needed to accommodate the new tenet which would results in an increase in floor area ratios, ground floor area ratio, building height, density, or a decrease in required yards, or other substantial change (other than property improvement to meet building code requirements), then the city may issue a CUP or PUD provided that the following standards are met:
 1. The new use does not involve an expansion of the nonconformity or otherwise increase the noncompliance with the provisions of this chapter.
 2. Any nonconformity or other items of noncompliance existing on the site shall be brought into greater or complete compliance with this chapter to the extent reasonable and possible, except that great or complete compliance will not be required with the follow provisions of this chapter:
 - i. Lot area.
 - ii. Lot width.
 - iii. Required yards.
 - iv. Building height.
 - v. Floor area ratio.
 - vi. Ground floor area ration.
 - vii. Density.
 - viii. Useable open space.

2. *Permitted construction.* Construction is permitted under the following circumstances.

- a. The repair, replacement, restoration, maintenance or improvement of any nonconformity, but not including expansion, except that such construction is prohibited in floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of construction to flood flows in the floodway.
- b. Construction which would allow additions and alteration to buildings containing nonconforming dwelling units complying with the following conditions:
 1. The construction will not result in the increase of dwelling units; and

2. The building or parcel is not located in an area which the council has designated as a high priority for redevelopment according to an adopted redevelopment strategy or plan. For the purpose of this section, a redevelopment strategy or plan shall be defined as a document and/or process which specifically outlines the area to be redeveloped and may include timelines and/or action steps to be taken, or which are being taken, to achieve the redevelopment. These action steps may include, but are not limited to, solicitation of developers, the purchase of property, environmental testing or remediation, demolition of structure and other similar activities.
3. *Change in tenet or ownership.* Any change of a tenet or in the ownership of any land which is classified as a nonconforming use shall require the new tenet or owner to obtain a certificate of occupancy or Registration of Land Use before the nonconforming use may be continued.
4. *Change to less intense use.* A nonconforming use may be changed to a less intense nonconforming use subject to approval by the zoning administrator. The property owner or tenet has the burden of providing evidence that the proposed use is less intense than the existing nonconforming use. The zoning administrator shall consider the evidence provided by the property owner or tenet in evaluating relative intensities including, but not limited to, each of the following factors:
 - a. Hours of operation.
 - b. Signage.
 - c. Off-street parking and loading.
 - d. Nature of business operations.
 - e. Type of equipment or machinery.
 - f. Outdoor storage.
 - g. Number of employees.
 - h. Aesthetic impacts on surrounding property.
 - i. Property values.

The decision of the zoning administrator may be appealed in the manner set forth in subdivision 6 (3).

5. *Reduction in nonconformity.* Any nonconformity which is reduced in size, intensity or otherwise becomes conforming may not again expand or become less conforming.

E. Use of Existing Lots of Record.

1. In any district where residential dwellings are permitted, a garage or accessory building may be located on any lot or plot of official record improved with a dwelling unit as of the date of this Chapter irrespective of its area or width; provided, however;
 - a. The proposed accessory building complies with setback regulations set forth in the respective zoning district.
 - b. The proposed accessory building complies with maximum site coverage requirements set forth in the respective zoning district.
 - c. The proposed accessory building complies with all other provisions contained in Chapter 22, Subdivision 12.
2. A nonconforming single lot of record in a shoreland area can be allowed as a building site without need for variances from lot size restrictions as long as all structural setbacks

can be met and is connected to a public sewer system, and does not exceed 25% impervious surface by area. With two or more contiguous lots of record under common ownership, each lot would not be considered a separate parcel for purposes of sale or development as long as it meets the following requirements: the lot is 66% of the State shoreland dimensional width and size standards in MN Rules Chapter 6120, it is connected to a public sewer, it does not exceed 25% impervious surface by area; and development of the lot would be consistent with an adopted local comprehensive plan. If these conditions cannot be met, lots must be combined so they equal one or more conforming lots to the extent possible.

3. Variances of area, width and yard requirements shall be obtained only in accordance with Chapter 23, Subdivision 10 of this Ordinance.

F. Non-Conforming Signs.

1. Signs existing on the effective date of this Ordinance which do not conform to the regulations set forth in this Ordinance shall become a non-conforming use. Business signs on the premises of a non-conforming building or use may be continued, however, such signs shall not be increased in number, area, height or illumination. No sign erected before the passage of this Ordinance shall be rebuilt, altered or moved to a new location on the affected property without being brought into compliance with the requirements of this Ordinance.

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Subd. 5. Enforcement Officer.

- A. The governing body of the City of Madison Lake shall appoint the City Clerk or a Zoning Administrator. The City Clerk/Zoning Administrator shall enforce this Ordinance and shall perform the following duties:
 1. Issue zoning, sewage and other permits and make and maintain records thereof.
 2. Conduct inspections of buildings and use of land to determine compliance with the terms of this Ordinance.
 3. Maintain permanent and current records of this Ordinance, including, but not limited to: all maps, amendments and special uses, variances, appeals and applications therefore.
 4. Ensure that the appropriate documents are filed with the County Recorder or other appropriate official as required by law.
 5. Receive, file and forward all applications for appeals, variances, special uses or other matters to the designated official bodies.
 6. Institute, in the name of the City, any appropriate actions or proceedings against a violator as provided for.
 7. Serve as an ex-officio non-voting member of the Planning Commission and secretary to the Planning Commission and Board of Adjustment.

Subd. 6. Board of Adjustment.

- A. The City Council of the City of Madison Lake shall, through the passing of an Ordinance, provide for the establishment of a Board of Adjustment. The Board of Adjustment shall be

the Planning Commission. The members of the Board of Adjustment may be paid their necessary expenses in attending the meetings of the Board and in the conduct of the business of the Board. The Board of Adjustments shall elect a chairperson and vice-chairperson from among its members and the Zoning Administrator shall serve as secretary.

- B. It shall adopt rules for the transaction of its business and such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The Board shall provide a public record of its proceedings, which shall include the minutes of its meeting, its findings and the action taken on each matter heard by it, including the final order. The meeting of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board in its rules of procedure may specify.
- C. A majority vote of two-thirds of the full Board of Adjustment shall be required to reverse any decision of an administrative officer in the interpretation of this Ordinance. An appeal from the ruling of an administrative officer of the City made by the proper owner or his agent within thirty (30) days after the making of the order appealed from shall be considered by the Board of Adjustment. The procedure for making such an appeal shall be as follows: The property owner or his agent shall file with the Zoning Administrator a notice of appeal stating the specific grounds upon which the appeal is made. The Board of Adjustments shall make its decision by resolution within sixty (60) days, unless an extension is provided for in accordance with State Statute 15, and a copy of the resolution shall be mailed to the applicant by the Zoning Administrator. All decisions by the Board of Adjustment shall be final.

Subd. 7. *Planning Commission.*

- A. The Planning Commission shall provide assistance to the City Council and Zoning Administrator in administration of this Ordinance, and the recommendation of the Planning Commission shall be advisory in nature. Specifically, the Planning Commission shall review, hold public hearings and make recommendations to the City Council on all applications for zoning amendments and conditional use permits.
- B. The Officers of the Planning Commission shall be elected by the members of the Planning Commission at a regular meeting thereof in January of each year. The officers shall consist of a Chairperson, a Vice-Chairperson, and a Secretary-Treasurer. The Chairperson shall preside at all meetings and hearings of the Planning Commission and shall have the duties normally conferred by parliamentary usage of such officers as well as any other duties specified within this Ordinance. The Vice-Chairperson shall act for the Chairperson in his/her absence. The Secretary/Treasurer shall be given the duties as may be assigned by the Planning Commission. Vacancies in office of the officers of the Planning Commission shall be filled immediately by the same procedure.
- C. A quorum for any meeting or hearing of the Planning Commission shall be a majority of the voting members of the Commission.
- D. The Planning Commission may set such rules and procedures as are necessary for the orderly conduct of its business. Rules and procedures not otherwise adopted or not covered by applicable law shall be governed by Roberts Rules of Order, Revised, as may be necessary for the proper conduct of the business of the Planning Commission.
- E. The members of the Planning Commission may receive such compensation for per diem and expenses as may be allowed by the City Council.

Subd. 8. City Council.

- A. The City Council shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcing the Ordinance. Such appeal may be taken by any person, firm, or corporation aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.
- B. The City Council may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. The council shall make written findings of fact and keep appropriate minutes of its meetings. The reasons for the Council's decisions may be stated.
- C. The decision of such Council shall be final. However, any person having an interest affected by such decision shall have the right to appeal to district court in the county in which the land is located on questions of law and fact.

Subd. 9. Zoning Amendments.

- A. Criteria for Granting Amendments: The City Council may adopt amendments to the zoning ordinance and the zoning map in relation to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Comprehensive Plan or changes in conditions in the City.
- B. Procedure:
 - 1. An amendment to the text of the Ordinance or the Official Zoning Map may be initiated by the City Council, the Planning Commission or by application of a property owner.
 - 2. Any amendment not initiated by the Planning Commission shall be referred to the Planning Commission for review and may not be acted upon by the Council until it has received the Planning Commission's recommendations. Individuals wishing to initiate an amendment to the zoning ordinance shall complete a zoning amendment application form and submit it to the Zoning Administrator.
 - 3. Property Owners initiating an amendment to the official zoning map or regulations specific to an individual zoning district shall submit the following information upon making said application:
 - a. Abstractor's Property Certificate showing property owners' names and addresses within the affected parcel and within three hundred fifty (350) feet from the outer boundaries of said parcel.
 - b. A boundary survey and preliminary building and site development plan.
 - 4. A public hearing on a rezoning application shall be held by the Planning Commission within thirty (30) days after the request for the zoning amendment has been received. Legal notice concerning official action pursuant to this Chapter shall be as follows:
 - a. A notification of the date, time and place of the hearing shall be published in the municipality's official newspaper at least ten (10) days before the hearing.
 - b. In addition, persons who own property situated wholly or partly within three hundred fifty (350) feet of the affected parcel or parcels shall receive similar, individual notifications by mail.

- c. Copies of all notices of any public hearings to consider amendments affecting the Shoreland Overlay District shall be sent to the Commissioner of the Minnesota Department of Natural Resources or the Commissioner's designee and must be postmarked at least ten (10) days before the hearing(s).
5. The City Council shall take action on the application within sixty (60) days following receipt of a complete application, unless an extension is provided for in accordance with State Statute 15. The person making the application shall be notified of the action taken. The amendment shall be effective only if three-fourths (3/4) of all members of the Council concur with its passage.
 6. The City shall maintain records of amendments to the text and zoning map of the Ordinance.
 7. Amendments shall be filed with the County Recorder.
 8. A copy of decisions granting zoning amendments within the Shoreland Overlay District shall be sent to the Commission of the Department of Natural Resources or the Commissioner's designee, postmarked within ten (10) days of final action.
 9. No application of a property owner for an amendment to the text of the Ordinance or the zoning map shall be considered by the Planning Commission within the one (1) year period following a denial of such request, except the Planning Commission may permit a new application, if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
- C. Fees: To defray administrative costs of processing requests for an amendment to this Ordinance, the applicable fee shall be paid by the petitioner. The applicable fee for a Zoning Ordinance Amendment shall be established by the City Council.

Subd. 10. Conditional Use Permits.

- A. Criteria for granting conditional use permits.
1. In granting a conditional use permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety and general welfare of occupants of surrounding lands. Among other things, the City Council may make the following findings where applicable:
 - a. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.
 - b. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 - c. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
 - d. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
 - e. That adequate measures have been or will be taken to provide or control offensive odor, fumes, dust, noise and vibration so that none of these will constitute a nuisance

and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

- f. The developer shall submit a time schedule for completion of the project.
- g. The use, in the opinion of the City Council, is reasonably related to the overall needs of the City and to the existing land use.
- h. The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- i. The use is not in conflict with the Comprehensive Plan of the City.
- j. The use will not cause traffic hazard or congestion.
- k. Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.
- l. The proposed conditional use is not injurious to the use and enjoyment of adjoining property already existing or substantially diminish and impair property values within the immediate vicinity of the proposed conditional use.
- m. Proof of ownership is provided.
- n. Conditional uses allowable within shoreland areas shall be subject to the following additional evaluation criteria and conditions:
 - (1) Soil erosion and other possible pollution of public waters shall be prevented both during and after construction;
 - (2) The visibility of structures and other facilities as viewed from public waters shall be limited to the extent possible.
 - (3) The site shall have adequate water supply and on-site sewage treatment.
 - (4) The types, uses and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

B. Additional Conditions:

- 1. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the City as a whole. The conditions may include, but are not limited to, the following:
 - a. Increasing the required lot size or yard dimension.
 - b. Limiting the height, size or location of the buildings, including but not limited to increasing setback requirements.
 - c. Controlling the location and number of vehicle access points.
 - d. Increasing the street width.
 - e. Increasing the number of required off-street parking spaces.
 - f. Limiting the number, size, location or lighting of signs.

- g. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- h. Designating sites for open space.
- i. Impose time limitations on the use.
- j. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
- k. Special provisions for the location, design and use of watercraft launching and docking areas.

C. Procedures.

- 1. The person applying for a Conditional Use Permit shall fill out and submit to the Zoning Administrator a Conditional Use application form.
- 2. The information required for all conditional use permits generally consists of the following items, and shall be submitted when requested by the City.
 - a. Site Development Plan.
 - (1) Location of all buildings on lots including both existing and proposed structures.
 - (2) Location of all adjacent buildings located within three hundred fifty (350) feet of the exterior boundaries of the property in question.
 - (3) Location and number of existing and proposed parking spaces.
 - (4) Vehicular circulation.
 - (5) Architectural elevations (type and materials used in all external surfaces).
 - (6) Location and type of all proposed lights.
 - (7) Curb cuts, driveways, number of parking spaces.
 - b. Dimension Plan.
 - (1) Lot dimensions and area.
 - (2) Dimensions of proposed and existing structures.
 - (3) "Typical" floor plan and "Typical" room plan.
 - (4) Setbacks of all buildings located on property in question.
 - (5) Proposed setbacks.
 - (6) Sanitary sewer and water plan with estimated use per day.
 - c. Grading Plan.
 - (1) Existing contour.
 - (2) Proposed grading elevations.
 - (3) Drainage configuration.
 - (4) Storm sewer catch basins and invert elevations.
 - (5) Spot elevations.
 - (6) Proposed road profile.
 - d. Landscape Plan.
 - (1) Location of all existing trees, type, diameter and which trees will be removed.
 - (2) Location, type and diameter of all proposed plantings.
 - (3) Location and material used for all screening devices.

- e. Legal description of property under consideration.
 - f. Proof of Ownership of the land for which a conditional use permit is requested.
3. The property owner or his/her agent shall meet with the Zoning Administrator to explain his/her situation, learn the procedures for review of request and obtain an application form.
 4. The Zoning Administrator shall refer the application to the Planning Commission for review.
 5. The Planning Commission shall hold a public hearing on the proposal. Legal notice concerning official action pursuant to this Chapter shall be as follows:
 - a. A notification of the date, time and place of the hearing shall be published in the municipality's official newspaper at least ten (10) days before the hearing.
 - b. In addition persons who own property situated wholly or partly within three hundred fifty (350) feet of the affected parcel or parcels shall receive similar, individual notifications by mail.
 - c. Copies of all notices of any public hearings to consider conditional use permits relative to the Shoreland Overlay District shall be sent to the Commissioner of the Minnesota Department of Natural Resources or the Commissioner's designee and must be postmarked at least ten (10) days before the hearing(s).
 6. The petitioner or his representative may appear before the Planning Commission in order to answer questions concerning the proposed conditional use.
 7. The report of the Planning Commission shall be placed on the agenda of the City Council at its next regular meeting following referral from the Planning Commission, but not later than sixty (60) days after the applicant has submitted the application, unless an extension is provided for in accordance with State Statute 15.
 8. The City Council shall take action on the application within sixty days after receipt of a complete application, unless an extension is provided for in accordance with State Statute 15. The City Council, at its discretion, may hold an additional public hearing on the Conditional Use Permit, the City Council may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare, and such conditions may include a time limit for the use to exist or operate.
 9. A copy of decisions granting conditional use permits within the Shoreland Overlay District shall be sent to the Commission of the Department of Natural Resources or the Commissioner's designee, postmarked within ten (10) days of final action.
- D. Re-Application. No application for a Conditional Use Permit shall be resubmitted for a period of six (6) months from the date denial of said application.
 - E. Periodic Review. If conditions outlined in the Conditional Use Permit are not being adhered to or a Conditional Use Permit for a particular parcel is no longer applicable, the Conditional Use Permit may be reviewed a public hearing following notice of the property owner and publication of said notice at least ten (10) days prior to the review. It shall be the responsibility of the City Clerk/Zoning Administrator to schedule such public hearing, and the owner of land having a Conditional Use Permit shall be allowed to comment on his/her behalf and shall not be required to pay a fee for said review.
 - F. Compliance. In the event that the applicant violates any of the conditions set forth in this Permit, the City Council shall have the authority to revoke the Conditional Use Permit.

- G. Records. A record and appropriate minutes shall be prepared by the Planning Commission from the public hearing on the Conditional Use Permit application. Specific findings of fact shall be made in addition to the recommendations of the Planning Commission.
- H. Fees. To defray administrative costs for processing a Conditional Use Permit, the applicable fee shall be paid by the applicant. The applicable fee shall be set by the City Council.

Subd. 11. Interim Use Permits.

- A. Purpose: The purpose and intent of allowing interim uses is:
 - 1. To allow a use for a limited period of time that reasonably utilizes the property in the manner not permitted in the applicable zoning district.
 - 2. To allow a use that is presently acceptable but that, with anticipated development, may not be acceptable in the future.
- B. Application, Public Hearing, Notice and Procedure: The application, public notice and procedure requirements for interim use permits shall be the same as those for Conditional Use Permits as provided in Chapter 23, Subdivision 10 of this Ordinance.
- C. Standards: The Planning Commission shall recommend an interim use permit and the Council shall issue such interim use permits only if it finds that such use at the proposed location:
 - 1. Meets the standards of a conditional use permit set forth in Chapter 23, Subd. 10 of this Ordinance.
 - 2. Conforms to the zoning regulations, performance standards and other requirements of this Ordinance.
 - 3. Is allowed as an interim use in the applicable zoning district.
 - 4. Will terminate upon a tangible date or event specified in the resolution approving said interim use permit.
 - 5. Will not impose, by agreement, additional costs on the public if it is necessary for the public to take the property in the future.
 - 6. Will be subjected to, by agreement with the owner, any conditions that the City Council has deemed appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.
- D. Termination: An interim use permit shall terminate upon the occurrence of any of the following events; whichever first occurs:
 - 1. The date specified in the permit;
 - 2. A violation of the conditions under which the permit was issued; or
 - 3. A change in the City's zoning regulations which render the use nonconforming.

Subd. 12. Variances.

- A. Criteria for granting variances: A variance to the provision of the Zoning Ordinance may be issued by the Board of Zoning Appeals or the City Council to provide relief to the landowner in those zones where the Ordinance imposes undue hardship or practical difficulties to the property owner in the use of his land. No use variances may be issued. A variance may be granted only in the event that the following circumstances exist:
1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this Ordinance have had no control;
 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
 3. No variance shall be granted which would allow any use that is prohibited in the zoning district in which the subject property is located;
 4. That the special conditions or circumstances do not result from the actions of the applicant;
 5. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures or buildings in the same district;
 6. For existing developments not serviced by municipal utilities, the application for variance must clearly demonstrate whether a conforming individual sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming, individual sewage treatment system;
 7. The variance requested is the minimum variance which would alleviate the hardship; and,
 8. The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone.

NOTE: Economic conditions alone shall not be considered a hardship.

- B. Procedure:
1. The person applying for a variance shall meet with the Zoning Administrator to explain his/her situation, learn the procedures and obtain an application form.
 2. The person applying for a variance shall then fill out and submit to the Zoning Administrator a variance request form containing the following information:
 - a. Description of the site (legal and address).
 - b. Site plan showing parcel and building dimensions.
 - c. Location of all buildings and their square footage measurements.
 - d. Curb cuts, driveways, sidewalks, parking spaces and off-street loading areas.
 - e. Landscape and screening plans.
 - f. Water, sanitary sewer and storm water plans.
 - g. Any additional information reasonably requested by the Planning Commission.
 - h. If the work will not be completed in one (1) year, the applicant shall submit a time schedule for completion of the work.

3. The Zoning Administrator shall refer the application to the Planning Commission for review.
4. The Planning Commission shall hold a public hearing on the proposal. Legal notice concerning official action pursuant to this Chapter shall be as follows:
 - a. A notification of the date, time and place of the hearing shall be published in the municipality's official newspaper at least ten (10) days before the hearing.
 - b. In addition, persons who own property situated wholly or partly within three hundred fifty (350) feet of the affected parcel or parcels shall receive similar, individual notifications by mail.
 - c. Copies of all notices of any public hearings to consider variances under the local shoreland overlay district shall be sent to the Commissioner of the Minnesota Department of Natural Resources or the Commissioner's designee and must be postmarked at least ten (10) days before the hearing(s).
5. The petitioner or his representative shall appear before the Planning Commission in order to answer questions concerning the proposed variance.
6. The Planning Commission shall make findings of fact and recommend approval or denial of the request. The Planning Commission and City Council/Board of Appeals must take action on the application within sixty (60) days after the completed application was received, unless an extension is provided for in accordance with State Statute 15. The Commission's recommendation, shall be presented to the Council.
7. The Board of Appeals or City Council shall not grant a variance until they have received a recommendation from the Planning Commission or within sixty (60) days after the completed application was filed, unless an extension is provided for in accordance with State Statute 15.
8. Upon receiving a recommendation from the Planning Commission the City Clerk or Zoning Administrator shall place the recommendation on the agenda for the next Board of Appeals or regular City Council meeting. Such recommendations shall be made a part of the permanent written record of said meeting(s).
9. The Board of Appeals or City Council shall review the application and may at its option conduct a public hearing on the request.
10. The Board of Appeals or City Council shall make finding of fact and approve or deny a request for variance within sixty (60) days after receipt of the complete application, unless an extension is provided for in accordance with State Statute 15.
11. A variance of this Ordinance shall be simple majority vote of the Board of Appeals or City Council.
12. If it grants the variance, the Board of Appeals or City Council may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.
13. A copy of decisions granting variances within the Shoreland Overlay District shall be sent to the Commission of the Department of Natural Resources or the Commissioner's designee, postmarked within ten (10) days of final action. When a variance in the Shoreland Overlay District is approved after the Department of Natural Resources has formally recommended denial, the notification of the approved variance shall include the Board of Adjustment/City Council summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

- C. Lapse of Variance: Variance permits shall expire if they have not been installed within one (1) year after the date of issuance.
- D. Fees: To defray the administrative costs of processing requests for variances, the applicable fee shall be paid by the applicant. The applicable fee is in addition to the regular zoning permit. Fees shall be established by the City Council.

Subd. 13. Building Permits.

- A. For the purposes of enforcing this Ordinance, no person shall erect, alter, remodel, demolish, or move any kind of structure or building or part thereof without first securing a building permit. General maintenance of a structure is exempt from this requirement.
- B. In the Shoreland Overlay District, a permit is required for the construction of buildings or building additions (including such related activities as construction of decks and signs), the installation and/or alteration of waste treatment systems, and those grading and filling activities not exempted by Chapter 13 or Chapter 22, Subd. 18 of this Ordinance. The application shall include information necessary or required by the City Clerk/Zoning Administrator to determine the site's suitability for the intended use in addition to evidence that a compliant sewage treatment system will be provided.
- C. A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, shall be reconstructed or replaced in accordance with the provisions of this ordinance.
- D. Persons requesting a building permit shall fill out a building permit form available from the Zoning Administrator or City Clerk. The following items shall accompany the building permit application unless this requirement is waived by the Planning Commission.
 - 1. Boundary survey of an area including the property in question showing existing utilities, lot boundaries and dimensions, buildings, easements, foliage, topography and waterways if pertinent. Soil tests may be included if pertinent.
 - 2. Preliminary building and site development plan showing building's location, dimensional parking and loading arrangements, vehicular and pedestrian access and egress, surface drainage plan, landscaping plan, utility plan, screening plan, size and location of all signs, building floor plans of all floors, and elevations of all specifications as appropriate.
- E. Procedure:
 - 1. Persons requesting a building permit shall fill out a building permit form available from the Zoning Administrator.
 - 2. Completed building permit forms and a fee as may be established by City Council Ordinance shall be submitted to the City Clerk. If the proposed development conforms in all respects to the Zoning Ordinance, a building permit shall be issued by the City Clerk/Zoning Administrator or Building Official within a period of sixty (60) days.
 - 3. If the proposed development involves a zoning amendment, variance, or conditional use permit, the application together with a building permit, shall be submitted both to the Planning Commission and the Board of Zoning Appeals for review and appropriate action according to the procedures set forth in this Chapter (20) of this Ordinance.

4. Certificate of Compliance: The City Clerk/Zoning Administrator or Building Official shall issue a certificate of compliance for each activity requiring a permit as specified in this Chapter. The certificate may take the form of a signature on the building permit application and will specify the use of land and that the proposed action conforms to the requirements of this ordinance.
- F. Any use, arrangement or construction at variance with the approved building permit shall be punishable as provided in this Ordinance.
 - G. All construction of homes requiring sump pumps shall be hooked up to storm sewer drains constructed in the street, if available, by a certified contractor, with a minimum of two inch Schedule #40 PVC drain pipe to a grade for drainage sufficient to prevent freezing, preferably one quarter inch per one foot grade. A certified statement of compliance shall be signed by the contractor.
 - H. Every building permit issued by the City Clerk/Zoning Administrator or Building Official shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. All exterior construction and landscaping must be completed within one (1) year after the date of issuance.

Revised 06/07/2010

CHAPTER 24 SUBDIVISION/PLATTING PROVISIONS.

Subd. 1. Application.

Until the City of Madison Lake approves a Subdivision Ordinance and said ordinance is effective, the standards herein shall be effective.

Subd. 2. Suitability.

Each lot created through Subdivision, including planned unit developments shall be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the City shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed Subdivision or of the community.

Subd. 3. Conformance Required.

Subdivisions must conform to all official controls of the City. A Subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a Subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with this Ordinance can be provided for each lot. Each lot shall meet the minimum lot size and dimensional requirements of this Chapter, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks shall not be approved.

Subd. 4. Information Requirement.

- A. Sufficient information shall be submitted by the applicant for the City to make a determination of land suitability. The information shall include a minimum of:
 1. Topographic contours at ten (10) foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;
 2. The surface water features required in Minnesota Statutes, §505.02, Subd. 1, to be shown on plats obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
 3. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
 4. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
 5. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
 6. A line or contour representing the ordinary high water level, the 'toe' and the 'top' of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

Subd. 5. Stormwater Management.

When a land or easement dedication is a condition of Subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

Subd. 6. Plat Processing.

All Subdivisions that create five or more lots or parcels that are two and one-half (2 ½) acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal Subdivision.

Subd. 7. Controlled Access Lots.

Lots intended as controlled accesses to public waters or for recreational use areas for use by non-riparian lots within the Subdivision must meet or exceed criteria included in Chapters 17 and 22 of this Ordinance.

Subd. 8. High water elevations.

- A. The lowest floor at a level shall be at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher.
- B. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

Subd. 9. Placement and Design of Roads.

- A. Public roads shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads are designed and constructed to minimize and control erosion to public waters consistent with the other local, state, and federal standards.
- B. Roads shall meet structure setbacks and shall 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, but shall be designed to minimize adverse impacts.
- C. Public 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 Chapter are met. For private facilities, the grading and filling provisions of this ordinance must be met.

CHAPTER 25 ENFORCEMENT, REPEAL, EFFECTIVE DATE.

Subd. 1. Violations and Penalties.

A. Violations.

- 1. The violation of any provision of this Ordinance or the violation of the conditions or provisions of any permit issued pursuant to this Ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to a fine or imprisonment for a term not to exceed ninety (90) days or both.
- 2. In cases where a building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Ordinance, the City Clerk or designee, in addition to other remedies may institute any proper action or proceedings in the name of the City. The City and/or its designee shall hereby have the power to prevent unlawful erection, construction, repair, conversion, maintenance or use to restrain, correct or abate such violation to prevent any illegal act, conduct, business or use in or about said premises. It shall be the duty of the City and/or its designee to institute action.

B. Penalties.

- 1. Unless otherwise provided, each act of violation and every day on which such violation occurs or continues constitute a separate offense.
- 2. Application to City Personnel: The failure of any officer or employee of the City to perform any official duty imposed by this Ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.
- 3. Equitable Release: In the event of a violation or the threatened violation of any provision of this Ordinance or any provision or condition of a permit issued pursuant to this Ordinance, the City in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation or threatened violation.

Subd. 2. Repeal.

All Ordinances previously in effect pertaining to the regulation of land uses within the City and/or applicable scope and jurisdiction of this Ordinance, to the extent inconsistent with these provisions, are hereby repealed.

Subd. 3. Effective Date.

This Ordinance shall be in full force and effect from and after December 6, 2000 or the date of its passage and publication according to law, whichever occurs first.

Ordained by the City Council of the City of Madison Lake this 29th day of November, 2000.

Denis Haefner
Mayor

Attest:

Debra DeVlaeminck
City Clerk/Treasurer