

City of Isle

Zoning Ordinance

City Code Chapter 151



2014

**City of Isle
285 2nd Avenue S
PO Box 427
Isle MN 56342**

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GENERAL PROVISIONS

SECTION 151.01 AUTHORIZATION, INTENT AND PURPOSE.

A. Authorization

This Code is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Sections 462.351 to 464.363.

B. Intent and Purpose

The intent of this Code is to protect the public health, safety and general welfare of the community and its people through the establishment of minimum regulations governing development and use. This Code 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 protect such use areas; to promote orderly development and redevelopment; 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 Code; to provide for amendments; to describe penalties for violation of such regulation; and to define powers and duties of the City Staff, the Planning and Zoning Commission, Board of Adjustments, Appeals and the City Council in relation to the Zoning Code.

SECTION 151.02 TITLE.

This Chapter, together with the zoning map, shall be known as the City Zoning Ordinance except as referred to herein, where it shall be known as “this Ordinance” or “this Chapter”.

SECTION 151.03 RELATION TO CITY LAND USE PLAN.

It is the policy of the City of Isle that the enforcement, amendment, and administration of this Code be accomplished with due consideration of the recommendations contained in the City Land Use Plan, Shoreland Management Regulations and Flood Plain Management Regulations, as developed and amended from time to time by the Planning and Zoning Commission, the City Council of Isle and other agencies as indicated above.

SECTION 151.04 SEPARABILITY.

It is hereby declared to be the intention of the City of Isle that the provisions of this Code are separable in accordance with the following:

- A.** If any court of competent jurisdiction shall deem any provision of this Code to be invalid, such judgment shall not affect any other provisions of the Code not specifically included in said judgment.
- B.** If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Code to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any property, building, or structure not specifically included in said judgment.
- C.** When in the administration of this Code there is doubt regarding the intent of this Code, the Zoning Administrator, upon advice and input from the City Attorney, shall issue an interpretation to resolve the doubt. Any interpretation shall conform to Minnesota Statutes and relevant legal precedent. Such interpretation shall not have the effect of amending the provisions of this Code.

- D. It is not intended by this Code to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Code imposes greater restrictions, the provisions of this Code shall prevail. All other Codes inconsistent with this Code are hereby repealed to the extent of the inconsistency only.

SECTION 151.05 INTERPRETATION OF TERMS.

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning as they have in common usage unless such meaning is clearly contrary to the intent of this Chapter and so as to give this Chapter its most reasonable application. For the purpose of this Chapter, the words “must” and “shall” are mandatory and “may” is permissive. All distances, unless otherwise specified, shall be measured horizontally. For the purpose of this Chapter, the terms in 151.6 have the meanings given them.

SECTION 151.06 DEFINITION OF TERMS.

For the purpose of this Chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

ACCESSORY STRUCTURE OR FACILITY. Any building or improvement located on the same lot as the principal use and which is subordinate and incidental to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.

ACCESSORY USE. A use on the same lot with and incidental and subordinate to the principal use or structure or facility.

AGRICULTURAL BUILDING OR STRUCTURE. Any building or structure, with the exception of dwelling units, which is used principally for agricultural activities.

AGRICULTURE USES OR ACTIVITIES. 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.

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

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. When used in connection with public waters or wetlands, is any activity that will change or diminish the course, current or cross-section of public waters or wetlands.

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).

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

ASSISTED LIVING FACILITY. A facility for the elderly that provides rooms, meals, personal care, and supervision of self-administered medication; and may provide other services such as recreational activities, financial services, transportation, or other activities of daily living, appropriate for residents. The facility must be licensed by the State of Minnesota and comply with all state regulations and certifications.

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

AUTOMOBILE WRECKING, SALVAGE YARD 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.

BASEMENT. A portion of a building located partially underground but having less than one-half (1/2) its floor to ceiling height below the average land grade.

BED AND BREAKFAST. An owner-occupied principal dwelling in which five or less rooms are rented on a nightly basis for a period of less than seven days. Meals may or may not be provided to guests.

BERM. A mound of earth with landscaping.

BEST MANAGEMENT PRACTICES (BMPS). Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies. Techniques proven to be effective in controlling runoff, erosion and sedimentation including those documented in the Minnesota Construction Site Erosion and Sediment Control Planning Handbook (BWSR, 1988); Protecting Water Quality in Urban Areas (MPCA, 2000); the Minnesota Urban Small Sites BMP Manual (Metropolitan Council 2001); and other sources as approved by the City of Isle, as such documents may be amended, revised or supplemented.

BLUFFLINE. A line along the top of a slope connecting the points at which the slope becomes less than thirteen percent (13%). This applies to those slopes within the land use district which are beyond the setback provision from the ordinance high water mark.

BOARDING HOUSE. A building other than a hotel where, for compensation and by pre-arrangement for definite periods, where 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.

BOATHOUSE. A structure used solely for the storage of boats or boating equipment.

BUFFER. Land area used to visibly separate one area from another or to shield or block noise, lights or other nuisances, or an area of natural, unmaintained, undisturbed vegetated ground cover abutting or surrounding a water course, public waters wetland, or wetland.

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

BUILDING. Any structure having a roof supported by columns, walls or other means of support for the shelter or enclosure of persons or property.

BUILDING HEIGHT. A distance to be measured from the mean ground level to the top of a flat roof, to the mean distance of the highest gable on a pitched or hip roof, to the deck line of a mansard roof, to the uppermost point on other roof types.

BUILDING LINE, SHORELAND. A line measured across the width of a lot where the main structure is placed in accordance with setback provisions from the ordinary high-water mark.

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

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

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

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

CHURCH OR SYNAGOGUE. 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.

CLEAR-CUTTING. The removal of an entire stand of vegetation.

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.

CLUSTER HOUSING. The development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land.

COLLECTOR STREET, MAJOR. Roadways that link neighborhoods together within the city or link neighborhoods to business concentrations. A trip length of less than 5 miles is most common for Major Collector roadways. A balance between mobility and access is desired. Major Collector street connections are predominately to Minor Arterials, but they can be connected to any of the other four roadway functional classes. Local access to Major Collectors should be provided via public streets and individual property access should be avoided. Major Collector streets are predominantly responsible for providing circulation within a city and are typically spaced approximately ½ to 1 mile apart in urbanizing areas.

COLLECTOR STREET, MINOR. Roadways which facilitate the collection of local traffic and convey it to Major Collectors and Minor Arterials. Minor Collector streets serve short trips at relatively low speeds. Their emphasis is focused on access rather than mobility. Minor Collectors are responsible for providing connections between neighborhoods and the Major Collector/Minor Arterial roadways. These roadways should be designed to discourage short-cut trips through the neighborhood by creating jogs in the roadway (i.e. not direct, through routes).

COMMERCIAL USE. The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services and other activities carried out for financial gain.

COMMISSIONER. The Commissioner of the Department of Natural Resources.

COMMON OPEN SPACE. Any open space, including parks, nature areas, playgrounds, trails, and recreational buildings and structures, which is an integral part of a development and is not owned on an individual basis by each owner of the dwelling unit.

CONDITIONAL USE. A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to comprehensive land use plan of the community, and the use is compatible with the existing neighborhood. The City may impose additional conditions in specific instances to protect the health, safety and welfare.

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

CONDOMINIUM. A multiple unit 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, and Sections 515.01 to 515.19.

CONGREGATE LIVING FACILITY. A facility for the elderly with communal dining facilities which may provide limited supportive services such as housekeeping, organized social recreational activities, transportation services, and other support services appropriate for the residents. The facility must be licensed by the State of Minnesota and comply with all state regulations and certifications.

CONSTRUCTION ACTIVITY. A disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated storm water runoff, leading to soil erosion and the movement of sediment into surface waters or drainage systems.

CONTROL MEASURE. A practice or combination of practices to control erosion and attenuate pollution.

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.

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.

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.

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.

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

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

DEVELOPMENT PLAN. The Isle Development Plan adopted by the City and consisting of a compilation of goals, policy statements, standards, and maps for guiding the physical, social and economic development, both public and private, of the City and its environs. Said plan includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

DISTRICT. A section or sections 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.

DREDGING. To enlarge or clean out a water body, watercourse, or wetland.

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

DWELLING, 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.

DWELLING, MULTIPLE-FAMILY. A building designed for three or more families living independently of each other.

DWELLING, ONE-FAMILY. A building used exclusively for occupancy by one family.

DWELLING, TWO-FAMILY. A building used exclusively for occupancy by two families living independently of each other.

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

DWELLING UNIT. Any structure or portion of a structure or other shelter designed as short or long-term living quarters for one or more persons, including rental or time-share accommodations, such as motel, hotel and resort rooms and cabins.

EASEMENT. A grant by an owner to another for a specific use of land. An easement may be granted for the purpose of construction, maintaining and use of walkways, roadways, utilities and other uses.

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

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.

EROSION. The progressive wearing away of the ground surface as a result of wind, flowing water, ice movement or land disturbing activities.

EROSION CONTROL. Methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

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 or transmission services.

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.

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.

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.

FENCE. A barrier forming a boundary to or enclosing some area.

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

FLOOD FREQUENCY. The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

FLOOD FRINGE. That portion of the floodplain outside of the floodway.

FLOOD PLAIN. The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

FLOOD PROOFING. Combination of structural provisions, changes, or adjustments to the properties and structures subject to flooding primarily for the reduction or delineation of flood damages.

FLOODWAY. The channel of the water course and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.

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.

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.

FUNERAL HOME. A funeral home is defined as a business which provides a wide variety of funeral services as defined by Minnesota Statutes Section 149A.02 Subd. 23. A funeral home may have a maximum of one crematory retort under the following conditions:

- A. The retort is located within the same structure as the funeral home;
- B. The crematory retort complies with all state and federal statutes, regulations and requirements;
- C. The crematory retort is used only for bodies for which the funeral home has prepared such body for cremation.

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

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

GRADING. Changing the natural or existing topography of land.

GROUND FLOOR AREA. The lot area covered by a building or buildings measured from the exterior faces of exterior walls but excluding decks and terraces and detached garages which do not exceed twelve (12) feet in height.

GROUND FLOOR AREA RATIO. The numerical value obtained through dividing the gross ground floor area of a building by the net area of the lot or parcel of land on which such building is located.

GROUP-HOME (STATE LICENSED RESIDENTIAL) FACILITY. Uses consisting of the following:

- A. A single family use mandated by state statutes consisting of (1) a state licensed residential facility to serve 6 or fewer persons; or (2) a state licensed group family day care facility to serve 14 or fewer children.
- B. A multi-family use mandated by state statutes consisting of a state licensed residential facility to serve from 7 through 16 persons.

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.

HOME OCCUPATION. A lawful occupation customarily carried on by a resident of a dwelling as an accessory use within the same building. Such occupation must be clearly secondary to the principal use and not change the nature of the principal use.

INDUSTRIAL USE. The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.

INTERIM USE. A use which requires an interim use permit. Interim Use Permits are reviewed by the Planning Commission and granted by the City Council for a specific period of time in accordance with procedures specified in this Ordinance.

JUNK YARD. Land and structures used for the storage or keeping of junk, including scrap metals, or for the dismantling or wrecking of automobiles or other machinery, other than the storage of materials which is incidental or accessory to any business or industrial use on the same lot.

KENNEL. The keeping of more than three dogs or no more than three domestic animals on the same premises whether owned by the same person or not and for whatever purpose kept, shall

constitute a kennel, except that a fresh litter may be kept for a period of three months before that keeping shall be deemed to be a kennel.

KENNEL, COMMERCIAL. The keeping of more than three dogs for temporary periods of time. The maximum number of domestic animals, or the capacity of animals to be boarded or kenneled at one time, shall be determined by the MN Department of Animal Health, and approved by the City Council.

LIGHT INDUSTRIAL. The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare or health or safety hazards outside the building or lot where the assembly, fabrication or processing takes place, where the processes are housed entirely within a building, or where the outdoor storage of goods and materials used does not exceed 25% of the floor area of all buildings on the lot.

LOT. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means, and separated from other parcels or portions by that description for the purpose of sale, lease or separation. A lot must be situated and have its principal frontage on a public street.

LOT, CORNER. A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

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

LOT LINE. A line of record bounding a lot which divides a lot from another lot, a public street or any other public or private space.

LOT LINE, FRONT. A lot line abutting a dedicated public right-of-way.

LOT LINE, REAR. The lot line opposite and most distant from the front lot line. In the case of corner lots, the rear lot line shall be determined by the Zoning Administrator based upon characteristics of the surrounding neighborhood.

LOT LINE, SIDE. Any lot line other than a front or rear lot line.

LOT OF RECORD. A lot as defined above or which is one unit of a plat that has been recorded in the office of the County Recorder prior to the effective date of this Chapter.

LOT WIDTH. The shortest distance between lot lines measured at the midpoint of the building line.

MANUFACTURED HOME. A structure, transportable in one or more sections which in the traveling mode is eight feet or more in width or 40 body feet or more in length, or when erected on-site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to required utilities, and includes the plumbing, heating and air conditioning and electrical systems contained therein, and which meets all the requirements established under Minnesota Statutes, Section 327.31, as it may be amended from time to time, the Manufactured Home Building Code.

MANUFACTURED HOME PARK. Any site, lot, field or tract of land under single ownership which is designed, maintained or intended for the placement of two or more occupied manufactured homes. Manufactured home park shall include any building, structure, tent vehicle or enclosure intended for use as a part of the equipment of such manufactured home park.

MANUFACTURED HOME STAND. The part of an individual manufactured home lot which has been reserved for placement of the manufactured home, appurtenant structures or additions.

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.

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.

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. Any building which is of closed construction, i.e. constructed in such a manner that concealed parts or processes of manufacture cannot be inspected at the site, without disassembly, damage or destruction, and which is made or assembled in manufacturing facilities, off the building site, for installation, or assembly and installation, on the building site. [Minnesota Statutes 326B.194]

NON-CONFORMING LOT. A lot or parcel legally existing on the effective date of this Chapter which does not meet the minimum lot width or lot area requirements of this Chapter.

NON-CONFORMING STRUCTURE OR USE. A structure or use lawfully in existence on the effective date of this Chapter or any amendment thereto, and not conforming to the regulations for the district in which it is situated.

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.

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.

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.

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.

ORDINARY HIGH WATER MARK. A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. In areas where the ordinary high water mark is not evident, setbacks shall be measured from the stream bank.

OUTDOOR SEATING. A commercial seating area for business patrons which is not located in an "Indoor Area" as defined by Minnesota Statutes Section 144.413, Subd. 1a.

OWNER. Any individual, firm, association, partnership, corporation, trust or any other legal entity having proprietary interest in the land.

PARKING SPACE. An area, enclosed in the main building, in an accessory building, or unenclosed, 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.

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.

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

PLANNED UNIT DEVELOPMENT PLAN. A general plan drawn to scale for development of property requested to be zoned PUD and which identifies at least the use of the property, the intensity of the uses expressed in number and type of dwelling unit; gross square feet in commercial, industrial or other uses; general location and size of proposed buildings; public and private streets and roadways within and adjacent to the property; access points, parking areas and the number of spaces; open space to be preserved and open space to be created; general vegetation; legal description; total acreage; graphic scale and north point.

PREFABRICATED HOME. A non-mobile housing unit, the walls, floors and ceilings of which are constructed at a central factory and transported to a building site where final construction is completed, permanently affixing the unit to the site.

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

PROOF OF PARKING. An area of a lot other than that area secured for yards, usable open space or landscaping which is allocated for parking but is not paved or striped.

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

PUBLIC WATERS WETLANDS. All Type 3, 4, and 5 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), not included within the definition of public waters, that are ten or more acres in size in unincorporated areas or 2-1/2 or more acres in incorporated areas.

RECREATIONAL VEHICLE. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towed by a light duty truck and is primarily designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

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.

REGISTERED LAND SURVEY. A survey map of registered land designed to simplify a complicated metes and bounds description by designating the same as a tract or tracts of a registered land survey number (see Minnesota Statutes Section 508.47).

REGULATORY FLOOD PROTECTION ELEVATION. An elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments in the flood plain that result from designation of a floodway.

RESTAURANT. An establishment in which food and/or drink is offered or prepared and served for public consumption and is served to customers at tables by employees. Restaurants may include incidental take-out service.

RETENTION FACILITY. A permanent natural or manmade structure that provides for the storage of storm water runoff by means of a permanent pool of water.

SEDIMENT. Solid matter carried by water, sewage, or other liquids.

SELECTIVE CUTTING. The removal of single scattered trees.

SETBACK. The minimum distance from any lot line that an improvement may be placed, measured perpendicularly from the lot line to the closest point of the improvement.

SETBACK LINE. The line which is the specified setback-distance from and parallel to any lot line, or other specified line, such as the ordinary high water level, edge of wetland, floodplain, or top of bluff.

SEWAGE DISPOSAL SYSTEM. Any system for the collection, treatment, and dispersions of sewage, including but not limited to, septic tanks, soil absorption systems, and drain fields.

SIGN. Any letter, word or symbol, device, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message or visual communication whether painted, posted, printed, affixed or constructed, which is displayed for communicative purposes. The term "sign" shall not include landscaping or the architectural embellishment of a building not intended to communicate information. For purposes of maintenance or removal, the term "sign" shall also include frames and support structure.

- A. Address Sign – Postal identification numbers only, whether written or in numeric form.
- B. Address Identification – All business buildings and residences within the City of Isle shall prominently display the number assigned as their address by the use of numerals, and letters as appropriate which are a minimum four (4) inches in height and clearly visible from the road. This requirement is to provide rapid identification for emergency vehicles in the event of fire, crisis, or life threatening situation.
- C. Advertising Sign - A sign which directs attention to a business, commodity, service, activity, or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located; a billboard.
- D. Animated Sign - Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
- E. Area Identification Sign - A freestanding sign which identifies the name of a neighborhood, a residential subdivision, a multiple residential complex consisting of three or more structures, a shopping center, an industrial area, an office complex consisting of three or more structures, or any combination of the above that could be termed an area.
- F. Area, Sign - That area within the marginal lines of the surface which bears the advertisement, or in the case of messages, figures or symbols attached directly to any part of a building, that area which is included in the smallest rectangle which can be made to circumscribe the message, figure or symbol displayed thereon. The stipulated maximum sign area for a freestanding sign refers to a single facing.
- G. Backlighting, Sign - An illuminated sign where the light source which illuminates the wall behind individual sign letters is hidden from view. The sign letters are opaque and appear as a silhouette against the lighted surface.
- H. Banner - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
- I. Beacon - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

- J. Bench Signs - A sign, which is affixed to a bench or shelter.
- K. Billboard - A large outdoor advertising structure designed to display posters or other composite graphic advertisements for products or services sold elsewhere.
- L. Building Marker - Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
- M. Bulletin Sign - A sign, which announces available goods or services through the use of business identification sign, wall mounted or portable. It may be illuminated or not.
- N. Canopy - Any structure of canvas, other fabric, plastic, metal or wood or other material, which is permanently attached to any exterior building wall in any manner, intended to shield any wall, window, door, sidewalk or roadway from sun, rain or any other element, and which is not retractable such as an awning.
- O. Canopy Sign - Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
- P. Changeable Copy Sign - A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message cycles more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.
- Q. Commercial Message - Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
- R. Direct Lighting, Sign - An illuminated sign where the source of light is visible.
- S. Dynamic Sign – Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display or portion thereof and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.
- T. Electronic Message Board - A sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable message boards include computer programmable, microprocessor controlled electronic displays. Electronic changeable message boards do not include official time and temperature signs. Electronic changeable message boards include projected images or messages with these characteristics onto buildings or other objects.

- U. Flag - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
- V. Flashing Sign or Strobe Light - Any illuminated sign which emits an intermittent or flashing light, or creates the illusion of intermittent or flashing light by means of animation which is not a "changing sign" as defined above.
- W. Free Standing Sign - A sign which is self-supporting usually by uprights placed on or in the ground.
- X. Height, Sign - The distance measured perpendicularly from the highest point of the sign structure to the grade level of the ground directly below that point or the grade level of the center line of the nearest adjacent roadbed, whichever grade level is higher.
- Y. Illuminated Sign - Any sign which has characters, letters, figures, designs or outlines which are either internally or externally illuminated by an artificial light source.
- Z. Incidental Sign - A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.
- AA. Indirect Lighting - An illuminated sign where the sign reflects the light from an external source.
- BB. Marquee - Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
- CC. Marquee Sign - Any sign attached to, in any manner, or made a part of a marquee.
- DD. Motion Sign - Any sign which revolves or rotates, has moving parts, has changing messages, or displays a shimmering effect. Included in this category are searchlights used for advertising.
- EE. Mural - Any mosaic, painting, or graphic art or combination thereof which is professionally applied to a building.
- FF. Nonconforming Sign - Any sign that does not conform to the requirements of this Ordinance.
- GG. Off-Premise Sign - Any sign that advertises an establishment, merchandise, service, or entertainments which is not sold produced, manufactured, or furnished at the property on which said sign is located, e.g. billboards, or outdoor advertising.
- HH. On Premise Sign - A sign whose message is related to the premises or the activity and use occurring on the premises on which the sign is located.
- II. Panel Sign - A sign composed of letters attached to or embossed on a plastic or glass panel; usually illuminated from the rear.
- JJ. Pennant - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind. A pennant for purposes of this Ordinance is considered part of temporary signage.
- KK. Permanent Sign - A sign which is not a temporary sign.

- LL. Political Sign - A temporary sign which advertises or promotes a candidate for public office, a political party, or an issue to be considered in a public election.
- MM. Portable Sign - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-or I-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; feather signs with or without text and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- NN. Private Directional Sign - A sign which includes no advertising which is placed on private property for the purpose of regulating, guiding, warning traffic or persons, or providing other safety information.
- OO. Project Information Sign - A temporary directional sign displayed during the time that a construction project on a public roadway or in an approved redevelopment district is underway. Also referred to as a "construction sign".
- PP. Projecting Sign - Any sign, all or part of which extends perpendicular by more than 24 inches from the wall to which it is affixed.
- QQ. Public Sign - Any sign defined as a traffic control sign in the Highway Traffic Regulation Act, any identification sign installed in a public park by a public authority, or any other identification, regulatory, or warning sign approved by the Council for installation on public land.
- RR. Public Traffic Directional Sign - A sign which is erected by a government unit for the purpose of directing or guiding traffic.
- SS. Real Estate Sign - A temporary sign which advertises the development, sale, lease or rental of land or buildings.
- TT. Residential Sign - Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of the Zoning Ordinance.
- UU. Roof Sign - Any sign erected upon or projecting above the roof-line of a structure to which it is affixed.
- VV. Roof Sign, Integral - Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.
- WW. Rotating Sign – A sign or portion of a sign which in any physical part or in total turns about on an axis, rotates, revolves or is otherwise in motion, including without limitation a multi-vision sign.
- XX. Subdivision Monument Sign – A permanent sign located at the entrance into any real estate development which identifies the name of the plat or subdivision by name.
- YY. Subdivision Real Estate Sign - A temporary sign located at the entrance into any real estate development which identifies the name of the plat and identifies lots for sale.
- ZZ. Suspended Sign - A sign that is suspended from the under-side of a horizontal plane surface and is supported by such surface.

AAA. Temporary Sign - A sign designed to be displayed for a limited period of time that is not permanently fixed to the land or a structure. Temporary signs may be constructed of or include paper, cloth, canvas, cardboard, inflatable objects, pennants or any other light and nondurable material.

BBB. Time and Temperature Sign - Any sign which displays exclusively current time and temperature information.

CCC. Wall Sign - Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

DDD. Window Sign - Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SITE PLAN. A plan for the development of a tract of land drawn to scale, including but not limited to identifying the proposed uses; the location and dimensions of all proposed structures; public and private streets and roadways on or abutting such tract, parking areas, ground covers; total acreage of the tract, legal description, number of dwelling units, if any, and number of bedrooms for each; the gross floor area, the floor area and ground floor area of all buildings and structures; and the graphic scale to which the plan is drawn.

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

STORAGE. Goods, materials or equipment placed or left in a location on a premises.

STORY. That portion of a building included beneath 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.

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

STRUCTURE. Anything constructed, placed or erected on or attached to, in some manner, the ground.

STRUCTURE, PRINCIPAL. The building in which is conducted the primary use of the lot on which the building is located.

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.

UNDUE HARDSHIP. As defined in Minnesota Statutes, Section 462.357, Subd. 6, as amended.

USE. The purpose or activity for which a premises is designed, arranged or intended or for which it is or may be occupied or maintained.

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.

WATER BODY. 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.

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

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

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.

WIND ENERGY CONVERSION SYSTEM OR WINDMILL. An apparatus capable of converting wind energy into electricity.

YARD. An open space unobstructed from the ground upward with the exception of landscape materials and minor fixtures of a non-structural nature commonly found in a yard.

YARD, FRONT. The area between the front lot line and the front setback line.

YARD, REAR. The area between the rear lot line and the rear setback line.

YARD, SIDE. A space extending from the front yard to the rear yard along a side lot line measured perpendicularly from the side lot line to the closest point of a structure.

ZONING ADMINISTRATOR. The City Clerk or other person designated by the City Council to administer and enforce the provisions of this Chapter.

ZONING DISTRICT. A mapped area or areas as defined by this Chapter within which the regulations and requirements governing the use of property are uniform.

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

SECTION 151.07 ZONING MAP.

- A.** This Chapter has no effect until the boundaries of the use districts are delineated on an Official Zoning Map, created pursuant to Minnesota Statutes Section 462.357, Subd. 1, as it may be amended from time to time, which, once it is adopted by ordinance after notice and hearing as provided in Minnesota Statutes Section 462.357, Subd. 3, as it may be amended from time to time, is hereby adopted by reference and declared to be a part of this Chapter. This map shall be on permanent file and available for public inspection in the City Office. It shall be the responsibility of the Clerk or other person appointed by the City Council to administer this Chapter to maintain and keep the map up to date.
- B.** All property within the city shall have the zoning designation shown on the official zoning map. If there is any discrepancy or inconsistency between the official zoning map and any other map, ordinance or source which purports to indicate the zoning of property, the official zoning map shall take precedence. The provisions of this Section shall not be interpreted to require the City to zone all properties within the city limits or to prevent zoning of only a portion of the city.
- C.** Zoning district boundary lines shown on the official zoning map are intended to follow lot lines, the center lines of streets or alleys, the center lines of street or alleys projected, railroad right-of-way lines, the center of watercourses or the corporate limits of the city, unless otherwise specifically indicated.

SECTION 151.08 ANNEXED LAND.

Any land hereafter annexed to the city shall be considered to be in the district that is delineated on the adjacent areas than are designated for orderly annexation, unless otherwise reclassified.

SECTION 151.09 COMPLIANCE WITH ORDINANCE.

- A.** No structure or land shall hereafter be used or occupied and no structure shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with the regulations specified in the Zoning Ordinance for the district in which it is located.
- B.** The provisions of this Chapter shall be minimum requirements. Where the conditions imposed by any provision of this Chapter differ from those required by any statute or other ordinance of the city, the regulations which are more restrictive or which impose the higher standard shall prevail.

SECTION 151.10 SEVERABILITY.

Every section or subdivision of this Chapter is declared separable from every other section or subdivision. If any section or subdivision is held to be invalid by competent authority, no other section or subdivision shall be invalidated by such action or decision.

SECTION 151.20 ESTABLISHMENT OF ZONING DISTRICTS.

For purposes of this Code, the City shall be divided into the following Districts, and the users of the structures and land, the height of buildings and the area for the premises for buildings are to be uniform in each district.

R-1	Single Family Residential District
R-2	Multi-Family Residential District
R-3	High Density Residential District
R-4	Residential – Manufactured Home District
C-1	Central Business District
C-2	Central Business District
I	Industrial
PUD	Planned Unit Development
O	Open Space
FW	Floodway District
FF	Flood Fringe District
GFP	General Floodplain District
S	Shoreland Overlay District

SECTION 151.21 USES WITHIN ZONING DISTRICTS.

A. Uses Not Identified.

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.

B. Permitted Uses in all Districts.

In all Districts the following uses are permitted: Public utility uses, public parks, provisions of underground utilities, and the use of solar energy systems including solar collectors for the use of the particular site, and distribution components for space heating and cooling and domestic water heating.

SECTION 151.22 BOUNDARIES.

The boundaries of said district shall be shown on the official Zoning Map in City Hall. No building shall be erected or premises used for any purpose unless in compliance with the restrictions prescribed for the district in which the building or premises are located. District boundary lines as indicated on the map follow lot lines, right-of-way or centerlines of streets or alleys or projected streets or alleys, railroad right-of-way lines, and the City corporate limit lines. If said boundary lines do not follow any of the above, they are established as drawn on the map.

Following is a summary of regulations contained in the following sections for the various districts:

District/ Regulation	R-1	R-2	R-3	C-1	C-2	I	O
Setback-Front Yard	30'	30'	30'	30'	25'	30'	30'
Setback Side Yard	10' 20' on side adjacent to a street.	10' 20' on side adjacent to a street. 0' on approved common wall	10' one & two family 20' three+ family units 30' adjacent to street	0'	15' structures 10' parking spaces/ lots	50' from residential districts 30' from commercial districts 20' from industrial districts	30'
Setback Rear Yard	30'	30'	30'	20'	50' structures 25' parking	50' from residential districts 30' from commercial districts 20' from industrial districts	30'
Site Coverage	40% building 50% impervious surface	40% building 50% impervious surface	60%	85%	90%	70%	30%
Minimum Lot Size	15,000 sq. ft.	10,000 sq. ft.	9,000sq. ft. one family 5,000sq. ft. per unit two family 4,000sq. ft. per unit three to eight family +1,500 / dwelling over eight	5,000 sq. ft.	8,000 sq. ft.	21,780 sq. ft. (1/2 acre)	None
Minimum Lot Width	150'	Single family: 75', 95' corner lot Two-family: 100, 110' corner lot	Single family: 70', 90' corner lot Two-family +: 80, 100' corner lot	25'	75'	100'	None
Maximum Height	2 story or 25' whichever is less	2½ story or 25' whichever is less	3 stories of 36' whichever is less	3 stories of 36' whichever is less	3 stories of 36' whichever is less	3 stories of 36' whichever is less	
Minimum Floor Area Building	900 sq. ft.	900 sq. ft.	Single Family: 900 sq. ft. single family. Multiple Family: 640 sq. ft. for 1 bdrm + 120 sq. ft. for each addt bedroom	NA	NA	NA	

SECTION 151.23 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

A. Purpose.

The purpose of the R-1 Single Family Residential District is to provide suitable areas within the community for single-family residential dwellings and well-maintained seasonal homes.

B. Permitted uses and structures.

Within an R-1 District, except otherwise provided by this Code, no uses are permitted except the following:

1. One family detached dwelling units.
2. Public, government owned parks, playgrounds, athletic fields and other public recreational uses.
3. Public utility uses, provision of underground utilities and the use of solar energy systems including solar collectors for the use of the particular site, and distribution components for space heating and cooling of domestic water heating.
4. Essential service structure, including but not limited to buildings such as telephone exchange substations, booster or pressure regulating stations, wells and pumping stations and elevated tanks.
5. As required by Minnesota Statutes, Section 462.357, Subd. 7, as it may be amended from time to time, a state licensed residential facility or a housing with services establishment registered under Minnesota Statutes, Chapter 144D, as it may be amended from time to time, serving six or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minn. Rules, parts 9502.0315 to 9502.0445, as it may be amended from time to time, to serve 14 or fewer children shall be considered a permitted single family residential use of property for the purposes of zoning, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.

C. Accessory uses.

The following shall be permitted accessory uses within the R-1 District:

1. Private garage, carport or boathouse, as regulated by the Accessory Structure Section of this Ordinance.
2. Private swimming pools when completely enclosed within a chain link, wood or similar safety fence five (5) feet or more high, as per State Statute.
3. The keeping of dogs or cats or other household pets, subject to licensing requirements, health regulations and other applicable ordinances of the City.
4. Off-street parking as regulated by the off-street loading and parking restrictions of this Code.
5. Parking of one commercial or recreational motor vehicle used by the resident occupant, and parking of passenger cars, but not including the storage of vehicles, which are inoperable or not licensed for sale or rent.
6. Signs, as regulated by the Sign Ordinance Section of this Ordinance.

7. Tool houses, sheds and other similar accessory buildings for the storage of domestic supplies, as regulated by the Accessory Structure Section of this Ordinance.
8. Fish houses; one per property.
9. Gardening or other horticultural use where no sale of products is conducted on the site.
10. Home occupations, subject to the Home Occupation Section of this Ordinance.
11. Day nursery or day care or group family day care when the principal use is a church, synagogue, or public, parochial, or church school or a single family dwelling which complies with the minimum requirements of the applicable Minnesota Department of Human Services regulations.
12. Fences, as regulated by Section 151.90 of this Ordinance.
13. Decorative landscape features, including but not limited to statues, rocks, reflecting ponds, benches, arbors, terraces and patios.
14. Satellite dishes and antennae, provided they meet the regulations in Section 151.50 N.
15. Solar collection devices, provided they meet the regulations in Section 151.75 D.

D. Conditional uses.

Within the R-1 District no structure or land shall be used for the following except by conditional use permit and in conformance with the standards specified in Section 151.90. In addition to the standards specified, no conditional use permit shall be granted unless the City Council determines that all of the specific standards contained in this subdivision will be met.

1. Licensed day care facilities for 15 or more persons, provided:
 - a. They are located only on a collector or arterial roadway as designated in the Comprehensive Plan, if one exists, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
 - b. Buildings are set back 50 feet from all property lines and parking lots set back 15 feet from streets and non-residential property and 25 feet from residential property;
 - c. Pick-up and drop-off areas located outside of parking setback area;
 - d. Outdoor recreational areas to be set back 15 feet from all property lines and screening provided to mitigate noise and adverse visual impacts on neighboring properties; and
 - e. One parking space provided for each six children based upon the licensed capacity.
2. Churches and places of religious assembly, public and private schools and government-owned buildings and facilities, provided:
 - a. Direct access is limited to a collector or arterial roadway, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
 - b. Buildings are set back 50 feet from all property lines;

- c. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped;
 - d. Signs shall be designed to be consistent with the principal use;
 - e. Adequate off-street parking based on number of employees and customers per day;
 - f. Parking area and waste management areas screened from offsite views;
 - g. No outside storage; and
 - h. Shall not result in significant levels of noise, air or other pollution shall meet the performance standards of Section 151.50.
- 3.** Hospitals and nursing homes, licensed day care centers serving 12 or more persons and cemeteries, provided:
- a. Direct access is limited to a collector or arterial roadway as identified in the Comprehensive Plan, if any, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
 - b. Buildings are set back 50 feet from all property lines;
 - c. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped;
 - d. Signs shall be designed to be consistent with the principal use;
 - e. Adequate off-street parking based on number of employees and customers per day;
 - f. Parking area and waste management areas screened from offsite views;
 - g. No outside storage; and
 - h. Shall not result in significant levels of noise, air or other pollution shall meet the performance standards of Section 151.50.
 - i. Penalty, see Section 151.95.
- 4.** Assisted Living Facilities
- 5.** Congregate Living Facilities
- 6.** Accessory buildings other than those listed in (C)(1) above, including storage sheds and greenhouses over 12 feet in height or 500 square feet or covering more than 30% of the area of the side or rear yard in which they are located, provided:
- a. Side and rear setbacks are equal to the height of the structure or 15 feet, whichever is greater;
 - b. The accessory structure is not to be used for commercial activities;
 - c. Structure to be architecturally consistent with the principal structure;
 - d. Landscaping to be required to buffer views when the structure is highly visible from adjoining properties;

- e. Minimum lot size of four acres; and
 - f. Must be located in a side or rear yard.
7. Wind energy conversion systems or windmills, provided they are:
- a. Set back from the nearest property line a distance equal to the height of the tower plus one-half the diameter of the rotor;
 - b. Certified by a professional engineer as being of a design adequate for the atmospheric conditions of the area;
 - c. Equipped with over-speed or similar controls designed to prevent disintegration of the rotor in high winds;
 - d. In compliance with all building and electrical code requirements of the City, the noise regulations of the Minnesota Pollution Control Agency and the rules and regulations of the Federal Communications Commission and Federal Aviation Administration;
 - e. If the WECS has not been operated for a period of one year or fails to meet the conditions of this Chapter, the City Council may order it dismantled and the site restored to its original condition;
 - f. If the owner or person responsible for the WECS does not maintain it or comply with all requirements of this Chapter, the City may take such steps as are necessary to achieve compliance. The cost of such work, including administrative costs, shall be a lien against the property and may be collected as a special assessment. The City may sell salvaged and valuable materials at public auction on ten days' notice; and
 - g. The WECS shall meet the performance standards of Section 151.50.
8. Satellite Dishes and Collar Collection in accordance with Section 151.50 N.
9. Private recreational facilities as a principal use and excluding accessory play equipment and swimming pools intended for single family use, provided:
- a. Direct access limited to a collector or arterial roadway as identified in the Comprehensive Plan, if any, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
 - b. Buildings are set back 50 feet from all property lines;
 - c. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped in accordance with Section 151.80.
 - d. Signs shall be designed to be consistent with the principal use;
 - e. Adequate off-street parking based on number of employees and customers per day;
 - f. Parking area and waste management areas are screened from offsite views;
 - g. No outside storage; and
 - h. Shall not result in significant levels of noise, air or other pollution.

10. Home occupations in a residence, which require a conditional use permit per Section 151.95 D. and provided they meet the regulations outlined in Section 151.40, Home Occupations.

11. Residential Planned Unit Developments.

E. Lot requirements and setbacks.

The following minimum requirements shall be observed in an R-1 District, subject to additional requirements, exceptions and modifications set forth in this Chapter:

1. **Lot area.** Single-family residence: 15,000 square feet with public sanitary sewer, 1 acre without public sanitary sewer.

2. **Lot width.** 100 feet.

3. **Lot Depth.** Minimum 150 feet.

4. **Setbacks.**

a. Front yards. Not less than 30 feet.

b. Side yards. 10 feet.

c. Side yards, corner lots. 20 feet on side adjacent to street, but in no case less than the setback of an adjacent lot which has its front yard on the same street.

d. Rear yards. 30 feet.

e. In the R-1 District, property abutting any body of water/lake has the option to have frontage facing the water/lake. Lakeside frontage setbacks would be established as required under the Shoreland Management Regulations and/or City requirements, whichever is more restrictive. If the property has lake frontage, rear yard setbacks must be maintained as specified, except accessory structures must be setback 10' from the right-of-way.

5. **Detached accessory building setback requirements.** Not less than 10 feet from rear yard line and side yard lines. On corner lots not less than 25 feet from the adjacent street, but in no case less than the setback of an adjacent lot which has its front yard on the same street.

6. **Access.** All lots shall front on and have ingress and egress by means of a public right-of-way.

7. **Building requirements; height.** No structure shall exceed 2 stories or 25 feet, whichever is less. Height limitations shall not apply to water towers, chimneys, flag poles, antennae, wind energy conversion systems, church spires, church belfries or church domes not containing habitable space and support towers permitted by Section 151.70 F.

8. **Parking.** See Section 151.85.

F. Maximum Ground Coverage.

No more than 40% of the lot shall be covered by the principal and all accessory buildings combined. In addition, no more than 50% of the required yard may be covered with "impervious surfaces" which include but are not limited to driveways, sidewalks, parking stalls, tennis courts, cement patios, or detached decks. Additional regulations may apply within the Shoreland Overlay District.

G. Minimum Living Area.

900 square feet.

H. Minimum Building Width.

24 feet at the narrowest point, not including overhangs, seasonal use rooms, garages and carports.

SECTION 151.24 R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT.

A. Purpose.

The purpose of the R-2 Medium Density Residential District is to provide for moderate density residential development through a variety of housing types.

B. Permitted uses and structures.

Within an R-2 District, except otherwise provided by this Code, no uses are permitted except the following:

1. One and two-family detached dwelling units.
2. Public, government owned parks, playgrounds, athletic fields and other public recreational uses.
3. Public utility uses, provision of underground utilities and the use of solar energy systems including solar collectors for the use of the particular site, and distribution components for space heating and cooling of domestic water heating.
4. Essential service structure, including but not limited to buildings such as telephone exchange substations, booster or pressure regulating stations, wells and pumping stations and elevated tanks.
5. Resorts and related uses.
6. Fire Department or Public Safety Facilities provided the side yard setbacks are doubled to reduce impact on adjacent properties.
7. Gardening or other horticultural use where no sale of products is conducted on the site.
8. As required by Minnesota Statutes, Section 462.357, Subd. 7, as it may be amended from time to time, a state licensed residential facility or a housing with services establishment registered under Minnesota Statutes, Chapter 144D, as it may be amended from time to time, serving six or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minn. Rules, parts 9502.0315 to 9502.0445, as it may be amended from time to time, to serve 14 or fewer children shall be considered a permitted single family residential use of property for the purposes of zoning, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.

C. Accessory uses.

The following shall be permitted accessory uses within the R-2 District:

1. Private garage, carport or boathouse, as regulated by the Accessory Structure Section 151.70 of this Ordinance.
2. Private swimming pools when completely enclosed within a chain link, wood or similar safety fence five (5) feet or more high, as per State Statute.
3. The keeping of dogs or cats or other household pets, subject to licensing requirements, health regulations and other applicable ordinances of the City.
4. Off-street parking as regulated by the off-street loading and parking restrictions of this Code.

5. Parking of one commercial or recreational motor vehicle used by the resident occupant, and parking of passenger cars, but not including the storage of vehicles, which are inoperable or not licensed for sale or rent.
6. Signs, as regulated by Section 151.88 of this Ordinance.
7. Tool houses, sheds and other similar accessory buildings for the storage of domestic supplies, as regulated by Section 151.70 of this Ordinance.
8. Fish houses; one per property.
9. Home occupations, subject to the Home Occupation Section of this Ordinance. An accessory structure may be used for permitted and conditional Home Occupations.
10. Day nursery or day care or group family day care when the principal use is a church, synagogue, or public, parochial, or church school or a single family dwelling which complies with the minimum requirements of the applicable Minnesota Department of Human Services regulations.
11. Fences, as regulated by this Ordinance.
12. Decorative landscape features, including but not limited to statues, rocks, reflecting ponds, benches, arbors, terraces and patios.
13. Satellite dishes and antennae, provided they meet the regulations in Section 151.50 N..
14. Solar collection device, provided they meet the regulations in Section 151.75 D.

D. Conditional uses.

Within the R-2 District no structure or land shall be used for the following except by conditional use permit and in conformance with the standards specified in Section 151.95 D. In addition to the standards specified, no conditional use permit shall be granted unless the City Council determines that all of the specific standards contained in this subdivision will be met.

1. Licensed day care facilities for 15 or more persons, provided:
 - a. They are located only on a collector or arterial roadway as designated in the Comprehensive Plan, if one exists, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
 - b. Buildings are set back 50 feet from all property lines and parking lots set back 15 feet from streets and non-residential property and 25 feet from residential property;
 - c. Pick-up and drop-off areas located outside of parking setback area;
 - d. Outdoor recreational areas to be set back 15 feet from all property lines and screening provided to mitigate noise and adverse visual impacts on neighboring properties; and
 - e. One parking space provided for each six children based upon the licensed capacity.
2. Churches and places of religious assembly, public and private schools and government-owned buildings and facilities, provided:
 - a. Direct access is limited to a collector or arterial roadway, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

- b. Buildings are set back 30 feet from all property lines;
 - c. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped;
 - d. Signs shall be designed to be consistent with the principal use;
 - e. Adequate off-street parking based on number of employees and customers per day;
 - f. Parking area and waste management areas screened from offsite views;
 - g. No outside storage; and
 - h. Shall not result in significant levels of noise, air or other pollution shall meet the performance standards of Section 151.50.
- 3. Hospitals and nursing homes, licensed day care centers serving 12 or more persons and cemeteries, provided:**
- a. Direct access is limited to a collector or arterial roadway as identified in the Comprehensive Plan, if any, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
 - b. Buildings are set back 50 feet from all property lines;
 - c. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped;
 - d. Signs shall be designed to be consistent with the principal use;
 - e. Adequate off-street parking based on number of employees and customers per day;
 - f. Parking area and waste management areas screened from offsite views;
 - g. No outside storage; and
 - h. Shall not result in significant levels of noise, air or other pollution shall meet the performance standards of Section 151.50.
 - i. Penalty, see Section 151.95.
- 4. Assisted Living Facilities.**
- 5. Congregate Living Facilities.**
- 6. Accessory buildings other than those listed in (C)(1) above, including storage sheds and greenhouses over 12 feet in height or 500 square feet or covering more than 30% of the area of the side or rear yard in which they are located, provided:**
- a. Side and rear setbacks are equal to the height of the structure or 15 feet, whichever is greater.
 - b. The accessory structure is not to be used for commercial activities;
 - c. Structure to be architecturally consistent with the principal structure;

- d. Landscaping to be required to buffer views when the structure is highly visible from adjoining properties;
 - e. Minimum lot size of four acres; and
 - f. Must be located in a side or rear yard.
7. Wind energy conversion systems or windmills, provided they are:
- a. Set back from the nearest property line a distance equal to the height of the tower plus one-half the diameter of the rotor;
 - b. Certified by a professional engineer as being of a design adequate for the atmospheric conditions of the area;
 - c. Equipped with over-speed or similar controls designed to prevent disintegration of the rotor in high winds;
 - d. In compliance with all building and electrical code requirements of the City, the noise regulations of the Minnesota Pollution Control Agency and the rules and regulations of the Federal Communications Commission and Federal Aviation Administration;
 - e. If the WECS has not been operated for a period of one year or fails to meet the conditions of this Chapter, the City Council may order it dismantled and the site restored to its original condition;
 - f. If the owner or person responsible for the WECS does not maintain it or comply with all requirements of this Chapter, the City may take such steps as are necessary to achieve compliance. The cost of such work, including administrative costs, shall be a lien against the property and may be collected as a special assessment. The City may sell salvaged and valuable materials at public auction on ten days' notice; and
 - g. The WECS shall meet the performance standards of Section 151.75.
8. Private recreational facilities as a principal use and excluding accessory play equipment and swimming pools intended for single family use, provided:
- a. Direct access limited to a collector or arterial roadway as identified in the Comprehensive Plan, if any, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
 - b. Buildings are set back 50 feet from all property lines;
 - c. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped in accordance with Section 151.80;
 - d. Signs shall be designed to be consistent with the principal use;
 - e. Adequate off-street parking based on number of employees and customers per day;
 - f. Parking area and waste management areas are screened from offsite views;
 - g. No outside storage; and
 - h. Shall not result in significant levels of noise, air or other pollution.

9. Home occupations in a residence, which require a conditional use permit per Section 151.95, and provided they meet the regulations outlined in Section 151.40 Home Occupations.
10. Residential Planned Unit Developments.
11. Manufactured Home Parks, provided they meet the requirements outlined in Section 151.26, Manufactured Home District R-4.
12. As required by Minnesota Statutes, Section 462.357, Subd. 8, a state licensed residential facility serving from 7 through 16 persons under Minnesota Statutes, Chapter 144D, as it may be amended from time to time, or a licensed day care facility serving from 13 through 16 persons, provided:
 - a. They are located only on a collector or arterial or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
 - b. Buildings are set back 50 feet from all property lines and parking lots are set back 15 feet from streets and non-residential property and 25 feet from residential property;
 - c. Pick-up and drop-off areas located outside of parking setback area;
 - d. Outdoor recreational areas are setback 15 feet from all property lines and screening is provided to mitigate noise and adverse visual impacts on neighboring properties;
 - e. Off-street parking is provided in accordance with off-street parking regulations in Section 151.85.

E. Lot requirements and setbacks.

The following minimum requirements shall be observed in an R-2 District, subject to additional requirements, exceptions and modifications set forth in this Chapter.

1. **Lot area.** 10,000 square feet.
2. **Lot width.** 75 feet for single-family dwellings or 95 feet if a corner lot, Two-family dwellings a minimum 100 feet or 110 feet if a corner lot.
3. **Lot Depth:** Minimum 120 feet.
4. **Setbacks.**
 - a. Front yards. Not less than 30 feet.
 - b. Side yards. 10 feet.
 - c. Side yards, corner lots. 20 feet on side adjacent to street, but in no case less than the setback of an adjacent lot which has its front yard on the same street.
 - d. Rear yards. 30 feet.
 - e. Common wall dwellings (duplex): there may be no building setback from the common boundary provided:
 - i. Each lot shall meet all other setback requirements for a two-family dwelling.
 - ii. Separate services shall be provided to each dwelling for sanitary sewer and water.

- f. In the R-2 District, property abutting any body of water/lake has the option to have frontage facing the water/lake. Lakeside frontage setbacks would be established as required under the Shoreland Management Regulations and/or City requirements, whichever is more restrictive. If the property has lake frontage, rear yard setbacks must be maintained as specified, except accessory structures must be setback 10' from the right-of-way.
- 5. **Detached accessory building setback requirements.** Not less than 5 feet from rear yard line and side yard lines. On corner lots not less than 25 feet from the adjacent street, but in no case less than the setback of an adjacent lot which has its front yard on the same street.
- 6. **Access.** All lots shall front on and have ingress and egress by means of a public right-of-way.
- 7. **Building requirements; height.** No structure shall exceed 2 1/2 stories or 25 feet, whichever is less.
- 8. **Parking.** See Off-Street Parking Regulations Section 151.85.
- F. **Maximum Ground Coverage.**
No more than 40% of the lot shall be covered by the principal and all accessory buildings combined. In addition, no more than 50% of the required yard may be covered with "impervious surfaces" which include but are not limited to driveways, sidewalks, parking stalls, tennis courts, cement patios, or detached decks. Additional regulations may apply within the Shoreland Overlay District.
- G. **Minimum Living Area.**
900 square feet.
- H. **Minimum Building Width.**
24 feet at the narrowest point, not including overhangs, seasonal use rooms, garages and carports.

SECTION 151.25 R-3 HIGH DENSITY RESIDENTIAL DISTRICT.

A. Purpose.

The purpose of the R-3 District is to provide for medium to high density residential housing.

B. Permitted uses and structures.

Within the R-3 District, except otherwise provided by this Code, no uses are permitted except the following:

1. Single-family dwellings.
2. Two-family dwellings.
3. Multiple-family dwellings.
4. Assisted Living Facilities.
5. Congregate Living Facilities.
6. State licensed residential facility or a housing with services establishment registered under Minnesota Statutes, Chapter 144D, serving six (6) or fewer persons; licensed day care facility serving twelve (12) or fewer persons; group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children, except that residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be permitted.
7. State licensed residential facility serving up to sixteen (16) persons or a licensed day care facility serving up to sixteen (16) persons.
8. Public buildings and uses of the following kinds: elementary and secondary schools (public and private), parks, playgrounds, libraries, museums, community centers, religious institutions and child nurseries provided:
 - a. No building shall be located within thirty (30) feet of any lot line of an abutting lot in a Residential District. *(Note: The school appears to be closer than 30 feet)*
 - b. Structures are adequately screened from adjacent properties as determined by the Planning Commission and/or City Council.
 - c. Off-street parking shall conform to the requirements of Section 151.85 of this Chapter.
 - d. Direct access is limited to a collector or arterial roadway, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
 - e. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped;
 - f. Signs shall be designed to be consistent with the principal use;
 - g. Parking area and waste management areas screened from offsite views;
 - h. No outside storage; and

- i. Shall not result in significant levels of noise, air or other pollution shall meet the performance standards of Section 150.50.
9. Gardening or other horticultural use where no sale of products is conducted on the site.
10. Public utility uses, provision of underground utilities and the use of solar energy systems including solar collectors for the use of the particular site, and distribution components for space heating and cooling of domestic water heating.
11. Essential service structure, including but not limited to buildings such as telephone exchange substations, booster or pressure regulating stations, wells and pumping stations and elevated tanks.
12. Resorts and related uses.

C. Accessory uses.

The following shall be permitted accessory uses within the R-3 District:

1. Private garage, carport or boathouse, as regulated by the Accessory Structure Section of this Ordinance.
2. Private swimming pools when completely enclosed within a chain link, wood or similar safety fence five (5) feet or more high, as per State Statute.
3. The keeping of dogs or cats or other household pets, subject to licensing requirements, health regulations and other applicable ordinances of the City.
4. Off-street parking as regulated by the off-street loading and parking restrictions of this Code.
5. Parking of one commercial or recreational motor vehicle used by the resident occupant, and parking of passenger cars, but not including the storage of vehicles, which are inoperable or not licensed for sale or rent.
6. Signs, as regulated by the Sign Ordinance Section 151.88 of this Ordinance.
7. Tool houses, sheds and other similar accessory buildings for the storage of domestic supplies, as regulated by the Accessory Structure Section of this Ordinance.
8. Fish houses; one per property.
9. Home occupations, subject to the Home Occupation Section 151.40 of this Ordinance.
10. Day nursery or day care or group family day care when the principal use is a church, synagogue, or public, parochial, or church school or a single family dwelling which complies with the minimum requirements of the applicable Minnesota Department of Human Services regulations.
11. Fences, as regulated by this Ordinance.
12. Decorative landscape features, including but not limited to statues, rocks, reflecting ponds, benches, arbors, terraces and patios.
13. Satellite dishes and antennae, provided they meet the regulations in Section 155.50 N.
14. Solar collection device, provided they meet the regulations in Section 151.75 D.

D. Conditional uses.

Within the R-3 District no structure or land shall be used for the following except by conditional use permit and in conformance with the standards specified in Section 151.95 D. In addition to the standards specified, no conditional use permit shall be granted unless the City Council determines that all of the specific standards contained in this subdivision will be met.

1. Hospitals and nursing homes, cemeteries, provided:
 - a. Direct access is limited to a collector or arterial roadway or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
 - b. Buildings are set back 50 feet from all property lines;
 - c. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped;
 - d. Signs shall be designed to be consistent with the principal use;
 - e. Adequate off-street parking based on number of employees and customers per day;
 - f. Parking area and waste management areas screened from offsite views;
 - g. No outside storage; and
 - h. Shall not result in significant levels of noise, air or other pollution shall meet the performance standards of Section 151.50.
2. Accessory buildings other than those listed in (C)(1) above, including storage sheds and greenhouses over 12 feet in height or 900 square feet or covering more than 30% of the area of the side or rear yard in which they are located, provided:
 - a. Side and rear setbacks are equal to the height of the structure or 15 feet, whichever is greater.
 - b. The accessory structure is not to be used for commercial activities;
 - c. Structure to be architecturally consistent with the principal structure;
 - d. Landscaping to be required to buffer views when the structure is highly visible from adjoining properties;
 - e. Minimum lot size of four acres; and
 - f. Must be located in a side or rear yard.
3. Wind energy conversion systems or windmills, provided they are:
 - a. Set back from the nearest property line a distance equal to the height of the tower plus one-half the diameter of the rotor;
 - b. Certified by a professional engineer as being of a design adequate for the atmospheric conditions of the area;
 - c. Equipped with over-speed or similar controls designed to prevent disintegration of the rotor in high winds;

- d. In compliance with all building and electrical code requirements of the City, the noise regulations of the Minnesota Pollution Control Agency and the rules and regulations of the Federal Communications Commission and Federal Aviation Administration;
 - e. If the WECS has not been operated for a period of one year or fails to meet the conditions of this Chapter, the City Council may order it dismantled and the site restored to its original condition;
 - f. If the owner or person responsible for the WECS does not maintain it or comply with all requirements of this Chapter, the City may take such steps as are necessary to achieve compliance. The cost of such work, including administrative costs, shall be a lien against the property and may be collected as a special assessment. The City may sell salvaged and valuable materials at public auction on ten days' notice; and
 - g. The WECS shall meet the performance standards of Section 151.75.
4. Private recreational facilities as a principal use and excluding accessory play equipment and swimming pools intended for single or multiple-family or public use, provided:
- a. Direct access limited to a collector or arterial roadway as identified in the Comprehensive Plan, if any, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
 - b. Buildings are set back 50 feet from all property lines;
 - c. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped in accordance with Section 151.80;
 - d. Signs shall be designed to be consistent with the principal use;
 - e. Adequate off-street parking based on number of employees and customers per day;
 - f. Parking area and waste management areas are screened from offsite views;
 - g. No outside storage; and
 - h. Shall not result in significant levels of noise, air or other pollution.
5. Home occupations in a residence, which require a conditional use permit per Section 151.95, provided they meet the requirements for Home Occupations as outlined in Section 151.40.
6. Residential Planned Unit Developments.
7. Manufactured Home Parks, provided they meet the requirements outlined in Section 151.26, Manufactured Home District- R-4.

E. Lot requirements and setbacks.

The following minimum requirements shall be observed in an R-3 District, subject to additional requirements, exceptions and modifications set forth in this Chapter.

- 1. **Lot area.** 9,000 square feet for a single-family dwelling, 5,000 square feet per unit for a two-family dwelling, 4,000 square feet per unit for three to eight unit dwelling structures and not less than 1,500 square feet additional for each dwelling unit over eight units.

2. **Lot width.** Single family lots: 70 feet minimum or 90 feet if a corner lot. Two-family lots or greater: 80 feet minimum or 100 feet if a corner lot.
3. **Lot depth.** A minimum lot depth of 120 feet.
4. **Setbacks.**
 - a. Front yards. Not less than 30 feet.
 - b. Side yards. One and two-family dwellings: 10 feet. Three or more units: 20 feet.
 - c. Side yards, corner lots. 30 feet on side adjacent to street.
 - d. Rear yards. 30 feet.
 - i. Common wall dwellings (duplex): There may be no building setback from the common boundary provided: Each lot shall meet all other setback requirements for a two-family dwelling.
 - ii. Separate services shall be provided to each dwelling for sanitary sewer and water.
5. **Detached accessory building setback requirements.** Not less than 5 feet from rear yard line and side yard lines. On corner lots not less than 25 feet from the adjacent street, but in no case less than the setback of an adjacent lot which has its front yard on the same street.
6. **Access.** All lots shall front on and have ingress and egress by means of a public right-of-way.
7. **Building height.** No structure shall exceed 3 stories or 36 feet, whichever is less. Height limitations shall not apply to water towers, chimneys, flag poles, antennae, wind energy conversion systems, church spires, church belfries or church domes not containing habitable space and support towers permitted by Section 151.70.
8. **Parking.** See Off-Street Parking Regulations Section 151.85.

F. Maximum Ground Coverage.

No more than 60% of the lot shall be covered by the principal and all accessory buildings combined. In addition, no more than 60% of the required yard may be covered with "impervious surfaces" which include but are not limited to driveways, sidewalks, parking stalls, tennis courts, cement patios, or detached decks. Additional regulations may apply within the Shoreland Overlay District. See Section 151.32.

G. Minimum Living Area.

One and two-family dwellings: 900 square feet. Multiple-family units in the R-3 District shall have a minimum floor area of 640 square feet for a one-bedroom unit, excluding the garage; plus 120 square feet for each additional bedroom.

H. Minimum Building Width.

24 feet at the narrowest point, not including overhangs, seasonal use rooms, garages and carports.

SECTION 151.26 R-4 RESIDENTIAL MANUFACTURED HOME PARK DISTRICT.

A. Purpose.

Manufactured home parks that are licensed by the State Department of Health are conditional uses in any zoning district that allows the construction or placement of a building used or intended to be used by two or more families. All manufactured home parks shall, in addition to any requirements imposed by rule of the State Department of Health or law, meet the following performance standards and any other conditions placed on them by the conditional use permit. The purpose of the Residential Manufactured Home Park District is to promote health, safety, order, convenience, and general welfare by enforcing minimum standards for manufactured home parks, the location and use of manufactured home parks, and the design, construction, alteration, and arrangement of homes on said lots, authorizing the inspection of manufactured home parks, the licensing of operators, and fixing penalties for violations. No building or land shall be used and no building shall be erected, converted, or structurally altered, unless otherwise provided herein.

B. Permitted Uses and Structures.

1. Manufactured homes, in manufactured home parks.
2. Essential services such as water, sewer, telephone and electric utilities.
3. Public parks and playgrounds.
4. Storm shelters.
5. Offices for the administration of the Manufactured Home Park.
6. On-site laundry facilities to service tenants of the Manufactured Home Park.

C. Accessory uses.

1. Recreational vehicles and equipment.
2. Recreational facilities, gardens, commons and open space which are operated for the enjoyment and convenience of the residents of the principal use and their guests, such as tennis courts and swimming pools.
3. Building for storage of maintenance equipment incidental to the principal use.
4. Solar panels and equipment.
5. Detached accessory building and carports for licensed and operable passenger cars and trucks not to exceed a gross weight of nine thousand (9,000) pounds. Private garages are intended for use to store the private passenger vehicles of the family or families residing upon the premises, and in which no business service or industry is carried on, unless it is part of a licensed home occupation.
6. Deck or patio.
7. Room addition up to 200 square feet.
8. Entryway airlock up to 50 square feet.

D. Conditional uses.

Customary home occupations as set forth in Section 151.40.

E. Lot requirements and setbacks.

The following minimum requirements shall be observed in a manufactured home park, subject to additional requirements, exceptions and modifications set forth in this Chapter:

1. **Lot area.** New manufactured home parks shall be a minimum of five (5) acres in size. Each individual manufactured home site shall contain at least 5,000 square feet for exclusive use of the occupant.
2. **Lot width.** Each individual manufactured home site shall have a lot width of at least 50 feet.
3. Setbacks for each individual manufactured home site.
 - a. Front yards. Not less than 15 feet.
 - b. Side yards. 10 feet.
 - c. Rear yards. 10 feet.
4. Detached accessory building setback requirements. Not less than 10 feet. Accessory structures such as an awning, cabana, storage cabinet, carport, windbreak, deck or porch for purposes of setback requirements, shall be considered to be a part of the manufactured home.
5. There shall be an unused area not less than ten (10) feet in depth along each street or roadway and this area shall be seeded, sodded and/or landscaped, except for required walkways, driveways, or utilities.
6. There shall be an open space of at least six (6) feet between manufactured homes and their accessory buildings.

F. Parking.

1. Each lot shall have off-street parking spaces for two (2) automobiles. These parking spaces shall comply with the off-street parking regulations outlined in Section 151.85 of this Chapter.
2. Access drives from roadways to all parking spaces and sites shall be hard surfaced.
3. Parking on street shall be discouraged and, if allowed, restricted to only one side of the street. All on-street parking plans are to be approved by the City.

G. Maximum Height.

1. Principal Building: One and one-half stories or twenty (20) feet, whichever is less.
2. Accessory Building: Accessory buildings shall comply with the provisions of Section 151.70.

H. Floor Area.

Principal Building: Minimum: eight hundred (800) square feet.

I. Utilities.

1. All manufactured homes shall be connected to a public water and sanitary sewer system with connections approved by the City.

2. Disposal of surface storm water shall conform to City storm water management plans and shall be approved by the City Engineer and City Council.
3. All utilities shall be underground including those for street and exterior lighting purposes. There shall be no overhead wires or supporting poles.
4. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities, and related manufactured home equipment.
5. The manufactured home park owner shall pay all required utility connection fees to the City.

J. Internal roadways and streets.

1. Roadways shall be hard surfaced to meet the standards for at least a seven-ton street, unless the applicant can demonstrate that a lesser roadway will be feasible along with plans to keep heavy service type trucks from entering the park. All roadway surface plans are to be approved by the City Engineer and City Council.
2. All roads shall have concrete, mountable, roll type curbs and gutters.
3. All streets shall have a road bed of not less than twenty-four (24) feet in width. No parking shall be permitted on the street unless the roadbed is at least thirty-two (32) feet in width, and in this case will still be limited to one (1) side for street parking purposes.
4. All streets and ways are hereby declared public only to the extent that they shall be under the supervision and control of the police enforcement powers of the City with respect to traffic laws and such other laws as shall be applicable to public ways and places.

K. Landscaping.

1. Each individual lot shall be properly landscaped with grass or sodding. In open areas and park areas, a minimum of ten (10) trees per acre is required. Trees shall be bound and burlapped. Tree varieties and sizes proposed are subject to approval by the City.
2. A compact hedge, tree line, or landscaped area shall be installed around each manufactured home park and be maintained at all times.
3. All areas shall be landscaped in accordance with a plan approved by the City Council.

L. Recreation.

The owners of all manufactured home parks shall improve, for the use of occupants, at least ten percent (10%) of the park's total land area for recreational use (tennis courts, children's play equipment, swimming pool, golf green, and the like). In lieu of land dedication for public park purposes, a cash contribution as established by City Code shall be paid to the City.

M. Shelters.

Each manufactured home park shall include suitable storm and disaster shelter facilities constructed to accommodate the park residents. The storm shelters must meet standards specified in the state regarding manufactured home park shelter design (Minnesota Rules Chapter 1370.0100 to 1370.0230, as amended from time to time) from the Minnesota Department of Administration Building Code and Standards Division.

N. General Regulations.

The owner of a manufactured home park shall be responsible for assuring that the following regulations are complied with by the park and its occupants:

1. All areas of the park shall be properly drained, and maintained clean and free from refuse and debris.
2. Distinctive design elements and/or themes common throughout the manufactured home park are strongly encouraged.
3. The placement of more than one (1) manufactured home on any single lot shall not be permitted.
4. Manufactured homes shall not be used for residential purposes if they:
 - a. Do not conform to the requirements of the Manufactured Home Code of the State of Minnesota (Minnesota Rules, Chapter 1350, as may be amended from time to time).
 - b. Have not been issued a permit by the City Building Official. This includes additions, decks, and accessory structures over 120 square feet in area.
 - c. Are in an unsanitary condition or have the exterior in bad repair.
 - d. Are structurally unsound and do not protect the inhabitants against all elements.
 - e. Are not properly blocked, anchored, or utilities not properly connected.
5. No persons shall be allowed to reside in a park except those occupying manufactured homes on established individual sites or a central office or caretaker building.
6. No manufactured home may be inhabited by a greater number of occupants than that for which it was developed or allowed by State Building Code.
7. Each manufactured home shall be installed in accordance with the manufacturer's specific installation instructions, City Building Code requirements, and such installation plans and foundation plans prepared by a Minnesota certified engineer. All manufactured homes shall be permanently anchored to prevent uplifting due to wind.
8. The area beneath each manufactured home shall be enclosed with appropriate skirting material that is of compatible color and material of the manufactured home, shall not be in disrepair, and the enclosed skirting shall have access for inspection. Vinyl or aluminum that has been painted is acceptable.
9. No public address or loud speaker system shall be permitted in such park, unless permitted by the City Council for special or one-time uses of limited duration such as block parties or emergencies.
10. Outdoor storage of vehicles and other equipment shall comply with Section 151.85 of this Chapter. The manufactured home park shall provide a secured area for storage on-site, in compliance with the specifications of this Chapter.
11. The installation or construction of any structures or improvements within a park shall require a land use permit as required by the City. All plans for such installation or construction shall meet the requirements of the Minnesota Department of Health and the City's Zoning and Building Codes.

O. Location.

1. It shall be unlawful within this zoning district for any person to park any mobile or manufactured home on any street or highway, or other public place or on any tract of land owned by any person, occupied or unoccupied within the City, except as provided for in this Chapter.
2. Emergency or temporary stopping or parking is permitted on any public street or highway for not longer than three (3) hours subject to any other and further prohibitions, and parking regulations or ordinances for that street or highway.
3. No person shall park or occupy any mobile or manufactured home which is situated outside of an approved manufactured home park.

P. Temporary mobile or manufactured home permits.

1. Temporary mobile or manufactured home permits may be issued by the City Council for the temporary use of a mobile or manufactured home as a temporary office when the mobile or manufactured home is located outside of an authorized manufactured home park. The City Council may establish such conditions for the mobile or manufactured home as it deems appropriate to insure the health, safety, and general welfare. Such temporary permits shall be limited to periods of not more than ninety (90) days. Upon written application, the City Council may renew such permits. A fee, established by the City Council by resolution, must accompany each application for, and renewal of, a temporary mobile or manufactured home permit. Each temporary mobile or manufactured home permit must be displayed in a conspicuous location on the outside of the mobile or manufactured home.

Q. Inspection of manufactured home parks.

1. **Compliance with Chapter.** The City is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Chapter, including the power to enter at reasonable times upon any private or public property for such purposes.
2. **Registration record.** The County Sheriff, or their duly authorized representatives, shall have the power to inspect the register containing a record of all residents of the manufactured home park.
3. **Access.** It shall be the duty of the park management to give the City Zoning Official free access to all lots, at reasonable times, for the purpose of inspection.
4. **Repairs.** It shall be the duty of every occupant of a manufactured home park to give the owner thereof or his/her agent or employee access to any part of such manufactured home park at reasonable times for the purpose of making such repairs or alterations as are necessary to comply with this Chapter.

R. Required illumination of the park.

All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night. Such illumination specifications shall be reviewed and approved by the Zoning Administrator and City Engineer.

S. Walkways.

1. All parks shall be provided with safe, convenient, durable and convenient to maintain, all-season pedestrian access of adequate width for intended use, between individual

manufactured homes, the park streets, and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

2. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall be a minimum of thirty-six (36) inches wide and shall be constructed adjacent to the concrete curb of all streets. Common walkways shall connect to municipal trails where feasible.
3. All manufactured homes shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street.

T. Service buildings and other community service buildings.

1. The requirements of this Section shall apply to service buildings, recreation buildings, and other community service facilities, indoor recreation areas, and commercial areas supplying essential goods or services for the exclusive use of park occupants.
2. Structural requirements of buildings: All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, insects, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
3. Barbecue pits, outdoor fireplaces, and cooking shelters: Cooking shelters, barbecue pits, and outdoor fireplaces shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring properties, and shall comply with all appropriate ordinances, laws, or other regulations. Wood burning stoves and incinerators are not allowed.

U. Refuse handling.

The storage, collection, and disposal of refuse in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards, or air pollution.

V. Insect and rodent control.

Grounds, buildings, and structures: Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to any requirements of the Mille Lacs County Health Department, Minnesota Department of Health, City Council, or other duly authorized authority over such matters.

W. Fuel supply and storage.

Approved natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems. No outside or buried fuel tanks will be allowed.

X. Fire protection.

1. **Litter, rubbish, and the like.** Manufactured home parks shall be kept free of litter, rubbish, and other flammable material.
2. **Fire extinguishers.** Portable fire extinguishers rated for class A, B, and C fires shall be kept visible in service buildings and at other locations conveniently and readily accessible for use by all of the occupants and shall be maintained in good operating condition. Their capacity shall be not less than ten (10) pounds.

3. **Fire hydrants.** Fire hydrants shall be spaced throughout the park in such locations and to such specifications as required by the City Fire Chief and/or City Building Official.

Y. Miscellaneous requirements.

1. The following are responsibilities of the manufactured home park owners:
 - a. The person to whom a license for a manufactured home park is issued shall operate the park in compliance with this Chapter and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.
 - b. The park management shall notify park occupants of all applicable provisions of this Chapter and inform them of their duties and responsibilities under this Chapter.
 - c. It shall be the duty of the operator of the manufactured home park to keep a register containing a record of all manufactured home owners and occupants located within the park. The register shall contain the date of arrival and departure of each manufactured home and the make, type and license number of each manufactured home. The park shall keep the register available for inspection at all times by law enforcement officers, public health officials, and other officials whose duty necessitates acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.

Z. Manufactured Homes in Other Districts.

1. Manufactured home parks in other districts shall conform to the provisions of this Section in order to qualify for a conditional use permit to be located in that district.

SECTION 151.27 C-1 CENTRAL BUSINESS DISTRICT.

A. Purpose.

The purpose of the C-1 Central Business District is in recognition of the existing downtown business and commercial development and the need for its future expansion, rehabilitation and redevelopment. The C-1 District will provide for a high-density shopping and business environment, especially stressing the pedestrian function and interaction of people and businesses, rather than being heavily oriented toward the use of automobiles.

B. Permitted uses and structures.

1. Business and commercial establishments including:
 - a. Retail establishments, including grocery, hardware, drug, clothing, variety and furniture stores; gift shops, floral shops, pharmacies, hardware stores, auto dealers, seasonal evergreen sales and meat locker shops up to 5,000 square feet in size.
 - b. Eating and drinking establishments up to 5,000 square feet in size.
 - c. Personal services, including laundries, beauty shops, barber shops, funeral homes, shoe repair shops, printing and publishing shops and photographic studios.
 - d. Professional services, including medical and dental clinics and attorney's offices.
 - e. Repair services, including automobile, jewelry, radio and television repair shops, appliance repair shops, farm and implement repair shops, plumbing contractor's shop and electrical contractor's shop.
 - f. Entertainment and amusement services, including motion picture theatres, recreation halls and bowling alleys.
 - g. Lodging services, including hotels and motels.
 - h. Finance, insurance, real estate and tax services.
2. Public and semi-public buildings, including post office, fire hall, library and city hall.
3. Private clubs.
4. Apartments, provided they are located above the first floor level.
5. Automobile parking lots.
6. Essential services, such as sewer, water, telephone and electric utility facilities.
7. Churches and places of religious assembly.

C. Accessory uses.

Uses incidental to the foregoing principal uses, such as off-street parking and loading and unloading areas, signs, indoor storage of merchandise and wholesaling and manufacturing, when incidental to a permitted use, solar panels, satellite dishes and antennas.

D. Conditional uses.

Within the C-1 District no structure or land shall be used for the following except by conditional use permit and in conformance with the standards specified in Section 151.95.

1. Nonresidential licensed day care facilities, provided:
 - a. They have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements and designed to promote the safety of children entering the center;
 - b. Outdoor play areas shall be fenced and located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas (if any);
 - c. One parking space for each six attendees based on the licensed capacity of the center shall be provided; and
 - d. They shall obtain all applicable state, county and city licenses.
2. Drive-thru or drive-up window accessory to a principal use, provided:
 - a. Drive-up windows and stacking areas shall not be located adjacent to any residential parcel.
 - b. Stacking areas shall provide for a minimum of six cars per aisle;
 - c. Public address system shall not be audible from any residential parcel;
 - d. Drive-up windows and stacking areas shall be screened with suitable materials from adjacent parcels; and
 - e. Drive-up windows shall be designed to avoid interfering with traffic and pedestrian movements.
3. Sidewalk cafes and outdoor eating or dining areas accessory to a principal use, provided:
 - a. Shall be located in a controlled or cordoned-area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access shall be only through the principal building;
 - b. Shall not be permitted within 200 feet of any residential parcel and shall be separated from residential parcels by the principal structure or other method of screening acceptable to the City;
 - c. Shall be located and designed so as not to interfere with pedestrian and vehicular circulation;
 - d. Shall not be located to obstruct parking spaces;
 - e. Shall be located adjacent to an entrance to the principal use;
 - f. Shall be equipped with refuse containers and periodically patrolled for litter pick-up; and
 - g. Shall not have speakers or audio equipment which is audible from adjacent parcels.
4. Convenience food stores with gas pumps, subject to the following conditions:

- a. Pump islands shall be set back at least 25 feet from any street right-of-way, at least 40 feet from any non-street property, and not less than 100 feet from any non-commercial district boundary.
- 5. Restaurants, cocktail lounges and other eating or drinking establishments provided off-street parking is in conformance with Section 151.85, if the establishment's gross area consists of 5,000 square feet or more.
- 6. Retail establishments, including grocery, hardware, drug, clothing, variety and furniture stores; gift shops, floral shops, pharmacies, hardware stores, auto dealers, seasonal evergreen sales and meat locker shops over 5,000 square feet in size, provided off-street parking is in conformance with Section 151.85.
- 7. Service stations and Auto Repair shops provided all storage is completely enclosed and no items are stored outside.
- 8. Commercial Planned Unit Developments.

E. Lot requirements and setbacks.

The following minimum requirements shall be observed in C-1 Districts, subject to additional requirements, exceptions and modifications set forth in this Chapter:

- 1. Lot area. 5,000 square feet.
- 2. Lot width. 25 feet.
- 3. Setbacks.
 - a. Front yards. 30 feet, with parking 10 feet from a local road and 25 feet from a collector.
 - b. Side yards. None.
 - c. Rear yards. 20 feet.
- 4. All lots shall front on and have ingress and egress by means of a public right-of-way.

F. Lots of Record.

- 1. For purposes of this Section only, the term "small lots" shall mean those lots of record platted before August, 2014, which are zoned as highway commercial and are less than 5,000 square feet in area and less than 25 feet wide.
- 2. Small lots shall be considered conforming lots under this Chapter and may not be subdivided.
- 3. Existing principal and accessory buildings located on a small lot shall be considered conforming buildings or structures. Any maintenance or expansion of principal buildings located on small lots must be reviewed through the site plan process in order to obtain a land use permit. No expansion to a principal building on a small lot will be permitted if the expansion reduces the required rear yard setback. New accessory buildings on small lots must comply with the setbacks of this Chapter.
- 4. The City Council may provide for other exemptions from this Chapter which are necessary to accommodate the commercial use of small lots and existing buildings thereon. The Council shall make written findings supporting its determination.

G. Lot Coverage.

The maximum allowable lot coverage shall be 85 percent of the lot. To calculate lot coverage the following areas should be added together: Area of the building as determined by the foundation plans; parking areas and driveways; loading, storage, trash areas, and all other areas covered with impervious material not purposely used for landscaping.

H. Building requirements; height.

No structure shall exceed 3 stories or 36 feet, whichever is less.

I. Parking.

See Section 151.85.

SECTION 151.28 C-2 COMMERCIAL DISTRICT.

A. Purpose.

The purpose of the C-2 Commercial District is to provide for commercial development outside of the C-1 Central Business District. The purpose of the district is to provide appropriate locations for a broad range of commercial activities which are primarily oriented to highway uses rather than the Central Business District and which are designed to serve local and regional customers, vehicular and non-vehicular traffic. Typically highly visible, these areas should be designed to enhance the aesthetics, control traffic movement and include sufficient landscaping to minimize the impact typically associated with highway commercial development.

B. Permitted uses and structures.

1. Business and commercial establishments including:
 - a. Retail establishments, including grocery, hardware, drug, clothing, variety and furniture stores; antique and gift shops, floral shops, pharmacies, hardware stores, auto dealers, book stores, office supply stores, seasonal evergreen sales and meat locker shops.
 - b. Restaurants, eating and drinking establishments, bakeries and catering establishments.
 - c. Personal services, including laundries, beauty shops, barber shops, funeral homes, shoe repair shops, printing and publishing shops, employment agencies, photography studios, seamstress or tailor shops, and travel agencies.
 - d. Professional services, including medical and dental offices or clinics, attorney's offices, and schools for teaching music, dance and business vocation.
 - e. Repair services, including automobile, jewelry, radio and television repair shops, appliance repair shops, farm and implement repair shops, plumbing contractor's shop and electrical contractor's shop.
 - f. Entertainment and amusement services, including theatres, recreation halls and bowling alleys, skating rinks and tennis courts, athletic clubs or spas.
 - g. Lodging services, including hotels and motels.
 - h. Finance, insurance, real estate and tax services.
2. Public and semi-public buildings, including post office, fire hall, library and city hall. Essential services, such as sewer, water, telephone and electric utility facilities.
3. Private clubs and lodge halls.
4. Automobile parking lots.
5. Churches and places of religious assembly, provided off-street parking is provided in accordance with Section 151.85.

C. Accessory uses.

1. Signs, consistent with Section 151.88.
2. Off-street parking facilities.

D. Conditional uses.

Within the C-2 District no structure or land shall be used for the following except by conditional use permit and in conformance with the standards specified in Section 151.95 of this Ordinance.

1. Convenience food stores with accessory gas pumps provided the following conditions are met:
 - a. Pump islands shall be set back at least 25 feet from any street right-of-way, at least 40 feet from any internal property line, and not less than 40 feet from any non-commercial district boundary.
 - 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 standards. 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.
 - d. Wherever fuel pumps are to be installed, pump islands shall be installed.
 - e. 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.
 - f. 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.
2. Automobile service stations, subject to the following conditions:
 - a. Automobile service stations site improvements such as buildings or structures (permanent or temporary) or parking areas shall be separated from any R-1, R-2, or R-3 District by at least 50 feet.
 - b. Pump islands shall not be less than 25 feet from any street right-of-way, not less than 40 feet from any internal property line, and not less than 40 feet from any non-commercial district boundary.
 - c. Hydraulic hoists, pits, and all lubrication, greasing, washing, repair and diagnostic equipment shall be used and enclosed within a building, except exterior greasing racks for large equipment.
3. Auto parts stores with on-site service facilities, subject to the following conditions:
 - a. Hydraulic hoists, pits, and all lubrication, greasing, washing, repair and diagnostic equipment shall be used and enclosed within a building, except exterior greasing racks for large equipment.
4. Nonresidential licensed daycare facilities.
 - a. Shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements and designed to promote the safety of children entering the center;

- b. Outdoor play areas shall be fenced and located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas (if any);
 - c. One parking space for each six attendees based on the licensed capacity of the center shall be provided; and
 - d. Shall obtain all applicable state, county and city licenses.
- 5.** Rental of Trucks and Trailers, subject to the following conditions:
- a. The rental of trucks and trailers for personal use on a daily basis. Trucks for rental shall be limited to single rear axle vehicles.
- 6.** Offices with accessory storage.
- 7.** Motor Vehicle, Body Shops.
- 8.** Drive-thru or drive-up window accessory to a principal use, provided:
- a. Drive-up windows and stacking areas shall not be located adjacent to any residential parcel.
 - b. Stacking areas shall provide for a minimum of six cars per aisle;
 - c. Public address system shall not be audible from any residential parcel;
 - d. Drive-up windows and stacking areas shall be screened with suitable materials from adjacent parcels; and
 - e. Drive-up windows shall be designed to avoid interfering with traffic and pedestrian movements.
- 9.** Sidewalk cafes and outdoor eating or dining areas accessory to a principal use, provided:
- a. Shall be located in a controlled or cordoned-area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access shall be only through the principal building;
 - b. Shall not be permitted within 200 feet of any residential parcel and shall be separated from residential parcels by the principal structure or other method of screening acceptable to the City;
 - c. Shall be located and designed so as not to interfere with pedestrian and vehicular circulation;
 - d. Shall not be located to obstruct parking spaces;
 - e. Shall be located adjacent to an entrance to the principal use;
 - f. Shall be equipped with refuse containers and periodically patrolled for litter pick-up; and
 - g. Shall not have speakers or audio equipment which is audible from adjacent parcels.
- 10.** Sexually Oriented Businesses, as defined in Chapter 153, provided:

- a. The business shall not be located within 500 feet of property used or zoned for residential uses, day care facility, school, library, park, playground, state or federal wildlife area or preserve, religious institution, or other public recreational facility, premises licensed under Chapter 112, Liquor Regulations or another sexually-oriented business;
 - b. No drive-thru or drive-up windows shall be permitted;
 - c. All activities must be contained within the principal structure;
 - d. The business must be licensed and meet all regulations and restrictions under Chapters 119 and 153 of this Code. Failure to meet these requirements, as with other violations of the conditions of the conditional use permit, may result in revocation of the conditional use permit; and
 - e. Parking shall be provided to accommodate one space per three persons allowed for the maximum occupancy of the building under the MN Fire Code at Minnesota Statutes, Chapter 299F and Minn. Rules 7511, as they may be amended from time to time.
11. Mixed use of a Permitted Use and multiple-family residential dwelling units; but only if said permitted and residential uses are not conflicting. The area consisting of multiple residential dwelling units occupy only the upper portion of structures. Off-street parking requirements shall be separately determined for the commercial and residential uses in accordance with Section 151.85.
12. Apartment Buildings.
13. Outdoor storage incidental to a principal use.
- a. Outdoor storage shall not be located within 100 feet of any residential parcel;
 - b. Outdoor storage shall be screened by suitable materials, such as fencings or natural landscaping features (trees, shrubbery, berms), as determined by Council. The screen must be, at minimum, equal to the height of the tallest item stored on the site;
 - c. Outdoor storage must be located in a rear or side yard;
 - d. Shall be kept in a neat and orderly fashion;
 - e. Shall not contain any unlicensed or inoperable motor vehicles; and
 - f. Shall not be operated in a manner as to constitute a nuisance or harborage of rodents or other wild animals.

14. Commercial Planned Unit Developments.

E. Lot requirements and setbacks.

The following minimum requirements shall be observed in C-2 Districts, subject to additional requirements, exceptions and modifications set forth in this Chapter:

- 1. Lot area. Minimum 8,000 square feet.
- 2. Lot width. Minimum 75 feet.
- 3. Setbacks.

- a. Front yards. Minimum 25 feet.
 - b. Side yards. Minimum 15 feet for structures. Minimum 10 feet for parking spaces/lots.
 - c. Rear yards. Minimum 50 feet for structures. Minimum 25 feet for parking spaces/lots.
4. All lots shall front on and have ingress and egress by means of a public right-of-way.

F. Lot Coverage.

The maximum allowable lot coverage shall be 90 percent of the lot. To calculate lot coverage the following areas should be added together: Area of the building as determined by the foundation plans; parking areas and driveways; loading, storage, trash areas, and all other areas covered with impervious material not purposely used for landscaping.

G. Building requirements; height.

No structure shall exceed 3 stories or 36 feet, whichever is less. Height limitations shall not apply to water towers, chimneys, flag poles, antennae, wind energy conversion systems, church spires, church belfries or church domes not containing habitable space and support towers permitted by Section 151.70.

H. Parking.

See-Section 151.85.

SECTION 151.29 INDUSTRIAL DISTRICT.

A. Purpose.

The purpose of the Industrial District is to provide for industrial development outside of the other districts authorized by this Chapter. Development within the district shall be regulated through the performance standards outlined in Section 151.50 of this Chapter to promote sensitive site design and to mitigate external site impacts.

B. Permitted uses and structures.

Within the Industrial District no structure or land may be used except for the following uses occurring within an enclosed building:

1. Automotive Repair and Service;
2. Warehouse;
3. Storage;
4. Manufacturing, compounding, processing, packaging, treatment and assembly of products and materials;
5. Mini-storage facilities;
6. Offices, business or professional;
7. Parcel delivery;
8. Wholesale;
9. Research;
10. Government buildings and public utilities;
11. Professional construction trades such as electrical, plumbing, water, gas or steam fitting shops, mechanical, HVAC, excluding contractor yards;
12. Propane tanks and storage;
13. Electrical Service Stations;
14. Scientific research, investigation, testing or experimentation, provided it is conducted completely within an enclosed building.

C. Accessory structures and uses.

Within the Industrial District the following accessory uses are permitted provided they are subordinate to and associated with a permitted use:

1. Living quarters for security personnel, provided they are located within the principal structure;
2. Overnight outside storage of vehicles, provided the vehicles are associated with the business and are screened from view from residential properties or public views;
3. Outside storage, including fuel storage, provided it is screened from general public view;

4. Retail or service uses not exceeding 25% of the gross floor area of the principal structure;
5. Other uses customarily associated with but subordinate to a permitted use, as determined by the City.
6. Solar panels and equipment, satellite dishes and antennas.
7. Temporary buildings for construction purposes for a period not to exceed a period of twelve (12) months.
8. Signs, in accordance with Section 151.88.
9. Off-street parking in accordance with Section 151.85.

D. Conditional uses.

Within the Industrial District, no land or structure may be used for the following except by conditional use permit and in conformance with the performance standards contained in Section 151.95 of this Ordinance:

1. Retail, or service uses occupying between 25% and 50% of the gross area of the principal structure, provided:
 - a. There shall be no exterior modifications to the building;
 - b. There shall be no outside storage or display and no accessory structures for retail sales purposes; and
 - c. There shall be sufficient parking to accommodate the additional retail traffic.
2. Wind energy conversion systems or windmills, provided:
 - a. The structure is set back from the nearest property line a distance equal to the height of the tower plus one-half the diameter of the rotor;
 - b. It is certified by a professional engineer as being of a design adequate for the atmospheric conditions of the area;
 - c. It is equipped with over-speed or similar controls designed to prevent disintegration of the rotor in high winds;
 - d. Compliance with all Building and Electrical Code requirements of the City, the noise regulations of the Minnesota Pollution Control Agency and the rules and regulations of the Federal Communications Commission and Federal Aviation Administration;
 - e. If the WECS has not been operated for a period of one year or fails to meet the conditions of this Chapter, the City Council may order it dismantled and the site restored to its original condition; and
 - f. If the owner or person responsible for the WECS does not maintain it or comply with all requirements of this Chapter, the City may take such steps as are necessary to achieve compliance. The cost of such work, including administrative costs, shall be a lien against the property and may be collected as a special assessment. The City may sell salvaged and valuable materials at public auction on ten days' notice.

3. Planned unit industrial developments.

E. District standards.

No building or land in the Industrial District shall be used except in conformance with the following:

1. Minimum Lot Size. Every individual lot, site or tract shall have an area of not less than one-half (1/2) acre (21,780 square feet).
2. Minimum Lot Width. Every lot or tract shall have a width of not less than one hundred (100) feet abutting a public right-of-way.
3. Building height. Maximum of 36 feet or three stories, whichever is less.
4. Front yard setback. Minimum of 30 feet Off-street parking shall be setback 10 feet from a front property line.
5. Side and rear yard setbacks. Minimum setbacks shall be:
 - a. 50 feet from any Residential District;
 - b. 30 feet from C-1 and C-2 Commercial Business uses; and
 - c. 20 feet from Industrial District uses;
 - d. Off-Street parking shall be setback 10 feet from any side or rear setback line.
6. Lot coverage. Maximum lot coverage shall be 70% and shall be calculated to include building footprints; parking areas; driveways; loading, storage and trash areas and other areas covered by any impervious surface;
7. Access: from a collector or arterial roadway as designated in the Comprehensive Plan, if any, or a street specifically designed to accommodate industrial traffic;
8. Trash enclosures or accessory buildings, not to exceed 600 square feet in size, shall be located behind the front building line of the principal building and not in any required set back;
9. Parking shall be regulated pursuant to Section 151.85; and
10. Performance standards shall be regulated pursuant to Section 151.50.

SECTION 151.30 PLANNED UNIT DEVELOPMENT.

A. Purpose.

As an alternative to conventional zoning and development approaches and processes, the Planned Unit Development (PUD) procedures and regulations are set forth in order that the public health, safety, morals, and general welfare be furthered in an era of increasing urbanization; to encourage innovations in residential, commercial and industrial development and renewal; so that the greater opportunities for better housing and recreation, shops and industrial plants conveniently located to each other may extend to all citizens and residents of Isle; to reflect changes in the technology of land development; to encourage a more creative approach in the utilization of land in order to accomplish a more efficient, aesthetic and desirable development which may be characterized by special features of the geography, topography, size or shape of a particular property; and to provide a compatible and stable environment in harmony with that of the surrounding area.

The Planned Unit Development District may include any developments having one or more principal uses or structure on a single parcel of ground or contiguous parcels provided the total area is three acres or larger. The PUD shall consist of a harmonious selection of uses and grouping of buildings, parking areas, circulation and open spaces and shall be designed as an integrated unit, in such manner as to constitute a safe, efficient, and convenient urban area. Under the provisions of this District, the City Council has the right to allow deviations from any standards set forth in this Ordinance.

B. General Requirements and Standards.

1. **Ownership.** The tract shall be a development of land under unified control at the time of application, planned and scheduled to be developed as a whole. However; no authorizations or permits shall be granted for such development unless the applicant has acquired actual ownership of or executed a binding sales contract for all of the property comprising such tract.
2. **Conformance with Land Use Plan.** The proposed Planned Unit Development shall be consistent with the City of Isle Land Use Plan.
3. **Permitted Uses.** All permitted, permitted accessory, or conditional uses contained in the underlying Zoning District shall be treated as permitted, permitted accessory and conditional uses in PUD Overlay District. Mixed use PUDs are permitted provided they meet the intent and purpose for which a PUD is permitted. Uses not listed as permitted or conditional in a specific district shall not be allowed in a PUD unless it is found that the use is complimentary to the functionality of the development and the other uses found therein.
4. **Lot Area Regulations.**
 - a. The minimum total lot area shall be no less than five (5) acres. Lots of less than five (5) acres may only qualify if the applicant can show that the minimum lot area requirements should be waived because the PUD is in the public interest and that one or both of the following conditions exist:
 - i. Unusual physical features of the property itself or of the surrounding neighborhood are such that the development under the standard provisions of the Residential Districts would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community.
 - ii. The property is adjacent to or across the street from property, which has been developed under the provisions of this Section and will contribute to the amenities of the neighborhood.

- 5. Residential PUDs.** Residential PUDs may provide for a variety of housing types in any one of the basic Residential Zoning Districts.
- a. The total number of dwelling units allowed in a development shall be determined by either:
 - i. The area standards of the Zoning District in which the proposed development is to be located, or
 - ii. The density specified by the Planning Commission and approved by the City Council, consistent with the intent of the City's Land Use Plan.
 - b. A plan may be provided for a greater number of dwelling units per acre than would otherwise be permitted by the regulations applicable to the site, but if the density or intensity of land use exceeds by more than 10 percent than permitted by regulations applicable to the site, the applicant has the burden to show that the excess will not have an undue and adverse impact on the existing public facilities and on the reasonable enjoyment of neighboring property. The Planning Commission and Council, in determining the reasonableness of the increase in density and intensity of land use, shall consider the following factors:
 - i. The location, amount and proposed use of common open space;
 - ii. The location, design and type of dwelling units, and
 - iii. The physical characteristics of the site.
- 6. Building Setback Regulations.** Building setbacks from all property lines which form the perimeter of the total property in the PUD or from all interior and exterior dedicated street right-of-way lines or from the paving of any interior circulation streets shall be 20 feet or the height of the building, whichever is greater for residential and commercial structures. Buildings shall be spaced no less than twenty (20) feet apart to allow emergency vehicles freedom to maneuver between buildings.
- 7. Number of structures.** More than one building may be placed on one platted or recorded lot in any PUD. Areas for single-family detached dwellings or other housing types providing privately owned lots must comply with the Subdivision Ordinance in all respects not specifically noted in this Section, as appropriate variances.
- 8. Architecture.** Architectural style of buildings shall not solely be a basis for denial or approval of a plan. However; the overall appearance and compatibility of individual buildings to other site elements or to surrounding development will be primary considerations in the review stages of the Planning Commission and City Council.
- 9. Construct to Conform to Plan.** No land use permit shall be granted for any building on land for which a plan for a PUD is in process of City review or which does not conform to the approved plan.
- 10. Staging of Development.** Any PUD plan proposed to be constructed in stages shall include full details relating thereto and the City Council may approve or modify, where necessary, any such proposals. The staging shall include the time for beginning and completion of each stage. Such timing may be modified by the City Council on the showing of good cause by the developer. The land owner or developer shall make such easements, covenants and other arrangements and shall furnish such performance bonds as may be determined by the City Council to be reasonable required to assure performance in accordance with the plan and to protect the public interest in the event of abandonment of the plan before completion.

11. Streets, Utilities, Services and Public Facilities. The uniqueness of each proposal for a PUD requires that streets, utilities, and services shall be subject to minor modifications from the specifications and standards established in this and other City ordinances governing their construction. The City Council may therefore waive or modify the specifications or standards where it is found that they are not required in the interest of the residents or of the entire City. The plans and profiles of all streets, utilities and services may be reviewed, modified if necessary, and approved by the City Engineer and Fire Chief prior to the final approval of the PUD plan by the City Council. The site of a PUD shall abut, and the major internal street or streets serving the PUD shall be connected to, at least one (1) collector street. All PUD projects shall be served by public or community water and sewer systems. All utilities, including electricity and telephone, shall be installed underground.

12. Landowner associations shall meet the following conditions:

- a. The Landowners Association must be established.
- b. Membership must be mandatory for each owner and any successive buyer.
- c. The Association must be responsible for liability insurance, for common areas and the reasonable maintenance of the exterior of all facilities.
- d. Landowners must pay their pro rata share of the cost and the assessment levied by the Association that can become a lien on the property in accordance with Minnesota Statutes.
- e. The Association must be able to adjust the assessment to meet changing needs.

13. Density (Residential). The number of dwelling units may be flexible relative to the existing zoning classification. Increased densities may be allowed for a particular distinctiveness and excellence in sighting, design and landscaping as determined by the City Council. In no event will population densities be greater than that which would be detrimental to the public health, safety and general welfare. Increased density shall be permitted to encourage the preservation of natural topography and geological features, however the provisions of this Chapter shall not require the City to provide concessions in setbacks, density or lot size which may be detrimental to waterways or water bodies, steep slopes or other areas which would normally not be developable.

14. Building Height. The maximum building height shall comply with the height limitations of the underlying district.

15. Landscaping. Landscaping and/or fencing shall be provided to a plan that contains complete information as required by, and is approved by the Planning Commission and the City Council.

C. Open Space.

Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard.

1. Ownership of Open Space. Common open space and service facilities within a PUD shall be placed under the ownership of one or more of the following or may include a method deemed most appropriate by the City Council.

- a. Landlord control, where only use by tenants is anticipated.
- b. Property Owners Association, provided all of the following conditions are met:

- i. Prior to the use, occupancy, sale or the execution of contracts for sale of an individual building unit, parcel, tract, townhouse, apartment, or common area, a Declaration of Covenants, Conditions and Restrictions or an equivalent document as specified in Minnesota Statutes Section 515B, as may be amended from time to time, shall be filed with the Zoning Administrator prior to the filings of the declaration of documents or floor plans with the Mille Lacs County Recorder's Office.
- ii. The Declaration of Covenants, Conditions and Restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject the properties to the terms of the declaration.
- iii. The Declaration of Covenants, Conditions and Restrictions shall provide that an Owner's Association or Corporation may be formed and if such an Association or Corporation is formed property owners must be members of the Association or Corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This Declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing effective private control.
- iv. The Declaration shall additionally, amongst other things, provide that in the event the Association or Corporation fails to maintain properties in accordance with the applicable rules and regulations of the City, or fails to pay taxes or assessments on properties as they become due, and in the event the City incurs any expenses not immediately reimbursed by the Association or Corporation, then the City shall have the right to assess each property its pro rata share of the expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which such assessment is made.
- v. Membership in the Association must be mandatory for each owner and any successive buyer and the Association must be responsible for liability insurance, taxes, and the maintenance of the open space facilities to be deeded to it.
- vi. The open space restrictions must be permanent and not for a given period of years.
- vii. Property owners must pay their pro rata share of the cost of the Association by means of an assessment to be levied by the Association which meets the requirements for becoming a lien on the property in accordance with state law and the Association must be able to adjust the assessment to meet changing needs.
- viii. The By-Laws and Rules of the Association and all Covenants and Restrictions to be recorded must be approved by the City Council prior to the approval of the final PUD plan.

2. Staging of common open space. The construction and provision of all of the common open space and public improvements and recreational facilities that are shown on the final development plan for a PUD must proceed at the same rate as the construction of dwelling units or other private facilities.

D. Procedure for Processing.

The process for the filing and review of a PUD shall include a General Concept Plan, Development Plan and Final PUD plan. A public hearing shall not be required for the General

Concept Plan or the Final Plan. A hearing shall be conducted by the Planning Commission during the Development Stage Plan review, as outlined in this Section. In cases of a single stage PUD or where the applicant wishes to begin the first stage of a multiple stage PUD more expeditiously, he or she may at his or her option submit various plans for the proposed PUD simultaneously. In such case, the applicant shall comply with all the provisions of this Section.

- 1. Informational Meeting.** Upon filing of an application for a PUD, the applicant of the proposed PUD shall arrange for and attend an informational meeting with City staff. At such conference, the applicant shall be prepared to generally describe their proposal for a PUD. The primary purpose of the meeting shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the conformity to the provisions of this Code before incurring substantial expense in the preparation of detailed plans, surveys, and other data.
- 2. General concept plan.** The general concept plan provides an opportunity for the applicant to submit a plan to the City showing their basic intent and the general nature of the entire development without incurring substantial cost. This concept plan serves as the basis for the informational meeting so that the proposal may be considered at an early stage. The following elements of the proposed general concept plan represent the immediate significant elements which the City shall review and for which a decision shall be rendered:

 - a. Overall maximum PUD density range.
 - b. General location of major streets and pedestrian walkways.
 - c. General location and extent of public and/or common open space.
 - d. General location of residential and non-residential land uses with approximate intensities of development.
 - e. Staging and timetable of development.
 - f. Other special criteria for development.
- 3. Limitation of general concept plan approval.** Unless a development stage plan has been filed within nine (9) months from the date the City Council grants general concept plan approval or, in any case, where applicant fails to file development stage and final plans to proceed with development in accordance with the provisions of this Code and of an approved general concept plan, the approval may be revoked by the City Council. The City Council, at its discretion, may extend the filing date for a development stage plan when cause is demonstrated. Approval of the general concept plan should be limited to the general acceptability of the land uses proposed and their relationships to the area. Such action shall in no way bind the City Council to subsequent action on more detailed plans.
- 4. Development Stage Plan.** The purpose of the development stage plan is to provide a specific and particular plan upon which the Planning Commission will base its recommendation to the City Council and with which substantial compliance is necessary for the preparation of the final plan.

 - a. Submission of development stage plan. Upon approval of the general concept plan, the applicant shall file with the Zoning Administrator a development stage plan consisting of the information and submissions required under the development stage of the entire PUD, or for one (1) or more stages thereof in accordance with a staging plan approved as part of the general concept plan. The development stage plan shall refine, implement and be in substantial conformity with the approved general concept plan.

- b. Review and action by City staff and Planning Commission. Upon receipt of a completed development stage plan, the Zoning Administrator shall refer such plan to the appropriate City staff, Planning Commission and other review agencies.
- c. Process.
 - i. Developer makes application for the Development Stage Plan.
 - ii. Following the submission of a complete application, the Planning Commission shall conduct a public hearing, following published notice and mailed notice to property owners within 350 feet of the proposed PUD. Notice shall occur not less than ten (10) or more than thirty (30) days prior to the hearing. Failure of a property owner to receive notice shall not invalidate the process. The Planning Commission shall review the development stage plan and submit a written report and recommendation to the City Council. If the Planning Commission fails to make a report within thirty (30) days after receipt of the application, the City Council may proceed without the report. Such report shall contain the findings and recommendations of the Planning Commission with respect to the conformity of the development stage plan to the approved general concept plan, with respect to the merit or lack of merit of any departure of the development stage plan from substantial conformity with the general concept plan, and with respect to the compliance of the development stage plan with the provisions of this Code and all other applicable federal, state and local codes and ordinances.
 - iii. Within sixty (60) days of the receipt of a complete application, the City Council will take action to grant approval, grant conditional approval, or deny approval of the plan, unless an extension is required.
 - iv. Upon City Council approval, the City Attorney shall draft a PUD Development Agreement which stipulates the specific terms and conditions established and approved by the City Council and accepted by the applicant. This Agreement shall be signed by the Mayor, City Clerk/Treasurer and the applicant.
 - v. Where the development stage plan is denied approval, City Council action shall be by resolution setting forth the reasons for its actions. A certified copy of the document evidencing said City Council action shall be delivered to the applicant. The applicant will have sixty (60) days to submit a revised development stage plan to the Planning Commission. After the sixty (60) day period, a revised general concept plan must be submitted to the Planning Commission unless otherwise arranged with the Zoning Administrator.
 - vi. If subsequent submittals of the development stage plan are denied approval two (2) times within one (1) year of the original submission date, the applicant will be required to submit a revised general concept plan.
 - vii. Limitation on Development Stage Plan approval. Unless a final plan covering the area designated in the first stage of the development stage plan has been filed within six (6) months from the date the City Council grants development stage plan approval, or in any case where the applicant fails to file final plans and to proceed with development in accordance with the provisions of this Section and/or an approved development stage plan, the approval shall expire. The City Council may, at its discretion, extend for not more than one (1) additional period of six months the filing deadline for any final plan when, for good cause, such extension is necessary. In any case where development plan approval expires, the City Council shall forthwith adopt a resolution repealing the general concept plan approval and the development stage plan approval for that portion of the PUD that

has not received final plan approval, and re-establish the zoning and other ordinance provisions that would otherwise be applicable.

- d. Review and evaluation criteria. The evaluation of the proposed development stage plan shall include, but not be limited to, the following criteria:
 - i. Adequate property control is provided to protect the individual owner's rights and property values and the public responsibility for maintenance and upkeep.
 - ii. The interior circulation plan plus access from and onto public rights-of-way does not create congestion or dangers and is adequate for the safety of the project resident and the general public.
 - iii. A sufficient amount of usable open space is provided.
 - iv. The arrangement of buildings, structures and accessory uses does not unreasonably disturb the privacy or property values of the surrounding residential uses.
 - v. The architectural design of the project is visually compatible with the surrounding area. Architectural style or type of buildings shall not solely be a basis for denial or approval of the development stage plan. However, the overall appearance and compatibility of individual buildings to other site elements of surrounding development will be given primary consideration in the review stages of the Planning Commission and City Council.
 - vi. The drainage and utility system plans are submitted to the City Engineer and shall be subject to approval of the City Engineer.
 - vii. The development schedule insures a logical development of the site which will protect the public interest and conserve land.
 - viii. Proposed unit and accessory use requirements are in compliance with the district provisions in which the development is planned.
5. **Final plan.** The final plan is to serve as a complete, thorough and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other city ordinances as the land use regulation applicable to the PUD.
 - a. Submission of the final plan. Upon approval of the development stage plan, the applicant shall file with the Zoning Administrator a final plan consisting of the information and submissions required by the final plan stage, for the entire PUD or for one (1) or more stages. The final plan is intended only to add detail to, and to put in final form, the information contained in the general concept plan and the development stage plan which shall conform to the development stage plan in all respects.
 - b. Review of final plan. The Zoning Administrator and City Engineer shall review the final plans to assure their compliance with the general concept and development stage plans. The Zoning Administrator and City Engineer shall require appropriate revisions by the applicant wherever they do not comply. The City Engineer shall report findings to the Zoning Administrator, who then shall notify the applicant in writing of their recommendations for approval, conditional approval or denial of the final plan.

- c. City Council action. The City Council may approve the PUD final plan with a majority vote.
- d. Recording of final plan. Within thirty (30) days of the Zoning Administrator's notice of approval, the applicant shall record the final plan, or such portions thereof as are appropriate, with the Office of the Mille Lacs County Recorder.
- e. Permits. No land or site plan permit shall be granted on land for which a plan for a PUD is in the process of review or which does not conform to the approved final plan. Upon receiving notice from the Zoning Administrator that the approved final plan has been recorded and upon appropriate application of the applicant, building and other permits may be issued to the applicant if the following conditions are met:
 - i. Public open space, if applicable, has been deeded to the City and officially recorded.
 - ii. A development agreement has been approved and executed by all parties.
 - iii. The homeowner's association (if applicable) by-laws, covenants and deed restrictions have been approved by the City Attorney and officially recorded.
 - iv. The construction plans for proposed structures have been approved by the City Council.
 - v. All detailed site plans have been approved by the Zoning Administrator.
- f. Limitation of final plan approval. Within one (1) year after the approval of a final plan for PUD, or such shorter time as may be established by the appropriate development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension has been granted as hereinafter provided, automatically renders void the PUD permit and all approvals of the PUD plan. The area encompassed within the PUD shall thereafter be subject to those provisions of the zoning ordinances and other ordinances applicable in the district in which it is located. In such case, the City Council shall forthwith adopt a resolution repealing the PUD permit and PUD approvals and re-establishing the zoning and other ordinance provisions that would otherwise be applicable.

E. Data Required.

- 1. Development Stage Plan. An application for approval of a development plan for a proposed PUD shall be filed with the Zoning Administrator by the owner(s) of title of property for which the PUD is proposed. A filing fee, as established from time to time by City Council Ordinance, shall accompany the Development Review Application. The application and accompanying statements shall be submitted and shall include:
 - a. A vicinity map at a scale approved by the Zoning Administrator showing property lines, streets, easements, existing zoning, and such other items as the Planning Commission may require to show the relationship of the proposed PUD to the Comprehensive Plan of the City, to existing schools and other community facilities and services, and to the surrounding area;
 - b. A preliminary plan of the entire area in such detail as to show the land uses being requested, the densities being proposed, the proposed lots and blocks and the off-street parking system;
 - c. A written statement explaining in detail, and with supporting documentation, the

specifics of the development plan as it relates to the type of dwelling units proposed and the resultant population, the extent and nature of non-residential development and the resulting traffic generated and parking demands created;

- d. The proposed schedule and/or phasing for the development of the site;
- e. The location, shape, size and character of public or private/common open space which is suitable for the PUD, in accordance with the Subdivision Ordinance requirements for park and open space dedication.
- f. The location and size of all utilities including telephone, electricity, gas, cable, water, sanitary sewer and storm sewer.
- g. Landscape Plan including a detailed planting list.
- h. Size and location of all street right-of-ways and proposed paved widths, in conformance with the City's Subdivision Ordinance.
- i. A statement setting forth the reasons why, in the opinion of the applicant, the PUD will be in the public interest and consistent with the objectives specified for PUD's.

2. Final Plan Data Requirements. A final application and its supporting documentation shall give the same information as is required of plats under the Subdivision Control Ordinance of the City in addition to such other information as required by this Ordinance and by the Planning Commission as a condition for approval of the preliminary plan. In addition, the application shall be accompanied by such other documentation, such as:

- a. The location, size, use and arrangement, including height in stories and feet, and total square feet of ground area coverage and floor area, for proposed building, and existing buildings which will remain, if any.
- b. The location, dimensions and number of all driveways, entrances, curb cuts, parking stalls, loading spaces, access alleys, and all other circulation elements including bicycle, pedestrian walkways, and the total site coverage of all circulation elements.
- c. Approximate area, and potential floor area, devoted to commercial or office uses.
- d. Approximate area, and potential floor area, devoted to industrial uses.
- e. Schedule of construction. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such stage, and the overall chronology of development to be followed from stage to stage.
- f. Care and maintenance of open spaces or service facilities. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities shall be submitted. If it is proposed that such open space be owned, operated and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted during the development stage.
- g. A preliminary and final plat prepared by a land surveyor, duly registered in the state, in accordance with Minnesota Statutes Section 505 and the City's Subdivision Ordinance,

as may be amended from time to time, which shall contain a notarized certification by such surveyor that the plat represents a survey made by the surveyor and that the monuments shown herein exist as located, and all dimensions are correct, and a notarized certification by the owner or owners of the adoption of the plat and the dedication of streets and other public areas as required.

- h. Detailed utility and infrastructure construction plans, grading plan and drainage plan, approved by the City Engineer.
- i. A statement summarizing all changes which have been made to any document, plan data, or information previously submitted, together with revised copies of any such document, plan or data.
- j. Such other and further information as the Zoning Administrator, City Engineer, Planning Commission or City Council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.
- k. Title opinion provided by the developer showing good and marketable title in the names of the owners of the property. This opinion, together with an updated abstract, should be submitted to the City Attorney for review.
- l. The Planning Commission may, by a written order, excuse any applicant from submitting any specific item of information required herein which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

F. Amendments and Administration.

Amendments may be made in the approved final plan when they have shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the City.

- 1. Minor changes in location, location and height of buildings and structures may be authorized by the Zoning Administrator if requested, if caused by unforeseen circumstances and if they are consistent with the intent and purpose of the final plan and do not increase the size of any building or structure any more than ten percent than originally proposed in the development stage plan.
- 2. All other changes in use, rearrangement of lots, blocks and open space must be authorized by the Planning Commission and City Council under procedures outlined for the Development Stage Plan.

G. Annual review.

The Zoning Administrator shall review each PUD at least once each year and shall make a report through the Planning Commission to the City Council on the status of the development in each PUD District. If development is not progressing reasonably well, according to schedule, the owner shall be required to submit a statement to the Zoning Administrator setting forth the reasons for the lack of progress. If the City Council finds that the development has not occurred according to the establishing development schedule or is not otherwise reasonable in the view of the City Council, the City Council may initiate rezoning to remove the PUD District in any event. It shall not be necessary for the City Council to find the rezoning to a PUD District was in error.

SECTION 151.31 OPEN SPACE DISTRICT.

A. Purpose.

The Open Space District is intended to recognize and protect those areas within the municipality which are best suited for active and passive recreation and which will effectively contribute to the development and community growth pattern as proposed in the City's Land Use Plan.

B. Permitted Uses.

Within the Open Space District (O), unless otherwise provided by this Code, no uses are permitted except for the following:

1. Public parks and playgrounds owned or operated by government agencies.
2. Undeveloped forest reserves for passive recreation only.
3. Public swimming pool; public community center, cultural or historic structures and areas.
4. Public shoreline frontage, landing docks, harbors.
5. Public trail areas, community campgrounds and general recreation areas under public ownership.
6. Public tennis courts, archery ranges and similar facilities not operated for commercial purposes.
7. Wastewater Treatment Facilities.

C. Accessory Uses.

The following uses shall be permitted accessory uses within the O District:

1. Uses customarily incidental to the uses listed in Section 151.31B and 151.31D of this Section.
2. Signs as regulated in Section 151.88.

D. Conditional Uses.

Building or land may be used for the following if granted a Conditional Use Permit as provided in Section 151.95. To aid in preventing damage to surrounding lands which could be caused by inappropriate construction of roads, drives, paths, buildings or other structures, it is further recommended that the property owner prepare or cause to be prepared a site map at an appropriate scale, showing all existing and proposed construction, property lines, streams, lakeshore, wetlands, and land contours. This shall be submitted to the Isle Planning Commission as part of the application for a Conditional Use Permit. The map, is to enable the Planning Commission and/or its' agents to make the best decision possible either granting or denying the permit. A copy of the annotated map will be kept on file by the Secretary of the Isle Planning Commission as a part of the Conditional Use Permit Application. The following Conditional Uses will be considered:

1. Public utility and service building and structures of an essential nature, except those normally considered industrial in use.
2. Nurseries and tree farms, to include retail sales.
3. Farm drainage systems, flood control and watershed structures, erosion control.
4. Cemeteries and memorial gardens.

5. Animal care facilities (stables, kennels, training runs, etc.).
6. Farming and agricultural operations provided, however, that no new land areas shall be filled or cleared for farming operations without first obtaining a conditional use permit.

E. Minimum Lot Size.

None.

F. Minimum Lot Dimensions.

None.

G. Front, Side and Rear Yard Setback Requirements.

1. Front yards. Not less than 30 feet.
2. Side yards. Not less than 30 feet. Corner lots: 30 feet.
3. Rear yards. 30 feet.

H. Maximum Ground Coverage.

The sum total of the ground area covered by all structures (permitted or conditional uses) shall not exceed 30% of the zoning lot on which the structures are located.

I. Maximum Height.

Building heights with a maximum height of three (3) stories or 36 feet, whichever is less shall be permitted.

SECTION 151.32 SHORELAND MANAGEMENT.

A. Statutory Authorization and Policy.

1. **Statutory authorization.** This Shoreland Ordinance is adopted pursuant to the Authorization and policies contained in Minnesota Statutes, Chapter 103 F., Minnesota Regulations, parts 8120, 2500-8120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.
2. **Policy.** The uncontrolled use of shorelands of Isle, Minnesota affects the public health, safety and general welfare, not only by contributing to pollution of public water, but also by impairing the local tax base. Therefore, it is in the best interest of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Isle.

B. General Provisions and Definitions.

1. **Jurisdiction.** The provisions of this Ordinance shall apply to the shorelands of the public water bodies as classified in Section 151.32 D. of this Ordinance. Pursuant to Minnesota Regulations, Parts 6120.2500-6120.3900 no lake, pond or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need to be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this Ordinance.
2. **Compliance.** 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; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this Ordinance and other applicable regulations.
3. **Enforcement.** The Isle Planning Commission is responsible for the administration and enforcement of this Ordinance. Any violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable by law. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section 151.32 C.1 of this Ordinance.
4. **Interpretation.** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any powers granted by State Statutes.
5. **Severability.** If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
6. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall

prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

7. Definitions. Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give them the sole meaning that they have in common usage and so as to give this Ordinance its most reasonable application. For the purpose of this Ordinance, the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

- a. Accessory structure or facility. “Accessory structure” or “Facility” means any building or improvement subordinate to a principal use which, because of the nature of its use, can be reasonably located at or greater than normal structure setbacks.
- b. Bluff. “Bluff” means a topographic feature such as a hill, cliff, or embankment having the following characteristics:
 - i. Part or all of the feature is located in a shoreland area;
 - ii. The slope rises at least 25 feet above the ordinary high water level of the water body;
 - iii. 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
 - iv. The slope must drain toward the water body.

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.

- c. Bluff impact zone. “Bluff impact zone” means a bluff and land located within 20 feet from the top of a bluff.
- d. Boathouse. A “Boathouse” means a structure designed and used solely for the storage of boats or boating equipment.
- e. Building Line. “Building Line” means a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.
- f. Commercial Planned Unit Developments. “Commercial Planned Unit Developments” are typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service oriented. For example, hotel/motel accommodations, resorts, recreational vehicles and camping parks and other primarily service oriented activities are commercial planned unit developments.
- g. Commercial use. “Commercial use” means the principal use of land or buildings for sale, lease, rental or trade of products, goods and services.
- h. Commissioner. “Commissioner” is the Commissioner of the Department of Natural Resources or Department of Public Safety.
- i. Conditional Use. “Conditional use” means a land or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the Zoning Ordinance exist, the use or development conforms to the Comprehensive Land Use Plan of the community, and the use is compatible with the existing neighborhood.

- j. Deck. "Deck" means 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 the ground.
- k. Duplex, triplex and quad. "Duplex, triplex and quad" means 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, and living and sanitation facilities.
- l. Dwelling site. "Dwelling site" means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational sites.
- m. Dwelling unit. "Dwelling unit" means any structure or portion of a structure, or other shelter designed as short-or long-term quarters for one or more persons, including rental or timeshare accommodations such as a motel, hotel, and resort rooms and cabins.
- n. Extractive use. "Extractive use" means the use of land for surface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes Sections 93.44 to 93.51.
- o. Forest Land conversion. "Forest Land conversion" means the clear cutting of forested lands to prepare for new land use other than reestablishment of a subsequent forest stand.
- p. Guest Cottage. "Guest Cottage" means 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.
- q. Hardship. "Hardship" means the same as the term is defined in Minnesota Statutes Chapter 462.
- r. Height of building. "Height of building" means the vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.
- s. Industrial use. "Industrial use" means the use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities, or other wholesale items.
- t. Lot. "Lot" means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease or separation.
- u. Lot width. "Lot width" means the shortest distance between lot lines measured at the midpoint of the building line.
- v. Nonconformity. "Nonconformity" means any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

- w. Ordinary high water level. "Ordinary high water level" means the boundary of public waters and wetlands, and 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 flowages, the ordinary high water level is the operating elevation of the normal summer pool.
- x. Planned unit development. "Planned unit development" means 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 spaces, 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 subdivisions of dwelling units, residential condominiums, town homes, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels and conversions of structures and land uses to these uses.
- y. Public waters. "Public waters" means any water as defined in Minnesota Statutes, Section 103G.005, Subdivisions 15 and 15a.
- z. Residential planned unit development. "Residential planned unit development" means a use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as a residential planned unit development. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.
- aa. Semi-public use. "Semi-public use" means 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.
- bb. Sensitive resource management. "Sensitive resource management" means 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.
- cc. Setback. "Setback" means the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.
- dd. Sewage treatment system. "Sewer treatment system" means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 151.32 E. 8. of this Ordinance.
- ee. Sewer system. "Sewer system" means pipelines, conduits, pumping stations, and force main, and all other construction, device appliances, or appurtenances used for conducting sewage or industrial water or other waste to a point of ultimate disposal.
- ff. Shore impact zone. "Shore impact zone" means 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.

- gg. Shoreland. "Shoreland" means 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 shore lands 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.
- hh. Significant historic site. "Significant historic site" means any archaeological site, or 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 provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet 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.
- ii. Steep slopes. "Steep slopes" means land where agricultural activity or development is either not recommended or described as poorly suited due to a 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 12 percent, as measured over horizontal distances of 50 feet or more that are not bluffs.
- jj. Structure. "Structure" means any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, telephone, gas lines, towers, poles, and other supporting facilities.
- kk. Subdivision. "Subdivision" means land that is divided for the purpose of sale, rent or lease, including planned unit developments.
- ll. Surface water-oriented commercial use. "Surface water-oriented commercial use" means 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.
- mm. Toe of the bluff. "Toe of the bluff" means the lower point of a 50-foot segment with an average slope exceeding 18 percent.
- nn. Top of the bluff. "Top of the bluff" means the higher point of a 50-foot segment with an average slope exceeding 18 percent.
- oo. Water-oriented accessory structure or facility. "Water-oriented accessory structure or facility" means 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 boathouse, gazebos, screen house, fish houses, pump houses and detached decks.
- pp. Wetland. "Wetlands" means a surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).

C. Administration.

1. Permits Required.

- a. A permit is required for the construction of building or building additions (including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Section 151.32 E. 3. of this Ordinance. Application for a permit shall be made to the Zoning Administrator on the forms provided. The application shall include the necessary information so that the Zoning Administrator can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.
- b. A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Section 151.32 E.8 shall be reconstructed or replaced in accordance with the provisions of this Ordinance.

2. Certificate of Zoning Compliance.

- a. The Zoning Administrator shall issue a Certificate of Zoning Compliance for each activity requiring a permit as specified in Section 151.32 C. 1. of this Ordinance. This Certificate will specify that the use of land conform to the requirements of this Ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this Ordinance and shall be punishable as provided in Section 151.32 B. 3 of this Ordinance.

3. Variances.

- a. Variances may only be granted in accordance with Minnesota Statutes Chapter 462, as applicable. A variance may not circumvent the general purposes and intent of this Ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the Board of Adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.
- b. The Board of Adjustment (City Council) shall hear and decide requests for variance in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section 151.32 C. 4 shall also include the Board of Adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
- c. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction for a nonconforming sewage treatment system.

4. Notification to the Department of Natural Resources.

- a. Copies of all notices of any public hearing to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked at least 10 days before the hearing. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

- b. A copy of amendments and subdivisions/plats, and final decision granting variances or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked within 10 days of final action.

D. Shoreland Classification System and Land Use District.

1. Shoreland Classification System. The public waters of the City of Isle have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300 and the Protected Waters Inventory Map for Mille Lacs County, Minnesota.

- a. The Shoreland area for the waterbodies listed in Sections 151.32 D. 1 b and 1 c, shall be as defined in Section 151.32 B and as shown on the Official Zoning map. (See Appendix 1 & 2)
- b. Lakes
 - i. General Development Lakes: Mille Lacs Lake
 - ii. Protected Waters: Inventory I.D. #48-2
- c. River and Streams
 - i. Tributary Streams: Malone Creek (Thaines River); Legal Description - Mille Lacs County, Township 42, Range 25, Section 1 & 2.

2. Land Use District Description

a. Criteria for Designation. The land use districts in Section 151.32 D and the delineation of a land use district's boundaries on the Official Zoning Map, must be consistent with the goals, policies, and objectives of the Comprehensive Land Use Plan (when available) and the following criteria, consideration, and objections:

- i. General Consideration and Criteria for all Land Uses:
 - 1) Preservation of natural areas;
 - 2) Present ownership and development of Shoreland areas;
 - 3) Shoreland soil types and their engineering capabilities;
 - 4) Topographic characteristics;
 - 5) Vegetative cover;
 - 6) In-water physical characteristics, values, and constraints;
 - 7) Recreational use of the surface water;
 - 8) Road and service center accessibility;
 - 9) Socioeconomic development needs and plans as they involve water and related land resources;
 - 10) The land requirements of industry which, by its nature, requires location in Shoreland areas; and

11) The necessity to preserve and restore certain areas having significant historical or ecological value.

ii. Factors and Criteria for Planned Unit Developments.

- 1) Existing recreational use of the surface water and likely increases in use associated with planned unit developments;
- 2) Physical and aesthetic impacts of increased density;
- 3) Suitability of lands for the planned unit development approach;
- 4) Level of current development in the area; and
- 5) Amounts and types of ownership of undeveloped lands.

b. Land Use District Description. The land use districts provided below, and the allowable land uses therein for the given classifications of waterbodies, shall be properly delineated on the official Zoning Map for the shorelands of this community. These land use districts are defined in Section 8.0 of City of Isle Ordinance #69A and are in conformance with the criteria specified in Minnesota Regulations, Part 6120.3200, Sup. 3.

i. Land Use District for Lakes

1) Residential District Uses (R1)	General Development Lakes	Tributary River
-Single residential	P	P
-Semipublic	C	P
-Parks & historic sites	C	P
-Extractive	C	C
-Duplex, triplex, quad residential	P	C
-Forest management	P	P
-Mining of metallic minerals and peat	P	P
2) Residential District Uses (R2)		
-Residential planned unit development	C	C
-Single residential	P	P
-Surface water oriented-commercial*	C	C
-Semipublic	C	C
-Parks & historic sites	C	C
-Duplex, triplex, quad residential	P	P
-Forest management	P	P
3) General Use District Uses (COM)		
-Commercial	P	C
-Commercial planned unit development**	C	C
-Industrial	C	C
-Public, semi public	P	C
-Extractive use	C	C
-Parks & historic sites	C	C
-Forest management	P	P
-Mining of metallic minerals and peat	P	P

*As accessory to a residential planned unit development.

** Limited expansion of a commercial planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Section 151.32 H of this Ordinance are satisfied.

c. Use and Upgrading of Inconsistent Land Use District

- i. When a revision is proposed to an inconsistent land use provision, the following additional criteria and procedure shall apply:
 - 1) For lakes. When a revision to a land use district designation on a lake is considered, the land use district boundaries and use provisions therein for all the Shoreland areas within the jurisdiction of this Ordinance on said lake must be revised to make them substantially compatible with the framework in Section 151.32 D. 2 of this Ordinance.
 - 2) For Rivers and Streams. When a revision to a land use district designation on a river or stream is proposed, the land use district boundaries and the use provisions therein for all shoreland on both sides of the river or stream within the same classification within the jurisdiction of this Ordinance must be revised to make them substantially compatible with the framework in Section 151.32 D. 2 of this Ordinance. If the same river classification is contiguous for more than a five-mile segment, only the shoreland for a distance of 2.5 miles upstream and downstream, or to the class boundary if closer, need to be evaluated and revised.
- ii. When an interpretation question arises about whether a specific land use fits within a given "use" category, the interpretation shall be made by the Board of Adjustment. When a question arises as to whether a land use district's boundaries are properly delineated on the Official Zoning Map, this decision shall be made by the Isle Planning Commission.
- iii. When a revision is proposed to an inconsistent land use district provision by an individual party or landowner, this individual party or landowner will only be responsible to provide the supporting and/or substantiating information for the specific parcel in question. The Planning Commission will direct the Zoning Administrator to provide such additional information for this waterbody as is necessary to satisfy items i. and ii. above.
- iv. The Planning Commission must make a detailed finding of fact and conclusion when taking final action that this revision and the upgrading of any inconsistent land use district designations on said waterbody, are consistent with the enumerated criteria and use provisions of Section 151.32 D. 2.

E. Zoning and Water Supply/Sanitary Provisions.

1. **Lot Area and Width Standards.** The lot area (in square feet) and lot width standard (in feet) for single, duplex, triplex and quad residential lots created after the date of enactment of this Ordinance for the lake and river/streams classifications are the following:

a. Un-sewered Lakes – General Development

	Riparian Lots		Non-Riparian Lots	
	Area	Width	Area	Width
Single	20,000	100	40,000	150
Duplex	40,000	180	80,000	265
Triplex	60,000	260	120,000	375

Quad	80,000	340	160,000	490
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b. Sewered Lakes – General Development

	Riparian Lots		Non-Riparian Lots	
Single	15,000	75	10,000	75
Duplex	26,000	135	17,500	135
Triplex	38,000	195	25,000	190
Quad	49,000	255	32,500	245

c. River/Streams Lot width standards. There are no minimum lot size requirements for rivers and streams. The lot width standards for single, duplex, triplex and quad residential development for the river/stream classifications are:

	Urban & Tributary	
	No Sewer	Sewer
Single	100	75
Duplex	150	115
Triplex	200	150
Quad	250	190

d. Additional Special Provisions.

i. Residential subdivisions with dwelling unit densities exceeding those in the tables in Section 151.32 E. 1. a., b. and c. can only be allowed if designed and approved as residential planned unit development under Section 151.32 H of this Ordinance. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Section 151.32 E 1. can only be used if publicly owned sewer system service is available to the property.

ii. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Sections 151.32-E 1 a, b and c, provided the following standards are met:

- 1) For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit;
- 2) Guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and
- 3) A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

iii. Lots intended as controlled access to public waters or as recreation areas for use by owners of non-riparian 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, the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements 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/miles)	Required Increase (percent)
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

- 3) They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided 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 topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

2. Placement, Design and Height of Structures.

- a. Placement of Structures on Lots. 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 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:

- i. Structure and on-site Sewage System Setbacks (in feet) from Ordinary High Water Levels.

Classes of Public Waters	Setbacks*		
	Structure Un-sewered	Sewered	Sewage Treatment Systems
<u>Lakes</u>			
General Development	75	50	50
<u>Rivers</u>			
Urban & Tributary	100	50	75

*One water-oriented accessory structure designed in accordance with Section 151.32 E 2. of this Ordinance may be set back a minimum distance of ten (10) feet from the ordinary high water level.

ii. Additional Structure Setbacks. The following additional structure setbacks apply, regardless of the classification of the waterbody:

<u>Setback From:</u>	<u>Setback (in feet)</u>
Top of bluff	30'
Unplatted cemetery	50'
Right-of-way line of federal, state, or county highway	50'
Right of way line of town road, public street or other roads or street not classified.	20'

iii. Bluff Impact Zone. Structures and accessory facilities, except stairways and landing, must not be placed within bluff impact zones.

iv. Uses without Water-oriented needs. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or if located on lots or parcels with public waters frontage, must either be setback 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.

b. Design Criteria For Structures

i. High Water Elevation. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

- 1) For lakes, by placing the lowest floor at a level at least three (3) feet above the highest known water level, or three (3) feet above the ordinary high water level, whichever is higher.
- 2) For rivers and streams, by placing the lowest floor at least three (3) feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three (3) feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection evaluation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and
- 3) 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.

- ii. Water-oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Section 151.32 E. 2. of this Ordinance if this water-oriented accessory structure complies with the followings provisions:
 - 1) The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight (8) feet above grade at any point;
 - 2) The setback of the structure or facility from the ordinary high water level must be at least ten (10) feet;
 - 3) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
 - 4) The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
 - 5) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;
 - 6) As an alternative for general development and recreational development waterbodies, 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 20 feet measured parallel to the configuration of the shoreline.
- iii. Stairways, Lifts, and Landings. 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 must 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) Lands for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 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; and

- 6) 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) to (5) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1341.
- iv. Significant Historic Sites. No structures may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
 - v. Steep Slopes. The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
- c. Height of Structures. All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.
- 3. Shoreland Alterations.** Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shore land aesthetics, preserve historic values, prevent bank slumping and protect fish and wildlife habitat.
- a. Vegetation Alteration
 - i. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 151.32 E. 4 of this Ordinance are exempt from the vegetation standards that follow.
 - ii. Removal or alterations of vegetation, except for agricultural and forest management uses as regulated in Section 151.32 E 6. c and E. 6. d., respectively is allowed subject to the following standards.
 - 1) Intensive vegetation clearing within the shore and bluff impact zone and on steep slopes is not allowed. Outside of these areas, intensive vegetation clearing for forest land conversion to another use is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
 - 2) 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, picnic areas, access paths, livestock watering areas, beach and watercraft access areas and permitted water-oriented accessory structures or facilities, provided that:
 - a) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced:

- b) Along rivers, existing shading of water surfaces is preserved; and
- c) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased or pose a safety hazard.

b. Topographic Alterations/Grading and Filling

- i. Grading and filling and excavation necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
- ii. Public roads and parking areas are regulated by Section 151.32 E. 4 of this Ordinance.
- iii. Notwithstanding Items i and ii above, a grading and filling permit will be required for:
 - 1) The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - 2) The movement of more than 50 cubic yards of material outside steep slopes or within shore or bluff impact zones.
- iv. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivisions:
 - 1) Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland;
 - a) Sediment and pollutant trapping and retention;
 - b) Storage of surface runoff to prevent or reduce flood damage;
 - c) Fish and wildlife habitat;
 - d) Recreational use;
 - e) Shoreline or bank stabilization; and
 - f) Noteworthiness including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

*This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.

- 2) 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;
 - 3) 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;
 - 4) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
 - 5) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
 - 6) Fill or excavated material must not be placed in a manner that creates an unstable slope;
 - 7) 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 30 percent or greater;
 - 8) Fill or excavated material must not be placed in bluff impact zones;
 - 9) Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner under Minnesota Statutes, Sections 103G.245 and 103G.405.
 - 10) 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 and;
 - 11) 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 (3) feet horizontal to one foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.
- v. Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner has approved the proposed connection to public waters.

4. Placement and Design of Roads, Driveways, and Parking Areas.

- a. Public and 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. 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 field office technical guides of the local soil and water conservation district, or other applicable technical materials.

- b. 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.
 - c. 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 subpart are met. For private facilities, the grading and filling provisions of Section 151.32 E. 3b of this Ordinance must be met.
5. **Stormwater Management.** The following general and specific standards shall apply:
- a. General Standards
 - i. 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.
 - ii. 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.
 - iii. 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 must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
 - b. Specific Standards:
 - i. Impervious surface coverage of lots must not exceed 25 percent of the lot area.
 - ii. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
 - iii. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
6. **Special Provisions for Commercial, Industrial, Public/Semi-public, Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat.**
- a. 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:
 - i. 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;

- ii. 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
- iii. 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 or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages 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, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and
 - 3) Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination across public waters. This does not preclude use of navigational lights.
- b. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must 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.
- c. Agricultural Use Standards
 - i. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation or the United States Soil Conservation Service, 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 50 feet from the ordinary high water level.
 - ii. Animal feedlots must meet the following standards:
 - 1) New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins; and
 - 2) Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

- 3) A certificate of compliance, interim permit, or animal feedlot permit, when required by parts 7020.0100 to 7020.1900, must be obtained by the owner or operator of an animal feedlot.
 - 4) Use of fertilizer, pesticides, or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation.
- d. Forest Management Standards. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota". Forest land conversion to another use requires issuance of a conditional use permit and adherence to the following standards:
- i. Shore and bluff impact zones must not be intensively cleared of vegetation; and
 - ii. An erosion and sediment control plan is developed and approved by the local soil and water conservation district before issuance of a conditional use permit for the conversion.

Use of fertilizer, pesticides, or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation.

- e. Extractive Use Standards
- i. 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 must clearly explain how the site will be rehabilitated after extractive activities end.
 - ii. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.
- f. Mining of Metallic Minerals and Peat. Mining metallic minerals and peat, as defined in Minnesota Statutes, Sections 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, Sections 93.44 to 93.51, are satisfied.

7. Conditional Uses.

- a. Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and the criteria and conditions for review of conditional uses established community-wide. The following additional evaluation criteria and conditions apply within shoreland areas:
- i. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - ii. The visibility of structures and other facilities as viewed from public waters is limited;

- iii. The site is adequate for water supply and on-site sewage treatment; and
 - iv. 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. Conditions attached to conditional use permits. The Isle Planning Commission, upon consideration of the criteria listed above and purposes of this Ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
- i. Increased setbacks from the ordinary high water level;
 - ii. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
 - iii. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

8. Water Supply and Sewage Treatment

- a. 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.
- b. Sewage Treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows;
- i. Publicly-owned sewer systems must be used where available.
 - ii. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards, Chapter 7080", a copy of which is hereby adopted by reference and declared to be a part of this Ordinance.
 - iii. On-Site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Section 151.32 E. 2 a. of this Ordinance.
 - iv. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in sub-items 1-4 below. If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation test from on-site field investigations.

Evaluation criteria:

- 1) Depth to the highest known or calculated ground water table or bedrock;
- 2) Soil conditions, properties, and permeability;
- 3) Slope; and

- 4) The existence of lowlands, local surface depressions, and rock outcrops;
- v. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Section 151.32 F. 3 of this Ordinance.

F. Nonconformities

1. Construction on Nonconforming Lots of Record

- a. Lots of record in the office of the county recorder on the date of enactment of local shoreland controls that do not meet the requirements of Section 151.32 E. 1 of this Ordinance may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard; was created compliant with official controls in effect at the time; and sewage treatment and setback requirements of this Ordinance are met.
- b. A variance from setback requirements must be obtained before any use, sewage treatment system, or land use permit is issued for a lot. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
- c. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 151.32 E 1 of this Ordinance the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 151.32 E. 1 of this Ordinance as much as possible.

2. Additions/Expansions to Nonconforming Structures

- a. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Section 151.32 E of this Ordinance. Any deviation from these requirements must be authorized by a variance pursuant to Section 151.32 C. 3.
- b. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
 - i. The structure existed on the date the structure setbacks were established;
 - ii. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
 - iii. The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and
 - iv. The deck is constructed primarily of wood, and is not roofed or screened.

3. Nonconforming Sewage Treatment Systems

- a. A sewage treatment system not meeting the requirements of Section 151.32 E. 8 of this Ordinance must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
- b. The City of Isle will require upgrading or replacement of any nonconforming system identified within a reasonable period of time which will not exceed two (2) years. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, Section 103F.221, in effect at the same time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

G. Subdivision/Platting Provisions.

1. **Land Suitability.** Each lot created through subdivision, including planned unit developments authorized under Section 151.32 H. of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility of 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 of the health, safety, or welfare of future residents of the proposed subdivision or of the community.
2. **Consistency with Other Controls.** Subdivisions must conform to all official controls of this community. 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 Sections 151.32 E. 2. and E. 8 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Section 151.32 E. 1 including at least a minimum contiguous lawn area that is free of limiting factors (location and type of water supply, soil type, depth to groundwater or impervious layer, slope, flooding potential, and other limiting factors) sufficient for the construction of two (2) standard soil treatment systems. Lots that would require use of holding tanks must not be approved.
3. **Information Requirements.** Sufficient information must be submitted by the applicant for the community to make a determination of land suitability. The information shall include at least the following:
 - a. Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;
 - b. The surface water features required in Minnesota Statutes, Section 505.01, Section 2, Subdivision 8, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
 - c. Adequate soil 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;

- d. 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;
 - e. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
 - f. 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.
4. **Dedications.** 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.
 5. **Platting.** All subdivisions that create five or more lots or parcels that are 2-1/2 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.
 6. **Controlled Access or Recreational Lots.** Lots intended as controlled accesses to public waters or for recreational use areas for use by non-riparian lots within a subdivision must meet or exceed the sizing criteria in Section 151.32 E. 1 d. of this ordinance.

H. Planned Unit Developments (PUD's).

1. **Types of PUDs Permissible.** Planned Unit Developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in Section 151.32 D. 2. of this ordinance and the Official Zoning Map.
2. **Processing of PUDs.** Planned unit developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving 6 or fewer new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 151.32 H. 5. Approval cannot occur until the environmental review process (EAWIEIS) is complete.
3. **Application for a PUD.** The applicant for a PUD must submit the following documents prior to final action being taken on the application request:
 - a. A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten-foot intervals or less. 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.
 - b. A property owners' association agreement (for residential PUDs) with mandatory membership, and all in accordance with the requirements of Section 151.32 H. 6 of this ordinance.

- c. Deed restrictions, covenants, permanent easements or other instruments that: 1) properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and 2) ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 152.32 H. 6 of this ordinance.
- d. When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.
- e. Those additional documents as requested by the Isle Planning Commission that are necessary to explain how the PUD will be designed and will function.

4. Site "Suitable Area" Evaluation

Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the unit/dwelling site density evaluation in Section 151.32 H. 5.

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

Shoreland Tier Dimensions	<u>Unsewered(ft.)</u>	
<u>Sewered(ft.)</u>		
General Development Lakes - first tier	200	200
General Development Lakes - second and additional tiers	267	200
All river classes	300	300

- 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 or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

5. Residential and Commercial PUD Density Evaluation. The procedures for determining the "base" density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.

- a. Residential PUD "Base" Density Evaluation. The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in Section 151.32 H. 6.
- b. Commercial PUD "Base" Density Evaluation:
 - i. 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.

- ii. Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development
Floor Area Ratios*
Public Waters Classes

Average Unit Floor Area (sq. ft.).	Sewered general development lakes; first tier on unsewered general development lakes tributary river	Second and additional tiers on unsewered general 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
1,000	.108	.054
1,100	.116	.058
1,200	.125	.064
1,300	.133	.068
1,400	.142	.072
1,500	.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.

Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

- iii. 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.
 - iv. Divide the total floor area by tier computed in item iii. above by the average inside living area size determined in item i. above. This yields a base number of dwelling units and sites for each tier.
 - v. Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in Section 151.30 H. 6.
- c. Density Increase Multipliers:
- i. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Section 151.30 E. are met or exceeded and the design criteria in Section 152.32 H. 6. are satisfied. The allowable density increases in item ii. below will only be allowed if the structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.
 - ii. Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Planned Unit Developments:

Density evaluation tiers	Maximum density increase within each tier (%)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

6. Maintenance and Design Criteria

a. Maintenance and Administration Requirements

- i. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
- ii. Open space preservation. Deed restrictions, covenants, permanent easements, 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 must include all of the following protections:
 - 1) Commercial uses prohibited (for residential PUDs)
 - 2) Vegetation and topographic alterations other than routine maintenance prohibited;
 - 3) Construction of additional buildings or storage of vehicles and other materials prohibited; and
 - 4) Uncontrolled beaching of watercraft prohibited.
- iii. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:
 - 1) Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
 - 2) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
 - 3) Assessments must be adjustable to accommodate changing conditions; and
 - 4) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

b. Open Space Requirements. Planned unit developments must contain open space meeting all of the following criteria:

- i. At least 50 percent of the total project area must be preserved as open space.
- ii. Dwelling units or sites, road right-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;

- iii. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites, or unplatted cemeteries;
 - iv. 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.
 - v. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
 - vi. Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;
 - vii. 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
 - viii. The shore impact zone, based on normal structure setbacks, must be included as open space.
 - ix. For residential PUDs 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 PUDs, at least 50 percent of the shore impact zone must be preserved in its natural state.
- c. Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must:
- i. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of the time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
 - ii. Be designed and constructed to effectively manage reasonably expected quantities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial PUD's 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Section 151.32 E. 3.
- d. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards:
- i. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Sections 151.32 E. 2 and E. 8 of this ordinance. On-site sewage treatment systems must

be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.

- ii. Dwelling units of sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Section 151.32 H. 5 C. of this ordinance for developments with density increases;
 - iii. 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 slope, 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 (notwithstanding 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 of occupants of dwelling units or sites located in other tiers;
 - iv. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shore lands 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;
 - v. Accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized; and
 - vi. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 151.32 E. 2 of this ordinance and are centralized.
- 7. Conversions.** Local government may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met:
- a. Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between features of the development and these standards must be identified.
 - b. 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.
 - c. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made a part of the conversion. These improvements must include, where applicable, the following:
 - i. Removal of extraneous buildings, or other facilities that no longer need to be located in shore or bluff impact zones;

- ii. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and
 - iii. 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.
- d. Existing dwelling unit or dwelling site densities that exceed standards in Section 151.32 H. 5 may be allowed to continue but must not be allowed to be increased, 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 other means.

Passed by the Isle City Council December 1, 1992. Amended and adopted July , 2014.

SECTION 151.35 FLOODPLAIN MANAGEMENT.

A Flood Insurance Rate Map has been published for the community and the Regulatory Floodway boundary is shown on this map. A separate Flood Boundary and Floodway Map has not been published.

A. Statutory Authorization, Finding of Fact and Purpose.

- 1. Statutory Authorization.** The legislature of the State of Minnesota has, in Minnesota Statutes, Chapter 103F and Chapter 462, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Isle, Minnesota does ordain as follows:
- 2. Findings of Fact.**
 - a. The flood hazard areas of Isle, Minnesota are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 - b. **Methods Used to Analyze Flood Hazards.** This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.
 - c. **National Flood Insurance Program Compliance.** This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
- 3. Statement of Purpose.** It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 151.35 A 2 a. by provisions contained herein.

B. General Provisions.

- 1. Lands to Which Ordinance Applies.** This Ordinance shall apply to all lands within the jurisdiction of Isle, Minnesota shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.
- 2. Establishment of Official Zoning Map.** The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study Mille Lacs County, Minnesota And Incorporated Areas and Flood Insurance Rate Maps Mille Lacs County, Minnesota And Incorporated Areas with map numbers 27095C0088C, 27095C0089C, 27095C0093C, and 27095C0200C; all of the aforementioned documents being dated March 4, 2013 and prepared by the Federal Emergency Management Agency. The Official Zoning Map shall be on file in the Office of the City Clerk and the Zoning Administrator.
- 3. Regulatory Flood Protection Elevation.** The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- 4. Interpretation.**

- a. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
 - b. The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the Community adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.
- 5. Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.
- 6. Warning and Disclaimer of Liability.** This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Isle, Minnesota or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.
- 7. Severability.** If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- 8. Definitions.** Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.
- a. Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
 - b. Basement - means 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.
 - c. Conditional Use - means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:
 - i. Certain conditions as detailed in the zoning ordinance exist.
 - ii. The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

- d. Equal Degree of Encroachment - a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- e. Flood - a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
- f. Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- g. Flood Fringe - that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study Mille Lacs County, Minnesota And Incorporated Areas.
- h. Flood Plain - the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
- i. Flood Proofing - a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- j. Floodway - the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.
- k. Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.
- l. Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."
- m. Obstruction - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- n. Principal Use or Structure - means all uses or structures that are not accessory uses or structures.
- o. Reach - a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- p. Recreational Vehicle - a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.

- q. Regional Flood - a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood", 1-percent annual chance flood or 100-Year flood elevation.
 - r. Regulatory Flood Protection Elevation - The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
 - s. Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 151.35 I. 5. of this Ordinance and other similar items.
 - t. Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
 - u. Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:
 - i. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
 - ii. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure." For the purpose of this Ordinance, "historic structure" shall be as defined in 44 Code of Federal Regulations, Part 59.1.
 - v. Variance - means a modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.
9. **Annexations.** The Flood Insurance Rate Map panels adopted by reference into Section 151.35 B. 2 above may include floodplain areas that lie outside of the corporate boundaries of Isle, Minnesota at the time of adoption of this Ordinance. If any of these floodplain land areas are annexed into Isle, Minnesota after the date of adoption of this Ordinance, the newly annexed floodplain lands shall be subject to the provisions of this Ordinance immediately upon the date of annexation into Isle, Minnesota.

C. Establishment of Zoning Districts.

1. Districts.

- a. Floodway District. The Floodway District shall include those areas designated as

floodway on the Flood Insurance Rate Map adopted in Section 151.35 B 2. For lakes, wetlands and other basins, the Floodway District shall include those areas designated as Zone AE (that do not have a floodway designated) on the Flood Insurance Rate Map panels adopted in Section 151.35 B 2. that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

- b. Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe, which shall include the areas shown on the Flood Insurance Rate Map, adopted in Section 151.35 B 2. as being within Zone AE but being located outside of the floodway. For lakes, wetlands and other basins (that do not have a floodway designated), the Flood Fringe District shall include those areas designated as Zone AE on the Flood Insurance Rate Map panels adopted in Section 151.35 B 2. that are below the 1% annual chance flood elevation (100-year flood elevation) but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
 - c. General Flood Plain District. The General Flood Plain District shall include those areas on the Flood Insurance Rate Map adopted in Section 151.35 B. 2. that are designated as Zone A, which are not subject to the criteria in Sections 151.35 C.1. a and b. above.
- 2. Compliance.** No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway, Flood Fringe and General Flood Plain Districts, all uses not listed as permitted uses or conditional uses in Sections 151.35 D, E and F. that follow, respectively, shall be prohibited. In addition, a caution is provided here that:
- a. New manufactured homes, replacement manufactured homes and certain recreational vehicles are subject to the general provisions of this Ordinance and specifically Section 151.35 I.
 - b. Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Section 151.35 K.
 - c. As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Section 151.35 J. of this Ordinance.

D. Floodway District (FW).

1. Permitted Uses.

- a. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- b. Industrial-commercial loading areas, parking areas, and airport landing strips.
- c. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.
- d. Residential lawns, gardens, parking areas, and play areas.

2. Standards for Floodway Permitted Uses.

- a. The use shall have a low flood damage potential.
- b. The use shall be permissible in the underlying zoning district if one exists.
- c. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

3. Conditional Uses.

- a. Structures accessory to the uses listed in 151.35 D. 1. above and the uses listed in Sections 151.35 D. 3 b to h. below.
- b. Extraction and storage of sand, gravel, and other materials.
- c. Marinas, boat rentals, docks, piers, wharves, and water control structures.
- d. Railroads, streets, bridges, utility transmission lines, and pipelines.
- e. Storage yards for equipment, machinery, or materials.
- f. Placement of fill or construction of fences.
- g. Recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Section 151.35 I. 4. of this Ordinance.
- h. Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

4. Standards for Floodway Conditional Uses.

- a. All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.
- b. All floodway conditional uses shall be subject to the procedures and standards contained in Section 151.35 J. 4. of this Ordinance.
- c. The conditional use shall be permissible in the underlying zoning district if one exists.
- d. Fill.
 - i. Fill, dredge spoil, and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
 - ii. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.

- iii. As an alternative, and consistent with Subsection (b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Governing Body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the Office of the County Recorder.

e. Accessory Structures.

- i. Accessory structures shall not be designed for human habitation.
- ii. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:
 - 1) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
 - 2) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- iii. Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards:
 - 1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;
 - 2) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed; and
 - 3) To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

f. Storage of Materials and Equipment.

- i. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- ii. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance

with a plan approved by the Governing Body.

- g. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statutes, Chapter 1030. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.
- h. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

E. Flood Fringe District (FF).

1. Permitted Uses. Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non-residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District "Permitted Uses" listed in Section 151.35 E.2. and the "Standards for all Flood Fringe Uses" listed in Section 151.35 E. 6.

2. Standards for Flood Fringe Permitted Uses.

- a. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.
- b. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be internally flood proofed in accordance with Section 151.35 D 4.e.
- c. The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with Section 151.35 E. 2 a. of this ordinance.
- d. The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.
- e. The provisions of Section 151.35 E 6. of this Ordinance shall apply.

3. Conditional Uses. Any structure that is not elevated on fill or flood proofed in accordance with Section 151.35 E 2 a and b and or any use of land that does not comply with the standards in Section 151.35 E c & d. shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Sections 151.35 J 4 of this Ordinance.

4. Standards for Flood Fringe Conditional Uses.

- a. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above- grade and not a structure's basement or

lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

- i. Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
 - ii. Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
 - 1) A minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one-foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and
 - 2) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.
- b. Basements, as defined by Section 151.35 B 8 b of this Ordinance, shall be subject to the following:
- i. Residential basement construction shall not be allowed below the regulatory flood protection elevation.
 - ii. Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with Section 151.35 E. 4 c. of this Ordinance.
- c. All areas of nonresidential structures including basements to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.
- d. When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel

operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Governing Body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

5. Storage of Materials and Equipment.

- a. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- b. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

6. Standards for All Flood Fringe Uses.

- a. All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.
- b. Commercial Uses - accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.
- c. Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 151.35 E 6 b. above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.
- d. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
- e. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.

- f. Standards for recreational vehicles are contained in Section 151.35 I, 4 through 8.
- g. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

F. General Floodplain District.

1. Permissible Uses in General Flood Plain District.

- a. The uses listed in Section 151.35 D. 1 of this Ordinance shall be permitted uses.
- b. All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Section 151.35 F. 2. and Section 151.35 D shall apply if the proposed use is in the Floodway District and Section 151.35 E shall apply if the proposed use is in the Flood Fringe District.

2. Procedures for Floodway and Flood Fringe Determinations for Streams Located Within the General Flood Plain District.

- a. Upon receipt of an application for a permit or other approval within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the Floodway or Flood Fringe District.
 - i. A typical valley cross-section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
 - ii. Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of streets.
 - iii. Photographs showing existing land uses, vegetation upstream and downstream, and soil types.
 - iv. Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.
- b. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:
 - i. Estimate the peak discharge of the regional flood.
 - ii. Calculate the water surface profile of the regional flood based upon a hydraulic

analysis of the stream channel and overbank areas.

- iii. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than 0.5 ' shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.
- c. The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the Governing Body. The Governing Body must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The Governing Body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe District Boundaries have been determined, the Governing Body shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of Sections 151.35 D & E. of this Ordinance.

G. Subdivisions.

Note: This Section is not intended as a substitute for a comprehensive city or county subdivision ordinance. It can, however, be used as an interim control until the comprehensive subdivision ordinance can be amended to include necessary flood plain management provisions.

1. **Review Criteria.** No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
2. **Floodway/Flood Fringe Determinations in the General Flood Plain District.** In the General Flood Plain District, applicants shall provide the information required in Section 151.35 F. 2 of this Ordinance to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.
3. **Removal of Special Flood Hazard Area Designation.** The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

H. Public Utilities, Railroads, Roads and Bridges.

1. **Design Standard.** Designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.

2. **Public Transportation Facilities.** Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Sections 151.35 D & E. of this Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
3. **On-site Sewage Treatment and Water Supply Systems.** Where public utilities are not provided:
 - a. On- site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and
 - b. New or replacement on-site sewage treatment systems must be drained into flood waters and they shall not be subject to impairment or contamination during times of flooding.
 - c. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

I. Manufactured Homes and Manufactured Home Parks and Placement of Recreational Vehicles.

1. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Section 151.35 G. of this Ordinance.
2. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Section 151.35 E. of this Ordinance. If vehicular road access for pre- existing manufactured home parks is not provided in accordance with Section 151.35 E 2 a., then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Governing Body.
3. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
4. Recreational vehicles that do not meet the exemption criteria specified in Section 151.35 I. 5 below shall be subject to the provisions of this Ordinance and as specifically spelled out in Sections 151.35 I. 7 & 8 below.
5. Exemption - Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section 151.35 I. 6. below and further they meet the following criteria:
 - a. Have current licenses required for highway use.
 - b. Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type

additions attached to it.

- c. The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.
6. Areas Exempted For Placement of Recreational Vehicles:
 - a. Individual lots or parcels of record.
 - b. Existing commercial recreational vehicle parks or campgrounds.
 - c. Existing condominium type associations.
 7. Recreational vehicles exempted in Section 151.35 I. 5. Use this exemption when development occurs on the parcel exceeding \$500 for a structural addition to the recreational vehicle or exceeding \$500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Sections 151.35 D & E. of this Ordinance. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.
 8. New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:
 - a. Any new or replacement recreational vehicle will be allowed in the Floodway or Flood Fringe Districts provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with Section 151.35 E 2 a. of this Ordinance. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.
 - b. All new or replacement recreational vehicles not meeting the criteria of (a) above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of Section 151.35 J. 4 of the Ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of Section 151.35 I 5 a & b. of this Ordinance will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 151.35 H 3. of this Ordinance.

J. Administration.

1. **Zoning Administrator.** A Zoning Administrator or other official designated by the Governing Body shall administer and enforce this Ordinance. If the Zoning Administrator finds a violation of the provisions of this Ordinance the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Section 151.35 L. of the Ordinance.
2. **Permit Requirements.**

- a. Permit Required. A Permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.
- b. Application for Permit. Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.
- c. State and Federal Permits. Prior to granting a permit or processing an application for a conditional use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.
- d. Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.
- e. Construction and Use to be as provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 151.35 L. of this Ordinance.
- f. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect.
- g. Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.
- h. Notifications for Watercourse Alterations. The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statutes, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

- i. Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

3. Board of Adjustment.

- a. Rules. The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by State law.
- b. Administrative Review. The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Ordinance.
- c. Variances. The Board of Adjustment may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this Ordinance, any other zoning regulations in the Community, and in the respective enabling legislation that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
 - i. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - ii. Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - iii. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d. Hearings. Upon filing with the Board of Adjustment of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Board of Adjustment shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board of Adjustment shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten days' notice of the hearing.
- e. Decisions. The Board of Adjustment shall arrive at a decision on such appeal or variance within 60 days. In passing upon an appeal, the Board of Adjustment may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the

Board of Adjustment may prescribe appropriate conditions and safeguards such as those specified in Section 151.35 J. 4 f. which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance punishable under Section 151.35 L. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

- f. Appeals. Appeals from any decision of the Board of Adjustment may be made, and as specified in this community's official controls and also by Minnesota Statutes.
 - g. Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that:
 - i. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 - ii. Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
 - h. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.
4. Conditional Uses. The Planning Commission shall hear and decide applications for conditional uses permissible under this Ordinance. Applications shall be submitted to the Zoning Administrator who shall forward the application to the City Council for consideration.
- a. Hearings. Upon filing with the Planning Commission an application for a conditional use permit, the City Clerk shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten days' notice of the hearing.
 - b. Decisions. The City Council shall arrive at a decision on a conditional use within 60 days. In granting a conditional use permit the City Council shall prescribe appropriate conditions and safeguards, in addition to those specified in Section 151.35 J. 4 f., which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Ordinance punishable under Section 151.35 L. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
 - c. Procedures to be followed by the City Council in Passing on Conditional Use Permit Applications Within all Flood Plain Districts.
 - i. Require the applicant to furnish such of the following information and additional information as deemed necessary by the Planning Commission for determining the suitability of the particular site for the proposed use:
 - 1) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structure, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel; and

- 2) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
 - ii. Transmit one copy of the information described in subsection (a) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.
 - iii. Based upon the technical evaluation of the designated engineer or expert, the Planning Commission shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
- d. Factors Upon Which the Decision of the City Council Shall Be Based. In passing upon conditional use applications, the City Council shall consider all relevant factors specified in other sections of this Ordinance, and:
- i. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - ii. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
 - iii. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - iv. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - v. The importance of the services provided by the proposed facility to the community.
 - vi. The requirements of the facility for a waterfront location.
 - vii. The availability of alternative locations not subject to flooding for the proposed use.
 - viii. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - ix. The relationship of the proposed use to the Comprehensive Plan and flood plain management program for the area
 - x. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - xi. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - xii. Such other factors which are relevant to the purposes of this Ordinance.
- e. Time for Acting on Application. The City Clerk/Zoning Administrator shall act on an application in the manner described above within 30 days from receiving the application, except that where additional information is required pursuant to Section 151.35 J. 4 c. of this Ordinance. The City Council shall render a written decision within 60 days from the

receipt of such additional information.

- f. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the City Council shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
 - i. Modification of waste treatment and water supply facilities.
 - ii. Limitations on period of use, occupancy, and operation.
 - iii. Imposition of operational controls, sureties, and deed restrictions.
 - iv. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
 - v. Flood proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

K. Nonconforming Uses.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions. Historic structures, as defined in **Ordinance 157**, shall be subject to the provisions of Sections 151.35 K 2 to 5 of this Ordinance.
2. No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.
3. Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 flood proofing classifications) allowable in the State Building Code, except as further restricted in Sections 151.35 K 4 to 7 below.
4. The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of Sections 151.35 D & E. of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.
5. If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Ordinance. The Assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of 12 months.
6. If any nonconforming use or structure is substantially damaged, as defined in Section 151.35 B. 8. of this Ordinance, it shall not be reconstructed except in conformity with the provisions

of this Ordinance. The applicable provisions for establishing new uses or new structures in Sections 151.35 D & E. will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Flood Plain District, respectively.

7. If a substantial improvement occurs, as defined in Section 151.35 B of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of Sections 151.35 D & E of this Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

L. Penalties for Violation.

1. Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.
2. Nothing herein contained shall prevent the City of Isle from taking such other lawful action as is necessary to prevent or remedy any violation.
3. In responding to a suspected Ordinance violation, the Zoning Administrator and Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The Community must act in good faith to enforce these official controls and to correct Ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
4. When an Ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.
5. The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Zoning Administrator may either: (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30-days.
6. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

M. Amendments.

1. The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.
2. All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

SECTION 151.40 HOME OCCUPATIONS.

A. Purpose.

The purpose of this Section 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 Section 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.

B. Regulations.

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

C. Process.

1. 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 Section and other applicable City Code provisions and state law.
2. **Permitted Home Occupations.** This license may be issued by the Zoning Administrator based upon proof of compliance with the provisions of this Section. A fee shall accompany the application for the permitted home occupation license, if so designated by City Council Ordinance. 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 Section 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.
3. **Special Home Occupations.** A license for a Special Home Occupation shall require a public hearing before the Planning Commission, following published notice in the official newspaper of the City and mailed notice to property owners within 350 feet of the property in which the home occupation is proposed, not less than 10 days nor more than 30 days prior to the hearing. The Planning Commission shall forward a recommendation to the City Council which shall make a decision regarding the issuance of the license based on the provisions listed in this Section, within 60 days of the completed application for the request. A fee shall accompany application for the special home occupation license if so designated by City Council Ordinance.
4. **Permitted Home Occupation Regulations.**
 - a. Permitted home occupations include and are limited to: art studio, dressmaking, secretarial services, day care for up to twelve (12) children, family day care, foster care, professional offices such as legal, accounting, insurance or computer technician and teaching with musical, dancing and other instructions which consist of no more than two (2) pupils at a time, the sale of products whose name brand are not marketed and sold in a wholesale or retail outlet, photography studio and similar uses.
 - b. The following regulations shall apply:
 - i. No person other than those who customarily reside on the premises and one (1) full-time equivalent additional employee shall be employed on the premises.

- ii. All permitted home occupations shall be conducted entirely within the principal building whenever possible and should not be conducted in an accessory building.
- iii. Permitted home occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway.
- iv. 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 two (2) pupils 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.

D. Special Home Occupations.

1. Examples of Special Home Occupations include: barber and beauty services, caterers, day care for over twelve (12) children, carpentry or woodworking, bed and breakfasts as noted in 6. c. below, dog grooming, ice fish house rental, saw sharpening, small appliances, small engine repair, taxidermy and other occupations similar in nature. Licensed Tattoo Establishments shall not be permitted as a home occupation. The following regulations shall apply to special home occupations:
2. Any home occupation which does not meet the specific requirements for a permitted home occupation as defined in this Section shall require a “special home occupation license” which shall be applied for, reviewed and approved in accordance with the provisions of this Ordinance.
3. 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 Section.
4. 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.
5. An accessory building may be used for the storage of items incidental to the licensed home occupation.
6. Special Home Occupation Requirements:
 - a. No person other than those who customarily reside on the premises and one (1) full-time equivalent additional employee shall be employed on the premises.
 - b. Special home occupations may be allowed to accommodate their parking demand through utilization of on-street parking.
 - c. Bed and Breakfasts may be permitted as a special home occupation provided that:
 - i. The bed and breakfast shall be part of an owner-occupied residential structure.
 - ii. Four (4) or fewer rooms are for rent for a period not to exceed fourteen (14) consecutive days during any ninety (90) day period.
 - iii. The establishment conforms to all applicable federal and state regulations, and Building Code requirements.
 - iv. Primary entrance to all guestrooms shall be from within the dwelling.

- v. No food preparation or cooking shall be conducted within any of the guestrooms.
 - vi. Food service shall be limited to breakfast.
 - vii. No other commercial use shall occur on the property, including home occupations. Activities including luncheons, banquets, parties, weddings, meetings, fund raising events or other gatherings for direct or indirect compensation are prohibited.
 - viii. Parking shall be accommodated on the property and parking requirements for guests are in addition to those required for the principal residential use. Parking shall conform to the requirements of Section 151.85 of this Section.
- d. Licensed Massage Therapy may be permitted as a special home occupation provided that all requirements outlined in this Section and other City Ordinances are met including, but not limited to:
- i. "Massage" shall be defined as the rubbing, kneading, tapping or rolling of the body with the hands for the exclusive purpose of physical-fitness, relaxation or beautification, and for no other purpose.
 - ii. An application including the names and addresses of the owner and any and all operators, three references whom are residents of Mille Lacs County, signed authorization for a criminal background check, any previous names the applicant and operator(s) have used or have been known by, previous addresses for the past five (5) years, any businesses the applicant has been engaged in over the past five (5) years, the name of the business if other than the applicant's name and a list of any other communities in which the applicant is licensed, and a copy of the operator and any employee's license for massage from the state, must be submitted to the City.
 - iii. The special home occupation permit shall be denied if: the proposed use is in conflict with any health, building or other provisions of the City Ordinance or state law; the application contains false, fraudulent or deceptive statements; the applicant or any employee has been convicted within the previous three years of a violation of this Section or MN Statutes 609.33 (Disorderly house) and any applicable City Ordinances; if the applicant or any proposed employee is under eighteen (18) years of age or an illegal alien; or for any other good and sufficient reasons as may be determined by the City Council.

E. General Provisions.

1. No manufacturing business shall be allowed.
2. No mechanical or electric equipment not customarily found in a home shall be employed, installed or maintained.
3. No interior or exterior alterations shall be permitted and no construction features shall be permitted which are not customarily found in a dwelling.
4. 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.
5. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.

6. 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.
7. 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.
8. The floor area devoted to the home occupation, other than day care, shall not exceed twenty-five (25) percent of the total ground area occupied by buildings on the lot.
9. 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. No exterior sign except as permitted in accordance with Section 151.88.
10. Business hours shall be restricted to no more than 8:00 a.m. to 9:00 p.m.
11. Whenever within one (1) year after granting a license, the use as permitted by the license has 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 Zoning Administrator.

F. Existing Non-Conforming Home Occupations.

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.

G. Inspection.

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

H. Violation.

Any home occupation found to be in violation of this Section shall be served with a notice from the Zoning Administrator. If the violation is not corrected within ten (10) days, the license for the home occupation shall be revoked. Revocation of a home license may be appealed to the Board of Zoning Adjustments.

SECTION 151.50 PERFORMANCE STANDARDS.

A. Purpose.

The purpose of performance standards is to establish specific and quantifiable limitations on identified types of pollution and other activities which have a high nuisance potential. The performance standards apply in all zoning districts unless specifically stated to the contrary.

B. Exterior Lighting.

1. Exterior lighting shall be designed and arranged to limit direct illumination and glare upon or into any contiguous parcel. Reflected glare or spill light shall not exceed five-tenths foot-candles as measured on the property line when abutting any residential parcel and one foot-candle on any abutting commercial or industrial parcel. Street lights installed in public right-of-way shall be exempted from these standards.
2. Mitigating measures shall be employed to limit glare and spill light to protect neighboring parcels and to maintain traffic safety on public roads. These measures shall include lenses, shields, louvers, prismatic control devices and limitations on the height and type of fixtures. The City may also limit the hours of operation of outdoor lighting if it is deemed necessary to reduce impacts on the surrounding neighborhood.
3. No flickering or flashing lights shall be permitted.
4. Direct, off-site views of the light source shall not be permitted except for globe and/or ornamental light fixtures approved in conjunction with a site and building plan. Globe and ornamental fixtures shall only be approved when the developer can demonstrate that off-site impacts stemming from direct views of the bulb are mitigated by the fixture design and/or location.
5. The City may require submission of a light distribution plan if deemed necessary to ensure compliance with the intent of this Chapter.
 - a. Any lighting used to illuminate an off-street parking area, sign, or other structure(s), shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.
 - b. The use of exterior lighting for nonresidential uses shall observe the same hours of operation as the use itself, except that a minimum level of lighting for security purposes may be left on beyond the normal hours of operation.
 - c. Lighting for canopies covering fueling stations at automobile service stations and drive-thru facilities shall not illuminate abutting properties and the luminaries shall be designed so that the light source (bulb or lamp) is completely shielded from direct view as measured at a point five feet above grade.
 - d. Because of their unique requirement for nighttime visibility and their limited hours of operations, ball diamonds, playing fields and tennis courts are exempted from the general standards of this section. Lighting for these outdoor recreational uses shall be shielded to minimize light and glare from spilling over onto adjacent residential

properties. The maximum permitted illumination at the property line shall not exceed two-foot candles.

- e. The City Council may require conformance with the illumination levels contained in the Lighting Handbook, Illuminating Engineering Society of North America as part of the review and approval of a private or public development project.

6. Exemptions: The following are exempt from the standards contained in this ordinance:

- a. Decorative seasonal lighting with a power rating of less than or equal to 75 watts.
- b. Temporary emergency lighting used by police, fire fighters, or other emergency services, as well as all vehicular luminaries.
- c. Hazard warning luminaires which are required by federal regulatory agencies.
- d. As part of the approval of public street or sidewalk projects, the City Council may vary from the requirements of this Section.

C. Noise and vibration.

1. **Noise.** It is unlawful to make, continue or cause to be made or continued, any noise in excess of the noise levels set forth in MN Administrative Rules 7030.0040, which includes standards for activities by the noise area classification (NAC) system, established in part by MN Rules 7030.0050, unless noise such noise be reasonably necessary to the preservation of life, health, safety or property. Any proposed use creating periodic earthshaking vibration shall be prohibited if undue vibrations are perceptible beyond boundaries of the property on which the use is located. This standard shall not apply to vibrations during the process of construction.
2. Ground vibration and noise caused by motor vehicles, trains, aircraft operations or temporary construction or demolition shall be exempt from these regulations. However, if deemed appropriate, the City may establish limits on the hours of operation of temporary construction or demolition operation to limit off-site impacts.

D. Smoke and particulate matter.

Any use shall be operated so as to control the emission of smoke or particulate matter to the degree that it is not detrimental to, or shall not endanger the public health, safety, comfort or general welfare of the public. For the purpose of this Chapter, the regulations and standards adopted by the Minnesota Pollution Control Agency shall be employed.

E. Performance standards regulating odor.

No use shall produce unreasonable or disturbing odors beyond the property line exceeding applicable regulations established by the Minnesota Pollution Control Agency. Any use shall be so operated in compliance with the Clean Air Act, as amended, the Environmental Protection agency (EPA) and MN Pollution Control Agency (MPCA) regulations. All activities that emit radioactivity shall comply with the minimum requirements of the Federal regulatory body.

F. Toxic or noxious matter.

No use or operation shall emit a concentration of toxic or noxious matter across the property line which exceeds applicable regulations of the Minnesota Pollution Control Agency. Any use with toxic materials or noxious matter shall be so operated in compliance with the Clean Air Act, as amended, the Environmental Protection agency (EPA) and MN Pollution Control Agency (MPCA) regulations. All activities that emit radioactivity shall comply with the minimum requirements of the Federal regulatory body.

G. Radiation.

No operation shall be conducted which exceeds the standards established by applicable regulations of the Minnesota Department of Health.

H. Heat and humidity.

No use shall produce any unreasonable, disturbing or unnecessary emissions of heat or humidity beyond the property line which cause material distress, discomfort or injury to persons of ordinary sensitivity.

I. Electromagnetic interference.

No use shall produce electromagnetic interference with normal radio or television reception in any residential district, or exceed applicable standards established by any applicable federal or state regulations.

J. Liquid or solid waste.

All uses shall be subject to applicable regulations of the City governing discharge into a public storm or sanitary sewer, waterway or stream.

K. Nuisances.

Unused refrigerators, or similar containers with doors which fasten automatically when closed shall not be exposed or accessible to the public.

L. Vision Clearance at Corners, Curb Cuts and Rail Road 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.

M. Residential Pools and Spas.

1. Definitions.

a. 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.

b. 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.

2. Construction.

a. Utility Lines. Pools and spas shall not be located beneath utility lines or over underground utility lines of any type.

b. Setback. No person shall build, situate or install a pool or spa within ten (10) feet of any side or rear lot line, or within any required front yard.

c. Portable Fences. 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.

3. Fencing.

- a. **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, shall not include external handholds and shall be a minimum of four (4) feet in height.
 - b. **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.
 - c. **Latchable Cover.** All outdoor spas shall have either a fence as described in 3(a) and 3(b) or a latchable cover. The cover shall be constructed of a material impenetrable by toddlers.
- 4. Permit Required.** No person shall construct, alter or renovate a pool or spa without a zoning permit.

N. Satellite dishes and other dishes.

- 1. Conformance Required.** Any satellite dish hereafter erected shall conform to the provisions of this Section and any other Ordinance or regulation of the City.
- 2. General Requirements.**
 - a. All dish antennas over one (1) meter (39.4 inches) in diameter shall be prohibited from roof tops unless it is determined by the Zoning Administrator that placement within a side or rear yards is impractical.
 - b. Satellite dishes and other dishes shall not be located in front yards. Dishes shall not be permitted on either side adjacent to a public right-of-way on corner lots. This shall not apply to dishes which are directly attached to the front or side of a structure.
 - c. No satellite dish or other dish shall be located within ten (10) feet of any rear lot or side lot line in any residential district.
 - d. A limit of two (2) such structures shall exist at any one (1) time on any residential zoned and used lot or parcel except that satellite dishes exceeding one (1) meter in width shall be limited to one (1) per residential lot or parcel.
 - e. The applicant shall be responsible for any required license by any federal, state or local agency.

SECTION 151.70 GENERAL BUILDING STANDARDS.

A. Purpose.

The purpose of this Section 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.

B. Dwelling Unit Restrictions.

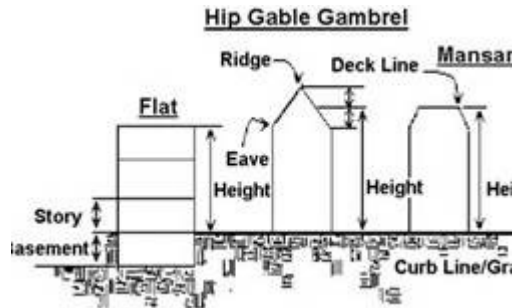
1. No cellar, basement, garage, tree house or accessory building shall at any time be used as an independent residence or dwelling unit, in excess of ten (10)-days, except allowed as a conditional use as set forth and regulated by this Ordinance.
2. Basements may be used as living quarters or rooms as a portion of residential dwellings.
3. Tents, play houses, tree house or similar structures may be used for play or recreational purposes.
4. Existing cellars or basements used as an independent dwelling unit shall have the status of a non-conforming use, subject to the provisions of this Ordinance.

C. Accessory Buildings.

1. A garage, up to nine hundred (900) square feet in size, shall be considered an integral part of the principal building if it is attached to the principal building or is connected to it by a covered passageway and such garages are exempt from the accessory structure provisions of this Ordinance.
2. The maximum height of a garage or other accessory structures shall not exceed 25 feet or the height of the principal structure, whichever is less.
3. No more than one (1) accessory structure shall be permitted on lots under 10,000 square feet. No more than two accessory structures, including permanent and temporary structures, shall be allowed on residential lots over 10,000 square feet in size.
4. Accessory structures shall not be built or moved onto a lot prior to the construction of a principal structure.
5. 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 side yard setbacks abutting a street in the case of a corner lot. In such cases, the following standards shall apply:
 - a. The accessory structure(s) shall not exceed twenty-five (25) percent of the rear yard.
 - b. All accessory buildings in Residential Districts shall be setback from all adjoining lots a distance equivalent to the height of the accessory 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.
 - c. Garages having direct access onto an alley shall be setback twenty (20) feet from the property lot line.
6. In all other cases, other than those noted above, accessory buildings shall conform to setbacks which are imposed within the respective zoning district.

7. Carports shall be considered accessory structures and shall comply with setback requirements and other requirements of this Chapter.
8. Accept 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 two family and townhouse unit lots. Accessory buildings may not exceed the height of the principal structure

<u>Zoning District</u>	<u>Maximum Height</u>
R-1	25 feet
R-2	25 feet
R-3	25 feet
R-MH	25 feet
C-1	District Limit
C-2	District Limit
I	District Limit



D. 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 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.

E. 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. Wood post and beam buildings (pole barns) are allowed in C-1, C-2 and I Districts. These structures may not exceed 20% of the size of the principal use.
3. Residential dwellings in the R-1, R-2 and R-3 Districts shall have a minimum roof pitch of 3:12, and each roof shall be shingled or feature approved materials. Residential dwelling structures in the R-1, R-2 and R-3 Districts shall have a minimum of seventy (70) percent of the structure a minimum width of twenty-two (22) feet. All residential dwelling structures in the R-1, R-2 and R-3 Districts shall be placed on permanent foundations of wood or concrete.
4. 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.
5. For new buildings, all utilities shall be underground.

F. Height Limitations.

1. 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.
2. 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 30 days prior to the City Council's consideration of said request. The applicant shall submit evidence to the City verifying the Minnesota Department of Transportation and the Federal Aviation Administration have been notified duly notified of said proposed structure prior to City Council approval.
3. Building height limits established for districts shall not apply to the following providing said structures do not exceed 200 feet above ground level:
 - a. Belfries.
 - b. Chimneys or flues.
 - c. Church Spires.
 - d. Cooling Towers.
 - e. Cupolas and domes which do not contain usable space.
 - f. Elevator penthouses.
 - g. Flag poles.
 - h. Monuments.

- i. Parapet walls extending not more than three (3) feet above the limiting height of the building.
- j. Poles, towers, and other structures for essential services.
- k. Necessary mechanical and electrical appurtenances.
- l. Farming buildings.
- m. Wind energy conversion system towers.

G. Yards.

1. If an existing yard is less than the minimum required, it shall not be further reduced in size.
2. The following shall not be considered as encroachments on yard setback requirements:
 - a. Chimneys, flues, leaders, sills, pilasters, lintels, cornices, gutters, and the like provided they do not project more than two (2) feet into a yard.
 - b. Terraces, steps, uncovered porches, stoops, or similar features provided they do not extend above the height of the ground floor level of the principal structure may extend into the front yard setback not exceeding five (5) feet.
 - 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.
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.

H. Moving of Structures

All structures to be moved into and within the City will require a permit, which must be reviewed by the Zoning Administrator.

SECTION 151.75 ALTERNATIVE ENERGY SYSTEMS.

A. Purpose.

1. Accommodate alternative energy sources by removing regulatory barriers and creating a clear regulatory path for approving alternative energy systems.
2. Create a livable community where development incorporates sustainable design elements such as resource and energy conservation and use of renewable energy.
3. Protect and enhance air quality and decrease use of fossil fuels.
4. Accommodate alternative energy development in locations where the technology is viable and environmental, economic and social impacts can be mitigated.

B. Ground Source Heat Pump Systems.

1. Zoning District Allowance. Ground source heat pump systems in accordance with the standards in this Chapter are allowed as a permitted accessory use in all zoning districts.
2. Standards.
 - a. System Requirements.
 - i. Only closed loop ground source heat pump systems utilizing heat transfer fluids as defined in this section are permitted. Open loop ground source heat pump systems are not permitted.
 - ii. Ground source heat pump systems in public waters may be permitted as a conditional use in accordance with this section and subject to the following:
 - 1) Approval from the Minnesota Department of Natural Resources.
 - 2) Written consent of all property owners and/or approval by an association in accordance with its adopted bylaws.
 - 3) Demonstrated compliance with applicable City permit requirements.
 - iii. Ground source heat pump systems in water bodies owned or managed by the City of Isle are not permitted.
 - b. Setbacks.
 - i. All components of ground source heat pump systems including pumps, borings and loops shall be set back at least five feet (5') from interior side lot lines and at least ten feet (10') from rear lot lines.
 - ii. Aboveground equipment associated with ground source heat pumps shall not be installed in the front yard of any lot or the side yard of a corner lot adjacent to a public right of way and shall meet all required setbacks for the applicable zoning district.
 - c. Easements. Ground source heat pump systems shall not encroach on public drainage, utility roadway or trail easements.

- d. Noise: Ground source heat pump systems shall comply with Minnesota pollution control agency standards outlined in Minnesota rules chapter 7030.
 - e. Screening. Ground source heat pumps are considered mechanical equipment and shall be screened from view to the extent possible without impacting their function.
 - f. Safety. Ground source heat pumps shall be certified by Underwriters Laboratories, Inc., and meet the requirements of the state building code.
3. Abandonment. If a ground source heat pump system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained in accordance with the following:
- a. The heat pump and any external mechanical equipment shall be removed.
 - b. Pipes or coils below the land surface shall be filled with grout to displace the heat transfer fluid. The heat transfer fluid shall be captured and disposed of in accordance with applicable regulations. The top of the pipe, coil or boring shall be uncovered and grouted.
 - c. Lake ground source heat pump systems shall be completely removed from the bottom of the body of water.
4. Permits. A land use permit shall be obtained for any ground source heat pump system prior to installation. Borings for vertical systems are subject to approval by the Minnesota department of public health.

C. Wind Energy Systems.

- 1. Zoning District Allowance. Small wind turbine systems in accordance with the standards in this Chapter are allowed as a permitted accessory use in all zoning districts.
- 2. General Standards. The following standards shall be applicable to small wind turbine systems in all zoning districts:
 - a. Number: No more than one wind energy system is permitted per parcel.
 - b. Setbacks: The base of the wind turbine tower shall be set back from all property lines a distance equal to the highest possible extension of the system apparatus.
 - c. Roof Mounting: Roof mounted wind turbines shall be permitted only when a determination is made by the City Building Official that the underlying roof structure will support such system and all applicable building standards are satisfied.
 - d. Rotor Clearance: No part of a rotor blade shall be located within thirty feet (30') of the ground and within twenty feet (20') of the nearest tree, structure or aboveground utility facility.
 - e. Noise: Wind energy systems shall comply with Minnesota pollution control agency noise standards outlined in Minnesota rules chapter 7030 at all property lines.
 - f. Screening: Wind energy systems shall be screened from view to the extent possible without impacting their function.

- g. Aesthetics: All portions of the wind energy system shall be a non-reflective, non-obtrusive color, subject to the approval of the zoning administrator. The appearance of the turbine, tower and any other related components shall be maintained throughout the life of the wind energy system pursuant to industry standards. Systems shall not be used for displaying any advertising. Systems shall not be illuminated.
- h. Feeder Lines: The electrical collection system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points of interconnection to the electric grid.
- i. Safety:
 - i. Wind energy systems shall meet minimum standards such as International Electrotechnical Commission (IEC) 61400-2 or the American Wind Energy Association's (AWEA) small wind turbine performance and safety standard or other standards as determined by the City.
 - ii. Wind energy systems shall be certified by Underwriters Laboratories, Inc., and the National Renewable Energy Laboratory, the Small Wind Certification Council or other body as determined by the City. The City reserves the right to deny a land use for proposed wind energy systems deemed to have inadequate certification or testing for operation in a severe winter climate.
 - iii. Wind energy systems shall be maintained under an agreement or contract by the manufacturer or other qualified entity.
 - iv. All grid connected systems shall have an agreement with the local utility prior to the issuance of a land use permit. A visible external disconnect shall be provided if required by the utility.
- j. Abandonment. If a wind energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including foundations to below natural grade and transmission equipment.
- k. Permits. A land use permit, and conditional use permit if required, shall be obtained for any wind energy system prior to installation.

3. Residential District Standards.

- a. Mounting. All wind turbine systems shall be roof mounted. Ground mounted systems are not permitted.
- b. Height. Wind energy systems shall not extend more than six feet (6') above the highest point of the roof.

4. Commercial, Industrial and Institutional District Standards.

- a. Mounting. Subject to the requirements of this Chapter, wind energy systems may either be roof mounted or ground mounted.
- b. Height.

- i. Except as may otherwise be allowed by conditional use permit, wind turbine systems shall conform to the maximum height requirements of the applicable commercial, industrial or institutional zoning district.
- ii. Wind turbine system heights in excess of the maximum height requirement of the applicable zoning district may be permitted by conditional use permit provided that:
 - 1) The system height, as measured from the base of the tower for ground mounted systems, or base of the building for roof mounted systems, to the highest possible extension of the system apparatus shall not exceed seventy five feet (75').
 - 2) The additional system height is required to allow for the improved operation of the wind energy system.
 - 3) The additional wind energy system height results in a net energy gain.
 - 4) The wind energy system does not adversely affect solar access to adjacent properties.
 - 5) The wind energy system complies with all other engineering, building, safety and fire regulations.
 - 6) The wind energy system is found to not have any adverse impacts on the area, including the health, safety and general welfare of occupants of neighboring properties and users of public rights of way.
 - 7) The criteria and applicable standards of this section are considered and determined to be satisfied.

c. Ground Mounted Systems.

- i. Ground mounted wind energy systems shall not be installed in the front yard of any lot or in the side yard of a corner lot adjacent to a public right of way.
- ii. Only monopole towers are permitted.
- iii. System height shall be measured from the base of the tower to the highest possible extension of the system apparatus.
- iv. Ground located wind energy systems shall not encroach on public drainage, utility roadway or trail easements.

d. Blade Length. A maximum blade length of fifteen feet (15') is permitted.

D. Solar Energy Systems.

- 1. **Zoning District Allowance.** Solar energy systems in accordance with the standards in this Chapter are allowed as a permitted accessory use in all zoning districts.
- 2. **Standards.**
 - a. Exemption. Passive or building integrated solar energy systems are exempt from the requirements of this Chapter and shall be regulated as any other building element.

- b. Height. Roof mounted solar energy systems shall comply with the maximum height requirements in the applicable zoning district. Ground mounted solar energy systems shall not exceed fifteen feet (15') in height.
- c. Location. In urban reserve and residential zoning districts, ground mounted solar energy systems shall be limited to the rear yard. In commercial, industrial and institutional districts, ground mounted solar energy systems may be permitted in front yards, side yards adjacent to public rights of way and rear yards.
- d. Setbacks. Ground mounted solar energy systems shall comply with all accessory structure setbacks in the applicable zoning district. Roof mounted systems shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the exterior perimeter of the building on which the system is mounted.
- e. Roof Mounting. Roof mounted solar collectors may be flush mounted or bracket mounted. Bracket mounted collectors shall be permitted only when a determination is made by the City Building Official that the underlying roof structure will support apparatus, wind, and snow loads and all applicable building standards are satisfied.
- f. Easements. Solar energy systems shall not encroach on public drainage, utility roadway or trail easements.
- g. Screening. Solar energy systems shall be screened from view to the extent possible without impacting their function.
- h. Maximum Area. Ground mounted solar energy systems shall be limited in size to the maximum area requirement allowed for accessory structures or no more than twenty five percent (25%) of the rear yard, whichever is less.
- i. Aesthetics. All solar energy systems shall minimize glare toward vehicular traffic and adjacent properties.
- j. Feeder Lines. The electrical collection system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points of interconnection to the electric grid.

3. Safety.

- a. Standards. Solar energy systems shall meet the minimum standards outlined by the International Electrotechnical Commission (IEC), the American Society Of Heating, Refrigerating, And Air-Conditioning Engineers (ASHRAE), ASTM International, British Standards Institution (BSI), International Organization For Standardization (ISO), Underwriter's Laboratory (UL), the Solar Rating And Certification Corporation (SRCC) or other standards as determined by the City Building Official.
- b. Certification. Solar energy systems shall be certified by Underwriters Laboratories, Inc., and the National Renewable Energy Laboratory, the Solar Rating And Certification Corporation or other body as determined by the community development director. The City reserves the right to deny a land use permit for proposed solar energy systems deemed to have inadequate certification.
- c. Utility Connection. All grid connected systems shall have an agreement with the local utility prior to the issuance of a land use permit. A visible external disconnect shall be provided if required by the utility.

4. Abandonment.

If a solar energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including transmission equipment.

5. Permit.

A zoning permit shall be obtained for any solar energy system prior to installation.

SECTION 151.80 LANDSCAPING REQUIREMENTS.

A. Landscape Requirements.

1. All open areas of a lot which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of over-story trees, understory trees, shrubs, flowers and ground cover materials.
2. All landscaped areas shall be kept neat, clean and uncluttered. No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies or merchandise.
3. Elements of landscape design may include:
 - a. Existing topographical and vegetative features;
 - b. Berming;
 - c. Plantings, trees, shrubs, flowers and ground cover materials;
4. No landscape plant materials, other than grass, shall be installed in utility or drainage easements or in the public right-of-way.

B. Woodland preservation policy and allowance.

It is the policy of the City of Isle to preserve the natural forest and woodland areas throughout the City, and with respect to specific site development to retain, as far as practical, substantial tree strands which should be incorporated into the site.

C. Trees and Shrub Requirements.

All new landscape trees and shrubs must meet the American Standard for Nursery Stock and American National Standard relating to planting guidelines, quality of stock and appropriate sizing of the root ball. Landscape trees must be balled and burlapped or moved from the growing site by tree spade. Deciduous trees will be not less than one and one quarter inches but not more than three inches caliper for balled and burlapped trees, and not less than three inches but not more than six inches caliper for spade-moved trees. Coniferous trees will not be less than six feet in height but no more than eight feet for balled and burlapped trees, and not less than eight feet in height but not more than fourteen feet for spade-moved coniferous trees. The City may allow larger balled and burlapped or spade moved trees if these trees are accompanied with a three year guarantee.

D. Grass and Ground Cover Requirements.

All lot areas not covered by buildings, sidewalks, parking lots, driveways, patios or similar hard surface materials shall be covered with sod or an equivalent ground cover approved by the City. This requirement shall not apply to site areas retained in a natural state.

E. Multiple Family, Commercial and Industrial Site Review

1. Wall, fences or planting screens may be permitted by the Planning Commission if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote and protect the use and enjoyment of the properties with the adjacent Residence One, Residence Two, or Residence Tree districts.
2. All required screening devices should be designed so that they are architecturally harmonious with the principal structures on the site and they shall be properly maintained so as not to become unsightly, hazardous or less opaque than when

originally constructed.

3. Exterior storage, where permitted, shall be subject to proper screening as approved by the Zoning Administrator.

SECTION 151.85 OFF-STREET PARKING AND LOADING REQUIREMENTS.

A. Purpose.

The purpose of the off-street parking regulations is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public, by establishing minimum requirements for off-street parking of motor vehicles in accordance with the utilization of various parcels of land and structures. No building shall be hereafter erected, substantially altered, or its use changed unless off-street parking spaces have been provided in accordance with the provisions of this Chapter. Penalty, see ' 151.95

B. Required Off-Street Parking.

The number of off-street parking spaces provided shall be at least the minimum number provided for the following uses:

1. Residential Uses

- a. One and two-family dwellings: Two spaces per unit.
- b. Multiple-family dwellings: Two spaces per unit.
- c. Manufactured home park: Two spaces per unit.
- d. Senior (Elderly) housing: One space per unit.
- e. Assisted Living Facilities. 0.5 parking spaces per dwelling unit plus one parking space for each employee on the largest shift.

2. Commercial and Industrial Uses

- a. Automobile and boat sales: one (1) space for each five hundred (500) square feet of gross floor area.
- b. Bowling alleys: five (5) spaces for each lane or alley.
- c. Car Wash. In addition to required stacking space)
 - i. Automatic Drive Through, Serviced: A maximum of ten (10) spaces, or one (1) space for each employee on the maximum shift, whichever is greater.
 - ii. Self-Service. A minimum of two (2) spaces per stall.
 - iii. Motor Fuel Station Car Wash. None in addition to that required for the station.
- d. Manufacturing, Fabricating or Processing of a Product or Material. One space for each three hundred (300) square feet.
- e. Medical and Dental Offices. Six (6) spaces for each doctor or dentist, plus one (1) per employee.
- f. Mini Storage Facilities: One space per 5,000 square feet gross area.
- g. Motels, hotels: One space per sleeping room or unit.
- h. Motor Fuel Station: At least four off-street parking spaces plus two off-street parking spaces for each service stall. Those facilities designed for the sale of other items than

strictly automotive products, parts or service shall be required to provide additional parking in compliance with the other applicable Sections of this Code.

- i. Office building, professional offices, banks: One (1) space for each two-hundred fifty (250) square feet of business area.
- j. Research or Testing Facilities. One space per employee on the major shift, plus one space for each company-owned truck, plus visitors' parking.
- k. Restaurants, Taverns. One space for each three (3) seats plus one (1) for each two (2) employees.
- l. Retail stores: At least one of-street parking space for each 200 square feet of floor area.
- m. Service commercial shops, such as auto repair shops, furniture repair shops, appliance repair shops and the like: One space per every 500 square feet of gross floor space.
- n. Wholesale, warehouses: One space per every employee during any work period, or one space per 1,000 square feet of gross area, whichever is greater.

3. Institutional and Recreational Uses

- a. Archery or Golf Driving Range: One parking space for each target or driving tee.
- b. Bowling Alley: At least five parking spaces for each alley, plus additional spaces as may be required herein for related uses contained within the principal structure.
- c. Golf Course: At least two parking spaces for each golf hole plus one space for each (200) square feet of locker rooms and club rooms. If the club house contains dining or bar facilities, the parking requirements shall be the same as for a restaurant.
- d. Libraries, Museums, Art Gallery: At least one for each (300) square feet of floor area in the principal structure.
- e. Miniature Golf: 1.5 parking spaces per golf hole.
- f. Playgrounds and Play Fields: At least two parking spaces per acre for playgrounds and (40) parking spaces for each play field. When a public recreation site has more than one use designation, the required parking spaces must be determined for each use separately. The sum of those use requirements shall be the total number of spaces required.
- g. Police/Fire Stations: One space for each (250) square feet of floor area plus one for each vehicle customarily kept on the premises.
- h. Post Offices, Parcel Delivery Service: Five parking spaces plus one parking space for each (500) square feet of floor area devoted to office, processing, or service plus one space for each vehicle customarily kept on the premises.
- i. Private Racquetball, Handball and Tennis Courts: Not less than three (3) spaces per each court.
- j. Theatres, auditoriums, churches and other similar places of assembly or worship: One space per every five seats, based on the design capacity of the main assembly hall. Facility as may be provided in conjunction with such building or uses shall be subject to additional requirements which are imposed by this Code.

4. **Uses not mentioned.** For any use not specifically mentioned in the schedule of off-street parking requirements, the number of spaces required shall be that required for that use in the schedule which is determined by the City Council to be most similar.

C. Special Off-Street Parking Requirements.

1. Offices outside C-1 District. Adequate off-street parking area shall be provided for all employees so as to avoid routine usage of the public street for parking. However, parking will be allowed on the side of the public street adjacent to the office's property for routine employee parking.
2. Industrial establishments within C-1, C-2 and I Districts. Adequate off-street parking areas shall be required for all employees so as to avoid routine usage of a public street for parking, except during the climatic seasons that result in a deterioration of the available parking area serviceability to a point that reasonable judgment dictates temporary disuse. Parking will be allowed on the side of the public street adjacent to the establishment's property for routine employee parking.
Penalty, see Section 151.95

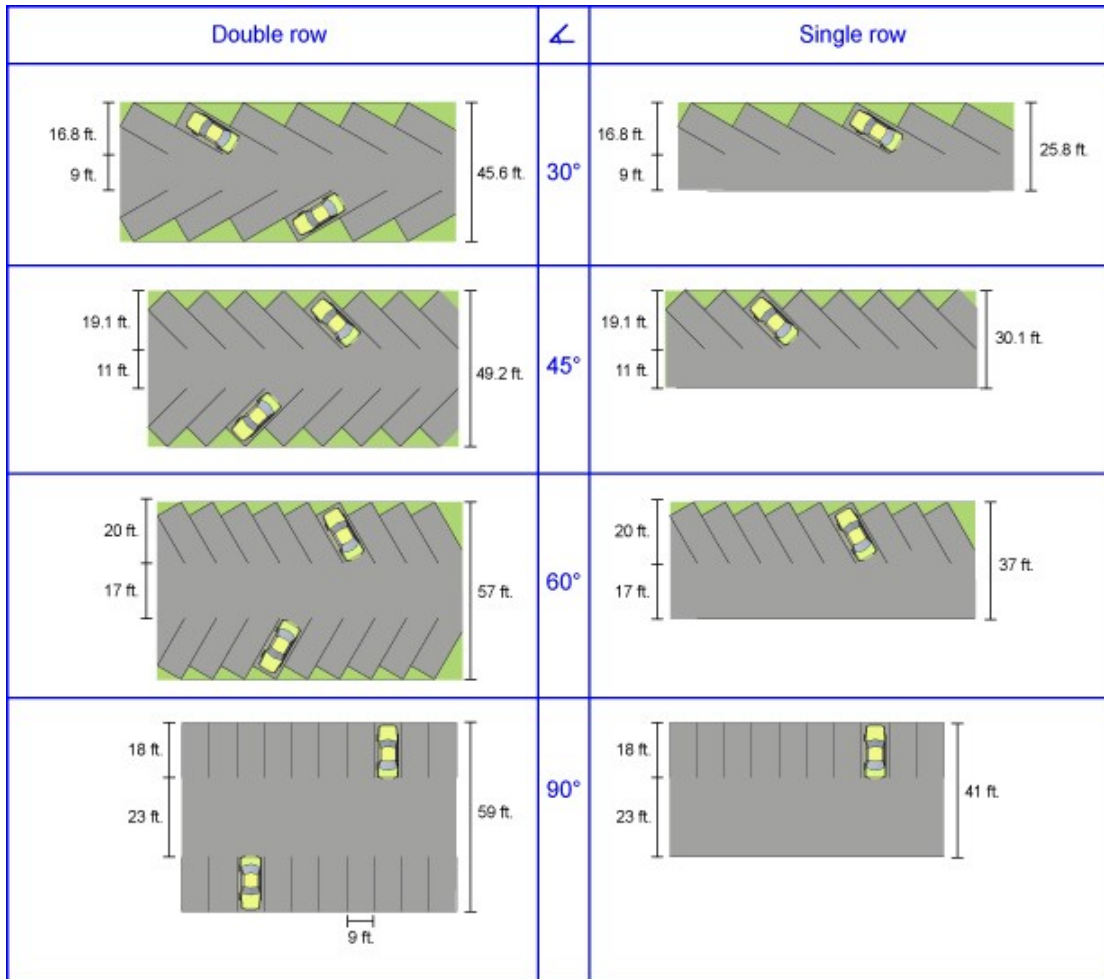
D. Off-Site Parking.

1. Any off-street parking which is used to meet the requirements of this Section shall be a special conditional use as regulate by this Section and shall be subject to the conditions listed below:
 - a. Off-site parking shall be developed and maintained in compliance with all requirements and standards of this Section.
 - b. Reasonable access from off-site parking facilities to the use being served shall be provided.
 - c. Off-site parking for multiple family dwellings shall not be located more than 100 feet from any normally used entrance of the principal use served.
 - d. Off-site parking for non-residential uses shall not be located more than 300 feet from the main entrance of the principal use being served. No more than one main entrance shall be recognized for each principal building.
 - e. Any use which depends upon off-site parking to meet the requirements of this Section shall maintain utilization of the off-site location until such time as on-site parking is provided or a site closer in proximity to the principal use is acquired and developed for parking.

E. Stall, Aisle, and Driveway Design.

1. 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.
2. Except in the cases of single family, two family, and townhouses, parking areas shall comply with the following standards. Each parking space shall be located by striping on the concrete or asphalt surface.

ANGLE OF PARKING (ALONG CURB)	STALL WIDTH	STALL DEPTH	MIN. DRIVEWAY WIDTH
30 degrees	9'	16.8'	9', if a one-way
45 degrees	9'	19.1'	11', if a one way
60 degrees	9'	20'	17', if a one-way
90 degrees	9'	18'	23'
Parallel	9'	23'	23'



- 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.
- Handicapped Parking Spaces. The size, number, and location of stalls reserved for "Parking for the Handicapped" shall be provided as required by State and Federal regulations. Signs bearing the required legend shall be erected to identify those spaces. Disability accessible parking spaces shall be provided as applicable pursuant to Minnesota Statutes 168.021, as may be amended.
- Turn-Around. All parking areas except those serving one and two family dwellings on local streets shall be designed so that cars do not have to back into the public street.
- Surfacing. All driveways and all of the areas intended to be utilized for parking space for five (5) or more vehicles shall be surfaced with a bituminous paving on a suitable base, or

reinforced concrete, decorative interlocking pavers or equivalent material approved by the Planning Commission and City Council. Alternative surfaces may be permitted in parking lot areas in industrial districts, provided the parking lot area is not adjacent to the street right-of-way, is not located in the front yard, and is not intended for use by employee and customer parking. These “truck parking” areas are subject to Planning Commission and City Council approval.

F. Off-Street Loading.

1. Off-street loading spaces. No building shall be hereafter erected, substantially altered, or its use changed unless loading spaces have been provided in accordance with the provisions of this Chapter. One off-street loading space shall be provided and maintained on the same lot for each commercial and industrial use requiring regular delivery of goods.
2. Improvement and maintenance of off-street parking and loading spaces. All parking and loading areas shall provide drainage of surface water to prevent drainage of such water on the adjacent properties or walkways. The owner of any parking or loading area shall maintain the area in good condition.
3. Location.
 - a. All required loading berths shall be off-street and located on the same lot as the building or use served.
 - b. Except for loading berths required for apartments, no loading berth shall be located closer than 60 feet from a residential district unless within a structure.
 - c. Loading berths shall not occupy the front yard setbacks.
 - d. Loading berths located at the front or at the side of buildings on a corner lot shall observe the following requirements:
 - i. Loading berths shall not conflict with pedestrian movement.
 - ii. Loading berths shall not obstruct the view of the public right-of-way from off-street parking access.
 - iii. Loading berths shall comply with all other requirements of this Chapter.
 - e. Each loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will cause the least interference with traffic.

G. Parking and Storage of Certain Vehicles.

1. No motor vehicle or trailer without current license plates shall be parked or stored on any property in a residential district other than in a completely enclosed building, or as otherwise provided in this code.
2. Parking of commercial vehicles or equipment. No commercial vehicles, earth moving equipment or equipment exceeding 9,000 pounds gross weight shall be parked, stored, or otherwise continued in a residential district unless stored in a completely enclosed structure or unless they are being used in conjunction with a legitimate service being rendered for the benefit of the residential premises or unless the property has a pre-existing use of the lot for commercial vehicle or equipment storage and the City Council has approved the continued use through the issuance of an interim use permit as outlined in Section 151.95 E.

3. There shall be no parking allowed on any residential front yard area, except for a paved or otherwise improved driveway. Parking of recreational vehicles shall be allowed on required side and rear yard areas; however, said parking shall not encroach on any required setback.
4. Inoperable/Unlicensed Vehicles. All vehicles in the City of Isle must be licensed and operable to be parking on any external property, public or private. Exception: Authorized auto body and repair facilities, which are in the process of repairing said vehicles. One vehicle under repair is permitted for each property.

H. Requirements and Prohibitions.

1. Required parking and loading areas and the driveways providing access to them shall not be used for storage, display, sales, rental or repair of motor vehicles or other goods or for the storage of inoperable vehicles or snow.
2. All required parking spaces shall be accessed by adequate maneuvering space.

I. Reductions Allowed.

1. If warranted by the unique characteristics and/or documented parking demand for similar developments, the City may allow a reduction in the number of parking spaces actually constructed as long as the applicant provides proof of a future parking plan. The plan must show the location for all minimum required parking spaces in conformance with all applicable setback requirements. The City may require installation of the additional parking spaces whenever the need arises.
2. **Joint Facilities.** Up to 80% of the parking facilities required by this Chapter for a Church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities by the following daytime uses: banks, business offices, retail stores, personal service shops, manufacturing, wholesale or similar uses. Conditions required for joint use include:
 - a. 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.
 - b. 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.

J. Computation.

When in the process of determining the number of off-street parking spaces there occurs a fraction of a space, such fraction over 0.5 shall be deemed as a requirement for an additional whole space. The parking requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the Zoning Administrator.

K. General Provisions.

1. Change of Use or Additions to Buildings. Any change of use or occupancy of any building, including additions thereto, requiring more parking area shall not be permitted until there is furnished such additional parking spaces as required by this Section.
2. Off-street parking facilities for residential dwellings shall be provided and located on the same lot or parcel of land as the building they are intended to serve, unless they are located on an adjacent parcel under the same ownership.

3. Use of Garage Space. No person shall alter a garage to be used as living space in any district, unless other legal provisions are made to provide the required parking for the use on the lot. Garages intended to be used to meet off-street parking requirements shall not be used instead for the storage of goods and materials unless additional off-street parking spaces are provided on site in accordance with this Section.

L. Compliance.

Parking lots existing on or before the date of adoption of this Ordinance do not have to be brought into compliance with these standards until such time as any of the following events occur:

1. A new structure is constructed on the property served by the parking lot.
2. An addition is constructed to any existing structure located on the property served by the parking lot; or
3. A change in the use of the property served by the parking lot occurs which results in a remodeling of the structure requiring the issuance of a land use permit.

M. Site Plan.

A parking plan shall be submitted in accordance with the parking requirements and approved by the City for all uses exceeding two-family residential density. The site plan should include at least the following:

1. Zoning, setbacks, and statement of use.
2. North point and scale.
3. All adjacent streets and alleys.
4. Sidewalks, curbs, gutters, and boulevard trees.
5. Entire ownership of lot or parcel being developed.
6. Completely dimensioned parking spaces and driving lane(s), if applicable.
7. Owner's name and current address.
8. Description of surface.
9. Drainage plan.

SECTION 151.88 SIGNS.

A. Purpose.

The purpose of this Section is to protect and promote the general welfare, health, safety and order within the City of Isle through the standards, regulations and procedures governing the erection, use and/or display of devices, signs, or symbols serving as visual communicative media to persons situated within or upon public right-of-way or properties.

The provisions of this Section are intended to encourage creativity, a reasonable degree of freedom of choice, an opportunity for effective communication and a sense of concern for the visual amenities of the part of those designing, while at the same time assuring that the public is not endangered, or distracted by the unsafe, disorderly, indiscriminate or unnecessary use of such communicative facilities.

B. Definitions.

Refer to Section 151.06

C. Intent.

It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this ordinance to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this ordinance is to:

1. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.
2. Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.
3. Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics.
4. Provide for fair and consistent enforcement of the sign regulations set for herein under the zoning authority of the City.

D. Findings.

The City Council hereby finds as follows:

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

E. Exempt Signs

The exemptions permitted by this Chapter shall apply only to the requirements of a permit and shall not be construed as excusing the installer of the sign; or the owner of the property upon which the sign is located, from conforming to the other provisions of this Code. No permit is required under this Section chapter for the following signs:

1. Signs up to eight (8) square feet in size.
2. Temporary signs pertaining only to a property upon which it is displayed. Such signs shall not exceed ten (10) square feet for residential property or forty (40) square feet for other properties. One (1) sign shall be permitted for each lot and must be removed within thirty (30) days.
3. Up to three flags containing non-commercial speech only may be displayed upon a lot. Each non-commercial speech flag may not exceed 100 square feet in size per surface.
4. Signs erected by a government unit or public school district.
5. Memorial signs or tablets containing the name of the building, its use, and date of erection when cut or built into the walls of the building and constructed of bronze, brass, stone or marble.

F. General Provisions Applicable to All Districts

1. **Construction.** All signs shall be constructed in a manner and of such material that they shall be safe and substantial, provided that nothing in this Code shall be interpreted as authorizing the erection or construction of any sign not now permissible under the Zoning Ordinance.
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.
3. **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.

G. Illumination.

The Zoning Administrator shall grant permits for illuminated signs. All illuminated signs shall have a shielded light source. Any sign illuminated and located within 100 feet of a lot line of a residence shall be diffused or indirect so as not to reflect direct rays of light into adjacent residences or a street. All illuminated signs in Commercial and Industrial Districts in close proximity to Residential Districts shall be designed so as to illuminate the sign and not residential property to the extent practical.

H. Interference with Traffic.

No sign other than traffic control, directional, or street name signs shall be erected or temporarily placed within any street right-of-way or upon any public easements except for temporary street signs erected by the site developer. No person other than an employee or duly authorized agent of the City of Isle shall erect a sign purporting to be street name sign within the corporate limits of the City of Isle.

I. Wall Signs.

1. Wall signs must be limited to areas on the building façade, which will allow the signs to harmonize with the overall building design and with the signs of the other tenants share the same façade.
2. In a shopping center, only one type of design format may be used for all signs, which are on the same building façade. That is, all shops sharing the same façade must have ~~either~~ signs with individual letters or signs with a box or panel format. The type style of such signs does not have to be the same, only the method of display.

J. Freestanding Signs.

1. No freestanding sign may be closer than five feet to a property line.
2. No freestanding sign shall be closer than 75 feet to another freestanding sign.
3. Tenant Lists on Freestanding Signs. If a freestanding shopping center sign lists the names of three or more individual tenants:
 - a. The total area of the shopping center name, plus tenants' names, cannot exceed the total allowable area of a freestanding sign.
 - b. Tenants' names must be displayed (panel vs. individual letters) as one another.
 - c. The shopping center name and tenants' names must be produced in the same materials, method of illumination, and method of display (panel vs. individual letters) as one another.
 - d. Tenants' names must be arranged in a rectangular grouping, which does not extend horizontally beyond the edges of the shopping center name area.

K. Construction Signs.

1. Temporary signs may be erected for the purpose of selling or promoting a residential, commercial or industrial project provided:
 - a. Such signs shall not exceed 60 square feet in area per side.
 - b. Only one sign shall be permitted per street frontage upon which the property abuts.
 - c. Such signs shall be removed when the project is 80% completed, sold or leased or within two years, whichever is shorter, and
 - d. Such signs shall be located no closer than 30 feet to any pre-existing residence.

L. Real Estate Signs.

See Section 151.88 E.

M. Address Signs.

One address sign shall be required for each single-family residential building, for each dwelling in a multiple-family building, and for each commercial or industrial main building. Characters must be at least four inches in height. Numbers must be displayed as to be easily read from the public street. Numbers shall not be placed on overhead garage doors.

N. Residential Districts.

Institutional and Recreational Signs. One sign or bulletin board per street frontage for a public institutional use; for a recreational use in a residential district such sign or bulletin board shall not exceed 32 square feet in area, nor shall it be placed closer than any edge of property line, nor shall it be placed in a location that would interfere with the safe movement of traffic.

O. C-1 Central Business District.

1. **Freestanding Signs.** One freestanding sign per shopping center or isolated commercial establishment is permitted. The total area of this sign shall not exceed 50 square feet per side and its maximum height shall not exceed 16 feet.
2. **Bulletin Signs.** Non-portable bulletin signs may have individual face areas of up to 32 square feet or 50% of the area of the face of the business' identification sign, whichever is less.
3. In the C-1, Central Business District, Portable or sandwich signs may be allowed provided they are directly on the sidewalk in front of the establishment during hours of operation only, provided they allow four (4) feet of clearance and must not interfere with pedestrian traffic.
4. Projecting awnings with signs. Projecting awnings are permitted in the C-1, Central Business District provided there is a minimum eight (8) feet of clearance from the bottom of the awning to the sidewalk or ground below and it projects no more than four (4) feet. The maximum square footage of signage on an awning shall be 12 square feet.

P. C-2 Commercial.

1. **Wall signs.** Each building or each individual tenant in a multiple tenant building may have a wall sign which does not exceed 32 square feet in size. (A tenant's wall includes only his portion of the building façade).
2. **Freestanding Signs.**
 - a. The area of a freestanding sign may not exceed 80 square feet per side. If two free standing signs are permitted, their combined areas may not exceed 150 percent of the allowable area of the first sign.
 - b. The maximum height of a freestanding sign shall be no greater than 20 feet.
 - c. One traffic directional sign shall be permitted at each shopping center entrance. This sign shall not exceed four feet in height and 12 feet in area.
3. **Bulletin Signs.** A non-portable bulletin sign may have individual face areas up to 32 square feet.
4. Projecting awnings are permitted in the C-2, Commercial District provided there is a minimum eight (8) feet of clearance from the bottom of the awning to the sidewalk or ground below and it projects no more than four (4) feet. The maximum square footage of signage on an awning shall be 10% of the area it is attached or a maximum eighty (80) square feet, whichever is less.

Q. Industrial District.

1. **Wall Signs.**

- a. One wall sign per building, not to exceed 10 percent of the area of the wall to which it is attached or 80 square feet, whichever is less.
- b. One additional wall mounted identification sign is allowed for each tenant having a private exterior entrance to the building. Such sign shall be displaced at or near the tenant's entrance and shall not exceed 10 percent of the wall area pertaining to the tenant. Such identification signs must have a consistent display format (panel vs. individual letters) across the building.
- c. One wall sign listing the building tenants may be used in place of individual tenant identification signs. Such signs shall not exceed 10 percent of the wall to which it is attached or 60 square feet, whichever is less. Tenants' names shall be displayed in the same materials, method of illumination, and method of display (panels vs. individual letters) as one another.

2. Freestanding Signs.

- a. One sign per principal building not to exceed 80 square feet in area and 20 feet in height.
- b. One area identification sign not exceeding 100 square feet and 24 feet in height for each public road serving an office or industrial park.

R. Billboards.

- 1. Billboards may be erected along and intended to be viewed from only Highways 47 and 27. Billboards are allowed only in the following Zoning Districts: C-2 and I Districts and must comply with MnDOT specifications.
- 2. The maximum allowable size of any billboard is 700 square feet. The maximum allowable extensions shall not exceed 15 percent of the total sign area.
- 3. The maximum allowable height on any billboard is 35 feet. If a highway served by a billboard is elevated above the surface on which it is placed the City Council may grant a variance to this regulation according to its discretion.
- 4. The minimum allowable proximity of any billboard to any residential zoning district or a non-conforming residential structure is 500 feet.
- 5. The minimum allowable proximity of any billboard to any State Trunk Highway is 75 feet and the maximum distance from the same is 150 feet.
- 6. The maximum allowable proximity of a billboard to any building (except as set forth in (5) above) shall be 100 feet for billboards of 700 square feet or more. This setback may be reduced by 10 feet of every 100 square feet of sign area less than 700 square feet to a minimum of 60 feet.
- 7. No portion of any billboard shall occupy air space above driveway or parking area.
- 8. No billboard may display any moving parts, nor shall it be illuminated with any flashing or intermittent lights.
- 9. No variance shall be granted to any part of this Section except as set forth in (3) above.

S. Electronic Variable Message Signs.

EVMS are permitted in industrial and commercial zoning districts as long as the message and/or picture on the sign does not change more than once per five (5) seconds.

T. Adult Use Signs.

See Chapter 153 of the City Code.

U. Permit Required.

Except as provided 151.88 E, the owner or occupant of the premises on which a sign is to be displayed, or the owner or installer of such signs, shall file an application provided by the City Clerk, or designee, for permission to display such sign. Permits must be acquired for all existing, new, relocated, modified or redesigned signs, except those specifically exempted. The owner shall submit with the application a complete description of the sign and a sketch showing its size, location, manner of construction, and other such information as shall be necessary to inform the City Zoning Administrator of the kind, size, material, construction and location of the sign. The Zoning Administrator may approve Sign Permits. The applicant shall also submit at the time of application the required application fee.

V. Non-commercial Speech.

Notwithstanding any other provisions of this sign ordinance, all signs of any size containing Non-Commercial Speech pertaining to the election may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election. Signs must be placed on private property with the permission of the owner.

W. Non-Conforming Signs: Compliance.

It is recognized that signs exist within the zoning districts which were lawful before this sign ordinance was enacted, which would be prohibited, regulated or restricted under the terms of this Chapter or future amendments. It is the intent of this sign ordinance that nonconforming signs shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this sign ordinance to permit legal nonconforming signs existing on the effective date of this sign ordinance, or amendments thereto, to continue as legal nonconforming signs provided such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed subject to the following provisions:

1. No sign shall be enlarged or altered in a way which increases its nonconformity. This shall not prohibit routine maintenance of the sign.
2. Should such sign or sign structure be destroyed by any means to an extent greater than fifty (50) percent of its replacement cost and no land use permit has been applied for within 180 days of when the property was damaged, it shall not be reconstructed except in conformity with the provisions of this ordinance.
3. Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
4. No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, extended or moved except in changing the sign to a sign permitted in the zoning district in which it is located.

5. When a structure loses its nonconforming status all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color which will harmonize with the structure.

X. Substitution Clause.

The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

SECTION 151.90 FENCES, WALLS OR HEDGES.

A. Application.

The requirements of this subchapter shall apply to all new or replacement fences, walls, or shrubbery erected or installed from and after the effective date of this subchapter, but shall not apply to the mere repair of existing fences.

B. General Requirements.

1. All fences of more than 30 inches in height shall require a permit.
2. No fence shall contain barbed wire.
3. No fence shall be charged with electric current, except within an agricultural district.
4. No fence, wall or other obstruction to vision above a height of 30 inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection.
5. Fences must be maintained so as not to endanger life or property and any fence which, through lack of repair, type of construction or otherwise, that imperils health, life or property or the well-being of a neighborhood shall be deemed a nuisance.
6. All fences must be located on the private property of the person, firm or corporation constructing the fence.
7. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance. Any such fence which is, or has become dangerous to the public safety, health, or welfare, is a public nuisance, and the Zoning Administrator shall commence proper proceedings for the abatement thereof.
8. Fence shall not obstruct natural drainage.
9. All fences must comply with all other requirements of law or this code as it applies to fence installation and materials.

C. Residential Regulations.

1. Prohibited material. No fence or wall shall be constructed of any electrically charged element or barbed wire.
2. Approved material. All fences in residential districts shall be constructed of stone, brick, finished wood, chained link or vinyl. The finished side of the fence, or that side of the fence without exposed support or posts, shall face the neighboring property or streets.
3. Side and rear yard requirements. No fence or wall located in a side or a rear yard shall be of height exceeding four feet, measured from its top edge to the ground at any point.
4. Front yards. No fence or wall shall be located in a front yard.
5. Maintenance. Every fence or wall shall be maintained in a good and safe condition at all times. Every damaged or missing element of any fence or wall shall be prepared or replaced immediately.

D. Setbacks.

No fence may be located less than six inches from a property line. No fence, wall, hedge or other screening device shall be permitted to encroach on any public right-of-way.

E. Variance.

Any deviation from the provisions of this subchapter shall require a variance. If a variance is requested, the variance shall be considered in accordance with the zoning variance procedures and fees for this variance will be in accordance with the zoning variance fee.

SECTION 151.95 ADMINISTRATION AND ENFORCEMENT.

A. Purpose.

The purpose of this section is to outline administration of this Ordinance and establish procedures for non-conformances, variances, conditional use permits, interim use permits and duties of administrating staff and commissions.

B. Process.

1. Applications for Zoning Requests.

- a. Notwithstanding anything to the contrary in this Chapter, all applications for any site plan, conditional use permit, interim use permit, land use permit, variance, or for any other City approval required by this Chapter, or to amend this Chapter, shall be made in writing on a form provided by the City, if the City has a form, to the City Clerk or other person appointed by the City Council to administer this Chapter. The Zoning Administrator is authorized to reject in writing any incomplete application within 15 business days of receipt if the application is incomplete, stating the reasons for its rejection, including what information is missing. This rejection shall be sent by first-class mail to the applicant. Every application shall contain the legal description of the property and a statement of the specific permit or action being sought.
- b. Nothing in this Section shall be deemed to prevent the City from requesting additional information from the applicant upon which to base a decision.

2. Fees.

As authorized by Minnesota Statutes, Section 462.353, as it may be amended from time to time, if a dispute arises over a specific fee imposed by the City, the amount of the fee must be deposited and held in escrow, and the person aggrieved by the fee may appeal to district court, as provided by Minnesota Statutes, Section 462.361, as it may be amended from time to time. The application shall proceed as if the fee had been paid, pending a decision of the court.

3. Certificate of Survey Required.

Any person desiring to erect a structure shall submit to the Zoning Administrator a survey of the premises and information on the location and dimensions of existing and proposed structures, location of easement crossing the property, encroachments, and any other information which may be necessary to ensure conformance. The survey shall provide the following information:

- a. Scale of drawing.
- b. Legal description.
- c. Dimensions of the lot and north arrow.
- d. Required setbacks.
- e. The location of all easements of record.
- f. Grade elevations of the following points:
 - i. Each lot corner (existing or proposed).

- ii. Proposed driveway elevation location at the curb and at the midpoint of the driveway adjacent to the garage slab.
- iii. Elevations of the garage slab.
- iv. Low floor elevations.
- v. Ordinary high water mark of water bodies (if applicable).
- vi. Delineated wetland edge (if applicable).
- vii. Proposed lawn and driveway elevations at the street side of the building.
- viii. The proposed disposal or drainage of surface water (indicate direction of surface water drainage by arrows).

Exceptions: A survey is not required for the construction of steps, decks, ramps for handicap accessibility and storage buildings without a permanent foundation of 120 square feet or less, except when deemed necessary by the Zoning Administrator.

4. Consistency with State Law.

Notwithstanding anything in this Chapter to the contrary, the provisions of Minnesota Statutes, Section 15.99 as it may be amended from time to time, and the following sections shall govern the process for making decisions under this Chapter. To the extent to which these sections conflict with the provisions of Minnesota Statutes, Section 15.99, as it may be amended from time to time, the provisions of that statute shall apply.

5. Public Hearings and Notices.

As required by Minnesota Statutes, Section 462.357 and Minnesota Statutes, Section 462.3595 a public hearing shall be held by the Planning Commission, before any conditional use permit, variance, or zoning amendment may be granted. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the City at least ten days prior to the day of the hearing. In the case of an amendment to the zoning code which involves changes in district boundaries affecting an area of five acres or less, and in the case of an application for a conditional use permit or a variance, a similar notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the zoning code amendment, conditional use or variance relates. The applicant shall provide a list of the owners of affected property and property situated wholly or partly within 350 feet of the property to which the hearing relates. The Clerk or other person appointed by the City Council to administer this Chapter may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the Clerk or other person appointed by the City Council to administer this Chapter and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with the mailed notice requirements has been made.

6. Procedures.

The procedures for the Planning Commission are outlined in Chapter 150 of the Code.

7. Final Actions.

As required by Minnesota Statutes, Section 15.99 as it may be amended from time to time, commonly called the 60-day rule, all approvals and denials of applications for a zoning amendment, site plan, conditional use permit, land use permit, variance or any other application which requires a City approval under this Chapter must be made within the timeline and following the process of Minnesota Statutes, Section 15.99. Failure to follow the requirements of the statute may result in automatic approval of applications.

8. Notice of Decision.

As required by Minnesota Statutes, Section 15.99, as it may be amended from time to time, commonly called the 60-day rule, notice of approvals and denials of applications for a zoning amendment, site plan, conditional use permit, land use permit, variance or any other application which requires a City approval under this Chapter must be provided within the timeline and following the process of Minnesota Statutes, Section 15.99. Failure to follow the requirements of the statute may result in automatic approval of applications.

9. Land Use Permit Required.

No structure or fence shall be constructed until a land use permit has been obtained from the City Clerk or other person appointed by the City Council to administer this Chapter. The application shall contain a plan showing the location on the structure or fence on the property that demonstrates that all requirements of this code will be met. The application shall also contain the plans for the structure to be built that demonstrates that the structure will meet all of the standards established by this zoning code. If an application requires a zoning amendment, conditional use permit, interim use permit or variance, no land use permit shall be issued by the Clerk or other person appointed by the City Council to administer this Chapter until any application for a zoning amendment, conditional use permit, interim use permit or variance has been acted upon by the City Council. A decision by the Clerk or other person appointed by the City Council to administer this Chapter not to issue a land use permit may be appealed to the Board of Appeals and Adjustments as provided for in ' 151.60. No residential contractor who is required to be licensed by the state, and no person employing a residential contractor who is required to be licensed, shall be issued a land use permit unless that contractor is licensed. Any person applying for a permit who is required to have a state license, but who does not have a state license, shall be reported to the State Commissioner of Commerce.

C. Administration.

1. Zoning Administrator.

The City Council of the City of Isle shall appoint a Zoning Administrator whose term of appointment shall terminate at the pleasure of the Council. The Zoning Administrator shall enforce this Ordinance and shall perform the duties outlined in Chapter 150.3.

2. Planning Commission.

The City Council has established a Planning and Zoning Commission to provide assistance to the City Council and Zoning Administrator in administration of this Ordinance. The recommendation of the Planning Commission is 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, conditional use permits, interim use permits and variances.

3. Board of Appeals and Adjustments.

- a. The Planning Commission is hereby constituted and established as the Board of Adjustment and Appeals.
- b. Powers and Duties. The Board of Adjustment and Appeals shall have the power and duties of hearing and deciding appeals or requests on the following cases:
 - i. Appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Chapter.
 - ii. Requests for variance from the literal provisions of this Chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.
 - iii. Appeals from any action of the City Zoning Administrator in denying or granting a land use permit.
- c. In recommending a variance to the City Council, the Board of Adjustment and Appeals may impose conditions to insure compliance and to protect adjacent properties. The Board of Adjustment and Appeals may not recommend as a variance any use that is not permitted under this Chapter for the property in the zone where the affected person's land is located.
- d. The Board of Adjustment and Appeals shall have such other additional powers as are given to Boards of Adjustment and Appeals by Minnesota law.
- e. The Board of Adjustment and Appeals shall provide a record of its proceedings, which shall include the minutes of its meetings, its findings, and the action taken on each matter heard by it, including its recommendation. The Zoning Administrator shall maintain these records.
- f. Any person or persons jointly or severally aggrieved by any decision of the City Council may appeal to the Mille Lacs District Court by filing a petition setting forth that such decision is illegal in whole or in part, specifying the grounds of such illegality. A copy of the notice of appeal, with evidence of filing, must be filed with the City Administrator within 30 days after the filing of appeal in District Court.

4. City Council.

- a. The City Council shall act upon all requests and questions which arise in the administration of this Ordinance, including the interpretation of zoning maps. The Council shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative Zoning Official charged with enforcing the Ordinance.
- b. The City Council may reverse or affirm wholly or partly, or may modify the requirement, decision, or determination. The council shall make written findings of fact and minutes of its meetings. 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 Mille Lacs District Court on questions of law and fact.

D. Conditional Use Permits.

1. The Planning Commission shall recommend a conditional use permit and the Council may issue conditional use permits if it finds that the use at the proposed location:

- a. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
 - b. The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
 - c. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
 - d. The use in the opinion of the Council is reasonably related to the overall needs of the City and to the existing land use.
 - e. The use is consistent with the purposes of this Section and the purposes of the zoning district in which the applicant intends to locate the proposed use.
 - f. The use is not in conflict with the Comprehensive Plan, or Water Resource Management Plan.
 - g. The use will not cause traffic hazard or congestion.
 - h. Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness.
2. **Conditions.** In permitting a new conditional use or the alteration of an existing conditional use, the City may impose, in addition to the requirements set forth above, conditions considered necessary or appropriate to protect the best interests of the surrounding area or the community as a whole.
 3. **Procedure.** The applicant shall complete a conditional use permit application form and submit it, along with a site plan and filing fee, to the City who shall refer the application to the Planning Commission for review.
 4. **Planning Commission Hearing and Notice.** The Planning Commission shall hold a public hearing on the application. Notice of said hearing shall be published in the official newspaper of the City at least ten (10) days prior to the hearing and the City Clerk shall mail the same notice to the owners of all property located within 350 feet of the land to which the conditional use will apply. The notice shall include a description of the land and the proposed conditional use. Failure of a property owner to receive such notification shall not invalidate the proceedings.
 5. **Council Action.** The report of the Planning Commission shall be placed on the agenda of the next regular Council meeting following referral from the Planning Commission, but not later than (45) days after the applicant has submitted the application. If the Council grants the permit, it may impose conditions it considers necessary to protect the public health, safety and welfare.
 6. **Modification to Conditional Use Permit.** Any change which involves structural alteration, enlargement, or intensification of use or any similar change not specifically permitted by the issued permit shall require an amended conditional use permit. A request for amendment shall be administered in the same manner and all procedures shall apply as if a new permit were being requested.
 7. **Violation.** In the event the applicant violates any of the conditions set forth in the permit, the Council shall have the authority to revoke said permit.

8. **Duration.** A conditional use permit shall remain in effect as long as the conditions agreed upon are observed, but nothing in this section prohibits the City from enacting or amending official controls to change the status of conditional uses.
9. **Recorded.** A certified copy of any conditional use permit shall be recorded with the County against the property upon which the use is located. The permit must include the legal description of the property.

E. Interim Use Permits.

1. **Purpose.** The purpose and intent of allowing interim uses is:
 - a. 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.
 - b. To allow a use that is presently acceptable, but not permitted within the zoning district and, with anticipated development, may not be acceptable in the future.
2. **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 Section 151.95 D, of this Ordinance.
3. **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:
 - a. Meets the standards of a conditional use permit set forth in Section 151.90 D, of this Ordinance.
 - b. Conforms to the zoning regulations, performance standards and other requirements of this Ordinance.
 - c. Will terminate upon a tangible date or event specified in the resolution approving said interim use permit.
 - d. Will not impose, by agreement, additional costs on the public if it is necessary for the public to take the property in the future.
 - e. 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.
4. **Termination.** An interim use permit shall terminate upon the occurrence of any of the following events; whichever first occurs:
 - a. The date specified in the permit;
 - b. A violation of the conditions under which the permit was issued; or
 - c. A change in the City's zoning regulations.

F. Variances.

1. **General Conditions.** A variance to the literal provisions of this Code may be issued to provide a modification or variation where it is determined that their strict enforcement would cause practical difficulties. No use variances may be issued. No variance will be issued that would allow a lower degree of flood protection than the flood-protection elevation.

2. Pursuant to Minn. Stat. Sec. 462.357, Subd. 6, as it may be amended from time to time, the Planning Commission, acting as a Board of Appeals and Adjustments, may recommend the City Council issue variances from the provisions of this Code. A variance is a modification or variation of the literal provisions of the Code as applied to a specific piece of property.
3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance; and when the variances are consistent with the Comprehensive Plan.
4. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - a. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
 - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - c. The variance, if granted, will not alter the essential character of the locality.
5. Economic considerations alone do not constitute practical difficulties.
6. Action on Request. The Planning Commission, acting as the Board of Appeals and Adjustments, shall hold a public hearing on the variance request. The procedures for the notice and public hearing shall be the same as that described in § 462.357, except that the public hearing shall be held by the Board. In cases of "Minor Variances", as described in Subd. 9 b, a public hearing may be waived.
7. The Board may recommend to the City Council approval, approval with conditions, or denial of the request. In considering a request for a variance and whether the applicant established that there are practical difficulties in complying with provision(s) of this Chapter, the Board and City Council shall consider the following factors:
 - a. Special conditions applying to the structures or land in question that are particular to the property and do not apply generally to other land or structures in the district or vicinity in which the land is located;
 - b. The granting of the proposed variance will not be contrary to the intent of this Chapter;
 - c. The special conditions or circumstances do not result from the actions of the owner/applicant;
 - d. The granting of the variance will not merely serve as a convenience to the applicant, but is necessary to alleviate practical difficulties in complying with the zoning provisions of this Code; and
 - e. The variance requested is the minimum variance necessary to alleviate the practical difficulty.
8. The Council may grant the variance and impose certain conditions and safeguards therein which are directly related to and bear a rough proportionality to the impact created by the variance. The variance, however, may not be granted for a use that is otherwise not allowed in a particular zoning district, that is inconsistent with the comprehensive guide plan, or that is not in harmony with the general purpose and intent of the zoning provisions of this Chapter.

9. Procedure:

a. Minor Variances.

- i.** The purpose of this section is to provide for an expeditious method of processing variance requests.
- ii.** Qualifications: Requests qualifying as minor variances must meet one of the following criteria:
 - 1) Cases where hardship to existing buildings or platted property are created as a result of public action or change in City Code standards (except as related to floodplain regulations).
 - 2) Structure of setback deviations which are characteristic of and common to neighboring uses and which do not exceed five (5) feet.

iii. Processing.

- 1) Requests for a minor variance shall be filed with the Zoning Administrator on an official application form. Such application shall be accompanied by a fee as required by City Council resolution. Such application shall also be accompanied by one (1) copy of detailed written and graphic materials necessary for the explanation of the request.
- 2) The Zoning Administrator shall prepare a report, when appropriate, and provide general assistance in preparing a recommendation on the action to the Council.
- 3) The City shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information is to be declared necessary to establish performance conditions in relation to all applicable sections of this Ordinance. Failure of any applicant to supply all necessary supportive information may be grounds for denial of the request.
- 4) The Council shall review the application and may upon its option conduct a public hearing (no notice or publication required) on the request. The City Council may also make a determination and require that the matter be processed as a major variance.
- 5) The Applicant or a representative shall appear before the Council, if requested by the City, in order to answer questions concerning the proposed variance request.
- 6) The Council shall make findings of fact and shall decide whether to approve or deny a request for variance within 60 days of receipt of the complete application.
- 7) A variance of this Ordinance shall be by simple majority vote of the Council.

b. Major Variances.

i. All variances which are not classified as “minor” shall be deemed “major” variances.

ii. Processing.

- 1) The person applying for a variance shall submit to the Zoning Administrator an application for a variance.
- 2) The Zoning Administrator shall refer the application to the Planning Commission for review.
- 3) The Planning Commission shall hold a public hearing on the proposal. Legal notice concerning official action pursuant to this Section 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 350 feet of the affected parcel or parcels shall receive similar, individual notifications by mail.
 - c) The petitioner or his representative shall appear before the Planning Commission in order to answer questions concerning the proposed variance.
 - d) Planning Commission shall make findings of fact and recommend approval or denial of the request. The Commission's recommendation, shall be presented to the Council.
 - e) Upon receiving a recommendation from the Planning Commission, the City Clerk or Zoning Administrator shall place the recommendation on the agenda for the next regular City Council meeting. Such recommendations shall be made a part of the permanent written record of the City Council meeting.
 - f) The City Council shall review the application and make a finding of fact and approve or deny a request for variance within sixty (60) days of receipt of a complete application.
 - g) A variance of this Ordinance shall be simple majority vote of the Council.
 - h) If it grants the variance, the 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.

10. Lapse of Variance.

Variance permits shall expire if they have not been installed within one year after the date of issuance.

G. Nonconformance.

1. As required by Minnesota Statutes, Section 462.357, as it may be amended from time to time, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of these zoning regulations, may be continued, including through repair, replacement, restoration, maintenance or improvement, but not including expansion, unless the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming use is destroyed by fire or other peril to the extent of greater than 50% of its market value, and no building or land use permit has been applied for within 180 days of when the property is damaged. In this case, the City Council may impose reasonable conditions upon a building or land use permit in order to mitigate any newly created impact on adjacent property. A subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.
2. Notwithstanding division (A), the City may regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures 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 obstruction of flood flows in the floodway.
3. Nonconforming shoreland lots of record are subject to the provisions of Minnesota Statutes, Section 462.357, as it may be amended from time to time.

H. Existing Non-Conforming 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. If, two (2) or more contiguous lots in any district are under the same ownership, and any individual lot does not meet the area and width requirements of this Ordinance, the lot must not be considered as a separate parcel or land for the purpose of sale or development. The lot must be combined with the one (1) or more contiguous lots so they equal one (1) or more parcels of land, each meeting the area and width requirements of this Ordinance.

1. No non-conforming building, structure, or use shall be moved to another lot or to any other part of the parcel of land upon which the same was constructed or was conducted at the time of this Ordinance adoption unless such movement shall bring the non-conformance substantially closer to compliance with the requirements of this Ordinance.
2. When any lawful non-conforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.
3. Discontinued Non-Conforming Use. Whenever a non-conforming use shall have been discontinued for a period of twelve (12) months, it shall not return to the original or any other use, which is non-conforming. (*Currently Chapter 152.106*)

I. Amendments.

1. An amendment to this zoning code may be initiated by the City Council or by petition of affected property owners. The requirements for public notice and hearing contained in Section 151.90 B shall be followed. The zoning code may be amended by a majority vote of all of the members of the City Council. The adoption of an amendment which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds majority vote of all members of the City Council.

2. 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 Policies Plan or changes in conditions in the City.

3. Procedure:

- a. 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 fill out a zoning amendment application form and submit it to the Zoning Administrator.
- b. No zoning ordinance or amendment thereto shall be adopted until a public hearing has been held thereon by the planning agency or by the governing body. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the municipality at least ten days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.
- c. The City Council must take action on the application within sixty days following receipt of a complete application. The City Council shall maintain records of amendments to the text and zoning map of the Ordinance. Amendments shall be filed with the County Recorder.
- d. 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-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.

J. Appeals.

Appeals to the City Council acting as the Board of Appeals and Adjustments may be taken by any affected person where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer of the City in the enforcement of the zoning code. No mailed or published notice of the hearing on the appeal is required, but a public hearing shall be held on each appeal.

K. Record of Decisions.

The Council may provide that a record be made of its proceedings concerning its actions on any application for a permit, zoning ordinance amendment, or appeal. This record may include the minutes of the meeting, the findings of the Council and the action taken.

L. Fees.

As provided by Minnesota Statutes, Section 462.353, Subd. 4, as it may be amended from time to time, fees may be established as follows:

1. Council may in a separate ordinance, or in the Ordinance Establishing Fees and Charges, prescribe fees sufficient to defray the costs incurred in reviewing, investigating, and administering applications for an amendment to the provisions of this Chapter and to all official maps, and applications for a permit, a variance or for some other approval required under this Chapter.
2. These fees must be fair, reasonable and proportionate to the actual cost of the service for which the fee is imposed. The City shall adopt management and accounting procedures to ensure that fees are maintained and used only for the purpose for which they are collected.
3. If a dispute arises over a specific fee imposed by a City, the amount of the fee must be deposited and held in escrow, and the person aggrieved by the fee may appeal to district court as provided by Minnesota Statutes, Section 462.361, as it may be amended from time to time. The application shall proceed as if the fee had been paid, pending a decision by the court.

M. Certification of Taxes Paid.

Prior to approving an application for any city land use permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, unpaid utility charges certified for payment as taxes, interest, or city utility fees due upon the parcel of land to which the land use permit relates.

N. Enforcement.

1. The City Council may direct the Clerk, Zoning Administrator or other person appointed by the City Council to administer this Chapter to send a notice of any violation. When so directed, a notice of a violation shall be mailed by the Clerk or other person appointed by the City Council to administer this Chapter to any person who, in the opinion of the Clerk or other person appointed by the City Council to administer this Chapter, is in violation of the provisions of the zoning code. The notice shall state the nature of the violation and the penalty for the violation. A person who is issued a notice of violation may appeal the issuance to the City Council under the provisions of Section 151.95 I.
2. If the person to whom the notice of violation is directed fails to comply with the applicable provisions of the zoning code, that person is guilty of a misdemeanor and shall be punished as provided by Minnesota Statutes.
3. Each day the violation continues is a separate offense.
4. The City may also enforce any provision of this zoning code by mandamus, injunction, or any other appropriate remedy in any court of competent jurisdiction.
5. A person who knowingly makes or submits a false statement or document in connection with an application or procedure required by this section is guilty of a misdemeanor and shall be punished as provided by Minnesota Statutes.
6. A person who violates, fails to comply with or assists, directs or permits the violation of a performance standards required this Ordinance must reimburse the City or its agent for the

actual costs of the tests, measurements or other procedures necessary to demonstrate that violation.

7. A violation of this Chapter or a condition imposed under this Chapter is a public nuisance. The public nuisance may be abated in accordance with Chapter 92.
8. No section or part of this Chapter designating the duties of an official, employee or appointee of the City may be construed to make that official, employee or appointee liable for the penalty provided by the City ordinances for violation of this Chapter.
9. The clerk, or other person appointed by the City Council, may inspect any property that is the subject of any application under this Chapter, with either the permission of the owner, resident or other person in control of the property, or after first obtaining an administrative search warrant as provided for under Minnesota Statutes.

SECTION 151.96 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.

SECTION 151.97 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 are hereby repealed.

SECTION 151.98 EFFECTIVE DATE.

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

Ordained by the City Council of the City of Isle this day of _____, 2014

Mayor

Attest:

City Clerk/Treasurer