

City of Lake Shore Land Use and Subdivision Ordinance



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CONTENTSTABLE OF CONTENTS
CHAPTER IV
LAND USE AND SUBDIVISION ORDINANCE
LAKE SHORE CITY CODE

Chapter	Page
1. Purpose.....	1
2. General Provisions.....	1-2
3. Rules.....	2
4. Definitions.....	2-24
5. Application of the Ordinance.....	24-25
6. Environmental Documents and Concurrent Permits.....	25
7. Use of Pre-Existing Lots.....	25-26
8. Non-Conforming Structures and Uses.....	26-28
9. Building Standards.....	28-29
10. Other Standards.....	29
11. General.....	29-31
12. Rural Residential/Agriculture (RR).....	31-33
13. Wooded Residential (WR).....	33-34
14. Open District	34
15. Residential, Low Density (R-1) (Includes Off Lake Shoreland)	34-37
16. Performance Standards (R-1)	34-37
17. Residential, Medium Density R-2 (Shoreline).....	37-44
18. Commercial Waterfront District (C-W)	44-54
19. Neighborhood Commercial District (NC).....	54-61
20. Public District (P).....	61
21. Land Use Matrix.....	61-66
22. General.....	66
23. Lake Margaret Watershed Overlay District (LMW).....	66-70
24. Signs.....	72-75
25. Nuisance Standards.....	75-79
26. Fences.....	79
27. Maintenance.....	79
28. Storage.....	79-80
29. Visual Standards – Screening.....	80
30. Sanitation Standards.....	80-81
31. Animal Husbandry.....	81-82
32. Vegetation Removal.....	82-83
33. Parking.....	83-84
34. Loading and Unloading Requirements.....	84
35. Drainage.....	84-85
36. Grading.....	85-88
37. Camping.....	88-89

38. Shoreline Conservation Subdivision.....	89-94
39. Administration and Maintenance.....	94-95
40. Shoreline Resort Development.....	95-104
41. Rural Conservation Subdivision.....	104-106
42. Campgrounds/Campsites.....	106-107
43. Extractive Uses and Restoration.....	107-109
44. Home Occupation.....	109-110
45. Auto Salvage Yards/Junk Yards.....	110
46. Landfills.....	110
47. Short-Term Rentals of Property.....	110-114
48. Subdivision Standards: Sketch Plan.....	114
49. Preliminary Plat and Preliminary Plan.....	114-116
50. Final Plat and Final Plan.....	116-117
51. Design Layout Standards – Minimum.....	117-120
52. Survey Standards.....	120
53. Street Improvement Standards.....	120
54. Sanitary Provision Standards.....	120-140
55. Water Supply Standards.....	140
56. Drainage/Grading Standards.....	140-141
57. Dedication to the Public – Standards.....	141-142
58. Expense of Improvements.....	142
59. Improvement Standards.....	142
60. Development Contract.....	142
61. Professional Costs.....	142
62. Record Drawings.....	142
63. Zoning Administrator.....	142-143
64. Board of Adjustment.....	143-144
65. Planning Commission.....	144-145
66. Parks Commission.....	145
67. City Council.....	145
68. Conditional Use Permits.....	145-149
69. Variances.....	149-150
70. Land Use Permits.....	150-151
71. Subdivisions.....	151-155
72. Fees.....	155
73. Financial Requirements.....	155
74. Required Decision-Making Timeframes.....	155-156
75. Violations and Penalties.....	156
76. Liability of City Officials.....	156
77. Equitable Relief.....	156
78. Separability.....	156
79. Supremacy.....	156-157
80. Effectuation.....	157
81. Amendment.....	157

82. Lake Classification Amendments.....	157-158
83. Notices.....	158
84. Solar Energy Systems.....	159-163
Appendix A.....	164-166

CHAPTER IV LAND USE AND SUBDIVISION ORDINANCE

1. Purpose.

1.1 Protecting the public health, safety, comfort, convenience and general welfare.

1.2 Inaugurating and effectuating the goals of the Comprehensive Plan.

1.3 Promoting order in development by dividing the area of the City into zones and regulating therein the location, construction, reconstruction, alteration and use of the structures and land.

1.4 Conserving the natural and scenic beauty and attractiveness of the City, for the health and welfare of the public.

1.5 Providing for adequate light, air and access to property by regulating the use of the land and buildings and the bulk of structures in relation to surrounding properties.

1.6 Providing for the administration of the provisions of the Ordinance and defining the authority and duties of the Administrator, Planning Commission, Board of Adjustment, Parks Committee and City Council under this Ordinance.

1.7 Providing standards and criteria for shorelands to preserve and enhance the quality of surface waters, conserve the economic and natural environment values of shorelands and provide for the wise use of water and related land resources for the City.

1.8 Promoting the economic well-being of the community by providing an attractive, stable and viable venue for new businesses.

2. General Provisions

2.1 Relation to Land Use Plan. It is the policy of the City of Lake Shore that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the Lake Shore Comprehensive Plan as developed and amended from time to time by the Planning Commission and City Council as well as any other City land use and development plans enacted from time to time. The City Council recognizes the Comprehensive Plan as the policy for regulating land use and development.

2.2 Jurisdiction. The provisions of this ordinance apply to the shorelands of the public water bodies as classified in Section 11.4 of this ordinance, and to the shorelands of public water bodies greater than 10 acres in unincorporated areas in which the city has, by ordinance, extended the application of its zoning regulations as provided by Minnesota Statute, Chapter 462.357 Subd 1

2.3 Enforcement. The City of Lake shore and its Zoning Administrator are 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 constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur

regardless of whether or not a permit is required for a regulated activity listed in Section 70 of this ordinance.

2.4 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.

2.5 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.

3. Rules.

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

3.2 The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

3.3 The masculine gender includes the feminine gender and the neuter gender.

3.4 The singular includes the plural and the plural includes the singular.

3.5 The present tense includes the past and future tenses and the future includes the present.

3.6 The word “may” is permissive. The words “shall and must” are mandatory. Mandatory compliance with the Ordinance shall allow for Variances thereto.

3.7 All horizontal and vertical measured distances shall be expressed to the nearest tenth of a foot and its metric equivalent, unless specifically stated otherwise. All distances shall be measured horizontally.

3.8 The words “lot,” “plot,” “piece” and “parcel” of land are interchangeable.

3.9 The words “used for,” shall include the phrases “arranged for,” “designed for,” “intended for,” “improved for,” “maintained for,” and “occupied for.”

4. Definitions. The following words shall be defined as follows for the purpose of this Ordinance:

4.1 Abandoned Building. A building as defined hereinafter on public or private property, which no longer serves a practical use and, due to its location or structural condition, is considered a safety hazard in the opinion of the Zoning Administrator.

4.2 Abandoned Motor Vehicle. A motor vehicle as defined in Minnesota Statutes Chapter 168B.011 that (a) has remained on public property in an inoperable condition for more than 48 hours, or (b) has remained on private property for more than 48 hours without the permission of the owner, or (c)

has remained on private property for more than thirty days and is inoperable or is unlicensed unless kept in a garage or other storage structure.

4.3 Abutting. Making direct contact with or immediately bordering.

4.4 Accessory Structure: A building or other structure that is supportive, secondary and subordinate in use or size to the principal structure on the same parcel or lot which, because of the nature of its use, can reasonably be located at or greater than minimum structure setbacks. Includes all structures not considered the principal structure including, but not limited to, T.V. towers antennas, dish antennas, outdoor swimming pools, outdoor hot-tubs, detached garages, sheds, guest quarters and boathouses.

4.5 Accessory Use. A use naturally and normally incident and subordinate to the main use of the premises. An accessory use cannot, by definition, exist without the establishment of a primary use.

4.6 Addition. A physical enlargement of an existing structure, or an increase in living space.

4.7 Adjacent. In close proximity to or neighboring, not necessarily abutting.

4.8 Agent. Any person acting on behalf of a landowner in dealing with activities under the jurisdiction of the Ordinance, including but not limited to realtors, contractors or attorneys.

4.9 Agricultural Use. The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses used for packing, treating or storing the product, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

4.10 Airport. Any premises used or intended for use for the landing and taking off of aircraft including any structures used or intended for use for aircraft services.

4.11 Alteration. A change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or by moving from one location to another, of a building or a structure.

4.12 Animals, Domestic. Common household pets, such as dogs and cats, kept for amusement, companionship, decoration or interest.

4.13 Animals, Food. Fish, fowl, cattle, swine, sheep and others raised for the purposes of food consumption.

4.14 Animals, Wild or Exotic. Animals, such as wolves, tigers, lions and snakes, that are not normally a domestic animal or farm animal and would ordinarily be confined in a zoo or found in the wild.

4.15 Animal Boarding Facility. An establishment that houses animals, other than those belonging to the occupant, overnight or over an extended period of time.

4.16 Animal Grooming Establishment. An establishment principally engaged in grooming animals in which overnight boarding is prohibited.

4.17 Animal Husbandry. The care or breeding of domestic animals such as cattle, hogs, sheep, horses, poultry, dogs (more than 3) or cats (more than 3) for the occupants of a property.

4.18 Animal Unit. A unit of measure based on the approximate production of wastes from 1000 pounds of live weight of poultry or animals.

4.18.1	One (1) slaughter weight steer or heifer	1
4.18.2	One (1) mature dairy cow or horse	1.4
4.18.3	One (1) swine over 55 pounds	0.4
4.18.4	One (1) sheep	0.1
4.18.5	One (1) goose	0.1
4.18.6	One (1) duck	0.05
4.18.7	One (1) turkey	0.18
4.18.8	One (1) chicken	0.1
4.18.9	One (1) llama or goat/other	1

4.19 Antenna. Any structure or device used for the purpose of collecting or radiating electromagnetic waves including but not limited to directional antennas such as panels, microwave dishes, satellite dishes, and omni-directional antennas such as whip antennas. Dishes under thirty-six (36) inches are excluded from the definition of antenna.

4.20 Apartment. A room or suite of rooms that is designed for, intended for, or occupied as a residence by a family or individual, and is equipped with sanitary facilities.

4.21 Appeal. An application for the review of an order, requirement, decision, determination or interpretation of this Ordinance made by an administrative officer in the application and/or enforcement of this Ordinance.

4.22 Architectural Projection. A non-functional or ornamental feature on a building or other structure that does not extend to, or from, the ground.

4.23 Artist's Studio. A fine arts workshop of a painter, sculptor, potter, weaver, carver, jeweler, photographer or other similar art that requires artistic skill, where the public is received or where the artist is engaging in retail sales. Not generally utilitarian, related to personal hygiene or adornment.

4.24 As Built. Document that represents the finished conditions of a property or project. Also called Record Drawing.

4.25 Attached. Two (2) buildings or structures that combine to form one building or structure through the use of at least one common wall, not including a breezeway.

4.26 Attorney. The attorney duly appointed by the Council to represent the City of Lake Shore.

4.27 Auto Salvage Yard. A lot or yard where four (4) or more motor vehicles are stored while parts are removed, where crushing occurs or where storage pending crushing may occur.

4.28 Balcony. Same as a deck.

4.29 Banner. A temporary sign constructed out of paper, plastic, cloth, cardboard or some other non-permanent material and affixed to poles or the side of a building in a manner than can be easily moved, modified or rearranged.

4.30 Bathroom. A room containing a shower or bathtub or a sink and toilet.

4.31 Basement. The space below the first story of a structure which is greater than five (5) feet in height.

4.32 Beach Sand Blanket. The deposition of sand placed to create or enhance a beach area landward of the ordinary high-water level (OHWL).

4.33 Bed and Breakfast Dwelling. A dwelling, single family, licensed through the Minnesota Department of Public Health, where, for compensation, meals and lodging are provided for three (3) or more unrelated persons, but not exceed eight (8) persons. The owner of the parcel must live on the premises. In order to qualify as a Bed and Breakfast Dwelling pursuant to this definition, a Bed and Breakfast Dwelling shall also be fully licensed and permitted under appropriate state and local regulations.

4.34 Bedroom. A portion of a dwelling unit intended to be used for sleeping purposes, which may contain closets and may have access to a bathroom.

4.35 Billboards. A commercial sign, which directs attention to a business, activity, service, entertainment or a product not exclusively, related to the premises or property where such sign is located.

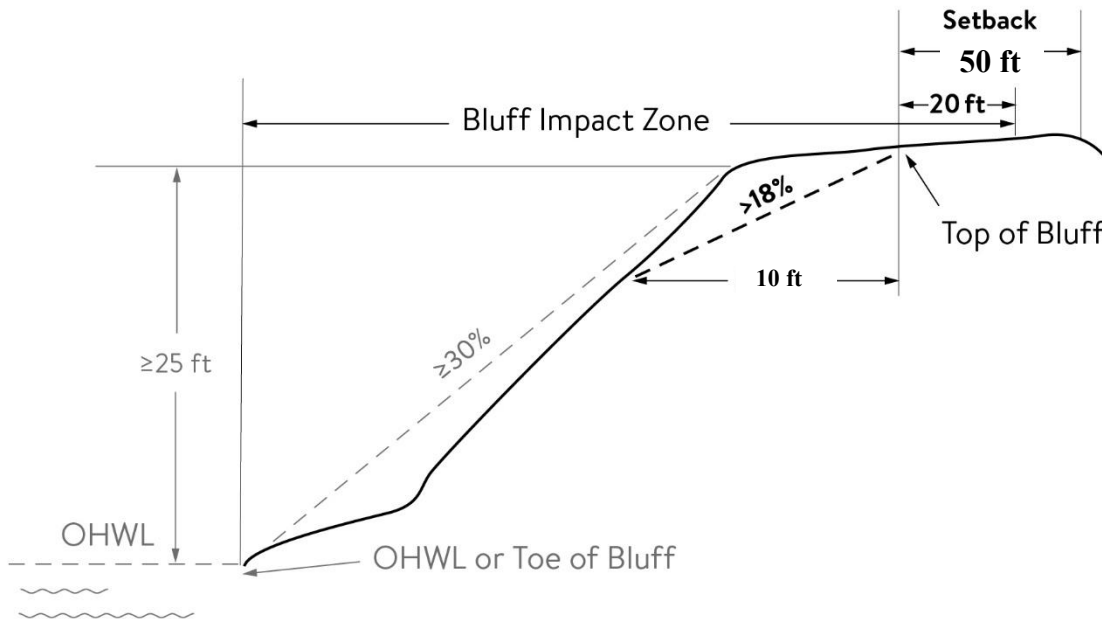
4.36 Block. An area of land bounded by streets, exterior boundary lines and/or bodies of water.

4.37 Bluff.

A topographic feature such as a hill, cliff, or embankment having the following characteristics:

- A. Part or all of the feature is located in a shoreland area;
- B. The slope must drain toward the waterbody;
- C. The slope rises at least 25 feet above the ordinary high water level;
- D. 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 (see Figure 1).

E. Figure 1. Illustration of Bluff



4.38 Bluff Impact Zone. A bluff and land located within 20 feet of the top and toe of a bluff. See Figure 1.

4.39 Bluff, Toe. For the purpose of measuring setbacks, the lower point of a 10-foot segment with an average slope exceeding 18 percent or the ordinary high water level, whichever is higher. See Figure 1.

4.40 Bluff, Top. For the purpose of measuring setbacks, bluff impact zone, and administering vegetation management standards, the higher point of a 10-foot segment with an average slope exceeding 18 percent. See Figure 1.

4.41 Boat Access. A ramp, road or other conveyance which allows the launching and removal of a boat with a vehicle or trailer.

4.42 Boat House. A facility as defined by Minnesota Statutes, Section 103G.245.

4.43 Boarding House. Same as Bed and Breakfast dwelling.

4.44 Board of Adjustment. The Board, appointed by the City Council, to hear appeals from actions of the Zoning Administrator, and Variance requests.

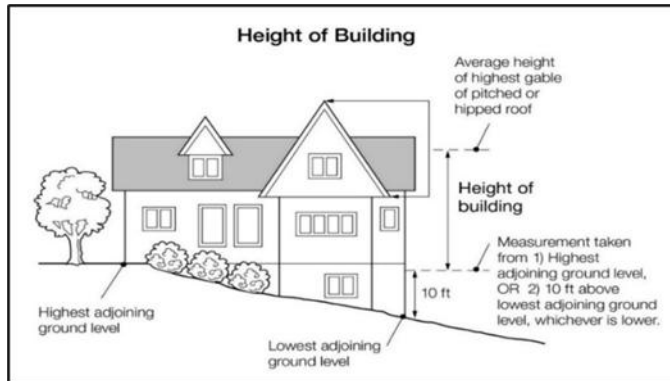
4.45 Boardwalk. A walk constructed of planking.

4.46 Breezeway. A covered or enclosed walkway that physically connects two or more buildings or structures. Shall not materially connect the two (2) or more buildings or structures.

4.47 Buildable Area. Any site, lot, parcel or any portion thereof that does not contain designated flood plain, wetlands or areas in excess of twenty-five percent (25) percent slope.

4.48 Building. Any structure used or intended for storage, shelter or occupancy.

4.49 Building Height. The vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height between the eaves and the highest ridge of gable, hip or gambrel roofs or ten feet below the peak, whichever is greater.



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

4.51 Campground. Any area, whether publicly or privately owned, consisting of designated campsites with appropriate facilities and management services designed for temporary occupation by tents or recreational vehicles. In order to qualify as a Campground pursuant to this definition, a Campground shall also be fully licensed and permitted under appropriate state and local regulations.

4.52 Camping. Habitation of a temporary structure.

4.53 Campsite. A parcel within a resort or campground designated for the occupancy of one (1) family on a periodic basis in a tent or recreational vehicle.

4.54 Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. Harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.

4.55 Cannabis/Hemp Manufacturer: A business licensed to conduct the activities to turn raw, dried cannabis and cannabis parts into other types of cannabis products, including but not limited to edibles, topicals, vaporizers, etc.

4.56 Cannabis Retail Business: A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and lower-potency hemp edible retailers conducting sales of Cannabis directly to consumers.

4.57 Cannabis Transportation/Delivery: Cannabis Businesses licensed or endorsed by the State Office of Cannabis Management for delivery or transportation of Cannabis Products.

4.58 Cannabis Wholesale: The operation to purchase from a business growing or manufacturing cannabis or cannabis products and sell to a cannabis business engaged in retail.

4.59 Cemetery, Unplatted. Any human remains or burials found outside of platted, recorded or identified cemeteries pursuant to Minnesota Statutes, Chapter 307.08.

4.60 Chairman. The individual elected by the Planning Commission to chair their meetings. A vice-chair may also be elected and would serve as chairman when the elected chairman was absent.

4.61 Child Care, Center. A facility that is maintained, for the whole or part of the day, for the care of five (5) or more children who are eighteen (18) years of age or younger and who are not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term shall not include any facility licensed as a foster care home or any facility defined as a Child Care, Family Home.

4.62 Child Care, Family Home. A primary residence where, for the whole or part of the day, an owner of the residence, licensed as a child care provider, cares for five or more children who are eighteen (18) years of age or younger and who are not related to the owner, whether such facility is operated with or without compensation for such care.

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

4.64 City Administrator. The appointed person responsible for administration of the City affairs.

4.65 Clear Cutting. See Vegetation Removal, Clear Cutting.

4.66 City Council. The duly elected governing body of the City.

4.67 City Sewer or Water System. A system of municipally maintained utilities, approved by the State, and serving more than one (1) building or property.

4.68 Commercial Use. The principle use of land or buildings for the sale, lease, rental, trade of products, goods or services.

4.69 Commercial Wireless Telecommunication Services. All commercial wireless telecommunications services including cellular, personal communications services, specialized mobilized radio, enhanced specialized mobilized radio, paging and similar services that are marketed to the general public.

4.70 Commissioner. The Commissioner of the Department of Natural Resources.

4.71 Community Park. A park designed to provide recreational opportunities to serve the entire community.

4.72 Conservation Parcel. A parcel of land set aside from development in a Conservation Subdivision.

4.73 Comprehensive Plan. Also referred to as Community Plan. A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the City and its environs and may include, but is not limited to, the following items: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan and recommendations for plan execution.

4.74 Conditional Use. A land use or development as defined by the Ordinance that would not be appropriate without restriction, but may specifically be allowed without restrictions of conditions as determined by the Planning Commission and the Council upon a finding that (a) the use or development is an appropriate Conditional Land Use in the land use zone, (b) the use or development, with conditions, conforms to the Comprehensive Land Use Plan, (c) the use, with conditions, is compatible with the existing neighborhood and (d) the use, with conditions, would not be injurious to the public health, safety, welfare, morals, order, comfort, convenience, appearance or prosperity of the City.

4.75 Condominium Ownership. A form of ownership within a multi-owner building or complex wherein the boundaries are defined by a condominium plan in accordance with Minnesota Statutes 1980, Chapter 515, 515A, or 515B or subsequent revisions.

4.69.1 Common Interest Community. A Common Interest Community or CIC means contiguous or noncontiguous real estate that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for the (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair or replacement of improvements located on, one (1) or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies. Common Interest Community is meant to include all real estate as defined in Minnesota Statutes Chapter 515B or its subsequent revisions.

4.76 Contiguous. The sharing of a common border at more than a single point. Lots, parcels or boundaries may be considered contiguous where separated by rights-of-way, rivers or streams.

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

4.78 Controlled Access Lot. Any lot which is designated for the exclusive use by non-riparian landowners within a subdivision as a means to gain access to a lake, river or stream.

4.79 Council. The City Council, as established by State Law.

4.80 Crawl Space. The space below the first story of a structure not more than five feet high and not intended for human habitation.

4.81 Cul-de-sac. A short local street terminating in a vehicular turnaround.

4.82 DBH. Diameter at Breast Height. The width of a tree or shrub as measured at 4.5 feet above the ground surface.

4.83 Deck. A horizontal, unenclosed platform, on the ground or raised above the ground, with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site. This does not include on-grade walks and stairs four feet or less in width.

- 4.84 Detention Facility.** A permanent natural or man-made structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of water.
- 4.85 Dock.** A narrow platform whether seasonal or permanent extending waterward from the shoreline intended for ingress and egress for moored watercraft or to provide access to deeper water for swimming, fishing, or other water-oriented recreational activities. Elements considered part of a dock are storage lockers less than three feet in height measured from the platform of the dock and benches. Elements not pertinent to a dock that are prohibited include walls, railings or fences attached to the dock.
- 4.86 Dock Length.** Dock length shall be measured from the Ordinary High Water Mark as extended into the lake.
- 4.87 Dormitory.** A building, or portion thereof, providing group sleeping accommodations in one (1) room, with shared bath and toilet facilities.
- 4.88 Driveway.** A private road providing access to no more than two residential lots.
- 4.89 Duplex, Triplex or Quad.** A structure on a single lot having two (2), three (3) or four (4) dwelling units respectively being attached by common walls, and each being equipped with separate sleeping, cooking, eating, living and sanitation facilities.
- 4.90 Dwelling, Multi-Family.** Two (2) or more dwelling units attached together by any point including duplexes, triplexes, townhouses and multi-level units regardless of type of ownership.
- 4.91 Dwelling, Single Family.** A dwelling unit totally separated from any other dwelling unit.
- 4.92 Dwelling, Townhouse.** A type of multi-family housing consisting of dwelling units attached by common party walls. Ownership may be defined by Plat or Condominium Plan.
- 4.93 Dwelling Site.** A designated location for residential use by one (1) or more persons using temporary or movable shelter including camping and recreational vehicle sites.
- 4.94 Dwelling Unit.** A structure or portion of a structure or other shelter designed as a short or long term living quarters for one (1) or more persons including rental or time share accommodations such as a motel, hotel resort rooms and resort cabins.
- 4.95 Dwelling Width.** The smallest horizontal dimension of the major portion of a dwelling.
- 4.96 Dynamic sign.** Any sign that appears to have movement or that appears to change, however frequently by any method other than physically removing part of the sign or its component, whether the apparent movement is in the display, the sign structure itself or any component of the sign. This includes but is not limited to any sign that uses technology or any method that changes the image or sign face without physically changing the sign face or its components. This includes but is not limited to any rotating, revolving, moving, flashing, blinking, or animated display that includes rotating panels, LED lights manipulated through digital input or any other method that allows a sign face to display a changed image or series of images or displays.
- 4.97 Earth Tone.** A shade of color that, when viewed from a distance, blends with the colors of the surrounding landscape.

- 4.98 Engineer.** The engineer duly appointed by the Council to perform technical services for the City of Lake Shore.
- 4.99 Exterior Storage.** Storage of goods, materials, equipment, manufactured products outside a fully enclosed building.
- 4.100 Extractive Use.** The use of land for removal of sand, gravel, rock, industrial minerals, soil, other non-metallic minerals or peat not regulated under Minnesota Statutes Sections 93.44 to 93.51.
- 4.101 Family.** An individual or two (2) or more persons related by blood, marriage, adoption, or a relationship legally recognized in Minnesota, or not more than five (5) unrelated persons maintaining a common household.
- 4.102 Feedlot.** A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.
- 4.103 Fee Schedule.** The official schedule of land use related fees and penalties adopted by the City Council.
- 4.104 Fence.** A constructed barrier, including berms and bushes, intended to prevent escape or intrusion, or to mark a boundary, to shield or screen view, or to perform any similar function.
- 4.105 Filling.** The act of depositing any clean earthen material.
- 4.106 Final Floor Plan.** A drawing prepared by a Registered Architect, Registered Engineer, or Registered Land Surveyor depicting the condominium subdivision of real estate and related information conforming to the requirements of Minnesota Statutes 1980, Section 515A.2-110.
- 4.107 Final Condominium Plat or Final Common Interest Community Plan.** A drawing prepared by a Registered Architect, Registered Engineer or Registered Land Surveyor depicting the condominium subdivision of real estate and related information conforming to the requirements of Minnesota Statutes 1980, Section 515A.2-110.
- 4.108 Final Plat.** A drawing, in final form, showing a proposed subdivision containing all information and detail required by state statutes and by the Subdivision Ordinance to be presented to the Planning Commission and the City Council for approval, and which, if approved, may be duly filed with the County Recorder.
- 4.109 Firepit.** A pit/hole dug into the ground, or a free-standing metal vessel including masonry materials in which a contained outdoor fire is made.
- 4.110 Fish House.** A structure placed on a lake during the winter for use in fishing. Provided the structure is moveable and has a current license.
- 4.111 Flood Fringe.** The portion of the floodplain outside of the floodway.

4.112 Floodplain. The areas adjoining a water course, intermittent or permanently flowing, which have been or will be covered by the runoff waters of a storm with a 1% chance of occurrence any year (100 year storm).

4.113 Floodway. The channel of the water course and those portions of the adjoining floodplain which are reasonably required to carry and discharge the regional flood (100 year chance of occurrence.)

4.114 Footprint. The horizontal extent to which a structure covers the ground plane as represented in a plan view including cantilevered building elements but excluding eaves and similar architectural projections of the roof plane.

4.115 Forb. A broad-leafed, non-woody plant other than grass, sedge or rush. Forbs include native herbs, ephemerals and wildflowers.

4.116 Forest Land Conversion. The clear cutting of forested lands to prepare for a new land use other than the re-establishment of a subsequent forest stand.

4.117 Foundation. A concrete, concrete and concrete block, or treated wood portion of a structure that supports the bearing loads of the superstructure and penetrates the ground providing frost protection. Must meet the provisions of the building code adopted by the State of Minnesota. Concrete pillars may be used as a foundation for manufactured homes so long as the installation is done to the manufacturer's specifications and skirting is provided around the perimeter to provide the look of a completely enclosed foundation.

4.118 Frontage. The uninterrupted front boundary line of a lot, or the length of such line, that abuts on a street or protected water.

4.119 Garage, Attached. A part of the principal structure designed for the storage of motor vehicles.

4.120 Garage, Detached. An accessory structure not attached to the principal structure on the property designed and used for storage.

4.121 Gazebo. A freestanding accessory structure with no kitchen, sleeping, sanitary facilities or pressurized water intended as weather and insect protection for such activities as picnicking and lake viewing.

4.122 Grading. The movement of dirt, by mechanical means, so as to alter the existing topography of a property.

4.123 Green Space. A privately owned property permanently dedicated by covenant to vegetative ground coverage with allowance for recreational facilities, tree coverage or water courses, water supply, sewage disposal and drives. Public property dedicated to park, vegetative buffer, tree coverage or similar uses.

4.124 Group Care Facilities. A facility which provides residential services for individuals that are handicapped, aged, disabled or undergoing rehabilitation. This includes uses such as homes for the physically handicapped, mentally retarded, chemically dependent, foster children, maternity shelters and half-way houses.

4.125 Guest Cabins A free-standing structure, not for sale or lease, that contains sleeping spaces and functioning bathroom facilities in addition to those provided in the primary dwelling on the lot. A guest cabin shall not be permitted if guest quarters exist on the lot.

4.126 Guest Quarters. The second story of a detached accessory structure, not for sale or lease, that contains sleeping spaces and functioning bathroom facilities in addition to those provided in the primary dwelling on the lot. Guest quarters shall not be permitted if a guest cabin exist on the lot.

4.127 Home Occupation. A use of commercial nature conducted by an occupant entirely within the dwelling or accessory buildings which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the residential character thereof.

4.128 Hotel. A building containing three (3) or more individual rooms, used for overnight lodging by the general public on a short-term basis for a fee, with or without meals, and which has common reservation and cleaning services, combined utilities, and on-site management and reception services. Licensed by the Minnesota Department of Health. A hotel shall also be fully licensed and permitted under appropriate state and local regulations.

4.129 House of Worship. Same as church.

4.130 Ice Ridge, Annual. A linear mound of lakebed materials pushed up onto the lakeshore by the action of ice within a calendar year.

4.131 Impervious Surface. The horizontal area of buildings, patios, walks, driveways, accessory structures and other surfaces generally impervious to the penetration of stormwater, including gravel drives and parking.

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

4.133 Junk yard. An area where used waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleared, parked, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles, and used building materials. Storage of materials in conjunction with the construction of a manufacturing process shall not be included. Three (3) or more automobiles without current licenses constitute a junk yard. Such use shall not include putrid wastes such as garbage.

4.134 Lake Classification. The formal classification provided by the Department of Natural Resources for each body of public waters within the City.

4.135 Land Disturbance or Development Activities. Any change of the land surface including the removal of vegetative cover, excavation, filling, grading, and the construction of any structure.

4.136 Landfill. A method of solid waste disposal in which refuse is buried between layers of dirt.

4.137 Landscaping. Plantings such as trees, grass, shrubs, and decorative timbers, arbors, rocks and water displays.

4.138 Leaseback by Owner. An arrangement between an owner of property and a leasing agent or resort, or anyone else, to promote and/or operate the property for rental purposes other than long term leases.

4.139 Licensed Engineer. A person licensed as a professional engineer by the State of Minnesota.

4.140 Licensed Surveyor. A person licensed as a professional surveyor by the State of Minnesota.

4.141 Litter. Waste materials including but not limited to, cans, bottles, plastic and paper wrappings or containers.

4.142 Livestock. Domestic animals, such as cattle or horses, raised for home use or for profit, especially on a farm.

4.143 Logging. The sustainable practice of felling and trimming trees and transporting the logs to a mill.

4.144 Long-Term Lease. An arrangement between an owner of property and a family that provides for the rental or lease of the property by the family for uses allowed on that property for a term of not less than thirty (30) consecutive days.

4.145 Lot. A parcel, piece or portion of land described by Metes and Bounds, registered land survey, auditor's plat, or subdivision plat and separated from other parcels or portions of land by said description for purposes of sale, lease, mortgage, building or separation.

4.146 Lot Area. The horizontal area of a lot bounded by the lot lines and the ordinary high water line if bounded by water.

4.147 Lot, Corner. A lot situated at the junction of and abutting on two (2) or more intersecting streets or a lot at the point of deflection in alignment of one (1) street with the internal angle less than 135 degrees.

4.148 Lot, Front. The boundary of a lot which abuts on a public right-of-way, or if a corner lot, the shortest of the two (2) boundaries. If the lot abuts Public water, the lakeside shall be considered the lot front.

4.149 Lot Line. The property lines bounding a lot except that where the description extends into a public right-of-way, the right-of-way line shall be considered the lot line.

4.150 Lot, Pre-existing. A lot which is one (1) unit of a subdivision plat heretofore duly approved and filed or one (1) unit of an auditor's subdivision, or registered land survey, or a lot created by Metes and Bounds that has been recorded in the office of the County Recorder prior to the effective date of this Ordinance.

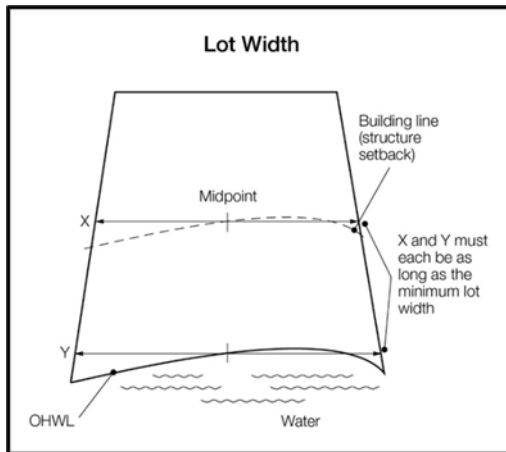
4.151 Lot Tier Depth. The lot depth of a normal lot conforming to the shoreland requirements; General Development Lake first tier - 200 feet, second tier equals all remaining area; Recreational Development Lake first tier - 267 feet and second tier equals all remaining area; Natural Environmental Lake all tiers - 400 feet; For all River classes all tiers are 300 feet.

4.152 Lot Tiers. Successive strips of land parallel with the ordinary high-water line, each one tier depth wide and extending across the parcel.

4.153 Lot Width. The minimum distance between:

4.153.1 Side lot lines measured at the midpoint of the building line: and

4.153.2 Side lot lines at the ordinary high water level, if applicable (see figure below).



4.154 Maintenance. The normal upkeep of a structure including but not limited to the replacement of decks and stairways provided there is no expansion of the original footprint, windows, siding, roofs, nonbearing walls or interior remodeling that does not expand the footprint of the existing structure, add volume to the usable living space or intensify a non-conforming use.

4.155 Manufactured Home. A structure, transportable in one (1) or more sections, which, when erected on-site, is a minimum of 640 square feet, is built on a permanent foundation, contains the heating, plumbing and electrical systems within and meets the requirements of the building code adopted by the State of Minnesota.

4.156 Marina. A dock or set of docks on a single parcel that contains more than seven (7) slips or more slips than first tier dwelling units, whichever is greater.

4.157 Mature Tree. A living tree greater than four (4) inches in diameter.

4.158 Metes and Bounds. A method of property description utilizing directions and distances commencing from and terminating at an identifiable point.

4.159 Motel. A building containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, with parking space reserved for each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests. In order to qualify as a motel pursuant to this definition, a motel shall also be fully licensed and permitted under appropriate state and local regulations.

4.160 Multi-Level Dwelling. A type of multi-family housing consisting of dwelling units stacked one (1) above the other, creating a party floor or floors between units.

4.161 Natural Drainage way. All land surface areas which, by nature of their contour or configuration, collect, store and channel surface or runoff water.

4.162 Neighborhood. The area adjacent to or surrounding existing or proposed development characterized by common use or uses, density, style and age of structures and environmental characteristics.

4.163 Non-conforming. The building, structure or land lawfully existing prior to and not in conformance with the provisions of this ordinance.

4.164 Nuisance. By authority and direction of Minnesota Statute, Section 412.221, Subdivision 23 and 24; nuisance is anything that interferes with the use or enjoyment of property, endangers personal health or public safety, or is offensive to the senses such as excessive smoke, odor, noise, heat, vibration, glare, traffic generation, visual impact and other similar interferences or offenses.

4.165 Nursery. A retail business growing and selling trees, flowering or decorative plants and shrubs.

4.166 Nursing Home. Any institution or facility required to be licensed as such under Minnesota Statutes, Sections 144.50 to 144.56 by the State Board of Health.

4.167 Off-street parking. A designated space or area of land with a paved or all-weather surface not within a public street or right-of-way and used for the parking of vehicles.

4.168 Open District. A zoning district defined by natural features to be unsuitable for any dwelling and unsuitable for any other development except in accordance with the Conditional Use Permit process. Corresponds to the Department of Natural Resources Special Protection District.

4.169 Open Space. Privately owned property permanently dedicated by covenant or deed restriction to vegetate ground coverage with allowance for use as recreational facilities, tree coverage, water course, sewage disposal, or similar uses. Public property permanently dedicated to park, vegetative buffer, tree coverage or water courses.

4.170 Open Storage: Storage of material outside of a building.

4.171 Ordinary High Water Mark. The boundary of public waters and wetlands consisting of an elevation delineating the highest water level which has been maintained for sufficient period of time to leave evidence on the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For water courses the ordinary high water level is the elevation of the top of the bank of the channel, for reservoir and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

4.172 Overlay Map. An official map of the City that describes the location of an overlay zone.

4.173 Owner. An individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having proprietary interest in the land and/or building.

4.174 Parking Space. A minimum ten (10) foot by twenty (20) foot site off public right-of-way maintained and sized to accommodate the parking of one automobile.

- 4.175 Party Wall or Floor.** A common wall which divides two independent dwelling units or businesses.
- 4.176 Patio.** An open recreational area at ground level adjacent to a dwelling, or free-standing, that is covered with a pervious or an impervious surface such as asphalt, paving stones, wood, or other approved material.
- 4.177 Permitted Use.** A land use conforming to the character of a zoning district which is permitted by ordinance requiring only a zoning permit issued by the Zoning Administrator.
- 4.178 Pervious Surface.** A surface that allows inflow of rainwater into the underlying construction or soil, including permeable/pervious pavers.
- 4.179 Pet.** An animal commonly associated with human habitation, not considered under animal units and not raised for production of income.
- 4.180 Planned Unit Development (PUD).** A method of land use or 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 that incorporates clustering of these units or sites to provide areas of common open space, and a mix of structure types and land uses. These developments may be organized and operated as residential or commercial enterprises such as individual dwelling units, townhouses, condominiums, time-share condominiums, cooperatives, common interest communities, shared-interest communities, apartment buildings, non-resort campgrounds and youth camps, recreational vehicle parks, manufactured home parks, hotels, motels, or any combination of these. Planned Unit Developments shall also include any conversion of preexisting structures and land uses in order to utilize this method of development.
- 4.181 Planning Commission.** The body duly appointed by the City Council to determine the development of the City and make recommendations to the City Council on Comprehensive plans, zoning district boundaries, Conditional Use Permits, subdivision of land and capital improvements.
- 4.182 Porch.** A covered platform attached to a structure.
- 4.183 Porch, Enclosed.** A covered platform attached to a structure with more permanent enclosures than those described in “porch”.
- 4.184 Portable.** Capable of being transferred or moved from one (1) place to another.
- 4.185 Practical Difficulties.** The property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include but are not limited to, inadequate access to direct sunlight for solar energy systems.
- 4.186 Pre-Built Home.** Same as Manufactured Home
- 4.187 Preliminary Plat or Preliminary Common Interest Community Plan.** A plan prepared in accordance with the Subdivision Ordinance depicting the proposed subdivision of property by Final Plat or Final Floor Plan.

4.188 Principal Structure or Use. The single primary structure or use on a lot, as distinguished from accessory uses or structure. To be considered a principal structure, the structure must be at least 400 square feet in area and must be utilized for purposes of the principal use of the property.

4.189 Protective Covenants. Restrictions placed on the property by the owner and duly filed with the County Recorder. These may also be used in Planned Unit Developments to establish homeowners associations, restrict shoreline development, restrict tree removal and provide for common facilities.

4.190 Public Waters. Any waters as defined by Minnesota Statutes Sec. 10G.005, Subd. 15. However no lake, pond or flowage of less than ten (10) acres in size in municipalities need be regulated for the purposes of the shoreland management rule. A body of water created by a private user where there was no previous shoreline may, at the discretion of the local government, be exempted from the shoreland management. The official determination of the size and physical limits of drainage areas of rivers and streams should be made by the Department of Natural Resources Commissioner.

4.191 Rear Lot Zone. Land located between the structure setback line and the landward boundary of the shoreland district.

4.192 Recorder. The County Recorder of Cass County.

4.193 Recreational Equipment. Equipment, both motorized and non-motorized, that is subject to licensing by the State of Minnesota and is designed primarily for recreational use including golf carts and off road ATV's.

4.194 Recreational Vehicle. A motorized vehicle designed and used for recreational purposes and enjoyment and non-motorized vehicles or equipment designed to attach thereto and be drawn or propelled thereby, including, but not limited to, snowmobiles, all-terrain vehicles, boats, boat trailers, travel trailers, truck campers, camping trailers, and self-propelled motor homes, and other recreational motor vehicles as defined by Minnesota Statutes, Section 84.90.

4.195 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 recurrence interval.

4.196 Resort. Any buildings, structures or enclosures kept, used, maintained or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public and primarily to those seeking recreations, for periods of one (1) day, one (1) week or longer, and having for rent three (3) or more cottages, rooms or enclosures along with any related facilities such as restaurants, bars, golf courses or other recreational amenities. In order to qualify as a resort pursuant to this definition, a resort shall also be fully licensed and permitted under appropriate state and local regulations.

4.197 Restaurant. An establishment where the principal business is the preparation, service and sale of food and beverages to be consumed by customers at tables or counters located within the building on the premises. In order to qualify as a restaurant pursuant to this definition, a restaurant shall also be fully licensed and permitted under appropriate state and local regulations.

4.198 Retention Facility. A permanent natural or man-made structure that provides for the storage of stormwater runoff by means of a permanent pool of water.

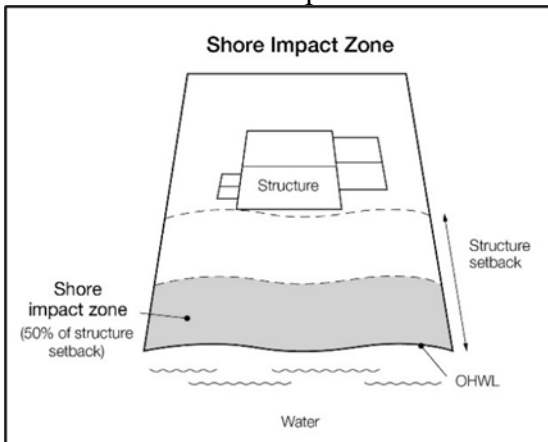
- 4.199 Right-of-Way.** A parcel of property dedicated to the public, connecting to other public right-of-ways, which affords primary access by pedestrians and vehicles to abutting properties.
- 4.200 Riparian Lot.** A property that is abutting a body of water listed in Section 11.4.
- 4.201 Runoff.** That portion of precipitation draining from an area as surface flow.
- 4.202 Rural Conservation Subdivision.** A method of subdividing land that provides for preservation of open space and clustering of individual lots.
- 4.203 SSTS.** Individual subsurface sewage treatment system.
- 4.204 Sapling.** A tree that is less than four (4) caliper inches in diameter at breast height, excluding seedlings.
- 4.205 Screening.** Fencing, an earthen berm or vegetative growth that visually separates one (1) object from another.
- 4.206 Sediment.** Solid matter carried by water, sewage, or other liquids.
- 4.207 Seedling.** A young tree before it becomes a sapling.
- 4.208 Semi Public Use.** The use of land by private non-profit organizations to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
- 4.209 Sensitive Resource Management.** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over ground water or bedrock, highly erosive or expansive soils, steep slopes, acceptability to flooding or occurrence flora or fauna in need of special protection.
- 4.210 Setback.** The minimum horizontal distance between a structure, sewage treatment system or other facility and an ordinary high water level, sewage treatment system, top of bluff, road, highway, property line or other facility. Three (3) feet of roof overhang, stoops not exceeding thirty (30) square feet and steps from stoop to ground not over four (4) feet wide may protrude into the setback.
- 4.211 Setback, Interior Lot.** In a planned unit development, the closest horizontal distance between the lot line and the foundation or wall of a structure when the lot line is not the exterior boundary of the development. Three (3) feet of roof overhang, stoops not exceeding thirty (30) square feet and steps from stoop to ground not over four (4) feet wide may protrude into the setback.
- 4.212 Setback, Side, Exterior.** The closest horizontal distance between the exterior boundary side lot line and the foundation or wall of a structure. This setback takes precedence over setback, interior lot, where any conflict exists. Three (3) feet of roof overhang, stoops not exceeding thirty (30) square feet and steps from stoop to ground not over four (4) feet wide may protrude into the setback.
- 4.213 Setback, Road.** The closest horizontal distance between the road right-of-way line and the foundation or wall of a structure. Three (3) feet of roof overhang, stoops not exceeding thirty (30) square feet and steps from stoop to ground not over four (4) feet wide may protrude into the setback.
- 4.214 Setback, Waterfront.** The closest horizontal distance between the ordinary high water mark and the foundation or wall or edge of a structure. Three (3) feet of roof overhang, stoops not

exceeding thirty (30) square feet and steps from stoop to ground not over four (4) feet wide may protrude into the setback.

4.215 Sewage Treatment System. A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Chapter 7080 through 7083 of the State Rules and Regulations.

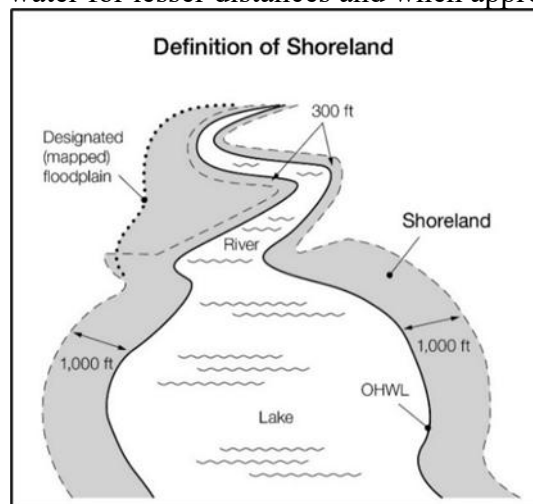
4.216 Sewer System. Pipe lines or conduits, pumping stations and force main and all other constructions, devices, appliances or appurtenances used for conducting sewage or industrial waste or other waste to a point of ultimate disposal.

4.217 Shore Impact Zone 1 (SIZ 1). Land located between the ordinary high water level of Public water and a line parallel to it at a setback of fifty percent (50%) of the required structure setback.



4.218 Shore Impact Zone 2 (SIZ 2). Land located between Shore Impact Zone 1 and the structure setback line.

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



the Department of Natural Resources Commissioner.

4.220 Shore Recreation Facilities. Swimming areas, docks watercraft mooring areas and launch ramps and other water recreation facilities.

4.221 Shoreline Property. A lot directly abutting Public water, generally located in the first lot tier adjoining the Public water.

4.222 Signs. A name, identification, description, display, illustration, advertisement or device which is displayed for the purpose of attracting attention to a person, product, place, activity, institution or business.

4.223 Signs, Area Identification. A sign located at the entrance or entrances of the area that is used to identify a common area containing a group of structures on a minimum of five (5) acres, such as a residential subdivision, where there exists an association that provides for the maintenance of the sign or structures.

4.224 Signs, Directory. A sign erected at an intersection that lists the residences or businesses that reside along the intersecting roadway.

4.225 Signs, Offsite. Any sign not located on the contiguously owned property with the use which is advertised.

4.226 Signs, Onsite. Any sign located on the contiguously owned property with the use which is advertised.

4.227 Signs, Portable. A sign that is intrinsically designed to be moved or a sign that is not permanently affixed to the ground or a building.

4.228 Significant Historical Site. Any archeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historical Places, or is listed in the State Register of Historical Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes Sec. 307.08. A Historical Site meets these criteria if it is presently listed on either Register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historical sites.

4.229 Sketch Plan. A plan drawn to scale used for planning and discussion purposes only.

4.230 Steep Slope. Lands having average slopes over twelve (12%) as measured over horizontal distances of fifty (50) feet or more, but which are not bluffs.

4.231 Stoop. An entry platform into a structure.

4.232 Storage Shed. Refer to Accessory Structure.

4.233 Street. A public right-of-way that provides primary vehicular access to abutting property and shall include avenue, road, boulevard, drive or highway. Street classifications are defined in the Comprehensive Plan unless defined in a roadway classification plan or other similar road specific plan.

4.234 Street, Arterial. A street that has the primary function of rapidly moving traffic to or through the City. May provide access to abutting land. Arterial streets are, in general, county or state highways that begin and terminate outside of the City limits or connect to other arterial streets within the City.

4.235 Street, Collector. A street that has the primary function of receiving and distributing traffic to and from local streets and providing distribution of traffic within. May provide access to abutting lots. In general, collector streets begin and terminate at arterial streets or other collector streets.

4.236 Street, Local. A street, the function of which is to provide localized access to individual parcels. Does not normally carry through traffic. Traffic volumes and traffic speeds are expected to be low.

4.237 Structure. Any building, appurtenance including decks or other facility constructed, placed or erected by man except aerial or underground utility lines such as sewer, electric, telephone, telegraph, gas lines and except walks or steps on grade not more than four (4) feet wide outside of the Shore Impact Zone, stoops not exceeding thirty (30) square feet, temporary furniture, planter, or decorative material and retaining walls consisting of wood or decorative block.

4.238 Subdivider. The owner, agent, person, corporation, partnership or legal entity proposing to subdivide property under his control.

4.239 Subdivision. The division of real estate into two (2) or more parcels for the purpose of sale, rent or lease, including Planned Unit Development.

4.240 Subdivision by Plat. The subdivision into two (2) or more parcels of any size by the authority of Minnesota Statutes, Chapter 505, with documents prepared by a Registered Land Surveyor and duly approved by the Planning Commission and Council.

4.241 Subdivision by Condominium Plan or Common Interest Community Plan. The subdivision of a building or the subdivision of real estate into two (2) or more spaces or parcels of any size by the authority of Minnesota Statutes, Chapter 515, 515A, or 515B or revision thereto with documents prepared by a Registered Land Surveyor and duly approved by the Planning Commission and Council.

4.242 Subdivision by Metes and Bounds. Any division of real estate resulting in two or more parcels which are not platted, but divided by description prepared and signed by a Registered Land Surveyor.

4.243 Substandard Lot. A lot that is non-conforming.

4.244 Substandard Use. A use that does not conform to this Ordinance.

4.245 Surface Water-Oriented Commercial Use. The use of land for commercial purposes where access to and use of a surface water feature is an integral part of the normal operation of business. Marinas, resorts and restaurants with transient docking facilities are examples of such use.

4.246 Temporary. A use or structure that lasts longer than three (3) days and is discontinued within fourteen (14) days. Any use or structure existing longer than fourteen (14) days, except where specifically provided for in this Ordinance, shall be considered permanent unless a specific date of discontinuation, agreeable to the Planning and Zoning Administrator to be reviewed by the Planning Commission, has been submitted, in writing, to the City.

4.247 Temporary Structure. A structure of a temporary character including but not limited to houseboats, fish houses, recreational vehicles and tents in place for not longer than fourteen (14) days.

4.248 Tower. A structure situated on a site that is intended for transmitting or receiving television, radio, telephone, cellular or wireless communications.

4.249 Tower height. Determined by measuring the vertical distance from the point of contact with the ground to the highest point of the tower including all antenna or other attachments.

4.250 Townhouse Dwelling. A type of multi-family housing consisting of dwelling units attached by common party walls. Ownership may be defined by Plat or Condominium Plan.

4.251 Travel Trailer. Refer to Recreational Vehicle.

4.252 Tree. A woody plant four (4) inches or more in diameter or eight (8) feet or more in height.

4.253 Variance. A legally permitted deviation from the provisions of this Ordinance as deemed necessary by the Board of Adjustment.

4.254 Vegetation Removal, Clear Cutting. The removal of more than seventy-five percent (75%) and up to one hundred percent (100%) of a stand of trees and brush. Removal of understory and brush within the bluff or Shore Impact Zone is prohibited except to accommodate stairways, lifts, landings, and footpaths for access to the lake or stream.

4.255 Vegetation Removal, Open Cutting. The removal of more than twenty-five (25%) and up to seventy-five (75%) of a stand of trees and brush over ten (10') in height. This shall include the removal of more than fifty percent (50%) of the understory trees and brush from the property. Removal of understory and brush within the bluff or Shore Impact Zone is prohibited except to accommodate stairways, lifts, landings, and footpaths for access to the lake or stream.

4.256 Vegetation Removal, Select Cutting: Removal of dead, diseased or damaged trees or shrubs, or removal of trees for placement of structures and drives, and further removal of only individual trees to uniformly thin up to twenty-five (25%) of the trees and brush prior to development. Up to fifty (50%) of the under-story and brush may be removed outside of the shore impact or bluff impact zone. Removal of understory and brush within the bluff or Shore Impact Zone is prohibited except to accommodate stairways, lifts, landings, and footpaths for access to the lake or stream.

4.257 View to the lake. View to be construed to be the line of site from the center of a riparian property at the lake setback to the lakeward concerns of that property.

4.258 Walkway. A parcel of property dedicated to the public for non-vehicular access purposes.

4.259 Water-oriented accessory structure or facility. A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to surface water, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include, watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, **saunas, patios**, and detached decks. Boathouses and boat storage structures given the meaning under [Minnesota Statutes, Section 103G.245](#) are not a water-oriented accessory structures.

4.260 Wetland. 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:

4.245.1 Have a predominance of hydric soils,

4.245.2 Are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions, and

4.245.3 Under normal circumstances support a prevalence of such vegetation.

4.261 Warehousing. The principal use is the storage of materials or equipment within an enclosed building.

4.262 Warehousing, Commercial. The rental or sale of warehousing space.

4.263 Yard. A required green space occupied and unobstructed by a structure or portion of a structure provided that fences, signs, utility poles, lawn lights, antenna and related minor equipment may be permitted in any yard provided that they do not create a safety hazard or constitute a nuisance.

4.264 Zoning Administrator. The duly appointed person responsible for the enforcement and administration of this Ordinance.

4.265 Zoning District. An area of the City of Lake Shore defined on the zoning map, having uniform zoning provisions.

4.266 Zoning District Overlay. A zoning district containing regulations superimposed upon other zoning district regulations and superseding the underlying zoning district regulations.

4.267 Zoning Map. The map of the City of Lake Shore, amended from time to time, which defines the boundaries of the zoning districts.

4.268 Zoning Permit. A permit authorizing an Applicant under this Code to undertake construction or other development activity.

4.269 Zoning/Structure/Use/Construction Permit. A permit issued by the Zoning Administrator to allow the construction of a structure or to allow a land use when the provisions of this Chapter have been met and when approval of any Conditional Use Permits or Variances have been granted and when the fees are paid. A zoning permit may have administrative conditions specific to the subject site when provided by the Chapter.

5. Application of the Ordinance.

5.1 The provisions of this Ordinance shall be held to be the minimum requirements for the maintaining of public health, safety and welfare.

5.2 Where the provisions of the Ordinance are either more restrictive or less restrictive than applicable provision of other laws, ordinances, statutes, resolutions, covenants or regulations of any kind, the more restrictive condition, standard or requirement shall prevail, except as authorized by the more restrictive agency.

5.3 Except as this Ordinance specifically provides, no structure shall be erected, converted, enlarged, reconstructed or altered and no structure or land shall be used for any purpose nor in any manner which is not in conformity with this Ordinance.

5.4 Ambiguities in the Ordinance shall be resolved by interpretation of the Planning and Zoning Administrator. If an applicant wishes to appeal the interpretation of the Administrator, an appeal can be made through a hearing of the Planning Commission.

6. Environmental Documents and Concurrent Permits.

6.1 It shall be the property owner's responsibility to secure necessary concurrent permits such as Pollution Control Agency, State Waste Disposal Permits; Health Department Permits; Department of Natural Resources; Planned Unit Development Permits; Corps of Engineers Permits, Department of Natural Resources Public Water Permits and Department of Natural Resources Water Appropriation Permits. Approval by the City does not imply approval by other agencies.

6.2 The City will prepare an Environmental Assessment Worksheet (EAW) where a proposed project exceeds the limits defined in the Environmental Quality Council's Rules and Regulations for Environmental review program or as requested by the Planning Commission or petitioned by the public.

6.3 The administration of an Environmental Assessment Worksheet (EAW) or Environmental Impact Study (EIS) shall be in accordance with the rules and regulations of the Minnesota Environmental Quality Board. The Zoning Administrator shall be responsible to the City Council and have the authority to administer the environmental document. The Planning Commission shall review each document and make recommendations to the City Council whose decision shall be final.

7. Use of Pre-Existing Lots.

7.1 A nonconforming single lot of record located within shoreland area may be allowed as a building site without variances from lot size requirements, provided that:

7.1.1 All structure and septic system setback distance requirements can be met;

7.1.2 A Type 1 sewage treatment system consistent with Minnesota Rules, c chapter 7080 and the City of Lake Shore SSTS regulations, can be installed or the lot is connected to a public sewer; and

7.1.3 The impervious surface cover does not exceed the requirements of the underlying zone.

7.2 In a group of two (2) or more contiguous lots of record under common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements;

7.2.1 The lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;

7.2.2 The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080 and the City of Lake Shore SSTS regulations;

7.2.3 Impervious surface coverage must not exceed the requirements of the underlying zone; and d. Development of the lot must be consistent with the City of Lake Shore Comprehensive Plan.

7.3 A lot subject to Section 7.2 not meeting the requirements of Section 7.2 must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.

7.4 7.4 Notwithstanding Section 7.2, contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minnesota Rules, section 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.

8. Non-Conforming Structures and Uses. Any structure or use legally existing upon the effective date of the adoption of this Ordinance and which does not conform to the provisions of the Ordinance may be continued subject to the following:

8.1 No such structure or use shall be expanded, enlarged or intensified except in conformity with the provisions of this Ordinance and Section 8.2, with consideration for Variances thereto and consideration given for previously approved Planned Unit Developments.

8.2 A one-time addition to a non-conforming principal structure shall be permitted subject to the following:

8.2.1 The non-conformity is due solely to setbacks.

8.2.2 The addition is not within the Shore Impact Zone impact zone.

8.2.3 The addition will not encroach further into any setback.

8.2.4 The size of the addition shall not exceed fifty percent (50%) of the size of the structure it is being added to.

8.2.5 The total footprint of the structure, once the addition is completed, shall not exceed 2,500 square feet, including decks, porches, patios and other projections.

8.2.6 For reasons of structural integrity, a basement may be allowed under the addition only where a basement exists in the original structure.

8.2.7 Additional screening is provided to screen the addition as viewed from adjacent properties, public roads and the surface water.

8.2.8 A storm water management plan is implemented that directs stormwater away from adjacent properties and surface waters.

8.2.9 The height of the addition shall not exceed the height of the existing structure.

8.2.10 Beyond minor alterations needed to accommodate the addition, no structural modifications shall be made to the original structure.

8.2.11 No permits shall be granted under this provision for homes constructed after July 1, 1992 or where a previous Variance has been approved.

8.2.12 All other provisions of the Ordinance must be complied with.

8.3 If a non-conforming structure is damaged, by any cause, to the extent of greater than fifty percent (50%) of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure may be replaced with a structure of exact dimensions provided a permit is applied for within one hundred eighty (180) days of when the property was damaged. If no building permit has been applied for within one hundred eighty (180) days of when the property is damaged, then the structure or its replacement shall thereafter conform to this Ordinance. When a nonconforming structure in the R-1 or R-2 district with less than fifty percent (50%) of the required setback from the water is destroyed by fire or other peril to greater than fifty percent (50%) of its estimated market value, as indicated in the records of the county assessor at the time of damage, and a building permit has been applied for within one hundred eighty (180) days of when the property is damaged, the City may require the structure setback be increased if practicable and reasonable conditions imposed to mitigate created impacts on the adjacent property or water body.

8.4 If a non-conforming structure is damaged, by any cause, to an extent where the repair costs exceed fifty percent (50%) of its assessed value immediately prior to damage, the structure may be replaced with a structure of exact dimensions provided a permit is applied for within one hundred eighty (180) days of when the property was damaged. Where no land use permit has been applied for within one hundred eighty (180) days of when the property was damaged, then the structure or its replacement shall thereafter conform to this Ordinance.

8.5 Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of this Code, may be continued, including through repair, replacement, restoration, maintenance or improvement so long as the structure or use is not expanded. Replacement of a non-conforming structure will not be allowed where the nonconformity or occupancy has been discontinued for a period of one (1) year or more. Any structural repairs or replacement of non-conforming structures shall require a Land Use Permit.

8.6 A lawful, non-conforming use may be changed to lessen the non-conformity of use. Once a non-conforming use has been changed, it shall not thereafter be altered to increase the non-conformity.

8.7 Sewage treatment systems shall be upgraded to a conforming status in conformance with the following schedule:

8.7.1 Upon issuance of any permit or Variance for any improvement on, or use of, the property.

8.7.2 Upon determination that leakage to the surface or lake or into an adjacent well is occurring, or determination that the system is discharging into the ground at an elevation less than three (3) feet above the highest known water table.

8.7.3 Upon determination by Zoning Administrator that a system is inadequate for a change in occupation or use in the structure.

8.7. Upon notice by the Zoning Administrator that the City's records indicate the system is non-conforming.

8.7.5 Upon availability of a community sewer system to the property, connection to that system shall be made regardless of the conformance or non-conformance of the individual system.

8.8 Existing water orientated structures may be replaced with a permit on the same parcel provided that:

8.8.1 There must be no increase in horizontal dimensions.

8.8.2 The structure must not exceed ten (10) feet in height.

8.8.3 The structure must meet a minimum setback of ten (10) feet from the ordinary high water mark.

8.8.4 The structure must be treated to significantly reduce the visibility, as viewed from Public waters and adjacent shorelands, through the use of vegetation, topography and/or color, assuming summer, leaf-on conditions.

8.8.5 The structure shall be used for storage only and may not include elements designed for human habitation.

8.8.6 There shall be no direct flow of stormwater from the structure to adjacent property or any water bodies.

8.9 Additions or expansions to structures not meeting bluff setbacks may be permitted without a variance provided they:

8.9.1 They were permitted and constructed after July 6, 1990;

8.9.2 Are not located in the bluff impact zone;

8.9.3 Do not encroach further into the required setback;

8.9.4 Comply with other applicable setback requirements of the underlying district;

8.9.5 Do not exceed allowable impervious surface coverage standards of the shoreland district.

9. Building Standards.

9.1 All structures and appurtenances shall be constructed in accordance with the general standards of the building industry. The City does not examine plans nor assume liability for the structural stability or quality of any structures.

9.2 Any new principal structure constructed or placed after the date of this Ordinance and not on a permanent foundation shall be considered a temporary structure.

9.3 New manufactured homes and mobile homes shall be installed by a licensed installer and a copy of the installation compliance certificate shall be submitted to the City prior to occupancy of the dwelling.

9.4 Dwellings in Transit. For dwellings to be moved onto a property, excluding manufactured homes that have never been occupied, the following shall be applicable:

9.4.1 Permit issuance shall be made only by motion of the Planning Commission. A public hearing is not required for approval.

9.4.2 Prior to permit issuance, the property owner shall provide documentation of a certified home inspection including the following, at a minimum:

9.4.2.1 Certification that the electrical wiring meets state codes,

9.4.2.2 Certification that the plumbing meets state codes,

9.4.2.3 An evaluation of foundation adaptability and condition,

9.4.2.4 An evaluation of roof condition,

9.4.2.5 An evaluation of structural integrity, and

9.4.2.6 Certification that all doors, windows and siding are in acceptable condition.

9.4.2.7 The dwelling, once in place, must meet all municipal ordinances, with consideration given for approved Variances.

9.5 Sewage treatment systems shall conform to Minnesota Pollution Control Agency Standards - Chapter 7080 through 7083.

9.6 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.

9.7 Plumbing and electrical facilities installed after the date of this Ordinance in all structures shall conform to the State Plumbing Code and State Electrical Code, respectively.

10. Other Standards. The provisions of the Ordinance were prepared to be at least as restrictive as the "Statewide Standards for 'Management of Shoreland Areas' effective July 3, 1989. Where the conditions of the Shoreland Standards are more restrictive, or in case of oversight, exclusion, or question in this Ordinance, the Shoreland Standards shall govern, except for applications involving non-conforming uses or other applications approved by the Commissioner.

10.1 The provisions of this Ordinance do not take precedent over other Federal, State or Local laws that may be more restrictive. In the case of a more restrictive standard applied by a governing body that has land use authority within the City, the non-local standard would apply. In the case where this Ordinance is the most restrictive standard, the provisions of the Ordinance shall apply.

11. General.

11.1 The City of Lake Shore is hereby divided into Zoning Districts as shown on the official Zoning District map, which may be subsequently amended by the procedures of Section 81.

11.2 The boundaries are generally on the center of the streets, on lot lines, on shorelines, on the center of streams or rivers, and following the contour of the land.

11.3 The following Districts are hereby established:

Rural Residential/Agriculture	RR
Wooded Residential	WR
Open	O
Residential – Low Density	R-1
Residential – Medium Density	R-2
Commercial Waterfront	CW
Neighborhood Commercial	NC
Public Ownership	P

11.4 The lakes and streams in the City have been classified as follows:

11.4.1 General Development (GD):

- Gull Lake (#11-305)
- Margaret (Kilpatrick) - (#11-222)
- Roy Lake (#18-398)
- Upper Gull Lake (#11-218)

11.4.2 Recreational Development (RD):

- Agate Lake (#11-216)

11.4.3 Natural Environment (NE):

- Lost Lake (#11-219)
- Ray (Bass) Lake (#11-220)
- Spider Lake (#11-221)
- Unnamed (South of Margaret Lake) (#11-223)
- Unnamed (North of Silver Bay Haven)(#11-217)
- All streams and brooks

11.5 The jurisdiction of this Ordinance shall include all land within the municipal boundaries of the City of Lake Shore. Criteria for land use categories:

- 11.5.1** Preservation of natural sensitive areas.
- 11.5.2** Present ownership and development.
- 11.5.3** Shoreland soil types and their engineering capabilities.
- 11.5.4** Topographic characteristics.
- 11.5.5** Vegetative cover.
- 11.5.6** In-water physical characteristics.
- 11.5.7** Recreational use of surface water.
- 11.5.8** Road and service center accessibility.

- 11.5.9** Socio economic development needs of the public.
- 11.5.10** Availability of public sewer and water utilities.
- 11.5.11** The necessity to reserve and restore certain areas having significant historical or ecological value.
- 11.5.12** Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties.
- 11.5.13** Alternatives available for desired land use.
- 11.5.14** Prevention of spot zoning.
- 11.5.15** Conformance to the City of Lake Shore Comprehensive Plan.
- 11.5.16** Conformance to the City of Lake Shore Future Land Use Map and any other official maps of the City.

11.6 Interpretation of Zoning Map. Regardless of existence of purported copies of the Official Zoning Map which may from time to time be made or published, the official Zoning Map, which shall be located in the office of the City Clerk, shall be the final authority as the current zoning status of land and water areas, building and other structures in the City.

11.6.1 District Boundaries: The location and boundaries of the districts established by this Ordinance are set forth on the official Zoning Map. District boundary lines as indicated on the Zoning Map follow lot lines, property lines, right-of-way or center lines of streets or alleys, right-of-way center lines of streets or alleys projected, the City limit lines, shorelines, all as they exist upon the effective date of this Ordinance. If said boundary lines do not follow any of the above, the district boundary lines are established as drawn on the Zoning Map.

11.6.2 Vacated Ways: Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

11.6.3 Appeals: Appeals concerning the exact location of a zoning district boundary line shall be heard by the Board of Adjustment.

12. Rural Residential/Agriculture (RR).

12.1 Purpose. To establish and maintain a district that is semi-rural and rural in character and to prevent the occurrence of premature urban development while retaining the rural nature of the land.

12.2 Lot and Use Requirements (RR).

Lot width – feet	400
Lot Area – acres	10
Buildable Area – acres	2.5
Setback waterfront – feet, minimum	150

Setback, City Road – feet	30
Setback, County Road – feet	50
Setback unplatted cemetery – feet	50
Setback, side – feet	15
Setback, side for storage sheds (<200 sq ft) - feet	5
Setback, rear-feet	20
Setback bluff – feet, minimum	50
Setback, corner side – feet	40
Setback, sign – feet	1
Parking/driveway setback from property line	10 ft/minimum
Maximum impervious coverage	10%
Building Height – feet	25' maximum
Building above highest known groundwater or flood of record or ordinary high water level	3
Setback, wetland – feet	30
Cluster Density – acres per unit	5
Animal unit per acre, maximum	0.5
Minimum Lot Area for Conservation Design Subdivision - acres	20
Minimum Dwelling Size	400 square feet
Minimum Distance of Agricultural Use from Stream	150 feet

12.3 Performance Standards (R-R)

12.3.1 Artificial pervious surface is defined as pervious pavers, pervious asphalt or pervious concrete for the purposes of this ordinance.

12.3.1.1 A property owner desiring to use an artificial pervious surface in meeting the impervious surface limitations imposed by the City Code shall obtain any permits required by the regulations of any other applicable agencies and the city.

12.3.1.2 The city shall give no more than a 50% credit of the total area covered by an artificial pervious surface in meeting the total impervious on a specific site.

12.3.1.3 All artificial pervious surface areas shall be installed by a professional, in accordance with the Minnesota Pollution Control Agency’s Stormwater Best Management Practices and meet the following criteria below in order to receive credit for impervious surface.

12.3.1.3.1 The base of the pervious surface product shall be installed with an infiltration system that maintains no less than a minimum of a 3 foot separation from the seasonally saturated soils, bedrock or water table to ensure soil absorption, contaminate removal and enhanced retention of storm-water.

12.3.1.3.2 The artificial pervious system should be set back from structures having basements, septic systems, steep slopes and wells.

12.3.1.3.3 The city shall be notified when construction is taking place so the site may be inspected for compliance.

12.3.1.3.4 The designer of the system must include maintenance instructions to the property owner along with a maintenance schedule with copy to the Zoning Administrator.

13. Wooded Residential (WR).

13.1 Purpose. To establish and maintain a district that is semi-rural and rural in character and to prevent the occurrence of premature urban development while retaining the rural nature of the land.

13.2 Lot and Use Requirements (WR).

Lot width – feet	300
Lot Area – acres	5
Buildable area – acres	2.5
Setback waterfront – feet, minimum	150
Setback, City Road – feet	30
Setback, County Road – feet	50
Setback unplatted cemetery – feet	50
Setback, side – feet	15
Setback, side for storage sheds (<200 sq ft) - feet	5
Setback, rear-feet	20
Setback bluff – feet, min.	50
Setback, corner side – feet	40
Setback, sign – feet	1
Parking/driveway setback from property line	10 ft/min.
Maximum impervious coverage	10%
Building Height – feet	25' maximum
Building above highest known groundwater or flood of record or ordinary high water level	3
Setback, wetland – feet	30
Cluster Density – acres per unit	2.5
Animal unit per acre, maximum	0.5
Minimum dwelling size	400 square feet
Minimum lot size for rural conservation subdivision	10 acres

13.3 Performance Standards (W-R)

13.3.1 Artificial pervious surface is defined as pervious pavers, pervious asphalt or pervious concrete for the purposes of this ordinance.

13.3.1.1 A property owner desiring to use an artificial pervious surface in meeting the impervious surface limitations imposed by the City Code shall obtain any permits required by the regulations of any other applicable agencies and the city.

13.3.1.2 The city shall give no more than a 50% credit of the total area covered by an artificial pervious surface in meeting the total impervious on a specific site.

13.3.1.3 All artificial pervious surface areas shall be installed by a professional, in accordance with the Minnesota Pollution Control Agency’s Stormwater Best Management Practices and meet the following criteria below in order to receive credit for impervious surface.

13.3.1.3.1 The base of the pervious surface product shall be installed with an infiltration system that maintains no less than a minimum of a 3 foot separation from the seasonally saturated soils, bedrock or water table to ensure soil absorption, contaminate removal and enhanced retention of storm-water.

13.3.1.3.2 The artificial pervious system should be set back from structures having basements, septic systems, steep slopes and wells.

13.3.1.3.3 The city shall be notified when construction is taking place so the site may be inspected for compliance.

13.3.1.3.4 The designer of the system must include maintenance instructions to the property owner along with a maintenance schedule with copy to the Zoning Administrator.

14. Open District (O) (Corresponds to Department of Natural Resources Special Protection District).

14.1 Purpose. To establish and maintain a zoning district to prevent development from occurring in the environmentally sensitive wetlands and green space whether publicly or privately owned, to enhance wildlife and passive recreation.

14.2 Lot, Use and Density Requirements (O). The setbacks of the most restrictive adjacent zoning district shall apply.

14.3 Mixed Zone Lots (O). The lot crossing the Open District boundary into another zoning district, the minimum lot size shall be the same as the other zoning district with no buildable area credit given for the Open District area.

15. Residential, Low Density (R-1) (Includes Off Lake Shoreland).

15.1 Purpose. To establish and maintain a low density zoning district within the shoreland area, which will provide a buffer between rural residential/Agriculture (RR/AG) and higher density residential zones. This zoning district does not have lake frontage.

15.2 Lot Use and Density Requirements (R-1).

	Lake Classification: General Development or Recreational Development	Lake Classification: Natural Environment
Lot Width – feet	150	200
Lot Area – square feet	40,000	80,000

Buildable Area – square feet	20,000	40,000
Setback, City Road – feet	30	30
Setback, County Road – feet	50	50
Setback, side – feet	15	15
Setback, corner side – feet	15	15
Setback, side for storage sheds (<200 sq ft) - feet	5	5
Setback, rear-feet	20	20
Setback, top of bluff	50	50
Setback, unplatted cemetery – feet	50	50
Setback – wetland - feet	30	30
Setback, sign – feet	50	50
Parking/driveway setback from property line – feet/minimum	10	10
Maximum impervious coverage	25%	20%
Maximum building height – feet	25	25
Maximum building height, accessory structure	20	20
Accessory Structure Size – square feet, maximum, cumulative	1,200	1,200
Building above highest known ground water or lake level – feet	3	3
Lot width w/guest cabin, living quarters or duplex – feet/minimum	265	400
Minimum dwelling width - feet	24	24

16. Performance Standards (R-1).

16.1 Accessory Structures. Total cumulative detached accessory structure size may be increased to a maximum of 2,000 square feet by Conditional Use Permit provided the following:

16.1.1 The exterior of the additional accessory structure matches or is consistent with the exterior of the existing principal structure.

16.1.2 The Conditional Use criteria in Section 68 have been met.

16.2 Side-Yard Setback. To accommodate modest additions to existing structures that are already encroaching within the side-yard setback, the side-yard setback may be reduced to five (5) feet

on General Development or Recreational Development lakes and ten (10) feet on Natural Environment lakes through the Conditional Use Permit process provided all of the following:

- 16.2.1** The structure is the principal structure,
- 16.2.2** The structure existed prior to the enactment of this Ordinance, continues to exist and will not be replaced or otherwise destroyed as part of construction within the setback,
- 16.2.3** The structure is a minimum of fifty (50-feet) from the Ordinary High Water line of any lake,
- 16.2.4** The proposed construction does not encroach further on the Ordinary High Water line than the existing structure,
- 16.2.5** The proposed construction does not encroach further into the side-yard setback than the existing encroachment, and
- 16.2.6** The addition does not increase the height of the existing structure.

16.3 A guest cabin or guest quarters may be allowed, provided the structure meets the standards outlined in this section (15.2)

- 16.3.1** A guest cabin shall meet all requirements including, impervious coverage limits, setbacks, adequate septic system capacity or the ability to connect to the city sewer system and a storm water management plan.
- 16.3.2** A guest cabin shall not cover more than 700 square feet of land and shall not exceed 15 feet in height. Basements are prohibited. Porches decks and outside stairways and stoops exceeding four feet in width shall be included in the 700 square feet of land covered.
- 16.3.3** Shall be located to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setback of 100 feet on a GD lake and 125 feet on a RD lake, color or other uses acceptable to the City assuming summer leaf-on conditions.
- 16.3.4** A guest cabin shall not be permitted if guest quarters exist on the lot.
- 16.3.5** Guest quarters shall meet all requirements including, impervious coverage limits, setbacks, adequate septic system capacity or the ability to connect to the city sewer system and a storm water management plan.
- 16.3.6** Guest quarters shall not exceed 700 square feet in size regardless the size of the accessory structure upon which they are built. Balconies and outside stairways exceeding four feet in width shall be included in the 700 square feet maximum size.
- 16.3.7** Guest Quarters shall not be permitted if a guest cabin exists on the lot.
- 16.3.8** Existing boathouses and other detached accessory structures within the lake setback shall not be converted to guest cabins or guest quarters.

16.4 A significant historical site may not be modified, altered or built upon in a manner which affects the values of the site and without consultation with the Minnesota Historical Society.

16.5 Artificial pervious surface is defined as pervious pavers, pervious asphalt or pervious concrete for the purposes of this ordinance.

16.5.1 A property owner desiring to use an artificial pervious surface in meeting the impervious surface limitations imposed by the City Code shall obtain any permits required by the regulations of any other applicable agencies and the city.

16.5.2 The city shall give no more than a 50% credit of the total area covered by an artificial pervious surface in meeting the total impervious on a specific site.

16.5.3 All artificial pervious surface areas shall be installed by a professional, in accordance with the Minnesota Pollution Control Agency's Stormwater Best Management Practices and meet the following criteria below in order to receive credit for impervious surface.

16.5.3.1 The base of the pervious surface product shall be installed with an infiltration system that maintains no less than a minimum of a 3 foot separation from the seasonally saturated soils, bedrock or water table to ensure soil absorption, contaminate removal and enhanced retention of storm-water.

16.5.3.2 The artificial pervious system should be set back from structures having basements, septic systems, steep slopes and wells.

16.5.3.3 The city shall be notified when construction is taking place so the site may be inspected for compliance.

16.5.3.4 The designer of the system must include maintenance instructions to the property owner along with a maintenance schedule with copy to the Zoning Administrator.

16.6 All principal residential structures shall have a minimum average structure width of twenty-four feet and a minimum living area of 576 square feet. No residential attached garage or storage area shall exceed 200% of the ground floor footprint of the living area unless a conditional use permit is obtained.

16.7 Excluded Uses (R-1). Easements to non-riparian lot owners to allow access to Public waters shall be prohibited. The use of any riparian lot, tract or parcel of land, however, designated or described, other than as a controlled access lot as defined in Department of Natural Resources Standards 6120.3300 Subd. 2E., to provide access to Public waters for owners of non-riparian lots, including, but not limited to, by easement, share, license or any other legal or illegal arrangement, scheme or plan, shall be prohibited.

17. Residential, Medium Density R-2 (Shoreline).

17.1 Purpose. To establish and maintain a district within the shoreland area that is recreational-residential in character with independent sanitary facilities that is compatible with the natural resources of lake and streams.

17.2 Lot, Use and Density Requirements (R-2).

	General Development Riparian (1st Tier Only)	Recreation Development 2nd Tier Gen. Development	Natural Environment
Lot width at ordinary high water line and building line – feet	100	150	200
Lot area, square feet	30,000	40,000	80,000
Buildable Area, square feet	15,000	20,000	40,000
Setback, City Road – feet	30	30	30
Setback, County Road – feet	50	50	50
Setback, waterfront – feet	75	100	150
Setback, top of bluff	50	50	50
Setback, side – feet	15	15	15
Setback Side accessory structure – feet	15	15	15
Setback, corner side – feet	15	15	15
Setback, side for storage sheds (<200 sq ft) - feet	5	5	5
Setback, rear-feet	20	20	20
Setback, sign, road – feet	1	1	1
Setback, unplatted cemetery – feet/minimum	50	50	50
Setback, wetland - feet	30	30	30
Patio setback, waterfront – feet/minimum	50	50	50
Patio area-square feet	<250	<250	<250
Maximum impervious coverage	20%	20%	15%
Maximum impervious coverage – lots divided by street	20% Total for both lot areas	20% Total for both lot areas	15%
Parking/driveway setback from property line – feet/minimum	10	10	10
Maximum building height – feet	25	25	25
Maximum building height, accessory structure	20	20	20
Building above highest known groundwater, lake level or flood of record – feet	3	3	3
Maximum density – square feet (duplex or guest cabin with principal structure are considered two units)	1 Unit/20,000	1 Unit/40,000	1 Unit/80,000
Minimum dwelling width – feet	24	24	24
Accessory Structure Size – square feet, maximum, cumulative	1,200	1,200	1,200

Lot width and shoreline with guest cabin, living quarters or duplex feet/minimum	180	225	300
Lot width with guest cabin or duplex – off shore line	200	225	400
Septic tank and/or pump chamber from ordinary high water mark – feet	50	75	150
Soil absorption system from ordinary high water mark – feet	75	75	150

17.3 Performance Standards (R-2).

17.3.1 A guest cabin or guest quarters may be allowed, provided the structure meets the standards outlined in this section (17.2)

17.3.1.1 The guest cabin shall meet all requirements including, impervious coverage limits, setbacks, adequate septic system capacity or the ability to connect to the city sewer system and a storm water management plan.

17.3.1.2 The guest cabin shall not cover more than 700 square feet and shall not exceed 15 feet in height. Basements are prohibited. Porches, decks, and outside stairways and stoops exceeding four feet in width shall be included in the 700 square feet of land covered.

17.3.1.3 Shall be located to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setback of 100 feet on a GD lake and 125 feet on a RD lake, color or other uses acceptable to the City assuming summer leaf-on conditions.

17.3.1.4 A guest cabin shall not be permitted if guest quarters exist on the lot.

17.3.1.5 Guest quarters shall meet all requirements including, impervious coverage limits, setbacks, adequate septic system capacity or the ability to connect to the city sewer system and a storm water management plan.

17.3.1.6 Guest quarters shall not exceed 700 square feet in size regardless the size of the accessory structure upon which they are built. Balconies and outside stairways exceeding four feet in width shall be included in the 700 square feet maximum size.

17.3.1.7 Guest Quarters shall not be permitted if a guest cabin exists on the lot.

17.3.1.8 Existing boathouses and other detached accessory structures within the lake setback shall not be converted to guest cabins or guest quarters.

17.3.1.9 Shall be screened from adjacent parcels and Public waters by vegetation, topographical location, increased setback, color or other methods assuming summer leaf on conditions.

17.3.2 Impervious Coverage Placement. There shall be no impervious coverage within fifty (50) feet of the Ordinary High Water Level, excepts walks and steps on grade less than four (4) feet wide and landing areas not exceeding thirty-two (32) square feet as provided for in this Ordinance.

17.3.2.1 The lake setback area shall contain natural vegetation, preferably native, except for permitted structures or facilities such as walks steps patios and sheds.

17.3.3 Impervious Coverage Increase. Impervious coverage may be increased by five percent (5%) if the following is provided:

17.3.3.1 A storm water retention plan showing containment of the five (5-year), 24-hour storm event on the parcel.

17.3.3.2 Direct runoff of storm water to adjacent water bodies, including wetlands and adjacent parcels, shall be eliminated through the use of berms or other permanent means.

17.3.4 Stairways, lifts and landings. Stairways and lifts are the only 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:

17.3.4.1 Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and Planned Unit Developments.

17.3.4.2 Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area.

17.3.4.3 Canopies or roofs are not allowed on stairways, lifts or landings.

17.3.4.4 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.

17.3.4.5 Stairways, lifts and landing 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.

17.3.4.6 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 (I) to (V) are complied with.

17.3.5 Boardwalks. Boardwalks are the required alternative for achieving access to shore areas across delineated wetlands. Boardwalks must meet the following design requirements:

17.3.5.1 Boardwalks must not exceed four (4) feet in width on residential lots. Wider boardwalks may be used for commercial properties, public open space,

recreational properties, and Planned Unit Developments if specifically authorized in a Conditional Use Permit.

17.3.5.2 Landings for boardwalks on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be allowed for commercial properties, public open space recreational properties, and Planned Unit Developments if specifically authorized in a Conditional Use Permit.

17.3.5.3 Canopies or roofs are not allowed on boardwalks or landings. Boardwalks shall be constructed above the ground on posts or pilings.

17.3.5.4 Boardwalks should be located in the most visually inconspicuous portion of the lot, as viewed from the surface of the Public waters assuming summer, leaf-on conditions.

17.3.5.5 Boardwalks shall be made of nontoxic materials.

17.3.6 Fertilizer and Pesticides. Use of fertilizer and pesticides in the shoreland management district must be done in such a way as to minimize runoff into the Shore Impact Zone or Public water by the use of earth, vegetation or both. The use of fertilizers containing phosphorus is prohibited.

17.3.7 Fences. Fences shall be constructed per the requirements of Section 26.

17.3.8 Duplexes. On Natural Environment lakes, subdivisions of duplexes must also meet the following standards:

17.3.8.1 Each building must meet setback at least 200 feet from the Ordinary High Water Mark.

17.3.8.2 Each building must have common sewage treatment and water systems that serve both units in the building.

17.3.8.3 Watercraft docking facilities for each lot must be centralized in location and serve all dwelling units in the subdivision.

17.3.8.4 No more than 25% of lake shoreline can be in duplex development.

17.3.9 Docks. The landward end of all docks must meet a 10-foot setback from the nearest lot line. Docks must also be placed so as not to block access from an adjacent property to open water. The storage of all docks, and all watercraft or Water-oriented items shall also be subject to this property setback rule.

17.3.9.1 Notwithstanding any provision of this section to the contrary, the 10-foot setback for docks shall not apply to the extent necessary to allow ingress or egress of a pre-existing boat house.

17.3.9.2 In order to protect the environmental and aesthetic qualities of the lakes, docks shall not extend further than two hundred (200) feet from the shoreline into the water and shall not be placed in water depth greater than ten (10) feet. The Board of Adjustment may grant a Variance, through the Variance process, to these provisions

where it can be demonstrated that it is environmentally beneficial to do so. The Variance hearing fee would be refunded if the Variance is approved.

17.3.9.3 These provisions shall apply to the use, maintenance and installation of any dock and accessory or ancillary structures or equipment at any time.

17.3.10 Accessory Structures. Total cumulative detached accessory structure size may be increased to a maximum of 2,000 square feet by Conditional Use Permit provided the following:

17.3.10.1 The exterior of the additional accessory structure matches or is consistent with the exterior of the existing principal structure.

17.3.10.2 The Conditional Use criteria in Section 68 have been met.

17.3.11 Side-Yard Setback. To accommodate modest additions to existing structures that are already encroaching within the side-yard setback, the side-yard setback may be reduced to five (5) feet on General Development or Recreational Development lakes and ten feet on Natural Environment lakes through the conditional use permit process provided all of the following:

17.3.11.1 The structure is the principal structure,

17.3.11.2 The structure existed prior to the enactment of this Ordinance, continues to exist and will not be replaced or otherwise destroyed as part of construction within the setback,

17.3.11.3 The structure is a minimum of 50-feet from the Ordinary High Water line of any lake,

17.3.11.4 The proposed construction does not encroach further on the Ordinary High Water line than the existing structure,

17.3.11.5 The proposed construction does not encroach further into the side-yard setback than the existing encroachment, and

17.3.11.6 The addition does not increase the height of the existing structure.

17.3.12 Water-Oriented Accessory Structures or Facilities. Each residential lot may have one water-oriented structure or facility if it complies with the following provisions.

17.3.12.1 The structure may not occupy a combined area greater than 250 square feet. It may include the following:

17.3.12.2 A covered facility or a detached deck with a combined area no greater than 120 square feet. The covered facility may not exceed ten feet in height and decks shall not exceed eight feet above grade at any point or

17.3.12.3 An at grade patio with an area that does not exceed 250 square feet or

17.3.12.4 Any combination of facilities listed in Sections 17.3.12.2 or 17.3.12.3 provided that their combined area does not exceed 250 square feet.

17.3.12.5 The structure or facility is not in the Bluff Impact Zone;

17.3.12.6 The setback of the structure or facility from the ordinary high water line must be at least ten feet.

17.3.12.7 The structure is not a boathouse or a boat storage structure as defined under [Minnesota Statutes Section 103G.245](#):

17.3.12.8 The structure or facility must be treated to reduce visibility as viewed from the public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, *assuming* summer, leaf-on conditions.

17.3.12.9 The roof may be used as an open-air deck with safety rails, but must not be enclosed with a roof or sidewalls or used as a storage area.

17.3.12.10 The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

17.3.13 Public and private roads, driveways and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from Public waters.

17.3.13.1 Roads, driveways and parking areas shall meet structure setbacks and shall not be placed within bluff and Shore Impact Zone impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and shall be designed to minimize adverse impacts.

17.3.13.2 Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within Shore Impact Zone impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Sections 35 and 36 must be met. Public and private watercraft access ramps shall be prohibited in bluff impact zones.

17.3.14 Artificial pervious surface is defined as pervious pavers, pervious asphalt or pervious concrete for the purposes of this ordinance.

17.3.14.1 A property owner desiring to use an artificial pervious surface in meeting the impervious surface limitations imposed by the City Code shall obtain any permits required by the regulations of any other applicable agencies and the city.

17.3.14.2 The city shall give no more than a 50% credit of the total area covered by an artificial pervious surface in meeting the total impervious on a specific site.

17.3.14.3 All artificial pervious surface areas shall be installed by a professional, in accordance with the Minnesota Pollution Control Agency's Stormwater Best

Management Practices and meet the following criteria below in order to receive credit for impervious surface.

17.3.14.3.1 The base of the pervious surface product shall be installed with an infiltration system that maintains no less than a minimum of a 3 foot separation from the seasonally saturated soils, bedrock or water table to ensure soil absorption, contaminate removal and enhanced retention of storm-water.

17.3.14.3.2 The artificial pervious system should be set back from structures having basements, septic systems, steep slopes and wells

17.3.14.3.3 The city shall be notified when construction is taking place so the site may be inspected for compliance.

17.3.14.3.4 The designer of the system must include maintenance instructions to the property owner along with a maintenance schedule with copy to the Zoning Administrator

17.3.15 All principal residential structures shall have a minimum average structure width of twenty-four feet and a minimum living area of 576 square feet. No residential attached garage or storage area shall exceed 150% of the ground floor footprint of the living area unless a conditional use permit is obtained.

17.4 Excluded Uses (R-2).

17.4.1 Easements to non-riparian lot owners to allow access to Public waters shall be prohibited. The use of any riparian lot, tract or parcel of land, however, designated or described, other than as a controlled access lot as defined in Department of Natural Resources Standards 6120.3300 Subd. 2E., to provide access to Public waters for owners of non-riparian lots, including, but not limited to, by easement, share, license or any other legal or illegal arrangement, scheme or plan, shall be prohibited.

18. Commercial Waterfront District (C-W).

18.1 Purpose. To establish and maintain a commercial, recreational oriented district within the shoreland area comprised of resorts, restaurants, marinas and similar Water-oriented uses with independent sanitary facilities.

18.1.1 Lot and Use Requirements (C-W).

	GD Lake	RD Lake	NE Lake
Lot width at Ordinary High Water Level – feet, minimum	300	300	1000
Lot area - acres, minimum	2.5	5	10
Setback, right-of-way, City road- feet, minimum	30	30	30
Setback, top of bluff	50	50	50
Setback, right-of-way, County or State road, feet, minimum	50	50	50
Setback, side yard – feet, minimum	20	20	20
Setback, parking from lot lines– feet, minimum	10	10	10
Setback, between buildings – feet, minimum	10	10	10
Setback, corner side – feet, minimum	30	30	30
Setback, sign from Ordinary High Water Level	25	25	25
Setback, un-platted cemetery or archeological site – feet, minimum	50	50	50
Setback, sign from road– feet, minimum	1	1	1
Setback, Ordinary High Water Level of lake – feet, minimum	75	150	200
Setback, SSTS from Ordinary High Water Level - feet, minimum	75	75	100
Setback, wetland – feet, minimum	50	50	50
Impervious coverage - percent maximum Allow an increase to 25% via CUP w/stormwater management plan * Except for Resorts	20%	20%	15%
Building height, dwelling – feet, maximum	25	25	25
Building height, accessory structure – feet, maximum	20	20	20
Building above highest groundwater level – feet, minimum	3	3	3

18.1.2 Performance Standards (C-W).

18.1.2.1 Buildings. Four (4) unit or larger buildings or buildings open to the public shall be designed by a registered architect and shall meet the provisions of the State Building Code.

18.1.2.2 Centralization of Mooring Facilities. 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.

18.1.2.3 Impervious Coverage Placement. There shall be no impervious coverage within fifty (50) feet of the Ordinary High Water Level, excepts walks and steps on grade less than four (4) feet wide as provided for in this Ordinance.

18.1.2.4 Impervious Surface Replacement. Parcels that exceed the maximum allowed impervious surface may construct additional impervious surfaces if the overall impervious coverage is reduced on a 2:1 removal/construction ratio.

18.1.2.5 Impervious Coverage Increase. Impervious coverage may be increased by five percent (5%) if the following is provided:

18.1.2.5.1 A storm water retention plan showing containment of the ten (10-year), 24-hour storm event on the parcel.

18.1.2.5.2 Direct runoff of storm water to adjacent water bodies, including wetlands and adjacent parcels, shall be eliminated through the use of berms or other permanent means.

18.1.2.6 Direct Runoff. Direct runoff of storm water to adjacent water bodies, including wetlands and adjacent parcels, shall be eliminated through the use of berms or other permanent means.

18.1.2.7 Stairways, Lifts and Landings. Stairways and lifts are the only method for achieving access up and down bluffs and steep slopes to shore areas. Topographic alteration to obtain access is not allowed. Stairways, lifts and landings must meet the following design requirements:

18.1.2.7.1 Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and Planned Unit Developments.

18.1.2.7.2 Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area.

18.1.2.7.3 Canopies or roofs are not allowed on stairways, lifts or landings.

18.1.2.7.4 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.

18.1.2.7.5 Stairways, lifts and landing 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.

18.1.2.7.6 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.

18.1.2.8 Fertilizer and Pesticides. Use of fertilizer and pesticides in the shoreland management district must be done in such a way as to minimize runoff into the Shore Impact Zone or Public water by the use of earth, vegetation or both. The use of fertilizers containing phosphorus is prohibited.

18.1.2.9 Park and Loading. Regulation of onsite parking and loading spaces in this Ordinance is to alleviate and/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 onsite parking.

18.1.2.9.1 Application. The regulations and requirements set forth herein shall apply to all onsite parking facilities within the Waterfront Commercial District. All commercial construction shall be accompanied by a site plan, indicating the location of the onsite parking and loading spaces in compliance with the following general provisions.

18.1.2.9.2 General Provisions.

18.1.2.9.2.1 Floor Area. Floor area for the purpose of calculating the number of onsite parking spaces required shall be determined on the basis of the exterior floor area dimensions of the building provided; however, it shall not include areas such as utility rooms, maintenance areas, restrooms, fitting rooms, window display areas or lobbies.

18.1.2.9.2.2 Change of Use or Occupancy of Land. No change of use or occupancy of land already dedicated to an existing or future parking area, parking spaces or loading spaces shall be made nor shall any sale of land be made which reduces the area necessary for existing or future parking below the minimum standards.

18.1.2.9.2.3 Change of Use or Occupancy of Building. Any change of use or occupancy of building, including additions requiring more parking area as required, shall not be permitted until there are additional parking spaces as required by this section.

18.1.2.9.3 Parking Lot Dimensions. The following requirements are designed to provide adequate onsite parking space for passenger automobiles of patrons, occupants and employees.

18.1.2.9.3.1 Size. A parking layout is required with each site plan for commercial uses. Stall and aisle dimensions shall be constructed to the following minimum specifications listed below. There shall be no parallel parking, except in areas where normal angle parking is not feasible.

<u>STANDARD VEHICLE</u>			
Parking Angle	Stall Width	Stall Width	Aisle Width
90 degrees	10 feet	20 feet	24 feet
60 degrees	10 feet	23 feet	15 feet
45 degrees	10 feet	27 feet	12 feet

<u>VEHICLES FOR HANDICAPPED</u>			
Parking Angle	Stall Width	Stall Length	Aisle Width
90 degrees	12 feet	20 feet	24 feet
60 degrees	12 feet	23 feet	15 feet
45 degrees	12 feet	27 feet	12 feet

18.1.2.9.3.2 All parking must also meet State and Federal Disability laws.

18.1.2.9.3.3 All onsite parking areas shall be striped between stalls.

18.1.2.9.3.4 Surface. Parking areas shall be adequately drained to a pervious surface designed to allow entrapment of silts and nutrients prior to discharge to Public water. All parking surfaces shall be paved or provided with all weather surface.

18.1.2.9.3.5 Landscaping. Parcels with six (6) or more paved parking stalls contiguously located and any commercial parking adjacent to a residential zone shall be landscaped according to a plan approved by the Planning & Zoning Commission.

18.1.2.9.3.6 Location. Parking on a commercial street front should be minimized and, where possible, be located behind or alongside a building.

18.1.2.9.3.7 Collective Parking. Onsite parking facilities for separate uses may be provided collectively, if the total number of spaces is not less than the sum of the separate requirements of each use. Shared driveway entrances and rear-yard driveways between parking lots can simply traffic circulation and are encouraged by the City.

18.1.2.9.3.8 Uses. Designated parking spaces shall not be utilized for other uses, such as storage, display, sales, rental, repair work, dumpster, garbage receptacles, the storage of inoperable vehicles, or storage of snow.

18.1.2.9.4 Required Parking Spaces. Parking shall be provided for principal structures at the following ratios, unless modified by a Conditional Use Permit. When determination of the number of parking spaces required by Ordinance results in a requirement of a fractional space, any fraction of one-half or less may be dropped, while a fraction in excess of one-half shall be counted as one (1) parking space.

18.1.2.9.4.1 Banks. At least one (1) parking space for each two hundred (200) square feet of floor area, plus one (1) parking space for each employee in the building.

18.1.2.9.4.2 General Purpose Office. At least one (1) parking space for each one hundred fifty (150) square feet of usable office space up to 20,000 square feet, plus two (2) spaces per one hundred (100) square feet of gross usable floor area for more than 20,000 square feet.

18.1.2.9.4.3 Places of worship or other places of public assembly. One (1) space per three (3) seats.

18.1.2.9.4.4 Hotels/Motels/Lodging. 1.25 spaces per unit.

18.1.2.9.4.5 Libraries and Museums. At least one (1) parking space for each 500 square feet of floor area with a minimum of six (6) spaces, whichever is greater.

18.1.2.9.4.5 Medical and Dental Clinics. Six (6) per Doctor.

18.1.2.9.4.6 Nursing Homes. One (1) space for every three (3) beds plus one space for every two (2) employees in the building.

18.1.2.9.4.7 Residential. Two (2) spaces per each dwelling unit (garage may be counted).

18.1.2.9.4.8 Multi Family Residential. 1.75 per dwelling

18.1.2.9.4.9 Restaurants. One (1) space per every three (3) seats plus one (1) space per number of employees on a shift.

18.1.2.9.4.10 Supermarkets. Convenience and Retail Stores. At least one (1) parking space for each two hundred (200) square feet of retail floor area.

18.1.2.9.4.11 Uses not mentioned above. Parking required shall be determined by the Planning and Zoning commission in accordance with consideration to the above standards.

18.1.2.10 Artificial pervious surface is defined as pervious pavers, pervious asphalt or pervious concrete for the purposes of this ordinance.

18.1.2.10.1 A property owner desiring to use an artificial pervious surface in meeting the impervious surface limitations imposed by the City Code shall obtain any permits required by the regulations of any other applicable agencies and the city.

18.1.2.10.2 The city shall give no more than a 50% credit of the total area covered by an artificial pervious surface in meeting the total impervious on a specific site.

18.1.2.10.3 All artificial pervious surface areas shall be installed by a professional, in accordance with the Minnesota Pollution Control Agency's Stormwater Best Management Practices and meet the following criteria below in order to receive credit for impervious surface.

18.1.2.10.3.1 The base of the pervious surface product shall be installed with an infiltration system that maintains no less than a minimum of a 3 foot separation from the seasonally saturated soils, bedrock or water table to ensure soil absorption, contaminate removal and enhanced retention of storm-water.

18.1.2.10.3.2 The artificial pervious system should be set back from structures having basements, septic systems, steep slopes and wells.

18.1.2.10.3.3 The city shall be notified when construction is taking place so the site may be inspected for compliance.

18.1.2.10.3.4 The designer of the system must include maintenance instructions to the property owner along with a maintenance schedule with copy to the Zoning Administrator.

18.1.3 Overhead Doors and Loading Spaces.

18.1.3.1 Location. Overhead doors/loading spaces shall be placed primarily in the rear yard and secondarily in the side yard, except doors for emergency vehicles. All loading spaces shall be located on the same lot as the use to be served and no portion of any vehicle shall, while occupying or servicing any loading space, project into a street, driveway or interfere with traffic flow.

18.1.3.2 Size. Loading berths shall be no less than fifteen feet (15') in width and fifty-five feet (55') long with sixteen feet (16') of vertical clearance. Berths shall have all weather surface and be well drained.

18.1.4 Landscaping/Screening.

18.1.4.1 All commercial construction shall be accompanied by a complete landscape plan. The landscape plan shall be developed in accordance with the site plan submitted for approval. Landscaping shall be completed one year from the date of issuance of zoning permit.

18.1.4.2 The retention of natural topography and vegetation will be required, where possible.

18.1.4.3 Construction plans will attempt to preserve the site in its natural state, insofar as practicable by minimizing tree and soil removal and designing any grade changes so as to be in keeping with the general appearance of neighboring areas.

18.1.4.4 All sites shall be heavily landscaped. Effect shall be partial screening from the road. Landscaping may include mature trees as well as saplings, shrubs and ground cover at the discretion of the Planning Commission.

18.1.4.5 At least ten (10) percent of the land area shall be sodded or seeded and landscaped with approved ground cover, shrubbery or trees.

18.1.4.6 A minimum landscaped buffer area of ten (10) feet in width shall separate any parking, driveway, or structure from a lot line common with any residential zoning district.

18.1.5 Trash Handling Equipment. All trash, waste materials, debris shall be kept in an enclosed container. Trash receptacles shall be located to the rear and/or side of the property. Trash receptacles must be enclosed with fencing compatible with the principal building it serves or an equivalent vegetative screen.

18.1.6 Mechanical Equipment. The impact of this equipment on the appearance of the building and the community should be minimized. Mechanical equipment shall not be located on the front façade of the building. Mechanical equipment on the ground shall be screened with a fence or plant materials.

18.1.7 Exterior Lighting.

18.1.7.1 Fixtures. Lighting fixtures shall be of a downcast, cutoff type, concealing the light source from view and preventing glare. Lighting levels at contiguous residential property lines shall not exceed one-half (1/2) foot candle.

18.1.7.2 All parking lot and security lighting shall be directed away from adjoining residential uses.

18.1.7.3 Lighting Levels.

18.1.7.3.1 Height Restrictions: Lighting fixtures mounted on poles or structures shall have a maximum height of twenty-five feet (25').

18.1.7.3.2 Maximum Lighting Levels: Any light or combination of lights used for exterior illumination on a commercial property that casts light on a public street shall not exceed one (1) foot candle (meter reading), as measured from the centerline of said street. Light fixtures shall be baffled so the light does not protrude past the side and rear property lines.

18.1.8 Sign Standards (See Sec. 7.1 for additional sign standards).

18.1.8.1 Signs flush on a building and not protruding shall cover a maximum of twenty five percent (25%) of any face of the building.

18.1.8.2 Each lot shall have the choice of one of the following for a second onsite sign;

18.1.8.2.1 A sign protruding not more than two (2) feet from the front of the building with a maximum area of twenty-four (24) square feet.

18.1.8.2.2 A roof mounted sign not more than six (6) feet above the roof line with a maximum area of twenty-four (24) square feet.

18.1.8.2.3 A freestanding sign with a sign area not larger than forty-eight (48) square feet and ten (10) additional square feet per additional business in the same building or development complex. Maximum height shall be fifteen (15) feet from the ground to the top of the sign.

18.1.9 Architectural/Appearance Standards.

18.1.9.1 Materials for commercial buildings shall be selected for suitability to the type of buildings and the design for which they are used. Materials should be selected that are in harmony with the existing structures in the area, including wood, logs, brick and stone. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.

18.1.9.2 Permitted materials. This section identifies permitted building materials to be used in commercial building construction which are durable and long lasting. Exterior building finishes shall consist of two (2) or more of the following:

18.1.9.2.1 Brick and Stone.

18.1.9.2.2 Pre-cast concrete units and concrete block, provided that surfaces are molded, serrated or treated with a textured material in order to give the wall surface a three - dimensional character and enhancement materials are used.

18.1.9.2.3 Wood, provided surfaces are finished for exterior use and only woods of proven exterior use durability.

18.1.9.2.4 Curtain wall panels of glass, steel fiberglass and aluminum, provided such panels are factory fabricated and finished with permanent durable non-fade surfaces and enhancement materials are used.

18.1.9.3 Prohibited Materials. The following exterior building materials are prohibited:

18.1.9.3.1 Face materials which rapidly deteriorate or become unsightly, such as galvanized metal, unfinished structural plywood, unfinished structural clay tile and metal panels not factory finished with a permanent surface.

18.1.9.3.2 Sheet metal, plastic or fiberglass siding, unless such siding is a component of a factory fabricated and finished panel and is enhanced with preferred materials.

18.1.9.3.3 Unadorned and/or painted concrete block.

18.1.9.3.4 Neon lighting as part of the architecture of the building or used as accent lighting for the building.

18.1.9.3.5 Fiberglass or plastic tent material.

18.1.10 Minimum Commercial Permit Submittal Requirements.

18.1.10.1 Site Plan containing the following information.

18.1.10.1.1 Scale (minimum 1 inch equals 20 feet) and north arrow.

18.1.10.1.2 Legal description of site.

18.1.10.1.2 All property and street pavement issues.

18.1.10.1.3 Drainage plan (as required by Planning Commission).

18.1.10.1.4 Gross area of site.

18.1.10.1.5 Net area of site (minus wetlands and bluffs).

- 18.1.10.1.6 Parking layout.
- 18.1.10.1.7 Proposed ingress and egress to the site.
- 18.1.10.1.8 Existing wooded vegetation, proposed landscaping and vegetation alterations.
- 18.1.10.1.9 Location of all existing buildings (to remain) and proposed buildings with dimensions and setback from lot lines.
- 18.1.10.1.10 Proposed exterior lighting, if any.
- 18.1.10.1.11 Septic system and well.
- 18.1.10.1.12 Wetlands.

18.1.10.2 Elevation drawings of all proposed buildings with the following information.

- 18.1.10.2.1 Scale.
- 18.1.10.2.2 Proposed height of building.
- 18.1.10.2.3 Exterior building materials identified along with color.

18.1.10.3 The Planning Commission or staff may require additional information or plans dependent upon the site and use.

18.1.11 Sanitary Facilities. Water supply and sanitary facilities shall meet the state and/or City requirements and solid waste storage facilities shall be conforming.

18.1.12 Storage. Outside storage shall be screened.

18.1.13 Business Operation. Business operation shall be compatible with the surrounding development.

18.1.14 Fire lanes shall be unobstructed.

18.1.15 Historical Sites. A significant historical site may not be modified, altered or built upon in a manner which affects the values of the site and without consultation with the Minnesota Historical Society.

18.1.16 Fences. Fences shall be constructed per the requirements of Section 26.

18.1.17 Side-Yard Setback. To accommodate modest additions to existing structures that are already encroaching within the side-yard setback, the side-yard setback may be reduced to five (5) feet on General Development or Recreational Development lakes and ten (10) feet on Natural Environment lakes through the Conditional Use Permit process provided all of the following:

- 18.1.17.1 The structure is the principal structure,

18.1.17.2 The structure existed prior to the enactment of this Ordinance, continues to exist and will not be replaced or otherwise destroyed as part of construction within the setback,

18.1.17.3 The structure is a minimum of 50-feet from the Ordinary High Water line of any lake,

18.1.17.4 The proposed construction does not encroach further on the Ordinary High Water line than the existing structure,

18.1.17.5 The proposed construction does not encroach further into the side-yard setback than the existing encroachment, and

18.1.17.6 The addition does not increase the height of the existing structure.

18.1.18 Excluded Uses. Easements to non-riparian lot owners to allow access to Public waters shall be prohibited. The use of any riparian lot, tract or parcel of land; however, designated or described, other than as a controlled access lot as defined in Department of Natural Resources Standards 120.3300 Subd. 2E., to provide access to Public waters for owners of non-riparian lots, including, but not limited to, by easement, share, license or any other legal or illegal arrangement, scheme or plan, shall be prohibited.

18.2 Excluded Uses. Easements to non-riparian lot owners to allow access to Public waters shall be prohibited. The use of any riparian lot, tract or parcel of land; however, designated or described, other than as a controlled access lot as defined in Department of Natural Resources Standards 120.3300 Subd. 2E., to provide access to Public waters for owners of non-riparian lots, including, but not limited to, by easement, share, license or any other legal or illegal arrangement, scheme or plan, shall be prohibited.

19. Neighborhood Commercial District (NC).

19.1 Purpose. To create and maintain a district for commercial purposes, which can provide a minimum of goods or basic services needed close by for the residents of the community.

19.2 Lot Use and Density Requirements (NC).

Impervious surface coverage maximum	40%
Setback for structure from road - feet	60
Setback, driveway/parking from lot line – feet	10
Setback for structure, side – feet	30
Setback for structure, rear – feet	30
Maximum building height – feet	25
Minimum Buildable Area - square feet	20,000
Minimum Lot Size- square feet	40,000
Onsite sign setback from ROW – feet	1
Maximum density, hotel/motel units/acre	4

19.3 Performance Standards (NC).

19.3.1 Parking and Loading. Purpose. Regulation of onsite parking and loading spaces in this Ordinance is to alleviate and/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 onsite parking.

19.3.1.1 Application. The regulations and requirements set forth herein shall apply to all onsite-parking facilities within the Neighborhood Commercial District. All commercial construction shall be accompanied by a site plan, indicating the location of the onsite parking and loading spaces in compliance with the following general provisions.

19.3.1.2 General Provisions.

19.3.1.2.1 Floor area for the purpose of calculating the number of onsite parking spaces required shall be determined on the basis of the exterior floor area dimensions of the building provided; however, it shall not include areas such as utility rooms, maintenance areas, restrooms, fitting rooms, window display areas or lobbies.

19.3.1.2.2 No change of use or occupancy of land already dedicated to an existing or future parking area, parking spaces or loading spaces shall be made nor shall any sale of land be made which reduces the area necessary for existing or future parking below the minimum standards.

19.3.1.2.3 Any change of use or occupancy of building, including additions requiring more parking area as required, shall not be permitted until there are additional parking spaces as required by this section.

19.3.1.3 Parking Lot Dimensions. The following requirements are designed to provide adequate onsite parking space for passenger automobiles of patrons, occupants and employees.

19.3.1.3.1 A parking layout is required with each site plan for commercial uses. Stall and aisle dimensions shall be constructed to the following minimum specifications listed below. There shall be no parallel parking, except in areas where normal angle parking is not feasible.

<u>STANDARD VEHICLE</u>			
Parking Angle	Stall Width	Stall Length	Aisle Width
90 degrees	10 feet	20 feet	24 feet
60 degrees	10 feet	23 feet	15 feet
45 degrees	10 feet	27 feet	12 feet

<u>VEHICLES FOR HANDICAPPED</u>			
Parking Angle	Stall Width	Stall Length	Aisle Width

90 degrees	12 feet	20 feet	24 feet
60 degrees	12 feet	23 feet	15 feet
45 degrees	12 feet	27 feet	12 feet

19.3.1.3.2 All parking must also meet State and Federal Disability laws.

19.3.1.3.3 All onsite-parking areas shall be striped between stalls.

19.3.1.3.4 Parking areas shall be adequately drained to a pervious surface designed to allow entrapment of silts and nutrients prior to discharge to a Public water. All parking surfaces shall be paved or provided with all weather surface.

19.3.1.3.5 Parcels with six (6) or more paved parking stalls contiguously located and any commercial parking adjacent to a residential zone shall be landscaped according to a plan approved by the Planning & Zoning Commission.

19.3.1.3.6 Parking on a commercial street front should be minimized and, where possible, be located behind or alongside a building.

19.3.1.3.7 Onsite parking facilities for separate uses may be provided collectively, if the total number of spaces is not less than the sum of the separate requirements of each use. Shared driveway entrances and rear-yard driveways between parking lots can simplify traffic circulation and are encouraged by the City.

19.3.1.3.8 Designated parking spaces shall not be utilized for other uses, such as storage, display, sales, rental, repair work, dumpster, garbage receptacles, the storage of inoperable vehicles, or storage of snow.

19.3.1.4 Required Parking Spaces. Parking shall be provided for principal structures at the following ratios, unless modified by a Conditional Use Permit. When determination of the number of parking spaces required by Ordinance results in a requirement of a fractional space, any fraction of one-half or less may be dropped, while a fraction in excess of one-half shall be counted as one parking space.

19.3.1.4.1 Banks. At least one (1) parking space for each 200 square feet of floor area, plus one (1) parking space for each employee in the building.

19.3.1.4.2 General Purpose Office. At least 1 parking space for each 150 square feet of usable office space up to 20,000 square feet, plus 2 spaces per 100 square feet of gross usable floor area for more than 20,000 square feet.

19.3.1.4.3 Public Assembly. Places of worship or other places of public assembly: One (1) space per three (3) seats.

19.3.1.4.4 Hotels/Motels/Lodging. 1.25 spaces per unit.

19.3.1.4.5 Libraries and Museums. At least one (1) parking space for each 500 square feet of floor area with a minimum of six (6) spaces, whichever is greater.

19.3.1.4.6 Medical and Dental Clinics. Six (6) per Doctor.

19.3.1.4.7 Nursing Homes. One (1) space for every three (3) beds plus one space for every two (2) employees in the building.

19.3.1.4.8 Residential. Two (2) spaces per each dwelling unit (garage may be counted).

19.3.1.4.9 Multi Family Residential. 1.75 per dwelling.

19.3.1.4.10 Restaurants. One (1) space per every three (3) seats plus one (1) space per number of employees on a shift.

19.3.1.4.11 Supermarkets, Convenience and Retail Stores. At least one (1) parking space for each 200 square feet of retail floor area.

19.3.1.4.12 Uses not mentioned above. Parking required shall be determined by the Planning and Zoning commission in accordance with consideration to the above standards.

19.3.2 Overhead Doors and Loading Spaces.

19.3.2.1 Location. Overhead doors/loading spaces shall be placed primarily in the rear yard and secondarily in the side yard, except doors for emergency vehicles. All loading spaces shall be located on the same lot as the use to be served and no portion of any vehicle shall, while occupying or servicing any loading space, project into a street, driveway or interfere with traffic flow.

19.3.2.2 Size. Loading berths shall be no less than 15' in width and 55' long with 16' of vertical clearance. Berths shall have all weather surface and be well drained.

19.3.3 Landscaping/Screening. All commercial construction shall be accompanied by a complete landscape plan. The landscape plan shall be developed in accordance with the site plan submitted for approval. Landscaping shall be completed one (1) year from the date of issuance of zoning permit.

19.3.3.1 The retention of natural topography and vegetation will be required, where possible.

19.3.3.2 Construction plans will attempt to preserve the site in its natural state, insofar as practicable by minimizing tree and soil removal and designing any grade changes so as to be in keeping with the general appearance of neighboring areas.

19.3.3.3 All sites shall be heavily landscaped. Effect shall be partial screening from the road. Landscaping may include mature trees as well as saplings, shrubs and ground cover at the discretion of the Planning Commission.

19.3.3.4 At least ten (10) percent of the land area shall be sodded or seeded and landscaped with approved ground cover, shrubbery or trees.

19.3.3.5 A minimum landscaped buffer area of ten (10) feet in width shall separate any parking, driveway, or structure from a lot line common with any residential zoning district.

19.3.4 Trash Handling Equipment. All trash, waste materials, debris shall be kept in an enclosed container. Trash receptacles shall be located to the rear and/or side of the property. Trash receptacles must be enclosed with fencing compatible with the principal building it serves or an equivalent vegetative screen.

19.3.5 Mechanical Equipment. The impact of this equipment on the appearance of the building and the community should be minimized. Mechanical equipment shall not be located on the front façade of the building. Mechanical equipment on the ground shall be screened with a fence or plant materials.

19.3.6 Exterior Lighting.

19.3.6.1 Fixtures. Lighting fixtures shall be of a downcast, cutoff type, concealing the light source from view and preventing glare. Lighting levels at contiguous residential property lines shall not exceed one-half (1/2) foot candle.

19.3.6.2 All parking lot and security lighting shall be directed away from adjoining residential uses.

19.3.6.3 Lighting Levels.

19.3.6.3.1 Height Restrictions: Lighting fixtures mounted on poles or structures shall have a maximum height of twenty-five feet (25').

19.3.6.3.2 Maximum Lighting Levels: Any light or combination of lights used for exterior illumination on a commercial property that casts light on a public street shall not exceed one (1) foot candle (meter reading), as measured from the centerline of said street. Light fixtures shall be baffled so the light does not protrude past the front, side and the rear property lines.

19.3.7 Sign Standards. (See Sec. 7.1 for additional sign standards). Signs flush on a building and not protruding shall cover a maximum of 25% of any face of the building. Each lot shall have the choice of one of the following for a second onsite sign:

19.3.7.1 A sign protruding not more than two feet from the front of the building with a maximum area of 24 square feet.

19.3.7.2 A roof mounted sign not more than six feet above the roof line with a maximum area of 24 square feet.

19.3.7.3 A freestanding sign with a sign area not larger than 48 square feet and 10 additional square feet per additional business in the same building or development complex. Maximum height shall be 15 feet from the ground to the top of the sign.

19.3.8 Architectural/Appearance Standards. Materials for commercial buildings shall be selected for suitability to the type of buildings and the design for which they are used. Materials should be selected that are in harmony with the existing structures in the area,

including wood, logs, brick and stone. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.

19.3.8.1 Permitted materials. This section identifies permitted building materials to be used in commercial building construction which are durable and long lasting. Exterior building finishes shall consist of two or more of the following:

19.3.8.1.1 Brick and Stone.

19.3.8.1.2 Pre-cast concrete units and concrete block, provided that surfaces are molded, serrated or treated with a textured material in order to give the wall surface a three (3) - dimensional character and enhancement materials are used.

19.3.8.1.3 Wood, provided surfaces are finished for exterior use and only woods of proven exterior use durability.

19.3.8.1.4 Curtain wall panels of glass, steel fiberglass and aluminum, provided such panels are factory fabricated and finished with permanent durable non-fade surfaces and enhancement materials are used.

19.3.8.2 Prohibited Materials. The following exterior building materials are prohibited.

19.3.8.2.1 Face materials which rapidly deteriorate or become unsightly, such as galvanized metal, unfinished structural plywood, unfinished structural clay tile and metal panels not factory finished with a permanent surface.

19.3.8.2.2 Sheet metal, plastic or fiberglass siding, unless such siding is a component of a factory fabricated and finished panel and is enhanced with preferred materials.

19.3.8.2.3 Unadorned and/or painted concrete block.

19.3.8.2.4 Neon lighting as part of the architecture of the building or used as accent lighting for the building.

19.3.8.2.5 Fiberglass or plastic tent material.

19.3.9 Minimum Commercial Permit Submittal Requirements.

19.3.9.1 Site Plan containing the following information.

19.3.9.1.1 Scale (min 1 inch equals 20 feet) and north arrow.

19.3.9.1.2 Legal description of site.

19.3.9.1.3 All property and street pavement issues.

19.3.9.1.4 Drainage plan (as required by Planning Commission).

19.3.9.1.5 Gross area of site.

- 19.3.9.1.6** Net area of site (minus wetlands and bluffs).
- 19.3.9.1.7** Parking layout.
- 19.3.9.1.8** Proposed ingress and egress to the site.
- 19.3.9.1.9** Existing wooded vegetation, proposed landscaping and vegetation alterations.
- 19.3.9.1.10** Location of all existing buildings (to remain) and proposed buildings with dimensions and setback from lot lines.
- 19.3.9.1.11** Proposed exterior lighting, if any.
- 19.3.9.1.12** Septic system and well.
- 19.3.9.1.13** Wetlands.

19.3.9.2 Elevation drawings of all proposed buildings with the following information.

19.3.9.2.1 Scale.

19.3.9.2.2 Proposed height of building.

19.3.9.2.3 Exterior building materials identified along with color.

19.3.9.3 The Planning Commission or staff may require additional information or plans dependent upon the site and use.

19.3.10 Water supply and sanitary facilities shall meet the state and/or City requirements and solid waste storage facilities shall be conforming.

19.3.11 Outside storage shall be screened.

19.3.12 Business operation shall be compatible with the surrounding development.

19.3.13 Fire lanes shall be unobstructed.

19.3.14 A significant historical site may not be modified, altered or built upon in a manner which affects the values of the site and without consultation with the Minnesota Historical Society.

19.3.15 Artificial pervious surface is defined as pervious pavers, pervious asphalt or pervious concrete for the purposes of this ordinance.

19.3.15.1 A property owner desiring to use an artificial pervious surface in meeting the impervious surface limitations imposed by the City Code shall obtain any permits required by the regulations of any other applicable agencies and the city.

19.3.15.2 The city shall give no more than a 50% credit of the total area covered by an artificial pervious surface in meeting the total impervious on a specific site.

19.3.15.3 All artificial pervious surface areas shall be installed by a professional, in accordance with the Minnesota Pollution Control Agency’s Stormwater Best Management Practices and meet the following criteria below in order to receive credit for impervious surface.

19.3.15.3.1 The base of the pervious surface product shall be installed with an infiltration system that maintains no less than a minimum of a 3 foot separation from the seasonally saturated soils, bedrock or water table to ensure soil absorption, contaminate removal and enhanced retention of storm-water.

19.3.15.3.2 The artificial pervious system should be set back from structures having basements, septic systems, steep slopes and wells.

19.3.15.3.3 The city shall be notified when construction is taking place so the site may be inspected for compliance.

19.3.15.3.4 The designer of the system must include maintenance instructions to the property owner along with a maintenance schedule with copy to the Zoning Administrator.

20. Public District (P). To establish and maintain a land use district that is publicly owned for public buildings and public facilities.

20.1 Lot and Use Requirements:

Lot widths - feet minimum	100
Frontage on a public right-of-way - feet minimum	33
Buildable area - square feet minimum square feet	20,000
Setback, City road - feet minimum	35
Setback, County road - feet minimum	50
Setback, side - feet minimum	15
Setback, waterfront	100
Setback, rear - feet minimum	35
Setback, corner, side - feet minimum	20
Setback, sign - feet minimum	1
Maximum impervious coverage	25%
Building height - feet maximum	25
Building above highest known groundwater - feet minimum	3

21. Land Use Matrix.

21.1 The land use matrix shown in Table 1 establishes the allowable, permitted, accessory, conditional and excluded uses within the City of Lake Shore.

21.2 All uses are considered prohibited unless specifically allowed in this Code, even if they are not listed specifically under excluded uses.

21.3 All accessory uses require a permit, unless otherwise indicated.

*In Shore Impact Zone (cumulative from natural state):

-More than 10 cubic yards, Less than 50 cubic yards requires a Conditional Use Permit

-Greater than 50 cubic yards excluded

*In Lake Setback outside of Shore Impact Zone

-Less than 50 cubic yards requires a permit

-More than 50 cubic yards requires a Conditional Use Permit

*Outside of Lake Setback

-Less than 100 cubic yards is allowed

-100 cubic yards or more requires a Conditional Use Permit

A- allowed w/o a permit, P - permitted, C- conditional use, AC - accessory use, E - excluded

***All uses and structures must meet all other requirements of the ordinance.**

<u>USE</u>	<u>Rural Residential/ Agricultural</u>	<u>Wooded Residential</u>	<u>Open Space</u>	<u>Residential - Low Density</u>	<u>Residential Medium- Density</u>	<u>Commercial Waterfront</u>	<u>Neighborhood Commercial</u>	<u>Public Ownership</u>
Abandoned Building	E	E	E	E	E	E	E	E
Abandoned Motor Vehicle	E	E	E	E	E	E	E	E
Accessory Structure	P	P	E	AC	AC	AC	AC	AC
Adult Use	E	E	E	E	E	E	C	E
Agricultural Use	A	A	A	E	E	E	E	E
Airport	C	C	E	E	E	E	E	C
Animals, Domestic	A	A	A	A	A	A	A	A
Animals, Food	A	A	A	C	E	E	E	E
Animals, Wild	E	E	E	E	E	E	E	E
Animal Boarding Facility	C	C	E	E	E	E	C	E
Animal Grooming Establishment	C	C	E	C	C	C	C	E
Animal Husbandry	A	A	E	E	E	E	C	E
Antenna	P	P	E	P	P	P	P	P
Apartment	C	C	E	C	C	C	C	E
Artist's Studio	AC	AC	E	AC	AC	AC	AC	E
Auto Salvage Yard	E	E	E	E	E	E	E	E
Banner	AC	AC	E	AC	AC	AC	AC	AC
Beach Sand Blanket	P	P	P	P	P	P	P	P
Bed and Breakfast	C	C	E	C	C	C	E	C
Billboards	E	E	E	E	E	E	E	E
Boat Access	E	E	E	E	E	C	E	C
Boat House	E	E	E	E	E	E	E	E
Breezeway	P	P	E	P	P	C	C	P
Campground/RV Park	C	C	E	E	E	C	E	C

A- allowed w/o a permit, P - permitted, C- conditional use, AC - accessory use, E - excluded
 *All uses and structures must meet all other requirements of the ordinance.

<u>USE</u>	<u>Rural Residential/ Agricultural</u>	<u>Wooded Residential</u>	<u>Open Space</u>	<u>Residential - Low Density</u>	<u>Residential Medium- Density</u>	<u>Commercial Waterfront</u>	<u>Neighborhood Commercial</u>	<u>Public Ownership</u>
Camping	A	A	E	A	A	A	E	E
Cannabis Cultivation	C	E	E	E	E	E	E	E
Cannabis /Hemp Manufacturer	C	E	E	E	E	E	E	E
Cannabis Retail Business	E	E	E	E	E	E	C	E
Cannabis Transportation/Delivery	C	E	E	E	E	E	E	E
Cannabis Wholesale	C	E	E	E	E	E	E	E
Lower-Potency Hemp Edibles	E	E	E	E	E	A	A	E
Cemetery	C	C	E	E	E	E	E	C
Child Care, Center (1)	C	C	E	C	C	C	C	C
Child Care, Family Home (2)	A	A	E	A	A	C	C	A
Church	C	C	E	C	C	C	C	C
Commercial Use (Other, Not Classified)	E	E	E	E	E	C	C	E
Community Park	A	A	A	A	A	A	A	A
Conservation Development	C	C	E	C	C	C	C	E
Controlled Access Lot	E	E	E	E	E	E	E	E
Deck or Patio	AC	AC	E	AC	AC	AC	AC	AC
Dock	A	A	A	A	A	A	A	A
Dormitory	C	C	E	E	P	E	E	E
Duplex, Triplex or Quad	C	C	E	C	C	C	C	E
Dwelling, Multi-Family	C	C	E	C	C	C	C	E
Dwelling, Single-Family	P	P	E	P	P	C	C	E
Dwelling, Townhouse	P	C	E	C	C	C	C	E
Exterior Storage	AC	AC	E	AC	AC	AC	AC	AC
Extractive Use-Gravel Pit	C	C	E	E	E	E	E	E
Feedlot	E	E	E	E	E	E	E	E
Fence	A	A	A	P	P	P	P	A

A- allowed w/o a permit, P - permitted, C- conditional use, AC - accessory use, E - excluded
 *All uses and structures must meet all other requirements of the ordinance.

<u>USE</u>	<u>Rural Residential/ Agricultural</u>	<u>Wooded Residential</u>	<u>Open Space</u>	<u>Residential - Low Density</u>	<u>Residential Medium- Density</u>	<u>Commercial Waterfront</u>	<u>Neighborhood Commercial</u>	<u>Public Ownership</u>
Fish House	A	A	E	AC	AC	AC	A	E
Forest Land Conversion	C	C	E	E	E	E	E	E
Garage, Attached	AC	AC	E	AC	AC	AC	AC	AC
Garage, Detached	AC	AC	E	AC	AC	AC	AC	AC
Gazebo	AC	AC	E	AC	AC	AC	AC	P
Golf Course	C	C	C	C	C	C	C	C
Grading	AP*	AP*	C*	APC*	APC*	APC*	AP*	AP*
Grading: Ice Ridge, Annual	E	E	E	E	APC*	APC*	E	E
Group Care Facilities	C	C	E	C	C	E	C	C
Guest Cabin	AC	AC	E	AC	AC	AC	E	E
Guest Quarters	AC	AC	E	AC	AC	AC	E	E
Home Occupation, Type 1	A	A	E	A	A	A	A	E
Hotel	E	E	E	E	E	C	C	E
Industrial Use-Heavy	E	E	E	E	E	E	E	E
Industrial Use-Light	C	C	E	E	E	E	C	E
ISTS	P	P	P	P	P	P	P	P
Junk Yard	E	E	E	E	E	E	E	E
Landfill	E	E	E	E	E	E	E	E
Landscaping	A	A	E	A	A	APC	APC	APC
Logging	A	A	E	E	E	E	E	A
Manufactured Home	P	P	E	P	P	P	P	E
Marina	E	E	E	E	E	C	E	E
Motel	E	E	E	E	E	C	C	C
Nursery	C	C	E	E	E	E	C	E
Nursing Home	C	C	E	C	E	C	C	C
Open Storage	A	A	E	C	C	C	C	P

A- allowed w/o a permit, P - permitted, C- conditional use, AC - accessory use, E - excluded
 *All uses and structures must meet all other requirements of the ordinance.

<u>USE</u>	<u>Rural Residential/ Agricultural</u>	<u>Wooded Residential</u>	<u>Open Space</u>	<u>Residential - Low Density</u>	<u>Residential Medium- Density</u>	<u>Commercial Waterfront</u>	<u>Neighborhood Commercial</u>	<u>Public Ownership</u>
Planned Unit Development, Commercial	E	E	E	E	E	C	C	E
Planned Unit Development, Residential	C	C	E	C	C	C	C	E
Porch	AC	AC	E	AC	AC	AC	AC	AC
Recreational Vehicle	A	A	E	A	A	A	A	E
Resort	E	E	E	E	E	C	C	E
Restaurant	E	E	E	E	E	C	C	C
Retaining walls	E	E	E	E	P	P	E	E
Rip Rap	E	E	E	E	P	P	E	E
Signs, Directory	P	P	E	P	P	P	P	P
Signs, Dynamic	E	E	E	E	E	C	C	E
Signs, Offsite	E	E	E	E	E	E	E	E
Signs, Onsite	AC	AC	E	AC	AC	AC	AC	AC
Signs, Portable	A	A	E	E	E	A	A	A
Temporary Structure	A	A	E	A	A	A	A	A
Tower	C	C	C	E	E	E	C	C
Vegetation Removal, Clear Cutting	C	C	C	E	E	E	E	C
Vegetation Removal, Open	A	A	C	E	E	E	E	C
Vegetation Removal, Selective	P	P	P	P	P	P	P	P
Water Oriented Accessory Structure or Facility	E	E	P	P	P	P	E	P
Warehousing	AC	AC	E	AC	E	AC	AC	AC
Warehousing, Commercial	AC	AC	E	E	E	E	C	E
Wedding Venue	C	C	E	E	E	E	C	E

OVERLAY DISTRICTS AND DISTRICT PROVISIONS

22. General.

22.1 Purpose and Intent. To establish and maintain districts that overlay existing zoning districts to better manage significant areas with specific needs, such as encouraging growth in areas with existing public facilities or preserving areas with valued resources and amenities. All sites within an overlay district shall continue to bear their original zoning but with the provisions of the overlay district appended.

22.2 Boundaries. The boundaries are established based on district-specific criteria and may not be aligned with roads, lot lines, or other man-made boundaries. The boundaries are designated on overlay maps. Overlay maps are considered part of the official Zoning Map and are therefore approved and amended following procedures in Section 81.

22.3 Permits. No subdivision, rezoning, reconstruction, alteration, or addition shall be made to any existing structure, nor shall any additional structure be constructed upon a site in any overlay district, except in accordance with the provisions of the overlay district.

22.4 Districts. The following overlay districts are hereby established:

22.4.1 Lake Margaret Watershed Overlay District (LMW).

22.5 Supremacy. If a provision of an overlay district conflicts with a provision or provisions of the underlying zoning district, the more restrictive provision shall apply.

23. Lake Margaret Watershed Overlay District (LMW).

23.1 Purpose and Intent. The purpose of the Lake Margaret Watershed Overlay District (LMW) is to promote, preserve, improve, and enhance the environmental quality of the natural resources within the Lake Margaret Watershed without preventing reasonable use and development of land. Lake Margaret has been listed as an impaired water. The intent of this district is to protect the quality of the watershed from adverse effects occasioned by poorly sited development or incompatible activities and regulating land disturbances or development activities that would have an adverse and potentially irreversible impact on the water quality and on fragile environmentally sensitive land within the watershed of Lake Margaret.

23.2 Applicability. Every applicant for a land use permit, subdivision approval, or a permit to allow land disturbance activities located within the Lake Margaret Watershed Overlay District must submit evidence of compliance with the performance standards, as outlined herein, to the City of Lake Shore as a part of the application. The provisions of this Section apply to all land, public or private, within the Lake Margaret Watershed Overlay District, except as exempted below.

23.3 Definitions.

23.3.1 Culvert. Open ended conduits which carry run-off and other flows under a roadway or roadways.

23.3.2 Ditch. Open channel to conduct the flow of water.

23.3.3 Forested Condition. Ecosystem in which trees are the dominant life form.

23.3.4 Integrated Forest Management Guidelines. The multiple-use management of forest resources for sustained yields of wood, water, forage, wildlife, and recreation. Forest management activities include forest road construction and maintenance, timber harvesting, site preparation, pesticide use, reforestation, timber stand improvement, fire management and forest recreation management.

23.3.5 Intensive Vegetation Removal. The complete removal of trees or shrubs in a continuous path, strip, row or block, excluding that clearing needed for the construction of roads, driveways, walkways or permitted stairways, lifts or landings.

23.3.6 Natural Vegetative Buffer. A strip of well rooted natural vegetation at least 10 feet wide, consisting of, or a mixture of, indigenous grasses, shrubs, and trees.

23.3.7 Re-vegetation Plan. A written plan outlining re-vegetation method, materials and timeline.

23.4 Exemptions. The provisions of this Ordinance do not apply to emergency work to protect life, limb, or property. Activities undertaken during an emergency shall, if otherwise required by this Ordinance, meet all of the requirements of this part after such emergency.

23.5 General Requirements. The following provisions apply to all properties within the Overlay District:

23.5.1 Use of Culverts. The establishment or replacement of ditch culverts, private or public is prohibited, except as provided for within a stormwater management plan approved by the Planning Commission.

23.5.2 Erosion Control.

23.5.2.1 An erosion control plan is required for all land use permits where there will be any grading or excavation greater than 5000 square feet. The erosion control plan shall meet the practices outlined in the most current edition of the Minnesota Pollution Control Agency's publication, "Minnesota Stormwater Manual" and submitted to the City.

23.5.2.2 Erosion control devices shall be established prior to any construction activity.

23.5.2.3 Prior to construction the property owner shall notify the Zoning Administrator when the erosion control devices are in place.

23.5.2.4 The property owner or their contracted builder must routinely inspect the construction site once every seven (7) days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours. Inspection records shall be maintained. Any deficiencies noted shall be addressed.

23.5.2.5 As part of obtaining a land use permit, the property owner must allow periodic inspections of erosion control devices by the Zoning Administrator. Upon request, the property owner shall provide copies of inspection records.

23.5.2.6 Failure to meet these standards may result in issuance of a cease and desist order from the Zoning Administrator and potential revocation of land use permits.

23.5.3 Individual Sewage Treatment Systems. Property owners shall retain a licensed inspector to perform a compliance inspection on the system at least once every five (5) years. All compliance inspections records shall be submitted to the City.

23.6 Riparian Property Requirements. The following provisions apply to all riparian properties within the Overlay District:

23.6.1 Natural Vegetative Buffer. To reduce runoff and erosion, at least 75% of the area contained within the Shore Impact Zone impact zone, bluff impact zone and wetland setback shall be established as a natural vegetative buffer. To obtain a land use permit in this district, a re-vegetation plan, to be fully implemented within 12 months, shall be required for existing properties that do not meet this standard.

23.6.2 Shoreline Alteration. Alteration of lands within ten (10) feet of the Ordinary High Water Mark is prohibited, except as specifically authorized by the Planning Commission or exempted in (3) or (4).

23.6.3 Ice Ridges. Ice ridge restoration may proceed as per the requirements contained in the Lake Shore Zoning Ordinance, except that the total length of shoreline zone to be affected shall not exceed twenty (20) feet.

23.6.4 Restoration. A property owner may, as part of restoring the shoreline to natural state conditions, do more than 10 cubic yards of grading within the shore or bluff impact zone by permit if they are implementing a re-vegetation plan that has been approved by the Planning Commission.

23.6.5 Storm Water Runoff. The direct runoff of stormwater to adjacent water bodies and parcels shall be eliminated through the use of berms, filtration strips, swales or other permanent means. To obtain a land use permit in this district, the property owner shall submit a stormwater management plan, to be fully implemented within 12 months, that achieves this standard.

23.6.6 Tree Replacement. After the establishment of a principal structure, every tree that is taken down from the property shall be replaced with two (2) new saplings, unless it can be demonstrated to the satisfaction of the Planning Commission that the tree density of the property is at least that of a forested condition.

23.6.7 Wild rice. The wild rice bed at the south end of Margaret Lake adding to the water quality value of Lake Margaret shall be defined as a protected surface water area and undisturbed except by special permit from the Department of Natural Resources and the City of Lake Shore.

23.7 Non-Riparian Property Requirements. The following provisions apply to all non-riparian properties within the Overlay District:

23.7.1 Impervious coverage. The maximum impervious coverage allowed is 15% unless the underlying zoning is more restrictive, in which case the more restrictive provision shall apply.

Where impervious coverage greater than 15% is allowed in the underlying zoning district, impervious coverage may be increased to the standards of the underlying district where a stormwater management plan is provided that demonstrates on-site containment of the additional runoff generated from the development during a 50-year, 24-hour rain event.

23.7.2 Natural Vegetative Buffer. To reduce runoff and erosion, a natural vegetative buffer shall be established for all lands:

23.7.2.1 Within 25 feet of a wetland,

23.7.2.2 Within 100 feet of streams,

23.7.2.3 Within 15 feet of roadside ditches, and

23.7.2.4 Within 50 feet of non-roadside ditches and other natural or man-made storm water conveyance systems. To obtain a land use permit in this district, a re-vegetation plan, to be fully implemented within 12 months, shall be required for existing properties that do not meet this standard. The Planning Commission can authorize allowances for existing structures or roadways that would fall within the proscribed buffer areas.

23.7.3 Conditional uses. Logging, Forest Land Conversion, and Clear Cutting are conditional uses within the District. Submissions for a Conditional Use Permit shall follow the Site Level Forest Management Guidelines as published by the Minnesota Forest Resource Council for Integrated Forest Management Guidelines.

23.7.4 Prohibited Uses. Intensive Vegetation Removal.

23.8 Subdivision Requirements. Any subdivision of land that is subject to the requirements of the Subdivision Ordinance shall provide a detailed stormwater management plan for the build out conditions of each lot within the subdivision, unless waived by the Planning Commission. The stormwater management plan shall:

23.8.1 Provide for containment of a 100-year, 24-hour rain event through the use of berms, filtration strips, swales, rain gardens, collection ponds or similar methods. Provide a detailed, lot-by-lot design of runoff patterns and stormwater management provisions for each lot.

23.8.2 Identify buffer areas and vegetation management requirements consistent with the assumptions of the plan.

23.8.3 Provide for construction of any improvements detailed within the stormwater management plan by way of a development agreement with financial security as provided for in Section 10.

23.8.4 Provide adequate restrictions to ensure the ongoing construction and maintenance of the properties consistent with the storm water management plan.

Insert Lake Margaret Overlay Map

PERFORMANCE STANDARDS

24. Signs. The purpose of this provision is to protect the general welfare and safety of the City by providing a policy of esthetic development to prevent signs from intruding on the rural and residential character of the City; to provide adequate signs for direction and property identification purposes; to provide adequate signs for commercial use. All signs are considered structures and require a building permit, except as provided in Section 24.4.4, Temporary Signs.

24.1 Public Signs and Name Directory Signs at Intersections. Signs placed by the City, County, or residents to provide information, relate the laws or Chapters, or to provide direction, shall be considered exempt from the provision following hereinafter. Directory signs shall be wood, no more than 6" high and 2 square feet and shall use common posts. Unmaintained signs shall be removed.

24.2 Onsite Signs.

24.2.1 Agricultural, Wooded Residential and Residential Districts.

24.2.1.1 Signs shall not be internally or externally lighted but may be reflective.

24.2.1.2 No sign shall be larger than three (3) square feet.

24.2.1.3 Only one (1) sign per principal use shall be allowed.

24.2.1.4 Within a Planned Unit Development, one (1) permanent sign shall be allowed and shall be no larger than eight (8) square feet.

24.2.1.5 The maximum height shall be ten (10) feet from the ground to the top of the sign.

24.2.2 Commercial Waterfront and Commercial Zones.

24.2.2.1 Signs flush on a building and not protruding shall cover a maximum of 25% of any face of the building.

24.2.2.2 Each lot shall have the choice of one of the following for a second onsite sign:

24.2.2.2.1 A sign protruding from the front of the building not more than 2 feet with a maximum area of 24 square feet.

24.2.2.2.2 A roof-mounted sign not more than 6' above the roof line with a maximum area of 24 square feet.

24.2.2.2.3 A free standing sign with a sign area not larger than 48 square feet and 10 additional square feet per additional business in same building or development complex under one ownership. Maximum height shall be 10' from ground to top of sign.

24.2.3 General - Onsite Signs.

24.2.3.1 Present non-conforming onsite signs are considered permissible non-conforming uses except portable units or flashing lights which shall be eliminated upon enactment of this Chapter.

24.2.3.2 Portable advertising such as streamers, banners and one portable sign shall be allowed not in excess of 30 days per year.

24.2.3.3 A sign for a multi-business complex may be addressed separately in the Conditional Use Permit for the principal use to allow innovations and may be allowed to have a sign area exceeding the maximums if found compatible with the surrounding area by the Planning Commission.

24.3 Offsite Signs.

24.3.1 Offsite signs shall be located in the Commercial Waterfront and Neighborhood Commercial Districts only; and approved by Conditional Use Permit.

24.3.2 The maximum size allowed shall be 48 square feet.

24.3.3 The maximum height shall be 10' from the ground to the top of the sign.

24.3.4 There shall be a minimum separation of 300' from any offsite sign and the nearest onsite or offsite sign, with onsite signs having preference.

24.3.5 New onsite signs would cause the removal of existing offsite signs as provided in (D) above.

24.3.6 All offsite commercial signs shall have a permit renewable every three (3) years and indicating the consent of the property owner.

24.4 General.

24.4.1 Unmaintained signs or signs for discontinued business will be removed 60 days after notification by the Zoning Administrator or after discontinuance of the business.

24.4.2 Conditional Use Permits and building permits shall consider protecting sight distances at intersections, driveways and curves.

24.4.3 All flashing, revolving and intermittently lighted signs are prohibited. Externally lighted signs shall be shielded to prevent glare to adjoining roadway.

24.4.4 Temporary signs pertaining only to the construction, sale or rental of the premises are allowable, provided they do not exceed nine (9) square feet in any zone and are removed within thirty (30) days after completion of construction, sale or rental. Temporary signs shall remain onsite no longer than one (1) year from date of erection without obtaining a Variance. All signs at intersections, including real estate signs, shall be limited to directional arrows only.

24.4.5 A non-conforming sign may be refaced, removed and replaced for maintenance purposes, however it shall not be increased in size and the support system shall not be

replaced and the sign shall be removed in its entirety upon the determination by the Zoning Administrator that the sign is in disrepair or the support system is failing. Removal shall be within 30 days of notice by the Zoning Administrator.

24.4.6 Signs on parked Vehicles. Or signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way or public property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product, service or activity or direct people to a business or activity located on the same or nearby property are prohibited. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles or trailers such as lettering on motor vehicles where the sign is incidental to the primary use of the motor vehicle or trailer or signage intended to advertise a product, service or activity to the motoring or pedestrian public while in operation on public roadways.

24.5 Restrictions on Dynamic Signs. Dynamic signs are allowed in Commercial Waterfront and Commercial Zones. All dynamic signs shall meet the following installation and operating criteria:

24.5.1 Only one contiguous dynamic display area is allowed on a sign face.

24.5.2 Minimum display duration. The full sign image or any portion thereof must have a minimum duration of 15 seconds.

24.5.3 Image characteristics. The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement. No portion of any dynamic display sign may fluctuate in light intensity or use intermittent, strobe, or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles, or in any manner that creates the illusion of movement.

24.5.4 Serial images and messages prohibited. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.

24.5.5 Brightness standards. Dynamic display signs must comply with the following brightness standards:

24.5.5.1 No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.

24.5.5.2 The luminance values of 5,000 nits (daytime limit) and 500 nits (nighttime limit) shall not be exceeded by the dynamic display sign manufacturer.

24.5.5.3 All permitted dynamic display signs shall be equipped with a photoelectric cell that automatically determines the ambient illumination and is programmed to automatically dim the sign according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements. If the photoelectric cell fails, the dynamic display sign must automatically go to the nighttime setting.

24.5.6 Dynamic signs must also be equipped with an on/off switch so that the sign can be immediately turned off if it malfunctions. A malfunction shall be defined as more than one panel failing to work correctly. The sign owner or operator must immediately turn off the sign or lighting when notified by the city that it is not complying with the standards in this section.

24.5.7 Audio speakers or any form of pyrotechnics are prohibited in association with a dynamic sign.

24.5.8 All dynamic signs shall conform to the building setback requirements of the zone in which they are located except as specified in this section.

24.5.9 No dynamic display sign may be located within 100 feet of any property that is zoned residential.

24.5.10 When located within 150 feet of a property that is zoned and residentially used, the dynamic sign must be turned off between the hours of 9:00 PM and 7:00 AM except when the dynamic sign is oriented so that no portion is visible from a site that is both residentially zoned and residentially used.

24.5.11 When a dynamic sign is located in a Waterfront Commercial District it shall be oriented so that it is principally visible from a public street and not a public waterway. The planning and zoning commission shall approve the orientation of the sign as part of the CUP process.

24.5.12 The architectural design for freestanding signs that include a dynamic display shall be of high quality. The base shall be landscaped, and the sign structure shall use natural materials such as wood, stone, or brick to fit the "up north" character of the city. The planning and zoning commission shall approve the design of the sign as part of the CUP process.

24.5.13 Hardwiring required. A dynamic display may only be placed on a freestanding sign that is hardwired (one is allowed per property).

24.5.14 Maximum total sign area. The total amount of area of a dynamic display shall not exceed 50 percent of the total sign size or 50 square feet, whichever is smaller.

24.5.15 Nonconforming signs are not allowed to add a dynamic display.

24.5.16 The installation and operation of a dynamic sign requires a Building Permit and a Conditional Use Permit. As a condition of the Conditional Permit, the applicant shall provide a vendor or manufacture certificate that the dynamic sign as designed is capable of meeting the operational criteria of this subpart.

25. Nuisance Standards.

25.1 Compliance Required. Every use permitted by this Ordinance shall be so established and maintained as to comply with the provisions of this section. The Planning Commission may require the complaining party to provide such tests or investigations by an independent testing organization

satisfactory to the Planning Commission as are necessary to show non-compliance with these standards. The entire cost of such investigations and tests shall be paid for by the complaining party unless the results disclose non-compliance with these standards; in that event, the entire cost shall be borne by the owner or operator. This provision does not preclude the City from making any investigations and tests it finds appropriate to determine compliance with these standards.

25.2 Noise. Noise shall be measured on any property line of the tract on which the source of the noise is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness, or intensity. At the property line of the tract on which the source of noise is located, the sound pressure level of noise radiated shall not exceed the following limits measured for 10% (L10) and 50% (L50) of a one (1) hour period, using a sound level meter having the characteristics as specified in standards endorsed by the American National Standards Institute, specification for sound level meters, and using procedures approved by the State of Minnesota Pollution Control Agency. Noises emanating from any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NCP 7010.

In addition, no persons shall make or cause to be made, any impulsive and loudly audible noise that injures or endangers comfort, repose, health, peace, safety or welfare of any persons or precludes their enjoyment of property or affects their property value.

Adjoining Property Zone – Time				
	Day, 7AM – 10PM		Night, 10PM - 7AM	
	L10	L50	L10	L50
Decibels, Residential Zones	60	55	50	45
Decibels, Commercial Zones	65	60	65	60

25.3 Odor. No use shall cause the discharge of toxic, noxious or odorous matter beyond the limits of the site where it is located in such concentrations as to be obnoxious or otherwise detrimental to the public health, safety, comfort or welfare or cause injury to property or business.

25.4 Outdoor Lighting/Glare. Notwithstanding the requirements of sections 18.1.7.3 and 19.2.6.3, direct or reflected glare, such as from floodlights, spotlights or high temperature process illumination, and as differentiated from general illumination, shall not be visible beyond the site of origin at any property line. Any lights used for exterior illumination shall be directed away from adjacent properties and shall be hooded or controlled in some manner so as not to light adjacent property except for public street lights. Lights used for externally lighting of signs shall be shielded from any roadway. Residential properties should ensure outdoor lighting does not cause excessive glare, or create light trespass. Consideration of the following lighting principles is encouraged:

- 25.4.1 Targeted:** Lights shining downward, reducing upward-directed light.
- 25.4.2 Useful:** Only light the needed area (e.g. pathway, step doors)
- 25.4.3 Controlled:** Keep lights on only when needed
- 25.4.4 Low Level:** Keep brightness to just what is needed
- 25.4.5 Color Sensitive:** Avoid blue-violet light emissions in favor of those I warmer yellow tones

The following types of lighting shall be prohibited

- 25.4.6 Searchlights:** The operation of searchlights for advertising or commercial use

25.4.7 Laser Source Light: The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizon

25.5 Vibration. Vibration at any property line shall not be discernible to the human sense of feeling for three (3) minutes or more duration in any one (1) hour period. Vibration of any kind shall not produce at any time an acceleration of more than one-tenth (1/10) gravities or result in any combination of amplitudes and frequencies beyond the "safe" range of Table VII United States Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting" on any structure. The methods and equations of that bulletin shall be used to compute all values for the enforcement of this provision.

25.6 Smoke. The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations APC 7017. Open burning shall require a Department of Natural Resources burning permit.

25.7 Dust and Other Particulate Matter. The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 7011.

25.8 Fumes or Gases. Fumes or gases shall not be emitted at any point in concentrations that are noxious, toxic or corrosive. The values given in Table I (Industrial Hygiene Standards - Maximum Allowable Concentration for eight (8) hour day, five (5) days per week), Table III (Odor Thresholds), Table IV (Concentrations of Substances Causing Pain in the Eyes), and Table V (Exposure to Substances Causing Damage to Vegetation) in the latest revision of Chapter 5, "Physiological Effects" that contains such tables, in the "Air Pollution Abatement Manual" published by the Manufacturing Chemists' Association, Inc., Washington D.C., are hereby established as guides for the determination of permissible concentration and amounts. The City may require detailed plans for the elimination of fumes or gases before the issuance of a Zoning Permit.

25.9 Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices as are normally used in the handling of such materials. Such hazards shall be kept removed from adjacent activities to a distance that is compatible with the potential danger involved.

25.10 Wastes.

25.10.1 All waste generated on premises shall be disposed of in a manner consistent with all Minnesota Pollution Control Agency rules.

25.10.2 Any accumulation of waste generated on any premises not stored in containers which comply with Minnesota Pollution Control Agency rules, or any accumulation of mixed solid waste generated on any premises which has remained thereon for more than one (1) week, or any accumulation of infectious, nuclear, pathological, or hazardous waste which is not stored or disposed in a manner consistent with Minnesota Pollution Control Agency rules, is a nuisance and may be abated and the cost of abatement may be addressed against the property where the nuisance is found.

25.10.3 The accumulation, storage, processing, and disposal of waste on any premises, which is not generated on that premises, is prohibited, except as specifically provided in this Ordinance.

25.11 Air Pollution. Every activity shall conform to State regulations relating to air quality standards and air pollution control.

25.12 Erosion and Drainage.

25.12.1 No land shall be developed and no use shall be permitted that result in water runoff causing flooding, erosion, or deposit of sediment on adjacent properties.

25.12.2 All storm sewer inlets and drainage ways that are functioning during construction shall be protected so that sediment laden water does not enter the conveyance system without first being filtered or otherwise treated to remove sediment.

25.12.3 All on-site storm water conveyance systems must be designed and constructed to withstand the design volume of storm water with appropriate stabilization to prevent scour and erosion. Erosion controls must be provided at the outlets of all storm sewer pipes or drainage ways.

25.12.4 All temporary and permanent erosion and sediment control practices shall be maintained and repaired to assure the continued performance of their intended function.

25.12.5 All disturbed ground left inactive for seven (7) or more days shall be stabilized by seeding or sodding or by mulching or covering or other equivalent control measures.

25.12.6 All temporary erosion control devices, including silt fence, gravel, hay bales or other measures shall be removed from the construction site and properly disposed of or recycled. This removal and disposal must occur within 60 days of the establishment of permanent vegetative cover on the disturbed area.

25.13 Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity at any point or any electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance. Adverse effects shall be measured by FCC standards.

25.14 Fertilizers, Herbicides and Pesticides. No person shall place, spread or store fertilizers, herbicides and/or pesticides in any manner other than that recommended by the manufacturer or in any manner which allows any escape of nutrients or toxins into the air, ground water or surface water of the City.

25.15 Abandoned Buildings. No person shall allow a building, mobile home/manufactured house, or other structure to be abandoned, deteriorated or a safety hazard. All abandoned, deteriorated or unsafe structures shall be removed. If the owner fails to remove the structure, the City shall do so and assess the cost against the property through the County taxation method.

25.16 Sale or Display of Vehicles or Equipment. The sale, display or advertising for sale of machinery, vehicles or equipment shall be restricted in all Zoning Districts unless specifically authorized by appropriate permits. Said restriction shall prohibit the sale, display or advertising for sale of machinery, vehicles or equipment where the sale, display or advertising for sale occurs.

Said property owner may, however, for no more than a thirty (30) day period, sell a single piece of machinery, a single vehicle or a single piece of equipment at one time on and not more than 3 times per year in order not to detract from the character of the city.

26. Fences.

26.1 Safety Hazards. Fences shall not be erected where they create a visual safety hazard in the opinion of the Zoning Administrator. Fences shall not be electrified or contain barbed wire except in the Rural Residential/Agricultural zoning district.

26.2 Location and Orientation. All boundary line fences shall be entirely located upon the property of the person constructing such fence unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties. Fences on property lines will require the permission of the adjoining property owner or a survey to determine location. Fences may not be placed within a shore or bluff impact zone, unless a Conditional Use Permit has been granted. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road.

26.3 Construction. The “good side” of the fence shall face abutting properties, meaning that the posts shall face in toward the property on which the fence sits and the finished face of the fence shall face abutting properties.

26.4 Height. Fences shall not exceed 72 inches in height, unless otherwise approved through the Conditional Use Permit process.

26.5 Maintenance. Fences shall be maintained to retain their aesthetic quality, screening abilities, and function. Missing boards, rusting wire and posts, and peeling paint shall be taken care of at the owner’s expense as they occur. If the fence is within two (2) feet of a property line, the adjoining property owner abutting the fence is allowed to finish the side of the fence facing their property.

27. Maintenance. All structures shall be properly maintained in a clean and acceptable manner so as not to constitute a menace to the public health, safety, convenience, general welfare, property values, and aesthetics.

28. Storage.

28.1 Exterior Storage.

28.1.1 There shall be no exterior storage allowed on lots that do not contain a principal or accessory structure.

28.1.2 Where there is a principal or accessory structure, all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying, licensed recreational equipment, construction landscaping materials and equipment currently being used for construction of the premises, woodpiles, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking except as otherwise regulated herein.

28.1.3 No more than two (2) fish houses and one (1) recreational vehicle are permissible if they are currently licensed. Fish houses and recreational vehicles must be stored at least ten (10) feet distance from any property line and outside of the Ordinary High Water Level setback.

28.1.4 Abandoned motor vehicles shall be stored within a structure or completely screened from view from adjacent properties and right-of-way.

28.2 Bulk Storage. All uses associated with the bulk storage of oil, gasoline, liquid propane, liquid fertilizer, chemicals and similar liquids shall comply with the requirements of the Minnesota State Fire Marshall, the Minnesota Pollution Control Agency and Minnesota Department of Agriculture. When in excess of normal domestic allowances, the property owner shall have documents from those offices stating that the use is in compliance. No storage facility shall be constructed or placed where spillage from the facility would drain to a drainage way or public waters or adjacent property without providing complete containment. These facilities shall not be placed within Shore Impact Zone impact zone except for Waterfront Commercial zoning district and resorts.

29. Visual Standards – Screening.

29.1 No use shall create, maintain or continue any activity or structure which has a strong negative visual impact or offends the morals or violates the standards of the City.

29.2 Where any business or industry is adjacent to property zoned residential or any use cannot meet the visual standards of the City, screening shall be provided by the business or offending use.

29.3 Screening required shall be in addition to normal landscaping and planting, and consist of a visual obstruction completely containing and screening the activity on the commercial or offending use property, assuming off-leaf conditions.

29.4 Screening may consist of dense evergreen plantings 8 feet or more in height with 100% visual obstruction, wood walls with 100% obstruction, a building wall consisting of esthetically pleasing materials (with no signing) or similar structures. All structural elements shall meet required setbacks.

30. Sanitation Standards.

30.1 Solid Waste. All solid waste shall be disposed of in accordance with the standards of Cass County.

30.2 Domestic Sewage.

30.2.1 All plumbing shall discharge into a municipal sanitary system if available.

30.2.2 All dwellings or structures with plumbing shall be served by an individual or common sewage disposal system meeting the requirements of Minnesota Pollution Control Agency Rules Chapter 7080 through 7083.

30.2.3 All non-conforming systems shall be brought into conformance.

30.2.4 Sewage tanks being abandoned shall be thoroughly pumped and filled with soil.

30.2.5 All owners of individual sewage treatment systems shall have the system inspected once each three (3) years by a certified sewage system inspector.

30.2.5.1 The person inspecting the system shall examine the septic tank and determine the need for pumping in accordance with State Rules Chapter 7080.

30.2.5.2 The person inspecting the system shall provide to the City a statement that the system appears to be in good working order, or specifying any defects discovered and the date such defects were/will be corrected. The form shall also indicate if the septic tank was pumped.

30.2.5.3 The Zoning Administrator shall maintain a file by legal description and shall notify any delinquent property owner when 6 months have elapsed beyond the required three (3) year period.

30.2.6 The Zoning Administrator, or assistant, shall have the authority to verify the inspections and/or conduct inspections on behalf of the City.

30.3 Agriculture or Animal Wastes. Within the shoreland area, 1,000 feet from a lake or 300 feet from a watercourse, no waste products from agriculture or animal husbandry operations shall be deposited by man at any greater rate than the plant and soil system can absorb the nutrients; nor shall any wastes be allowed to accumulate where surface waters flow directly to Public waters or watercourses. No livestock shall be allowed to water directly in a stream or Public water.

30.4 Water Supply.

30.4.1 All potable water systems shall be connected to a municipal water supply, if made available.

30.4.2 All domestic and agricultural wells shall conform to the Minnesota Department of Health Standards for wells.

30.4.3 All water systems shall meet the requirements of the Minnesota Department of Health Standards for water systems.

30.4.4 All wells being abandoned shall be sealed according to Minnesota Department of Health Standards and report to Minnesota Department of Health and the City.

31. Animal Husbandry.

31.1 Pets. Pets shall be properly cared for, shall not be allowed to create problems for neighbors or the City, or become a nuisance, and shall have sanitary standards maintained consistent with Section 30.3.

31.2 Livestock.

31.2.1 Livestock may be raised as provided in Zoning Districts with proper permits provided that the standards of each District are not compromised.

31.2.2 Livestock shall be properly cared for, shall not create problems for neighbors or the City and shall have sanitary standards maintained consistent with Section 30.3.

31.3 Wild Animals.

31.3.1 The keeping of wild animals as pets - including but not limited to primates and large carnivores - is not allowed.

31.3.2 Wildlife rehabilitation uses shall require a Conditional Use Permit and must meet the minimum standards established by the State of Minnesota Department of Natural Resources Rules Chapter 6244.

32. Vegetation Removal. Removal or alteration of vegetation within the shoreland area is allowed, subject to the following standards:

32.1 No vegetation shall be removed along the shoreline, within Shore Impact Zone impact zones, on steep slopes, and within bluff impact zones, except in conjunction with an approved site preparation or land alteration permit to accommodate the placement of stairways, landings, access paths, or authorized shoreland alterations.

32.2 Outside of the Shore Impact Zone impact zone, bluff impact zone and steep slope areas within the shoreland setback, the following is allowed:

32.2.1 Removal of twenty-five percent (25%) of trees prior to development and fifty percent (50%) of underbrush is allowed.

32.2.2 Pruning and limbing of trees is allowed in areas not noted in (A) to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways, landings, or access paths.

32.3 All vegetative alterations are subject to the following conditions:

32.3.1 The cutting is not done in any contiguous strip or row over twelve (12) feet wide from the Ordinary High Water Level to the structure setback;

32.3.2 The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;

32.3.3 Along rivers and streams, existing shading of water surfaces is preserved,

32.3.4 All cutting is done by hand, without the use of heavy machinery, and topsoil is not disturbed; and

32.3.5 A silt fence or other sediment control measures meeting Minnesota Pollution Control Agency standards must be properly installed between the project area and the lake or river before any construction begins and must remain in place until all permanent erosion control measures are in place.

32.4 Diseased or dead trees within the Shore Impact Zone impact zone that pose a hazard may be removed provided the following:

32.4.1 The property owner documents that the trees are diseased and/or dead and provide said documentation to the City,

32.4.2 The removed tree is properly disposed of,

32.4.3 Within 180 days, the tree is replaced with a native tree species, which is maintained to maturity.

33. Parking. Onsite parking or garage space shall be provided in all Districts, except as specifically exempted. There shall be adequate drive access to prevent the need to back onto collector streets or County Highways. Onsite parking spaces shall not be used for storage.

33.1 Dimensions. Parking sites shall be a minimum of 20 feet long and 10 feet wide.

33.2 Parking Ratios. Adequate parking shall be required, with the following standards to be guidelines subject to site specific review by the Planning Commission:

33.2.1 Dwelling: Two (2) parking spaces for each unit. Garages may be counted.

33.2.2 Multi Family Dwellings: One and three quarters (1 .75) spaces per dwelling unit.

33.2.3 Beauty/Barber Shops. 2 per Chair plus 1 for each 3 employees.

33.2.4 Bed & Breakfast: 1 per Sleeping Room plus 2 for Principal Use.

33.2.5 Senior and/or Physically Handicapped Housing: One (1) space per dwelling unit plus one (1) space for each employee on shift.

33.2.6 Daycare Facilities. 1 per 10 persons plus 2 for Principal Use.

33.2.7 Home Occupation. 1 per employee plus 2 for Principal Use.

33.2.8 Laundromat. 1 for each 300 square feet of floor area.

33.2.9 Nursing Homes: One (1) space for every three (3) beds plus one (1) space for each two (2) employees.

33.2.10 Places of worship or other places of public assembly: one (1) parking space for each three (3) seats.

33.2.11 Other Uses Not Described: As determined by the Planning & Zoning Commission and City Council.

33.3 Onsite Parking. Onsite parking shall not be closer than 10 feet from a lot line.

33.4 Parking Surfaces. All parking areas shall be adequately drained to a pervious surface designed to allow entrapment of silts and nutrients prior to discharge to a Public water.

33.5 Landscaping. More than five (5) parking stalls contiguously located and any commercial parking adjacent to residential shall be landscaped according to a plan approved by the Zoning Administrator with review by the Planning Commission.

33.6 Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as to not interfere with residential use. Lighting will be designed to eliminate glare from adjacent roadways to ensure safe vehicular traffic.

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

34. Loading and Unloading Requirements. There shall be adequate loading and unloading areas established for each property based on the use. It shall be the property owner's responsibility to ensure that their loading and unloading operations do not interfere with the flow of traffic, create a nuisance or pose a safety hazard. Operations are subject to review by the Planning Commission.

35. Drainage.

35.1 General.

35.1.1 When available, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to Public waters.

35.1.2 Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities and methods used to retain sediment on the site.

35.1.3 When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, rain gardens and ponds must be used. Preference must be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and man-made materials and facilities.

35.2 Natural Drainage. All development shall provide for the continuance of natural drainageways, and structures shall be so constructed as to be 1 foot above the water level in the drainageway created by a storm of a 100-year return period or a 1% chance of occurrence.

35.3 Drainage Storage Areas. The use of natural or manmade stormwater storage areas is encouraged. These areas should be vegetated and designed to naturally lower after a storm.

35.4 Filling. No filling of areas inundated by the 100-year, 24-hour storm along drainageways shall be allowed, except by Conditional Use Permit.

35.5 Impervious Areas. All parking areas, heavy soil areas, storage areas and impervious areas shall be designed to allow entrapment of silts and nutrients prior to discharge to a natural drainage way or Public water.

35.6 Public Waters. Newly constructed stormwater outfalls to Public waters must provide for filtering or settling of suspended solids and skimming or surface debris before discharge.

35.7 Erosion. Erosion control measures shall be provided in all areas disturbed during any grading or construction. All areas disturbed shall be covered with top soils and seeded. Areas subject to concentrated runoff or steeper than 3:1 shall be sodded, planted with appropriate deep-rooted vegetation, or protected with an appropriate mulch cover as directed by the City Engineer.

36. Grading.

36.1 General. The following activities require prior authorization by permit, except for excavation for permitted structure, drives, sewer systems and parking areas:

36.1.1 Grading and filling in the shore or bluff impact zone,

36.1.2 Grading and filling of wetlands,

36.1.3 Grading in the bed of Public waters,

36.1.4 Any alterations of the natural topography when the slope of the land is toward a Public water or watercourse:

36.1.4.1.0 Shore Impact Zone (SIZ 1) – (cumulative from natural state):

- a. Less than 10 cubic yards require a permit, excluding annual ice ridge removal, meeting all standards of Section 36.6
- b. More than 10 cubic yards, less than 50 cubic yards, require a Conditional Use Permit
- c. Greater than 50 cubic yards excluded

36.1.4.1.1 Shore Impact Zone Two (SIZ 2)

- a. Less than 50 cubic yards require a permit
- b. More than 50 cubic yards require a Conditional Use Permit

36.1.4.1.2 Outside Lake Setback

- a. Less than 100 cubic yards is allowed without a permit
- b. 100 cubic yards or more requires a permit

36.1.5 Any alteration outside of the shoreland area where the amount of grading exceeds 500 cubic yards.

36.1.6 Beach sand blankets are not feasible or allowable on every lot. This includes, but is not limited to, properties with wetlands, bluffs, steep slopes greater than 24%, and seepage areas.

- 36.1.7 Beach sand blankets on residential lots above the OHWL shall not exceed 20 feet in width parallel to the shoreline. The beach sand blanket shall not exceed 20 cubic yards of sand within the 20-foot area and requires a permit.
- 36.1.8 Only one addition of not more than 10 cubic yards of sand may be placed on existing beach areas on residential lots with a permit for perpetuity, regardless of ownership.
- 36.1.9 Beach sand blankets on Waterfront Commercial properties shall not exceed 50 feet in width and 50 cubic yards of volume.
- 36.1.10 Berms of not less than 12 inches above grade level or diversions not less than 12 inches below grade level shall be placed landward of all beach sand blankets to prevent erosion from upland runoff.
- 36.1.11 All activity below the OHWL requires applicable Minnesota DNR and any additional state, federal agency approval and permits.

36.2 Conditions. The following conditions shall apply:

- 36.2.1 The smallest amount of bare ground is exposed for as short a time as feasible.
- 36.2.2 Four inches of topsoil is placed, temporary ground cover such as mulch is used and permanent ground cover such as sod is planted.
- 36.2.3 Methods to prevent erosion and trap sediment are employed.
- 36.2.4 Fill is stabilized to acceptable engineering standards and must not create an unstable slope.
- 36.2.5 Plans to place fill or excavated material on steep slopes must be reviewed by a qualified professional for continued slope stability and must not create finished slopes of 30% or greater.
- 36.2.6 Fill or excavated material must not be placed in bluff impact zones.
- 36.2.7 Fill placed in Public water below the ordinary high water line requires a Department of Natural Resources Waters Permit and a Corps of Engineers Permit.
- 36.2.8 Excavation in the bed of Public waters requires a Department of Natural Resources Waters Permit and a Corps of Engineers Permit.
- 36.2.9 Only clean fill consisting of sand, gravel or rock will be allowed where contact with water is anticipated. Mineral soil may be allowed elsewhere.
- 36.2.10 Alterations to topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.

36.3 Wetlands. Grading or filling in any protected wetland is prohibited unless authorized by Federal, State, County and Local permitting agencies.

36.4 Public Waters. Connections to Public waters of boat slips, canals, lagoons, harbors and similar inland excavations are prohibited.

36.5 Roads, Driveways, and Parking Areas. Public and private roads, driveways and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from Public waters.

36.5.1 Roads, driveways and parking areas shall meet structure setbacks and shall not be placed within bluff and Shore Impact Zone impact zone, unless other reasonable and feasible placement alternatives do not exist. If no alternatives exist, they may be placed within these areas, and shall be designed to minimize adverse impacts and require a permit.

36.5.2 Private watercraft access ramps, approach roads and access-related parking areas are prohibited on lakes or chain of lakes with public access or more than one (1) privately-owned but public access. On lakes with no public access, private watercraft access ramps, approach roads and access-related parking areas may be placed by permit within Shore Impact Zone impact zones provided the vegetative screening and erosion control conditions of this subpart are met. Private watercraft ramps may not be placed in bluffs.

36.6 Ice Ridges. If ice ridges occur annually, the property owner may restore the shoreline every year with a permit, meeting all performance standards as outlined below, and not exceeding 10 cubic yards of removed material. Removal or grading of an ice ridge must not disturb emergent aquatic vegetation, unless authorized by an aquatic plant management permit from the Department of Natural Resources Division of Fisheries. Grading protected wetlands is prohibited unless authorized by Federal, State, County, and Local permitting agencies. Restoration shall be permitted only where:

36.6.1 The ice ridge resulted from ice action within the last year.

36.6.2 The total length of shoreline zone to be affected does not exceed 50 feet.

36.6.3 All ice ridge material that is composed of muck, clay, or organic sediment is deposited and stabilized at an upland site above the ordinary high water level of any Public water.

36.6.4 All ice ridge material that is composed of sand or gravel is removed or graded to conform to the original cross-section and alignment of the lakebed, with a finished surface at or below the ordinary high water level.

36.6.5 No additional excavation or placement of fill material occurs on the site.

36.6.6 All exposed areas are immediately stabilized as needed to prevent erosion and sedimentation.

36.7 Riprap. The City of Lake Shore considers the use of rip rap only as a last resort to control shoreline erosion. The DNR area hydrologist should be consulted to determine whether a need to riprap exists. Methods other than riprap should be used, including the planting of native, deep-rooted vegetation. If riprap has been found to be the only tool available, a permit is required from the city. Riprap installation shall have the following standards:

36.7.1 Gradation. A well-graded mixture of natural rock sized between 6 and 30 inches shall be used instead of one (1) uniform size.

36.7.2 Quality of stone. Rip rap must be durable so that freeze/thaw cycles do not decompose it in a short time; most igneous stones such as granite have suitable durability.

36.7.3 Rip rap depth. The thickness of riprap layers should be at least 2 times the maximum stone diameter.

36.7.4 Filter. A filter of crushed rock, gravel or fabric filter shall be placed under the rock

36.7.5 Coverage. Riprap coverage shall be no more than 6 feet waterward of the Ordinary High Water Level and no more than 200 feet of shoreline along lakes and wetlands or along shorelines of streams.

36.7.6 Slope. Riprap finished slope shall be no steeper than 3:1 (horizontal to vertical).

36.7.7 Alignment. Riprap alignment shall conform to the natural alignment of the shoreland shall not obstruct navigation or the flow of water.

36.7.8 Curves. Rip rap shall extend to five (5) times the bottom width upstream and downstream of the beginning and ending of the curve as well as the entire curved section.

36.7.9 Prohibited Areas. Riprap shall not be used in a posted fish spawning area or a designated trout stream.

36.7.10 Vegetation.

36.7.10.1 Existing vegetation on the shoreline and in the water shall be maintained without disturbance. Riprap shall not cover emergent vegetation unless authorized by the DNR's Division of Fisheries.

36.7.10.2 All bare soil on the slope above the riprap shall be stabilized with seed and mulch, or sod.

36.7.10.3 Wooded, deep-rooted vegetation shall be planted among the riprap to help stabilize and create wildlife habitat.

36.7.11 Maintenance. It shall be the property owner's responsibility to perform maintenance on installed riprap. Inspections shall be made of all sites immediately after the first rainfall following installation of rip rap. This is particularly important in areas where riprap that is displaced during the storm would impact culverts. Thereafter, rip rapped sites should be checked following large storms, especially those which are near or exceed the storm frequency used in the design. Displaced rip rap shall be removed from its downstream location and new riprap placed according to the specifications above.

37. Camping.

37.1 General.

37.1.1 All recreational vehicles must be designed to operate on state roads without a special permit and must have a current license.

- 37.1.2 No camping unit may be permanently placed or skirted.
- 37.1.3 All camping units must be able to be moved readily.
- 37.1.4 Camping units must meet dwelling setback requirements.
- 37.1.5 Prior to placing a camping unit, the occupant must have the permission of the property owner. The permission must be written when the property owner is not available on-site.

37.2 Properties with Principal Structures.

- 37.2.1 There shall be a maximum of two (2) units allowed at any one time.
- 37.2.2 No individual camping unit may be occupied for use longer than 14 days within any 60 days.
- 37.2.3 One (1) camping unit may be allowed in outside storage. That unit may be stored year-round.

37.3 Properties without Principal Structures.

- 37.3.1 There shall be a maximum of one (1) unit allowed at any one time.
- 37.3.2 Each individual camping unit is allowed to be occupied for 4 months in any one calendar year with a permit.
- 37.3.3 The maximum time an individual unit can be established is nine (9) months in any one calendar year.
- 37.3.4 One (1) permit per parcel per calendar year is allowed.
- 37.3.5 An adequate compliant sewage treatment system shall be provided.

37.4 Properties Where a Principal Structure is being Constructed.

- 37.4.1 Camping units are allowed in conjunction with a land use permit for construction of a principal structure.
- 37.4.2 Camping units are allowed up to 12 months during construction, with extension for an additional 12 months in conjunction with extension of a zoning permit.

SPECIAL PROVISIONS

38. Shoreland Conservation Subdivision.

38.1 General Requirements. A Conservation Subdivision requires the assistance of professional planning and may involve the approval of multiple agencies or other governmental bodies. Where circumstances are favorable, Conservation Subdivisions provide more latitude in land use than normal development to allow for planning, clustering facilities, consolidating green spaces and internal recreation amenities. While densities higher than normal are sometimes allowed, they must be justified

by the preservation and consolidation of green space, increased screening and landscaping, increased recreational amenities and other significant improvements and design features beneficial to the property owners, neighbors and the general public.

38.2 Submittals. Submittal for a Conservation Subdivision shall contain the Preliminary Plat submittal items, along with the following:

38.2.1 Documents that explain how the project is designed and will function. These shall include all covenants, operating rules and procedures of any property owners association, all easements associated with the development and a concept statement describing the project.

38.2.2 For proposals containing conservation easements, a statement of preliminary acceptance from a qualified holder as defined in Minnesota Statutes, section 84C.01-02.

38.2.3 Any other reasonable information required by the Commission needed to make a proper evaluation of the proposal.

38.3 Density Evaluation. Proposed new or expansions to existing developments must be evaluated using the following procedures and standards:

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

Shoreland Tier Dimensions (feet)

General development lakes - first tier	200
General development lakes - second tier	267
Recreational development lakes - first tier	267
Recreational development lakes –second tier	267
GD and RD lakes - third tier	All remaining lot area
Natural environment lakes - all tiers	400
Sensitive Area Districts (lake) - all tiers	400
Special protection lakes - all tiers	400
All river classes	400

38.3.2 The suitable area within each tier is next calculated. This area is then subjected to the development density evaluation steps to arrive at an allowable number of dwelling units/sites. In areas with overlapping tiers due to close proximity of Public waters to each other, topographic divides shall be used to determine which shoreland standard would apply, and in those areas where the topographic divide cannot be determined, the more restrictive rules for the area shall be used.

38.3.3 The suitable area within each tier is divided by the single residential lot size for the zone. This calculation determines the base number of dwelling units or sites authorized for each tier.

38.3.4 The City may allow some dwelling unit or site density increases for Conservation Subdivisions.

38.3.4.1 When density increases are allowed, they shall be allowed as increases from the base density only in conformance with the following table. Qualifying

percentage points shall be added within each tier and their summation shall be applied to the base density.

Criteria	Density Increase, Tier 1	Density Increase, Tier 2	Density Increase, Tier 3 and Beyond
Dwelling setback from lake increased 50% over minimum	5%	N/A	N/A
Dwelling setback from lake increased 100% over minimum	10%	N/A	N/A
Common Open Space increased to 60%	0%	0%	0%
Maintain predevelopment peak runoff rate for the 50-year, 24-hour storm event	0%	0%	0%
Maintain predevelopment peak runoff rate for the 100-year, 24-hour storm event	0%	0%	0%

38.3.4.2 Increases in unit or site densities shall not exceed the following maximums:

Tier	Maximum Density Increase
First	10%
Second and each subsequent tier	10%

38.3.5 Allowable densities may be transferred from any tier to any other tier further from the shoreland water body or watercourse, but must not be transferred to any other tier closer. Structures that straddle tiers shall be rated as part of the tier closer to the ordinary high water level.

38.4 Design Criteria. Conservation Subdivisions shall conform to all of the following criteria:

38.4.1 All new developments must contain at least three (3) contiguous acres of suitable area with a lot width of 400 feet.

38.4.2 Developments shall contain common open space meeting all of the following criteria:

38.4.2.1 At least 50 percent of the total project area must be permanently preserved as common open space.

38.4.2.2 Common open space must:

38.4.2.2.1 Include areas with physical characteristics unsuitable for development in their natural state.

38.4.2.2.2 Include areas containing significant historic sites or unplatted cemeteries.

38.4.2.2.3 Contain at least 75 percent upland area.

38.4.2.2.4 Contain at least 33 percent in a contiguous area.

38.4.2.2.5 Not include the land area of all dwelling units/sites and accessory structures, the space between buildings in a cluster, an area of 25 feet around each structure, all road rights-of-way, and all land covered by impervious surfaces, road surfaces, parking areas, or structures.

38.4.2.3 Common space may include:

38.4.2.3.1 Subsurface sewage treatment systems, if the use of the space is restricted to avoid adverse impacts on the systems.

38.4.2.3.2 Outdoor recreational facilities for use by owners of the dwelling units/sites, or the public.

38.4.2.4 A shoreland vegetation buffer shall be maintained within the common open space. The vegetation buffer shall include all areas within the Shore Impact Zone impact zone excluding a recreation area no larger than 20 feet in width along the shoreline for each 100 feet of shoreline, the depth of the Shore Impact Zone impact zone. The shoreland vegetation buffer shall include consist of trees, shrubs, and low ground cover of native plants and understory in a natural state.

38.4.2.5 The appearance of common open space areas, including topography, vegetation, and allowable uses, shall be preserved by use of permanent easements, public dedication and acceptance, or other equally effective and permanent means. For permanent easements, a willing party for receiving easements must be declared; otherwise a party may be assigned pursuant to Minnesota Statutes 375.18, Subp. 12, or amendments thereto.

38.4.2.6 Residential lots shall be grouped and not assembled in a linear configuration. A linear configuration refers to a site design for the residential portion of a development which may be described as long and narrow. Exceptions shall be granted at the discretion of the Planning Commission where unusual site conditions, such as wetlands or steep slopes, warrant a linear configuration. The reason for minimizing linear configurations is to retain the natural, rural character of the site, particularly as viewed from public roadways.

38.4.3 Minimum Lot Size. None, subject to compliance with applicable standards for sewage disposal and provision of water.

38.4.4 Setbacks from the exterior boundary of the site shall be the same as required in the underlying district. Side setback requirements may be waived to allow flexibility in site design. However;

38.4.4.1 Individual buildings shall be separated by a minimum of ten (10) feet.

38.4.4.2 The Planning Commission may establish setbacks, as necessary to buffer agricultural, forestry and water-use activities from residential uses.

38.4.5 Maximum Coverage by structures. Same as underlying district as applied to the entire parcel prior to subdivision, provided that the following conditions are met:

38.4.5.1 The applicant has submitted a stormwater retention plan showing the containment of the volume of water resulting from a 10-year, 24-hour storm event on the parcel. This stormwater plan must be completed to the satisfaction of the City of Lake Shore.

38.4.5.2 Direct runoff of stormwater to adjacent properties and wetlands shall be eliminated through the use of berms, infiltration ponds, swales, filtration strips, or other acceptable permanent means.

38.4.6 Roadway improvements shall be provided flexibility to allow for narrower rights-of-way than conventional subdivisions, single-loading streets, looped roadways versus cul-de-sacs, maximum road setbacks for house-fronts, and preservation of trees, unique resources, and scenic vistas. All building sites must be accessible by emergency vehicles.

38.4.7 Sanitary sewage collection and treatment systems shall meet the standards of Section 54.

38.4.8 Water supply systems shall meet the standards of Section 55.

38.4.9 Dwelling units/sites must be clustered into one (1) or more groups and located on suitable areas of the development.

38.4.10 Single-owner riparian lots are prohibited.

38.4.11 Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps must be clustered or grouped in suitable areas.

38.4.11.1 Evaluation of suitability must include consideration of:

38.4.11.1.1 Land slope,

38.4.11.1.2 Water depth,

38.4.11.1.3 Aquatic and shoreland vegetation,

38.4.11.1.4 Soils,

38.4.11.1.5 Depth to groundwater and bedrock,

38.4.11.1.6 Any or other relevant factors.

38.4.11.2 Boating facilities shall be located adjacent to the deepest water available. The number of spaces provided for continuous mooring, or docking of watercraft shall not exceed one (1) for each allowable dwelling unit or site in the first tier.

38.4.11.3 Individual docks shall not be allowed.

38.4.11.4 If the waterbody does not have a public access, a boat launching facility, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units/sites located in other tiers, and their watercraft shall be stored outside the Shore Impact Zone impact zone such that they are not visible from the Public water.

38.4.12 Structures, parking areas, and other facilities must meet or exceed structure setbacks and must be treated to reduce visibility as viewed from Public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the Planning Commission, assuming summer, leaf-on conditions.

38.4.12 Drainage and grading standards shall meet those of Section 56.

39. Administration and Maintenance.

39.1 Deed restrictions, permanent conservation easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure perpetual preservation and maintenance of common open space. For areas greater or equal to 10 acres, easements shall be held by a qualified unit of government, conservation organization, land trust or similar organization authorized to hold interest in real property pursuant to Minnesota Statutes, section 84C.01-05, as amended thereto. The instruments of the easement must include all of the following protections:

39.1.1 Vegetation and topographic alterations, other than to prevent personal injury or property damage and for restoration efforts based on an approved shoreland vegetation buffer plan, shall be prohibited;

39.1.2 Construction of additional buildings, impervious surfaces, or storage of vehicles and other materials shall be prohibited;

39.1.3 Beaching of motorized watercraft shall be prohibited; and

39.1.4 Dumping, storage, processing, burning, burying or landfill of solid or other wastes shall be prohibited.

39.1.5 Prohibition on amendment without the consent of the Planning Commission.

39.2 Establishment of an association is mandatory and shall meet the following standards:

39.2.1 The association shall consist of all benefited lot owners.

39.2.2 The association shall be responsible for all costs of maintenance and replacement of the facilities.

39.2.3 The costs shall be uniformly divided by lots served.

39.2.4 The costs shall be lienable against the lots by the association if payment is not forthcoming.

39.2.5 The association documents shall include provisions for an annual independent audit of the association.

39.2.6 Provisions shall be made for emergency access or emergency maintenance by the City with subsequent reimbursement by the association.

39.2.7 The association shall be responsible for enforcing covenants, deed restrictions, and easements.

39.2.8 The association must have a land stewardship plan for common open space areas greater or equal to 10 acres. The plan shall address the long-term management of these open space lands.

40. Shoreland Resort Development.

40.1 General Standards.

40.1.1 Resorts must maintain current Minnesota Department of Health licensure.

40.1.2 Resorts shall be located in the Commercial Waterfront zone.

40.1.3 Shoreline recreation facilities, including but not limited to swimming areas, docks and watercraft mooring areas, and launching ramps shall be clustered or grouped in suitable areas. Evaluation of suitability must include consideration of land slope, water depth, aquatic and shoreland vegetation, soils, depth to groundwater and bedrock, or other relevant factors. Boating facilities shall be located adjacent to the deepest water available and avoid or minimize impacts to aquatic vegetation. Continuous docking space shall only be used by transient, short-term lodgers at the resort. The resort licensee may also have one (1) dock for personal use. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by lodgers or the public not lodged. Non-lodger vehicles shall be parked so they are screened by vegetation or topography as much as practical from view from the Public water. All shoreline facilities must also comply with Department of Natural Resources rules 6115.0210.

40.1.4 Buildings or uses such as community rooms without water-oriented needs shall be located on lots or parcels without Public waters frontage, or, if located on lots of parcels with Public waters frontage, shall either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

40.1.5 A maximum of four (4) single-family residential units shall be permitted on resorts only for the use by owners, managers, or employees thereof and shall count in the density calculation.

40.1.6 Sewage Treatment Systems. Prior to any permit being issued on a resort parcel for a new structure or an addition to a structure, the ISTS serving that structure will either need a compliance inspection conducted by a Minnesota Pollution Control Agency inspector holding a Designer I or Inspector certification, or a current operating permit as described in the City Ordinance.

40.1.7 Structure setbacks and maximum height must meet the standards in the Lake Shore Zoning Ordinance.

40.2 Density and Building Footprint Evaluation for Resorts.

40.2.1 Tier Calculation--The resort parcel shall be divided into tiers by locating one (1) or more lines parallel to a line that identifies the ordinary high water level at intervals proceeding landward as specified in the following table:

Shoreland Tier Dimensions:

General Development Lakes -	First tier 200 feet
General Development Lakes	Second tier = all remaining area
Recreational Development Lakes -	First tier 267 feet
Recreational Development Lakes	Second tier = all remaining area
Natural Environment Lakes -	All tiers 400 feet
All River classes	All tiers 300 feet

40.2.2 Suitable Area--The suitable area within each tier is calculated by excluding from the tier area all wetlands, bluffs, public road rights-of-way, easements, or land below the ordinary high water level of Public waters.

40.2.3 The procedure for determining the "base" density of a resort is as follows:

40.2.3.1 The suitable area within each tier is multiplied by the resort density building footprint factor in the chart below to yield a maximum building footprint in square feet.

40.2.3.2 For the purposes of this section:

40.2.3.2.1 The building footprint shall include all buildings

40.2.3.2.2 Resort cabins shall be minimally assessed 600 square feet.

40.2.3.2.3 Recreational campgrounds shall be minimally assessed 2000 square feet.

Resort Density Building Footprint Factor

First tier on General Development Lakes	Second and additional tiers on General Development Lakes	First tier on Recreational Development Lakes	Second and Additional tiers on Recreational Development Lakes	All tiers on Natural Environment Lakes
0.125	0.75	0.09	0.075	0.038

40.2.4 The impervious surface coverage shall not exceed 25 percent within the total project area and in any tier, except for general development lakes the second and third tiers impervious surface coverage shall not exceed 35 percent provided that the total project area impervious surface coverage shall not exceed 25 percent.

40.3 Density and Building Footprint Evaluation for resort property extending into the non-shoreland zone.

40.3.1 In non-shoreland areas, the suitable area is calculated by excluding all wetlands, bluffs, public road rights-of-way, and easements.

40.3.2 The suitable area is then multiplied by .075 to yield a maximum building footprint in square feet.

40.3.3 The density and building footprint evaluation for Recreational camping areas in the non-shoreland zone shall be as specified in Section 40.2

40.4 Determine whether the project is eligible for higher densities. For general and recreational development lakes, higher densities shall be set based on exceeding design criteria in Section 38 Shoreland Conservation Subdivision standards with the following exceptions:

40.4.1 Shoreline recreation facilities follow standards in Section 40. (Shoreline Resort Development).

40.4.2 Common open space may include accessory structures and commercial facilities.

40.4.3 The Planning Commission will decide how much, if any, increase in density to allow for each tier, but must not exceed those permitted using the following table:

Public waters classes

General development lakes - All tiers	0.125
Recreational development lakes - First tier	0.075
Recreational development lakes - Second tier	0.100

40.4.4 Maximum density increases may only be allowed if 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 water body is reduced an equivalent amount through vegetative management, topography or other means acceptable to the Planning Commission and the setback is at least 25 percent greater than the minimum setback. Density increases for resort property extending into the non-shoreland zone are prohibited.

40.5 Allowable densities may be transferred from any tier to any other tier further from the shoreline of the lake or river, but must not be transferred to any other tier closer to the shoreline.

40.6 Existing Resorts.

40.6.1 All alterations or expansions to existing resorts shall require a permit. Expansion shall include adding more bedrooms to the current structure or, adding additional dwelling units. An expansion is not considered to be a deck, porch or patio addition.

40.6.2 Replacement of Existing Structures.

40.6.2.1 Existing structures may be replaced no closer to any setbacks than the existing structure without a Variance as long as there is no increase in building footprint.

40.6.2.2 All existing structures on existing resorts may be replaced without regard to available density as long as there is no increase in building footprint.

40.6.2.3 Alterations or expansions to minimally meet with federal, state, or local dwelling requirements are allowed under this section. To "minimally meet" the standards or codes means that the replacement structure does not add new architectural elements, such as more bedrooms, that did not exist in the original structure. Structural expansion under this subdivision must not result in the structure being any larger than required to meet standards or codes or the structure or any portion thereof being any closer to the shoreline than prior to the expansion.

40.6.2.4 Structures damaged or lost due to fire or natural disaster may be replaced on the same footprint provided an application for a building permit is made within 180 days of the damage or loss.

40.6.3 Expansions of resorts may be permitted provided that:

40.6.3.1 Is allowable density as calculated in Section 40.2.3 and 40.4

40.6.3.2 Resort cabins are a minimum of 600 square feet in size.

40.6.3.3 Expansions shall be designed and managed such that there are no garages or storage structures associated with dwelling units/sites and other amenities that would encourage long-term residential use.

40.6.3.4 On-site water supply and sewage treatment systems shall be designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

40.6.3.5 The impervious surface coverage shall not exceed 25 percent within the total project area and in any tier, except for general development lakes the second and third tiers impervious surface coverage shall not exceed 35 percent provided that the total project area impervious surface coverage shall not exceed 25 percent.

40.6.3.6 For expansions to existing resorts that will result in less than 20 total dwelling units and less than 15 percent impervious surface coverage in the first tier, the expansion shall meet the following standards:

40.6.3.6.1 Stormwater runoff from the expansion structures and associated impervious surfaces created shall be specifically mitigated using best management practices that may include filter strips, infiltration basins rain

gardens and other conservation designs. Best management practices (BMPs) must be designed and installed in accordance with the latest Minnesota Pollution Control Agency stormwater best management practices manuals.

40.6.3.7 For expansion to existing resorts that will result in less than 20 total dwelling units and more than 15 percent impervious surface coverage in the first tier, a stormwater plan shall be provided. Stormwater runoff from the expansion structures and associated impervious surfaces created shall be specifically mitigated using best management practices that may include filter strips, infiltration basins, rain gardens and other conservation designs. The expansion shall meet the following standards:

40.6.3.7.1 For post construction stormwater management, when possible, existing natural drainage ways, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to Public waters. 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, vegetated filter strips, bio-retention areas, rainwater gardens, enhanced swales, off-line retention areas, and natural depressions for infiltration rather than buried pipes and human-made materials and facilities.

40.6.3.7.2 Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Erosion prevention and sediment control practices must be used to retain sediment onsite. Disturbed soil areas must be stabilized and protected as soon as possible. The maximum time the soil in a project area can remain exposed when the area is not actively being worked is 3 days. Temporary or permanent cover for the exposed areas is required at that time but should be installed sooner if possible. All deltas and sediment deposited in surface waters, including drainage ways, catch basins, and other drainage systems must be removed within 3 days unless precluded by legal, regulatory, or physical access restraints. The areas where sediment removal results in exposed soil must be stabilized within 3 days after completing the removal.

40.6.3.7.3 To the maximum extent possible, land-disturbing activities must not occur within the Shore Impact Zone impact zone. Plans shall conform to the Provisions of the latest Minnesota Pollution Control Agency General Stormwater Permit for Construction Activity, and the specific best management practices (BMPs) must be the best management practices designed and installed to meet those standards. Additional information and guidance on the design of these BMPs can be found in the Minnesota Pollution Control Agency's stormwater BMPs manuals. Preference must be given to permanent stormwater management designs that include porous pavement, filter strips, enhanced swales, infiltration basins, disconnected impervious areas, rain gardens and other conservation designs.

40.6.3.7.4 Construction or reconstruction activity that results in the disturbance of 10,000 square feet or more on general development lakes, recreational development lakes and all river classes and 5,000 square feet on natural environment lakes, special protection lakes, and sensitive area districts must meet the Minnesota Pollution Control

Agency General Stormwater Permit for Construction Activity requirements for Erosion Prevention and Sediment Control. These requirements must be incorporated into the project plans and specifications. Construction activity that results in the disturbance of one or more acres will require a stormwater permit from the Minnesota Pollution Control Agency.

40.6.3.7.5 A commercial property, for development on a residential lot where the maximum land surface to be covered by structures exceeds 5,000 square feet, or where construction or reconstruction activity results in the disturbance of one or more acres, certified personnel in erosion and sediment control shall be responsible for best management practice design, installation, inspection, and management to meet the Minnesota Pollution Control Agency General Stormwater Permit requirements. The stormwater pollution prevention plan developed for the project shall incorporate all appropriate provisions of the permit requirements, including both pre and post construction activity. Permanent storm water management requirements must be met for all impervious surfaces located on the project. This means that a volume of water equal to ½ or one (1) inch, depending on the location, multiplied by the area of impervious surfaces on the project must be treated by one (1) or more of the options outlined in the permit standards. For those areas of a project where there is no feasible way to meet the treatment requirements of the permit standards, other treatment, such as grassed swales, grit chambers, vegetated filter strips, bioretention areas, rainwater gardens, enhanced swales, off-line retention areas, and natural depressions for infiltration, is required prior to discharge to surface waters. Construction activity that results in the disturbance of one or more acres will require a stormwater permit from the Minnesota Pollution Control Agency.

40.6.3.8 For resorts with less than 50 percent of its shoreline in its natural state, no more vegetation from the shoreline shall be removed.

40.6.3.9 For expansions to existing resorts that result in more than 20 total dwelling units, the expansion shall meet the standards for Section 40.7.3.11 . (New Resorts).

40.6.3.10 All other provisions of this Ordinance are met.

40.7 New Resorts

40.7.1 New resorts are allowed in the Commercial Waterfront district and shall require a Conditional Use Permit.

40.7.2 Parcels proposed for new resorts that are not classified Commercial Waterfront properties must first be reclassified as specified in the Lake Shore Zoning Ordinance.

Submittal requirements. Developers are strongly encouraged to hold discussions with the Planning Commission or Planning staff prior to addressing these information requirements, so that they have an opportunity to understand the review process and community interests. The submittal requirements shall include the following:

40.7.3.1 Topographic contours at two-foot (2) intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics such as bluffs and slopes greater than 25 percent;

40.7.3.2The surface water features required in Minnesota Statutes, section 505.021, subdivision 8, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;

40.7.3.3Adequate soils information to determine suitability for building and 2 standard on-site sewage treatment system capabilities from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;

40.7.3.4 Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths out to 15 feet, type of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;

40.7.3.5 A site plan for the project showing property boundaries, surface water features, existing and proposed structures, building elevation drawings sewage treatment systems, topographic contours at two-foot (2) intervals or less, significant forest communities, specimen trees, unusual geological features, vernal pools, wetlands, swimming beaches, docks and continuous mooring sites and other lake related implements, including rafts and buoys, markers delineating swimming and bathing areas, beaches, and other facilities;

40.7.3.6Documents that explain how the project is designed and will function. These shall include drafts of all covenants, operating rules and procedures of any property owners association, all easements associated with the development, a concept statement describing the project, all structures, and various other drawings or plans as required by the Planning staff.

40.7.3.7A context map showing the natural features on both the proposed development site and on adjacent properties; and

40.7.3.8For conservation easements, a statement of preliminary acceptance from a qualified holder as defined in Minnesota Statutes, section 84C.01-02.

40.7.4Development density evaluation steps in Section 40.2 are followed.

40.7.5Structure setbacks and maximum height must meet the standards contained elsewhere in the Lake shore zoning ordinance.

40.7.6Erosion control and stormwater management for developments must meet the standards contained elsewhere in the Lake Shore Zoning Ordinance.

40.7.7The impervious surface coverage shall not exceed 25 percent within the total project area and in any tier, except for general development lakes the second and third tiers impervious surface coverage shall not exceed 35 percent provided that the total project area impervious surface coverage shall not exceed 25 percent.

40.7.8 Resorts shall be designed and managed such that there are no garages or storage structures associated with dwelling units/sites, limited parking adjacent to dwelling units/sites, and other amenities that would encourage long-term residential use except for units described in 40.1.5.

40.7.9 If required, a marina permit has been obtained as provided under Department of Natural Resources Rules 6115.0211.

40.7.10 Development must meet the design criteria in section 3.8 Shoreland Conservation Subdivision standards with the following exceptions:

40.7.10.1 Shoreline recreation facilities follow standards in Section 40.1.3 (Shoreline Resort Development)

40.7.10.2 Common open space may include accessory structures and commercial facilities.

40.7.10.3 The vegetation buffer shall include all areas within the Shore Impact Zone impact zone excluding a recreation area no larger than 40 feet in width along the shoreline for each 100 feet of shoreline, the depth of the Shore Impact Zone impact zone not to exceed 15,000 square feet in total area.

40.8 Conversions.

40.8.1 Conversions to Planned Unit Developments shall be evaluated using the same procedures and standards in 38 Shoreland Conservation Subdivision standards. All inconsistencies between existing features of the development and these standards shall be identified, corrected or mitigated. For conversions to residential lots, all inconsistencies between existing features of the development and the standards in Section 17 Residential, Medium Density R-2 (Shoreline) must be identified and corrected or mitigated.

40.8.2 Dwelling units or dwelling site densities shall meet the standards in the Shoreland Conservation Subdivision standards for conversion to Planned Unit Developments and the standards in Section 17 Residential, Medium Density R-2 (Shoreline) for conversions to residential lots.

40.8.3 Deficiencies involving water supply and sewage treatment, impervious coverage, common open space, and shore recreation facilities shall be corrected as part of the conversion.

40.8.4 Shore and bluff impact zone deficiencies shall be corrected as part of the conversion. Where applicable, these improvements must include the following:

40.8.4.1 Removal of extraneous buildings, docks, boat launching areas and ramps, or other facilities located in shore or bluff impact zones to comply with all the standards for a new residential or planned unit development including but not limited to setbacks and shoreland alterations and restorations;

40.8.4.2 Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water to meet shoreland vegetation buffer standards in the Lake Shore Zoning Ordinance.

40.8.5 Any existing or new commercial activity such as, but not limited to, food and beverage establishments, marinas, boat sales, and boat repair, shall require Conditional Use Permits and compliance with section 18 (CW). All other inconsistencies with this Ordinance may be required to be brought into compliance by the Planning Commission as conditions of the approval of the Conditional Use Permit.

40.8.6 Change in ownership. A change in ownership of a resort shall not be construed as a conversion to a different use so long as the new owner continues to use the property as a resort.

40.9 Restrictions on Second Party Ownership of or Ownership Interest in Resort Units. A resort having second party ownership of or ownership interest in individual cabins or rental units shall meet the following standards:

40.9.1 Notice shall be recorded in the office of the Cass County Recorder on the parcel on which the resort is located that cabins or rental units may be required to be moved or removed in compliance with 40.8 of this section should the resort cease to be licensed.

40.9.1.1 All cabins or rental units are included in the resort rental business with the exception of up to a maximum of four (4) single family residential units shall be permitted on resorts only for the use by owners, managers, or employees thereof.

40.9.1.2 The holder of the Minnesota Department of Health resort license obtains all required land use permits and complies with all requirements of all Lake Shore Ordinances.

40.10 Maintenance and Administration Requirements. All new resort development, resort expansions and resort conversions if applicable, shall meet all of the following maintenance and administration requirements:

40.10.1 Open space protection: Before final approval, adequate provisions must be developed for preservation and maintenance in of open spaces and for the continued existence and functioning of the Resort. A one-time fee for purposes of monitoring and enforcing terms and conditions of any open space governing instruments may be assessed.

40.10.1.1 Deed restrictions, covenants, permanent easements, public dedication and acceptance or other equally effective and permanent means must be provided to ensure preservation and maintenance of open space. The instruments must include all of the following protections:

40.10.1.1.1 Vegetation and topographic alterations other than to prevent personal injury or property damage and for restoration efforts based on an approved shoreland vegetation buffer plan shall be prohibited;

40.10.1.1.2 Uncontrolled beaching of watercraft shall be prohibited.

40.10.1.1.3 Dumping, storage, processing or landfill of solid or other wastes shall be prohibited.

40.10.2 Development organization and functioning: Unless an equally effective alternative community framework is established, a resort having second party ownership of or

ownership interest in individual cabins shall use an owners association with the following features:

40.10.2.1 Membership shall be mandatory for each dwelling unit or site purchaser and any successive purchasers;

40.10.2.2 Each member shall pay a pro rata share of the association's expenses and unpaid assessments can become liens on units or sites;

40.10.2.3 Assessments shall be adjustable to accommodate changing conditions;

40.10.2.4 The association shall be responsible for insurance, taxes and maintenance of all commonly owned property and facilities.

40.10.2.5 The resort is responsible for the enforcement of all rules, regulation, restrictions, easements etc. and must notify the City of all violations. Any changes to management documents must be filed with the City.

40.10.3 Maintenance of vegetation buffers, screening and vegetation restoration sites:

40.10.3.1 Maintenance shall be performed according to an approved plan.

40.10.3.2 Loss of vegetation as a result of unapproved activities shall be replaced in-kind.

40.10.3.3 Loss of vegetation as a result of natural or catastrophic events shall be replaced so as to restore the "before" conditions within a reasonable period of time, generally assumed to be ten (10) years.

41. Rural Conservation Subdivision.

41.1 General Requirements. The Rural Conservation Subdivision provisions are to provide for residential development in non-shoreland rural areas in a way that is sensitive to the physical characteristics of the landscape; retain large, undivided parcels of land; protect sensitive environmental resources; facilitate creation of open space corridors; and minimize impacts of road and utility systems. Rural Conservation subdivisions must meet the standards of a plat, except as modified in the following.

41.2 Conservation Parcel.

41.2.1 Each Rural Conservation Subdivision development shall contain a contiguous Conservation Parcel comprising a minimum of 50% of the land area to be subdivided.

41.2.2 The Conservation Parcel may be owned by a homeowners association, corporation, partnership, land trust, individual, or other legal entity.

41.2.3 The following uses of the Conservation Parcel are permitted, subject to any land use limitations in the underlying district:

41.2.3.1 Agriculture, as Conditional Use Permit in RR/AG

- 41.2.3.2 Forestry, as Conditional Use Permit
- 41.2.3.3 Animal husbandry, as Conditional Use Permit in RR/AG
- 41.2.3.4 Passive recreation,
- 41.2.3.5 Natural areas including, but not limited to, critical areas and associated buffers, and wildlife corridors.
- 41.2.3.6 Existing single family dwelling with a conservation easement placed over the Open Space Parcel restricting further development.

41.2.4 The Conservation Parcel shall contain any significant resource identified within the property to be subdivided including but not limited to wetlands, historical sites and wildlife corridors.

41.2.5 In order to retain large, undivided parcels of land that provide opportunities to compatible agricultural and forestry uses and protection of sensitive environmental resources, the Conservation Parcel shall, to the greatest extent possible, be a single contiguous parcel and shaped so as to be usable for resource uses. Where the Conservation Parcel is intended for other uses, more flexibility is allowed in the shape of the parcel; however, the Conservation Parcel may not include strips located between dwellings.

41.2.6 Conservation Parcels that are used for agriculture, forestry or sensitive resource protection shall not be bisected by roads or easements.

41.2.7 Where consistent with other provisions of this chapter, the Conservation Parcel shall be contiguous with any abutting Conservation Parcel, open space, greenbelt, agricultural lands, commercial forestry lands, public preserves or parks. Wildlife corridors shall be linked with other wildlife corridors abutting the proposed subdivision.

41.2.8 A Conservation Parcel shall not be further subdivided in the future.

41.3 Design Criteria.

41.3.1 There shall be no minimum lot size, subject to compliance with applicable standards for sewage disposal and provision of water.

41.3.2 The allowable density shall be calculated by dividing the total area to be subdivided by the Rural Conservation divisor for the zone. This calculation determines the total number of dwelling units or lots authorized for the underlying district.

41.3.3 Setbacks from the exterior boundary of the site shall be the same as required in the underlying district. Side setback requirements shall be waived to allow flexibility in site design. However:

41.3.3.1 Individual buildings shall be separated by a minimum of ten (10) feet.

41.3.3.2 The Planning Commission may establish setbacks, as necessary to buffer agricultural, forestry and water-use activities from residential uses.

41.3.4 The configuration and size of lots shall be varied and blend with the natural features of the site in order to retain the natural, rural character of the site, particularly as viewed from public roadways.

41.3.5 Windfarm trees shall be retained where they would screen residences from collector roads, arterials or state highways, unless they would unduly impede site development, be incompatible with the intended use of the Open Space Parcel, or pose a risk to public safety for motorists on those roadways and to private utilities.

41.3.6 Residential lots shall be grouped and not assembled in a linear configuration. A linear configuration refers to a site design for the residential portion of a development which may be described as long and narrow. Exceptions shall be granted at the discretion of the Planning Commission where unusual site conditions, such as wetlands or steep slopes, warrant a linear configuration. The reason for minimizing linear configurations is to retain the natural, rural character of the site, particularly as viewed from public roadways.

41.3.7 A lot created for any existing residence on the property may be discontinuous from the remaining residential lots in the proposed subdivision.

41.4 Administration and Maintenance Requirements. Prior to final approval of an Open Space Cluster subdivision, the City shall require adequate provisions developed for preservation and maintenance in perpetuity of the Open Space Parcel and for the continued existence and functioning of the development as a community.

42. Campgrounds/Campsites.

42.1 General. Campgrounds/RV parks shall be considered a form of planned unit development and administered there under as Conditional Uses in the zone where said use is allowed. The underlying zoning district will determine the number of units allowed.

42.2 Minimum Parcel Size. No campground or recreational vehicle park shall be allowed on a parcel of less than ten (10) acres.

42.3 Dwelling Site Requirements. The dwelling sites must conform to the Minnesota Department of Health Standards and the following:

42.3.1 Campsites or recreational vehicle sites shall have a minimum of 3,000 square feet designated for each family unit, with a minimum of 40 feet, center to center.

42.3.2 A strip of land with a minimum width of forty (40) feet shall be reserved for a service road adjacent to each of the designated sites.

42.3.3 Parking shall be off the road.

42.3.4 Recreational facilities as determined by Planned Unit Development.

42.3.5 A water system capable of providing 100 gallons per site, per day, at 20 psi at the most remote fixture for RV sites, or within 400 feet of each campsite for non RV sites.

42.3.6 Conforming onsite sewage collection and disposal system sized for 100 gallons per

campsite per day.

42.3.7 Solid waste facilities consisting of one (1) 30 gallon can for each four (4) campsites or one (1) dumpster for each 20 sites, constructed to prevent overturning or cover removal by animals, and screened.

42.3.8 Fire pit for each campsite.

42.3.9 Campsites for recreational vehicles shall have sewer connection, water connection and electric connection, or recreational vehicles shall be self-contained and a wastewater disposal station for the first and each 100 such vehicles at least 50 feet from the nearest campsite shall be provided.

42.3.10 Drinking water and restroom facilities with showers shall be provided, all within 400 feet of every site not served with full facilities.

42.3.11 Grass or other complete ground cover shall be maintained except in parking areas and roads.

42.3.12 Evidence shall be provided, prior to final approval, that the licenses and approval process of Minnesota Department of Health has been adhered to.

42.3.13 All sites shall be well drained.

42.3.14 Sufficient storm shelter shall be provided to accommodate all occupants of the campground.

42.4 The submission requirements for a campground shall be the same as Section 40, except as determined not applicable by the Zoning Administrator.

43. Extractive Uses and Restoration.

43.1 All mining shall be permitted only by Conditional Use Permit. Such permit shall include as a condition: a site plan, a completion plan, hours of operation, and a haul route plan with provision for road restoration as provided below.

43.2 All excavation and extraction shall conform to the following:

43.2.1 Distance from property lines. No quarrying operation shall be carried on or any stock pile placed closer than fifty (50) feet from any property line, unless a greater distance is specified by the Conditional Use Permit where such is deemed necessary for the protection of adjacent property, provided that this distance requirement may be reduced to 25 feet only with written consent of the owners of the affected adjacent non-residence property.

43.2.2 Distance from public right-of-way. In the event that the site of the mining or quarrying operation is adjacent to the right-of-way of any public street or road; no part of such operation shall take place closer than fifty (50) feet to the nearest line of such right-of-way.

43.2.3 Fencing. Fencing shall be erected and maintained around the entire site or excavated portions thereof and shall be of a type specified in the Conditional Use Permit

43.2.4 Equipment. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise and vibration. Power drives or power producing machinery, not including vehicles, shall not be housed or operated less than 1,000 feet from a residential use district.

43.2.5 Processing. Crushing, washing and refining or other similar processing may be authorized by the Conditional Use Permit as accessory use; provided, however, that such accessory processing shall not be in conflict with the use regulations of the district in which the operation is located. Processing shall not be permitted in the residential districts. All processing equipment shall be located at least 1,000 feet from any residence, 500 feet from the Ordinary High Water Level of any lake or stream and outside of the wellhead protection area.

43.3 Rehabilitation. To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted an extraction/mining permit as herein provided shall furnish a performance bond running to the City in an amount to be determined by the City Engineer acceptable to the Planning Commission as a guarantee that such applicant, in restoring, reclaiming and rehabilitating such land and haul road shall, within a reasonable time and to the satisfaction of the City meet the following minimum requirements:

43.3.1 Surface rehabilitation. All excavation shall be made either to a water producing depth, with a water depth of not less than five (5) feet or the surface of such area which is not permanently submerged shall be graded or backfilled to contour and shape the peaks and depressions thereof, so as to produce a gently drained surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. Four (4) inches of black topsoil shall be placed on all areas, except beaches, that will remain above water level.

Haul roads will be restored to their condition prior to the beginning of the extraction operation,
43.3.2 Vegetation. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as herein above provided.

43.3.3 Banks of Excavation Not Backfilled. The banks of all excavation not backfilled shall be sloped not steeper than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.

43.4 Application; contents; procedure. An application for such operation shall provide the following information in addition to that required by the Conditional Use Permit process:

43.4.1 Name of the person or corporation conducting the actual removal operation;

43.4.2 Size of the area from which the removal is to be made;

43.4.3 Type of resources or materials to be removed;

43.4.4 Proposed method of removal and whether or not blasting or other use of explosives will be required;

43.4.5 Description of equipment to be used;

43.4.6 Method of rehabilitation and reclamation of the pit area, including timeframe for rehabilitation;

43.4.7 Identification of haul roads.

43.4.8 Hours of operation and expected life of operation.

44. Home Occupation.

44.1 General. Each home occupation in the City shall require a permit. Home occupation permits are not transferable to a new owner/renter/occupant, thus the permit will not run with the property, nor be transferable to a different property.

44.2 Standards.

44.2.1 All business activities, including storage, shall be inside buildings or completely screened from adjacent properties.

44.2.2 All activities shall be clearly incidental to the use of the property for residential purposes. Not more than twenty-five percent (25%) of the gross floor area of the residence or fifty percent (50%) of the gross floor area of a garage or storage building shall be used for commercial purposes.

44.2.3 No home occupation shall be conducted between the hours of 10:00 p.m. and 8:00 a.m. unless said occupation is contained entirely within the principal building and will not require any on-street parking facilities.

44.2.4 Not more than two (2) non-residents may be employed on the premises by the home occupation.

44.2.5 On the premises, retail sales will be allowed only of products manufactured on those premises unless specifically authorized by Conditional Use Permit.

44.2.6 No articles for sale shall be displayed so as to be visible from the street.

44.2.7 All activities will be controlled to prevent nuisance problems of noise, vibration, smoke, dust, fumes or litter.

44.2.8 The home occupation shall not generate more than two (2) customer vehicles at one time. Off-street parking shall be provided, but no more than two (2) spaces.

44.2.9 No mechanical or electrical equipment shall be used if the operation of such equipment interferes unreasonably with the desired quiet residential environment of the neighborhood or if the health and safety of the residents is endangered. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.

44.2.10 A person having a home occupation shall provide proof of meeting the above requirements upon request by the City.

44.3 Yard Sales/Garage Sales. Yard sales and garage sales do not require a home occupation permit so long as they do not exceed seven (7) cumulative days in one (1) calendar year.

44.4 Private Automobile Sales. One (1) automobile displayed for sale on a property shall not require a home occupation permit so long as not more than two (2) automobiles are offered for sale over thirty (30) cumulative days per calendar year.

45. Auto Salvage Yards/Junk Yards. Auto Salvage yards are not a permitted use.

46. Landfills.

46.1 Landfills are not allowed in the City of Lake Shore due to the close proximity to the lakes and streams. Cass County has the responsibility for this service.

46.2 Disposal of trees, stumps, rock, brush and other natural products by burying is allowed on construction sites as determined by the permit.

47. Short-Term Rentals of Property.

47.1 Purpose. The purpose of this section is to allow short-term vacation rentals where appropriate while mitigating impacts upon surrounding properties by implementing balanced regulations to protect the integrity of the area's neighborhood as well as protect the general public health, safety, and welfare.

47.2 Requirements. It is unlawful for any person to use property for a short-term vacation rental unless it complies with all of the provisions of this paragraph and ordinance.

47.2.1 Annual Permit Application. An application for an annual short-term vacation rental permit must be submitted on the form prescribed by the Planning Commission. To be considered complete, the application must contain all the information requested on the application form and all of the following:

47.2.1.1 A site plan, drawn to scale, showing locations and dimensions of property lines, showing parking, driveways, garbage disposal, all structures and outdoor recreational areas that guests will be allowed to use, which shall include, but not be limited to, deck/patio, barbeque grill, recreational fire, pool/hot tub or sauna, and any other information which may be reasonably required by the Planning and Zoning Administrator to evaluate the request;

47.2.1.2 A floor plan of the home, which shall identify those rooms which will be used as guest bedrooms. Dining rooms and kitchens shall not be counted or used as a guest bedroom. In each bedroom and any room used for sleeping, show the dimensions of egress windows on the drawing and the style (double hung, sliding or casement).

47.2.1.3 The owner shall keep on file with the City the name and telephone number of a contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information must be kept current. This information also shall be posted in a conspicuous location within the dwelling unit. The contact person must be available to accept telephone calls on a 24 hour basis at all times that the short-term rental is rented and occupied. The contact person must have a key to the rental unit and be able to respond to the short-term rental within sixty (60) minutes to address issues or must have arranged for another person to address issues within the same timeframe. The requirement for identifying a

contact person applies to each person or entity making arrangements for renting a given short term rental.

47.2.1.4 Certificate of Compliance. A current certificate of compliance shall accompany the application. A certificate of compliance is valid for three years.

47.2.1.5 Water test. A current water test from an accredited laboratory with test results for nitrate-nitrogen and coliform bacteria.

47.2.1.6 Parking. A parking layout must accompany the rental application. At a minimum, at least one parking space shall be provided for each bedroom up to three (3) bedrooms. Properties with four (4) or more bedrooms shall have the number of parking spaces equal the number of bedrooms, minus one space.

47.2.2 Permit Fee. The application for a permit shall not be deemed complete unless it is accompanied by payment in full of the required annual short-term vacation rental permit application fee. The permit application fee amount will be as determined by the City Council in its fee schedule.

47.2.3 Issuance. Short-term vacation rental permits shall be issued administratively by the Planning and Zoning Administrator. The Planning and Zoning Administrator may place conditions on the permit as the Planning and Zoning Administrator determines are reasonable and appropriate. Every short-term vacation rental permit is conditioned on compliance with the standards and requirements of this section, this Ordinance, and all applicable federal, state, and local laws, rules, regulations, and ordinances. Each short-term vacation rental permit shall indicate the number of bedrooms which are on the property, as determined at the time of application. No property may be rented to a number of individuals greater than the structure's bedroom and septic capacity.

47.2.4 Permit Renewal. Annual short-term vacation rental permits expire on December 31 each year regardless of when it was issued in the year. No short-term vacation rental of a property may occur in the subsequent year until a new annual short-term vacation rental permit has been issued for that year.

47.3 General Standards. The following general standards shall apply to all annual short-term vacation rental permits issued under this section. Failure to comply with the general standards in this paragraph, or any other provision in this section, may result in the revocation of the short-term vacation rental permit as provided in this section.

47.3.1 Maximum occupancy will be based on two (2) adult people per bedroom or the number compliant with septic capacity, whichever is smaller.

47.3.2 Properties may not be rented or leased to more than one separate party six times in a 12 month period.

47.3.3 Properties may not be leased or rented to more than one separate party in a seven day period.

47.3.4 Additional occupancy by use of recreational vehicles, tents, accessory structures,

garages, boathouse, pole barn, shed, fish houses or similar structure is not permitted.

47.3.5 The dwelling unit must meet all residential building, health department, and safety codes.

47.3.6 Parking shall not encumber the minimum greenspace requirements for that particular zoning district and no on-street parking is allowed for guests. Parking must be setback a minimum of 5' from a property line.

47.3.7 Non-Transferable. Annual short-term vacation rental permits are non-transferable and any such permit shall automatically terminate upon the sale or other conveyance of the property.

47.3.8 No Vested Right. Annual short-term vacation rental permits issued under this section constitute a revocable, limited right. Nothing herein shall be construed as granting a vested property right in the short-term vacation rental of the property.

47.3.9 Number of Bedrooms. No permittee shall advertise the property as containing any more than the number of bedrooms identified in the short-term vacation rental permit. The number of bedrooms, as indicated on the permit, shall be used for all calculations required herein.

47.3.10 Guest Records. Each permittee shall maintain a transient guest record for the property. At a minimum, such guest record shall include the following information on all guests staying at the property:

- 47.3.10.1** Name;
- 47.3.10.2** Address;
- 47.3.10.3** Phone number;
- 47.3.10.4** Number of guest per stay; and
- 47.3.10.5** Record of sales tax collected.

47.3.11 Quarterly Report. Each permittee shall quarterly provide the city with a written report on a quarterly basis, after the start of each quarter. The report shall include a copy of the guest records for each stay.

47.3.12 Guest Disclosures. Each permittee shall provide a written disclosure to each short term vacation rental guest. Such written disclosure shall include, at a minimum, the following information:

- 47.3.12.1** Name, phone number, and permanent address of the owner; and operating lessee or managing agent/representative;
- 47.3.12.2** The maximum number of guests permitted to stay at the property pursuant to the short-term vacation rental permit;
- 47.3.12.3** The maximum number of vehicles permitted to be parked upon the property, as well as a visual display showing the permitted parking locations on the property;

47.3.12.4 A visual display along with a staked out area showing where the property's septic system is located, if not served by municipal services, to reduce the potential of the system being damaged;

47.3.12.5 Property rules related to use of outdoor features such as decks, patios, grills, recreational fires, pools, hot tubs, saunas, and other recreational facilities;

47.3.12.6 Notice that all city nuisance ordinances will be enforced by the Lake Shore Police Department or the Cass County Sheriff's Department, including reduced noise levels between 10 PM and 7 AM.

47.3.13 Display of Permit. Each permittee shall post or publish their annual short-term vacation rental permit number upon all print, poster, or web advertisements offering the property for short-term vacation rental.

47.3.14 Garbage. All garbage must be kept in suitable containers that are stored out of view of a public street and shall be disposed of at least once a week or as guest depart the property.

47.3.15 Additional Inspections. The City of Lake Shore may conduct ongoing compliance inspections of every short term rental property.

47.3.16 All short-term rentals operating prior to the effective date of these standards, shall be in compliance with this section by February 1, 2019.

47.4 Enforcement and Permit Revocation. In the event of a violation of this ordinance the first substantiated and relevant complaint or violation shall be \$500. The administrative fine for the second shall be \$1000. The administrative fine for the third violation shall be \$1500. In addition, upon a finding that a permittee has violated a provision of this section, this Ordinance, or the City of Lake Shore's Code on three (3) separate occasions within a twelve (12) month period, the Planning Commission may revoke the annual short-term vacation rental permit. Prior to such revocation, city staff shall mail written notice of the permit violations to the permittee. The permittee shall have ten (10) days to request a hearing regarding such revocation before the Planning Commission. Failure to request such a hearing shall constitute waiver of the right to be heard on such revocation. If a timely request for a hearing is received, the Planning Commission shall hold a hearing at a regular meeting, provide the permittee an opportunity to be heard, and shall then act on whether to revoke the annual short-term vacation rental permit. If the Planning Commission does not revoke the permit, it may add conditions to the permit as it determines is appropriate to mitigate further violations.

47.4.1 Effect of Revocation. . Upon revocation of an annual short-term vacation rental permit, the permittee shall be ineligible to apply for a new short-term vacation rental permit for a period of twelve (12) months from the date of revocation. Such prohibition shall apply not only to the property for which the permit was revoked, but also to any other property held or owned by the permittee within the City of Lake Shore.

47.4.2 Violation. Each violation of any term of this section is punishable by an administrative citation and or misdemeanor. Each day that such violation occurs shall constitute a separate offense. Failure to license as a short term rental is considered a violation.

47.4.3 Complaints. All complaints against a short-term vacation rental shall first be directed to the managing agent or a local contact. If the managing agent or the local contact fail to respond to the complaint, then the complaint shall be addressed to either law enforcement or Lake Shore city staff. A complaint shall include the type of violation, along with the date and time it occurred.

47.4.3.1 Any person who makes a false complaint regarding a short-term vacation rental is guilty of a misdemeanor.

SUBDIVISION STANDARDS

48. Sketch Plan. A sketch plan shall contain the following data:

48.1 Existing Conditions.

48.1.1 Approximate exterior boundary drawn to a scale of not less than 1" = 100' with the scale and northerly direction shown thereon.

48.1.2 Indication of floodplains, wetlands, slopes over 12%, bluffs, tree cover and ordinary high water mark.

48.1.3 Use of adjoining properties including street locations, structure locations and property lines.

48.1.4 Significant historical sites.

48.1.5 Approximate locations of existing structures.

48.1.6 Approximate locations of existing wells and sewage treatment systems.

48.1.7 Location by Section, Town, & Range with small-scale sketch showing location within the City.

48.1.8 The existing zoning classification and the zoning classification of adjacent parcels.

48.2 Proposed Design.

48.2.1 Proposed roads and walkways.

48.2.2 Proposed lots with building setbacks and bluff impact zones.

48.2.3 Proposed Green Space.

48.2.4 Proposed City sewer and water system connections or sewage treatment systems and well locations.

49. Preliminary Plat, Preliminary Common Interest Community Plan, or Conversion to a Common Interest Community, Preliminary Condominium Plat or Metes and Bounds Subdivision resulting in at least one (1) parcel less than ten (10) acres. Preliminary Plat, Preliminary Common Interest Community Plan, Preliminary Condominium Plat or Metes and Bounds Subdivision resulting in

at least one (1) parcel less than ten (10) acres shall contain the following data: (except as waived in advance by the Planning Commission); along with other reasonable information required by the Planning Commission needed to make a proper evaluation of the proposal:

49.1 Existing Conditions.

49.1.1 Boundary lines with lengths and bearings drawn to exact scale of no less than 1" = 100' taken from a boundary survey by a Registered Land Surveyor with the legal description of the property, total acreage, name of the fee owner, developer and surveyor. North arrow and scale.

49.1.2 Topography consisting of 2-foot contour intervals, or, at the discretion of the Planning Commission during the sketch plan review, 10-foot contour intervals taken from USGS mapping with additional field determined spot elevations added to define drainageways, 100 year floodplains, wetlands, steep slopes, bluffs and the Ordinary High Water Mark. Near shore aquatic conditions, including depths, types of bottom, sediments and aquatic vegetation.

49.1.3 Tree cover limits, specimen tree locations.

49.1.4 Soils as determined by hand borings on a random basis, to determine depth to ground water at lower elevations and suitability for sewage treatment systems. At least one (1) boring for each unit unless waived by the Planning Commission.

49.1.5 Location of adjoining streets, wetlands, structures and property lines within 200-feet of subject parcel, including acreage of any property owned by the developer not included in the Preliminary Plat.

49.1.6 Significant historical sites.

49.1.7 Significant wildlife habitat areas.

49.1.8 Endangered, threatened, rare or critical species, both flora and fauna.

49.1.9 Date of boundary survey, topography and proposed plat.

49.1.10 Layout of existing streets, walkways, driveways, blocks, lots, and structures drawn to the same scale.

49.1.11 Locations of existing wells and sewage treatment systems.

49.1.12 Location by Section, Town, & Range with small scale sketch showing location within the City.

49.1.13 The existing zoning classification and the zoning classification of adjacent parcels.

49.2 Proposed Design.

49.2.1 Layout of proposed streets, walkways, driveways, blocks, lots, buildings if known, drawn to same scale as existing data.

49.2.2 Dimensions scaled to nearest five (5) feet of all lot lines, street widths, easement widths and lakeshore lengths.

49.2.3 Buildable areas of proposed lots.

49.2.4 Structure setback lines from streets, lot lines and Ordinary High Water Mark and a designation of the buildable area on the parcel.

49.2.5 Proposed Green Space with area shown.

49.2.6 Proposed public dedication areas other than streets or walkways with the area shown.

49.2.7 Proposed City sewer or water system connections and extensions existing and proposed with grades shown.

49.2.8 Potential locations and estimated depth to water table for all proposed onsite sewage disposal systems, two (2) per lot.

49.2.9 Information regarding adequacy of domestic water supply,

49.2.10 Proposed storm drainage system and erosion control, both during and after construction activities.

49.2.11 Proposed street standards and profiles.

49.2.12 Potential principal structure and accessory structure locations and elevations.

49.2.13 Extent of anticipated vegetation and topographic alterations.

49.2.14 Proposed covenants.

49.2.15 Name of subdivision and proposed street names, which shall not duplicate or be alike another plat previously recorded.

49.2.16 Stages of development proposed.

49.3 Evidence of Authority to subdivide the parcel consisting of fee ownership or written concurrence of fee owners.

49.4 Cost/Benefit Analysis. An analysis of the ongoing cost to the City to provide services and maintenance to the development shall be prepared using a form provided by the City. This cost shall be compared on the same form to the estimated increased valuation of the property and the corresponding tax revenue. The development shall not be approved if public subsidy is required for ongoing services and maintenance.

50. Final Plat, Final Common Interest Community Plan, Conversion to a Common Interest Community or Final Condominium Plat. A Final Plat, Final Common Interest Community Plan or Final Condominium Plat shall contain all elements required by this Ordinance and Minnesota Statutes 505, 515, 515A or 515B respectively, and the State Plat Manual including but not limited to the following:

50.1 Conformance with approved Preliminary Plat or agreed upon portion thereof.

50.2 Design standards in conformance with the City of Lake Shore Zoning and Subdivision

Ordinance.

50.3 Preparation by a Registered Land Surveyor. Signatures of Mayor, Clerk, County Auditor, County Treasurer and all parties with legal interest in the fee ownership of the land.

50.4 Dedication to the public of easements, right-of-ways, walkways and land to become public.

50.5 Drainage and utility easements over natural drainageways and significant wetlands.

50.6 Reservation of private streets in Outlots.

50.7 Covenants shall be filed concurrently with the plat and shall be required to create an association of homeowners if a privately maintained cluster sewer or water system is proposed for subdivision.

50.7.1 The association shall consist of all benefited lot owners.

50.7.2 The association shall be responsible for all costs of maintenance and replacement.

50.7.3 The costs shall be uniformly divided by lots served.

50.7.4 The costs shall be lienable against the lots by the association if payment is not forthcoming.

50.7.5 The status of the facility shall be clearly stated as subject to perpetual private maintenance.

50.7.6 Provisions shall be made for emergency access or emergency maintenance by the City with subsequent reimbursement by the association.

50.8 Concurrent documents.

50.8.1 Title Opinion, less than sixty (60) days old, acceptable to the City Attorney and showing conformance with those parties represented by signature on the plat as holding interest in the property being divided.

50.8.2 Financial security acceptable to the City Attorney in the amount of 125% of the cost estimated by the City Engineer for the uncompleted required improvements.

50.8.3 Development contract acceptable to the City Attorney, if required.

51. Design Layout Standards – Minimum. The following design standards shall be considered minimum acceptable requirements in the review of the proposed subdivision by the Zoning Administrator, City Attorney, City Engineer, Planning Commission and Council, except as waived by Variance approved by the Board of Adjustment.

51.1 The land shall be properly zoned and suitable in its natural state for the intended purpose with minimal alteration required. Land subject to flooding, land below the ordinary high water mark, wetlands, areas with high water table, bluffs or land containing other significant constraint(s) upon future intended usage, shall not be considered in the minimum size of a lot. The suitability analysis for

each lot shall also consider soil and rock formations with severe limitations for development, severe erosion potential, 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 sights, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

51.2 All non-conforming structures and uses shall be brought into conformity during the subdivision process, except as specifically waived by motion of the Planning Commission.

51.3 Each lot shall be adjacent to public sewer or shall have a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two (2) standard soil treatment sewage systems.

51.4 Provisions for water based recreation where near shore aquatic conditions are unsuitable for direct access.

51.5 Lot areas and dimensions shall conform to the requirements of the Zoning Ordinance, without Variance.

51.6 Lot layouts shall be compatible with the existing layout of adjoining properties and/or shall not constrain the future development of adjacent properties if those properties were to be developed as per the Lake Shore Land Use and Subdivision Ordinance.

51.7 Side lot lines shall be substantially at right angles to straight road lines or radial to curved road lines, radial to lake or stream shores, and shall not contain bends or jogs unless topographic conditions necessitate a different arrangement. Existing structures shall not be construed to be a topographic condition.

51.8 Each lot shall have a minimum of thirty-three (33) feet of frontage on a designated right-of-way. Commonly owned property or Green Space used for access in a Planned Unit Development shall have a minimum of 33 feet of frontage on a public right-of-way.

51.9 Proposed streets shall conform to the adopted road plan of the City of Lake Shore, County and State highway plans and existing boundary conditions.

51.9.1 Streets shall be related to the topography so as to produce useable lots and reasonable gradients not in excess of ten percent (10%) for collector roads and twelve percent (12%) for minor roads.

51.9.2 Public access shall be given to adjacent properties unless the topography clearly indicated future connection is not feasible.

51.9.3 When parcels abutting arterial or collector roads are subdivided, no new access points shall be created unless an equal number of access points are removed, unless access points are created not less than five hundred (500) feet apart in which case there shall be no limit on the number of accessed allowed.

51.9.4 Half streets or connections of half streets to partial streets without providing for the full required right-of-way will not be permitted.

51.9.5 Streets will be designed as collectors or local streets in accordance with the City of Lake Shore Road Plan.

51.9.6 The number of streets that terminate without a through connection shall be minimized and the street connected to a cul-de-sac (turnaround) shall not exceed 1,200 feet in length.

51.9.7 Access shall be given to all adjacent properties when required by the Planning Commission. All streets intended to be extended to adjoining property, shall be provided with a temporary cul-de-sac with the sides on a temporary easement, which will revert to the adjoining lot owner when released by the City. Landlocked areas shall not be created.

51.9.8 Right-of-way shall be dedicated to the public:

Cul-de-sac (turnaround)	68' radius
Arterials	100' or as determined by Cass County
Collectors	66'
Local Streets	66'

Additional Right-of-way may be required to promote public safety and convenience if special conditions require such as intersections, sight lines on corners or excessive cut or fill sections.

51.9.9 Intersections.

51.9.9.1 Street centerlines shall intersect at not less than seventy-five (75) degrees.

51.9.9.2 Street jogs shall be no less than two hundred feet (200') from centerline to centerline.

51.9.9.3 Gradients at intersections and for fifty feet (50') approaching on each side of an intersection shall not exceed two percent (2%). The approach shall contain no grades greater than seven percent (7%) for two hundred feet (200') on each side of the intersection.

51.9.10 Roads, driveways and parking areas shall meet structure setbacks and shall not be placed within bluff and Shore Impact Zone impact zones.

51.9.11 Street names shall conform to the pattern of the City and continue an existing name on the same alignment, where determined applicable by the Planning Commission. Street names shall be coordinated with the Cass County Surveyor's Office.

51.9.11.1 Easements shall be provided for public utilities or drainage where required by the Planning Commission and shall be following widths, minimum:

Water Main	20 feet
Sanitary Sewer	40 feet
Storm Sewer	20 feet
Electrical, telephone or cable television	10 feet
Drainage way	10 feet

51.9.11.2 Lots requiring Variances to allow their use for the intended purposes or requiring holding tanks for sewage shall not be allowed.

51.9.11.3 Easements to non-riparian lot owners to allow access to Public waters shall be prohibited. The use of any riparian lot, tract or parcel of land, however, designated or described, other than as a controlled access lot as defined in Department of Natural Resources Standards 6120.3300 Subd. 2E., to provide access to Public waters for owners of non-riparian lots, including, but not limited to, by easement, share, license or any other legal or illegal arrangement, scheme or plan, shall be prohibited.

52. Survey Standards. Survey Standards shall be those required by Minnesota Statutes 505 including the placement of all monuments including block corners, lot corners, curve points and lake survey line points on lot lines. All US, State, County and other official bench marks, monuments or triangulation points in or adjacent to the proposed subdivision shall be preserved in position unless relocation is approved by the controlling agency.

53. Street Improvement Standards. All streets within the subdivision shall be constructed by the subdivider or otherwise provided for by agreement in a Development Contract between the subdivider and the City Council with all expenses borne by the subdivider. Local streets and collector streets shall be constructed according to the established minimum standards and shall be approved by the City Engineer.

54. Sanitary Provision Standards. No land shall be subdivided for building purposes unless two (2) adequate sites are available on the newly created lot for a conforming onsite sewage treatment system, or the subdivider constructs a cluster system serving the lots to be owned and maintained by a property owner's association or the lot is provided with sanitary service by a municipal sewer system at the expense of the subdivider.

54.1 PURPOSE AND AUTHORITY

The purpose of the Subsurface Sewage Treatment System (SSTS) Ordinance is to provide minimum standards for and regulation of Individual Sewage Treatment Systems (ISTS) and Midsized Sewage Treatment Systems (MSTS) including the proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes sections 115.55, 145A.05, 375.51, 394.21-394.37, and 471.82, the City of Lake Shore Comprehensive Plan and the City of Lake Shore Land Use Ordinance.

54.1.1 INTENT

It is intended by City of Lake Shore that this Ordinance will promote the following:

54.1.1.1 The protection of lakes, rivers and streams, wetlands, and groundwater in City of Lake Shore essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the City.

54.1.1.2 The regulation of proper SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface water and groundwater quality.

54.1.1.3 The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.

54.1.1.4 The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.

54.1.2 JURISDICTION

The jurisdiction of this Ordinance shall include all lands of Lake Shore

54.1.3 SCOPE

This Ordinance regulates the siting, design, installation, inspection, alterations, operation, maintenance, monitoring, and management of all SSTS within Lake Shore's applicable jurisdiction including, but not necessarily limited to individual SSTS and cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of Lake Shore shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Ordinance or by a system that has been permitted by the MPCA.

54.1.4 DEFINITIONS

The following words and phrases shall have the meanings ascribed to them in this Article. If not specifically defined in this Article, terms used in this Ordinance shall have the same meaning as provided in the standards adopted by reference. Words or phrases that are not defined here or in the standards adopted by reference shall have common usage meaning. For purposes of this Ordinance, the words “must” and “shall” are mandatory and the words “may” and “should” are permissive.

Authorized Representative: An employee or agent of the City.

Class V Injection Well: A shallow well used to place a variety of fluids directly below the land surface, which includes a domestic SSTS serving more than 20 people. The US Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large-capacity cesspools are specifically prohibited (see 40 CFR Parts 144 & 146).

Cluster System: A SSTS under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or buildings.

Design Flow: The daily volume of wastewater for which an SSTS is designed to treat and

discharge.

Failure to Protect Groundwater: At a minimum, a SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in MR Chapter 7080.1500 Subp. 4 D and E; and a system not abandoned in accordance with part 7080.2500. The determination of the threat to groundwater for other conditions must be made by a Qualified Employee or an individual licensed pursuant to Section 5 hereof.

Imminent Threat to Public Health and Safety: At a minimum a SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance access covers. The determination of protectiveness for other conditions must be made by a Qualified Employee or a SSTS inspection business licensed pursuant to Section 5 hereof.

ISTS: An individual sewage treatment system having a design flow of no more than 5,000 gallons per day.

Industrial Waste: Sewage containing waste from activities other than sanitary waste from industrial activities including, but not limited to, the following uses defined under the Standard Industrial Classification (SIC) Codes established by the U.S. Office of Management and Budget.

SIC CODE(S)	INDUSTRY CATEGORY
753-7549	Automotive Repairs and Services
7231,7241	Beauty Shops, Barber Shops
7211-7219	Laundry Cleaning and Garment Services
4011-4581	Transportation (Maintenance only)
8062-8069	Hospitals
2000-3999	Manufacturing
2000-2099	Food Products
2100-2199	Tobacco Products
2400-2499	Lumber and Wood Products, except Furniture
2500-2599	Furniture and Fixtures
2600-2699	Paper and Allied Products
2700-2799	Printing, Publishing, and Allied Industries

2800-2899	Chemicals and Allied Products
2900-2999	Petroleum Refining and Related Industries
3000-3099	Rubber and Miscellaneous Plastics
3100-3199	Leather Tanning and Finishing
3000-3099	Rubber and Miscellaneous Plastics
3100-3199	Leather Tanning and Finishing
3200-3299	Stone, Clay, Glass, and Concrete Products
3300-3399	Primary Metal Industries
3400-3499	Fabricated Metal Products (except Machinery, and Transportation Equipment
3500-3599	Industrial and Commercial Machinery and Computer Equipment
3700-3799	Transportation Equipment
3800-3899	Measuring, Analyzing, and Controlling Instruments; Photographic, Medical and Optical Goods; Watches and Clocks
3900-3999	Miscellaneous Manufacturing Industries

Malfunction: The partial or complete loss of function of a SSTS component, which requires a corrective action to restore its intended function.

Management Plan: A plan that describes necessary and recommended routine operational and maintenance requirements, periodic examination, adjustment, and testing, and the frequency of each to ensure system performance meets the treatment expectations, including a planned course of action to prevent an illegal discharge.

Minor Repair: The repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its operable condition. The repair shall not alter the original area, dimensions, design, specifications or concept of the SSTS.

MSTS: A “midsized subsurface sewage treatment system” under single ownership that receives sewage from dwellings or other establishments having a design flow of more than 5,000 gallons per day to a maximum of 10,000 gallons per day.

Notice of Noncompliance: A written document issued by the Department notifying a system owner that the owner’s onsite/cluster treatment system has been observed to be noncompliant with the requirements of this Ordinance.

MPCA: Minnesota Pollution Control Agency.

Qualified Employee: An employee of the state or a local unit of government, who performs site evaluations or designs, installs, maintains, pumps, or inspects SSTS as part of the individual's employment duties and is registered on the SSTS professional register verifying specialty area endorsements applicable to the work being conducted.

Record Drawings: A set of drawings which to the fullest extent possible document the final in-place location, size, and type of all SSTS components including the results of any materials testing performed and a description of conditions during construction of the system.

Sewage: Waste from toilets, bathing, laundry, or culinary activities or operations or floor drains associated with these sources, including household cleaners and other constituents in amounts normally used for domestic purposes.

SSTS: Subsurface sewage treatment system Including an ISTS, MSTs or LSTS.

State: The State of Minnesota.

Treatment Level: Treatment system performance levels defined in Minnesota Rules, Chapter 7083.4030, Table III for testing of proprietary treatment products, which include the following:

Level A: cBOD₅ ≤ 15 mg/L; TSS ≤ 15 mg/L; fecal coliforms ≤ 1,000/100 mL.

Level B: cBOD₅ ≤ 25 mg/L; TSS ≤ 30 mg/L; fecal coliforms ≤ 10,000/100 mL.

Level C: cBOD₅ ≤ 125 mg/L; TSS ≤ 80 mg/L; fecal coliforms N/A.

Type I System: An ISTS that follows a standard trench, bed, at-grade, mound, or graywater system design in accordance with MPCA rules, Minnesota Rules, Chapter 7080.2200 through 7080.2240.

Type II System: An ISTS with acceptable modifications or sewage containment system that may be permitted for use on a site not meeting the conditions acceptable for a standard Type I system. These include systems on lots with rapidly permeable soils or lots in floodplains and privies or holding tanks.

Type III System: A custom designed ISTS having acceptable flow restriction devices to allow its use on a lot that cannot accommodate a standard Type I soil treatment and dispersal system.

Type IV System: An ISTS, having an approved pretreatment device and incorporating pressure distribution and dosing, that is capable of providing suitable treatment for use where the separation distance to a shallow saturated zone is less than the minimum allowed.

Type V System: An ISTS, which is a custom engineered design to accommodate the site taking into account pretreatment effluent quality, loading rates, loading methods, groundwater mounding, and other soil and other relevant soil, site, and wastewater characteristics such that groundwater contamination by viable fecal coliforms is prevented.

54.1.5 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.

54.1.6 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 City and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

54.1.7 SEVERABILITY

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this Ordinance shall not be affected and shall remain in full force.

54.1.8 CITY ADMINISTRATION

- 54.1.8.1** The City of Lake Shore shall administer the SSTS program and all provisions of this ordinance.
- 54.1.8.2** The City's duties and responsibilities include, but are not be limited to, the following;
 - 54.1.8.2.1** Review all applications for SSTS
 - 54.1.8.2.2** Issue all permits required in this Ordinance
 - 54.1.8.2.3** Inspect all work regulated in this Ordinance
 - 54.1.8.2.4** Investigate all complaints regarding SSTS
 - 54.1.8.2.5** Issue certificates of installation, certificates of compliance or notices of noncompliance where applicable
 - 54.1.8.2.6** Enact enforcement provisions of this Ordinance as necessary
 - 54.1.8.2.7** Refer unresolved violations of this Ordinance to the City Attorney
 - 54.1.8.2.8** Maintain current records for each permitted SSTS including all site evaluation documents, design documents, inspection documents, and other applicable documents.
 - 54.1.8.2.9** The City shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program
 - 54.1.8.2.10** Submit annual reports to MPCA as required

54.1.9 STATE ADMINISTRATION

The owner or owners of a single SSTS or a group of SSTS under common ownership

must obtain an SDS permit from the agency according to chapter 7001 when all or part of proposed or existing soil dispersal components are within one-half mile of each other and the combined flow from all proposed and existing SSTS is greater than 10,000 gallons per day. For proposed SSTS, the flow must be determined according to 7081.0110. For existing SSTS, the flow is determined by the greater of the average maximum seven-day measured flow or flow amounts according to part 7081.0110. The highest calculated value of the various methods in Table I under part 7081.0130, subpart 1, must be used to make this determination, with no reduction allowed. An SDS permit is not required if a factor of safety is added to the design flow that results in a design flow that is in excess of the SDS permit threshold.

54.1.10 LIABILITY

The City's involvement in administration of this Ordinance does not create a special duty to any person and, further liability or responsibility shall not be imposed upon the City or any of its officials, employees, or other contract agents, for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster SSTS regulated under this Ordinance or by reason of any standards, requirements, or inspections authorized by this Ordinance hereunder.

54.1.11 ALL SSTS

Except as explicitly set forth in Part 14, all provisions of this Ordinance shall apply to any SSTS regardless of the date it was originally permitted.

54.1.12 EXISTING PERMITS

Unexpired permits which were issued prior to the effective date of this Ordinance shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system design, whichever is earlier.

54.1.13 SSTS ON LOTS CREATED AFTER JANUARY 23, 1996

All lots created after January 23, 1996, must have a minimum of two soil treatment and dispersal areas that can support Type 1 systems as defined by Minnesota Rule 7080.2200.

54.1.14 UPGRADE, REPAIR, REPLACEMENT AND ABANDONMENT

54.1.14.1 SSTS Capacity Expansions

Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this Ordinance at the time of the expansion.

54.1.14.2 Bedroom Addition

Any addition to a structure that includes bedroom(s) that require a land use permit from the City shall require that the SSTS meet the required design flow according to Minnesota Rule 7080.1860 or be upgraded to meet Class 1 sizing for both the septic tanks and soil absorption area. Any required upgrades shall be completed

within two years.

54.1.14.3 Failure to Protect Groundwater

An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rule 7080.1500, Subp.4(B) shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within ten months upon receipt of a notice of noncompliance and must meet Class I sizing requirements according to Minnesota Rule 7080.1860.

54.1.14.4 Imminent Threat to Public Health or Safety

An SSTS posing an imminent threat to public health or safety shall be pumped within twenty four hours and managed as a holding tank in accordance with Minnesota Rule 7080.1500, Subp.4(A) and said SSTS shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within ten months upon receipt of a notice of noncompliance and must meet Class I sizing requirements according to Minnesota Rule 7080.1860.

54.1.15 Abandonment

Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Minnesota Rule 7080.2500.

54.1.16 SSTS IN FLOODPLAINS

SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain should be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rule 7080.2270 and all relevant local requirements are met.

54.1.17 CLASS V INJECTION WELLS

All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, Title 40, Part 144, are required by the Federal Government to submit a UIC Class 5 Inventory Form to the Environmental Protection Agency as described in 40 CFR Part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

54.1.18 SSTS PRACTITIONER LICENSING

54.1.18.1 No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of SSTS without an appropriate and valid license issued by MPCA in accordance with Minnesota Rules Chapter 7083 except as exempted in Rule 7083.0700.

54.1.18.2 An MPCA license is not required of an individual who is constructing a SSTS on land that is owned by the individual and functions solely as a dwelling for that individual pursuant to Minnesota

Rule 7083.0700. Installation of the system shall be based upon a design by a licensed designer. The system shall be inspected before it is covered and a twenty four hour notification to the City for inspection is required.

54.1.18.3 Commercial SSTS and any other pressurized system cannot be constructed by anyone other than a licensed installer.

54.1.19 PROHIBITIONS

54.1.19.1 Occupancy or Use of a Building without a Compliant SSTS

It is unlawful for any person to maintain, occupy, or use any building intended for habitation or that contains plumbing fixtures that is not provided with a wastewater treatment system that disposes of wastewater in a manner that does not comply with the provisions of this Ordinance.

54.1.19.2 Sewage Discharge to Ground Surface or Surface Water

It is unlawful for any person to construct, maintain, or use any SSTS system regulated under this Ordinance that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System program by the MPCA.

54.1.19.3 Sewage Discharge to a Well or Boring

It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota Rule 4725.2050, or any other excavation in the ground that is not in compliance with this ordinance.

54.1.19.4 Discharge of Hazardous or Deleterious Materials

It is unlawful for any person to discharge into any treatment system regulated under this Ordinance any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

54.1.20 LOCAL STANDARDS ADOPTED BY REFERENCE

54.1.20.1 Adoption of Rule by Reference

54.1.20.1.1 The City hereby adopts by reference the provisions of Minnesota Rules Chapters 7080 -7083 in their entirety.

54.1.20.1.2 All new construction or replacement of SSTS shall employ sewage tanks, distribution media and treatment products which have been registered by the Minnesota Pollution Control Agency as per Minnesota Rule Chapter 7080.2150 Subp.3(A)

54.1.21 DIFFERENCES IN STANDARDS

54.1.21.1 List of Different Adopted Standards

- 54.1.21.1.1** To determine bottom absorption area and absorption ratios, soil description or percolation test, may be used.
- 54.1.21.1.2** At least one cleanout at or above finished grade shall be installed between the structure and the septic tank with additional clean outs at intervals not more than one hundred feet.
- 54.1.21.1.3** Class I sizing is required on all new construction. New construction will be defined as placement of a new structure or replacement structure that is served by pressurized water
- 54.1.21.1.4** All tank sizing shall follow Minnesota Rule 7080.1930
- 54.1.21.1.5** Pump tank sizing shall follow Minnesota Rule 7080.2100
- 54.1.21.1.6** Soil pits shall be required during the construction inspection. The soil pit shall be excavated at the time of the inspection. The soil pit shall be dug by a backhoe or other acceptable method and be excavated to a depth that will allow the verification of redoximorphic features and the three feet of vertical separation as required. Location of soil pits shall be adjacent to the lowest trench or next to the down slope side of an elevated treatment area. The pit shall not impact the hydraulic performance of the ISTS. A certificate of installation will not be issued until the soils are verified
- 54.1.21.1.7** All dwellings shall meet the required setbacks to the septic tank and soil absorption area. Accessory structures, including but not limited to, decks, screen decks, porches, sheds, garages and pole buildings shall not be required to meet said setbacks provided that the tank(s) can be maintained properly and that the structure does not negatively impact the function of the system
- 54.1.21.1.8** Vaulted privies must have a watertight registered storage tank of at least fifty five gallon capacity

54.1.22 COMPLIANCE CRITERIA FOR EXISTING SSTS

For an SSTS built before April 1, 1996, and outside of areas designated as “SWF”, (systems in shoreland areas, wellhead protection areas, or systems serving food, beverage, or lodging establishments), there must be at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.

54.1.23 HOLDING TANKS

Holding tanks may be allowed for the following applications: as replacements for

existing failing SSTS and SSTS that pose an imminent threat to public health or safety, on lots with limitations that will not allow for the installation of a Type 1 SSTS or for uses that are seasonal or intermittent in nature. Holding tanks shall require an operating permit.

54.1.24 VARIANCE REQUESTS

The City does not allow or grant variances from Minnesota rule 7080-7083.

54.1.25 STATE AGENCY VARIANCE REQUESTS

Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency pursuant to the requirements of the State Agency. No permits will be issued by the City until all required State Agency variances have been approved.

54.1.26 PERMIT REQUIREMENTS

54.1.26.1 Activities Not Requiring a Land Use Permit

A land use permit is not required for minor repairs or replacements of system components that do not alter the original function of the system; change the treatment capacity of the system; change the location of the system; or otherwise change the original system design, layout, or function. Examples are, but not limited to, pumps, baffles, and effluent screens or filters.

54.1.26.2 Activities Requiring a Land Use Permit

A land use permit shall be obtained by the property owner or an agent of the property owner from the City prior to the installation, construction, replacement, modification, alteration, or capacity expansion of a SSTS. It is unlawful for any person to construct, install, modify or replace a SSTS without the appropriate permit from the City including repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. The issuing of any permit, variance, or conditional use under the provisions of this ordinance shall not absolve the applicant of responsibility to obtain any other required permit.

54.1.26.3 Permit Requirements

Land Use Permit applications shall be made on forms provided by the City and signed by the applicant or applicant's agent, and must include the following information and documentation:

54.1.26.3.1 Applicant name, mailing address, telephone number, and email address

54.1.26.3.2 Property Identification Number, property address and legal description of property location

54.1.26.3.3 Site Evaluation Report, as described in Minnesota Rules Chapter 7080.1730, shall be made on one that is acceptable to the City

54.1.26.3.4 Design Report, as described in Minnesota Rules Chapter 7080.2430, and shall be made on a form that is acceptable to the City

54.1.26.3.5 A maintenance management plan, as described in Minnesota Rule 7082.0600.

54.1.26.3.6 Application Review and Response

The City shall review a permit application and supporting documents according to the Lake Shore Land Use Ordinance and Lake Shore SSTS ordinance.

54.1.26.4 Appeal

The applicant may appeal any decision of the City in accordance with Lake Shore Land Use Ordinance.

54.1.26.5 Permit Expiration

A Land Use Permit for a new SSTS is valid for a period of no more than two years from its date of issue. A Land Use Permit for the replacement of SSTS failing to protect groundwater is valid for ten months. A Land Use Permit for the replacement of SSTS that are imminent threats to public health is valid for ten months. Satisfactory completion of construction shall be determined by as-built drawings and a signed certification that the construction and installation of the system was completed in reasonable conformance with the approved design documents by a qualified employee of the City or a licensed inspection business, which is authorized by the City and independent of the owner and the SSTS installer.

54.1.26.6 Transferability

A Land Use Permit may be transferred to a new owner provided there are no proposed changes to the SSTS design.

54.1.26.7 Suspension or Revocation

The City may suspend or revoke a Land Use Permit issued under this section for any false statements, misrepresentations of facts on which the Land Use Permit was issued, or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system design, layout, or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or

continue until a valid Land Use Permit is obtained.

54.1.26.8 SSTS Assessment Requirements

For those SSTS without a management plan or operating permit according to the provisions of this Ordinance, the following provisions apply:

54.1.26.8.1 The owner of an ISTS or the owner's agent shall regularly, but in no case less frequently than every three years, assess whether sewage tanks leak below the designed operating depth and whether sewage tank tops, riser joints, and riser connections leak through visual evidence of major defects and measure or remove the accumulations of scum, grease, and other floating materials at the top of each septic tank and compartment, along with the sludge, which consists of the solids denser than water

54.1.26.8.2 All solids and liquids must be removed by pumping from all tanks or compartments in which the top of the sludge layer is less than twelve inches from the bottom of the outlet baffle or transfer hole or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle or transfer hole. Total sludge and scum volume must not be greater than 25% percent of the tank's liquid capacity. Removal of accumulated sludge, scum, and liquids from septic tanks and pump tanks must be through the maintenance hole. The removal of solids from any location other than the maintenance hole is not a compliant method of solids removal from a sewage tank, and this method does not fulfill the solids removal requirement of this part or a management plan. Liquid and solids removal from clean-out pipes is allowed for holding tanks

54.1.27 OPERATING PERMIT

54.1.28.1 An Operating Permit shall be required for the following SSTS:

54.1.28.1.1 SSTS with high strength waste effluent standards that exceed Minnesota Rule 7080.2150, Subp.3(K)

54.1.28.1.2 Holding Tanks

54.1.28.1.3 SSTS serving three or more connections

54.1.28.1.4 Type III, Type IV and Type V SSTS

54.1.28.1.5 SSTS that exceed a daily flow of 2,500 gallons per day; or

54.1.28.1.6 MSTs designed under Minnesota Rules Chapter 7081

- 54.1.28.2** Operating Permits shall be a signed agreement between the City and the property owner and shall include monitoring, performance, mitigation, and reporting requirements.
- 54.1.28.3** A valid Operating Permit shall be considered a certificate of compliance if that system is in compliance with the requirements of the Operating Permit.
- 54.1.28.4** Owners of holding tanks and vaulted privies shall provide the City with a copy of a valid monitoring and disposal contract executed between the owner and a licensed maintenance business, which guarantees the removal of the holding tank contents in a timely manner and prevents an illegal discharge in accordance with Minnesota Rule 7082.0100, Subd.3(G). This requirement is waived if the owner is a farmer who is exempt from licensing under Minn. Stat., § 115.56, Subd.3(b)(3).
- 54.1.28.5** Operating Permits shall be valid for the specific term stated on the permit as determined by the City.
- 54.1.28.6** An Operating Permit must be renewed prior to its expiration. If not renewed, the City may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within ninety calendar days of the expiration date, the City may require that the system be abandoned according to Chapter 7080.
- 54.1.28.7** Operating Permits do not transfer to new property owners. New owners shall apply for an Operating Permit in accordance with Part 27 of this ordinance. The City shall not terminate the current permit until ninety calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, the City may require a performance inspection of the treatment system certified by a licensed inspector or qualified employee.
- 54.1.28.8** A report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the City on a form acceptable to the City on or before the compliance reporting date stipulated in the Operating Permit as required. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described in the Operating Permit.
- 54.1.28.9** The City may suspend or revoke any Operating Permit issued under this section for any false statements or misrepresentations of facts on which the Operating Permit was issued.
- 54.1.28.10** If suspended or revoked, the City may require that the treatment system be removed from service, operated as a holding tank, or abandoned.

54.1.28.11 At the City's sole discretion, the Operating Permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

54.1.29 COMPLIANCE INSPECTION PROGRAM

54.1.29.1 City Responsibility

It is the responsibility of the City, or its agent, to perform installation inspections of new SSTS or upgrades of SSTS to assure that the requirements of this Ordinance are met.

54.1.29.1.1 All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors

54.1.29.1.2 The City shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. As used in this paragraph, "property" does not include a residence or private building

54.1.29.1.3 No person shall hinder or otherwise interfere with the City's employees in the performance of their duties and responsibilities pursuant to this Ordinance. Refusal to allow reasonable access to the property by the City shall be deemed a separate and distinct offense

54.1.29.1.4 A signed winter agreement may be accepted in lieu of a compliance inspection for property transfers between November 1 and April 30 provided the required information is submitted to the City by June 1 of the subsequent year. Failure to fulfill all of the obligations of the winter agreement shall be a violation of this Ordinance

54.1.29.2 New Construction or Replacement

54.1.29.2.1 New installation inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081, respectively, according to this section. SSTS found to be noncompliant with other applicable requirements must be repaired or replaced according to the Cities requirements

54.1.29.2.2 It is the responsibility of the SSTS owner or the owner's agent to notify the City twenty four hours prior to the installation inspection

54.1.29.2.3 If the installer provides proper notice and the City does not provide an inspection within one hour after an

inspection time was set, the installer may complete the construction per the following: The installer shall submit photographs of the entire uncovered system and an as-built drawing with a certified statement that the installation of the SSTS met the appropriate standards of this Ordinance within five working days of the installation

54.1.29.2.4 A Certificate of Installation for new SSTS construction or replacement shall be issued by the City within thirty days of inspection if the City has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit

54.1.29.2.5 The Certificate of Installation must include a certified statement by the certified inspector or qualified employee who conducted the inspection that the SSTS is or is not in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must be issued to the owner which includes a statement specifying those ordinance provisions with which the SSTS does not comply

54.1.29.2.6 No SSTS shall be placed into operation until a valid Certificate of Installation has been issued

54.1.29.2.7 Certificates of Installation for new construction or replacement shall remain valid for five years from the date of issue unless the City finds evidence of noncompliance

54.1.29.3 Existing Systems

54.1.29.3.1 Compliance inspections shall be required when any of the following conditions occur

54.1.29.3.1.1 When applying for a land use permit, shoreline alteration permit, minor subdivision, plat, land use reclassification, conditional use permit or variance and the Certificate of Installation is more than five years old or the Certificate of Compliance is more than three years old.

54.1.29.3.1.2 Prior to conveyance of any real property and the Certificate of Installation is more than five years old or the Certificate of Compliance is more than three years old.

54.1.29.3.1.3 Any time there is a change in use of the property being served by an existing SSTS which

may impact the performance of the system.

54.1.29.3.1.4 At any time as required by this Ordinance or the City deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.

54.1.29.3.2 Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA. The following conditions, must be assessed, or verified

54.1.29.3.2.1 Watertightness assessment of all treatment tanks including a leakage report.

54.1.29.3.2.2 Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock including vertical soils separation verification report unless soils have been verified according to Minnesota Rule 7082.0700, Subp.4(B).

54.1.29.3.2.3 Sewage backup, surface seepage or surface discharge including a hydraulic function report.

54.1.29.3.3 The Certificate of Compliance must include a certified statement by a Qualified Employee or licensed inspection business, indicating whether the SSTS is in compliance with the requirements of this Ordinance. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must include a statement specifying those ordinance provisions with which the SSTS does not comply. An SSTS construction permit application must be submitted to the City if the required corrective action is not a minor repair

54.1.29.3.4 The Certificate of Compliance or notice of noncompliance must be submitted to the City no later than fifteen calendar days after the date the inspection was performed

54.1.29.3.5 Certificates of Compliance for existing SSTS shall remain valid for three years from the date of issue unless the City finds evidence of noncompliance

54.1.29.4 Transfer of Property

54.1.29.4.1 Any individual sewage treatment system located on real property lying within Lake Shore shall be brought into compliance with the requirements of the Lake Shore

Subsurface Sewage Treatment System Ordinance upon conveyance of said real property.

54.1.29.4.2 Prior to the conveyance of any real property, the seller shall disclose in writing to the buyer information about the status and location of all known SSTS on the property by delivering to the buyer either a sworn affidavit by the seller that no SSTS exists on the property to the best of their knowledge after diligent investigation, or a certificate of compliance or notice of non-compliance meeting all provisions of this ordinance being the result of a compliance inspection conducted by a Minnesota state registered inspector holding a Designer I or Inspector certification. A certificate of compliance or notice of noncompliance meeting all provisions of this ordinance shall be submitted to the Lake Shore and the seller within 30 days after the compliance inspection.

54.1.29.4.3 If the seller fails to provide a Certificate of Compliance, the seller shall provide the buyer sufficient security in the form of an escrow with the City, a licensed real estate closer, licensed attorney-at-law, or a federal or state chartered financial institution. The escrow must list the City as having the “release authority”. If the escrow is held by some entity other than the City, a copy of the escrow and written estimate must be submitted to the City. The amount escrowed shall be equal to 125% of a written estimate to install a complying ISTS provided by a licensed and certified installer. The buyer may, by mutual written agreement with the seller, assume the responsibility to fund the escrow. The seller or buyer may, by written agreement, assign a third party to receive the disbursement from the escrow account. After a complying SSTS has been installed and a certificate of compliance issued, the City must provide the holder of the escrow a copy of the Certificate of Compliance, and the City of Lake Shore shall authorize the escrow to be released to the maker of the escrow or their assigns.

54.1.29.4.4 At the time of recording the conveyance of any real property within the unincorporated areas of Lake Shore, the seller shall provide to the City one of the following: (A) a sworn affidavit by the seller certifying that no subsurface sewage treatment system exists on said property to the best of their knowledge after diligent investigation (affidavit), or (B) a Certificate of Compliance on forms approved by the City (certificate), or (C) a packet consisting of the following documents to be referred to as an escrow packet: 1) an escrow agreement 2) an attached written estimate or

contract to install a complying SSTS provided by a licensed and certified installer; and, 3) an attached SSTS permit application for the installation of the SSTS (packet), or (D) an SSTS permit application and SSTS Compliance Inspection Agreement for conveyances which take place between November 1st and April 30th when compliance cannot be determined (winter agreement). Failure to comply with a requirement of this subdivision does not impair the validity of the deed. Failure to present to the City an affidavit, certificate of compliance, escrow packet, or a winter agreement as outlined in this subdivision shall constitute a misdemeanor and shall be punishable as defined by Minnesota State Statutes.

54.1.29.4.5 Liability for Failure to Disclose: Unless the buyer and seller agree to the contrary in writing before the closing of the sale, a seller who fails to disclose the existence of a subsurface sewage treatment system at the time of sale and knew or had reason to know of the existence of a subsurface sewage treatment system is liable to the buyer for costs relating to bringing the subsurface sewage treatment system into compliance with the Lake Shore Subsurface Sewage Treatment System Ordinance, and reasonable attorney's fees for collection of costs from the seller, if the action is commenced within two (2) years after the date the buyer closed the purchase of the real property where the subsurface sewage treatment system is located. Said civil liability shall in no way impair a criminal prosecution for the same violation.

54.1.29.4.6 In accordance with section 4(D) above, all property conveyances subject to this ordinance occurring during the period between November 1st and April 30th when ISTS compliance cannot be determined due to frozen soil conditions shall require a winter agreement, which includes an application for an SSTS permit and an SSTS Compliance Inspection Agreement. The compliance inspection shall be completed by following June 1st by a state-licensed compliance inspector. If upon inspection the SSTS is found to be in compliance, the permit fee will be refunded. If upon inspection the system is found to be failed, an escrow agreement shall be established in accordance with section 3, above, and the system shall be upgraded.

54.1.29.5 Commercial SSTS

54.1.29.5.1 Septic tank effluent testing for Carbonaceous Biochemical Oxygen Demand (CBOD), Biological

Oxygen Demand (BOD), Total Suspended Solids (TSS), and oil/grease combination is mandatory for all SSTS that serve commercial establishments that serve food and beverages or have a flow that exceeds 1000 gallons per day as part of any compliance inspection.

54.1.29.5.2 Effluent testing shall not be required for commercial SSTS that have a current operating permit as of the date this Ordinance is effective. If all provisions of the operating permit are met, the SSTS shall be considered to be in compliance.

54.1.29.5.3 An SSTS with effluent testing that does not meet the standards in the Minnesota Rule 7080.2150, Subp.3(K) shall be upgraded within three years to meet said standards and be placed on an Operating Permit as provided in this Ordinance.

54.1.29.6 Vertical Separation Reduction

Minnesota Rule 7080.1500, Subp. 4(D) is hereby adopted allowing a 15% reduction in vertical separation distance for settling of sand or soil, normal variation of measurements and interpretations of the limiting layer for existing SSTS. This provision does not apply to Part 23 of this Ordinance.

54.1.30 ENFORCEMENT

Enforcement of this Ordinance shall follow the standards in Sections 75-77 of the Lake Shore Land Use Ordinance.

54.1.31 STATE NOTIFICATION OF VIOLATION

The City shall notify the MPCA of any inspection, installation, design, construction, alteration or repair of an SSTS by a licensed/certified person or any septage removal by a licensed maintainer that is performed in violation of the provisions of this Ordinance. The City shall also notify the MPCA of any discovered straight pipes pursuant to Minnesota Statute 115.55 Subdivision 11.

54.1.32 RECORD KEEPING

The City shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests, Certificates of Compliance, notices of noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, maintenance reports, Operating Permits, an annual list of all sewage tanks installed in the City sorted by licensed installation businesses, and other records the City deems relevant to a particular system.

54.1.33 ANNUAL REPORT

The City shall provide an annual report of SSTS permitting activities to MPCA no later than February 1 for the previous calendar year.

54.1.34 FEES

From time to time, the City Council shall establish fees for activities undertaken by the City pursuant to this Ordinance. Fees shall be due and payable at a time and in a manner to be determined by the City.

54.1.35 DISPUTE RESOLUTION

Resolution of disputes between SSTS Certified Individuals regarding conflicting compliance inspections, determination of seasonally saturation of soils and other technical issues shall follow Minnesota Rule 7082.0700, Subp.5.

- 54.2** Onsite systems or cluster onsite systems shall conform to Minnesota Pollution Control Agency Standards, Individual Sewage Treatment Systems Standard, Chapter 7080-7083, and provide for two (2) treatment sites for drainfields.
- 54.3** Municipal sewage facilities shall be designed by a Registered Engineer; approved by the City Engineer, approved by the Minnesota Pollution Control Agency, and installed according to “Standard Utilities Specifications”, City Engineer’s Association of Minnesota.

55. Water Supply Standards. The subdivider shall be responsible to provide the proposed subdivision with adequate spacing between building sites, onsite sewage disposal sites, and potential well locations to allow the well installations in conformance with the City of Lake Shore Zoning Ordinance requirements or the subdivider shall provide the lot with a cluster water supply system to be owned and operated by a property owner’s association or the subdivider shall provide municipal water service to the lot.

55.1 A municipal water system shall be extended to the lot at the expense of the subdivider by agreement in the Development Contract between the subdivider and the Council if the existing municipal system is adjacent to the parcel being subdivided or reasonably close in the opinion of the engineer and Planning Commission or if the density of the proposed development necessitates a municipal water connection. The water main shall also be extended to the exterior boundary at locations designated by the Engineer.

55.2 Onsite wells or cluster water systems shall conform to the Minnesota Department of Health Rules and Regulations MHD 210-230 “Water Well Construction Code”, and the cluster system shall receive the approval of the City Engineer.

55.3 Municipal water facilities shall be designed by a Registered Engineer, approved by the City Engineer, approved by the Minnesota Department of Health and installed according to “Standard Utilities Specifications” City Engineer’s Association of Minnesota.

56. Drainage/Grading Standards. The subdivider shall consider the retention of natural

stormwater/snowmelt drainage patterns in the design of his proposed subdivision. The subdivider shall be responsible to provide adequate drainage facilities for his development and upstream properties.

56.1 Drainage Plan(s). All subdivisions shall demonstrate provisions for adequate surface or subsurface runoff of storm water and snow melt directed to natural drainage ways.

56.2 All natural drainage ways draining properties upstream from the subject property shall be identified and preserved, and no structures shall be less than one (1) foot above the water level in the drainage way created by a storm of a 100-year, 24-hour rain event. No filling of areas inundated by the 100-year, 24-hour rain event shall be allowed.

56.3 Additional runoff for a 100-year, 24-hour rain event from all streets and building sites at build-out shall be accounted for and maintained within the development.

56.4 Natural or manmade storage areas shall be utilized where needed and shall be designated by drainage and utility easement by the subdivider. All storage areas shall be vegetated and designed to lower naturally after a storm.

56.5 All drainage structures or improvements provided shall be sufficient in size to pass a 100-year, 24-hour storm event through the natural drainage way.

56.6 All areas disturbed by grading, street construction or structure installation shall be covered with a minimum of three inches (3-inches) natural topsoil and seeded. Drainage ways over two percent (2%) in gradient shall, at a minimum, be sodded.

56.7 All parking areas, heavy use areas, storage areas and impervious area shall be diverted to a basin designed to allow entrapment of silts and nutrients prior to discharge to a natural drainage way.

56.8 There shall be no discharge of untreated stormwater to a water body.

56.9 Erosion control measures shall be provided as needed to prevent and/or contain erosion.

57. Dedication to the Public – Standards. In accordance with the provisions of Section 462.358 of the Minnesota Statutes, or amendments thereto, the subdivider shall dedicate, to the public, lands for highway right-of-ways, street right-of-ways, utility easements, wetland easements and similar lands required for perpetual and public improvements.

57.1 Park Dedication Requirements.

57.1.1 In all new subdivisions, not including Metes and Bounds and subdivisions as defined in Chapter IV, in addition to the regulations requiring a reasonable portion of any proposed subdivision dedicated to the public or preserved for public use as street, road, sewers, electric, gas and water facilities, storm water drainage and holding areas or ponds and similar utilities and improvements, the City may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for conservation purposes or for public use as parks, recreational facilities, playgrounds, trails, wetlands, or open space; provided that the City may choose to accept an equivalent amount in cash from the applicant for part or all of the portion required to be dedicated to such public uses or purposes based on the fair market value of the land no later than at the time of final approval. In establishing the reasonable portion to be dedicated, the City may consider the open space, park, recreational, or common areas and

facilities which the applicant proposes to reserve for the subdivision, and the City reasonable determines that it will need to acquire that portion of land for public purposes as a result of approval of the subdivision. If the City chooses to require a cash payment, such payment shall be due and payable in full prior to and as a condition to final plat approval.

57.1.2 Any cash payments received shall be placed in a special fund by the City pursuant to Minn. Stat. 462.358 Subd. 2b to be used for park related purposes.

57.1.3 The City Council shall approve any contribution of cash pursuant to this section as part of the preliminary and final plat approval.

57.2 All dedications shall be included in the dedicated portion of the plat, included in the development contract, or received by the City in Warranty Deed prior to the approval of the final plat, without further restrictions or reservations.

IMPROVEMENTS

58. Expense of Improvements. Prior to the submission of a Final Plat application and prior to approval of a Metes and Bounds subdivision, the subdivider shall provide for the construction of the required improvements at their expense and shall have the work completed or shall enter a Development Contract and give bond or other financial assurance satisfactory to the Council in an amount equal to 125% of the estimated cost of the uncompleted improvements except as provided in Section 60. The bond shall be released by the City Council upon the recommendation of the City Engineer indicating the improvements are satisfactorily complete.

59. Improvement Standards. The required improvements shall conform to the standards of Section 48 of this Ordinance and shall include street cross section, signs and lighting in conformance with adopted City standards.

60. Development Contract. The subdivider may request the City to construct municipal sewage facilities, municipal water facilities or bituminous street surfacing with all costs to be assessed against the benefited properties. If the City Council agrees, the subdivider shall enter a Development Contract and give a bond or other financial assurance satisfactory to the Council in an amount equal to 50% of the estimated costs. The assessments shall be paid in full upon sale of the property.

61. Professional Costs. All costs of the City Engineer, City Attorney, Bond Council, financial experts and other professional costs borne by the City in writing and/or executing Development Contracts, estimates of cost, inspectors, financial arrangements, assessments and pursuing legal remedies in event of default by the subdivider, shall be borne by the subdivider or their successors.

62. Record Drawings. Before final release of the bond, record drawings shall be provided by the applicant documenting final locations of improvements.

ADMINISTRATION

63. Zoning Administrator.

63.1 The Zoning Administrator shall be appointed by the City Council.

63.2 Duties of the Zoning Administrator:

63.2.1 Determine if applications are complete and comply with the terms of the Ordinance.

63.2.2 Direct or conduct inspections of building, sewage systems and other uses of the land to determine compliance with the terms of the Ordinance.

63.2.3 Maintain permanent and current records of the Ordinance including, but not limited to, maps, amendments, Land Use or Use Permits, Conditional Use Permits, Variances, appeals and applications, and a separate file for future conditions or expiration of permits.

63.2.4 Review, file and forward applications for appeals, Variances, Conditional Uses and Zoning amendments in a timely manner.

63.2.5 Enforce the provisions of this Ordinance by reviewing complaints and by pursuing contacts with any violator in accordance with standard procedures as adopted and modified from time to time.

63.2.6 Attend meetings and provide research and findings to the Board of Adjustment/Planning Commission.

63.2.7 Issue permitted Land Use Permits upon application for structures on lots conforming to this Ordinance when the conditions of the Ordinance are met; to issue Conditional Use Permits when directed; to issue notices of a Zoning change when directed.

63.2.8 To mail a copy of the findings to an applicant.

63.2.9 To file copies of Conditional Use Permits and Variances with the County Recorder.

63.2.10 To communicate with the Department of Natural Resources where required by the Ordinance or State Law.

63.2.11 To ensure that the City Council, Planning Commission and Board Adjustment review land use application or public hearing applications as prescribed by State Statutes.

63.2.12 To conduct periodic and final inspections with a member of the Planning & Zoning Commission, of property subject to conditions of approval relating to Variances, Conditional Use Permits and other land use applications.

63.2.13 To issue *Land Use Certificates of Compliance*, when applicable.

63.3 The Zoning Administrator and their duly authorized deputies shall have the right to trespass, consistent with state and federal laws and precedents, within the City of Lake Shore in the pursuit of their duties.

64. Board of Adjustment.

64.1 The Board of Adjustment shall consist of the members of the Planning Commission, and shall hold its meetings concurrently with the Planning Commission meetings on a monthly or more frequent basis at the discretion of the Chairman.

64.2 Duties of the Board of Adjustment.

64.2.1 To consider appeals from the action of the Zoning Administrator wherein the Board will take the authority of the Administrator.

64.2.2 To hold hearings on Variances after proper public notice in the official newspaper and individual notice by regular mail to any property owners within a minimum of 500 feet distance of any Variance in question. Such notice shall be given at least 10 days before the hearing date.

64.2.3 To act on Variances within the required time frame with complete findings to justify the action.

64.2.4 To keep a record of its proceedings, notifications and justifications for its actions.

65. Planning Commission.

65.1 Organization of the Planning Commission.

65.1.1 The Planning Commission shall consist of between five (5) and thirteen (13) members appointed by the City Council, and three (3) additional alternate members. Each member other than the Council liaison shall hold office for three (3) years and terms shall be staggered, with a maximum of two (2) terms. The Mayor shall appoint the Council liaison on an annual basis with the City Council concurrence. Vacancies shall be filled for the remainder of the term by the City Council.

65.1.2 The Commission shall elect a chairman from its members for a term of one (1) year.

65.1.3 The Commission shall meet a minimum of twelve (12) times a year at a regular meeting unless the docket is empty in which case the Mayor and/or Chairman can approve suspension of a meeting. Special meetings shall be advertised in the official newspaper and posted in the City Hall at least ten (10) days in advance of the meeting.

65.2 Duties of the Planning Commission under this Ordinance.

65.2.1 To hold hearings after proper public notice in the official newspaper and individual notice by regular mail of any property owners within a minimum of 500 feet of any land use in question. Such notices shall be given at least ten (10) days before the hearing date.

65.2.2 To decide within the required time frame the following:

65.2.2.1 Recommendations to the City Council regarding requested Zoning District boundary changes or amendments to the Ordinance.

65.2.2.2 To review and provide recommendations to the City Council on Preliminary Plats, Common Interest Community plans or conversions to Common Interest Communities and to act on final plats.

65.2.2.3 To review and act on all Metes and Bounds property divisions within the City.

65.2.2.4 To review and act on requests for Conditional Use Permits with complete

findings to justify the decision.

65.2.2.5 To periodically review the Zoning map and Ordinances and consider their role in shaping the growth of the community and to recommend changes to the City Council of these documents to guide growth and current land use toward the goals of the Comprehensive Plan.

65.2.2.6 To recommend on a timely basis that the City Council review the Comprehensive Plan when appropriate.

65.3 It shall be the duty of each individual member to be present at all meetings of the Planning Commission and Board of Adjustment. More than three (3) unexcused absences in any one (1) year period shall be grounds for replacement by the City Council.

66. Parks Commission.

66.1 Duties of the Parks Commission under this Ordinance.

66.1.1 To make recommendations to the Planning Commission on park dedication fees and/or land dedications within new subdivisions.

66.2 To periodically review the Park Plan and Ordinances related to the Park plan and consider their role in shaping the growth of the community and to recommend changes to the Planning Commission of these documents to guide growth and current land use toward the goals of the Comprehensive Plan.

67. City Council. The City Council shall have the following duties under this Ordinance:

67.1 Appoint the Zoning Administrator by a majority vote, or terminate the Zoning Administrator by a 4/5 vote.

67.2 Confirm the appointments of the Mayor to the Board of Adjustment/Planning Commission members by a majority vote, or to remove members by a 4/5 vote.

67.3 To decide within the required time frame the following:

67.3.1 Recommendations from the Planning Commission for changes in Zoning District boundaries.

67.3.2 Recommendations from the Planning Commission for acceptance of Preliminary Plats or Common Interest Community plans or the conversion to Common Interest Communities.

67.3.3 To initiate and/or to hear appeals from the action of the Board of Adjustment and Planning Commission, after renotifying all parties originally notified in the first instance of the appeal and date of the meeting. Such notice shall be given at least ten (10) days before the hearing date.

68. Conditional Use Permits.

68.1 Conditional Use Permits shall be issued to the property for structures or other specified uses after a public hearing and approval by the Planning Commission. All applications for a Conditional Use Permit shall be submitted to the Zoning Administrator thirty (30) days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application. The Zoning Administrator shall notify all property owners within a minimum of 500 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least ten (10) days ahead of the public hearing. The Zoning Administrator shall send the same notice ten (10) days in advance of this hearing to the Department of Natural Resources if the proposed is in shoreland. At the applicant's option, the applicant may request a sketch plan review with no action by the Planning Commission and with no fee by giving 14 days notice thereof to the Zoning Administrator, meeting time permitted.

68.2 The applicant shall complete the Conditional Use Permit application approved by the City Council. The application shall contain submittal requirements, criteria for approval, procedure for consideration and City contact information. The City shall not accept applications where the applicant has past due fees or charges due to the City until the account is made current.

68.3 In permitting a new Conditional Use or alteration of an existing Conditional Use, the Planning Commission may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions that the Planning Commission considers necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to the following:

68.3.1 Increasing the required lot size or yard dimension.

68.3.2 Limiting the height, size or location of buildings.

68.3.3 Controlling the location and number of vehicle access points.

68.3.4 Increasing the street width.

68.3.5 Increasing or decreasing the number of required off-street parking spaces.

68.3.6 Limiting the number, size, location or lighting of signs.

68.3.7 Requiring berming, fencing screening, landscaping or other facilities to protect adjacent or nearby property.

68.3.8 Designating sites for open space.

68.4 The Planning and Zoning Commission shall decide the issue with consideration to the following:

68.4.1 The following must be met:

68.4.1.1 The use or development is an appropriate Conditional use in the land use zone.

68.4.1.2 The use or development, with conditions, conforms to the Comprehensive Land Use Plan land use plan.

68.4.1.3 The use with conditions is compatible with the existing neighborhood.

68.4.1.4 The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.

68.4.2 The following must be considered:

68.4.2.1 The Conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.

68.4.2.2 The Conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

68.4.2.3 The Conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

68.4.2.4 The Conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or indifference with traffic on surrounding public thoroughfares.

68.4.2.5 Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.

68.4.2.6 Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.

68.4.2.7 The Conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.

68.4.2.8 The Conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

68.5 When costs to the City involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to retain in reviewing permits.

68.6 Conditional Use Permits may be transferable where requested by an applicant and approved by the Planning Commission.

68.7 Violations of the conditions of a Conditional Use Permit shall automatically suspend the permit. A review of the violation shall be conducted by the Planning Commission. The Planning Commission shall determine conditions for reinstating the permit or revocation, if applicable.

68.8 Failure by the owner to act on a Conditional Use Permit within twelve (12) months, or failure to complete the work under a Conditional Use Permit within two (2) years, unless extended by the Planning Commission, shall void the permit. A second extension shall require a new public hearing.

This provision shall apply to any Conditional Use Permit outstanding at the time of the Ordinance adoption.

68.9 Appeals from the action of the City shall be filed with the City within fifteen (15) days of Council Action and with District Court within thirty (30) days after City Council action.

68.10 The Conditional Use Permit shall be filed with the County Recorder within forty-five (45) days. The applicant need not wait for filing to proceed.

68.11 Planned Unit Development Procedure shoreland conservation development and submissions.

68.11.1 The applicant may submit a concept plan to the Planning Commission for review and discussion at least fourteen (14) business days prior to the meeting.

68.11.2 Based on discussion, the applicant can formally apply by submitting preliminary documents, prepared with professional help, including as a minimum the Conditional Use Permit application, and further shall contain the following:

68.11.2.1 Proposed concept of plan operation.

68.11.2.2 Proposed plat or floor plan, if applicable.

68.11.2.3 Proposed recreational amenities.

68.11.2.4 Proposed timing.

68.11.2.5 Proposed final security.

68.11.2.6 Proposed development contract.

68.11.3 The Planning Commission shall review the submissions and act on the application within the required timeframe with a complete finding of facts.

68.11.4 The applicant shall then proceed within the time frame accepted under the preliminary proposal to provide final documents as required, including:

68.11.4.1 Financial security.

68.11.4.2 Development contract.

68.11.4.3 Title opinion.

68.11.4.4 Final plat or floor plan.

68.11.4.5 Surveyors plat check.

68.11.4.6 Final covenants and associated documents.

68.11.4.7 Final time schedule.

68.11.4.8 Final site plan which will control development.

68.11.4.9 Minnesota Pollution Control Agency/Minnesota Department of Health approval letter on sewage system & water supply.

69. Variances.

69.1 Variances shall not create a use not provided for in a zoning district.

69.2 Variances shall be issued to the property and are not transferable.

69.3 Variances shall be issued to the property for structures or other specified uses only after a public hearing and approval by the Board of Adjustment. All applications for a Variance shall be submitted to the Zoning Administrator thirty (30) days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application. The Zoning Administrator shall notify all property owners within a minimum of five hundred feet (500) feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least ten(10) days ahead of the public hearing. The Zoning Administrator shall send the same notice ten (10) days in advance of this hearing to the Department of Natural Resources if the proposed is in shoreland. At the applicant's option, the applicant may request a sketch plan review with no action by the Planning Commission and with no fee by giving fourteen (14) days notice thereof to the Zoning Administrator, meeting time permitted.

69.4 The applicant shall complete the Variance application approved by the City Council. The application shall contain submittal requirements, criteria for approval, procedure for consideration and City contact information. The City shall not accept applications where the applicant has past due fees or charges due to the City until the account is made current.

69.5 Variances shall be decided within the required time frame with consideration for the following:

69.5.1 The applicant establishes that there are practical difficulties, as defined in this Ordinance, in complying with the official controls, and

69.5.2 The strict interpretation of the Ordinance would be impractical because of circumstances relating to lot size, shape, topographic or other characteristics of the property not created by the land owner, and

69.5.3 The deviation from the Ordinance with any attached conditions will still be in keeping with the spirit and intent of this Ordinance and the comprehensive plan, and

69.5.4 The Variance will not create a land use not permitted in the zone, and

69.5.5 The Variance will not alter the essential character of the locality, and

69.5.6 The Variance is not for economic reasons alone, but reasonable use of the property does not exist under the Ordinance.

69.6 The Board of Adjustment may impose conditions in the granting of variances. A

condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

69.7 When costs to the City involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to retain in reviewing permits.

69.8 Failure by the owner to act within one (1) year on a Variance unless extended by the Board of Adjustment shall void the Variance. A second extension shall require a new public hearing. This provision shall apply to any Variance outstanding at the time of the Ordinance adoption.

69.9 Appeals from the action of the City Council shall be filed with the City within fifteen (15) days and with the District Court within thirty (30) days after Council action.

69.10 The Variance shall be filed with the County Recorder within forty-five (45) days.

70. Land Use Permits.

70.1 Land Use Permits shall be issued for all new structures and any change in structure exterior, plumbing or number of bedrooms, any construction or repair of a sewage system and any grading and filling in shoreland not exempted by this Ordinance. No person shall assemble, install, remove or construct any structure prior to applying for and receiving a Land Use Permit.

70.2 Where a proposed use requires action of the Board of Adjustment, Planning Commission or Council or posting of financial security, said action shall occur and the Conditional Use Permit, Variance, Zoning District change, final plat plan approval, approval of Metes and Bound division shall be issued or security posted before the Land Use Permit is issued.

70.3 Lot corners shall be visible on the lot. The Zoning Administrator may require a new survey when stakes are not visible or have been removed through erosion, construction or other action and require that a new certificate with existing and recorded dimensions shall be provided. If survey monuments are not clearly available to establish the property boundary, a survey shall be required when a structure is proposed to encroach within 150% of a side or front setback or within 82.5% of an Ordinary High Water Level setback or bluff setback.

70.4 The City shall not accept applications where the applicant has past due fees or charges due to the City or the County until the account is made current.

70.5 No applications shall be accepted by the Zoning Administrator from a contractor or property owner having outstanding violations. Permits can only be issued to contractors or property owners with outstanding violations by majority vote of the Planning Commission after the violation has been resolved to the satisfaction of the Planning Commission.

70.6 The Land Use Permit application shall contain the parcel number of the property and the signature of the fee or contract owner of the property or his authorized agent.

70.7 Unless extended by the Zoning Administrator, where a Land Use Permit has been issued but no action has occurred within twelve (12) months, the Land Use Permit shall be null and void.

Exterior work on the structure shall be complete in twenty-four (24) months from the issuance of the Land Use Permit. The time limit may be extended up to six (6) months by the Zoning Administrator for good cause. A second extension shall be decided by the Planning Commission.

70.8 Granting of a Land Use Permit shall occur when all requirements of the Ordinance have been met, but shall not be considered a statement of compliance with regional, State or Federal codes, statutes or laws or approval of the design of the structure or accessories, or description of the property. Subsequent actions of the Zoning Administrator shall not be considered acceptance of structural components or workmanship, but rather shall be for the purpose of determining general compliance with the Ordinance.

70.9 If the Zoning Administrator determines that any violation of the permit or other section of the Ordinance has occurred, the permit shall become null and void.

71. Subdivisions.

71.1 Pre-Application Meeting. A pre-application meeting shall be held including the subdivider, City Zoning Administrator, City Engineer, if requested by the Zoning Administrator, and the City Clerk. Discussion at this meeting shall be limited to procedure, Ordinance requirements and timing.

71.2 Sketch Plan Review Meeting with Planning Commission. A sketch plan review meeting by the Planning Commission is mandatory prior to a public hearing.

71.2.1 The subdivider shall submit one (1) 11x17 copy and one (1) electronic copy (PDF) of the sketch plan, fourteen (14) days prior to the normal Planning Commission meeting, and request a position on the formal agenda.

71.2.2 The Planning Commission shall not take action on the proposal, but may make suggestions to facilitate the preparation of an approvable Preliminary Plat or plan.

71.3 Metes and Bounds Subdivision Approval, Subdivisions ten (10) acres or greater in size and five hundred (500) feet or greater in width or where there is no net increase in the number of parcels.

71.3.1 Shall be subject to approval by the Zoning Administrator if both of the resulting parcels are ten (10) acres or greater and five hundred (500) feet of width or greater.

71.3.2 Such subdivisions shall be limited to no more than one (1) split of a parcel into two (2) parcels in a three (3) year period of time.

71.3.3 The proposed legal description for subdivision of land by Metes and Bounds shall be prepared and certified by a Registered Land Surveyor and must contain the essential information of a preliminary plat.

71.3.4 Approval by the City shall be indicated by the stamp of approval affixed by the City Clerk to said legal description. The County Recorder or Registrar of Deeds may accept each such Certificate for filing and recording upon compliance with these provisions.

71.4 Metes and Bounds Subdivision Approval, Subdivisions less than ten (10) acres in size or

less than five hundred (500) feet in width.

71.4.1 Where appropriate, under the provisions of this Ordinance, the subdivider shall submit documents containing the essential information of a proposed plat or plan and including dimensions computed to one hundredth (1/100th) of a foot and bearing computed to equivalent accuracy to the Planning Commission for approval.

71.4.2 The review of the Planning Commission need not include a public hearing.

71.4.3 The subdivider shall submit one (1) 11x17 copy and one (1) electronic copy (PDF) of the proposal to the Zoning Administrator thirty (30) days prior to the normal Planning Commission meeting and pay the corresponding fee.

71.4.4 The Zoning Administrator shall review the proposed lot split for compliance with the Zoning Ordinance, including a field review at his discretion.

71.4.5 The Planning Commission shall decide on the subdivision within the required time based on the resulting lots complying with the Ordinance, the feasibility of the resulting lots for their intended purpose, and the provision for access to adjacent properties. Conditions may be attached to an approval requiring appropriate improvements. No more than one (1) split into two (2) parcels shall be allowed in a three (3) year period of time. An additional parcel for right-of-way or commonly owned driveway access may also be allowed.

71.4.6 The decision of the Planning Commission may be appealed to the City Council.

71.4.7 The resulting land descriptions shall be prepared and signed by a Registered Land Surveyor and shall comply with all provisions of this Ordinance.

71.4.8 Failure of the subdivider to act after an approval of a Metes and Bounds subdivision within one (1) year shall void the approval unless extended by the Planning Commission. A second extension shall require a new review by the Planning Commission.

71.4.9 Approval by the City shall be indicated by the stamp of approval fixed by the City Clerk to said legal description. The County Recorder or Registrar of Deeds may accept each such Certificate for filing and recording upon compliance with these provisions.

71.5 Preliminary Plat, Preliminary Common Interest Community Plan, Conversions to Common Interest Communities or Preliminary Condominium Plat Approval. The Preliminary Plat, Preliminary Common Interest Community Plan, Preliminary Conversions to Common Interest Communities or Preliminary Condominium plan approval constitutes formal approval of the concept and design of the subdivision. The Planning Commission review shall include a public hearing and may include a field review at their discretion. All reports of City staff, Department of Natural Resources and Road authorities shall be reviewed and included in the hearing record. Related Variance requests, rezoning requests and Conditional use requests shall be heard concurrently with a subdivision request.

71.5.1 The subdivider shall submit one (1) 11x17 copy and one (1) electronic copy (PDF) of the proposed plat or condominium plat to the Zoning Administrator thirty (30) days prior to the normal Planning Commission meeting, pay the required fees and request a public hearing.

71.5.2 The Zoning Administrator shall notify all property owner's within five-hundred 500 feet, by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least ten (10) days ahead of the public hearing, including sufficient legal property description in the advertisement. The Zoning Administrator shall distribute one (1) copy to each Planning Commission member, if the proposal is adjacent to a County Highway, one (1) copy to the County Engineer, and if the plat is in shorelands, one (1) copy to the Department of Natural Resources postmarked at least ten (10) days before the public hearing for review and comment.

71.5.3 The Zoning Administrator shall review the proposed plat or plan as to content standards, necessary Variances, from the Zoning Ordinance and this Ordinance, necessary rezoning or necessary Conditional use permits, and advise the subdivider and the Planning Commission of his findings.

71.5.4 The subdivider shall make addition application for the necessary permits at least thirty (30) days prior to the normal Planning Commission or Board of Adjustment meeting as applicable, if subdivider desires to have a concurrent public hearing for Variance, Conditional use or rezoning.

71.5.5 The Planning Commission shall hold the Public Hearing and may continue the hearing as it deems necessary to allow all factual input it deems necessary to allow a decision. Lack of submission of comments by outside agencies shall be construed to mean the agency has no objections.

71.5.6 The Planning Commission shall recommend the approval, where applicable, of the Preliminary Plat, Preliminary Common Interest Community Plan or Preliminary Condominium Plat to the Council within the required timeframe, and the findings shall be sent to the subdivider. The Planning Commission shall consider the following in its decision:

71.5.6.1 Is the property properly zoned?

71.5.6.2 Does the proposal conform to the requirements of the Zoning Ordinance?

71.5.6.3 Does the proposal conform to the requirements of the Subdivision Ordinance?

71.5.6.4 Have the concerns of the affected agencies been addressed?

71.5.7 The City Council shall review the findings and recommendations of the Planning Commission at their next regular meeting and make the final determination.

71.5.8 The City Council will hear any appeal within thirty (30) days of the Planning Commission action and will re-notify anyone noticed for the Public Hearing. Said appeals will be filed with the City Clerk within fifteen (15) days of the decision.

71.5.9 Failure of the subdivider to act after an approval of Preliminary Plat, Preliminary Common Interest Community Plan or Preliminary Condominium Plat within one (1) year shall void the approval unless extended by the Planning Commission. A second extension shall require a new public hearing.

71.6 Final Plat, Final Common Interest Community Plan, Conversion to Common Interest Community, or Final Condominium Plat Approval. Upon approval by the Planning Commission, the subdivider shall cause the Final Plat, Final Common Interest Community Plan, Conversions to Common Interest Community or Final Condominium Plat, documents and concurrent documents to be prepared and submitted to the Planning Commission for recommendation to the City Council. All coincident Variance requests, Conditional use permit requests and/or rezoning requests shall either have been decided or be pending approval simultaneously with the Final Plat.

71.6.1 The subdivider shall submit one (1) 11x17 copy and one (1) electronic copy (PDF) of the Final Plat, Final Common Interest Community Plan or Final Condominium Plat and concurrent documents to the Zoning Administrator thirty (30) days prior to the Planning Commission meeting.

71.6.2 The Zoning Administrator shall distribute the information received to the City Attorney, the City Engineer and an independent Registered Land Surveyor, who shall review the submission for conformance with the standards and comment thereupon to the Planning Commission. The Zoning Administrator shall compare the Final Plat to the Preliminary Plat and comment thereupon. The Attorney shall ascertain that all parties with an interest in the parcel to be divided are indicated as signers of the documents. The Engineer shall determine that the improvements required have been completed or have been included in a development contract and that the required security has been posted with the City Council. The independent Registered Land Surveyor shall compare the approved Preliminary Plat with the Final Plat, provide a plat check of the Final Plat, and verify that the Final Plat meets the survey standards required by Minnesota Statutes.

71.6.3 The Planning Commission shall review the reports of the Attorney, Engineer, Zoning Administrator and independent Registered Land Surveyor and act within the required timeframe. The Planning Commission shall consider the following:

71.6.3.1 Has the applicant complied with all conditions and requirements upon which the preliminary approval is expressly conditioned wither through performance or execution of appropriate agreements assuring performance?

71.6.3.2 Does the Final Plat, Final Common Interest Community Plan or Final Condominium Plat agree with the Preliminary Plat, Preliminary Common Interest Community Plan or Preliminary Condominium Plat?

71.6.3.3 Does the City Attorney agree that all parties with an interest in the property are shown as signers of the document?

71.6.3.4 Does the City Engineer agree that all improvements required are satisfactorily completed or are guaranteed by contract with adequate financial security?

71.6.3.5 Does an independent Professional Land Surveyor agree the final document meets the statutory requirements?

71.6.3.6 Has financial security been posted in the appropriate amount?

71.6.4 Following approval by the Planning Commission, the subdivider shall submit to the Zoning Administrator, two (2) double mounted cloth backed prints on card stock (hard-

shells) and two (2) mylar prints of the Final Plat, Final Common Interest Community Plan or Final Condominium Plat for signature by the Mayor and Clerk.

71.6.5 Upon signature, the subdivider shall file all pertinent documents with the County Recorder. Failure to file a Final Plat or Plan, within two (2) years shall void the approval unless extended by the Planning Commission.

72. Fees. The Council shall adopt a schedule of fees from time to time for all permits.

72.1 No permit shall be issued, or request brought before the Board of Adjustment or Planning Commission until the fees are paid. All late applications shall require the payment of an after-the fact fee as outlined in the fee schedule. The City shall not accept applications where the applicant has any past due fees or charges due to the City until the account is made current.

72.2 Whenever any work, use or division of land for which a formal application and City approval is required, has been commenced without first making such application and without receiving City approval therefore, a special investigation of the circumstances shall be made. Because of the extra administrative costs involved in the special investigation, the minimum application fee for after-the-fact application shall be no less than five (5) times all fees as set forth in the basic fee schedule, whether or not the application is thereafter approved or denied. Payment of an after-the-fact application fee shall not constitute approval or authorization of the work, use or division of the land, and shall not constitute a penalty or a waiver of the right of the City to institute civil or criminal legal action against the applicant for commencing such work, use or division of land without the required prior approval of the City. All fees are non-refundable after work has begun on the application.

73. Financial Requirements. Applications will not be accepted as complete where an applicant has any utility charges, delinquent taxes, delinquent assessments or other fees past due with the City or County. The past due account must be paid to bring the account current before an application will be accepted.

73.1 When costs associated with processing or reviewing an application exceed the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to hire in reviewing permits. Outstanding fees shall be paid before issuance of the permit and any construction of the project begins.

74. Required Decision Making Time Frames. The City will do everything in its power to expedite the application review process and provide applicants with timely feedback on their requests.

74.1 Pursuant to Minnesota Statutes, Chapter 15.99, as amended, the City of Lake Shore establishes the following time frames for decisions make on all land use requests before the City, including Variances, Conditional Use Permits, Zoning District Boundary Changes, Zoning Ordinance Amendments, Appeals of Decisions by the Zoning Administrator or Planning Commission and Land Use Permits.

74.2 It shall be the applicant's responsibility to submit a completed application packet, which shall by definition include the application forms approved by the City, site plan with all information required by this Ordinance and remit proper fees for the land use application. Once the Zoning Administrator or appointee has received the completed application packet, the review time frame shall commence. The

Zoning Administrator shall notify applicants in writing when a completed application has been received.

74.3 The City shall, within sixty (60) days of the receipt of a completed application, make a decision on the request. A determination shall be either a recommendation to another body or a final action approving or denying a request. Time frames for other reviews required by statutes or other government units shall not be counted as time during the local decision making process. Once the other agency or governmental unit has made their determination, the time frame for local review shall again commence.

74.4 If the City is unable to make a proper determination within the prescribed sixty (60) day time frame, it shall have the right to extend the time frame another sixty (60) days. The City shall, in writing, notify the applicant that it is unable to complete the review process and state the specific reasons why the process must be extended.

74.5 If the City is unable to make the final determination within 120 days of the original application date, it shall, in writing, request an extension from the applicant. The applicant shall have the authority to approve or deny the request for an extension.

ENFORCEMENT

75. Violations and Penalties. The violation of any provision of this Ordinance or the violation of the conditions or provisions of any permit issued pursuant to the Ordinance shall be a misdemeanor, and upon conviction thereof, the violation shall be subject to a fine designated on the fee schedule or imprisonment for a term not to exceed ninety (90) days or both. Each act of violation and every calendar day on which such violation occurs or continues shall be a separate offense.

76. Liability of City Officials. The failure of any officer of the City or Board or employees of the City to act pursuant to this Ordinance, except as an individual acting in his own behalf, shall not be an offense and shall not subject the officer, Board or employee to any penalty except those provided under the City personnel policies.

77. Equitable Relief. In the event of a violation or threatened violation of any provision of this Ordinance or the conditions of any permit issued pursuant to the Ordinance, the City, in addition to other remedies, may act or institute action to prevent, restrain, correct or abate such violation or threatened violation.

SEPARABILITY, SUPREMACY, EFFECTUATION, AMENDMENTS, NOTICES

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

79. Supremacy. When any condition implied by this Ordinance on the use of land or buildings is more restrictive or less restrictive than applicable conditions imposed by statute, rules and regulations, other City Ordinance or regulation or other jurisdiction, the more restrictive shall apply. The Ordinance does not abrogate any easements, restriction or covenants imposed on the land by private declaration or

agreement, but where such provisions are less restrictive than an applicable of this Ordinance, the Ordinance shall prevail.

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

81. Amendment. The City Council may adopt amendments by 4/5 vote to either the Zoning Ordinance, Zoning Map or Overlay Maps in relation to the land uses within a District or the boundaries of the District(s). Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals of the community or changes in the conditions of the City.

81.1 An amendment may be initiated by the Council, the Planning Commission or by any property owner.

81.2 The Zoning Administrator shall review the proposed changes and make a recommendation to the Planning Commission.

81.3 The Planning Commission shall make a reasonable attempt to cause all property owners within a minimum of five-hundred (500) feet of proposed Zoning District change to be notified by regular mail and shall publish a hearing notice for either a Zoning District change or Zoning Ordinance change in the legal section of the official newspaper and shall provide notice to the Department of Natural Resources at least ten (10) days ahead of the public hearing. The Planning Commission shall hold the hearing and make a timely recommendation to the City Council. Adoption of a new Zoning map shall require published notice only. The Planning Commission shall consider the criteria for land use categories, Sec 11.5 in its decision.

81.4 The City Council shall review the recommendations and shall make a timely decision. An amendment requires a 4/5 vote to be enacted.

81.5 The City Clerk shall publish a summary of the text of the change or description of boundary change or a new Zoning map; whichever is appropriate, in the official newspaper within (thirty) 30 days after action by the Council.

82. Lake Classification Amendment. The City Council may adopt multiple shoreland classifications to a single body of water by resolution. Such resolution shall not be passed indiscriminately, but shall only be adopted upon a determination that such action is necessary to address a unique situation. The procedure for making a determination on the necessity of a multiple lake classification is as follows:

82.1 A study of the water body shall be initiated by the City Council. The Planning Commission or any property owners may petition the Council for such a study. A petition shall not compel the Council to proceed.

82.2 Prior to commencing a study of the water body, the Commission shall be notified of the City's intent to commence the study.

82.3 The study shall be prepared by the Zoning Administrator and overseen by the Planning Commission. The study shall examine the following:

82.3.1 Determine whether the lake has an irregular natural shoreline configuration, possesses two or more bays, arms, islands, peninsulas or points, or the lake has been artificially segmented by roadways, railways, bridges or levees. If none of these conditions exist, multiple shoreland classification shall not be applied to the lake.

82.3.2 Where the conditions of (a) exist, a recommendation shall be made as to the appropriate lake classification for each segment identified in (a). The recommendation shall be based on references to the following:

82.3.2.1 The records and files of the Department of Natural Resources, including maps, lists, and other products of the Protected Waters Inventory;

82.3.2.2 Data and publications of the Department of Natural Resources Shoreland Update Project;

82.3.2.3 Department of Natural Resources Bulletin No. 25 (1968);

82.3.2.4 Supplementary Report No. 1 - Shoreland Management Classification

System for Public Waters (1976) of the Division of Waters;

82.3.2.5 Minnesota's Lakeshore, part 2, Statistical Summary, Department of Geography, University of Minnesota;

82.3.2.6 Any additional supporting data supplied by the Commissioner.

82.4 Upon receipt of the study, the Planning Commission shall cause all property owners within a minimum of five-hundred (500') of the shoreline proposed to be reclassified to be notified by regular mail and shall publish a hearing notice for in the legal section of the official newspaper and shall provide notice and proposed reclassification to the Department of Natural Resources at least ten (10) days ahead of the public hearing. The Planning Commission shall hold the hearing and make a recommendation to the City Council.

82.5 The City Council shall review the recommendation and shall make a timely decision. A majority vote to reclassify shall be done by resolution.

82.6 Where a resolution to reclassify is adopted, the City Clerk shall forward the resolution to the Commissioner for review and approval. Multiple shoreland classifications are subject to review and approval by the Commissioner.

82.7 Where approved by the Commissioner, the City Clerk shall publish a description of reclassified area or a map showing the change, whichever is appropriate, in the official newspaper within thirty days (30) of a response from the Department of Natural Resources. Where a reclassification is denied, the City Clerk shall notify all property owners identified in four (4) of the Commissioner's decision.

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

84. Solar Energy Systems

84.1 Purpose. To accommodate the renewable energy needs of residents and businesses and enhance the sustainability of local energy production and consumption, while protecting the public health, safety and general welfare of the community, the city finds that these regulations are necessary in order to:

84.1.1 Promote rather than restrict the development of solar energy systems by removing regulatory barriers and creating a clear regulatory path for approving solar energy stems.

84.1.2 Protect and enhance air quality, limit the effects of climate change and decrease the use of fossil fuels.

84.1.3 Allow property owners the opportunity to capture their on-site solar energy resource.

84.1.4 Allow small-scale solar distributed generation that can provide support to the electric grid.

84.1.5 Minimize adverse visual effects of solar energy installations through careful design and siting criteria.

84.1.6 Encourage solar energy development in locations where the technology is viable and environmental, economic, and social impacts can be minimized.

84.2. Applicability. The requirements contained in this subpart apply to solar equipment and solar energy systems. Compliance with this subpart does not relieve the applicant from complying with all the other provisions of the City of Lake Shore Land Use and Subdivision Ordinance unless those provisions are modified by this subpart.

84.3 Definitions. The following words, terms and phrases when used in this ordinance shall have the meanings ascribed to them in this section.

84.3.1 Building-integrated Solar Energy Systems. A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, walls, skylights, and awnings.

84.3.2 Grid-intertie Solar Energy System. A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

84.3.3 Glare Study. A Solar Glare Hazard Analysis Tool developed by Sandia Laboratories as referenced by United States Department of Energy National Renewal Energy Laboratory Office publication entitled “Analyzing Glare Potential of Solar Photovoltaic Arrays”.

84.3.4 Ground-mounted. A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mounted systems can be either accessory or principal. Includes carports and canopys.

84.3.5 Off-grid Solar Energy System. A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

84.3.6 Passive Solar Energy System. A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

84.3.7 Photovoltaic System. A solar energy system that converts solar energy directly into electricity.

84.3.8 Renewable Energy Easement, Solar Energy Easement. An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land, as defined in Minn. Stat. 500.30 Subd. 3 or successor statute.

84.3.9 Roof-mounted. A solar energy system mounted on a rack that is fastened to or ballasted on a structure roof. Roof-mounted systems are accessory to the principal use.

84.3.10. Roof Pitch. The final exterior slope of a roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

84.3.11 Solar Access. Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

84.3.12 Solar Carport or Canopy. A solar energy system of any size that is installed on a carport or canopy structure that is accessory to a parking area or to a building. It may include electric vehicle supply equipment or energy storage facilities.

84.3.12.1 Residential Carport or Canopy. A carport or canopy each designed to cover an area of equal to or less than 600 square feet.

84.3.12.2 Commercial Carport or Canopy. A carport or canopy each designed to cover an area of greater than 600 square feet.

84.3.13 Solar Collector. The panel or device in a solar energy system that collects solar radiant energy and transforms it into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.

84.3.14 Solar Daylighting. Capturing and directing the visible light spectrum for use in illuminating interior building spaces in lieu of artificial lighting, usually by adding a device or design element to the building envelope.

84.3.15 Solar Energy. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

84.3.16 Solar Energy System. A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

84.3.17 Solar Hot Air System (also referred to as Solar Air Heat or Solar Furnace). A solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance includes a solar collector to preheat air or supplement building space heating, typically using a vertically-mounted collector on a south-facing wall.

84.3.18 Solar Hot Water System. A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

84.3.19 Solar Mounting Devices. Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

84.4 Roof Mounted Solar Collector. Roof mounted solar energy systems are allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to the requirements as set forth below.

84.4.1 Height. Roof mounted solar energy systems shall not extend above the peak of a pitched roof, and shall not extend more than ten feet above the roof surface of flat roofs or roofs with minimal slope (under 10%).

84.4.2 Set-Back. Roof mounted solar energy systems are required to meet set-back standards for the district in which the systems are located, except as provided below:

84.4.2.1. Roof-mounted collector surfaces and mounting devices shall not extend beyond the exterior perimeter of the building's roof, except as such extensions are building-integrated systems, designed to serve as an awning or canopy. Exterior piping for solar hot water systems or electrical conduit or other electric component shall be allowed to extend beyond the perimeter of the building on a side or rear yard exposure.

84.4.3. Visibility. Roof-mounted solar energy systems shall be designed to blend into the architecture and roof color of the building and other structures, as viewed from a public right-of-way or a public waterway. Solar energy systems that meet the following design standards shall be in compliance with the visibility requirements:

84.4.3.1. On pitched roofs located in residential districts, the solar collectors shall not extend above the peak of the roof.

84.4.3.2. On pitched roofs on a corner lot, roof-mounted systems shall be flush-mounted.

84.4.3.3. The solar collector shall not extend beyond the edge of the finished roof.

84.4.3.4. Solar energy systems not meeting the above design standards shall require a conditional use permit.

84.4.4. Carport or Canopy Mounted Solar Collectors. Carport or Canopy solar energy systems are allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to the requirements as set forth below.

S.4.4.1. Residential Carport or Canopy Solar Energy Systems.

84.4.4.1.1 Only one Residential Carport or Canopy Solar Energy System may be located on a property.

84.4.4.1.2 Residential Carport or Canopy mounted Solar Energy Systems are required to meet set-back standards for the district in which the systems are located.

84.4.4.1.3. Residential Carport or Canopy Solar Energy Systems shall not exceed 12 feet in height. Height is defined as the distance between the surface and the lowest horizontal member of the solar mounting device.

84.4.4.1.4 The area covered by a Residential Carport or Canopy shall be considered impermeable for the purpose of calculating compliance with permeability standards.

84.4.4.1.5 Residential Carports or Canopys not meeting the above design standards shall require a Conditional Use Permit.

84.4.4.2. Commercial Carport or Canopy Solar Energy Systems.

84.4.4.2.1. Commercial Carport or Canopy mounted Solar Energy Systems are required to meet set-back standards for the district in which the systems are located.

84.4.4.2.2. Commercial Carport or Canopy Solar Energy Systems shall not exceed 20 feet in height. Height is defined as the distance between the surface and the lowest horizontal member of the solar mounting device.

84.4.4.2.3 The area covered by a Commercial Carport or Canopy shall be considered impermeable for the purpose of calculating compliance with permeability standards.

84.4.4.2.4 All Commercial Carport or Canopy Systems shall be required to obtain a Conditional Use Permit. In addition to the requirements of subpart 62.2 the applicant will be required to submit a glare study and an artist or computer generated rendering of the proposed carport or canopy. The rendering shall show the proposed carport or canopy along with adjacent buildings or structures in elevation view from four different directions.

84.4.5. Approved solar components. Electric solar energy system components must have a UL listing and solar hot water systems must have an SRCC rating.

84.4.6. Compliance with state codes. All active solar energy systems shall meet approval of the relevant code officials, consistent with the most currently adopted State of Minnesota Building Code, National Electric Code, National Electric Safety Code and Plumbing Code.

84.4.7. Restrictions on Energy Systems

84.4.7.1. Operation of the system at the proposed location shall be consistent with reasonable enjoyment of adjacent property.

84.4.7.1.1 All solar arrays or panels shall be installed or positioned so as to not cause glare or reflective sun light on to neighboring properties, roadways and public waterways . Where it is deemed necessary, screening may be required to address glare.

84.4.7.1.2 All solar arrays or panels shall be installed or positioned so as to not obstruct the views from the neighboring properties.

84.4.7.2 The system shall be kept in good repair and sound condition. Upon abandonment of its use, the structure shall be immediately dismantled and removed from the property.

APPENDIX A

SEPTAGE MANAGEMENT

All septage disposal sites shall be preapproved by the City.

Separation Requirements For Land Application Of Septage - Domestic septage disposal and treatment standards shall comply with U.S. Environmental Protection Agency rules as found in 40 CFR Part 503 entitled "Standards for the Use or Disposal of Sewage Sludge," and Minnesota Pollution Control Agency guidelines as stated in " Land Application of Septage. "

A. The land spreading site shall be located such that the following minimum separation distances are maintained:

- | | |
|---|-----------|
| 1. Private water wells | 200 feet |
| 2. Municipal well | 1000 feet |
| 3. Occupied residential structure | 600 feet* |
| 4. Residential Districts, Commercial Developments, Recreational areas | 600 feet |
| 5. Property lines | 50 feet |
| 6. Public Road Right-of-Ways | 50 feet |
| 7. OHW of Protected Water | 200 feet |

B. Separation distances from protected waters, wetlands, intermittent streams, and agricultural drainage ditches shall be observed as follows:

SITE SLOPE SEPARATION DISTANCES FROM PROTECTED WATERS

May-Oct Nov-April

0-2%	200 ft.	600 ft.
2-6%	400 ft.*	not allowed
6-12%	600 ft.**	not allowed

ALL OF THE ABOVE SETBACKS MUST BE DOUBLED IF THE SITE DRAINS TO THE PROTECTED WATER

SITE SLOPE SEPARATION DISTANCES FROM ALL OTHER UNCLASSIFIED WATERS

May-Oct

Nov-April

0-2%	200 ft.*	600 ft.
2-6%	400 ft.*	not allowed
6-12%	300 ft.**	not allowed

*--Separation distances may be reduced by 50% if septage is injected.

**-- Land Spreading not allowed without injection.

Surface application of septage on frozen soil is prohibited unless slopes are 2% or less.

Land Suitability For Land Application Of Septage

A. Soil Suitability - To be suitable for land spreading, the soil must meet the following criteria:

1. Have medium or fine surface textures (no sandy or peaty surface textures).
2. Have a 3 foot vertical separation distance as outlines in chapter 7080.0110.
3. Have 6 inches of available water holding capacity between the application depth and redoxomorphic features.
4. Have at least 1 horizon in the upper 5 feet that has a permeability of less than 6 inches per hour.
5. Have surface permeabilities slower than 20 inches/hour or faster than 0.2 inch/hour.
6. Have a slope of 12% or less.

B. Physical Criteria

1. Septage must not be spread where a monitor well or designated monitor well exceeds 10 ppm nitrate count.
2. Septage shall be land spread on cropland in such quantity so as not to exceed the agronomic rates as approved by the Agency and City.
3. Septage shall be spread evenly across an approved land spreading site and not concentrated.
4. Septage land spreading sites must not be used for growth of crops, which will be consumed directly by humans for three years after the last septage application. The grazing or harvesting of foraged materials on septage land spreading sites must not occur for at least three weeks after the last spreading date.
5. Septage shall be incorporated as necessary to prevent nuisance conditions and excessive accumulation of septage solids on the soil surfaces.
6. In order to comply with the requirements for pathogen reduction and vector attraction reduction, the pH of septage to be land applied shall be raised and held at 12 or more for a minimum of 30 minutes. All other methods of pathogen reduction and vector attraction reduction methods must be approved in writing by the City prior to land application.

C. Daily Liquid Loading Limits

<u>Soil Texture</u>	<u>Gallons/Acres/Day</u>
Coarse	25,000
Medium	15,000
Fine	10,000

D. Annual Nitrogen Application for Non-Cropped and Non-Harvested Land

<u>Soil texture</u>	<u>Ibs. per acre</u>	<u>Surface applied</u>
<u>Nitrogen</u>	<u>Gal/acre/Year</u>	
1. High Density Vegetative cover -50% cover		
Coarse	75	34,000
Medium	100	49,000
Fine	125	65,000
2. Low Density Vegetative Cover- 25-50% Cover		
Coarse	50	25,000
Medium	75	34,000

Fine	100	49,000	
3. Fallow Land - 25 % Cover			
Coarse		0	0
Medium	50	25,000	
Fine	75	34,000	

Additional General Requirements

- A. Pumpers shall obtain approval from the owner of the land area used for septage disposal.
- B. Disposal of septage must meet all applicable federal, state, county or local zoning regulations.
- C. Disposal of septage within incorporated cities requires prior written approval from the city.
 - 1. Alternative Disposal-Any alternative disposal of septage must meet the applicable standards of the City and the Agency. Any alternative disposal requires written approval from the City prior to the disposal.