

PINE RIVER ZONING ORDINANCE OUTLINE

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SECTION I

TITLE

- 1.1 This Ordinance shall be referred to and cited as the Pine River Zoning Ordinance, except herein where it shall be cited as the “Ordinance”, No. 161.

SECTION II

INTENT AND PURPOSE

This Ordinance is established pursuant to the authority granted by the Minnesota Statutes, in particular the Municipal Planning Act, Minnesota Statutes 1980 Sections 462.351 to 462.364, the Municipal Shoreland Act, Minnesota Statutes 1979 Section 379, and Policies in Minnesota Statutes, Section 105, 115 and 116. This Ordinance hereby repeals Pine River Ordinance No. 101 and previous amendments thereto. This Ordinance amends Ordinance No.101 and previous amendments thereto.

- 2.1 This is adopted for the purpose of:
- (1) Protecting the public health, safety, comfort, convenience and general welfare.
 - (2) Inaugurating and effectuating the goals of the Comprehensive Plan.
 - (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.
 - (4) Conserving the natural and scenic beauty and attractiveness of the City, for the health and welfare of the public.
 - (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.
 - (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 and City Council under this ordinance.
 - (7) Providing standards and criteria for shoreland to preserve and enhance the quality of surface waters, conserve the economic and natural environment values of shoreland and provide for the wise use of water and related land resources of the City.

SECTION III

RULES AND DEFINITIONS

3.1 Rules

For the purpose of the Ordinance, the following rules shall apply to the interpretation of the language used herein:

- (1) The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- (2) The masculine gender includes the feminine gender and neuter gender.
- (3) The singular includes the plural and the plural the singular.
- (4) The present tense includes the past and future tenses and the future, the present.
- (5) The word “may” is permissive, the word “shall” is mandatory. Mandatory compliance with the Ordinance shall allow for variances thereto.
- (6) All distances expressed in feet shall be to the nearest tenth of a foot, horizontally or vertically.
- (7) In the event of a conflict, the most restrictive provision shall apply.

3.2 Definitions

The following words shall be defined as follows for the purposes of this Ordinance:

- (1) **Abandoned Motor Vehicle.** A motor vehicle as defined in Minnesota Statutes Chapter 169.01 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 30 days and is inoperable, or is unlicensed. Refer also to Minnesota Statutes Chapter 168B.
- (2) **Accessory Use of Accessory Structure.** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, including tower antennas, dish antennas, propane tanks, swimming pools, wind generators, garages, sheds, boathouses and similar structures. Does not include a structure attached to the principal structure or a dwelling, or guest quarters. Antennas shall meet all setback requirements, but shall not be subject to height restrictions.

- (3) Agricultural Use. The use of land for the growing and/or production of crops or livestock products for the production of income, including incidental retail sales of produce and animal products.
- (4) Animal Husbandry. The care and breeding of domestic animals such as cattle, hogs, sheep, horses, poultry, dogs (more than two) or cats (four or more).
- (5) Attorney. The attorney duly appointed by the Council to represent the City of Pine River.
- (6) Auto Salvage Yard. A lot or yard where four (4) or more unlicensed motor vehicles are stored while parts are removed, where crushing occurs, or where storage pending part removal and crushing may occur.
- (7) Bluff. A topographic feature such as a hill, cliff, or embankment having all the following characteristics:
 - (A) Part of all of the feature is located in shoreland area;
 - (B) A slope rises at least twenty-five (25) feet above the ordinary high water level of the water body;
 - (C) The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages 30% or greater; and
 - (D) The slope must drain toward the water body.

An area with an average slope of less than 18% over a distance for fifty (50) feet or more shall not be considered part of the bluff.

- (8) Bluff Impact Zone. A bluff and land located within twenty (20) feet from the top of a bluff.
- (9) Boarding House. A dwelling, single family, other than a resort where for compensation for definite periods of time, meals or lodgings are provided for three or more unrelated persons, but not to exceed six persons. Includes bed and breakfast.
- (10) Boat House. A structure designed and used solely for the storage of boats or boating equipment.
- (11) Board of Adjustment. The Board, appointed by the City Council, to hear and decide appeals from actions of the Zoning Administrator, and variance requests.
- (12) Building. Any structure having a roof, or completely enclosing and roofing an area for the purpose of sheltering persons, animals or property.

- (13) Building Height. The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level whichever is lower and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof or ten feet below the peak whichever is higher.
- (14) 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.
- (15) Building Permit. Same as Zoning Permit.
- (16) Campground. A land use under single ownership consisting of designated campsites with appropriate facilities designed for temporary occupation by tents or recreational vehicles with management services and with site rentals.
- (17) Campsite. A parcel within a resort or campground designated for the occupancy of one family or a periodic basis in a tent or recreational vehicle.
- (18) 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.
- (19) 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.
- (20) 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.
- (21) 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.
- (22) Cannabis Transportation/Delivery: Cannabis Businesses licensed or endorsed by the State Office of Cannabis Management for delivery or transportation of Cannabis Products.
- (23) City Clerk. The duly appointed person responsible for the administration of the City affairs.
- (24) City Sewer or Water System. A system of municipally maintained utilities approved by the State and serving more than one building or property.

- (25) Commercial Kitchen. A facility designed for food production, processing, packaging and food safety. Commercial kitchens must be inspected and licensed by the Minnesota Department of Health. License must be renewed annually.
- (26) Commercial Planned Unit Developments. Commercial Planned Unit Developments are typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks and other primarily service-oriented activities are Commercial Planned Unit Developments. Includes time-shared condominiums where part of a resort.
- (27) Commercial Use. The principal use of land or buildings for the sale, lease, rental, trade of products, goods, or services.
- (28) Commissioner. The Commissioner of the Department of Natural Resources.
- (29) Comprehensive Plan. A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social, and economic development of the City.
- (30) Conditional Use. (C.U.P.). A land use or development as defined by Ordinance that would not be appropriate without restriction, but may specifically be allowed with appropriate restrictions or conditions as determined by the Planning Commission upon a finding that (a) the use or development is an appropriate

conditional use in the land use zone and (b) the use or development with conditions conforms to the comprehensive land use plan and (c) the use with conditions is compatible with the existing neighborhood, and (d) the use with conditions would not be injurious to public health, safety, welfare, morals, order, comfort, convenience, appearance, or prosperity.

- (31) 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 and Chapter 515A or subsequent revisions.
- (32) Deck. An uncovered, unscreened structure above grade not including on-grade walks less than four feet wide.
- (33) Duplex, Triplex, or Quad. A dwelling structure on a single lot having two, three, or four dwelling units respectively being attached by common walls, and each unit being equipped with separate sleeping, cooking, eating, living, and interior sanitation facilities.
- (34) Dwelling Site. A designated location for residential use by one or more persons using temporary or movable shelter including camping and recreational vehicle sites.
- (35) Dwelling Unit. A structure or portion of a structure or other shelter designed as short or long term living quarters for one or more persons including rental or time share accommodations such as motel, hotel, resort rooms, and resort cabins. Any structure containing kitchen or bathroom facilities or plumbing shall be considered a dwelling unit.
- (36) Dwelling, Single Family. A dwelling unit totally separated from any other dwelling unit.
- (37) Dwelling, Multi-family. Two or more dwelling units attached together by any point including duplexes, triplexes, townhouses and multi-level units regardless of type of ownership.
- (38) Dwelling, Guest Quarters. A structure used as a dwelling unit that may contain sleeping spaces and/or kitchen and/or bathroom facilities in addition to those provided in the primary dwelling unit on a lot; dependent upon the principal structure for primary utilities, services, entrance, parking and accesses; and not for rent or lease. Any accessory structure containing kitchen or bathroom facilities or plumbing.
- (39) Dwelling Width. The smallest horizontal dimension of the major portion of a dwelling.
- (40) Engineer. The Engineer duly appointed by the Council to perform technical

services for the City of Pine River.

- (41) Extractive Use. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals or peat not regulated under Minnesota Statutes Sections 93.44 to 93.51.
- (42) Exterior Storage. Storage of goods, materials, equipment, manufactured products outside of a fully enclosed building.
- (43) Family. An individual, or two or more persons related by blood, marriage or adoption, living together in a dwelling unit or a group of not more than four persons not so related maintaining a common household.
- (44) Fence. A partition, wall, or gate erected as a divider, marker, barrier, or enclosure on or near a property boundary, or a barrier, screen or enclosure within the property.
- (45) Final Floor Plat. 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.
- (46) Final Plat. A drawing prepared by a Registered Land Surveyor depicting the subdivision of land and related information conforming to the requirements of Minnesota Statutes, Chapter 505.
- (47) 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 (500 year storm).
- (48) 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 (500 year chance of occurrence).
- (49) Foundation. A concrete, concrete and concrete block, or treated wood portion of a structure which totally encloses the perimeter of the structure, supports the bearing loads of the super structure and penetrates the ground to provide frost protection.
- (50) Green Space. Privately owned property permanently dedicated by covenant to vegetative ground coverage with allowance for use as recreational facilities, tree coverage or water courses, water supply, sewage disposal and drives. Public property permanently dedicated to park, vegetative buffer, tree coverage or similar uses.
- (51) Hardship. The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is

due to circumstances unique to his property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if reasonable use for the property exists under the terms of the ordinance.

- (52) Home Occupation. The use of commercial nature conducted by an occupant or occupants of a dwelling entirely within the dwelling or accessory buildings which use is clearly incidental and secondary to the use of the dwelling for residential purposes. Includes licensed day care facilities for children.
- (53) Impervious Surface. The horizontal area of buildings, patios, walks, driveways, accessory structures and other surfaces generally impervious to the penetration of storm water including gravel drives and parking areas.
- (54) Industrial Use. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities or other wholesale items.
- (55) Intensive Vegetation Clearing. The complete removal of trees or shrubs in a continuous path, strip, row or block.
- (56) Interim Use¹ means a temporary use of property until a particular date, until the occurrence of a particular event, or until land use regulations no longer permits that use.
- (57) Interval Ownership. A form of ownership of real property, condominium land or space further defined by time interval reoccurring each year, resulting in more than one owner of the same property, also known as timeshare.
- (58) 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 new construction materials for no longer than six months in conjunction with construction or a manufacturing process shall not be included. Three or more automobiles without current license plates constitute a junk yard. Such use shall not include putrid wastes such as garbage.
- (59) Landscaping. The placement of trees, shrubs, grass and walls and earth mounds or the utilization of existing natural vegetative cover equal thereto.
- (60) Lake Classification. The formal classification by the DNR of each body of public waters within the City.
- (61) Leaseback by Owner. An arrangement between an owner of property and a leasing agent or resort, to promote and operate the property for rental purposes.

¹ Amended 9/10/24
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- (62) Litter. Waste materials including but not limited to: cans, bottles, plastic and paper wrappings or containers.
- (63) 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 or building.
- (64) Lot Area. The horizontal area of a lot bounded by the lot lines and the ordinary highwater line if bounded by water.
- (65) Lot, Corner. A lot situated at the junction of and abutting on two or more intersecting streets or a lot at the point of deflection in alignment of one street with the internal angle less than 135 degrees.
- (66) 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 boundaries. If the lot abuts public water, the lake side shall be considered the lot front.
- (67) 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.
- (68) Lot, Pre-existing. A lot which is one unit of a subdivision plat heretofore duly approved and filed or one 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.
- (69) Lot Tier Depth. The lot depth of a normal lot conforming to the shoreland requirements; General Development Lake, first tier 200 feet; second and additional tiers 267 feet; Recreational Development Lake, all tiers 267 feet, Natural Environmental Lake, all tiers 400 feet.
- (70) Lot Tiers. Successive strips of land parallel with the ordinary highwater line, each one tier depth wide, and extending across the parcel.
- (71) Lot Width. The shortest distance between lot lines measured at the mid point of the building line.
- (72) Metes and Bounds. Descriptions of property and descriptions for lots other than lots in recorded subdivision plats.
- (73) Manufactured Housing. A factory built dwelling eight feet or more in width, containing more than 320 square feet and designed intrinsically as a trailer requiring only minor modifications prior to occupancy and/or not meeting the requirements of the Uniform Building Code, but complying with Minnesota Statutes 327.21 to 327.35 or Federal Development of Housing and Urban Development Standards, SB Co. Chapter 1350.

- (74) **Manufactured Housing Development.** A form of planned unit development designed for manufactured housing and including two possible types of ownership: single ownership with site rentals or individual site ownership with a homeowner's association owning common property.
- (75) **Motel/Hotel.** A commercial business with a central management to provide lodging and may provide related facilities such as restaurants, bars and other recreational amenities. Includes a bed and breakfast designed with over four separate bedrooms.
- (76) **Non-conforming.** The building, structure or land use lawfully existing prior to and not in conformance with the provisions of this Ordinance.
- (77) **Nuisance.** By authority and direction of Minnesota Statute, 1980, Section 412.221, Subdivision 23 and 24; and Section 429.031, Subdivision 8; and Section 145.22 and 145.23, nuisance is anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses, such as excessive smoke, odor, noise, heat, vibration, glare, traffic generation, visual impact, and other interferences or offenses. See also performance standards herein.
- (72) **Open Space 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. Same as special protection district.
- (73) **Ordinary High Water Level.** 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 flowage, the ordinary high water level is the operating elevation of the normal summer pool.
- (74) **Parking Space.** A site off public right of way, maintained and sized to park an automobile.
- (75) **Party Wall or Floor.** The structural divider between dwelling units vertically or horizontally, respectively.
- (76) **Patio.** An uncovered, unscreened platform without attached railings or seats which is on grade at its highest point.
- (77) **Permitted Use.** A land use conforming to the character of a zoning district which is permitted by ordinance requiring only a zoning permit issuable by the Zoning Administrator.

- (78) Pet. An animal, bird, reptile or fish commonly associated with human habitation, not considered under animal units and not raised for production of income.
- (79) Planned Unit Development (P.U.D.). A land use characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common green space, density increases, and mix of structure types and land uses. These developments may be organized and operated as condominiums, time share condominiums, co-operatives, full free ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential, condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels and conversions of structures and land uses to these uses. Includes semi-public use. Does not include a duplex where specifically allowed in a zoning district on a single parcel of land.
- (80) Planning Commission. A 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, subdivision of land and capital improvements; and to consider applications for and to grant or deny Conditional Use Permits.
- (81) Preliminary Plan or Plat. A plan prepared in accordance with the Subdivision Ordinance depicting the proposed subdivision of property by Final Plat or Final Floor Plan.
- (82) Principal Structure or Use. The single primary structure or use on a lot as distinguished from accessory uses or structures.
- (83) 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 and provide for common facilities.
- (84) Public Waters. Any waters as defined in Minnesota Statutes Sec. 105.37, Subd. 14 & 15. However no lake, pond or flowage of less than 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 requirements except as affected by the main waterbody. The official determination of the size and physical limits of drainage areas of rivers and streams shall be made by the Commissioner.
- (85) Recreational Vehicle. Vehicles including trailers less than 8 feet wide or containing less than 320 square feet, which are designed to be occupied as living quarters, and capable of being licensed by the State for highway purposes.

- (86) Residential Planned Unit Development. Residential Planned Unit Development means a use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, townhouses, cooperatives and full fee ownership residences would be considered as Residential Planned Unit Developments. Includes time share condominiums not part of a resort.
- (87) Resort. A commercial business with a central management to provide necessary services, located in shoreland, and having dwelling units and/or campsites for rent or owned by time interval and with related facilities such as restaurants, bars, golf courses or other recreational amenities.
- (88) 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.
- (89) Riparian Rights. The rights of a property owner owning a portion of the shoreline of a public water; including the right to a dock, to a boat access, to reasonable access to navigation, to withdraw limited water for irrigation and similar rights.
- (90) 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. Considered a P.U.D. under this Ordinance.
- (91) 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, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.
- (92) 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 feet of roof overhang, stoops not exceeding thirty (30) square feet and steps from stoop to ground not over four feet wide may protrude into the setback.
- (93) 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 feet of roof overhang, stoops not exceeding thirty (30) square feet and not protruding over six feet from the foundation and steps from stoop to ground not over four feet wide may protrude into the setback.
- (94) 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 feet of roof overhang, stoops not exceeding thirty (30) square feet and not protruding

over six feet from the foundation and steps from stoop to ground not over four feet wide may protrude into the setback.

- (95) Setback - Road. The closest horizontal distance between the road right of way line and the foundation or wall of a structure. Three feet of roof overhang, stoops not exceeding thirty (30) square feet and not protruding over six feet from the foundation and steps from stoop to ground not over four feet wide may protrude into the setback.
- (96) Setback - Waterfront. The closest horizontal distance between the ordinary high water mark and the foundation or wall or edge of a structure. Three feet of roof overhang, stoops not exceeding thirty (30) square feet and not protruding over six feet from the foundation and steps from stoop to ground not over four feet wide may protrude into the setback.
- (97) 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 of the State Rules and Regulations.
- (98) Sewer System. Pipe lines or conduits, pumping stations and force mains and all other constructions, devices, appliances or appurtenances used for conducting sewage or industrial waste or other waste to a point of ultimate disposal.
- (99) Shore Impact Zone. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the normal structure setback.
- (100) 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 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 Commissioner.
- (101) Shoreline Property. A lot directly abutting a public water, generally located in the first lot tier adjoining the public water.
- (102) Short-Term Rental Unit² means any home, cabin, condominium, or similar building that is advertised as, or held out to be, a place where sleeping quarters are furnished to the public on a nightly, weekly, or for less than a 30-day time period and is not a bed and breakfast, resort, hotel, or motel.
- (103) 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.

² Amended 9/10/24

- (104) Signs - Offsite. Any sign not located on the contiguously owned property with the use which is advertised.
- (105) Signs - Onsite. Any sign located on the contiguously owned property with the use which is advertised.
- (106) Sign - Area. The area in square feet enclosed by the exterior perimeter of a sign not including the structural supports. Only the largest side of a double faced sign or a V-shaped sign with no greater than a thirty (30) degree angle between faces shall be considered.
- (107) Solar Energy System, A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.
- (108) Solar Energy System, Ground Mounted. A solar energy system that is installed onto the ground directly or by means of brackets or poles.
- (109) Solar Energy System, Roof Mounted. A solar energy system mounted to the roof of a dwelling or other building.
- (110) 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 this 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.
- (111) Steep Slope. Land where agricultural activity or development is either not recommended or is described as poorly suited due to slope steepness due to the site's soil characteristics as mapped and described in available County Soils Surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12% as measured over horizontal distances of 50 feet or more, but which are not bluffs.
- (112) Street. A public right of way which affords primary vehicular access to abutting property and shall include avenue, road, highway, boulevard, drive etc.
- (113) Structure. Any building, appurtenance including decks or other facility constructed, placed or erected by man including TV disc antennas and gas tanks, but excepts aerial or underground utility lines such as sewer, electric, telephone, telegraph, and gas lines; and except walks or steps on grade not more than four

feet wide, stoops not exceeding thirty (30) square feet, fences, temporary furniture, planters, or decorative material and retaining walls 4' or lower and consisting of wood or decorative block. Fences shall be considered structures but subject only to Section 6.4.

- (114) Subdivision. The division of real estate into two or more parcels.
- A. Subdivision by Plat. The subdivision into two 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.
 - B. Subdivision by Condominium Plan. The subdivision of a building or the subdivision of real estate into two or more spaces or parcels of any size by the authority of Minnesota Statutes, Chapter 515A, with documents prepared by a Registered Land Surveyor and duly approved by the Planning Commission and Council.
 - C. 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. All subdivision by metes and bounds resulting in residential parcels less than twenty (20) acres or 500 feet in width; and commercial parcels less than five acres or 300 feet in width shall be approved by the Planning Commission.
- (115) Surface Water Oriented Commercial Use. The use of land for commercial purposes where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts and restaurants with transient docking facilities are examples of such use.
- (116) Temporary Structure. A seasonal agricultural products sale structure, a recreational vehicle, tent, houseboat, boat, used as a dwelling for more than a 5 day period per year. Any new dwelling constructed or placed after the date this ordinance and not on a permanent foundation, shall be considered a temporary structure.
- (117) Toe of Bluff. The lower point of a fifty (50) foot segment with an average slope exceeding 18%.
- (118) Top of the Bluff. The higher point of a fifty (50) foot segment with an average slope exceeding 18%.
- (119) 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 Plans.
- (120) Variance. A legally permitted deviation as provided in M.S. 462.357 Subd. 6, from the provisions of this Ordinance as deemed necessary by the Board of Adjustment when the strict interpretation of the Ordinance would create undue

hardship and be impractical because of circumstances, relating to lot size, shape, topography or other characteristics of the property, and when the deviation from the Ordinance with any attached conditions will still be in keeping with the spirit and intent of the Ordinance. Variances cannot create a land use not permitted in a zone.

- (121) Vegetation Removal, Clear Cutting. The removal of more than 75% of a stand of trees and brush over ten feet in height on a lot or parcel of land up to forty (40) acres.
- (122) Vegetation Removal, Open Cutting. The removal of up to 75% of a stand of trees and brush over ten feet in height on a lot or parcel of land up to forty (40) acres.
- (123) Vegetation Removal, Select Cutting. Removal of dead, diseased or damaged trees or shrubs, removal of trees for placement of structures and drives, and further removal of only individual trees to uniformly thin up to 25% of a stand, leaving more than 75% of the healthy existing trees on a lot or parcel of land up to forty (40) acres. Complete brush removal is allowable including trees under ten feet in height.
- (124) Water Oriented Accessory Structure or Facility. A small above ground building or other improvement except stairways, fences, docks and retaining walls which because of the relationship of its use to a surface water feature is located closer to public waters than the normal structure setback. Examples of such structures and facilities include boat houses, gazebos, screen houses, fish cleaning houses and detached decks.
- (125) Wetland. Land which is subject to periodic or continued inundation by water such as floodplains, marshes, swamps and peatlands classified as provided in circular #39, U.S. Fish and Wildlife Service.
- (126) Zoning Administrator or Building Inspector. The duly appointed person responsible for the enforcement and administration of this Ordinance.
- (127) Zoning District. An area of the City of Pine River defined on the zoning map, having uniform zoning provisions.
- (128) Zoning Map. The map of the City of Pine River, amended from time to time, which defines the boundaries of the zoning districts.
- (129) Zoning Permit. A permit issued by the Zoning Administrator or Building Inspector to allow the construction of a structure or to allow a land use when the provisions of this Ordinance 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 Ordinance.

Ground Mounted”, & “Solar Energy System, Roof Mounted”. Ord. No. 2019-1, dated May 15, 2019, added “Commercial Kitchen”, Ord. No. 09-9-2025-2, dated September 9, 2025, added the Cannabis Business types.)

SECTION IV

GENERAL PROVISIONS

4.1 Application of this Ordinance

- (1) The provisions of this Ordinance shall be held to be the minimum requirements for the maintaining of the public health, safety, morals and welfare.
- (2) Where the provisions of this 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 shall prevail.
- (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 and without a permit issued therefore, when required by this ordinance.
- (4) The provisions of this ordinance shall apply to the shoreland of the public waters identified in Sec. 5.1 (4) of this Ordinance.

4.2 Environmental Documents and Concurrent Permits

- (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, Planned Unit Development Permits, Corps of Engineers Permits, Public Water Permits, and Water Appropriation Permits. Approval by the City does not imply approval by other agencies.
- (2) The proposer of any project exceeding the limits defined in the Environmental Quality Council’s rules and regulations for Environmental review program or as requested by the Planning Commission, shall submit a draft Environmental Assessment Worksheet (EAW) for the City to review with other pertinent data.
- (3) The administration of an EAW or 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 decisions shall be final.

4.3 Use of Pre-Existing Lots

- (1) A lot, pre-existing for which a Deed, Contract for Deed, or other legal recorded conveyance or recorded plat has been executed prior to the effective date of this Ordinance shall be deemed a buildable lot without requiring a variance provided it has at least 80% of required lot area and lot width at the ordinary high water mark and building line, all the setbacks can be maintained, and sanitary provisions for well and sewage disposal can be maintained.
- (2) If two or more contiguous lots, pre-existing, in total could not be divided into two or more lots meeting the requirements of 4.3 (1), and are held by the same Owner on the effective date of this Ordinance, they will be considered one lot for building and zoning purposes. A covenant, duly filed and recorded, shall be required before a zoning permit is issued thereon.

4.4 Non-Conforming Uses

Any structure or use 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:

- (1) No such use shall be expanded or enlarged except in conformity with the provisions of this Ordinance with consideration for variances thereto.
- (2) If a non-conforming structure is destroyed by any cause, to an extent exceeding 80% of the structure's market value or 80% of the physical structure immediately prior to destruction, then the structure or its replacement shall thereafter conform to this Ordinance.
- (3) Normal maintenance of a building or other structure containing or relating to a lawful non-conforming use is permitted, including necessary repairs and incidental alterations which do not extend or intensify the non-conforming use.
- (4) Sewage treatment systems shall meet the requirements of MPCA Rule Chapter 7080 except that a system shall be considered conforming if it was constructed pursuant to Rule WPC 40 or 7080 prior to amendment and is functioning properly. However, any cesspool, leaching pit, seepage pit or other deep disposal method or system discharging into the ground at an elevation less than three feet above the water table, shall be considered non-conforming. Sewage treatment systems shall be upgraded to a conforming status according to the following schedule:
 - A. Upon issuance of any permit or variance for any improvement on, or use of, the property.
 - B. 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 feet

above the highest known water table.

- C. Upon determination by Zoning Administrator that system is inadequate for a change in occupation or use in the structure.
- D. Upon notice by the Zoning Administrator that the City's records indicate the system is non-conforming or upgraded upon notice from the City Council.
- E. Upon availability of a community sewer system to the property, connection to that system shall be made upon non-conformance of the individual system. (amended 9-10-2008)

Owners of non-conforming sewage systems, which in the opinion of the zoning administrator, cannot 1) be upgraded on-site or 2) combined into a private cluster system shall be required to use a holding tank.

4.5 Building Standards

- (1) All structures and appurtenances shall be constructed in accordance with the Minnesota Building Code.
- (2) Sewage treatment systems shall conform to Minnesota Pollution Control Agency Standards, "Individual Sewage Treatment Systems Standards - Chapter 7080". Further, all systems shall be constructed by installers certified by the State of Minnesota to install on-site treatment systems. The septic tank or pressure sewer shall be no closer than fifty (50) feet from any well. The treatment area shall be no closer than fifty (50) feet from a well which is deeper than fifty (50) feet or penetrates at least ten feet of impervious material, or one hundred (100) feet from any other well. The bottom of the rock in the treatment area shall be three feet or more above the highest known water table. The trench and drop box method shall be used where feasible. A drawing, to scale, showing the treatment system and nearby buildings, property lines and wells shall be provided to the City with each installation.
- (3) Sewage tanks being abandoned shall be removed or thoroughly pumped and filled with soil.
- (4) The plumbing and electrical facilities in all structures shall conform to the State Plumbing Code and the State Electrical Code respectively. The certification by the State Electrical inspector shall be visible in the electric box.
- (5) 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 MPCA. Private wells must be located, constructed, maintained and sealed in accordance with or in a more thorough manner than the water well construction code of Minnesota Health Department. All wells must be constructed, maintained and/or sealed by a well driller licensed by the State of Minnesota. A log for each

well shall be filed with the City.

4.6 Shoreland Management

The provisions of this Ordinance were prepared to be at least as restrictive as the “Statewide Standards for ‘Management of Shoreland Areas’” effective July 3, 1989 (and/or most recent), except as specifically authorized by the DNR. The shoreland standards shall be the first City reference document and shall govern in case of oversight, exclusion, or question in this Ordinance and shall govern the City’s administration of this Ordinance in shoreland matters where standards are set forth by the DNR.

SECTION V

ZONING DISTRICTS AND DISTRICT PROVISIONS

5.1 General Provisions

- (1) The City of Pine River is hereby divided into zoning districts as shown on the official Zoning District map which may be subsequently amended by the procedures of Section 10.4.
- (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 for the Open Zoning District.
- (3) The following Districts are hereby established:

Open (Same as Special Protection District)	O
Residential - Shoreline	R-1
Residential - Urban	R-2
Commercial Waterfront	CW
Commercial	C-1
Industrial	I-1
Public Ownership	P

- (4) The lakes and streams in the City have been classified as follows:

General Development (GD)

Norway Lake

Norway Brook (N. Branch, Pine River)

- (5) Some areas of the City are located in a flood plain. A flood hazard boundary map is available at the Office of the City Clerk.

5.2 Open District (O) (Corresponds to DNR Special Protection District)

- (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.

- (2) Permitted Uses

- Vegetation Removal, Select Cutting
- Public Park, Private Green Space

- (3) Conditional Uses

- Active Recreational Facilities (tennis, golf, swimming, etc.)
- Recreational structures not used as dwelling units
- Beach
- Vegetation Removal, Open Cutting

- (4) Accessory Uses

None Permitted

- (5) Excluded Uses

Among other uses, the following are specifically excluded:

- Agricultural Uses
- Animal Husbandry
- Junk Yards
- Campgrounds
- Dwelling Units
- Commercial Use
- Auto Salvage Yards

- (6) Lot, Use and Density Requirements

The setbacks of the most restrictive adjacent zoning district shall apply.

- (7) Mixed Zone Lots

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 area credit given for the Open District area.

See also Sec. 4.3, 4.4, 4.5, and 5.1

5.3 Residential, Shoreline, R-1

(1) Purpose

To establish and maintain a district within the shoreland area that is recreational-residential in character that is compatible with the natural resources of lakes and streams.

(2) Permitted Uses

Dwellings, single family, twenty (20) feet or wider on a foundation

Decks on pre-existing structures at less than normal setback Sec. 5.3 (7) B

Parks and playgrounds

Vegetation removal, selective cutting

Shoreland alterations under fifty (50) feet wide (beach rehabilitation)

One unlighted identification sign, not exceeding three square feet

Grading in a shore or bluff impact zone or steep slope area (less than ten cubic yards)

Grading anywhere else in a shoreland area (less than fifty (50) cubic yards)

Temporary structures; excluding seasonal agricultural products sales structures. (Time limit to be determined by Zoning Administrator, not to exceed six months).

Accessory structures up to 1,200 sqft

Solar Energy System, Ground Mounted

Solar Energy System, Roof Mounted

(Ord. No. 18-01, dated September 11, 2018, added "Solar Energy System, Ground Mounted" & "Solar Energy System, Roof Mounted".)

(3) Conditional Uses

Churches

Historical sites

Home occupation

Boarding house

Public buildings

Duplex

Dwelling, guest quarters

Semi-public uses shall be considered a Planned Unit Development

Accessory structures exceeding 1,201 square feet

Planned Unit Development, which are individually owned or rental units, medical, hospital or extended care facilities

Grading in a shore or bluff impact zone or steep slope area (more than ten cubic yards)

Grading anywhere else in a shoreland area (more than fifty (50) cubic yards)

Waterfront setback on pre-existing principal structures within 50 feet - 75 feet. The existing set back shall not be decreased.

Shoreland alterations in excess of fifty (50) feet of width (beach rehabilitation).

Other residential, institutional, or government service uses determined by the Planning Commission to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses and the general public health, safety, and welfare

(4) Accessory Uses

Accessory uses or accessory structures will be permitted except that the principal use must first be established. The maximum cumulative size of any accessory structure(s) shall not exceed 1,200 square feet except as provided in (3).

(5) Excluded Uses

Among other excluded uses, the following are excluded from the (R-1) Zoning District:

- ◆ Junk Yards
- ◆ Auto Salvage Yards
- ◆ Commercial uses except home occupation or boarding house, including commercial P.U.D.
- ◆ Dwellings, single family, less than twenty (20) feet wide
- ◆ Triplex and quad residential (except as part of P.U.D.)
- ◆ Interval ownership or leaseback by owner or more than four individual leases per year of any dwelling
- ◆ Impervious surface within fifty (50) feet of the ordinary high water mark except walks and steps on grade less than four feet or less in width and other permitted deck structures
- ◆ Campground/R.V. park
- ◆ Manufactured Housing Developments
- ◆ Extractive Use
- ◆ Vegetation removal, open cutting

(6) Interim Uses³

Short-Term Rental Unit

Agricultural uses including animal husbandry

- ◆ Water-oriented accessory structure at less than normal setback
- ◆ Controlled access lots

(7) Lot Use and Density Requirements

Lake Classification	General Development With Public Sewer	General Development Without Public Sewer
Lot width at ordinary high water line and building line (feet)	75	100
Lot area (square feet)	15,000	20,000
Setback, road (feet)	30	30
Setback, waterfront (feet) (Except as provided in 5.3(3) Conditional Uses)	50	75
Setback, top of bluff	30	30
Setback, side (feet)	10	10
Setback, side accessory structure (feet)	10	10

³ Amended 9/10/24
Pine River Zoning Ordinance

Setback, corner side (feet)	20	20
Setback, sign, road (feet)	1	1
Setback, unplatted cemetery (feet, minimum)	50	50
Patio setback, waterfront (feet, minimum)	50	50
Maximum impervious coverage	25%	25%
Parking/driveway setback from property line (feet, minimum)	5	5
Maximum building height (feet)	25	25
Building above highest known groundwater, lake level or flood of record (feet)	3	3
Maximum density (square feet)	1 unit/10,000	1 unit/13,333
Lot width and shoreline with guest quarters or duplex (feet, minimum)	180	180
Septic tank and/or pump chamber from ordinary high water mark (feet)	-----	50
Soil absorption system from ordinary high water mark (feet)		50

All lots must front a minimum of thirty-three (33) on a public right of way.

No lot shall be created in the first lot tier adjoining a lake or stream unless it has the minimum water frontage.

(8) Performance Standards

- A. A dwelling guest quarters must meet the following restrictions:
 - 1. Shall be located along with the principal structure on the smallest lot meeting the above requirements.
 - 2. Shall not cover more than 700 square feet of land and must not exceed fifteen (15) feet in height.
 - 3. Shall be located to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setback, color or other means acceptable to the City, assuming summer leaf-on conditions.

- B. For decks added to structures constructed prior to this Ordinance, such use shall be considered permitted use provided the following shall apply:

1. A thorough evaluation of the property and structure reveals no reasonable location exists for a deck meeting or exceeding the waterfront setback.
 2. The deck encroachment toward the ordinary high water level does not exceed 15% of the existing waterfront setback of the structure or does not encroach closer than fifty (50) feet whichever is more restrictive.
 3. The deck is constructed primarily of wood and is not roofed or screened. The space under any deck shall not be enclosed.
- C. Stairways, lifts, and landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
1. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments.
 2. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area.
 3. Canopies or roofs are not allowed on stairways, lifts, or landings.
 4. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
 5. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.
 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 subitems (1) to (5) are complied with.
- D. 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.
- E. A significant historical site may not be modified, altered, or built upon in a manner which effects the values of the site and without consultation with the Minnesota Historical Society.
(See also Sec. 4.3, 4.4, 4.5, 5.1)

5.4 Residential-Urban (R-2)

- (1) Purpose
To establish and maintain a residential district partially within the shoreland area that allows the use of single- and multi-family structures.
- (2) Permitted Uses:
 - ◆ Recreational Facilities
 - ◆ Green Space
 - ◆ Dwellings, single family twenty (20) feet or wider on a foundation
 - ◆ Vegetation removal, open cutting
 - ◆ One unlighted identification sign, not exceeding three square feet.
 - ◆ Grading in a shore land area (less than fifty (50) cubic yards)
 - ◆ Accessory uses to permitted principal structures less than 1,200 squarefeet
 - ◆ Solar Energy System, Ground Mounted
 - ◆ Solar Energy System, Roof Mounted

(Ord. No. 18-01, dated September 11, 2018, added “Solar Energy System, Ground Mounted” & “Solar Energy System, Roof Mounted”.)

- (3) Conditional Uses:
 - ◆ Churches
 - ◆ Duplex, triplex, or quad
 - ◆ Dwelling, Guest Quarters on a single lot
 - ◆ Planned Unit Developments (residential, consisting of permanent, constructed onsite structures twenty (20) feet or wider on foundations)
 - ◆ Grading in a shoreland zone (more than fifty (50) cubic yards)
 - ◆ Boarding House
 - ◆ Medical Facilities
 - ◆ State Licensed Residential Facilities
 - ◆ Public Buildings
 - ◆ Home Occupations
 - ◆ Dwellings, Single Family, less than twenty (20) feet wide
 - ◆ Vegetation removal, clear cutting
 - ◆ Semi-public uses

- ◆ Accessory uses exceeding 1,201 square feet or part of.
- ◆ Shoreland alterations in excess of fifty (50) feet wide.
- ◆ Other residential, institutional, or government service uses determined by the Planning Commission to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses and the general public health, safety, and welfare

(4) Accessory Uses

Accessory uses or accessory structures will be permitted for existing permitted single family principal use. The maximum cumulative size of any accessory structure(s) shall not exceed 1,200 square feet except as provided in (3).

(5) Excluded Uses

Among other excluded uses, the following are excluded for the (R-2) Zoning District:

- ◆ Commercial uses except rental units, or boarding houses.
- ◆ Interval ownership or leaseback by owner or more than four individual leases per year of any dwelling.
- ◆ Campground/R.V. park
- ◆ Manufactured Housing Developments.
- ◆ Agricultural uses, including animal husbandry, and agricultural product sales.
- ◆ Junk Yard.
- ◆ Auto Salvage Yard.

(6) Interim Uses⁴

Short-Term Rental Unit

(7) Lot Use and Density Requirements

	With Public Sewer	Without Public Sewer
Lot width (feet)	80	100
Lot area (square feet)	12,000	20,000
Setback, road (feet)	30	30
Setback, side (feet)	10	10
Setback, cornerside (feet)	15	20
Setback, rear yard (feet)	15	15

⁴ Amended 9/10/24
Pine River Zoning Ordinance

Setback, rear yard, garage (feet)	8	8
Setback, side yard garage (feet)	8	8
Maximum impervious coverage (percentage)	30%	25%
Setback, sign, road (feet)	1	1
Setback, unplatted cemetery (feet)	50	50
Parking/Driveway - setback from property line (feet)	1	1
Maximum building height (feet)	25	25
Building above highest known groundwater or flood of record (feet)	3	3
Maximum density - P.U.D.	10 units/A.C.	2 units/A.C.
Lot width for duplex (feet)	100	180
Lot area for duplex (square feet)	20,000	40,000

All lots must be a minimum of thirty-three (33) feet on a public right of way.

(8) Performance Standards

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.

See also Sections 4.3, 4.4, and 4.5.

5.5 Commercial Waterfront District (C-W)

(1) Purpose

To establish and maintain a commercial, recreational-oriented district within the shoreline area comprised of resorts, restaurants, marinas and similar water-oriented uses.

(2) Permitted Uses

- ◆ Weekly rentals or more than four leases per year of any dwelling.
- ◆ Onsite signs
- ◆ Recreational facilities for resort guests
- ◆ Shoreland alteration less than fifty (50) wide
- ◆ Vegetation removal, select cutting
- ◆ Grading in a shore or bluff impact zone or steep slope area (less than ten cubic yards)
- ◆ Grading anywhere else in a shoreland area (less than fifty (50) cubic

- yards)
- ◆ Solar Energy System, Roof Mounted

(“Ordinance No. 18-01, dated September 11, 2018, added “Solar Energy System, Roof Mounted”.)

(3) Conditional Uses

- ◆ Offsite signs
- ◆ Shoreland alterations in excess of fifty (50) feet wide
- ◆ Commercial planned unit development (includes resorts, hotel/motel)¹
- ◆ Semipublic use, considered a commercial P.U.D. under this section
- ◆ Restaurants
- ◆ Grading in a shore or bluff impact zone or steep slope area (more than ten cubic yards)
- ◆ Grading anywhere else in a shoreland area (more than fifty (50) cubic yards)
- ◆ Recreational facilities open to general public
- ◆ Other commercial facilities relating to recreational use of shoreland area
- ◆ Vegetation removal, open cutting
- ◆ Accessory uses related to conditional use principal structures
- ◆ Waterfront setback on a pre-existing structure within 50 feet - 75 feet
- ◆ Other commercial and residential uses determined by the City Council to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses and the general public health, safety, and welfare.

¹ A one-time expansion to existing commercial P.U.D.s involving up to six dwelling units or sites, unless the density determined under the P.U.D. Sec. 7.1 is presently exceeded, will be considered a permitted use. The number of units on the date of this ordinance shall be the base of computation.

(4) Accessory Uses

Storage buildings, pools, decks and related recreational facilities

(5) Excluded Uses

- ◆ Single family homes except as related to resorts
- ◆ Manufactured housing developments
- ◆ Animal husbandry
- ◆ Vegetation removal, clear cutting
- ◆ Extractive use
- ◆ Water-oriented accessory structure closer than minimum setback, waterfront
- ◆ Junk Yard

◆ Auto Salvage Yard

- (6) Lot Use and Density Requirements
 For uses established after the date of this Ordinance:
 Minimum parcel size 5 acres
 Minimum lake front (if any) 500 feet

Lake Classification	General Development
Setback, waterfront - feet ¹ (except as provided in 5.5(3) Conditional Uses)	75
Setback, side exterior - feet ¹ (except as provided in 5.5(3) Conditional Uses)	20
Setback, road - feet	30
Distance between buildings - feet minimum	20
Parking/driveway setback from property line	10
Maximum impervious coverage	25% / 30% ²
Maximum building height - feet	25
Onsite sign setback, road - feet	1
Onsite sign setback, waterfront	1
Setback, unplatted cemetery - feet/minimum	50
Building floor above the highest known watertable or lake level - feet	3
Density - square feet of lot tier per dwelling unit:for Planned Unit Development, Commercial	See Section 7.1
Septic tank and/or pump chamber from ordinary high water mark - feet	50
Soil absorption system from ordinary high water mark	10
¹ Maximum density - see Commercial P.U.D. standards.	

² First tier P.U.D. developments on General Development lakes shall not exceed 30% impervious coverage.
All other General Development tiers shall not exceed 25%.

(7) Performance Standards

- A. Visual screening is required in exterior side yard setback area.
- B. For conditional use permit applications, the submissions of 7.1(8), 7.1(9), and 7.1(10) may apply except the subdividing documents as determined by the Zoning Administrator.
- C. All buildings shall meet the requirements of the Uniform Building Code and be designed by a Registered Architect.
- D. Multi-family buildings shall have a one hour fire rating on all party walls and party floors and be designed to a forty-five (45) decibel rating. The architect shall certify to these requirements.
- E. Campsites shall have 3,000 square feet assigned for use of each site, no closer than forty (40) feet center to center. Campsites will be considered units for density determinations.
- F. Resorts seeking density above requirements of 5.8(6) shall be informed that subdivision at higher density will not be permitted.
- G. No impervious surface shall be placed within fifty (50) feet of the high water mark except walks and steps on grade four feet or less in width.
- H. 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.
- I. Stairways, lifts, and landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
 - 1. Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments.
 - 2. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open space, recreational properties and planned unit developments.
 - 3. Canopies or roofs are not allowed on stairways, lifts, or landings.

4. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
 5. Stairways, lifts, and landings may 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.
 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.) and (5.) are complied with.
- J. 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.
- K. 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.
- L. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or must be setback double the normal setback, water front, or must be substantially screened from the water.

See Also: Sections 4.3, 4.4, and 4.5

5.6 Commercial District (C-1)

(1) Purpose

To create and maintain a district for commercial purposes, which can provide the goods and services for the residents and tourists of the community.

(2) Permitted Uses

- ◆ Vegetation removal, select cutting
- ◆ Onsite signs
- ◆ Parking structure
- ◆ Solar Energy System, Roof Mounted

- ◆ Vehicle Body Repair/Machine Shop
- ◆ Retail stores
- ◆ Gas stations,
- ◆ light repair shops
- ◆
- ◆ Professional buildings
- ◆ Medical facility
- ◆ Recreation Centers
- ◆ State Licensed Care facility
- ◆ Signs, Offsite
- ◆ Theaters
- ◆ Motels/Hotels
- ◆ Restaurants/Bars
- ◆ Public Buildings
- ◆ Interval ownership, weekly rentals, leaseback by owner or more than four leases per year of any dwelling.
- ◆ Churches
- ◆ Mixed Use P.U.D.s - residential apartments
- ◆ Commercial P.U.D.s
- ◆ Vegetation removal, open cutting
- ◆ Temporary Structures with seasonal permit
- ◆ Commercial Kitchen
- ◆ Other commercial and residential uses determined by the City Council to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses and the general public health, safety, and welfare

(Ord. No. 2019-1, dated May 15, 2019, added Commercial Kitchen.)

(3) Excluded Uses

Single family homes except as related to commercial P.U.D.s or motel/hotel complexes.

- ◆ Vegetation removal, clear cutting
- ◆ Manufactured home parks
- ◆ Recreational vehicle parks
- ◆ Campgrounds
- ◆ Junk Yards
- ◆ Auto Salvage Yards
- ◆ Agricultural use
- ◆ Animal husbandry

(4) Lot Use and Density Requirements

Impervious surface coverage - maximum	100%
Setback Road - feet	0
Setback, driveway/parking from lot line - feet	0
Setback side - feet	0
Setback rear - feet	0
Setback rear, garage – feet	0
Setback, unplatted cemetery - ft. minimum	50
Maximum building height - feet	25

Minimum lot size - square feet ◆ with municipal sewer ◆ without municipal sewer	3,000
Onsite sign setback - feet	---
Offsite sign setback - feet	---
Maximum density, hotel/motel units/acre ◆ with municipal sewer ◆ without municipal sewer	10

(Amendment to Section V, Sub Section 5.6, Paragraph (6) passed on 01/08/2019.)

(5) Performance Standards

- A. All structures shall be compatible with the neighboring structures.
- B. Signing shall conform to sign setbacks and in accordance with 6.2.
- C. All sites shall provide adequate off street parking in accordance with 6.10, or demonstrate that the parking requirement will not exceed that available in street on the lot frontage.
- D. 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.
- E. Water supply and sanitary facilities shall meet the building standards requirements and solid waste storage facilities shall be adequate. Municipal water or sewage disposal shall be used, if available.
- F. Outside storage shall be screened.
- G. Lighting shall be compatible with the surrounding development.
- H. Business operation shall be compatible with the surrounding development.
- I. Fire lanes shall be unobstructed.
- J. 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.

See also Sec. 4.3, 4.4, and 4.5.

5.7 Industrial District (I-1)

(1) Purpose

To create and maintain a district for industrial purposes which can provide the employment opportunities for the residents of the community and allow for the production and manufacture of goods and products.

(2) Permitted Uses

- ◆ Airports.
- ◆ Automobile, airplane, and farm implement assembly.
- ◆ Automobile parts, tires, and accessory sales.
- ◆ Automobile repair garages, service stations and car washes, as regulated in Section 27.
- ◆ Automobile sales (new and used). Outside display and storage of automobiles is permitted.
- ◆ Boat, motorcycle, and other recreational vehicle sales and service, not including wrecking or dismantling.
- ◆ Building materials yards and contractors' yards.
- ◆ Concrete mixing and concrete products manufacturing.
- ◆ Essential service utility structures and facilities.
- ◆ Farm implement sales, repair, and service.
- ◆ Machine and welding shops.
- ◆ Manufacturing industries consisting of the processing, treatment, and packaging of goods and foodstuffs.
- ◆ Meat processing and slaughtering facility.
- ◆ Outside storage of material and equipment, per the restrictions of Section Railroad lines and spurs, passenger and freight deposits.
- ◆ Recyclable material collection (temporary or permanent).
- ◆ Self-Service Storage Facilities. (
- ◆ Storage elevators.
- ◆ Vegetation, removal, open cutting
- ◆ Onsite signs
- ◆ Parking structures
- ◆ Solar Energy Systems, Roof Mounted

(Ord. No. 18-01, dated September 11, 2018, added "Solar Energy System, Roof Mounted".)

(3) Conditional Uses

- A. Electricity generating facilities, when not determined to be objectionable due to noise, odor, or vibration.
- B. Cannabis/Hemp Cultivation
- C. Cannabis/Hemp Manufacturing
- D. Cannabis Retail Sales
- E. Cannabis/Hemp Wholesale
- F. Cannabis /HempTransportation/Delivery
- G. Other wholesale, light manufacturing, construction or service uses similar in character to those listed above.

(Ord. No. 09-9-2025-2, dated September 9, 2025, added the Cannabis Business types.)

(4) Accessory uses - consistent with the principal uses of the property are permitted by Conditional Use Permit.

(5) Excluded uses

- ◆ Single family homes
- ◆ Motel/hotel
- ◆ Manufactured home parks
- ◆ Recreational vehicle parks
- ◆ Campgrounds
- ◆ Junk yards
- ◆ Auto salvage yards
- ◆ Agricultural use
- ◆ Animal husbandry
- ◆ Medical facility
- ◆ State licensed care facility

(6) Lot Use and Density Requirements

Lot Use and Density Requirements	
Impervious surface coverage	50%
Setback, road	30 feet
Setback, side	15 feet
Setback, hanger (from overhang)	6 feet
Setback, hanger, rear	15 feet
Setback, rear	30 feet
Setback, parking or driveway	10 feet
Maximum building height	25 feet
Minimum lot size	3,000 square feet
On-site sign set-back	1 foot

Off-site sign set-back	1 foot
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(7) Performance Standards

- A. All structures shall be compatible with the neighboring structures.
- B. Signing shall conform to sign setbacks and in accordance with 6.2.
- C. All sites shall provide off-street parking in accordance with 6.10 or demonstrate that the parking requirement will not exceed that available in the street on the lot frontage.
- D. Water supply and sanitary facilities and solid waste storage facilities shall be adequate. Municipal water or sewage disposal shall be used if available.
- E. Outside storage shall be screened.
- F. Lighting shall be compatible with the surrounding development.
- G. Fire lanes shall be unobstructed.

See also 4.3, 4.4, 4.5.

SECTION VI

PERFORMANCE STANDARDS - GENERAL

6.1 Bond

Before any construction shall commence on a development requiring off-site improvement, the developer shall post with the City a performance bond or other financial security satisfactory to the City in an amount acceptable to the City Council, but not less than 125% of the cost of the sewer, water, roads, and drainage construction, as estimated by the engineer, giving the City the ability to complete the construction with the security, if the developer defaults on his plans for any reason. The bond or letter of credit or other security shall only be reduced upon acceptance of the work in writing by the engineer and Zoning Administrator.

6.2 Signs

(1) Purpose

The purpose of this provision is to protect the general welfare and safety of the City by providing a policy of aesthetic 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.

(2) Nature

All signs are considered structures and require a zoning permit.

(3) Public Signs and Name Directory Signs at Intersections

Signs placed by the State, City, or County, to provide information, relate the laws or ordinances, or to provide direction, shall be considered except from the provision following hereinafter.

(4) On-Site Signs

A. Residential Districts

1. Signs shall not be internally or externally lighted but may be reflective.
2. No sign shall be larger than three (3) square feet for a residence or six (6) square feet for a home occupation.
3. Only one sign per principal use shall be allowed.

B. Commercial Waterfront, Commercial, and Industrial Districts.

1. Signs flush on a building and not protruding shall cover a maximum of 25% of any face of the building.
2. Each lot shall have the choice of one of the following for a second on-site sign:
 - a. A sign protruding from the front of the building not more than two (2) feet but not beyond the sidewalk and not interrupting the use of the sidewalk, with a maximum area of twenty-four (24) square feet.
 - b. A roof-mounted sign not more than six (6) feet above the roof line and five feet from the end of a building with a maximum sign area of twenty-four (24) square feet per face.
 - c. A free-standing sign with a sign area not larger than sixty-four (64) square feet and a maximum height of twenty five (25) feet from ground to top of sign. (*Amended 9-10-2008*)

C. General - On-Site Signs

1. Present non-conforming on-site signs are considered permissible non-conforming uses except portable units or flashing lights which are unshielded and greater than 25 watts per bulb, which shall be eliminated upon enactment of this ordinance.
2. Temporary advertising such as banners, streamers and pennants shall be allowed provided they are maintained adequately in the opinion of the Zoning Administrator. Portable advertising such as trailered signs shall be allowed not in excess of thirty (30) days per year regardless of the number of tenants in the building. No flashing lights shall be allowed on portable signs. Such advertising shall have a permit from the Zoning Administrator.
3. A sign for a multi-business complex may be addressed separately in the C.U.P. 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.

(5) Off-Site Signs

- A. Off-site signs shall be located in the C-W, C-1, and I-1 Districts only.
- B. The maximum size allowed shall be one hundred (100) square feet.

- C. The maximum height shall be twenty (20) feet from the ground to the top of the sign.
- D. There shall be a minimum separation of three hundred (300) feet from any off-site sign and the nearest on-site or off-site sign, with on-site signs having preference.
- E. No off-site signs shall be allowed three hundred (300) feet from the intersection of T.H. 371 and Barclay Avenue.
- F. New on-site signs would cause the removal of existing off-site signs as provided in (D) above.
- G. All off-site commercial signs shall have a permit renewable every three years and indicating the consent of the property owner.
- H. Commercial non-conforming off-site signs may be permitted, but shall be removed upon evidence of failure of the support system.

(6) General

- A. Unmaintained signs or signs for discontinued business will be removed sixty (60) days after notification by the Zoning Administrator or after discontinuance of the business.
- B. Conditional Use Permits and building permits shall consider protecting sight distances at intersections, driveways and curves.
- C. All flashing, revolving, and intermittently lighted signs are prohibited. Externally lighted signs shall be shielded to prevent glare to adjoining roadway.
- D. Temporary signs pertaining only to the sale or rental of the premises are allowable, provided they do not exceed nine (9) square feet in any zone.
- E. 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 thirty (30) days of notice by the Zoning Administrator.
- F. The sign area shall not exceed the limitations as provided by type of sign and definition for sign area.
- G. Temporary real estate signs not exceeding the maximum size allowed in the District advertising and property sale may be placed as on-site or off-site

signs in any District without a permit. Off-site signs shall not exceed six (6) square feet unless modified by C.U.P.

6.3 Nuisance Standards

(1) Performance Standards

A. Compliance required. Every use permitted by this ordinance shall be so established and maintained as to comply with the provisions of this section. The Council may require the complaining party to provide such tests or investigations by an independent testing organization satisfactory to the Council as are necessary to show 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.

B. Noise shall be measured on any property line of the tract on which the source of the noise is located. Noise shall be so muffled 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 hour period, using a sound level meter having the characteristics as specified in the latest standards S1.4 of the American National Standards Institute, and using procedures approved by the Pollution Control Agency.

In addition, no persons shall make or cause to be made, any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures or endangers the 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 7:00 a.m.	until 10:00 p.m.	Night 10:00 p.m.	until 7:00 a.m.
	L-10	--- L-50	L-10	--- L-50
Decibels - Residential	60	55	50	45
Decibels - Commercial	65	60	65	60

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

or welfare or cause injury to property or business.

- D. Glare. Direct or reflected glare, such as from floodlights, spotlights or high temperature process, and as differentiated from general illumination, shall not be visible beyond the site of origin at any property line. Any lights used for exterior illumination shall be directed away from adjacent properties.
- E. Vibration. Vibration at any property line shall not be discernible to the human sense of feeling for 3 minutes or more duration in any one-hour period. Vibration of any kind shall not produce, at any time, an acceleration of more than one-tenth gravities or result in any combination of amplitudes and frequencies beyond the “safe” range of Table VII, United States Bureau of Mines Bulletin No. 442, “Seismic Effects of Quarry Blasting” on any structure. The methods and equations of that bulletin shall be used to compute all values for the enforcement of this provision.
- F. Smoke. Smoke shall be measured at the point of emission by the Standards of the United States Bureau of Mines in Circular No. 7718. Smoke not darker or more opaque than No. 1 on that chart may be emitted except that smoke not darker or more opaque than No. 3 on the chart may be emitted for a period not longer than four (4) minutes in any thirty (30) minutes. These provisions applicable to visible gray smoke shall also apply to visible smoke of a different color but with an equivalent opacity. Open burning shall require a DNR burning permit.
- G. Dust. Solid or liquid particles shall not be emitted at any point in concentrations exceeding three-tenths grains per cubic foot of the conveying gas or air. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 degrees Fahrenheit and 50% excess air.
- H. Fumes or Gases. Fumes or gases shall not be emitted at any point in concentrations that are noxious, toxic or corrosive. The values given in Table I (Industrial Hygiene Standards - Maximum Allowable Concentration for eight-hour day, five days per week), Table III (Odor Thresholds), Table IV (Concentrations of Substances Causing Pain in the Eyes), and Table V (Exposure to Substances Causing Damage to Vegetation) in the latest revision of Chapter 5 “Physiological Effects” that contains such tables, in the “Air Pollution Abatement Manual” published by the Manufacturing Chemists; Association, Inc., Washington, D.C., are hereby established as guides for the determination of permissible concentration and amounts. The City may require detailed plans for the elimination of fumes or gases before the issuance of a building permit.
- I. Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices as are normally used in the handling of such materials. Such hazards shall be kept removed from

adjacent activities to a distance which is compatible with the potential danger involved.

- J. Wastes. All solid waste materials, debris or refuse shall be kept within a completely enclosed building or properly contained in a closed container designed for such purposes. All liquid wastes containing any organic or toxic matter shall be either discharged into a public sanitary sewer with permission of the City or treated in a manner prescribed by the health officer.
- K. Air Pollution. Every activity shall conform to State regulations relating to air quality standards and air pollution control.
- L. Erosion. No activity shall be carried on in such a way that water, soil or any objectionable substance is carried on to any adjacent property.
- M. Radioactivity of Electrical Disturbance. No activity shall emit dangerous radioactivity at any point or any electrical disturbance adversely effecting the operation of any equipment at any point other than that of the creator of such disturbance.
- N. Aerial application of Herbicides/Pesticides. The City shall be notified ten (10) days in advance of any application of herbicides or pesticides by aerial spraying.

Evidence of a DNR permit shall be submitted with the notification. All neighbors within five hundred (500) feet of the targeted area shall also be notified by the contractor.

6.4 Fences

- (1) Fences not exceeding seventy- two inches in height may be constructed on a property line except within the waterfront setback area of R-1, or C-W District. Under no circumstances shall a fence be constructed closer than ten (10) feet from the surface of a public road.
- (2) Fences not meeting the requirements of 6.4(1) shall require a Conditional Use Permit.
- (3) Fences shall not be erected where they create a visual safety hazard in the opinion of the zoning Administrator.
- (4) Fences shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire.

6.5 Storage.

(1) Exterior Storage:

- A. All materials and equipment shall be stored within a completely enclosed building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying, recreational equipment, new construction and landscaping materials and equipment currently being used for construction of the premises not to exceed a 6-month period. Woodpiles and off-street parking except as otherwise regulated herein are permitted. Boats and recreational vehicles, less than thirty (30) feet in length, and unoccupied fish houses not used for storage are permissible if stored in the rear yard not less than ten (10) feet distance from any property line. Docks and boat lifts may be stored off season in the front yard not less than ten (10) feet from the property line.
- B. Abandoned vehicles shall not be stored outside in any district, except by conditional use permit for an auto salvage yard. Existing abandoned vehicles shall be removed within thirty (30) days after the adoption of this Ordinance.

(2) Bulk Storage:

- A. All uses associated with the bulk storage in excess of 2,000 gallons of oil, gasoline, liquid propane, liquid fertilizer, chemicals and similar liquids shall comply with the requirements of the Minnesota State Fire Marshall, the Minnesota Pollution Control Agency and Minnesota Department of Agriculture Office and when in excess of normal domestic requirements shall have documents from those offices stating that the use is in compliance. No storage facility shall be constructed or placed where spillage from the facility would drain to a drainage way or public waters without providing complete diking.

6.6 Visual Standards - Screening.

- (1) No use shall create, maintain or continue any activity or structure which has a strong negative visual impact or offends the morals or violates the standards of the City.
- (2) Where any business or industry is adjacent to property zoned residential or any use can not meet the visual standards of the City, screening shall be provided by the business or offending use.
- (3) Screening required shall be in addition to normal landscaping and planting, and consist of a visual obstruction completely containing and screening the activity on the commercial or offending use property, assuming off-leaf conditions.

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

6.7 Sanitation Standards.

- (1) Solid Waste: All solid waste shall be disposed of in accordance with the standards of Cass County.
- (2) Domestic Sewage:
 - A. All structures shall discharge into a municipal sanitary system if available.
 - B. All structures shall have an individual or common sewage disposal system meeting the requirements as provided in 4.5(2).
 - C. All non-conforming systems shall be brought into conformance as provided in 4.4(4).
 - D. Sewage tanks being abandoned shall be thoroughly pumped and filled with soil.
 - E. Septage shall be disposed of in accordance with the requirements of Cass County.
- (3) Water Supply:
 - A. All structures shall be connected to a municipal water supply if made available.
 - B. All domestic and agricultural wells shall conform to the Minnesota Department of Health Standards for wells.
 - C. All water systems shall meet the requirements of the Minnesota Department of Health Standards for water systems, except that no well deeper than fifty (50) feet shall be closer than fifty (50) feet to a soil absorption sewage disposal area. No well less than fifty (50) feet shall be closer than one hundred (100) feet to a soil absorption sewage disposal area. A well log shall be provided to the City.
 - D. All wells being abandoned shall be sealed according to Minnesota Department of Health Standards and reported to Minnesota Department of Health and the City.

(4) Hazardous Wastes

No person shall store, deposit, bury, place or abandon any wastes within the City which are considered by the MPCA to constitute wastes hazardous to human health.

6.8 Pets and Livestock

- (1) Pets shall be defined as household pets; normal domestic pets; and other animals, birds, and reptiles normally kept caged. Animals normally considered “wild” shall require a Conditional Use Permit and appropriate state permits.
- (2) 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, see 6.7(3) above. An excess of pets shall be considered livestock.
- (3) Livestock may not be raised in the City of Pine River.

6.9 Tree Removal / Woodland Preservation / Soil Erosion Prevention

- (1) Diseased trees shall be removed immediately and disposed of as firewood or by other burning. Branches shall also be burned.
- (2) Vegetation removal, clear cutting, if allowed, must be complete, including removal of all debris. Soil erosion must be prevented and replanting is encouraged.
- (3) Vegetation removal, select or open cutting, if allowed, must be complete including removal of all debris. Replanting is encouraged.
- (4) Open or clear cutting shall not be allowed in a shore or bluff impact zone.
- (5) Natural areas designated by conditions on Conditional Use Permits for screening or woodland preservation purposes shall be left natural except for removal of diseased trees. Replanting or thickening with native species is encouraged.
- (6) Any area disturbed during any grading operation shall have the native topsoil replaced and be seeded.
- (7) Vegetation alterations necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities are exempt from the above standards except (1), (4), and (5).

6.10 Parking and Loading

- (1) On-site parking or garage space shall be provided in all zones, except as specifically exempted, with adequate drive access to prevent the need to back onto collector streets or County highways. On-site parking spaces shall not be used for storage.

- (2) Parking sites shall be a minimum of twenty (20) feet long and nine (9) feet wide except in commercial and commercial waterfront districts where nine and one-half (9.5) feet wide is required.
- (3) Parking shall be provided at the following ratios:
 - Two (2) stalls per dwelling unit
 - One and one-half (1.5) stalls per dwelling unit, multi-family over twenty (20) units per complex, or Motel/Hotel units
 - One (1) stall per three hundred (300) square feet of office space
 - One (1) stall per three hundred (300) square feet of retail space
 - One (1) stall per three (3) seats for restaurants.
(Amended 2-23-2012)
- (4) On-site parking shall not be closer than five (5) feet from a lot line, unless otherwise provided in the specific District.
- (5) All parking shall be paved or provided with all-weather surface and be adequately drained to a pervious surface designed to allow entrapment of silts and nutrients prior to discharge to a public water.
- (6) More than five (5) parking stalls contiguously located and any commercial parking adjacent to residential shall be landscaped and screened according to a plan approved by the Planning Commission.
- (7) Loading-General:
 - A. 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.
- (8) Loading Berth Size and Surface:
 - A. Loading berth shall be fifteen (15) feet in width and fifty (50) feet long with fourteen (14) feet of vertical clearance. Berths shall have all weather surface and be well drained.

6.11 Drainage

(1) General

- A. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
 - B. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
 - C. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
 - D. When constructed facilities are used for stormwater management, they must be designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
- (2) All development shall contain provisions for adequate surface or subsurface runoff of storm water and snow melt directed to natural drainageways. A storm frequency of a five (5) year return period shall be provided for, with no structural flooding or ponding.
 - (3) All development shall provide for the continuance of natural drainage ways and structures shall be so constructed as to be one (1) foot above the water level in the drainageway created by a storm of a one hundred (100) year return period or a 1% chance of occurrence.
 - (4) All drainage structures provided shall be sufficient in size to pass a five (5) year storm to a natural drainageway and to pass a one hundred (100) year storm along a drainageway.
 - (5) The use of natural or manmade stormwater storage areas is encouraged. These areas should be vegetated and designed to naturally lower after a storm.
 - (6) No filling of areas inundated by the one hundred (100) year storm along drainageways shall be allowed, except by Conditional Use Permit.

- (7) All parking areas, heavy use areas, storage areas and impervious areas shall be designed to allow entrapment of silts and nutrients prior to discharge to a natural drainageway or public water.
- (8) New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
- (9) Erosion control measures shall be provided where necessary in the opinion of the Engineer. All areas disturbed during any grading shall be covered with topsoil and seeded. Areas subject to concentrated runoff or steeper than 3:1 shall be sodded or seeded and protected with an appropriate mulch cover.

6.12 Grading and Road Construction in Shoreland Areas

- (1) Grading and filling in shoreland areas, wetlands or in the bed of public waters, or any alterations of the natural topography when the slope of the land is toward a public water or watercourse must be authorized by permit or conditional use permit, depending on quantity, provided:
 - A. The smallest amount of bare ground is exposed for as short a time as feasible.
 - B. Four inches of organic topsoil is replaced and temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted.
 - C. Methods to prevent erosion and trap sediment are employed.
 - D. Fill is stabilized to acceptable engineering standards and must not create an unstable slope.
 - E. Plans to place fill or excavated material on steep slopes must be reviewed by a qualified professional for continued slope stability and must not create finished slopes of 30% or greater.
 - F. Fill placed in a public water below the ordinary high water line requires a DNR Waters Permit and a Corps of Engineers Permit.
 - G. Excavation in the bed of public waters requires a DNR Waters Permit and a Corps of Engineers Permit.
 - H. Only clean fill consisting of sand, gravel, or rock will be allowed where contact with water is anticipated. Mineral soil may be allowed elsewhere.
 - I. Alterations to topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely effect adjacent or nearby properties.

- J. Placement of natural rock, riprap, or approved manufactured product, including associated grading of the shoreline and placement of a filter blanket is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level and the height of the riprap above the ordinary high water level does not exceed three (3) feet.
- K. Grading or filling in any Type 2, 3, 4, 5, 6, 7, 8 wetland is prohibited, except by variance.
- L. Connections to public waters of boat slips, canals, lagoons, harbors, and similar inland excavations are prohibited.
- M. 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.
 - 1. Roads, driveways, and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas and shall be designed to minimize adverse impacts.
 - 2. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Sec. 6.12 (1) must be met.
- N. Steep Slopes. The potential for possible soil erosion impacts and development visibility from public waters must be evaluated before issuing a permit involving ground disturbance on steep slopes. Conditions must be attached to the permit to prevent erosion and to preserve maximum existing vegetation.

6.13 Solar Energy Systems

- (1) *Height.* Solar energy systems must meet the following height requirements:
 - A. Roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district.
 - B. Ground-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.
- (2) *Solar Location and Setbacks.* Solar energy system must meet the accessory structure setback for the zoning district on which the system is located.

- A. *Roof-Mounted Solar Energy Systems.* In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
 - B. *Ground-Mounted Solar Energy Systems.* Ground-mounted solar energy systems may only be allowed on parcels five acres in size and greater and may not extend into the side-yard or rear setback when oriented at minimum design tilt.
- (3) *Visibility.* Solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys.

(“Section VI Performance Standards – General” was amended with addition of subsection “6.13 Solar Energy Systems” by Ord. No. 18-01, dated September 11, 2018.)

SECTION VII

SPECIAL PROVISIONS

7.1 Planned Unit Development

- (1) General. Planned Unit Development requires the assistance of professional planning and usually involves the approval of multiple agencies or other governmental bodies. Where circumstances are favorable, Planned Unit Developments (P.U.D.s) provide more latitude in land use than normal development to allow for planning, clustering facilities, consolidating green space and internal recreational amenities. Commercial - Residential - Planned Unit Developments, while recognized, are not considered in this Ordinance except as compatible with the commercial and residential zoning requirements.
- (2) The City must consider the following criteria in the examination of a parcel for suitability as a P.U.D.:
 - A. Existing recreational use of the surface waters and likely increases in use associated with planned unit developments;
 - B. Physical and aesthetic impacts of increased density;
 - C. Suitability of lands for the planned unit development approach;
 - D. Level of current development in the area; and
 - E. Amounts and types of ownership of undeveloped lands;
 - F. Size of the parcel and amount (if any) of shoreline.
- (3) Minimum Requirements - New Developments:
 - A. P.U.D.s are not allowed in the (I-1) and (O) Zoning Districts;
 - B. Public Sewer and Water;

C.

	R-1	R-2	CW	C
Minimum Land Area Required	40,000 sq. ft.	24,000 sq. ft.	40,000 sq. ft.	30,000 sq. ft.
Minimum Lake Frontage	300 ft.		300 ft.	
Minimum Setback Waterfront	100 ft.		100 ft.	
Minimum internal lot size for dwelling, single family per unit	3,200 sq. ft.	3,200 sq. ft.	3,200 sq. ft.	
Setback, side exterior	20 ft.	20 ft.	20 ft.	20 ft.
Setback, front and side interior except multi-family structure	10 ft.	10 ft.	10 ft.	10 ft.
Setback, parking/driveway from property line	10 ft. minimum	10 ft. minimum	10 ft. minimum	10 ft. minimum
Setback, road, rear	30 ft.	30 ft.	30 ft.	30 ft.
Maximum impervious coverage	25%	30%	25% / 30% *	50%
* First tier of CW may be 30%				
Green space in common ownership	50%	25%	50%	25%
Maximum building height	25 ft.	25 ft.	25 ft.	25 ft.
Maximum floors	3	3	3	3
Building above highest known water table or lake level or flood level	3 ft.	3 ft.	3 ft.	3 ft.

(4) Shoreland dwelling unit or site density evaluation.

Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards:

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

Shoreland Tier Dimensions

	<u>Unsewered</u>	<u>Sewered</u>
General development lakes - first tier	200 feet	200 feet
General development lakes - second & additional tiers, recreational development	267 feet	267 feet

- B. The suitable area within each tier is next calculated, excluding all wetlands, bluffs, or land below the ordinary high water level of public waters. This area is then subjected to the planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.
- C. Planned unit development density evaluation steps and design criteria. The density evaluation steps and design criteria for planned unit developments are as follows:

1. For residential planned unit developments, the suitable area within each tier is divided by the density standard for lakes, which shall then be used to yield a base density of dwelling units or sites for each tier. The City may allow some dwelling unit or site density increases for planned unit developments above the densities determined in the evaluation if all dimensional standards for the zoning district are met or exceeded. Maximum density increases may only be allowed if all design criteria in (4)C3 and (5) B (below) are also met or exceeded.

Increases in dwelling unit or site densities must not exceed the maximums in the following table. 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.

Maximum Allowable Dwelling Unit or Site Density Increases
for Planned Unit Developments

<u>Density Evaluation Tiers</u>	<u>Maximum Density Increase Within Each Tier</u>
First	50%
Second	100%

Riparian rights may be extended to two tiers of density credit.

- 2. Commercial planned unit development density evaluation steps and design criteria.

The density evaluation steps and design criteria for commercial planned unit developments are:

- (a) Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.

(b) Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development

Floor Area Ratios *

Public Waters Classes

Average Unit Floor Area (sq. ft.)	Sewered General Development Lakes; First Tier on Unsewered General Development Lakes	Second and Additional Tiers on Unsewered General Development Lakes
200	.040	.020
300	.048	.024
400	.056	.028
500	.065	.032
600	.072	.038
700	.082	.042
800	.091	.046
900	.099	.050
1,000	.108	.054
1,100	.116	.058
1,200	.125	.064
1,300	.133	.068
1,400	.142	.072
1,500	.150	.075

* For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home or, if unknown, the ratio listed for 1,000 square feet.

- (c) Multiply the useable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
- (d) Divide the area computed in subitem (3) by the average determined in subitem (1). This yields a base number of dwelling units and sites for each tier.

- (e) Determine whether the project is eligible for any additional density increases. To be eligible, projects must meet all of the design criteria standards in item (4)C 3 and (5) B, and exceed one or more of them. The local unit of government may decide how much, if any, increase in density to allow for each tier, but must not exceed the maximum allowable density increases listed in the following table:

Maximum Allowable Dwelling Unit or Site Density Increases for Commercial Planned Unit Developments

<u>Tier</u>	<u>Maximum density increase within each tier</u>
First	50%
Second	100%
Third	200%
Fourth	200%
Fifth	200%

- (f) Allowable densities may be transferred from any tier to any other tier further from the shoreland, lake, or river, but must be transferred to any other tier closer.

3. The design criteria are:

- a. All planned unit developments must contain at least 3 dwelling units or sites except commercial P.U.D.s which shall contain at least 2 dwelling units or sites.
- b. Planned unit developments must contain green space meeting all of the following criteria:
 - i. At least the required percent of the total project area must be preserved as green space.
 - ii. Dwelling units or sites, road right-of-ways, or land covered by road surfaces, parking areas, or structures are developed areas and should not be included in the computation of minimum green space.
 - iii. Green space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
 - iv. Green space may include outdoor recreational facilities for use by owners of the dwelling units or sites, or the public.

- v. The shore impact zone, based on normal structure setbacks, must be included as green space. At least 50% of the shore impact zone area of existing developments or at least 70% of the shore impact zone area of new developments must be preserved in their natural or existing state.
 - vi. Green space in residential P.U.D.s must not include commercial facilities or uses, but may contain water-oriented facilities. Commercial P.U.D.s may include outdoor recreational facilities for use by guests or the general public.
 - vii. The appearance of green space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
 - viii. Green space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
- (5) Centralization and design of facilities and structures must be done according to the following standards:
- A. Planned Unit Developments must be connected to publicly owned water supply and sewer systems.
 - B. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased for developments with density increases. Maximum density increases may only be allowed if structure setbacks from the ordinary high water level are increased to at least 50% greater than the minimum setback, or the impact on the water body is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25% greater than the minimum setback.
 - C. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier.

Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.

- D. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions.

(6) Erosion control and stormwater management for planned unit developments must:

- A. Be designed, and their construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.
- B. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff.

(7) Administration and any maintenance requirements. Prior to final approval of any planned unit developments, the City will require adequate provisions developed for preservation and maintenance in perpetuity of green spaces and for the continued existence and functioning of the development as a community.

- A. Green space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of green space. The instruments must include all of the following protection:
 - 1. Commercial uses prohibited in a residential P.U.D.;
 - 2. Vegetation and topographic alterations other than routine maintenance prohibited;
 - 3. Construction of additional buildings or storage of vehicles and other materials prohibited; and
 - 4. Uncontrolled beaching prohibited.

B. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all planned unit developments must use an owners association with the following features:

1. Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers.
 2. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
 3. Assessments must be adjustable to accommodate changing conditions.
 4. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
- (8) New multi-family dwellings of 4 units or larger shall be designed by an Architect, shall be compatible in color, character, and mass with surrounding land use.
- (9) New multi-family building shall have one hour fire rated party floors and party walls and be designed to a forty-five (45) decibel rating. The Architect shall verify to this requirement.
- (10) The minimum requirements for the subdivision of structures or parcels existing as resorts or multi-family structures at the time of this Ordinance shall be 7.1(2) except as allowed by variance therefrom. No increase in overall parcel density shall be considered. Provision for future locations for replacement of non-conforming structures upon destruction of the existing structure shall be provided.
- (11) General Requirements - All P.U.D.s
- A. A winterized, internal, central water system
 - B. P.U.D. parcels must directly abut on a public road
 - C. Vegetation removal, select cutting
 - D. Paved, internal, private access roads on common property
 - E. Maintenance of all facilities by the association
 - F. Paved parking for 2 vehicles per unit
 - G. Screened or inside storage areas
 - H. Subdivision by plat or condominium plan

- I. Recreation facilities as required by the Planning Commission
- J. Screening and landscaping as required by the Planning Commission

(12) Submission and Administration - Sec. 8.5

(See Conditional Use Permit)

7.2 Manufactured Housing Development

- (1) Development of this type creates a heavy demand and reliance on municipal type facilities including roads, sewer, water, and fire protection. In addition, these developments are often the most dense in a community requiring heavier streets, more recreational facilities, and nearby shopping.
- (2) No zoning district in the City of Pine River suitable for this use and the dense land use is not compatible with the comprehensive plan.

7.3 Campgrounds / R.V. Parks

- (1) General - Campgrounds / Recreational camping areas shall be allowed only on public property.

7.4 Mining and Restoration / Extraction

(1) Mining

- A. In all districts where permitted, mining shall be permitted only by Conditional Use Permit. Such permit shall include as a condition: a site plan, a completion plan, and a haul route plan with provision for road restoration.
- B. All excavation and extraction shall conform to the following:
 - 1. Distance from property lines. No quarrying operation shall be carried on or any stock pile placed closer than fifty (50) feet to 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 twenty-five (25) feet by written consent of the owners of abutting non-residence property.
 - 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.

(2) Restoration

Upon completion of mining or other extraction, the site shall be shaped and natural overburden replaced, then natural topsoil placed thereon and seeded. Haul roads will be restored to their condition prior to the beginning of the extraction operation.

7.5 Home Occupation

- (1) General. Each new home occupation in the City shall be considered a conditional use. Due to the normal difference in operation, no C.U.P. shall be transferable to a new owner/renter, thus the permit will not run with the property, nor be transferable to a different property.
- (2) All activities shall be clearly incidental to the use of the property for residential purposes and shall not encroach on the normal enjoyment of property rights of adjoining properties.
- (3) Hours of operations shall be limited by conditional use permit to be compatible with the residential use.
- (4) No employees outside of residents of the property shall be allowed.
- (5) On the premises, retail sales will be allowed only of products manufactured on those premises unless specifically authorized by conditional use permit. A limit shall be placed on the maximum number of customers per week, above which the use of the property shall be considered predominately commercial.
- (6) All activities will be controlled to prevent nuisance problems of noise, vibration, smoke, dust, fumes, or litter. A limit shall be placed on the frequency of commercial vehicle delivery or pickups.
- (7) Parking adequate for all activities related to the home occupation shall be provided on-site.
- (8) All business activities including storage shall be inside buildings.
- (9) Each home occupation permit shall be reviewed annually by the Planning Commission. When the use has expanded to a predominately commercial use of residential property, the C.U.P. shall become null and void.

7.6 Auto Salvage Yards

Commercial activity of this type is provided in nearby areas. Land use of this nature is not provided for in the Comprehensive Plan and will not be considered in any land use District.

7.7 Landfills

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

7.8 Implementation Flexibility

Local Governments may, under special circumstances and with the Commissioner of Natural Resources approval, adopt shoreline management controls that are not in strict conformity with the minimum standards and criteria, provided, the purposes of Minnesota Statutes, Section 105.485, are satisfied.

- (1) Special circumstances may include the following situations:
 - A. Where shorelands have been developed with an assortment of urban land uses for many years and much of the development does not meet the standards in parts 6120.2500 to 6120.3900;
 - B. Cities with central business districts located within shorelands;
 - C. Cities whose only shorelands are along rivers classified as tributary;
 - D. Small cities that have not had, and do not anticipate, much development activity within shorelands;
 - E. Counties or portions of counties with topography or vegetation characteristics that would make use of particular minimum state standards impractical;
 - F. Shorelands that are managed under other water and related land resource management programs authorized by State or Federal legislation with goals compatible with Minnesota Statutes, Section 105.485, and parts 6120.2500 to 6120.3900; or
 - G. Individual lakes or systems of lakes that are being managed under standards developed specifically for these water resources after a comprehensive study and planning effort.

- (2) Alternative management standards may use the following concepts and approaches, or others:
- A. Expended or different public water classification systems;
 - B. Designation of areas where land use districts and associated standards are more restrictive than these standards and criteria as trade-offs for other areas where they are less restrictive;
 - C. Standards and other management approaches that are developed for specific water resources after a comprehensive evaluation and planning effort;
 - D. Standard developed to take into account commonly occurring hydrologic, geologic, property ownership, topographic, and vegetation patterns and shoreland accessibility issues that would make use of these standards and criteria impractical; or
 - E. Other types of management or acquisition programs such as stormwater management and public land acquisition programs that reduce the need for use of specific standards in parts 6120.2500 to 6120.3900.
- (3) Local governments must request consideration of an alternative approach under this subpart and must provide written justification and supporting information, maps, and documents, as appropriate, to justify the request to the Commissioner, including the following:
- A. Existing land use plans and controls for shorelands of each public water;
 - B. For the shorelands of each public water, the number, average size, and percent of shoreline occupied by undeveloped lots of record and land in public ownership;
 - C. Characteristics of existing development, including types, densities, heights, colors, and presence or absence of screening vegetation or topography;
 - D. Presence or absence of public sewer and stormwater management practices or facilities;
 - E. Explanations of how deviations from State standards are justified.

(4) The Commissioner shall respond to the local government's request for consideration of an alternative approach under this subpart in accordance with subitems A. to E.

- A. The Commissioner shall, in writing, acknowledge and approve or deny the request within sixty (60) days of receipt of the request and all necessary supporting documents and technical data. For extraordinarily complex issues and requests involving multi-government coordination or multi-organization coordination, the Commissioner and the effected local units of government may mutually agree to an extension of the sixty (60) day response.
- B. The Commissioner in the approval or denial pursuant to this subpart shall state to the local governments the reasons for the approval or denial and, as appropriate, suggest alternative solutions or regulatory approaches that would be acceptable to the Commissioner.
- C. The local governments proposing the alternative control and the Commissioner shall solicit the input of the public and other governmental bodies that could be effected by the alternate controls.
- D. Alternate shoreland controls must be approved by other units of government having adjacent land use authority impacted by the alternate control.
- E. The local government either proposing an alternate local control, or a local government being impacted by an alternate local control, may request a contested case hearing under Minnesota Statutes, Section 105.44, subdivision 3.

7.9 Temporary Family Health Care Dwellings

ORDINANCE NO. 9-13-16-1

CITY OF PINE RIVER

**AN ORDINANCE OPTING-OUT OF
THE REQUIREMENTS OF
MINNESOTA STATUTES, SECTION 462.3593**

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

WHEREAS, subdivision 9 of Minn. Stat. §462.3593 allows cities to “opt out” of those regulations;

THE CITY COUNCIL OF THE CITY OF PINE RIVER, ORDAINS as follows:

Section VII. City Code, Section 7; Special Provisions is amended as follows:

OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593:

SECTION VII 7.9, Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Pine River opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 13th day of September, 2016, by the City Council of the City of Pine River.

SECTION VIII

ADMINISTRATION

8.1 Zoning Administration

(1) The Zoning Administrator or Building Inspector shall be appointed by the City Council.

(2) Duties of the Zoning Administrator or Building Inspector:

- A. Determine if applications are complete and comply with the terms of the Ordinance;
- B. Conduct inspections of buildings, sewage systems, and other uses of the land to determine compliance with the terms of the Ordinance;
- C. Maintain permanent and current records of the Ordinance, including but not limited to maps, amendments, building or use permits, conditional use permits, variances, appeals and applications and a separate file for future conditions of expirations of permits;
- D. Review, file, and forward applications for appeals, variances, conditional uses, and zoning amendments;
- E. 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; and with the approval of the Planning Commission, and instituting with the City Clerk and City Attorney in the name of the City any appropriate actions or proceedings against any violator;
- F. To attend meetings and provide research and findings to the Board of Adjustment/Planning Commission;
- G. Upon application, to issue zoning permits and temporary use permits, for temporary structures and all structures on lots conforming to this Ordinance when the conditions of this Ordinance are met; to issue conditional use permits when directed by the Board of Adjustment and/or Planning Commission; to issue notices of a zoning change when directed by the City Council;
- H. To mail a copy of the findings to an applicant;
- I. To file copies of conditional use permits and variances with the County Recorder;

- J. To communicate with the DNR where required by the Ordinance, including notice and findings of all conditional use permits, variances, zoning changes, and plats within shoreland;
 - K. To administer the local duties of the Environmental Review Program; and
 - L. To verify location of structures, wells and sewer systems. A record of this verification shall be attached to the zoning permit in the City file.
- (3) The Zoning Administrator and his duly authorized deputies shall have the reasonable right to enter at reasonable hours within the City of Pine River in the pursuit of their duties.

8.2 Board of Adjustment

- (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.
- (2) Duties of the Board of Adjustment:
- A. 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 350 feet distance of any variance in question. Such notice shall be given at least ten (10) days before the hearing date.
 - B. To decide within reasonable time the following:
 - 1. Appeals from the action of the Zoning Administrator wherein the Board will take the authority of the Administrator.
 - 2. Requests for Variances.
 - C. To keep a record of its proceedings, notifications, and justifications for its actions.

8.3 Planning Commission.

- (1) The Planning Commission shall be the Board provided by the City Council.
- (2) Duties of the Planning Commission under this Ordinance:
- A. 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 three hundred fifty (350) feet of any land use in question. Such notices shall be given at least ten (10) days before the hearing date.

- B. To decide within the allowable time the following:
 - 1. Recommendation to the City Council regarding requested zoning district boundary changes or amendments to the Ordinance. Such recommendations shall be made within sixty (60) days of the initial referral.
 - 2. To review and accept proposed plats or floor plans and to provide recommendations on final plats and final floor plans to the City Council.
 - 3. To review and approve all metes and bounds property divisions within the City.
 - 4. To review and approve requests for Conditional Use Permits.
 - 5. To periodically review the zoning map and Ordinances and determine its 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.
 - 6. To recommend, on a timely basis, that the City Council review the Comprehensive Plan when appropriate.
- C. To keep a record of its proceedings.
- D. 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 absences in any one year period shall be grounds for replacement by the City Council.

8.4 City Council

- (1) The City Council shall have the following duties under this Ordinance:
 - A. Appoint the Zoning Administrator or Building Inspector by a majority vote, or terminate him by a 4 / 5 vote.
 - B. Appoint the Board of Adjustment/Planning Commission members by a majority vote or to remove members by a 4 / 5 vote.
 - C. To decide within the allowable time the following:
 - 1. Recommendations from the Planning Commission for changes in zoning district boundaries.
 - 2. Recommendations from the Planning Commission for changes in the zoning ordinance.

3. Recommendations from the Planning Commission for acceptance of final plats and condominium plans.

D. 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.

(2) If the City Council acts as the Planning Commission and Board of Adjustment, it shall have these duties; however, it shall not then have the authority to hear appeals. Said appeals shall then be made to District Court.

8.5 Conditional Use Permits

(1) Conditional Use Permits shall be issued to the property for structures or other specified uses as determined by the Planning Commission after a public hearing. All applications for a Conditional Use Permit shall be submitted to the Zoning Administrator fourteen (14) days ahead of the hearing date, accompanied by a complete drawing, to scale, showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property, or his authorized agent, shall sign the application. The Zoning Administrator shall notify all property owners within a minimum of 350 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. He shall send the same notice, postmarked at least ten (10) days in advance of the hearing to the DNR if the proposed use is in shoreland. At his option, the proposer may request a sketch plan review with no action by the Planning Commission and with no fee, by giving 5 days notice thereof to the Zoning Administrator; meeting time permitting.

(2) Submissions for C.U.P. The following items shall be submitted:

A. Legal description of site.

B. Site plan, drawn to scale, showing parcel and existing building dimensions and ten (10) feet minimum contours and surface water features.

C. Location of all existing and proposed buildings and their square footage.

D. An elevation view of the proposed building showing side and front elevation.

E. Existing and proposed curb cuts, driveways, access roads, parking, off street loading and sidewalks, existing and proposed.

F. Proposed landscaping and screening plans.

G. Proposed drainage plan.

- H. Proposed and existing sanitary sewer and water supply plans with estimated usages on peak day.
 - I. Soil data
 - J. Current survey on existing iron pipe monuments marked with proof of survey.
- (3) Shoreland evaluation criteria. A thorough evaluation of the water body and the topographic, vegetation and soil condition on the site must be made to ensure:
- A. The prevention of soil erosion or other possible pollution of public waters both during and after construction.
 - B. The visibility of structure and other facilities as viewed from public waters if limited.
 - C. The site is adequate for water supply and on-site sewage treatment if necessary.
 - D. The types, uses, and numbers of water craft the project will generate all compatible in relation to the suitability of public waters to safely accommodate those water craft.
- (4) 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 which 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:
- A. Increasing the required lot size or yard dimension.
 - B. Limiting the height, size or location of buildings.
 - C. Controlling the location and number of vehicle access points.
 - D. Increasing the street width.
 - E. Increasing the number of required off-street parking spaces.
 - F. Limiting the number, size, location or lighting of signs.
 - G. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
 - H. Designating sites for green space.

- I. Noise, air emission, water emission, or solid waste limitations.
 - J. Hours of operation.
 - K. Building design.
 - L. Financial assurances.
 - M. Hazardous substance controls.
 - N. Emergency plans including fire, police, and accident.
- (5) The Planning Commission shall decide the issue within a reasonable time.
 - (6) The Conditional Use Permit shall be subject to the right to appeal. During appeal period, any construction is at the sole risk of the applicant.
 - (7) The findings and determinations shall be provided to the DNR, postmarked within ten (10) days if in shorelands.
 - (8) Conditional Use Permits shall be transferable for the same use.
 - (9) Violations of the conditions of a Conditional Use Permit of change in the use, shall automatically void the permit.
 - (10) Failure by the owner to act on a Conditional Use Permit within 6 months, or failure to complete the work under a Conditional Use Permit within one year, 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.
 - (11) Appeals from the action of the Planning Commission shall be filed with the City Clerk within fifteen (15) days for review by the City Council. All parties originally notified of the hearing before the Planning Commission shall be notified by the Clerk at least ten (10) days prior to the Council meeting when the appeal is to be considered and the appeal shall be advertised once in the legal section of the official newspaper at least ten (10) days in advance of the Council meeting.
 - (12) The Conditional Use Permit shall be filed with the County Recorder within fifteen (15) days.
 - (13) Planned Unit Development Procedure and Submissions.

Procedure:

- A. The applicant shall submit a concept plan to the Planning Commission for review and discussion at least 5 days prior to the meeting.

B. Upon decision to proceed by the Planning Commission, the applicant shall submit preliminary documents, prepared with professional help, including at a minimum the items listed under (2) above, and further shall contain the following:

1. Proposed concept plan of operation
2. Boundary survey
3. Two (2) foot contour interval topography
4. Specimen tree locations
5. Proposed plan
 - a. Buildings
 - b. Drives and parking
 - c. Grading limits
 - d. Planting
 - e. Lighting and signing
 - f. Sewage disposal concept
 - g. Water supply concept
 - h. Drainage
 - i. Additional information as required to define project
6. Proposed plat or floor plan, if applicable
7. Proposed recreational amenities
8. Proposed timing
9. Proposed final security
10. Proposed development, contract.

C. The Planning Commission shall review the above data and make a decision within a reasonable time with complete findings of fact.

D. Applicant shall then proceed within the time frame accepted under the preliminary proposal to provide final documents as required, including:

1. Financial security
2. Development contract
3. Final plat or floor plan
4. Final covenants and associated documents
5. Final time schedule
6. Final site plan which will control development
7. Architectural plans by Architect
8. Sewage disposal plans by Engineer
9. Water supply by Engineer
10. MPCA/MNHD approval letters
11. Title opinion
12. Surveyor's plat check

E. Any revision in the documents proposed after approval regarding density, major amenities, setbacks or similar basic features of the Final Plan, shall require a new public hearing.

- (14) The applicant shall be responsible for all the City's professional costs in reviewing the proposal, including but not limited to legal, engineering, planning and financial assistance.

8.6 Variances

- (1) Variances shall not create a use not provided for in a zoning district.
- (2) Submissions for a variance shall be similar to 8.5(2) except as deemed unnecessary by the Zoning Administrator.
- (3) Variances shall be issued to the property and are transferable.

(4) Variances shall be issued to the property for structures as determined by the Board of Adjustment after a public hearing. All applications for a variance shall be submitted to the Zoning Administrator fourteen (14) days ahead of the hearing date, accompanied by a complete drawing, to scale, showing the details of the proposal and an accurate legal description along with the appropriate fee. The fee or contract owner or his authorized agent shall sign the application. The Administrator shall notify all property owners within a minimum of 350 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. He shall send the same notice, postmarked at least ten (10) days ahead of the hearing, to the DNR if the proposed use is in shorelands. At his option, the proposer may request a sketch plan review with no action by the Board of Adjustment and with no fee by giving 5 days notice thereof to the Zoning Administrator, meeting time permitting. The Zoning Administrator shall provide the findings and determination to the DNR postmarked within ten (10) days if in shorelands.

- (5) Variance decisions will consider the following:
- A. Whether the strict interpretation of the Ordinance would create undue hardship, and
 - B. Whether 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 landowner, and
 - C. Whether the deviation from the Ordinance with any attached conditions will still be in keeping with the spirit and intent of the Ordinance, and
 - D. Whether the variance will create a land use not permitted in the zone, and
 - E. Whether the variance will alter the essential character of the locality, and
 - F. Whether the variance is for economic reasons alone, but reasonable use of the property does not exist under the Ordinance.
- (6) Variances shall be decided within a reasonable time.
- (7) The variance shall be subject to the right of appeal during the appeal period. During the appeal period, any construction is at the sole risk of the applicant.
- (8) Violations of the conditions of a variance shall automatically void the variance.
- (9) Failure by the owner to act on a variance within 6 months (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.

- (10) Appeals from the action of the Board of Adjustment shall be filed with the City Clerk within fifteen (15) days for review by the City Council. All parties originally notified of the hearing before the Board of Adjustment shall be notified by the Clerk at least ten (10) days prior to the Council meeting when the appeal is to be considered and the appeal shall be advertised once in the legal section of the official newspaper at least ten (10) days in advance of the Council meeting.
- (11) The variance shall be filed with the County Recorder within fifteen (15) days.

8.7 Zoning Permits - Building Permits

- (1) Zoning or Building Permits shall be issued for all new structures or expansions to existing structures prior to construction commencing thereon, and any plumbing, or repair or construction of a sewage treatment system, and any grading and filling in shorelands not exempted by this Ordinance. No person shall assemble, install, remove, or construct any structure prior to applying for and receiving a zoning permit.
- (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 bounds division shall be issued or security posted before the zoning or building permit is issued.
- (3) The zoning or building permit application shall contain the legal description of the property and the signature of the fee or contract owner of the property, or his authorized agent. Lot corners shall be visible on the lot. Where a covenant is required by this Ordinance, evidence by deed or abstract shall be provided.
- (4) Unless extended by the Zoning Administrator or Building Inspector, where a zoning or building permit has been issued, but no action has occurred within 3 months, the permit shall be null and void. The exterior of the structure shall be completed in twelve (12) months. The time limits may be extended by the Zoning Administrator for good cause. A second extension shall be decided by the Planning Commission.
- (5) Granting of a zoning or building permit shall occur when all requirements of this 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 or Building Inspector shall not be considered acceptance of structural components or workmanship, but rather shall be for the purpose of determining general compliance with the Ordinance.
- (6) If the Zoning Administrator or Building Inspector determines that any violation of the permit or other section of the Ordinance has occurred, the permit shall become null and void.

- (7) A Zoning Permit is issued to an individual owner and shall not be transferred to a new owner prior to completion of the structure except as reissued by the Zoning Administrator.

8.8 Fees

The Council shall adopt a schedule of fees from time to time for all permits. No permit shall be issued, or request brought before the Board of Adjustment or Planning Commission until the fees are paid.

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 three times all fees as set forth in the basic fee schedule, not to exceed \$1,000.00 per request, 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.

8.9 Interim Use Permits⁵

- (1) Procedure. Uses defined as interim uses in Section 5 are allowed by the City pursuant to governing law contained in Minnesota Statutes, Section 462.3597 after appropriate review and approval in accordance with the criteria, standards and procedures for a Conditional Use Permit contained in Section 8.5 and the below requirements contained in this Section. An interim use will be reviewed in the same manner as a Conditional Use Permit except as otherwise provided in this Section. All submittal requirements in Section 8.5 shall be required for interim use permits.
- (2) Additional Standards. In addition to the forgoing, interim uses shall comply with all of the following standards:
 - A. The use is allowed in and conforms to the applicable zoning regulations for the respective zoning district, including applicable performance standards;
 - B. The date or event that will terminate the use is identified with certainty and is included in writing within the approved interim use permit;
 - C. The use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future;

⁵ Amended 9/10/24
Pine River Zoning Ordinance

- D. There is adequate assurance that the property will be left in suitable condition after the interim use is terminated. The City Council may require a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and interim structures upon the expiration of the interim use permit; and
 - E. The user agrees to any conditions deemed appropriate by the City Council for the permission of the interim use. Such conditions shall be included in writing in the issued interim use permit or alternatively in a written agreement with the user attached to the approved interim use permit.
- (3) Termination. An interim use permit shall terminate on the happening of any of the following events, whichever occurs first:
- A. The occurrence of the date stated in the interim use permit, or;
 - B. The occurrence of the event stated in the interim use permit, or;
 - C. Upon violation of conditions under which the permit was issued, or;
 - D. Upon change in the City's zoning regulations which renders the use nonconforming.

SECTION IX
ENFORCEMENT

9.1 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 of not more than \$700.00 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.

9.2 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 that provided for under Performance of City Personnel under the City Personnel Policies. The City shall not be liable for problems arising from the use of lot corners provided by the property owner.

9.3 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.

SECTION X

SEPARABILITY, SUPREMACY, EFFECTUATION, AMENDMENTS

10.1 Separability

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

10.2 Supremacy

When any condition implied by this Ordinance on the use of land or buildings is either 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, restrictions, or covenants imposed on the land by private declaration or agreement, but where such provisions are less restrictive than an applicable provision of this Ordinance, the Ordinance shall prevail.

10.3 Effectuation

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

10.4 Amendment

The City Council may adopt amendments by a 4/5 vote to either the Zoning Ordinance or Zoning map in relation to the land uses within a district or the boundaries of the district(s). Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals of the community or changes in the conditions of the City.

10.5 Procedure

- (1) An amendment may be initiated by the Council, the Planning Commission or by any property owners.
- (2) If initiated by the City Council, the proposed amendment shall be referred to the Planning Commission for up to sixty (60) days for public hearing.
- (3) The Zoning Administrator shall review the proposed changes and make a recommendation to the Planning Commission.

- (4) The Planning Commission shall cause all property owners within a minimum of 350 feet of the 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 and proposed amendment to the DNR at least ten (10) days ahead of the public hearing. The Planning Commission shall hold the hearing and make a recommendation within sixty (60) days of the date of application to the City Council. Adoption of a new zoning map shall require published notice only.
- (5) The City Council shall review the recommendations and shall make a timely decision. An amendment requires a 4/5 vote to be enacted.
- (6) 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 one week after action by the Council and shall send a copy to the DNR.

ORDINANCE DATES

Legal Notice of Hearing Published: _____

Public Hearing Held: _____

Adopted by the City Council: _____

Jim Sabas, Mayor

Attest: _____
Wanda Mongan, City Clerk