

## Chapter 12 Contents

Section 1200 - General.....	1
1200.01. Title.....	1
1200.02. Purpose.....	1
1200.03. Definitions.....	1
Subd. 1. Airport.....	1
Subd. 2. Accessory Building.....	1
Subd. 3. Attorney.....	2
Subd. 4. Auditor.....	2
Subd. 5. Automobile Sales or Service Station.....	2
Subd. 6. Automobile Wrecking or Junk Yard.....	2
Subd. 7. Basement.....	2
Subd. 8. Bed and Breakfast.....	3
Subd. 9. Boarding House.....	3
Subd. 10. Borrow Pit.....	3
Subd. 11. Buildable Area.....	3
Subd. 12. Building.....	3
Subd. 13. Building Height.....	3
Subd. 14. Building Line.....	3
Subd. 15. Building Official.....	3
Subd. 16. Business.....	3
Subd. 17. Church.....	3
Subd. 18. Club or Lodge.....	3
Subd. 19. Commercial Recreation.....	4
Subd. 20. Commercial Use.....	4
Subd. 21. Commission.....	4
Subd. 22. Comprehensive Plan.....	4
Subd. 23. Conditional Use.....	4
Subd. 24. Deck.....	4
Subd. 25. Demolition / salvage / recycling.....	4
Subd. 26. Dog Kennel.....	4
Subd. 27. Domestic Pets.....	4
Subd. 28. Dwelling.....	4
Subd. 29. Essential Services.....	5
Subd. 30. Family.....	5
Subd. 31. Farms.....	5
Subd. 32. Floor Area.....	5
Subd. 33. Frontage.....	5
Subd. 34. Garage.....	5
Subd. 35. Home.....	6
Subd. 36. Home Occupation.....	6
Subd. 37. Hotel.....	6
Subd. 38. Livestock.....	6
Subd. 39. Lot.....	6
Subd. 40. Lot of Record.....	7

Subd. 41. Manufactured Home. ....	7
Subd. 42. Motel (Tourist Court). ....	7
Subd. 43. Non-Conformity. ....	7
Subd. 44. Off-Street Loading Space. ....	7
Subd. 45. Parking Space. ....	7
Subd. 46. Permanent Mobile Home. ....	8
Subd. 47. Permitted Use. ....	8
Subd. 48. Principal Use of Building. ....	8
Subd. 49. Recreation Area. ....	8
Subd. 50. Recreational Camping Area. ....	8
Subd. 51. Recreational Vehicle. ....	8
Subd. 52. Restaurant. ....	8
Subd. 53. Rest Home (Nursing Home). ....	9
Subd. 54. Right-of-Way. ....	9
Subd. 55. Self-Service Storage Facility. ....	9
Subd. 56. Setback. ....	9
Subd. 57. Shopping Center. ....	9
Subd. 58. Sign. ....	9
Subd. 59. Spot Zoning. ....	10
Subd. 60. Structure. ....	10
Subd. 61. Structural Alteration. ....	10
Subd. 62. Subdivision. ....	10
Subd. 63. Tourist Home. ....	11
Subd. 65. Trailer. ....	11
Subd. 66. Transitional Use. ....	11
Subd. 67. Variance. ....	11
Subd. 68. Wood Burning Unit - Free Standing. ....	11
Subd. 69. Yard. ....	11
Subd. 70. Zoning Administrator. ....	11
1200.04. Lots and Buildings. ....	12
Subd. 1. Compliance with this Chapter. ....	12
Subd. 2. Non-Conforming Lot. ....	12
Subd. 3. Lot Frontage Required. ....	12
Subd. 4. Required Lot and Yard. ....	12
1200.05. Non-Conforming Uses. ....	12
Subd. 1. Enlargement. ....	12
Subd. 2. Moving. ....	12
Subd. 3. Ceasing. ....	12
Subd. 4. Destruction. ....	12
Subd. 5. Changes. ....	12
Subd. 6. Compliance. ....	13
1200.06. Minimum Requirements. ....	13
Subd. 1. Exterior Storage. ....	13
Subd. 2. Refuse. ....	13
Subd. 3. Screening. ....	13
Subd. 4. Electrical Emissions. ....	14

Subd. 5. Other Nuisance Characteristics.....	14
Subd. 6. Architecture. ....	14
Subd. 7. Drainage.....	14
Subd. 8. Portable Storage Containers and Temporary Structures. ....	14
1200.07. Certificate of Occupancy. ....	15
1200.08. Building Permits. ....	15
Subd. 1. Applications.....	15
Subd. 2. Time for Completion. ....	16
1200.09. Land Use Permits.....	16
Subd. 1. Fences. ....	16
Subd. 2. Signs. ....	16
1200.10. Fees. ....	16
1200.11. North Shore Management Plan.....	17
Subd. 1. ....	17
Subd. 2. ....	17
1200.12. Temporary Family Health Care Dwellings.....	17
Section 1210 – Zoning District Provisions .....	17
1210.01. Zoning Districts Established.....	17
1210.02. Zoning Map.....	17
1210.03. (R-1) Single and Two (2) Family Residence-District.....	18
Subd. 1. Purpose. ....	18
Subd. 2. Permitted Uses.....	18
Subd. 3. Uses allowed by Conditional Use Permit.....	18
Subd. 4. District Requirements.....	19
1210.04. (R-2) Multi-Family Residence District.....	20
Subd. 1. Purpose. ....	20
Subd. 2. Permitted Uses.....	20
Subd. 3. Uses allowed by a Conditional Use Permit.....	20
Subd. 4. Requirements.....	20
1210.05. (SC) Shopping Center Commercial.....	21
Subd. 1. Purpose. ....	21
Subd. 2. Permitted Uses.....	21
Subd. 3. Uses Allowed by a Conditional Use Permit.....	22
Subd. 4. District Requirements.....	22
1210.06. (HB) Highway Business Commercial.....	23
Subd. 1. Purpose. ....	23
Subd. 2. Permitted Uses.....	23
Subd. 3. Uses Allowed by a Conditional Use Permit.....	23
Subd. 4. District Requirements.....	23
1210.07. (LB) Limited Business Commercial.....	24
Subd. 1. Purpose. ....	24
Subd. 2. Permitted Uses.....	24
Subd. 3. Uses Allowed by Conditional Use Permit.....	24
Subd. 4. District Requirements.....	24
1210.08. (LI) Limited Industry Commercial.....	25
Subd. 1. Purpose. ....	25

Subd. 2. Permitted Uses.....	25
Subd. 3. Uses Allowed by Conditional Use Permit.....	25
1210.09. (GI) General Industry Commercial.....	26
Subd. 1. Purpose.....	26
Subd. 2. Permitted Uses.....	26
Subd. 3. Uses Allowed by Conditional Use Permit.....	27
Subd. 4. District Requirements.....	27
1210.10. (FR) Forest Reserve District.....	27
Subd. 1. Purpose.....	27
Subd. 2. Special Requirements.....	27
Subd. 3. Permitted Uses.....	28
Subd. 4. Conditional Uses.....	28
Subd. 5. District Requirements.....	28
1210.11. (RC) Recreation District.....	29
Subd. 1. Purpose.....	29
Subd. 2. Permitted Uses.....	29
Subd. 3. Uses Allowed by a Conditional Use Permit.....	29
Subd. 4. District Requirements.....	29
1210.12. (RR) Resort and Recreation District.....	29
Subd. 1. Purpose.....	29
Subd. 2. Permitted Uses.....	30
Subd. 3. Uses Allowed by Special Permit.....	30
Subd. 4. District Requirements.....	30
1210.13. (BP) Silver Bay Business Park - Mixed Use Zoning District.....	30
Subd. 1. Purpose.....	30
Subd. 2. Permitted Uses.....	30
Subd. 3. District Requirements.....	31
1210.14. Exceptions and Additions to Minimum District Requirements.....	32
Subd. 1. Side Yard and Rear Yard Set-Backs.....	32
Subd. 2. Commercial Districts.....	33
1210.15. Uses Not Provided For.....	33
Section 1220 - Off-Street Loading and Parking.....	33
1220.01. Loading.....	33
1220.02. Parking.....	33
Subd. 1. Dimensions.....	34
Subd. 2. Required Spaces.....	34
Subd. 3. Sale of Parking Areas.....	35
Subd. 4. Joint Facilities.....	35
Section 1221 - Hazardous Buildings.....	35
1221.01. Damaged Buildings.....	35
Subd. 1. Protection of Damaged Buildings.....	35
Subd. 2. Extension of Time for Compliance.....	36
1221.02. Hazardous and Substandard Buildings.....	36
Subd. 1. Escrow Account.....	36
Subd. 2. Statutes Adopted.....	36
1221.03. Building Removal.....	36

Subd. 1. Application. .... 36

Subd. 2. Compliance. .... 36

Subd. 3. Fill Required. .... 36

Subd. 4. Barrier Required. .... 37

Section 1222 - Fences ..... 37

    1222.01. Residential Districts. .... 37

        Subd. 1. Height. .... 37

        Subd. 2. Setback. .... 37

        Subd. 3. Corner Lot. .... 37

        Subd. 4. Restrictions. .... 37

Section 1230 - Signs ..... 37

    1230.01. General Provisions. .... 37

    1230.02. District Sign Provisions. .... 39

Section 1231 – Towers..... 39

    1231.01. Findings..... 39

    1231.02. Intent and purpose..... 39

        Subd. 1. Lighting..... 40

        Subd. 2. Public Health and Safety. .... 40

        Subd. 3. Local Authority..... 40

    1231.03. Applicability. .... 40

    1231.04. Permits. .... 40

        Subd. 1. Existing structures. .... 40

        Subd. 2. Accessory Utility Buildings..... 40

    1231.05. General Standards. .... 41

        Subd. 1. Setback..... 41

        Subd. 2. Fencing. .... 41

        Subd. 3. Signage. .... 41

        Subd. 4. Lighting..... 41

        Subd. 5. Facility Screening..... 41

    1231.06. Tower Design Requirements..... 41

        Subd. 1. Aesthetics..... 41

        Subd. 2. Monopole design. .... 41

        Subd. 3. Certification. .... 41

        Subd 4. Additional users. .... 42

    1231.07. Additional submittal requirements..... 42

        Subd. 1. Engineer's report. .... 42

        Subd. 2. Letter of Intent. .... 42

        Subd. 3. Airport compliance. .... 42

    1231.08. Abandoned or unused towers..... 43

    1231.09. Compliance with North Shore Management Plan Regulations. .... 43

    1231.10. Agreement..... 43

Section 1240 - Conditional Uses..... 43

    1240.01. Permit Required. .... 43

    1240.02. Applications. .... 43

        Subd. 1. Filing..... 43

        Subd. 2. Supporting Documents. .... 43

Subd. 3. Fee.....	43
Subd. 4. Incomplete Application. ....	43
1240.03. Public Hearing Required.....	44
Subd. 1. Notice.....	44
Subd. 2. Procedure. ....	44
1240.04. Decisions.....	44
Subd. 1. Basics.....	44
Subd. 2. Time Frame.....	44
Subd. 3. Permit.....	44
1240.05. Conditions.....	44
Subd. 1. Imposition.....	44
Subd. 2. Restrictive Covenants.....	44
Subd. 3. Duration.....	44
1240.06. General Criteria and Requirements.....	45
Subd. 1. Compliance.....	45
Subd. 2. Specific Conditions.....	45
1240.07. Home Occupation. ....	45
Subd. 1. Definition.....	45
Subd. 2. Intent.....	45
Subd. 3. Conditions.....	46
Subd. 4. Performance Standards.....	47
Subd. 5. Review and Compliance Procedure.....	47
Subd. 6. Implementation.....	48
Section 1241 - Planned Unit Development Standards and Criteria (P.U.D.) .....	49
1241.01. Goal.....	49
1241.02. Definition.....	49
1241.03. Design Criteria.....	49
Subd. 1. Location.....	49
Subd. 2. Open Space.....	49
Subd. 3. Minimum Units.....	49
Subd. 4. Parking.....	49
Subd. 5. Public Access.....	50
1241.04. Sewage Disposal Standards.....	50
Subd. 1. Systems Centralized.....	50
Subd. 2. Location.....	50
Subd. 3. Public Systems.....	50
Subd. 4. Permit Required.....	50
Subd. 5. Capacity.....	50
Subd. 6. Water Conserving Plumbing Required.....	50
Subd. 7. Sewage Disposal System Required.....	50
1241.05. Plan Approval .....	50
Subd. 1. Property Features.....	50
Subd. 2. Building Features.....	50
Subd. 3. Concept Statement.....	51
Subd. 4. Parking.....	51
Subd. 5. Plan for Final Development.....	51

Subd. 6. Operation of Project.....	51
Subd. 7. Ownership.....	51
Subd. 8. Fire Protection. ....	51
Subd. 9. Association Agreements. ....	51
Subd. 10. Landscape Plan.....	51
Subd. 11. Recreation.....	51
Subd. 12. Water Supply.....	51
Subd. 13. Sewage System.....	51
Subd. 14. Storm Water System.....	51
Subd. 15. Erosion Control. Shoreline.....	51
Subd. 16. Erosion Control Site.....	51
Subd. 17. Proof of Permits.....	51
Subd. 18. Public Utilities.....	51
Subd. 19. Financial Plans.....	51
Subd. 20. Conformance with adjacent property/other information.....	51
Subd. 21. Platting Required.....	52
1241.06. Processing Costs.....	52
1241.07. Development Costs.....	52
Section 1242. Mary MacDonald School Commercial Planned Unit Development.....	52
Standards & Criteria (P.U.D.).....	52
1242.01. Purpose.....	52
1242.02. Goal.....	52
1242.03. Definition.....	53
1242.04. Authorized Uses.....	53
1242.05. Conditional Use Permits.....	53
1242.06. Site Modifications.....	54
1242.07. Processing Costs.....	54
1242.08. Duration.....	54
Section 1250 - Variances.....	54
1250.01. General.....	54
Subd. 1. Application for Variances.....	54
Subd. 2. Who May Apply.....	54
Subd. 3. Timing.....	54
Subd. 4. Stay of Action.....	54
1250.02. Applications.....	55
Subd. 1. Form.....	55
Subd. 2. Time.....	55
Subd. 3. Information.....	55
Subd. 4. Fee.....	55
Subd. 5. Incomplete Applications.....	55
1250.03. Hearings.....	55
Subd. 1. Hearing Required.....	55
Subd. 2. Notice.....	55
Subd. 3. Time.....	55
Subd. 4. Procedure.....	55
1250.04. Decisions.....	55

Subd. 1. When Made..... 55

Subd. 2. Record..... 55

Subd. 3. Written Decision..... 56

Subd. 4. Files..... 56

Subd. 5. Permit..... 56

1250.05. Criteria for Decisions..... 56

Section 1260 - Amendments..... 57

1260.01. General..... 57

1260.02. Zoning Ordinance Amendment..... 57

    Subd. 1. Proposal. .... 57

    Subd. 2. Public Hearing. .... 57

    Subd. 3. Planning Commission Report..... 57

1260.03. Zoning Ordinance Map..... 57

    Subd. 1. Proposal. .... 57

    Subd. 2. Public Hearings..... 58

    Subd. 3. Adoption. .... 58

    Subd. 4. Additional Amendments..... 58

    Subd. 5. Criteria for Zoning Map Amendments. .... 58

Section 1270 - Hearings..... 59

1270.01. General..... 59

1270.02. Hearing Notices. .... 59

    Subd. 1. Zoning Ordinance Text Amendments. .... 59

    Subd. 2. Zoning Ordinance Map Amendments. .... 59

    Subd. 3. Conditional Use Permits..... 59

    Subd. 4. Request for Variance ..... 60

    Subd. 5. Appeals..... 60

1270.03. Hearing Procedures..... 60

1270.04. Considerations..... 60

Section 1280 - Administration, Enforcement, and Penalties ..... 61

1280.01. Administration of Ordinance. .... 61

1280.02. Land Use Permit Regulations. .... 61

    Subd. 1. Permit Required..... 61

    Subd. 2. Term..... 61

    Subd. 3. Errors. .... 61

    Subd. 4. Inspections..... 61

1280.03. Conformity with Airport Zoning Ordinance..... 61

1280.04. Compliance with Statutes and Regulations..... 61

1280.05. Enforcement of Ordinance..... 62

    Subd. 1. Investigation and Enforcement..... 62

    Subd. 2. Relief..... 62

1280.06. More Restrictive Regulations. .... 62

1280.07. Penalties for Violation. .... 62

1280.08. Certified Taxes Paid..... 62

Section 1290 - Board of Zoning Appeals ..... 63

# Chapter 12

## Zoning

### Section 1200 - General

**1200.01. Title.** This chapter shall be known as the "Zoning Code for the City of Silver Bay," "Silver Bay Zoning Code," "Zoning Code" or "Zoning." Any reference to a City Zoning Ordinance or Zoning Code shall mean this chapter.

**1200.02. Purpose.** This chapter is enacted to protect and promote the public health, safety, and general welfare of the people of Silver Bay. Specifically, the provisions are designed to achieve, among others, the following objectives:

- A. Civic beauty.
- B. Adequate light, air, and safety from fire for occupants of structures.
- C. Conservation of the value of land and buildings.
- D. A stable tax base.
- E. Stability of residential neighborhoods.
- F. A minimum of congestion in the public streets.
- G. Compatibility between different land uses.
- H. Reasonable standards to which structures and uses shall conform.
- I. Secure economy in governmental expenditures.

**1200.03. Definitions.** For this chapter, the terms and words below shall be defined as follows:

**Subd. 1. Airport.** Any locality, either on land or water, which is regularly used or intended to be used for the landing and take-off, storage, or servicing of one (1) or more aircraft.

**Subd. 2. Accessory Building.** An "Accessory Building" is defined as a structure subordinate to the principal use of a building on the same lot or lots and serving a purpose customarily incidental to the use of the principal structure. It may be attached or unattached to the principal structure. No Accessory Building shall be built prior to completion of the principal structure. No more than two (2) Accessory Buildings shall be constructed per lot and shall be located at least five (5) feet apart to be considered separate structures. Accessory Buildings shall include a private garage and storage shed (secondary structure). The storage shed or similar structure shall not exceed two hundred square feet. However, if the buildable area of the lot size

permits, or the owner of the principal structure owns an additional adjacent lot or lots, the secondary structure may be larger than two hundred (200) square feet but shall not exceed one thousand forty (1040) gross square feet of floor area. The secondary structure may be built on such additional lot but that lot may not be sold separately from the lot on which the principal structure is located. The following conditions shall apply to any secondary structure built larger than two hundred (200) gross square feet of floor area:

- A. No more than three (3) structures, including the principal structure, shall be allowed in a zoned residential area, regardless of the number or size of lots owned by the owner of the principal structure.
- B. Shall comply with the provisions of the Chapter 8, Section 800 of the City Code (State Building Code).
- C. Shall match the outside decor of the principal structure. Siding and shingles shall be similar in appearance.
- D. Shall be used exclusively by the owner of the principal structure and shall not be leased or used commercially or as living quarters.
- E. Permits shall be issued by the Zoning Administrator. In the event the Zoning Administrator refuses to issue the permit, the owner may apply for a variance in accordance with variance procedure as set forth in Section 1250 of the Code.

**Subd. 3. Attorney.** The City Attorney of Silver Bay.

**Subd. 4. Auditor.** The County Auditor of Lake County, Minnesota, or his or her authorized representative.

**Subd. 5. Automobile Sales or Service Station.** Any building or premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automobiles and/or automobile fuels, which activity may be accompanied by accessory uses such as sales of lubricants, tires, accessories or supplies, or minor repairing of automobiles.

**Subd. 6. Automobile Wrecking or Junk Yard.** Any place where two (2) or more vehicles not in running condition and/or not licensed, or parts thereof, are stored in the open and are not being restored to operation; or, any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof.

**Subd. 7. Basement.** A story in a building having part but not less than one-half ( $\frac{1}{2}$ ) its height below grade. A basement shall be counted as a story for the purpose of height regulations

if subdivided and used for business or dwelling purposes by others than a janitor employed on the premises.

**Subd. 8. Bed and Breakfast.** A private home occupied by the owner or lessee providing lodging rooms and meals to the traveling public, for compensation, on a day to day basis, in a residential setting.

**Subd. 9. Boarding House.** A private home occupied by the owner or lessee providing lodging rooms and meals to regular residents, for compensation, not exceeding five (5) people not of the operator's family.

**Subd. 10. Borrow Pit.** A land use involving the excavation or digging of material for use as fill at another site. Also, an excavated area where earth material has been dug for use as fill at another site.

**Subd. 11. Buildable Area.** The space remaining on a lot after minimum yard and setback requirements have been met.

**Subd. 12. Building.** Any structure for the shelter, support, or enclosure of persons, animals, chattels, or property of any kind.

**Subd. 13. Building Height.** The vertical distance from the grade at a building line to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

**Subd. 14. Building Line.** A line measured across the width of a lot at a point where a structure is placed in accordance with the minimum setback requirements of this chapter.

**Subd. 15. Building Official.** The person appointed by the Council pursuant to Minn. Stat. § 326B.133 to enforce and attend to all aspects of the State Building Code as designated in Section 800.02, Subd. 1 of the Code.

**Subd. 16. Business.** Any occupation, employment, or enterprise wherein merchandising is exhibited or sold, or which occupies time, attention, labor, materials, or where services are offered for compensation.

**Subd. 17. Church.** A building together with accessory buildings and uses, where persons regularly assemble for religious worship and is maintained and controlled by a religious body organized to sustain public worship.

**Subd. 18. Club or Lodge.** A non-profit association of persons, who are bonafide members paying annual dues, and where the use of premises is restricted to members and their guests. It

shall be permissible to serve food and meals on the premises providing adequate dining room space and kitchen facilities are available. Serving alcoholic beverages to members and their guests shall be allowed, providing the serving is secondary and incidental to the operation of the dining room and follows the applicable federal, state, and municipal laws.

**Subd. 19. Commercial Recreation.** Any privately owned for-profit recreational facility including ski trails, go-cart tracks, mini golf, amusement parks, or other similar activities.

**Subd. 20. Commercial Use.** Sale, lease, rental or trade of products, goods and services.

**Subd. 21. Commission.** “Commission” means the Silver Bay Planning and Zoning Commission.

**Subd. 22. Comprehensive Plan.** The policies, statements, goals and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, codes and maps which constitute the guide for future development of the City.

**Subd. 23. Conditional Use.** A land use or development that would not be appropriate or conform to the provisions of this chapter in each zone district, but which may be allowed with restrictions as provided for in this chapter.

**Subd. 24. Deck.** A horizontal unenclosed platform, with or without attached railings, seats, trellis, or other fixtures, attached or functionally related to the principal use of the site.

**Subd. 25. Demolition / salvage / recycling.** Any commercial salvaging and scavenging of any goods, articles, or merchandise other than automobiles.

**Subd. 26. Dog Kennel.** Any place where four (4) or more dogs over six (6) months of age are kept or raised and/or offered for sale.

**Subd. 27. Domestic Pets.** (Normal Domestic Pets) Any animals, birds or fish typically found in a residential setting such as dogs, cats, gerbils, hamsters, canaries and similar small song birds, parrots and similar birds of the psittaci species, gold fish or other small aquatic life kept in a bowl or aquarium, excluding animals and fowl set forth in Section 610.01.

**Subd. 28. Dwelling.** Any structure designed or used as the living quarters for one or more families.

A. **Dwelling, Multiple Family (Apartment).** A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other, possibly sharing hallways and main entrances and exits.

B. **Dwelling, Seasonal or Recreational.** A dwelling utilized for recreational purposes which is not the principal place of residence of the owner.

C. **Dwelling, Single Family.** A dwelling unit designed exclusively for occupancy by one (1) family.

D. **Dwelling, Two (2) Family.** A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

E. **Double Bungalow/Duplex.** A two (2) family dwelling with two (2) dwelling units of more than two (2) rooms per unit.

F. **Dwelling Unit.** One (1) room, or a suite of two (2) or more rooms, designed for or used by one (1) family for living and sleeping purposes.

**Subd. 29. Essential Services.** Services provided by public or private utilities.

**Subd. 30. Family.** Any person or a group of persons, whether related by blood or marriage, occupying a single dwelling unit.

**Subd. 31. Farms.** Tracts of land devoted to agricultural purposes and raising of domestic livestock, including, but not limited to, fur farms, poultry and egg farms, hog farms and feed lots and any agricultural endeavors including hobby farms.

**Subd. 32. Floor Area.** The sum of the gross horizontal area of several floors of the building or portion thereof devoted to a use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include basement floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices. The floor area of the residence shall include fifty percent (50%) of the area of attached garages and enclosed breezeways or porches, but shall not include basement area.

**Subd. 33. Frontage.** The length of the front property line of a lot or tract of land abutting a public right-of-way.

**Subd. 34. Garage.** A building or portion thereof, either attached or unattached to the primary structure, designed or used for the storage of motor-driven vehicles.

A. **Private Garage.** A building or portion thereof, either attached or unattached to the primary residence designed or used for storing private passenger vehicles. No private garage shall be larger in square footage than one hundred eight percent (108%) of the

footprint of the principal building and shall not exceed one thousand forty (1,040) gross square feet of floor area for each principal lot.

**B. Public Garage.** A building or portion thereof, other than private garage, designed or used primarily for servicing, repairing, equipping, hiring, selling, or storing motor-driven vehicles.

**Subd. 35. Home.** A family's place of residence or domicile. The social unit formed by the family living together.

**Subd. 36. Home Occupation.** Any occupation engaged in by the occupant of a dwelling for compensation.

**Subd. 37. Hotel.** A commercial establishment or building of usually two (2) stories, or more, in height, with a main entrance, providing several bedrooms, baths or other amenities, to the traveling public for compensation.

**Subd. 38. Livestock.** All animals, excluding dogs and cats, and including but not limited to mammals, horses, cows, sheep, goats, pigs, fish, fowl, chickens, insects and reptiles. Normal domestic pets are those traditionally kept in a household as defined in Subd. 23 of this section.

**Subd. 39. Lot.** A parcel of land designated by plat, metes and bounds, registered land survey, auditor's plat, or other accepted means of description.

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

**B. Lot Line.** A property boundary line of any lot held in single or separate ownership. Where any portion of the lot extends into the abutting street, the lot line shall be deemed to be the street or alley right-of-way line.

**C. Lot Line, Front.** The boundary of a lot abutting a public street right-of-way. For purposes of this title in the case of an existing corner lot, the front shall be the side where the designated postal address is located. For new lots, the front shall be as designated by the owner to the extent allowed by plat, subject to approval of the Zoning Administrator.

**D. Lot Line, Rear.** The boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, connecting the side lot lines and parallel to the front lot line.

E. **Lot Line, Side.** Any boundary of a lot which is not a front lot line or a rear lot line.

F. **Lot Width.** The minimum required horizontal distance between the side lot lines measured at right angles to the lot depth, at the minimum building setback line.

G. **Lot, Minimum Area.** The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

**Subd. 40. Lot of Record.** A parcel of land which is part of a subdivision, the plat which has been recorded in the office of the County Recorder or Registrar of Titles of Lake County or a parcel of land otherwise legally described, the description of which has been recorded in the Office of the County Recorder, Registrar of Titles or Auditor of Lake County.

**Subd. 41. Manufactured Home.** A structure, transportable in one or more sections, which in the traveling mode is eight (8) feet or more in width or forty (40) body feet in length, or, when erected on site, is three hundred-twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without foundation when connected to the required utilities, as defined in Minnesota Rules 1350.0100, Subd. 38, and in Minn. Stat. § 327.31, Subd. 6.

**Subd. 42. Motel (Tourist Court).** A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, each of which has a separate outside entrance leading directly from the outside of the building, with garage or parking space conveniently located to each unit, and which is designed, used, or intended to be used primarily for the accommodation of automobile transients.

**Subd. 43. Non-Conformity.** Any legal use, structure or parcel of land already in existence, recorded or authorized prior to the enactment of this chapter or its amendments which would not have been permitted to become established under the terms of this chapter as adopted or amended, if this chapter had been in effect as of the date the use, structure or parcel was established, recorded or authorized.

**Subd. 44. Off-Street Loading Space.** A space accessible from a street, alley, or driveway for the use of trucks while loading or unloading merchandise or materials.

**Subd. 45. Parking Space.** An area, enclosed or unenclosed, sufficient in size to store one (1) motor vehicle, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

**Subd. 46. Permanent Mobile Home.** A manufactured home built in conformance with Minn. Stat. §§ 327.31 to 327.35 which meets all the following criteria:

- A. Is at least twenty-four (24) feet in width, provided that porches, vestibules and structures attached to the manufactured unit shall not be included in determining whether the dimensional requirements of this part have been met.
- B. If affixed to the land on which it is located, the title to which land is in the same name as the owner or lessee of the dwelling unit.
- C. Is installed on the permanent foundation in accordance with Minnesota State Rules and Regulations for Mobile Homes.
- D. Is connected to public utilities or is serviced by its own well and septic tank system in accordance with Lake County Health Regulations.
- E. Has all wheels removed.
- F. Is assessed and taxed as real property under Chapter 272 of the Minnesota Statutes.
- G. Has been issued a residential zoning permit and Certificate of Occupancy by the zoning official of the City certifying that the requirements of the Zoning Ordinance have been met.

**Subd. 47. Permitted Use.** A use that is specifically allowed in a zone district without the requirement of a conditional use permit.

**Subd. 48. Principal Use of Building.** That use of building which determines the predominant use of the lot on which it is located.

**Subd. 49. Recreation Area.** An area of land, water, or any building in which amusement, recreation, or athletic sports facilities are provided for public or semi-public use, whether provision is made for the accommodation of an assembly or not. A golf course area, baseball park, stadium, circus, gymnasium, ice rink, tennis court, swimming pool, teen center, and campground are recreation areas for purposes of this title.

**Subd. 50. Recreational Camping Area.** Any area, public or private, used on a daily, nightly, weekly or longer basis for accommodation of tents or recreational camping vehicles.

**Subd. 51. Recreational Vehicle.** A mobile vehicle, including boats used for recreational purposes, capable of being towed, carried, or being self-propelled.

**Subd. 52. Restaurant.** An establishment where food is available to the public for consumption on the premises and/or take out.

**Subd. 53. Rest Home (Nursing Home).** A private home for the care of children, the aged or infirm, or place of rest for those suffering bodily disorders. Such a home does not contain equipment for surgical care or for the treatment of disease or injury, nor does it include maternity care.

**Subd. 54. Right-of-Way.** A strip of land occupied or intended to be occupied by a street, crosswalk, sidewalk, boulevard, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for other Conditional Use.

**Subd. 55. Self-Service Storage Facility.** A commercial building or group of buildings that contain individual compartmentalized and controlled access stalls or lockers for the storage of customers' goods, personal property or wares. May also be referred to as mini-storage.

**Subd. 56. Setback.** The minimum horizontal distance between a structure and the ordinary high water level, road centerline, road right-of-way, front, side or rear lot line.

**Subd. 57. Shopping Center.** A group or groups of three (3) or more commercial establishments developed in accordance to an overall plan and designed and built as an interrelated project.

**Subd. 58. Sign.** A name, identification, description, display, illustration, structure, or device which is affixed to, painted upon, or represented directly or indirectly upon a building or other outdoor surface or piece of land, which directs attention to an object, product, place, activity, person, institution, organization, or business.

A. **Advertising.** A sign which directs attention to a business, commodity, service, or entertainment, not necessarily conducted, sold, or offered upon the premises where the sign is located or to which it is affixed.

B. **Business.** A sign which directs attention to a business or profession or to the primary commodity, service, or entertainment sold or offered upon the premises where the sign is located or to which it is attached.

C. **Flashing.** Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when the sign is in use.

D. **Gross Surface Area.** The entire area within a single continuous perimeter enclosing the extreme limits of the sign and in no case passing through or between any adjacent elements of same. However, the perimeter shall not include any structural elements lying outside the limits of the sign and not forming an integral part of the display. In computing

square foot area, only one (1) side of a double-face or a "V"-type structure shall be considered.

E. **Identification.** A sign identifying a resident, school, church, or other nonbusiness use.

F. **Illuminated.** Any sign which has characters, letters, figures, design or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

G. **Pedestal.** A sign erected upon a single post or shaft.

H. **Temporary.** A sign that is not a permanent fixture attached to the ground or to a building.

**Subd. 59. Spot Zoning.** Zoning changes typically limited to small plots of land which establish a use classification inconsistent with surrounding uses and create an island of nonconforming use within a larger zoned district, and which may dramatically reduce the value for uses specified in the zoning district of either the rezoned plot or abutting property.

**Subd. 60. Structure.** Anything constructed or erected the use of which requires permanent location on the ground or attached to something having a permanent location on the ground. This shall include signs and buildings. A principal structure is one which determines the predominant use of the lot on which it is located. Open fences for purposes of defining boundary lines and/or containing livestock are not included within this definition.

**Subd. 61. Structural Alteration.** Any change other than incidental repairs which would affect the supporting members of a building such as bearing walls, columns, beams, girders or foundations.

**Subd. 62. Subdivision.** The division of a district of land into two (2) or more parcels for transfer of ownership or building development; or, if a new street is involved, any division of a parcel of land. The following shall not be deemed a subdivision:

A. The division of a tract of land into lots or parcels of five (5) acres or more with a minimum width of one hundred sixty-five (165) feet and not involving a new street.

B. One (1) division of a tract of land into two (2) lots or parcels in any twelve (12) month period if the resulting descriptions are approved by the County Auditor and that the lots or parcels shall meet the minimum area and width requirements of the Sewage Disposal Regulations of the City and other zoning regulations applying to the area in which the lots or parcels are located.

**Subd. 63. Tourist Home.** A home containing lodging rooms with accommodations, for compensation, not exceeding five (5) people not of the operator's family. The home shall be occupied by the owner or lessee.

**Subd. 64. Tower.** Any structure exceeding 35 feet in height.

**Subd. 65. Trailer.** Every vehicle without motive power designed or used for carrying persons or property and for being drawn by a motor vehicle.

**Subd. 66. Transitional Use.** A non-conforming temporary use of a lot which may be conditionally allowed by the Commission for a limited period.

**Subd. 67. Variance.** Any modification or variation from the provisions of this chapter where it is determined that because of exceptional circumstances unique to the property under consideration, the strict enforcement of which would cause undue or unnecessary hardship.

**Subd. 68. Wood Burning Unit - Free Standing.** A heating unit, burning wood or wood products, located outside the principal or accessory building designed to provide heat to the principal building.

**Subd. 69. Yard.** A required open space unoccupied and unobstructed by any structure or portion of a structure from the ground upward, provided, however, that fences, signs, utility poles, antenna, and related minor equipment may be permitted in any yard where they do not constitute a traffic safety hazard.

A. **Yard, Front.** A yard extending across the front of a lot between the side lot lines and lying between the centerline of the street, highway, or water's edge and building line.

B. **Yard, Rear.** A yard extending across the rear of the lot between inner side yard lines. In the case of through lots, there shall be no rear yard. In the case of corner lots, the rear yard shall extend from the inner side yard line of the side yard adjacent to the interior lot to the rear line of the half-depth front yard.

C. **Yard, Side.** A yard extending from the rear line of the required front yard to the rear lot line.

**Subd. 70. Zoning Administrator.** A person appointed by the Council to assist with the enforcement of and compliance with all aspects of the Zoning Code and subdivision regulations under Chapter 11 of the Code.

**1200.04. Lots and Buildings.**

**Subd. 1. Compliance with this Chapter.** No building or premises may hereafter be used or occupied and no land use permits shall be granted that do not conform to the requirements of this chapter.

**Subd. 2. Non-Conforming Lot.** Any lot at the time of the enactment of this chapter which does not meet the requirements of this chapter as to area, width, or other open space, may nevertheless be utilized for single-family detached dwelling purposes. The lot shall not be considered as a non-conforming lot.

**Subd. 3. Lot Frontage Required.** No lot shall contain any building used as a dwelling unless it abuts at least ten (10) feet on a street or has a permanent exclusive non-obstructed easement of access not less than ten (10) feet wide to a public street.

**Subd. 4. Required Lot and Yard.** No lot or yard shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by this section. If the lot or yard is already less than the minimum required, it shall not be further reduced.

**1200.05. Non-Conforming Uses.** The lawful use of any land or building existing at the time of the enactment of this chapter may be continued for a period of one (1) year after enactment of this chapter if the use does not conform to the regulations of this chapter, provided:

**Subd. 1. Enlargement.** No such non-conforming use of land shall be enlarged or increased or occupy a greater area of land than that occupied by such use at the time of the enactment of this chapter.

**Subd. 2. Moving.** Such non-conforming use shall not be moved to any other part of the parcel of land upon which the same was conducted at the time of the enactment of this chapter.

**Subd. 3. Ceasing.** If the non-conforming use ceases for a continuous period of six (6) months, any subsequent use of the building shall be in conformity to the use regulations specified by this chapter for the district in which the building is located.

**Subd. 4. Destruction.** Any structure which represents a non-conforming use shall not be rebuilt or reconstructed to its former use and physical dimensions if damaged fifty percent (50%) of its full and true assessed value. This restriction does not apply to a dwelling excepted under the provisions of Section 1200.04, Subd. 2.

**Subd. 5. Changes.** No changes in a non-conforming use shall be permitted unless an application is made and a conditional use permit is granted for the change.

**Subd. 6. Compliance.** A non-conforming use, including home occupations, shall conform to the provisions of this chapter.

**1200.06. Minimum Requirements.** Except as otherwise stated, the provisions of this chapter shall be held to be minimum requirements in their interpretation and application. Wherever this chapter imposes greater restrictions than are imposed or required by other provisions of law or by other rules or regulations, the provisions of this chapter shall govern.

**Subd. 1. Exterior Storage.** In residential districts, on all residential lots, all materials and equipment shall be stored within a building or fully screened (so as not to be visible from adjoining property), except for the following: laundry drying and functional, mobile and licensed recreational equipment, construction and landscaping materials and equipment currently being used on the premises, off-street parking of passenger automobiles and pickup trucks. All waste materials, debris, refuse, automobiles and recreational equipment not in working order, lumber, garbage, and other such material shall be kept in an enclosed building or properly contained in a closed container designed for such purpose. In Business and Industrial Districts, no materials or equipment may be stored outside except those directly related to the principal use or those being used for construction on the premises.

**Subd. 2. Refuse.** In all areas, all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping the land free of refuse, weeds, debris, or other dangerous or unsightly conditions. All structures and fences shall be maintained so as not to be unsightly to the adjoining areas or produce safety hazards.

**Subd. 3. Screening.** Screening shall be required in residential zones where:

- A. Any off-street parking area contains more than six (6) parking spaces and is within thirty (30) feet of an adjoining residential zone, and,
- B. Where the driveway to a parking area of more than six (6) parking spaces is within fifteen (15) feet of an adjoining residential zone.

Screening shall be required in business and industrial districts where any business or industrial use (i.e., structure, parking, or storage) is adjacent to property zoned for residential use. The business shall provide screening along the boundary of the residential property. Screening shall also be provided where a business is across the street from a residential zone, but not on that side of a business considered to be the front as determined by the Zoning Administrator.

The screening required in this section shall consist of a fence, wall, trees, shrubs, or other such materials, not less than five (5) feet high, but shall not extend within fifteen (15) feet of any street right-of-way. The screening shall be placed along property lines or in case of screening along a street, fifteen (15) feet from the street right-of-way with landscaping between the screening and the pavement.

**Subd. 4. Electrical Emissions.** No activities shall be permitted that create electrical disturbance, except from domestic household appliances, adversely affecting the operation at any point of any equipment other than that of the creator of the disturbance. Federal and State regulations governing radio communications and other related facilities shall be minimum standards maintained under this chapter.

**Subd. 5. Other Nuisance Characteristics.** No noise, odors, vibrations, smoke, air pollution, dangerous wastes, heat, glare, dust or other such adverse influences shall be permitted that shall in any way have an objectionable effect upon adjacent or nearby property. Uses in the General Industry Districts shall be exempt from this requirement except where such exception constitutes a menace to the public health, safety, and general welfare.

**Subd. 6. Architecture.** In all districts, all principal buildings other than one-(1) and two-(2) family dwellings shall be designed or approved by a registered architect or registered civil engineer.

**Subd. 7. Drainage.**

A. No land shall be developed and no use shall be permitted that results in water run-off, flooding or erosion on adjacent properties. The runoff shall be properly channeled into a storm drain, water course, ponding area, or other suitable public facility.

B. No person shall build or maintain any retaining wall, building or obstruction that may result in diversion of waters, water run-off or erosion to or on adjacent properties, without first securing a building permit therefore.

C. Any retaining wall, building, or other obstruction, built or maintained contrary to the provisions of this chapter shall be removed by the owner at the owner's expense upon order of the City Council.

**Subd. 8. Portable Storage Containers and Temporary Structures.**

**A. Definitions.** For the purposes of this chapter, the terms and words below shall be defined as follows:

1. "Portable storage container" means a unit that is constructed to make it portable and capable of movement from one site to another, that can be or is used for the storage of personal property of any kind, that is located outside of an enclosed building, that is larger than 40 cubic feet, and that is not a permanent accessory building or shed complying with all building codes and zoning requirements.
2. "Temporary structure" means a structure or unit over seventy-five (75) square feet in size, consisting of a frame that is covered at any time with a covering made of plastic, fabric, canvas, metal, fiberglass or similar materials, that does not require a building permit, that is not intended for human occupancy, and that is intended or used to provide storage for vehicles, boats, recreational vehicles, or other personal property, whether fully or partially covered. "Temporary structure" includes structures commonly known as yurts, hoop houses, canopy-covered carports and tent garages, but does not include structures that are in place for less than five days, and structures that have been constructed pursuant to a building permit issued by the City.

**B. Containers and Structures Prohibited.** No portable storage containers or temporary structures shall be located, permitted, or placed in any R1 or R2 Zoning District.

**1200.07. Certificate of Occupancy.** Owners of buildings or land used for commercial purposes shall secure a Certificate of Occupancy within thirty (30) days of substantial completion of construction. Commercial uses shall include all permitted, non-conforming, accessory, or Conditional Uses as defined in this chapter for the "SC" and "HB" Zoning Districts. The purpose of this Certificate shall be to provide a record of the specific use of all commercial buildings and land in the City.

**1200.08. Building Permits.** Hereafter, no person shall construct, erect, alter, remodel, wreck or move any building or part thereof without first securing a building permit. No permit shall be necessary for repairs, maintenance, upkeep, or minor alterations that do not involve structural changes or that do not involve changes in the outside dimensions or shape of any building in accordance with the Uniform Building Code.

**Subd. 1. Applications.** Application for building permits shall be made to the Administrator on forms to be furnished by the City. Each application shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon, the size and location of the

building and accessory buildings to be erected or altered, and such other information as may be deemed necessary for the proper enforcement of this chapter.

**Subd. 2. Time for Completion.**

A. All work requiring a building permit shall be completed within the time limitations set forth in the permit or if no time limit is set then no later than one (1) year after issuance of the permit.

B. The City Zoning Administrator may grant an extension, not to exceed twelve months from the date the extension is granted, to the time limit for completion contained in Subd. 2. A. or as otherwise set forth in the permit. Provided, however, that the City Zoning Administrator finds and states in writing on the extension permit that the reason for the extension are related to a unique circumstance and the activities authorized by the building permit have been engaged in a timely manner. A unique circumstance may include an unanticipated event such as product shortages, inclement weather, labor disputes, project complexity and size, governmental actions, or financial difficulties.

**1200.09. Land Use Permits.** Hereafter, no person shall construct, remodel, demolish, or move any building on a parcel of land without first obtaining a land use permit to verify conformance with existing zoning. No such permit shall be necessary for repairs, maintenance, upkeep, or minor alterations that do not involve changes in the outside dimensions, shape of any building, structural alterations or change in land use. Application for land use permits shall be made to the Administrator on forms furnished by the City. Each application shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon, the size and location of the building and accessory buildings to be erected or altered, changes to current land use, and such other information as may be deemed necessary for the proper enforcement of this chapter. No structural alterations or additions may be constructed on any principal building that changes the building size or location without obtaining a land use permit.

**Subd. 1. Fences.** No person shall erect any fence as described in Section 1222 without first securing a Land Use Permit approved by the Zoning Administrator.

**Subd. 2. Signs.** Except for “For Sale”, “For Rent” and “Election” signs, no person shall erect or place any sign as described in Section 1230 without first securing a Land Use Permit approved by the Zoning Administrator.

**1200.10. Fees.** The fees required by this chapter shall be established by the Council by resolution.

**1200.11. North Shore Management Plan.**

**Subd. 1.** The North Shore Management Plan for Lake Superior's North Shore dated December 1988, is hereby adopted by reference, shall have the same force and effect as if set forth in full, and shall apply to all development within the City of Silver Bay.

**Subd. 2.** The North Shore Management Plan Update (June 2004) is hereby adopted by reference, shall have the same force and effect as if set forth in full, shall apply to all development within the non-sewered residential area of the City of Silver Bay lying within the North Shore Management Plan Area Boundary north of Highway 61, and to be known on the Zoning Map as the “North Shore Residential Overlay Zone.”

**1200.12. Temporary Family Health Care Dwellings.** Pursuant to authority granted by Minn. Stat. § 394.307, Subd. 9, Temporary Health Care Dwellings, as defined by Minn. Stat. § 394.307, are prohibited within the City unless otherwise permitted in this chapter.

### **Section 1210 – Zoning District Provisions**

**1210.01. Zoning Districts Established.** The following zoning districts are hereby established:

R-1	-	Single- and Two-(2) Family Residence District
R-2	-	Multi-Family Residence District
SC	-	Shopping Center Commercial
HB	-	Highway Business Commercial
LB	-	Limited Business Commercial
LI	-	Limited Industry Commercial
GI	-	General Industry Commercial
FR	-	Forest Reserve District
RC	-	Recreation District (Public)
RR	-	Resort & Recreation District

**1210.02. Zoning Map.** The boundaries of the districts as established by this chapter shall be shown on the map which shall be made part of this chapter. The Zoning District Map and all notations, references, and other information shown thereon are a part of this chapter and shall have the same force and effect as if the map and all notation, references, and other information shown thereon were all fully set forth or described herein. The Zoning District Map shall be properly

attested and on file with the Administrator. The various zoning districts shall be shown on the official Zoning District Map. The Zoning District Map shall be maintained by the Administrator.

Any error or omission in the Map shall not affect the legality of this chapter or future amendments to this chapter. The district boundary lines on the map are intended to follow either street or other right-of-way lines or lot lines. Where the districts designated on the map are bounded by the street or lot line, the street or lot line shall be construed to be the boundary of the district unless the boundary is otherwise indicated on the map. In the case of non-subdivided property, the district boundary lines shall be determined by use of the scale appearing on the Zoning District Map or by dimensions.

**1210.03. (R-1) Single and Two (2) Family Residence-District.**

**Subd. 1. Purpose.** The purpose of the R-1 Residence District shall be to promote lower density development for single and two (2) family dwellings.

**Subd. 2. Permitted Uses.** The following uses shall be permitted in an R-1 District:

- A. Single family dwelling.
- B. Two (2) family dwelling.
- C. Private garage.
- D. Living quarters for domestic help employed on the premises when the premises contain sixteen thousand (16,000) square feet or more of lot area.
- E. Conservatories for plants and flowers not including any business or trade.
- F. Signs conforming to provisions set forth in this chapter.
- G. Accessory uses incidental to principal use.
- H. Rental of a dwelling by the owner if the terms of any lease or rental contract have a minimum thirty (30) day term.

**Subd. 3. Uses allowed by Conditional Use Permit.** The following uses shall be permitted upon the satisfaction of conditions established by the Council:

- A. Boarding houses or tourist homes.
- B. Cemeteries.
- C. Churches.
- D. Schools, private and public, provided that any principal building shall be located thirty (30) feet or more from the lot line in a residential district.
- E. Dog kennels.

- F. Electric power substations and other utility stations.
- G. Hospitals, sanitariums, and rest homes.
- H. Nurseries and greenhouses.
- I. Off-street parking for adjacent non-residential uses.
- J. Manufactured housing which shall include a Manufactured Home that is not less than twenty-four (24) feet in width and not less than thirty-two (32) feet in length, when built on site. Width measurement shall not take account of overhangs, porches, decks or other projections. The structure shall be placed on an approved permanent foundation and connected to the required utilities. It shall have conventional roof and roof lines and the design, construction and materials shall not be so inconsistent with surrounding buildings that it will significantly diminish neighboring property values or otherwise impair the health, safety, and welfare of the community. Mobile Homes, House Trailers and any living quarters that do not meet the dimension requirements set forth herein shall not be allowed except in established Mobile Home Parks.
- K. Transitional use.
- L. Home occupation.

**Subd. 4. District Requirements.** The following minimum requirements shall be followed in R-1 districts:

- A. Minimum Lot Area
 

One-(1) family	7,200 square feet
Two-(2) family	5,000 square feet per family
- B. Minimum Floor Area
 

One-(1) family	768 square feet
Two-(2) family	750 square feet per family
- C. Minimum Lot Frontage
 

One-(1) or two-(2) family	60 feet
---------------------------	---------
- D. Minimum front yard setback
 

	25 feet
--	---------
- E. Minimum side yard setback:
 

For principal structure	8 feet
On corner lot	20 feet
For accessory use to adjacent lot	3 feet

- From Utility easement 3 feet
- F. Minimum rear yard setback:
  - For principal structure 20 feet
  - For accessory use 3 feet
  - From utility easement 3 feet
- G. Maximum building height:
  - For principal structure 35 feet
  - For accessory structure 16 feet
- H. Maximum building coverage 35% of lot area
- I. Off-street parking requirements shall be provided in accordance with this section.

**1210.04. (R-2) Multi-Family Residence District.**

**Subd. 1. Purpose.** The purpose of the R-2, Multi-Family Residence District, shall be to allow for the planned development of higher density residential areas.

**Subd. 2. Permitted Uses.**

- A. Multi-Family Dwellings and all uses permitted under R-1 districts

**Subd. 3. Uses allowed by a Conditional Use Permit.**

- A. All Conditional Uses indicated in R-1 districts

**Subd. 4. Requirements.**

- A. Minimum lot area:

Two-(2) family	5,000 square feet
Three-(3) and Four-(4) Family	3,000 square feet per
Apartments with over five (5) families:	
Efficiency	2,000 square feet
One-(1) bedroom	2,400 square feet
Two-(2) or more Bedroom	2,800 square feet

- B. Minimum floor area:

One-(1) family	768 square feet
Two-(2) family	750 square feet
Three-(3) or more Families:	
Efficiency	500 square feet per
One-(1) Bedroom	600 square feet per

Two-(2) or more Bedrooms	750 square feet per
C. Minimum lot frontage.	60 feet
D. Minimum front yard setback.	30 feet
E. Minimum side yard setback:	
For principal structure	8 feet
On corner lot	20 feet
For accessory use to adjacent lot	3 feet
F. Minimum rear yard setback:	
For principal building	20 feet
For accessory use	3 feet
From utility easement	3 feet
G. Maximum building height:	
For principal structure	35 feet
For accessory structure	16 feet
H. Maximum building coverage.	35% of lot area
I. Off-street parking requirements shall be provided in accordance with this section.	

**1210.05. (SC) Shopping Center Commercial.**

**Subd. 1. Purpose.** The purpose of the SC, Shopping Center Commercial District shall be to allow for the planned development of retail shopping facilities of an integrated design.

**Subd. 2. Permitted Uses.**

- A. Office/financial facilities.
- B. Health/medical facilities.
- C. Retail business.
- D. Accessory use incidental to principal use.
- E. Restaurant, bakery or café facilities.
- F. Food Stores.
- G. Pharmacies.
- H. Real estate brokers.
- I. Insurance agencies.
- J. Appliance or fix-it repair shops.
- K. Sales and service industries.

**Subd. 3. Uses Allowed by a Conditional Use Permit.**

- A. Religious meeting or tent or temporary structure for a period not to exceed sixty (60) days.
- B. Business signs in accordance with this section.
- C. Dwelling for watchman and family.
- D. Any use of structure subordinate to the principal use or building on the same lot and serving a purpose customarily incidental thereto.
- E. Heliports.
- F. Clubs and lodges, non-profit associations.
- G. Mortuaries.
- H. Private colleges and institutions.
- I. Commercial recreation, such as bowling lane, jump centers, vehicle racing or amusement, golf driving ranges, miniature golf, dance hall, pool or billiard parlor, skating, tavern, theater, and similar type uses.
- J. Restaurants with live entertainment and/or dancing.
- K. Service stations.
- L. Drive-in theaters.

**Subd. 4. District Requirements.**

- A. Minimum lot area 50,000 square feet
- B. Minimum lot frontage N/A
- C. Minimum front setback 30 feet
- D. Minimum side setback:
  - For principal structure 30 feet
  - For accessory uses 15 feet
- E. Minimum rear setback N/A
  - For accessory uses 15 feet
  - For utility easement 3 feet
- F. Maximum building height 35 feet
- G. Maximum building coverage 25% of lot area
- H. Off-street parking requirements shall be provided in accordance with this section.

**1210.06. (HB) Highway Business Commercial.**

**Subd. 1. Purpose.** The purpose of the HB, Highway Business Commercial District shall be to provide areas located along major thoroughfares with convenient ingress and egress for business development which serves a primarily highway oriented consumer.

**Subd. 2. Permitted Uses.**

- A. Retail business.
- B. Automobile service uses.
- C. Office/financial use.
- D. Accessory use incidental to principal use.
- E. Assembly/packaging companies.
- F. Warehouse/showrooms.
- G. Equipment sales.
- H. Daycare centers.
- I. Adventure/tourism centers.
- J. Medical clinics.
- K. Hotels.

**Subd. 3. Uses Allowed by a Conditional Use Permit.**

- A. All uses identified as Conditional Uses in the R-1, R-2 and SC districts apply to the HB District.
- B. Self-Service Storage Facility.

**Subd. 4. District Requirements.**

- A. Minimum lot area 15,000 square feet
- B. Minimum lot frontage 100 feet
- C. Minimum front setback 25 feet
- D. Minimum side setback:
  - For principal structure 30 feet
  - For accessory use 15 feet
- E. Minimum rear setback:
  - For principal structure N/A
  - For accessory use 3 feet
  - For utility easement 3 feet

- F. Maximum building height 35 feet
- G. Maximum building coverage N/A
- H. Off-street parking requirements shall be provided in accordance with this section.

**1210.07. (LB) Limited Business Commercial.**

**Subd. 1. Purpose.** The purpose of the LB, Limited Business Commercial District shall be to allow for business development in areas which are particularly exposed or adjacent to residential districts. These businesses would be considered compatible with a residential use and provide neighborhood-level convenience services.

**Subd. 2. Permitted Uses.**

- A. All uses permitted in R-1 and R-2 districts.
- B. Office/financial facilities.
- C. Health/medical facilities.
- D. Residence.
- E. Churches.
- F. Construction camps, temporary dwellings for transient workers, dormitory buildings, observation platforms.
- G. Accessory structures incidental to principal use.
- H. Industrial parks.
- I. Manufactured home parks.
- J. Motels.

**Subd. 3. Uses Allowed by Conditional Use Permit.**

- A. All uses identified as Conditional Uses in the R-1, R-2 and SC Districts apply to the LB District

**Subd. 4. District Requirements.**

- A. Minimum lot area. 15,000 square feet
- B. Minimum lot frontage. 100 feet
- C. Minimum front setback:
  - For principal structure 30 feet
- D. Minimum side setback:
  - For principal structure 30 feet
  - For accessory use 15 feet

- E. Minimum rear setback:
 

For principal structure	N/A
For accessory use	3 feet
For utility easement	3 feet
- F. Maximum building height. 35 feet
- G. Maximum building coverage. N/A
- H. Off-street parking requirements shall be provided in accordance with this section.

**1210.08. (LI) Limited Industry Commercial.**

**Subd. 1. Purpose.** The purpose of the LI, Limited Industry Commercial District shall be to provide an area for industrial development of service and light industries which manufacture, process, store, and distribute foods and materials not likely to create offensive noise, vibrations, dust, heat, smoke, odor, glare, or other objectionable influences.

**Subd. 2. Permitted Uses.**

- A. Manufacturing uses.
- B. Research.
- C. Motor freight terminals.
- D. Railroad uses.
- E. Warehousing.
- F. Wholesale business.
- G. Equipment sales and service uses.
- H. Miscellaneous business uses.
- I. Accessory uses incidental to principal use.
- J. Hotels and Motels.
- K. Retail services compatible with this district classification.
- L. Self-Service Storage Facility.

**Subd. 3. Uses Allowed by Conditional Use Permit.**

- A. Excavation businesses (such as sand and gravel pits and black dirt operations).
- B. Junk yards and dumps.
- C. Heliports.
- D. Service stations.
- E. Drive-in theaters.

- F. Hospitals and clinics.
- G. Cement Plants.

**Subd. 4. District Requirements.**

- A. Minimum lot area. 15,000 square feet
- B. Minimum lot frontage. 100 feet
- C. Minimum front setback. 30 feet
- D. Minimum side setback:
  - For principal structure 30 feet
  - For accessory use 15 feet
- E. Minimum rear setback:
  - For principal structure N/A
  - For accessory use 3 feet
  - For utility easement 3 feet
- F. Maximum building height. 35 feet
- G. Maximum building coverage. N/A
- H. Off-street parking requirements shall be provided in conformance with this section.

**1210.09. (GI) General Industry Commercial.**

**Subd. 1. Purpose.** The purpose of the GI, General Industry Commercial District shall be to provide areas which because of availability to thoroughfares, railroads, suitable topography and soil conditions, water transportation, and isolation from housing, are appropriate for manufacturing, compounding, processing, packaging, or treatment of products which are of a more intense nature and may give offensive odors, vibration, noise, glare, smoke, and other such nuisances. Examples of such uses are auto parts manufacture, steel mills, taconite processing plants, water transportation loading and unloading facilities, junk yards, and dumps.

**Subd. 2. Permitted Uses.**

- A. All uses permitted in LI Districts.
- B. Manufacturing and other uses of a more intense nature which may give offensive odors, vibration, noise, glare, smoke, heat, dust, or other objectionable influences.
- C. Waterfront uses including marinas and boat launching facilities.
- D. Accessory uses incidental to principal use.

**Subd. 3. Uses Allowed by Conditional Use Permit.**

A. All uses identified as Conditional Uses in the LI District apply to the GI District.

**Subd. 4. District Requirements.**

- A. Minimum lot area 20,000 square feet
- B. Minimum lot frontage 100 feet
- C. Minimum front setback 30 feet
- D. Minimum side setback:
  - For principal structure 30 feet
  - For accessory use 15 feet
- E. Minimum rear setback:
  - For principal structure 10 feet
  - For accessory use 3 feet
  - For utility easement 3 feet
- F. Maximum building height. N/A
- G. Maximum building coverage. N/A
- H. Off-street parking requirements shall be provided in conformance with this section.

**1210.10. (FR) Forest Reserve District.**

**Subd. 1. Purpose.** The purpose of the FR, Forest Reserve District shall be to provide for remote very low density residential development that may be distant from roads, city water and city sewer, to prevent destruction of natural or man-made resources, to maintain large tracts of land for forest recreation and rural living purposes, and to foster certain recreational uses and other activities which shall not be incompatible with the public welfare.

**Subd. 2. Special Requirements.**

- A. Where it is impracticable due to terrain or where it would be prohibitively expensive to provide City water or sewage collection, on-site sewer, wells and individual sewage septic system meeting legal requirements may be permitted. A Conditional Use Permit will be required for any individual water and sewage disposal systems.
- B. Clear cutting not allowed within one hundred (100) feet from adjoining property, road right-of-way, or scenic areas, unless otherwise authorized.
- C. Minimum lot acres: Five (5) acres.

- D. Minimum Lot Width: The minimum lot width at the building line shall be three hundred (300) feet.
- E. Maximum lot coverage including accessory buildings: Twenty percent (20%)
- F. Rear and Side Yard Setbacks: Fifty (50) feet.
- G. Fences for livestock.

**Subd. 3. Permitted Uses.**

- A. All uses permitted in R-1 and R-2 districts.
- B. Single and multi-family dwellings.
- C. Management and utilization of forest and recreational resources.
- D. Soil and water conservation programs.
- E. Wildlife preserves.
- F. Tree plantations.
- G. Home occupations (with Conditional Use Permits).
- H. Compatible recreation uses.
- I. Farms and livestock (livestock as authorized by Conditional Use Permit).
- J. Customary accessory structures such as barns and storage buildings. Size limitations and number of allowed structures in R-1 or R-2 do not apply to accessory buildings in this district.

**Subd. 4. Conditional Uses.** A Conditional Use Permit shall be required for any of the following:

- A. Roads.
- B. Gravel pit, rock quarry.
- C. Portable sawmills.
- D. Barns and large storage buildings.

**Subd. 5. District Requirements.**

- A. Minimum lot area 5 acres
- B. Minimum lot frontage 300 feet
- C. Minimum front setback 50 feet
- D. Minimum side setback 30 feet
- E. Minimum rear setback 50 feet
- F. Maximum building height 50 feet

- |   |                         |
|---|-------------------------|
| G. Single family residence  | 768 square feet minimum |
| H. On-site sewer system   | Legal Requirements      |
| I. Clear cutting not permitted within one hundred (100) feet of adjoining property, road right-of-way, or scenic areas. |                         |

**1210.11. (RC) Recreation District.**

**Subd. 1. Purpose.** The purpose of the RC, Recreation District shall be intended to preserve areas for municipal and public recreation.

**Subd. 2. Permitted Uses.**

- A. Arenas.
- B. Ice skating and hockey rinks.
- C. Roller skating rinks.
- D. Swimming pools.
- E. Camping.
- F. Tennis courts.
- G. Teen centers.
- H. Baseball and softball fields.
- I. Uses incidental to principal use.
- J. Other public and semi-public recreational uses.
- K. Skate parks.
- L. Dog parks.
- M. Bike parks.

**Subd. 3. Uses Allowed by a Conditional Use Permit.**

- A. Retail shopping and services compatible with recreation such as sporting goods, golf shops, skate sharpening services, and other sports related services
- B. Child care facilities with recreational facilities.

**Subd. 4. District Requirements.** There are no minimum or maximum lot area, setback, height, or building coverage requirements for this District.

**1210.12. (RR) Resort and Recreation District.**

**Subd. 1. Purpose.** The purpose of the RR, Resort and Recreational District shall be to allow for the planned development of resorts and/or recreational based facilities.

**Subd. 2. Permitted Uses.**

- A. Golf courses.
- B. Ski hills.
- C. Marina Developments.
- D. Camping.
- E. Planned development of higher density residential area.
- F. Single family residences.

**Subd. 3. Uses Allowed by Special Permit.**

- A. Retail shopping and services compatible with primary recreation such as sporting goods, golf shops, fueling facility and equipment sales & service.
- B. Restaurant and bar sales.
- C. Hotels, motels & lodges.
- D. Incidental uses such as pools, tennis courts, riding stables, horse parks, hiking trails.
- E. Accessory uses incidental to principal use.

**Subd. 4. District Requirements.**

- A. Minimum lot area: Ten (10) Acres
- B. On site sewer system if City services are not available: one (1) acre
- C. Or a public sewer district: ten thousand (10,000) square feet.
- D. Minimum lot width: three hundred (300) feet.

**1210.13. (BP) Silver Bay Business Park - Mixed Use Zoning District.**

**Subd. 1. Purpose.** To network businesses to work with each other and the Silver Bay Community to create and diversify living wage employment by improving resource productivity, reducing pollution, and expanding markets through renewable, sustainable energy development. All proposed land uses must receive a Conditional Use Permit before a Land Use Permit or Building Permit can be applied for and issued.

**Subd. 2. Permitted Uses.** All proposed uses must be consistent with the “Purpose” of the park and the following goals:

- A. Strive for continuous business, environmental and community improvement.
- B. Establish networks to accomplish objectives.
- C. Establish links to the local community and eco-system.
- D. Achieve “beyond” compliance levels with federal, state and local regulations.

**Subd. 3. District Requirements.** These requirements are to be used as a guide for land development. Final requirements will be determined through the Application Process:

Minimum Lot Area	15,000 Square Feet
Minimum Lot Frontage	100 Feet
Minimum Front Setback	25 Feet
Minimum Side Setback:	
For Principal Structure	30 Feet
For Accessory Use	15 Feet
Minimum Rear Setback:	
For Principal Structure	N/A
For Accessory Use	3 Feet
For Utility Easement	3 Feet
Maximum Building Height	35 Feet
Maximum Building Coverage	N/A

Off Street Parking – requirements shall be in accordance with proposed land use, the Eco-Park Clustering Plan, existing infrastructure and/or future transportation plans.

**1210.14. Table of Permitted Uses by Zone.**

P = Permitted Use C = Conditional Use Permit Required

Type of Use										
Residential Uses	R1	R2	SC	HB/ BP	LB	LI	GI	FR	RC	RR
Accessory uses incidental to principal use.	P	P	P	P	P	P	P	P	C	C
Boarding houses, bed & breakfast, or tourist houses	C	C			C					
Cemeteries	C	C			C					
Churches	C	C			P					
Congregate care facilities		C			C					
Dog kennels	C	C			C			P		
Dwelling, Single family	P	P			P			P		P
Dwelling, Two family	P	P			P			P		
Dwelling, Multi family		P		P	P			P		
Electrical Power Substation	C	C		P	C					
Home occupation	C	C			C			C		
Off Street Parking	C	C			P			P		
Residential PUD		C								
Rest Home		C			C					
Schools	C	C			C				C	
Transitional uses	C	C			C					
Veterans Home		C								

<b>Commercial Uses</b>	<b>R1</b>	<b>R2</b>	<b>SC</b>	<b>HB/ BP</b>	<b>LB</b>	<b>LI</b>	<b>GI</b>	<b>FR</b>	<b>RC</b>	<b>RR</b>
Automobile sales & service stations			C	P	P					
Business			P	P	P				C	
Business signs		C	C	P	P					
Clubs and lodges, non-profit			C	C	C					
Commercial recreation			C	C	C				C	
Health/medical facilities	C	C	P	P	P					
Heliports			C	C	C					
Hotels / Motels			C	P	P	P				
Mortuaries			C	P	C					
Office/Financial			P	P	P	P	P			
Private colleges/institutions			C	C	C					
Religious meeting or tent or temporary structure not to exceed 60 days			C	C	C					
Restaurant			P	P	C					C
<b>Industrial</b>	<b>R1</b>	<b>R2</b>	<b>SC</b>	<b>HB/ BP</b>	<b>LB</b>	<b>LI</b>	<b>GI</b>	<b>FR</b>	<b>RC</b>	<b>RR</b>
Demolition, Salvaging, Recycling						C	C	C		
Equipment sales and service						P	P	P		
Excavation businesses						C	C	C		
Industrial parks						C	C	C		
Junk yards						C	C			
Manufacturing (offensive)							P			
Manufacturing uses						C	P			
Motor freight terminals / Warehouse						P	P			
Railroad Uses						P	P			
Waterfront uses						P	P			
Timber harvesting								C		
Wholesale business						P	P			
<b>Recreation Uses</b>	<b>R1</b>	<b>R2</b>	<b>SC</b>	<b>HB/ BP</b>	<b>LB</b>	<b>LI</b>	<b>GI</b>	<b>FR</b>	<b>RC</b>	<b>RR</b>
Marina developments									P	P
Parks, wildlife preserves								P		
Planned Unit Development										C
Portable sawmills								C		
Recreation area								P	P	P
Recreation based retail								C	P	C
Storage buildings								C	C	

P = Permitted Use C = Conditional Use Permit Required

Any use not listed as Permitted or Conditional is Prohibited

**1210.14. Exceptions and Additions to Minimum District Requirements.**

**Subd. 1. Side Yard and Rear Yard Set-Backs.** Buildings may be excluded from side and rear set-back requirements if fire resistant party walls are used and if the adjacent buildings are constructed as an integral structure. If a party wall is planned, the party wall shall abut on the property line. This exception may only be allowed in commercial or industrial zoning districts and only with the approval of the Zoning Administrator.

**Subd. 2. Commercial Districts.**

A. Any new structure in a Commercial District shall be shown to fit into an overall plan for the area. Before any new area is zoned Commercial, the following conditions shall be met:

1. Submission of a plot plan showing structures, parking, driveways, landscaping, and screening.
2. Commitment that construction shall begin within eighteen (18) months after Council action on the proposal.

B. Rezoning for any individual business use shall not be permitted unless it is an extension of an existing Commercial District or is designed to be a part of an integrated and well-planned development.

**1210.15. Uses Not Provided For.** Whenever in any district a use is not specifically permitted or permitted as a Conditional Use, the Commission shall determine whether a building permit shall be issued for the requested use. It shall be issued if the use is generally of the same nature as permitted uses and shall be denied if it is not similar.

**Section 1220 - Off-Street Loading and Parking**

**1220.01. Loading.** Space for off-street loading and unloading vehicles shall be provided for every building used or designed for commercial, industrial, manufacturing, or warehousing purposes. One (1) space shall be provided for every ten thousand (10,000) square feet of floor area or fraction thereof. The spaces shall be a minimum of ten (10) feet in width, thirty-five (35) feet in length, and fourteen (14) feet in height.

**1220.02. Parking.** Off-street automobile parking or storage space shall be provided on every lot on which any new structures are established. Such space shall be provided with vehicular access to a street or alley to allow vehicles safe entry onto the roadway. The space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. When a structure is enlarged, the required off-street parking space shall be provided for the enlarged portion. If a use is changed to a different use requiring more space, the additional amount of parking area shall be provided. In addition, the following minimum standards shall apply:

**Subd. 1. Dimensions.** An off-street parking space shall comprise an area with minimum dimensions of ten (10) feet by eighteen (18) feet plus necessary maneuvering space. Total area for parking and maneuvering shall not encroach upon any public right-of-way.

**Subd. 2. Required Spaces.** The following uses shall provide the number of off-street parking spaces as designated:

- A. **Single Family Dwelling.** One (1) parking space for each unit.
- B. **Multiple dwellings consisting of three (3) or more dwelling units.** Two (2) parking spaces per unit for a total parking space of six hundred (600) square feet per dwelling unit exclusive of maneuvering area, except for senior housing, where the requirement shall be one (1) parking space per dwelling unit. Sufficient ingress and egress shall be provided to the parking area.
- C. **Clubs and Lodging Houses.** One (1) space for each two (2) bedrooms, plus parking spaces equal to thirty percent (30%) of the capacity in persons who may be served by activities such as bars, dining rooms, and the like.
- D. **Churches, Theaters, Auditoriums, Mortuaries, and other Places of Assembly.** One (1) space for each ten (10) seats based upon maximum seating capacity.
- E. **Business and Professional Offices (except Medical and Dental Clinics).** One (1) space for each four hundred (400) square feet of floor space.
- F. **Medical and Dental Clinics.** Three (3) spaces per doctor or dentist.
- G. **Retail Shopping.** One (1) space for each two hundred (200) square feet of total floor area and one (1) space for each employee.
- H. **Motels and Hotels.** One (1) space for each unit and for each employee.
- I. **Restaurants.** One (1) space for each three (3) seats.
- J. **Service Stations.** Three (3) spaces for each enclosed service stall and one (1) space for each full-time employee on a single shift.
- K. **Bowling Alleys.** Five (5) spaces per lane.
- L. **Drive-Ins.** At least fifteen (15) spaces for those serving food or refreshments, and at least ten (10) spaces for all others.
- M. **Other Business.** One (1) space for every two (2) employees (based upon maximum planned employment during any work period) or one (1) space for each eight hundred (800) square feet of floor area, whichever requirement is greater.

N. **Industrial uses.** One (1) space for each two (2) employees based upon peak employment on a single shift.

O. **Hospitals.** One (1) space for each four (4) beds and one (1) additional space for every employee and staff member.

P. **Uses Not Specifically Listed.** Parking requirements shall be determined by City Council upon advice from Planning and Zoning Commission.

**Subd. 3. Sale of Parking Areas.** Off-street parking area may not be separated or reduced in area through sale or other means from the property containing the principal use for which the parking area is required.

**Subd. 4. Joint Facilities.** Required parking facilities serving two (2) or more uses may be located on the same lot or in the same structure provided the total number of parking spaces furnished shall not be less than the sum of the separate needs for each use during peak parking hours. The Commission may approve the joint use of parking facilities by the following uses or activities under the following conditions:

A. The proposed joint parking space is within five hundred (500) feet of the use it will serve.

B. The applicant shall show that there is no substantial conflict in the principal operating hours of the two (2) buildings or uses for which joint use of off-street parking facilities is proposed.

C. A properly drawn legal instrument, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the Administrator.

### **Section 1221 - Hazardous Buildings**

**1221.01. Damaged Buildings.** Any building damaged or destroyed by fire, explosion or wind to constitute a hazard to adjacent buildings, property or persons, or adversely affects the aesthetics of the area, shall be rebuilt, repaired or razed and removed within ninety (90) days of the fire, explosion or windstorm.

**Subd. 1. Protection of Damaged Buildings.** All buildings damaged or destroyed by fire, explosion or windstorm shall be screened or secured by the property owner within forty-eight (48)

hours after the fire, explosion or windstorm so that it will not constitute a hazard or a blight on the area.

**Subd. 2. Extension of Time for Compliance.** The time for compliance provided for in this subsection may be extended by the Council for due cause shown.

**1221.02. Hazardous and Substandard Buildings.** The City may remove or raze any hazardous building or remove or correct any hazardous condition of any building, real estate or property if, after notice, it is not corrected in a timely manner by the property owner. Costs incurred by this action shall be charged against the property. Minn. Stat. §§ 463.15 through 463.251 are adopted by reference and incorporated herein as if set forth in full.

**Subd. 1. Escrow Account.** The City shall establish an escrow account to require an insurer of real property to withhold a percentage of any final settlement when a claim has been filed for a loss to insured property due to fire or explosion, pursuant to the provisions of Minn. Stat. § 65A.50.

**Subd. 2. Statutes Adopted.** Minn. Stat., § 65A.50 is adopted by reference and incorporated herein as if set forth in full.

**1221.03. Building Removal.**

**Subd. 1. Application.** This section shall apply to all excavation for building purposes which become or remain open due to the moving of a building, the destruction of a building, or for any other reason. All work shall be completed within thirty (30) days of the moving or destruction of the building.

**Subd. 2. Compliance.** Before any such excavations are filled, the owner shall:

A. Remove and haul away, at the expense of the owner, all existing foundation, basement materials or other such debris. If basement is to remain, it shall be properly capped.

B. Properly cap all city sanitary sewer, storm sewer and water lines as directed by the Utilities Department. This work shall be done by the owner at the owner's expense and shall be inspected and approved by the City before filling in the excavation. The owner may request the work be done by the City at the owner's expense.

**Subd. 3. Fill Required.** The excavation shall be filled with clean fill, compacted, covered with at least four (4) inches of clean dirt, and be leveled to the contour of the existing land, all at the owner's expense.

**Subd. 4. Barrier Required.** Such excavation shall be encircled with a safety barrier or covered.

### **Section 1222 - Fences**

#### **1222.01. Residential Districts.**

**Subd. 1. Height.** All fences in Residential Districts (R1, R2) shall not be more than six (6) feet in height. Fences in the front yard from the building line to the front lot line shall be no more than three (3) feet in height, except fences on side lot lines extending to the setback maybe up to six (6) feet in height.

**Subd. 2. Setback.** Fences shall not be placed closer than one (1) foot to side and rear lot lines. However, fences may be placed on the lot line if the abutting property owner agrees and the abutting landowners all sign the application for the building permit.

**Subd. 3. Corner Lot.** If more than three (3) feet in height above the curb line, fences on a street corner lot shall be set back a minimum of twenty-five (25) feet from the curb or street edge. Fences three (3) feet or less in height above the curb line may be placed within one (1) foot of the lot line but in no event closer than one (1) foot to the inside line of the sidewalk.

**Subd. 4. Restrictions.** Due to particular conditions such as sight limitations, safety hazards, snow removal problems or aesthetics, the Commission may require that fences of any height not extend beyond the front lot line of the dwelling.

### **Section 1230 - Signs**

**1230.01. General Provisions.** The following provisions shall apply to all signs within the City:

- A. Any sign within thirty-five (35) feet of a street right-of-way and within seventy-five (75) feet of a traffic signal shall be non-flashing and may not be of red, green, or amber illumination. No sign may be erected that would interfere with the proper functioning of a traffic sign or signal.
- B. Service stations and other roadside business establishments in all districts shall be governed by the same requirements applying in a Highway Business District.
- C. "For rent" and "for sale" signs may be placed in any front yard in any district provided the signs shall not exceed ten (10) square feet in size in residential districts and thirty (30) square feet in size in other districts.

- D. A sign advertising a new home development may be constructed in any district if the sign is not over three hundred (300) square feet in size. The sign shall be at least two hundred (200) feet from any occupied home and shall be removed within two (2) years or upon completion of the development, whichever date is sooner.
- E. Existing signs that do not comply with these performance standards shall be considered as non-conforming uses.
- F. No sign shall overhang the public right-of-way. Except for traffic signs, no sign shall be located within a street right-of-way except by Conditional Use Permit. Traffic control signs shall be permitted in any district.
- G. The source of light for any illuminated sign shall not be directed into any street or property used or zoned for residential purposes.
- H. If a commercial or industrial building faces a limited access highway or thoroughfare, the permitted size of business signs shall be doubled for each additional twenty-five (25) feet of front setback. The increase shall not result in a sign size more than twenty percent (20%) of the area of the face of the building on which the sign is located.
- I. There shall be no use of revolving beacons, zip flashers, or similar devices that would distract automobile traffic.
- J. Signs shall not be painted on a fence in any district.
- K. Service stations and other highway commercial establishments may have a pedestal sign and three (3) temporary signs in the front set-back area. The pedestal sign may not exceed fifty (50) square feet in size. Temporary signs shall not exceed thirty (30) square feet in total size.
- L. There shall be no movement of the sign structure.
- M. Election signs shall be permitted in all districts. However, the signs shall be removed within five (5) days following election day. No signs shall be placed on private property without the consent of the property owner or occupant.
- N. To provide reasonable flexibility in these regulations, the Zoning Inspector may, subject to the approval of the Commission approve an application for a sign that exceeds the number, size, or height, or signs permitted by these regulations where the exception would not be inconsistent with the intent of the regulations.

**1230.02. District Sign Provisions.** The following requirements shall apply within the designated district and shall be in addition to any other general requirements:

	<b>Residential (R1&amp;R2)</b>	<b>Highway Business/ Business Park (HB &amp; BP)</b>	<b>Shopping Center (SC)</b>	<b>Industrial (LI &amp; GI)</b>
<b>Type of sign:</b>	Identification Home Occupation	All permitted	Identification Business	All permitted
	<b>(R1&amp;R2)</b>	<b>(HB &amp; BP)</b>	<b>(SC)</b>	<b>(LI &amp; GI)</b>
<b>Number of signs:</b>				1/100 ft of frontage on thoroughfare
per dwelling:	1, 2 if corner lot			
on building:		1 sign		
on pedestal:		1 sign		
temporary:		3 signs		
per entrance:			1 sign	
per shop. cent.:			1 sign	
<b>Size of sign:(Sq.Ft.)</b>			50 sq. ft. plus 1 sq. ft. for each 100 sq.ft. of building area over 3,000 sq.ft.	No limit
per dwelling:	3 sq. ft.			
non-residential:	24 sq. ft.			
permanent:		50 sq. ft.		
temporary:		30 total sq. ft.		
outdoor adv.:		825 sq. ft.		
<b>Height of sign:</b>		25 feet		40ft. above grade
roof signs:			6 ft. above highest outside wall.	30 ft. above roof
shopping center:			30 ft. above highest roof	
<b>Projection into front setback:</b>	10 feet from property line if sign is more than 1.5 sq. ft.	3 feet from street right of way	10 feet from street right of way, wall signs 2 ft. into setback area	2 feet
<b>Illumination:</b>	Indirect or diffused	Illuminated & flashing; no flashing within 100 ft. of ROW	Illuminated & flashing; no flashing within 100 ft. of ROW	Illuminated, but not flashing

**Section 1231 – Towers**

**1231.01. Findings.** It has been determined by the Council that, although towers serve a public need, towers also must meet reasonable standards established by the community. Because of the potential visual impact of towers, all lands within the City, public and private, shall be subject to these guidelines and regulations.

**1231.02. Intent and purpose.** The placement of towers over 35 feet in height requires approval through a Conditional Use Permit and if over 195 feet in height, also requires a height variance.

Because of the nature of public notice required for towers over 195 feet, the filing fee shall represent the sum of the Conditional Use and Variance application fees.

**Subd. 1. Lighting.** The Council finds that there is significant public concern with the maintenance of dark skies, and the reduction of light trespass. Consequently, additional lighted towers shall be discouraged and co-location on existing structures encouraged.

**Subd. 2. Public Health and Safety.** This section recognizes the need for protecting the health, safety and general welfare of all the citizens in the City while attempting to minimize possible adverse aesthetics related to the placement, construction or modification of tower facilities.

**Subd. 3. Local Authority.** The Telecommunications Act of 1996 affirms local government's right to control the siting, construction, and modification of cellular and other wireless telecommunication facilities. The permitting process in this section does not discriminate among providers of functionally equivalent services and does not prohibit the provision of personal wireless services.

**1231.03. Applicability.** It shall be unlawful for anyone to erect, construct, or place any new tower facility over 35 feet in height without first receiving appropriate permits from the Planning & Zoning Commission. It shall be unlawful to alter, modify, transform, add to, or change in any way, an existing tower facility without first receiving permits from the Planning & Zoning Commission.

**1231.04. Permits.** The following tower related facilities and activities may be considered for a Land Use permit if they meet the application requirements and standards of this chapter.

**Subd. 1. Existing structures.** The addition of antennae on existing structures which do not increase the height or require structural modification of the facility.

**Subd. 2. Accessory Utility Buildings.** All buildings and structures serving a tower shall:

- A. Show the number, size and location in relation to the tower of any cabinets or utility buildings servicing the tower.
- B. Be buffered and screened from adjoining uses.
- C. Meet the height and setback requirements of the zoning district, except as modified in Section 1321.05, Subd. 1.
- D. Have integrated roof armoring to prevent equipment failure from falling ice.

**1231.05. General Standards.**

**Subd. 1. Setback.** The facility shall have a minimum distance to the part and/or recorded easement boundary equal to one and one-half (1½) times the height of the tower or the fall zone distance of the tower as set forth in the specifications of the tower manufacturer. The tower facility shall have a minimum distance of two times the height of the tower to the nearest residential structure. Towers are generally prohibited in shore land areas.

**Subd. 2. Fencing.** The tower facility which includes related equipment shall be protected by a perimeter security fence six feet or greater in height to prohibit access by unauthorized persons.

**Subd. 3. Signage.** The owner's name, telephone number and FCC registration number shall be posted on the gate of the perimeter fence. No other advertising or identification of any kind is permitted on the tower facility except applicable warning and equipment information as required by the manufacturer or by Federal, State or local authorities.

**Subd. 4. Lighting.** Lighting shall comply with this section's lighting standards.

**Subd. 5. Facility Screening.** Screening may be prescribed by the Planning & Zoning Commission depending on site location.

**1231.06. Tower Design Requirements.**

**Subd. 1. Aesthetics.** Towers and antennae shall minimize the tower's visual impact using color camouflaging, and architectural treatment, except where colors are dictated by Federal or State authorities.

**Subd. 2. Monopole design.** Towers on new sites shall be of a monopole design unless not suitable for the terrain, or unless otherwise authorized by the Planning & Zoning Commission.

**Subd. 3. Certification.** The proposal for a new tower shall not be approved unless the applicant successfully demonstrates under corporate letterhead that the telecommunications equipment plan for the proposed tower cannot be accommodated on an existing or improved tower or building within a two-mile search radius of the proposed tower due to one or more of the following reasons:

A. The planned equipment would exceed the structural capacity of the existing approved tower or building as documented by a qualified and licensed professional engineer and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned equipment at a reasonable cost.

B. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower as documented by a qualified and licensed professional engineer or qualified radio frequency engineer and the interference cannot be prevented at a reasonable cost.

C. The existing or approved towers or buildings within the search radius that cannot or are not allowed to accommodate the planned equipment at a height necessary to function reasonably as documented by a licensed professional engineer.

D. Reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

**Subd 4. Additional users.** Any proposed tower shall be designed structurally, electrically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least three additional users. Facilities providing greater antenna capacity will be considered more desirable than limited use towers. Towers must be designed to allow for future rearrangements of antennas and accept antennas mounted at varying heights.

**1231.07. Additional submittal requirements.** In addition to the information required elsewhere, applications shall include the following information:

**Subd. 1. Engineer's report.** A report from a licensed professional engineer that describes the tower's capacity including the number and type of antennas that it can accommodate.

**Subd. 2 Letter of Intent.** A letter of intent from the tower owner committing the tower owner and successors to allow the shared use of the tower for at least three additional users and that additional users agree in writing to meet reasonable terms and conditions for shared use. The Letter of Intent shall state the amount of the user fee for additional users and the time for the tower owner to process the additional user application. The amount of the user fee shall be of such reasonable amount, and the time for processing the additional user application shall be timely, so that it will not prohibit additional users the use of the tower facility or discriminate against other providers of similar or related services.

**Subd. 3. Airport compliance.** A report from all airports within a twelve-mile radius of the tower site acknowledging their awareness of the new tower location and evidence that the tower site has been appropriately reported to the Minnesota Department of Transportation Division of Aeronautics, Federal Aviation Administration, and the Federal Communications Commission.

**1231.08. Abandoned or unused towers.** Abandoned or unused towers and associated facilities shall be removed within six months of the cessation of operations unless a time extension is approved by the Commission. If a tower is not removed within six months of the cessation of the operations, the tower and associated facility may be removed by the City with costs being assessed against the permittee or property owner.

**1231.09. Compliance with North Shore Management Plan Regulations.** In addition to compliance with this section, the applicant shall demonstrate compliance with the North Shore Management Plan regulations now in force or hereafter adopted.

**1231.10. Agreement.** Before any Tower Permit is issued, or any work done in preparation for or construction of a Tower, the applicant shall sign a Tower Use Agreement in the form provided by the City.

### **Section 1240 - Conditional Uses**

**1240.01. Permit Required.** Any use listed in this chapter as a Conditional Use may be permitted only after an application for a Conditional Use Permit has been reviewed and approved by the Planning and Zoning Commission and by the Council. Any person claiming exemption shall make application as provided herein.

**1240.02. Applications.**

**Subd. 1. Filing.** An application for a Conditional Use Permit or Exemption Certificate shall be filed with the Administrator on a form provided for that purpose. The completed Application shall be submitted in a timely manner by the Administrator to the Zoning Administrator and Commission as prescribed by its rules of procedure.

**Subd. 2. Supporting Documents.** The application shall be complete, accompanied by detailed plans, drawn to scale, showing all details of the land area and proposed use, and other information as prescribed in this section. The application shall be accompanied by sufficient additional material as is necessary to make clear the nature of the request and proposed use.

**Subd. 3. Fee.** The application shall be accompanied by the required fee as established by City Council Resolution.

**Subd. 4. Incomplete Application.** The Zoning Administrator shall reject any application not accompanied by the required fee or by other materials and information as required by this

section. Notification of rejection, along with the reason for the action, shall be given the applicant within ten (10) days of the decision.

**1240.03. Public Hearing Required.**

**Subd. 1. Notice.** The Commission shall conduct a public hearing on each Conditional Use Permit application, giving due notice thereof to the public. Property owners within three hundred fifty (350) feet of the property in question shall be notified of the hearing by the Administrator.

**Subd. 2. Procedure.** Such public hearings shall be conducted per applicable Minnesota Statutes and to the rules of procedure of the Commission.

**1240.04. Decisions.**

**Subd. 1. Basics.** Decisions of the Commission on all Conditional Use Permit applications shall be made per the general requirements and criteria for the permits as listed in this section, and to any special requirements and criteria applicable to the application as listed in this section.

**Subd. 2. Time Frame.** The Commission shall render its decisions in writing within thirty-five (35) days of the close of the public hearing, stating its reasons in sufficient detail so that it can be determined that the decision was made in reliance on testimony given at the public hearing, and per the criteria contained in this section. The vote of the Commission shall be indicated on the written decision.

**Subd. 3. Permit.** After a Conditional Use Permit is granted, a certified copy of the permit and decision shall be filed with the Administrator. The permit shall include a legal description of the property involved.

**1240.05. Conditions.**

**Subd. 1. Imposition.** In issuing any Conditional Use Permit, the Commission may impose such conditions or restrictions as it deems necessary to protect the public interest, including, but not limited to, matters relating to appearance, lighting, hours of operation, and performance characteristics.

**Subd. 2. Restrictive Covenants.** When appropriate, restrictive covenants may be entered into regarding such matters.

**Subd. 3. Duration.** A Conditional Use Permit shall remain in effect for so long as the conditions agreed upon are observed. However, whenever it is deemed advisable a time limitation or review requirement may be placed as a condition on any permit.

**1240.06. General Criteria and Requirements.**

**Subd. 1. Compliance.** Conditional Use Permits may be approved only upon a showing by the applicant that the standards and criteria stated in this chapter shall be satisfied. Since a Conditional Use is not generally appropriate within the zone district, the applicant bears the burden of demonstrating a right to the permit by making such showing. Absent such showing, the Commission shall deny any application.

**Subd. 2. Specific Conditions.** A Conditional Use Permit may be granted only upon finding all the following:

- A. The use conforms to the land use and comprehensive plan of the City;
- B. The use is compatible with the existing neighborhood;
- C. The use shall not impede the normal and orderly development and improvement in the surrounding area of uses permitted by right in the zone district; and,
- D. The location and character of the proposed use is consistent with a desirable pattern of development for the area.

**1240.07. Home Occupation.**

**Subd. 1. Definition.** An occupation carried on for profit, secondary to the primary use of the residence, by an occupant of the residence that does not change the character of the neighborhood. The following occupations shall be exempt from the requirements of a Conditional Use Permit for home occupations: telemarketing; computer based business; business conducted by telephone, email, or U.S. Mail that generates only occasional customer or client traffic; product sales associated with private social events (e.g., Tupperware, etc.) and similar type businesses, that do not generate additional traffic, or that do not generate customer or client traffic at the residence more than that usual in the residential neighborhood. Garage sales, limited to not more than two per year per residence shall also be considered exempt. All conditions listed in Subd. 3 shall apply to exempt businesses. Any occupation claiming exemption shall make an application to the Administrator for a Certificate of Exemption and pay the same fee as an application for a Conditional Use Permit.

**Subd. 2. Intent.** The purpose of this section is to maintain the character of the residential neighborhoods by ensuring the compatibility of home occupations with other permitted uses in the residential districts of the City. The intent is to limit home occupations to provide those types of services and supplies that can be carried on within the residence without adversely impacting on

the integrity of the residential area. This section is designed to prohibit any home occupations which are objectionable, incompatible, use hazardous materials, or are illegal in the residential districts or that do not comply with all the conditions set forth in this section.

**Subd. 3. Conditions.** Any occupation engaged in by the occupant of a dwelling must meet the following conditions and performance standards.

A. The maximum area used for a Home Occupation within the principal structure, including that used for stock in trade shall be kept at or below twenty percent (20%) of the gross floor area of the building housing the home occupation. The area within any attached or detached structure used by the Home Occupation shall not exceed twenty percent (20%) of the structure's gross floor area. The Home Occupation shall be conducted only within the enclosed areas of the dwelling site.

B. There shall be no exterior evidence of the home occupation, including but not limited to the storage of materials, supplies, equipment, or commercial garbage dumpsters. Outdoor storage or display of materials, goods, supplies, or equipment related to the conduct of the Home Occupation is prohibited.

C. Nothing shall be visible to neighboring residences indicating that a home occupation is being conducted from the dwelling or accessory buildings, except those signs permitted in residential areas.

D. No use of materials or mechanical equipment not recognized as being part of and compatible with normal household use shall be permitted.

E. The use shall not generate pedestrian or vehicular traffic beyond that reasonable or normal in a residential neighborhood. For the purposes of this provision, more than five (5) customers or clients per day may be determined to be an excessive and detrimental level of traffic.

F. It shall not involve the use of commercial vehicles for delivery of home occupational materials to or from the premises not compatible with normal household use. Shipment and delivery shall be limited to single rear axle straight trucks, vans or smaller vehicles normally used in home delivery.

G. The conduct of the Home Occupation shall not generate noise, glare, light, vibrations, fumes, or odors detectable to normal senses outside the dwelling lot.

H. Equipment which creates electrical interference in any radio, television receivers, or cause fluctuations in power line voltage off the premises, shall not be permitted.

I. Not more than two employees other than the residents of the dwelling unit shall be permitted, provided their employment does not cause any congestion in the neighborhood and that the resident of the dwelling unit provides off street or screened parking for any employees.

J. Shipment and delivery of supplies and products shall be limited to the hours between 8:00 A.M. and 6:00 P.M. and shall not be allowed on Sundays or holidays.

K. Accessory structures and garages may be used in operation of a home occupation if its use will not adversely affect the use for which the accessory building and garage was intended, i.e., the storage of home equipment and motor vehicles.

**Subd. 4. Performance Standards.** To ensure that a home occupation will not alter the character of the neighborhood or otherwise violate these conditions and standards, the Commission may impose reasonable conditions necessary to protect the public health, safety, and welfare. The Commission shall attach performance standards to the issuance of the Conditional Use Permit for the Home Occupation to ensure the proposed occupation does not alter the character of the neighborhood. The standards may reflect the unique situation of an individual residence and/or neighborhood. This means that similar businesses may have varying conditions. These standards may include, but are not limited, to the following:

A. Limits on hours of operation.

B. Number of people who may avail themselves of the services provided by the home occupation use of any given moment in time.

C. Number of deliveries to and from the home occupation over a given period.

D. The type of mechanical equipment which may be used in the home occupation.

**Subd. 5. Review and Compliance Procedure.** All home occupations to be carried on as an accessory use either a permitted, exempt or conditional use, under the provisions of this section, shall be required to obtain a valid Conditional Use Permit or Exemption Certificate for the home occupation from the Administrator. All home occupations lawfully operating at the time this section is adopted shall not be exempted from this requirement. Procedure for a Conditional Use Permit and Exemption Certificate for home occupations are as follows:

- A. The applicant shall submit a written request to the Administration for the Conditional Use Permit or Exemption Certificate for home occupations. The request must describe the nature of the occupation, equipment involved, estimated client/customer volume, and hours of operation.
- B. The Zoning Administrator shall review the application for compliance with this chapter.
- C. All persons intending to engage in a home occupation shall apply for a Conditional Use Permit or Exemption Certificate. Not all occupations will require a Conditional Use Permit. The Zoning Administrator may find that certain uses that do not generate any impact upon the area (such as those uses described as exempt in Subd. 1 above) do not require a Conditional Use Permit. If the home occupation qualifies for an exemption, the Zoning Administrator shall issue an Exemption Certificate. The Commission or City Council may, in its discretion, review, approve or disapprove the issuance of an Exemption Certificate. All applications for a Conditional Use Permit shall be forwarded to the Commission for consideration.
- D. All Conditional Use Permits and Exemption Certificates for home occupations shall be valid for three (3) years, unless otherwise authorized by the Commission.
- E. In case of changes in the home occupation to a different type of home occupation, a renewal application must be submitted to the Administrator noting any changes in the operation of the home occupation.
- F. The Conditional Use Permit fee for a home occupation shall be established by Resolution of the Council. This fee is non-refundable and due at the time of application for the home occupation permit. The Council may, in special circumstances, allow refunding of the fee.

**Subd. 6. Implementation.**

- A. All existing home occupation permit holders will be issued a three (3) year Conditional Use Permit for home occupation.
- B. All permit renewals shall be reviewed and approved by the Commission.
- C. After one year, all applicants will pay the full Conditional Use Permit fee.

**Section 1241 - Planned Unit Development Standards and Criteria (P.U.D.)**

**1241.01. Goal.** It is the goal of these standards and criteria to provide uniform standards for the optimization of development opportunities and maximum environmental protection on any given planned unit development site.

**1241.02. Definition.** For these guidelines, a planned unit development will be defined as: multiple residential or commercial dwelling units including but not limited to townhomes, condominiums, motels, hotels, resorts and related commercial activities, consisting of five or more units with a maximum density of four units per acre.

**1241.03. Design Criteria.** Structures, parking areas, and other facilities must be designed and placed to reduce visibility as viewed from Lake Superior, roads and adjacent shore lands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions.

**Subd. 1. Location.** Units, recreation facilities, and commercial uses must be clustered into one or more groups and located on suitable areas of the development site.

**Subd. 2. Open Space.** At least 50% of the development area must be provided for open space for the users and residents of the development. Road right-of-way, land covered by road surfaces, parking areas, units, structures, except water-oriented accessory structures or facilities are considered developed areas and should not be included in the computation of minimum open space. This 50% open space dedication must be filed as a restriction against the property. At least 25% of the lot width at the structure setback line should be left as open space. The appearance of open space areas, including topography, vegetation, and allowable uses must be preserved, using restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means. Areas with physical characteristics unsuitable for development in their natural state, such as wetlands or areas containing significant historical sites shall be considered open space.

**Subd. 3. Minimum Units.** Each development shall be no less than five units and a lot area of two acres, and must provide another 10,000 square feet of lot area per additional unit. The development shall have no more than four units, including related commercial activities, per acre.

**Subd. 4. Parking.** The development shall provide at least one and one half parking spaces per unit, and one parking space for each non-resident employee, and for each 5 seats of seating

capacity for restaurants and bars. Space for loading and unloading vehicles shall be provided for buildings used for commercial purposes.

**Subd. 5. Public Access.** The development must also provide access to developed public roads.

**1241.04. Sewage Disposal Standards.**

**Subd. 1. Systems Centralized.** On-site water supply and sewage treatment systems must be centralized and designed, installed and operated to meet or exceed applicable standards or regulations of the Minnesota Pollution Control Agency (MPCA) and Lake County regulations.

**Subd. 2. Location.** On-site sewage treatment systems must be located on the most suitable areas of the development.

**Subd. 3. Public Systems.** Public water and sewage service must be used where available.

**Subd. 4. Permit Required.** Developments which produce 5,000 gallons of sewage per day or contain more than 15 units require a MPCA State Disposal System permit. This would result in an average flow rate of 333 gallons per unit per day.

**Subd. 5. Capacity.** The potential person capacity of a dwelling shall be used to determine the potential gallons generated which in turn shall dictate the appropriate system(s) that should be utilized by the proposed development. Local and state standards and regulations apply and should be consulted.

**Subd. 6. Water Conserving Plumbing Required.** All new units must utilize water conserving plumbing fixtures and have water meters installed and accessible which serve all sewage generating appliances.

**Subd. 7. Sewage Disposal System Required.** No occupancy of any unit or use of any commercial structure of any planned unit development shall be allowed until the appropriate sewage disposal system is in place and fully operational.

**1241.05. Plan Approval.** At the time of application, planning, and scheduled development, the proposed facility shall be under unified control or ownership. The applicant will provide a detailed development plan which shall include a description of:

**Subd. 1. Property Features.** The property under consideration, including property boundaries, contours, on-site features, roads, lakes, rivers and other relevant features.

**Subd. 2. Building Features.** Building elevations, location on site, proposed uses, number of units, and commercial operations.

**Subd. 3. Concept Statement.** A concept statement, describing the project.

**Subd. 4. Parking.** Parking areas and driveways for both residences and commercial activities, vehicle loading/unloading areas, proposed public road entrances, and projected traffic generation of the proposed development.

**Subd. 5. Plan for Final Development.** Proposed phasing of the final development.

**Subd. 6. Operation of Project.** Description of how the project will operate after completion.

**Subd. 7. Ownership.** Nature of proposed ownership after completion.

**Subd. 8. Fire Protection.** Proposed fire protection.

**Subd. 9. Association Agreements.** Proposed homeowner, association agreement, where applicable.

**Subd. 10. Landscape Plan.** Detailed landscape plan which shows existing vegetation and proposed alterations and new plantings and landscaping.

**Subd. 11. Recreation.** Recreational space location and use.

**Subd. 12. Water Supply.** Water sources and water supply system plans.

**Subd. 13. Sewage System.** Proposed sewage treatment system plans.

**Subd. 14. Storm Water System.** Storm water runoff plans (construction/operation).

**Subd. 15. Erosion Control. Shoreline.** Erosion control plan for shoreline, where applicable.

**Subd. 16. Erosion Control Site.** Erosion control plan for site (construction/operation).

**Subd. 17. Proof of Permits.** Evidence of application for appropriate permits, state and federal.

**Subd. 18. Public Utilities.** Evidence of availability of necessary public utilities.

**Subd. 19. Financial Plans.** Proposed financial plans and necessary performance bonds or escrow agreements to protect the local unit of government's financial liability for site restoration, landscaping and erosion control measures, and sewage treatment systems.

**Subd. 20. Conformance with adjacent property/other information.** The proposed development plan will demonstrate that the development will conform with adjacent development and be screened from the lake, adjacent roads, and adjacent properties. Any other information deemed to be necessary by the Planning and Zoning Commission or Zoning Office will be

provided by the applicant. Plan modifications or special conditions or performance standards may be required.

**Subd. 21. Platting Required.** All property within a Planned Unit Development shall be platted pursuant to the applicable subdivision provisions of Chapter 11 and Minn. Stat. Chapter 505. Plats, including preliminary plats, shall be prepared by a licensed surveyor.

**1241.06. Processing Costs.** The owner of the property to be developed or the developer shall pay all processing costs incurred by the City, including but not limited to fees and expenses of consulting engineers, architects, Building Inspector or the Zoning Administrator.

**1241.07. Development Costs.** The owner of the property to be developed or the developer shall pay all costs of the development, including but not limited to streets, sidewalks, sewer and water facilities, or extension of any public water and wastewater treatment systems to the development area.

#### **Section 1242. Mary MacDonald School Commercial Planned Unit Development Standards & Criteria (P.U.D.)**

**1242.01. Purpose.** The Lake Superior School District No. 381 intends to cease operations of the Mary MacDonald School for school purposes. To utilize this valuable site and make it available for other purposes, it is to the best interest of the City that the City Code be amended to allow additional uses in the zoned R-1 residential district. The Commercial Planned Unit Development concept can best accomplish this purpose in utilization of property owned by the Lake Superior School District No. 381 commonly known as the Mary MacDonald School site, excluding the recreation area, ball field and present School District garage.

**1242.02. Goal.** It is the goal of these standards and criteria to provide uniform standards for the optimization of development opportunities and maximum environmental protection on any given Commercial Planned Unit Development site. This section is intended to encourage planned unit developments for commercial purposes to offer greater creativity and flexibility in a site plan design that is provided under the strict application of zoning regulations, while at the same time preserving health, safety, order, convenience, prosperity and general welfare of the City. Commercial Planned Unit Developments may include one or a variety of land uses. Mixed uses

may include any combination of residential, commercial or limited industrial uses, planned and developed in an orderly and compatible relationship to one another.

**1242.03. Definition.** A Commercial Planned Unit Development will be defined as: multiple family residential, commercial or limited industrial in a clustered setting with varied uses or greater density than otherwise allowed in the district.

**1242.04. Authorized Uses.**

- A. Office/financial.
- B. Health/medical.
- C. Food, Retail and Wholesale, Food processing.
- D. Community and Social Education.
- E. Church and Church related functions.
- F. Social Services.
- G. Community Meeting rooms.
- H. Recreational facilities.
- I. Workshops that are compatible with the building site and other building occupants.
- J. Specialty retail shops.
- K. Inside Storage facilities.
- L. Accessory uses incidental to the principal use.
- M. All uses permitted in an R-1 district.

**1242.05. Conditional Use Permits.** Conditional Use Permits shall be required for any authorized use in a Commercial Planned Unit Development area. The Commission may impose conditions for granting the Conditional Use Permit consistent with the provisions of Chapter 12 of the City Code, including, but not limited to, modifications to the interior of the Mary MacDonald School building, placement of structures, parking areas, and other facilities to assure compatibility with surrounding areas. In granting or denying an application for a Conditional Use Permit, the Commission shall consider the following factors:

- A. Traffic: traffic congestion, noise, adequate parking or traffic hazards.
- B. Odors: odors that may be offensive and have an adverse impact on the neighborhood.
- C. Noise: noise that may be disturbing and adversely affect the peace and tranquility of the neighborhood.

D. Hours of Operation: hours of operation may be restricted to assure that the operations do not have an adverse impact on the surrounding area. Impact of heavy truck deliveries late at night should be considered. Unless otherwise specifically authorized by the Commission or Council, no truck delivery shall be permitted between the hours of 10:00 PM and 6:00 AM.

**1242.06. Site Modifications.** Plans and specifications for any modifications of the Mary MacDonald School building and surrounding area, or any other facility or area where a Commercial Planned Unit Development is allowed, shall be submitted to the Commission for approval prior to the issuance of any Conditional Use Permit.

**1242.07. Processing Costs.** The owner of property to be developed or the developer shall pay all processing costs incurred by the City such as the Permit application fee, mailing and published notice costs and fees and expenses of the Building Inspector or the Zoning Administrator.

**1242.08. Duration.** Section 1242 shall remain in effect during the lifetime of the present Mary MacDonald school building and when it is no longer used for a Commercial Planned Unit Development. The area shall then continue as an R-1 zoned district.

### Section 1250 - Variances

#### **1250.01. General.**

**Subd. 1. Application for Variances.** Application for variances from the terms of this chapter or from any order, requirements, decision or determination made by the Zoning Administrator shall be made to the Commission.

**Subd. 2. Who May Apply.** Application for variance may be by any person aggrieved, or by any officer, department, board or bureau of a town, municipality, county or state.

**Subd. 3. Timing.** Application for variance shall be submitted to the Commission within forty-five (45) days of receipt of notice from the Zoning Administrator of any order, requirements, decision, or determination made by him or her.

**Subd. 4. Stay of Action.** An application for variance stays all other proceedings from which the variance is requested unless the Commission determines that a stay would cause undue hardship or imminent peril to life or property.

**1250.02. Applications.**

**Subd. 1. Form.** An application for variance shall be filed with the Administrator on a form provided for that purpose.

**Subd. 2. Time.** An application for variance shall be filed fifteen (15) days before a scheduled meeting date of the Commission unless the time is reduced or waived by the Commission.

**Subd. 3. Information.** Application forms shall be complete and clearly specify the grounds of the variance request. Where required by the nature of the request, the application shall be accompanied by detailed plans, drawn to scale, showing all details of the land area and the nature of the circumstances surrounding the variance request.

**Subd. 4. Fee.** The request for variance shall be accompanied by the required fee as established by Council Resolution.

**Subd. 5. Incomplete Applications.** The Administrator shall reject and refuse to refer to the Commission any request for variance not accompanied by the required fee or by other materials and information as required by this section.

**1250.03. Hearings.**

**Subd. 1. Hearing Required.** The Commission shall conduct a public hearing on each request for variance.

**Subd. 2. Notice.** The Administrator shall give public notice of the hearing.

**Subd. 3. Time.** The Commission shall hold a hearing of the request for variance within forty-five (45) days of receiving the complete application and fees and shall give due notice thereof as provided in this section.

**Subd. 4. Procedure.** The public hearing shall be conducted per applicable Minnesota Statutes and to the rules of procedure of the Commission.

**1250.04. Decisions.**

**Subd. 1. When Made.** Decisions by the Commission shall be made within thirty-five (35) days of the date of the public hearing and submitted to the Council for approval prior to the sixty (60) day completion deadline.

**Subd. 2. Record.** The Commission shall keep a written record of its proceeding showing the vote of each member on each question. If a member is absent the record shall so indicate.

**Subd. 3. Written Decision.** The Commission shall render its decisions in writing, stating its reason in sufficient detail so that it can be determined that the decision was made in reliance on testimony given at the public hearing and the criteria contained in this section.

**Subd. 4. Files.** A certified copy of any order or decision issued by the Commission acting upon any request for variance shall be filed with the Administrator for record. The order or decision shall include a legal description of the property involved. It shall be the responsibility of the Zoning Administrator to carry out this provision.

**Subd. 5. Permit.** After a request for variance to the Commission has been approved, the applicant shall have sixty (60) days after receipt of notice of the decision to make application to the Zoning Administrator for any permit necessary to begin the structure or the use for which the request was made.

**1250.05. Criteria for Decisions.** When considering whether to grant a variance, the Commission shall use the following criteria:

- A. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance in question and consistent with the City's Comprehensive Plan.
- B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties" as used in the granting of a variance, means that: (1) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (2) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (3) the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, access to direct sunlight for solar energy systems.
- C. When in the opinion of the Commission a variance may result in a material adverse effect on the environment, the applicant may be required by the Commission to demonstrate how the adverse impact can be minimized.
- D. It shall be the burden of the applicant to demonstrate sufficient practical difficulties to sustain the need for a variance. Absent a showing of practical difficulties as provided in Minn. Stat. and this section, the Commission shall not approve any variance.
- E. The Commission may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest.

F. The Commission shall always act with due consideration to promoting the public health, safety, convenience, and welfare, encouraging the most appropriate use of land, conserving property value, and shall permit no structure, building, or use detrimental to a neighborhood.

G. The Commission may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.

### **Section 1260 - Amendments**

**1260.01. General.** This chapter and the Zoning Map may be amended whenever the public health, safety, convenience, and general welfare would best be served by the amendment, in accordance with the City of Silver Bay Comprehensive Plan and the procedures set forth in this section.

**1260.02. Zoning Ordinance Amendment.**

**Subd. 1. Proposal.** An amendment to this chapter may be initiated by the Council or the Commission. An amendment not initiated by the Commission shall be referred to it for study, public hearing, and report back to the City in writing.

**Subd. 2. Public Hearing.** Public hearings on text amendments by the Commission, including requirements of public notice, shall be conducted pursuant to Minnesota Statutes regulating the adoption of ordinance by Cities, and by the standards set forth in this section.

**Subd. 3. Planning Commission Report.** After conducting a public hearing on an amendment, the Commission shall report in writing to the Council within thirty (30) days of the close of the hearing. The Council, in the manner prescribed by Minnesota Statutes may, by ordinance, adopt the amendment or any portion thereof as it may deem advisable.

**1260.03. Zoning Ordinance Map.**

**Subd. 1. Proposal.** An amendment to the Zoning Map may be initiated by the Council, the Commission, or by the property owner of record. In the case of an amendment initiated by one (1) or more property owners of record, a verified petition shall be filed with the Zoning Administrator containing the signatures of not less than fifty percent (50%) of the owners of property lying within three hundred fifty (350) feet of the boundaries of the property affected by the proposed amendment. The petition shall also contain the signature of all owners of the property

for which the petition is being filed or shall be accompanied by documentation authorizing the person acting on behalf of the owners to so act.

**Subd. 2. Public Hearings.** The Commission shall conduct at least one (1) public hearing on all proposed Zoning Map amendments and report to the Council in writing within thirty-five (35) days after the close of the hearing.

A. The Administrator shall give notice of public hearings for Zoning Map amendments in the manner prescribed in this chapter.

B. The Commission's report to the Council shall contain a statement of the evidence relied upon, the factual determinations made from the evidence, and the criteria used in reaching its recommendation.

C. Failure of the Commission to report to the Council within the time prescribed in this section shall be deemed to be approval by the Commission of the proposed amendment.

**Subd. 3. Adoption.** Upon the filing of a report by the Commission or upon expiration of the thirty-five (35) day period, the Council may thereafter by resolution adopt the amendment or any portion thereof as it deems advisable.

**Subd. 4. Additional Amendments.** Once an amendment has been adopted by the Council, the matter shall not be reconsidered nor shall any additional amendments involving the same parcel of property be heard or considered by the Commission or the Council for at least twelve (12) months after the adoption or rejection.

**Subd. 5. Criteria for Zoning Map Amendments.** Amendments to the Zoning Map shall be recommended for approval only upon the finding by the Commission that all of the following conditions exist:

A. The proposed zoning shall be consistent with the comprehensive plan adopted for the City.

B. The proposed zoning shall not be spot zoning.

C. A mistake has been made in the original zoning map which was inconsistent with the comprehensive plan, an error was made in the comprehensive plan which should now be corrected, or substantial changes have occurred in the community since the adoption of the comprehensive plan which should require the plan(s) and the zoning being amended.

D. There shall exist a clear public need for and benefit from additional zoning of the type proposed beyond any benefit or convenience to the landowner.

E. The public interest would be best served by rezoning the property in question rather than other property in the community.

### **Section 1270 - Hearings**

**1270.01. General.** As prescribed in this chapter, public hearings shall be held before any Zoning Ordinance text amendment, Zoning Map Amendment, Conditional Use Permit, Variance Appeal, or other Appeal may be approved or recommended for approval. Such public hearings may be continued from time to time and additional hearings may be held.

**1270.02. Hearing Notices.** Notice shall be given to the public for each required public hearing as prescribed in this chapter and as provided in Minn. Stat. § 462.357, Subd. 3.

#### **Subd. 1. Zoning Ordinance Text Amendments.**

A. Notice of public hearings regarding Zoning Ordinance text amendments shall be posted per the laws of Minnesota.

#### **Subd. 2. Zoning Ordinance Map Amendments.**

A. For map amendments initiated by petition of the property owner, notice of the time, place, and purpose of the hearing shall be posted at least ten (10) days before the hearing. Written notice providing the same information shall be sent to all property owners of record within five hundred (500) feet of the affected property.

B. For map amendments initiated by the Council or Commission, public notice shall be given.

#### **Subd. 3. Conditional Use Permits.**

A. Published notice of the hearing on Conditional Use Permit applications shall be given. Additional notice shall be given as follows:

1. For all Conditional Use Permit applications except subdivision plats, written notice shall be sent to property owners of record within three hundred fifty (350) feet of the affected property.
2. For subdivision plats, written notice shall be sent to property owners of record within five hundred (500) feet of the affected property.

- 3. No notice needs be given to property owners outside the City limits, unless the Commission determines it is in the best public interests to give abutting property owners such notice.

**Subd. 4. Request for Variance**

- A. Public notice of hearings on a Request for Variance shall be given. In a Request for Variance, written notice shall be sent to property owners of record within three hundred fifty (350) feet of the affected property within the City.

**Subd. 5. Appeals.**

- A. When an appeal is taken from any order, requirement, decision or determination of the Zoning Administrator regarding the application of this chapter to specific properties, written and published notice shall be given in the same manner as prescribed in this chapter.
- B. When the appeal affects the interpretation and application of this chapter in general, and not to specific properties, notice shall be published in the official newspaper of the City at least ten (10) days before the hearing, and shall be mailed or delivered to the applicant.
- C. Notice shall also be given to the Zoning Administrator, Administrator and Council.

**1270.03. Hearing Procedures.** Hearings shall be conducted per all applicable requirements of this chapter and of the rules of procedure of the Commission. All members of the public shall have ample opportunity to be heard in person, in writing, or by authorized representative.

**1270.04. Considerations.**

- A. The Commission shall always act with due consideration to promoting the public health, safety, convenience, and welfare, encouraging the most appropriate use of land, conserving property value, and shall permit no structure, building, or use detrimental to a neighborhood.
- B. The Commission may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.

**Section 1280 - Administration, Enforcement, and Penalties**

**1280.01. Administration of Ordinance.** This chapter shall be administered by the City Zoning Administrator. The Zoning Administrator shall aid any applicant in preparing the application, advise the applicant as to the provisions of this section, and cause to be inspected each project for which a permit has been granted.

**1280.02. Land Use Permit Regulations.**

**Subd. 1. Permit Required.** No land or structure shall be changed in use and no structure shall be erected, placed, altered in its exterior dimensions, or moved until the Zoning Administrator has approved and issued a land use permit certifying that the plans and intended use of land and structures conform with this chapter. No land use permit shall be issued to establish a use on any lot, plot, parcel, or tract which has been divided or transferred in violation of the Subdivision Platting Ordinance.

**Subd. 2. Term.** Duration of land use permits shall be twelve (12) months from date of issue.

**Subd. 3. Errors.** Any permit issued based on an application which is in error, whether the error is intentional or not, shall be null and void. No such permit may be construed as permission to build or begin a land use. It shall be the responsibility of the Zoning Administrator to notify the applicant of any errors in the application.

**Subd. 4. Inspections.** No land changed in use, and no structure erected, placed, or altered, shall be used or occupied until the Zoning Administrator has inspected the land use or structure and has issued a Certificate of Compliance (Certificate of Occupancy) stating that such land use or structure has been found to be in conformity with the provisions of this chapter.

**1280.03. Conformity with Airport Zoning Ordinance.** Where any area of the City is also subject to the provisions of an airport zoning ordinance, no permit shall be issued pursuant to this chapter unless the plans for intended use of the property are conform with the airport zoning ordinance.

**1280.04. Compliance with Statutes and Regulations.** No permit shall be issued pursuant to this chapter unless the plans for intended use of the property in question complies with state and federal statutes and regulations.

**1280.05. Enforcement of Ordinance.**

**Subd. 1. Investigation and Enforcement.** The Zoning Administrator may request the Police Department to issue Administrative Citations for Code violations as deemed necessary by the Zoning Administrator, and shall have the primary responsibility to investigate all alleged violations of this chapter, with the exception of nuisance and other offense violations contained in Chapter 5 which are the responsibility of the Police Department, and issue written notice to the property owners of violations, directing the property owners to correct violations within fifteen (15) days of the notice of the violation. If compliance is not obtained within fifteen (15) days, the Zoning Administrator shall have the authority and power to issue citations and sign complaints for violations of this chapter.

**Subd. 2. Relief.** The City may enforce all provisions of this chapter through such proceedings as may be proper under the laws of Minnesota.

**1280.06. More Restrictive Regulations.** More restrictive federal, state, or county regulations or standards shall preempt the provisions of this chapter.

**1280.07. Penalties for Violation.** Any person, firm or corporation, or their agents, employees or contractors such, who violate, disobey, omit, neglect, refuse to comply with, or resist enforcement of any of the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day the violation continues constitutes a separate offense. All fines imposed for violation of this chapter shall be paid to the City and shall be credited to the General Revenue Fund. In addition, the City may assess all costs incurred under this chapter to the property owner. The City Attorney may reduce the violation to a petty misdemeanor as deemed appropriate.

**1280.08. Certified Taxes Paid.** As part of the necessary information on an application and as a condition of a grant of approval, an applicant for an amendment to an official control established pursuant to City Code, Chapter 12, or for a permit or other approval required under and official control established pursuant to City Code, Chapter 12, shall certify that there are no delinquent property taxes, special assessments, penalties, interest, and municipal utility fees due on the parcel to which the application relates. Property taxes which are being paid under the provisions of a stipulation, order or confession of a judgment, or which are being appealed as provided by law, are not considered delinquent for purposes of this subdivision if all required payments that are due under the terms of the stipulation, order confession of judgment, or appeal have been paid.

**Section 1290 - Board of Zoning Appeals**

The Board of Adjustments and Zoning Appeals is abolished and all such appeals shall be handled by the Lake County Planning and Zoning Board.