



# **CHAPTER 10: MUNICIPAL DEVELOPMENT ORDINANCE**

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## **SECTION 10.100.0000 INTRODUCTION, TITLE AND APPLICATION**

### **SECTION 10.100.0100: TITLE**

This Section shall be known as the “Municipal Development Ordinance of the City of Pine City, Minnesota, except as referred to herein, where it shall be known as “this Ordinance” or “Ordinance”

### **SECTION 10.100.0200: INTENT AND PURPOSE**

The intent of this Ordinance shall be to protect the public health, safety, and general welfare of the City and its people through the establishment of minimum regulations governing land development and use.

This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration, and use of structures and land.

Such regulations are established to:

- A. Provide adequate light, air and convenience of access to property;
- B. Prevent congestion in the public right-of way; to prevent of overcrowding of land and undue concentration of structures by regulating land, buildings, yards and density of population;
- C. Provide for compatibility of different land uses;
- D. Provide for administration of this Ordinance;
- E. Provide for amendments;
- F. Prescribe penalties for violation of such regulations;
- G. Define powers and duties of the City Staff, the Planning Commission, and the City Council in relation to the Zoning Ordinance;
- H. Protect the character and stability of residential, recreation, commercial, industrial, and open space areas within the City of Pine City and promote their orderly and beneficial development;
- I. Provide privacy and convenience of access to property;
- J. Fix reasonable standards to which land, buildings, structures, and their uses must conform;
- K. Prohibit uses, buildings, or structures which are incompatible with the character of development or uses, buildings, or structures permitted within specified zoning districts;
- L. Prevent illegal additions or alterations of existing buildings or structures;

M. Protect against fire, explosion, noxious fumes and odor, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of public health, safety, and general welfare.

N. Provide for the completion, restoration, reconstruction, extension, or substitution of non-conforming uses.

#### **SECTION 10.100.0300: RELATION TO COMPREHENSIVE MUNICIPAL PLAN**

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

#### **SECTION 10.100.0400: STANDARD AND MINIMUM REQUIREMENTS**

##### **SECTION 10.100.0410. Standard Requirements.**

Where the conditions imposed by any provisions of this Ordinance are either more or less restrictive than comparable conditions imposed by other ordinances, rule or regulation of the City, the ordinance, rule or regulation which imposes the more restrictive condition standard or requirements shall prevail. In the event of any conflict between this Ordinance with any private restrictions, protections and covenants, the provisions of this Ordinance shall apply.

##### **SECTION 10.100.0420. Minimum Requirements.**

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

#### **SECTION 10.100.0500: CONFORMITY WITH PROVISIONS**

- A. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.
- B. No land required for yards, open spaces, or off-street parking or loading spaces about an existing building or any building hereafter erected or structurally altered shall be considered as a required yard or lot area for more than one (1) building.
- C. Every building hereafter erected or structurally altered shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot except as otherwise provided in this Ordinance.
- D. This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provisions of this Ordinance are more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provisions of this Ordinance shall apply.

#### **SECTION 10.100.0600: BUILDING PERMITS REQUIRED**

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

- A. Scope. From and after the effective date of this Code, it shall be unlawful to proceed with the construction, alteration, repair, enlargement, demolition, or removal of any building or structure, or part thereof, without first obtaining a building permit.
- B. Application. Request for a building permit shall be filed with the Building Official on an official application form. A site and floor plan drawn to scale showing the dimensions of the lot to be upon shall accompany each application for a permit. The size and location of all principle and accessory buildings and parking areas, and such additional information deemed necessary for the proper review and enforcement of this Ordinance and any other applicable building codes. The fee for a building permit shall be based upon the fee schedule approved by the City Council.

Issuance of Permit. The Building Inspector/Official shall issue the building permit only when the plans comply with this Ordinance and other or City ordinances.

**SECTION 10.100.0700: BUILDING CODES**

The Building Code for the City shall be the Minnesota State Building Code established by the State of Minnesota as modified by Statute and adopted by Chapter 9 of this city code.

**SECTION 10.100.0800: CONDITIONAL USES, INTERIM USES AND VARIANCES**

Nothing within this Ordinance shall be construed so to deny any property owner his right to apply for a conditional use permit, interim use permit or variance (Sections 10.600.0700 – 10.600.0900).

**SECTION 10.100.0900: USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS**

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

**SECTION 10.100.1000: RULES OF INTERPRETATION**

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

- A. The singular number includes the plural, and the plural the singular, unless the context clearly indicates the contrary.
- B. The present tense includes the past and the future tenses, and the future the present, unless the context clearly indicates the contrary.
- C. The words “shall” and “must” are always mandatory while the words “may” or “should” are permissive.
- D. The masculine gender includes the feminine and neuter.

- E. Words or terms not interpreted by this Ordinance shall be used with a meaning of common or standard utilization.
- F. The word “person” includes a firm, organization, association, partnership, trust, company, or corporation, as well as an individual.
- G. The words “use” or “occupy” shall include the words “intended,” “designed”, or “arranged” to be “used” or “occupied”.

**SECTION 10.100.1050: SERVERABILITY**

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

**SECTION 10.100.1100: DEFINITION OF TERMS**

**Accessory Building or Use.** A subordinate building, structure or use which is located on the same lot on which the main building or use is situated and is reasonably necessary and incidental to the conduct of the primary or principal use of such building or main use.

**Accessory Dwelling Unit.** A dwelling unit that is located on the same lot as a principal residential structure to which it is accessory, and that is subordinate in area to the principal dwelling. There are three types: attached, internal and detached.

**Accessory Sign.** A sign relating in its subject matter to the premises on which it is located or to which it refers, or to products, accommodations, services or activities on the premises on which it is located or to which it refers.

**Accessory Use.** A use incidental and subordinate to the principal use of the premises.

**Active Outdoor Recreational.** Includes all recreational land uses located on public or private property which involves active recreational activities. Such land uses include play courts (such as tennis courts and basketball courts), play fields (such as ball diamonds, football fields, soccer fields), tot lots, outdoor swimming pools and spas, swimming beach areas, fitness courses, public golf courses, and similar land uses.

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

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

**Agricultural.** The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. The operation of commercial feedlots or pens, sales yards and auction yards for cattle or hogs shall be deemed an industrial and not an agricultural use.

**Agriculture Uses.** Those uses commonly associated with the growing of produce on farms. These include: field crop farming; pasture for hay; fruit growing; tree, plant, shrub or flower

nursery without building; truck gardening; roadside stand for sale in season; and livestock raising and feeding; but not including fur farms, and commercial animal feed lots.

**Airport/Heliport.** Airports and heliports are transportation facilities providing takeoff, landing, servicing, storage, and other services to any type of air transportation. The operation of any type of air vehicle within the jurisdiction of this Article shall occur only in conjunction with an approved airport or heliport.

**Amenity Area.** In a planned unit development, an area of open space.

**Apartment.** A room or a suite of rooms arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit.

**Area identification sign.** A freestanding sign which identifies the name of a residential subdivision consisting of twenty (20) or more lots; a multiple residential complex consisting of three (3) or more independent concerns; a single business consisting of three (3) or more separate structures existing on individual platted lots or as a planned unit development; or any integrated combination of the above. Said sign shall be limited only to the identification of an area or complex and shall not contain the name of individual owners or tenants nor contain advertising.

**Area Plan.** In a planned unit development, the initial plan submitted by the developer to include elements listed herein this Ordinance.

**Arterial.** Any federal or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by the City of Pine City as part of a major arterial system or highway.

**Artificial light.** Illumination resulting from internal or external artificial light sources, including glare and reflected light byproducts of artificial light sources.

**Artificial Obstruction.** Any obstruction which is not a natural obstruction.

**As-Built Plans** Construction plans revised to show a facility or structure as actually constructed and as it appears on the tract of land involved.

**Bad Repair.** Being in such condition as to seem in danger of collapsing; very dilapidated, rickety or structurally unsound.

**Banners and Pennants.** Attention-getting devices which resemble flags and are of a paper, cloth or plastic-like consistency.

**Basement.** A portion of a building located partially underground but having less than one-half ( $\frac{1}{2}$ ) its floor to ceiling height below the average land grade. In the case of the Floodplain Ordinance, any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

**Bed and Breakfast Establishment.** Establishments that are exclusively indoor lodging facilities which provide meals only to their paying customers. Such land uses may provide indoor recreational facilities for the exclusive use of their customers.

**Berm.** A mound or bank of earth, used especially as a buffer, barrier or to provide insulation between non-residential and residential land uses and zoning districts.

**Brewery or Brew Pub.** An establishment that produces ales, beers, meads, hard ciders, and/or similar beverages to serve on-site. Sale of beverages for off-site consumption is also permitted in keeping with the regulations of the Minnesota Department of Public Safety and State Law. This land use may also include a *cocktail room*, *distillery* and/or a *taproom*. (Adopted 5/4/17)

**Billboard.** Any permanent nongovernmental sign with not more than two sides advertising product services, commodities, entertainment or other activity not offered at the location of the sign, or not exclusively related to the premises on which the sign is located. A billboard shall be a freestanding sign, other than a pylon sign, having an area of more than sixty-four (64) square feet per face.

**Blight.** Any of numerous factors including but not limited to the storage of junk, vacant or abandoned structures, junk automobiles and poisonous vegetation that may have a detrimental impact on the City or impede progress and prosperity within the City.

**Block.** An area of land within a subdivision that is entirely bounded by streets, highways, or right of way, except alleys, or between streets, highways, streams, parks, etc., or any other barrier, or combination thereof, to the continuity of development.

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

**Body Art Establishment.** A retail business providing the service of physical body adornment using, but not limited to, tattooing and body piercing. Tattooing means any method of placing indelible ink or other pigments into or under the skin or mucosa with needles or other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. Tattooing also includes micropigmentation and cosmetic tattooing. Body piercing means the penetration or puncturing of the skin by any method for the purpose of inserting jewelry or other object in or through the body. Body art does not include practices and procedures that are performed by a licensed medical or dental professional if the procedure is within the professional's scope of practice.

**Boulevard.** The portion of the street right-of-way between the curb line and the property line.

**Buffer Yard.** A buffer yard is a combination of distance and a visual buffer or barrier between two affected properties. It includes an area, together with the combination of plantings, berms and/or fencing that are required to eliminate or reduce existing or potential nuisances. These nuisances can occur between adjacent zoning districts and between different land uses. Such nuisances include dirt, litter, noise, and glare of lights, signs and incompatible land uses, buildings or parking areas.

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

**Building.** Any structure having a roof supported by columns or walls built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including any vehicle, trailer (with or without wheels) nor any movable device, such as furniture, machinery, or equipment.

**Building Coverage.** The proportion of the lot area, expressed as a percent that is covered by the maximum horizontal cross-section of a building or buildings.

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

**Building Line or Setback Line.** A line or curve equidistant at each point from the closest point on the corresponding street right of way line, edge of stream, or other property line established on a parcel of land or lot, for the purpose of prohibiting construction of a building or structure in the area between such building line/setback line and the right of way, stream-bank, or other property line.

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

**Building.** Any structure used or intended for supporting or sheltering any use or occupant.

**Bulk.** The term used to indicate the size and setback of a building or structure and the location of same with respect to another building or structure or to a lot line and includes the following:

1. size and height of a building or structure;
2. location of exterior walls of a building in relation to lot lines, streets, or other buildings; \
3. the floor area of a building in relation to the area of the lot on which it is located;
4. the open space allocated to and surrounding a building; and,
5. the amount of lot area per dwelling unit.

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

**Camper.** A motor vehicle with space and equipment, either in a rear compartment or in an attached trailer, for sleeping and simple housekeeping, used for camping and recreational travel.

**Campground.** Includes any facilities designed for overnight accommodations of persons in tents, travel trailers, or other mobile or portable shelter or vehicles.

**Cellar.** That portion of a building having more than one-half ( $\frac{1}{2}$ ) of the floor to ceiling height below the average land grade.

**Channel.** A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.

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

**City.** The City of Pine City, Minnesota. In the case of needing "City" approval, City may mean staff, Planning Commission and/or Council of the City of Pine City, Minnesota.

**City Council.** The governing body of the City of Pine City having jurisdiction.

**Clear-cutting.** The removal of an entire stand of trees.

**Collector.** A street or road providing for travel between local streets and the arterial street network, or serving multifamily development or neighborhood centers or services such as schools, parks or fire stations.

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

**Commercial Apartments.** Commercial apartments are dwelling units which are located above the ground floor of a building used for a commercial land use—most typically an office or retail establishment.

**Commercial Indoor Lodging.** A building having provision for ten (10) or more guests in which lodging is provided for compensation, and which is open to transient or permanent guests or both, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge. This type of facility may also include meeting rooms, on-site restaurant and/or bars, fitness centers or other public amenities for guests and which may also be available for use by the general public. A conditional use permit is required for any accessory use to the principal Commercial Indoor Lodging use which is located in a separate or accessory building on the same property. (Amended 4/5/17 Ordinance #17-02)

**Commercial Recreation.** Bowling alley, cart track, golf, pool hall, vehicle racing or amusement, dance hall, skating, trampoline, tavern, theater, firearms range, boat rental, amusement rides, campgrounds, deer park, and similar uses for which fees are charged for admission or use of the facility.

**Commercial Uses.** All permitted, conditional and accessory uses allowed in the “GB”, “CBD”, and “HB” districts.

**Communications Tower.** Includes all freestanding broadcasting, receiving, or relay structures and similar principal land uses; and any office, studio, or other land uses directly related to the function of the tower.

**Community Living Arrangement.** Includes child welfare agencies, group homes for children, and community based residential facilities. Community Living Arrangements do not include day care centers, nursing homes, general hospitals, special hospitals, prisons, or jails.

**Comprehensive Plan.** A comprehensive land use plan made and adopted by the Planning Commission and City Council for the City of Pine City which through any combination of text, charts, and maps sets forth proposals for general locations for various land uses, streets, parks, schools, public buildings, utilities, and for the physical development of Pine City.

**Concept Plan.** A concept plan is the demonstrated, generalized future land use of a specified area to be developed, used by the City to: 1) Guide the preparation of detailed structure plans undertaken by developers; 2) promote orderly development within the area

encompassed by the plan boundaries; and 3) provide guidance to administration and Council in reviewing future zoning, subdivision and development proposals.

**Conditional Use.** A conditional use is a use that would not be appropriate generally or without restriction throughout the Zoning District but which if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such Zoning Districts as conditional uses, if specific provisions for such conditional use are made in this Zoning Code.

**Conditional Use Permit.** A permit issued by the Council in accordance with procedures specified in this Ordinance, as well as its compatibility with the City Comprehensive Plan, as a flexibility device to enable the City Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

**Condominium.** See *Townhouse/Condominium*.

**Construction Plans.** The engineering drawings showing types of materials and construction details for physical structures and facilities, excluding dwelling units to be installed in conjunction with development of a subdivision.

**Construction Sign.** A non-illuminated sign announcing the names of architects, engineers, contractors, financiers, or other individuals or firms involved with the construction, alteration, or repair of a building (but not including any advertisement of any product) or announcing the character of the building enterprise, or the purpose for which the building is intended.

**Corner Lot.** A lot abutting upon two (2) or more streets at their intersection.

**County Board.** The governing body of Pine County.

**Crosswalk or Pedestrian Way.** A publicly owned right-of-way which crosses a block and furnished pedestrians access to adjacent streets or property.

**Day Care.** See *Group Day Care Center, Family Day Care – Home*, and *Multifamily Daycare*.

**Dedication.** Intentional transfer by the developer to the public of ownership of or an interest in land for a public purpose. Dedication may be effected by formal deed of conveyance, or by any other method recognized by the laws of the State of Minnesota.

**Density.** The number of dwelling units per acre of gross land area.

**Deposition.** Any rock, soil, gravel, sand or other material deposited naturally or by man into a waterbody, watercourse, flood plains or wetlands.

**Design Standards.** Specifications to land owner or subdivisions for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum, or maximum dimensions of such things as rights-of-way, blocks, easements, and lots.

**Developed Site.** A lot on which the primary structure has obtained an occupancy permit that does not require Site Plan approval per Section 10.600.0600.

**Developer.** Any person, persons, corporation, or Government agency undertaking any development as defined in the Code. The term Developer includes such commonly used references as subdivider, owner, and proprietor.

**Development.** Any subdivision of land as herein defined or any material change in the use or appearance of any parcel of land subject to provisions of this Ordinance, or the act of building structures and/or installing site improvements.

**Directional Sign.** An on-premise sign that is freestanding, the primary purpose of which is to give directions to parking lots, exits, entrances, drive-through windows or similar directions. Reference to a product, service, business, name other than subordinate business name or logo, shall disqualify a sign as a directional sign.

**Distribution Center.** Includes facilities oriented to the short-term storage or trans-shipment of materials involving the activities and products of four or fewer businesses.

**District.** A section or sections of the City for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

**Diversion.** A channel that intercepts surface water runoff and that changes the accustomed course of all or part of a stream.

**Dog Kennel.** A place where three (3) dogs or more over six (6) months of age are boarded, bred and/or offered for sale, except a veterinary clinic.

**Double Frontage Lot.** A lot having frontage on two parallel or approximately parallel streets.

**Draining.** The removal of surface water or groundwater from land.

**Dredging.** To enlarge or clean-out a waterbody, watercourse or wetland.

**Duplex/Villa.** Two-family housing units, neither of which is an *accessory dwelling unit*, and that share a common wall space.

**Dwelling Area.** The area of a dwelling unit is composed of those rooms designed for and exclusively used for residential purposes, including bedrooms, kitchen, dining room, den/library, bathrooms, family and living rooms, and hallways connecting these rooms.

**Dwelling Unit.** Any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this code, for not more than one family.

**Dwelling.** A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, but not including hotels, motels, and boarding houses.

**Earth Sheltered Buildings.** Buildings constructed so that more than fifty percent (50%) of the exterior surface area of the buildings, excluding garages and other accessory buildings, is covered with earth and the building code standards promulgated pursuant to S 16.85 are satisfied. Partially completed buildings shall not be considered earth sheltered.

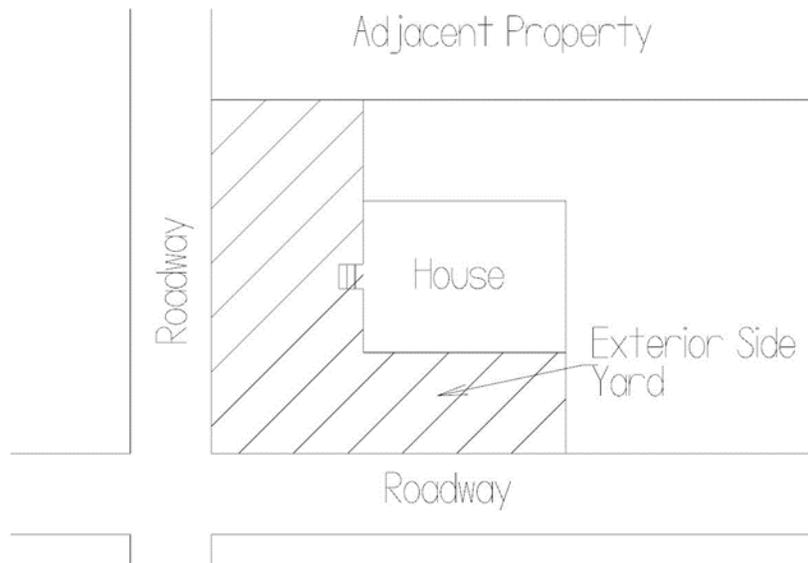
**Easement.** A right or privilege to use a portion of another's property for a particular purpose.

**Engineer.** A professional engineer registered in the State of Minnesota. This can also refer to the City or County Engineer, or a duly authorized consulting engineer.

**Equal Degree of Encroachment.** A method of determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to flood plain encroachments.

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

**Exterior Side Yard.** A yard located on a corner lot which extends from the front yard to the rear yard, along the abutting street or avenue, and is considered the secondary street frontage of the corner lot. The principal street frontage shall be determined by consideration of parcel dimensions, address, driveway location, usability of the lot, configuration of adjacent lots, and likely future development in the area. Should there be any question on this, the City shall make a determination.



**Extraction Use.** Any land use involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other materials in excess of that required for approved on-site development or agricultural activities.

**Family Day Care-Home.** Occupied residences in which a qualified person or persons provide day care for no more than 14 children at a time.

**Family.** One (1) or more persons who are related by blood, marriage, or adoption, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five (5) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis.

**Farm Dwelling.** A single-family dwelling located on a farm used or intended for use by the farm's owner, a relative of the owner, or a person employed thereof.

**Farm.** A tract of land ten (10) or more acres which is principally used for commercial agriculture, all of which is owned and operated by a single family, farm corporation, individual or corporation.

**Fence.** A barrier forming a boundary to, or enclosing some area.

**Final Plat.** The final map, drawing, or chart on which the subdividers plan of subdivision which will be submitted to the County Recorder's Office. Said plat must conform to these subdivision regulations and all appropriate state laws.

**Financial Institution.** An office building or portion thereof which provides for the custody, loan, exchange, or issuance of money, the extension of credit, or facilitating the transmission of funds, and which may include accessory drive-up units on the same premise where permitted by the Zoning Code. Such uses are permissible only if insured by the FDIC (Federal Deposit Insurance Corporation), FSLIC (Federal Savings and Loan Insurance Corporation), or the NCUA (National Credit Union Association).

**Flood Frequency.** The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

**Flood Fringe.** That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for the City.

**Flood Plain.** That area of land adjoining the channel of a river, stream, watercourse, lake or similar body of water which will be inundated by a flood which can be expected once every one hundred (100) years for that region, as defined by the U.S. Corps of Engineers and required by the National Flood Insurance Act.

**Flood.** A temporary rise in stream flow or stage or temporary increase in the stage of a wetland or lake that results in inundation of the areas adjacent to the channel.

**Flood-Proofing.** A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

**Floodway.** The channel of the watercourse and those portions of the adjoining flood plain which are reasonably required to carry, store and discharge the regional flood.

**Floor Area.** For commercial business and industrial building or buildings, containing mixed uses; the sum of the gross horizontal areas of the several floors of the building measured from the exterior walls, but not including:

1. Attic space providing headroom of less than seven (7) feet;

2. Easement space not used for retailing;
3. Accessory water and cooling towers.

For residential buildings; the gross horizontal areas of the several floors of a dwelling exclusive of garages, basements and open porches measured from the external faces of the exterior walls.

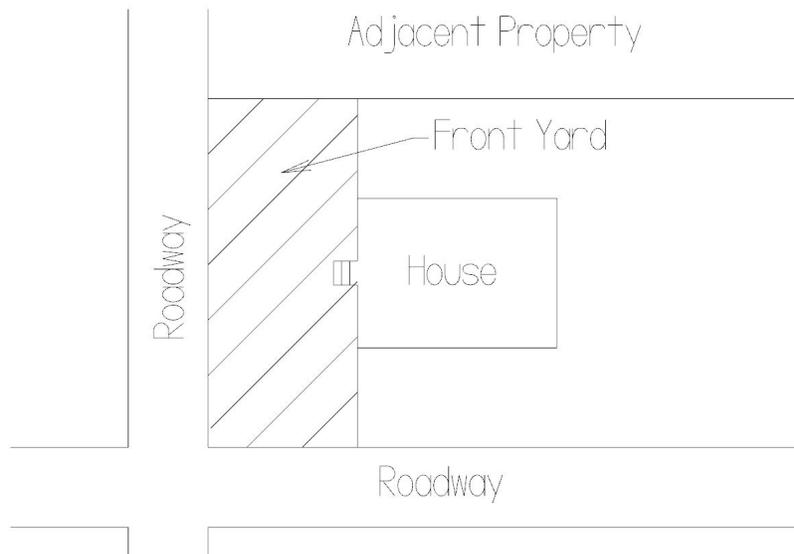
**Forestry.** The management, including logging, of a forest, woodland, or plantation, and related research and educational activities, including the construction, alteration or maintenance of woodlands, skidroads, landing area and fences.

**Free Standing Sign.** A self-supporting sign resting on or supported by means of poles, standards, or any other base in the ground. This includes both ground and pylon signs.

**Freight Terminal.** Includes facilities oriented to the short-term storage and trans-shipment of materials and/or the outdoor storage of trucks and related equipment.

**Front Lot Line.** The boundary between a lot and the public right of way on which it fronts.

**Front Yard.** A yard across the full width of the lot extending from the front line, or face, of the main building to the front line of the lot.



**Frontage.** The length of the property abutting on one side of a street measured along the dividing line between the property and the street right of way.

**Garage - Private.** An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on, provided that not more than one-half ( $\frac{1}{2}$ ) of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one (1) or two (2) car capacity may be so rented.

A private garage shall be considered attached to the residence when it shares a common wall or any portion of a common wall with the habitable space in the residence. A private garage that is connected to a residence by a breezeway or other similar connection shall be considered detached. The area of the connection shall be included in calculating the total area and the percent of the total rear yard that may be occupied by accessory buildings.

**Garage - Public.** A building or portion of a building, except as herein defined in this Ordinance as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire and which any sale of gasoline, oil and accessories is only incidental to the principal - traffic.

**Garage sales.** All general sales open to the public, conducted from or on residential premises in any residential zone district for the purpose of disposing of personal property including, but not limited to, all sales entitled "estate", "garage", "lawn", "yard", "attic", "porch", "room", "backyard", "patio", "flea market" or "rummage sale".

**Governing Body.** The governing body shall be defined as the City Council.

**Government Sign.** A sign which is erected by a unit of government.

**Grade (Adjacent Ground Elevation).** The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

**Grading.** Changing the natural or existing topography of land.

**Group/Multiple Family Day Care Center.** Include day care centers and nursery schools. Such land uses shall not be located within a residential building. Such land uses may be operated on a for-profit or not-for-profit basis. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, or business as an accessory use.

**Growth Management System.** The goals, policies, programs, ordinances, and regulations used to guide the City's growth and development.

**Handicapped Parking Space.** A designated parking space in accordance with Minnesota Accessibility Code 1341.0403 that has adequate room for passenger loading and unloading. The amount of handicapped spaces required in a given parking area and their individual dimensions shall comply with this code.

**Height.** See *Building Height*.

**Heavy Industrial.** Heavy industrial land uses are industrial facilities that comply with one or more of the following criteria:

1. Are conducted entirely within an enclosed building;
2. Are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line;
3. Does not pose a significant safety hazard (such as danger of explosion). More specifically, heavy industrial land uses are industrial land uses which may have the

potential to create nuisances which are detectable at the property line; may involve materials which pose a significant safety hazard.

*Examples include:* meat product producers; alcoholic beverage producers; paper, pulp, or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; primary metal producers; heavy metal producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; and recycling facilities not involving the on-site storage of salvage materials.

**High Technology.** Includes land uses for scientific, research, development, educational, computer, software, design, and applied technology office, laboratories, facilities, and organizations.

**Home Occupation.** Any occupation or profession carried on by a member of the family residing on the premises, provided that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character of the dwelling, and does not utilize more than one-third of the building's floor area.

**Impervious Areas.** Areas where water cannot readily penetrate the soil. Examples include, but are not limited to primary and/or accessory structures, decks, patios, walkways, driveways, sheds, pools and/or concrete/asphalt pads.

**Individual Property Sale or Rental Signs.** Any on-premise sign announcing the name of the owner, manager, realtor, or other persons directly involved in the sale or rental of the property or announcing the purpose for which it is being offered.

**Indoor Commercial Entertainment.** Includes all land uses which provide entertainment services entirely within an enclosed building. Such activities have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls.

**Indoor Institutional.** Includes all indoor public and not-for-profit recreational facilities (such as gymnasiums, swimming pools and spas, libraries, museums, and community centers) public and private schools, churches, funeral homes, nonprofit civic organizations, nonprofit fraternal organizations, convention centers, and similar land uses.

**Indoor Maintenance Service.** Includes all land uses which perform maintenance services (including repair) and contain all operations within an enclosed building.

**Indoor Sales Incidental to Light Industrial Use.** Includes any retail sales activity conducted exclusively indoors which is incidental to a principal land use such as warehousing, wholesaling, or any light industrial use on the same site.

**Indoor Sales or Service.** Includes all land uses which conduct or display sales or rental merchandise or equipment, or non-personal or non-professional services entirely within an enclosed building. This includes self-service facilities such as coin-operated laundromats. Artisan craft production such as consumer ceramics, custom woodworking, or other production activities directly associated with retail sales are permitted as accessory uses.

**Indoor Storage or Wholesaling.** Includes uses primarily oriented to the receiving, holding, and shipping or packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities.

**Industrial Use.** All permitted, conditional and accessory uses allowed in the “I-1” and “I-2” districts.

**Informational Sign.** Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification.

**Informational-Directional Sign.** Any sign giving information to employees, visitors, or delivery vehicles, but containing no advertising. May include name of business but must predominantly represent a directional or informational message.

**Inorganic Areas.** Areas where the ground is covered by permeable, but non-living, substances. Examples include, but are not limited to decorative rock, gravel, wood chips.

**Institution.** A building occupied by a nonprofit corporation or a nonprofit establishment.

**Institutional Residential.** Includes group homes, convents, monasteries, nursing homes, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses not considered to be Community Living Arrangements.

**Interim Use.** A temporary use of property until a particular date or until the occurrence of a particular event.

**Interim Use Permit.** A permit issued by the Council in accordance with procedures specified in this Ordinance, as well as its compatibility with the City Comprehensive Plan, as a flexibility device to enable the City Council to assign time limits and conditions to a proposed use after consideration of current or future adjacent uses and their functions.

**Interior Lot.** A lot whose side lines do not abut upon any street.

**In-Vehicle Sales and Service.** Includes all land uses which perform sales and/or services to persons in vehicles, or to vehicles which may be occupied at the time of such activity. Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, and all forms of car washes. If performed in conjunction with a principal land use (for example, a convenience store, restaurant, or bank), in vehicle sales and service land uses shall be considered an accessory use except in the Mixed-Use District.

**Junk Yards and Inoperative Vehicles.** A parcel or land upon which the principal or accessory use is the accumulation of used, discarded, or worn out materials, or manufactured products, any of which may or may not be reusable or salable.

**Landscaping.** Contouring or planting of flowers, shrubs or trees to adorn or improve a section of ground.

**Light Industrial.** Includes industrial facilities at which all operations (with the exception of loading):

1. are conducted entirely within an enclosed building;
2. are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line;
3. do not pose a significant safety hazard (such as danger of explosion); and comply with all the performance standards for potential nuisances.

Note: light industrial uses may conduct retail sales activity as an accessory use.

**Light Industrial Incidental to Indoor Sales.** Includes any light industrial activity conducted exclusively indoors which is incidental to a principal land use such as indoor sales and service on the same site.

**Loading Space.** A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks, which space shall have a minimum dimension of twelve by thirty-five (12 x 35) feet and a vertical clearance of at least fourteen (14) feet.

**Local Street.** Any public street not designated as a major thoroughfare, freeway or highway and not situated within the existing/and/or planned pattern of streets in a manner to cause it to function as a collector street. A street or road which is intended primarily to serve traffic within a neighborhood or limited residential district and which is not contentious through several residential districts. A local street should provide access to adjacent land over short distances.

**Lot.** A measured portion of a parcel or a tract of land, set forth in a Recorded Plat, recorded or proposed to be recorded, and intended as a unit for transfer of ownership or for development.

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

**Lot Area.** The area of a horizontal plane within the lot lines.

**Lot Coverage.** The percentage of the lot covered by impervious improvements.

**Lot Depth.** The mean horizontal distance between the street right-of-way line and the opposite rear line of the lot measured in the general direction of the side lot lines.

**Lot Width.** The horizontal distance between side lot lines, measured at the front building line.

**Lot Frontage.** The front of a lot shall be that boundary abutting a public right-of-way.

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

**Lowest Floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

**Manufactured Home Park.** Any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

**Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle".

**Maximum height of sign.** The vertical distance measured from the nearest finished grade to the top of such a sign.

**Minimum height of sign.** The vertical distance measured from the nearest finished grade to the lower limit of such sign.

**Mobile Homes.** Any factory-built home designed to be potentially moved to multiple locations that were produced before June 15, 1976, the date when building regulations and standards were formally enforced on the industry by HUD. Homes built after this date are called manufactured homes.

**Modular Homes.** Modular homes are the same as manufactured homes, except that they are built to the state, local or regional building codes where the home will be located rather than the HUD code. They have a steel frame that is used for transport only; after which it is removed.

**Motor Vehicle.** A self-propelled wheeled conveyance, such as a car or truck that does not run on rails.

**Multifamily (Apartment).** A building containing more than four (4) housing units, not including an *accessory dwelling unit*.

**Multiple Tenant Building.** A single structure housing two or more retail, offices or commercial uses sharing the same lot, access and/or parking facilities or a coordinated site plan.

**Name Plate.** A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation.

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

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

**Negative Easement.** A grant by the developer to the public, a corporation, or person(s) for use of a recorded strip of land for open space or other non-developed purposes.

**Non-access Reservation.** A parcel or tract of subdivision land withheld from development and subject to private use and access restrictions for the purpose of protecting the environment of subdivision, or to enhance a street right of way, or to improve traffic flow on a principal street.

**Non-Conforming Sign:**

1. Legal. A sign which lawfully existed at the time of the passage of this Code or amendment.
2. Illegal. A sign which was constructed after the passage of this Code or amendments thereto and does not conform to the regulations of this Ordinance.

**Non-Conforming Use, Building or Yard.** A use, building or yard existing legally at the time of the passage of this Ordinance or any amendment thereto which does not, by reason of design, use, or dimensions, conform, to the regulations of the district in which it is situated.

**Non-Financial Institution Money Lending Businesses.** Commonly referred to as “pawn shops”, “check cashing establishments” or “loans until payday” establishments. Any establishment in which the owner, operator, proprietor or employees thereof lends or exchanges money for future remuneration, property, or possessions that does not meet the regulations of a Financial Institution.

**Non-storage Building.** Structures not meant for the purpose of storing possessions or holding them for their future use. Examples of such buildings include playhouses and gazebos.

**Obstruction.** Any dam, wall, wharf, embankment, levee, dike, pike, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

**Off Premises Sign.** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the lot where the sign is located. Off-premise signs include billboards.

**Office.** Includes all exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on-appointment basis.

**Off-Site Parking Lot.** Includes any areas used for the temporary parking of vehicles which are fully registered, licensed, and operative which are not contained on the same lot as the use which the parking lot is intended to serve. In no instance shall an off-site parking lot be used for storage of vehicles or any other material nor shall any activity other than temporary parking or other permitted temporary use be allowed.

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

**On-Premise Signs.** A sign located on the premise or property of an individual, business or organization, when the sale or lease of the premise or the identification produces or services of the individual, business, or organization are the subject of the sign.

**Open Sales Lot.** Any open land used or occupied for the purpose of buying, selling and/or renting merchandise and for the storing of same prior to sale.

**Open Space.** Land dedicated or reserved for use by the general public or for use by residents of the subdivision, or land held out of development and retained in its natural conditions, with or without public access. Open space includes but is not limited to parks, parkways, playgrounds, school sites, wildlife or plantlife preserves, and nature study areas.

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

**Ordinary High Water Mark.** A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

**Outdoor Commercial Entertainment.** Includes all land uses which provide entertainment services partially or wholly outside an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Examples of such land uses include outdoor commercial swimming pools and spas, driving ranges, miniature golf facilities, amusement parks, drive-in theaters, go-cart tracks, and racetracks.

**Outdoor Institutional.** Includes public and private cemeteries, privately held permanently protected green space areas, country clubs, non-public golf courses and similar land uses.

**Outdoor Storage or Wholesaling.** Include all land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or single group of businesses. Such a land use in which any activity beyond loading and parking is located outdoors is considered an outdoor storage and wholesaling facility. Examples of this land use include contractors' storage yards, equipment yards, lumber yards, coal yards, landscaping materials yards, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a junk yard or salvage yard.

**Owner.** A person(s), partnership(s), firm(s), association(s), corporation(s), or combination thereof recorded as such on official records and including a duly authorized agent or notary, purchaser, lessee, devisee, judiciary; any person having a vested or contingent interest in the property or business in question.

**Parcel or Tract.** A continuous area or acreage of land which can be divided or subdivided as provided by this Ordinance.

**Parking Area.** A hard-surfaced area used for parking vehicles exclusively as an accessory use to the on-site primary structure. No sales or service, or other business activity may occur nor may fees may be charged.

**Parking Lot.** An open surfaced area used exclusively as a primary use for the temporary storage of fully operable and licensed motor vehicles for which fees may be charged, but no vehicles may be equipped, repaired, rented or sold.

**Parking Ramp.** An accessory structure or use for the storage of motor vehicles at, below and/or above grade.

**Parking Space.** A rectangular area of at least 19 feet long and 10 feet wide that has adequate access to a public street. Lines differentiating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required.

**Passive Outdoor Recreational.** Includes all recreational land uses located on public or private property which involves passive recreational activities. Such land uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas not associated with any particular active recreational land use, picnic areas, picnic shelters, fishing areas, and similar land uses.

**Pedestrian Way.** Public or private right of way across a block or within a block to provide access for pedestrians and which may be used for the installation of utility lines.

**Percentage of Grade.** The rise and fall in feet and tenths of a foot or each one hundred (100) feet or horizontal distance measured at the center line of the street.

**Permanent Foundation.** A permanent foundation is a concrete slab to which a home is attached. Blocks, tie downs and posts are not considered a permanent foundation. Most homes are on permanent foundations; however, mobile homes and manufactured homes often are not.

**Permanent Outdoor Display and Sales as a Primary or Principal Use.** Include all land uses which conduct sales or display merchandise or equipment on a permanent basis outside of an enclosed building as the principal or primary use of the lot. Examples of such land uses would include vehicle and equipment sales or rental, manufactured housing sales, monument sales and garden centers. Such land uses do not include the storage or display or inoperative vehicles or equipment, or other materials typically associated with a junk or salvage yard.

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

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

**Personal or Professional Service.** Personal service and professional land uses include all exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such land uses include professional services, insurance services, realty office, financial services, medical offices and clinics, veterinary clinics, barber shops, beauty shops, body art establishments and related land uses.

**Personal Property.** Property which is owned, utilized and maintained by an individual or members of his/her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

**Personal Storage Facility.** Includes land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. These land uses are typically known as mini-warehouses.

**Planned Unit Development.** A tract of land consisting of at least one (1) acre to be developed as an entity according to a plan and which may contain multiple uses; a Planned Unit Development (PUD) may be planned, developed, and regulated as a single land use unit.

**Planning Commission.** The Planning Commission of the City of Pine City.

**Plant Unit.** A plant unit shall consist of a combination of landscape materials which shall equal 30 points where:

1. Deciduous canopy trees measuring 2 to 2.5 inch caliper equal 10 points each,
2. Evergreen trees measuring 6 to 8 feet tall equal 10 points each,
3. Ornamental deciduous trees measuring 1.5 to 2 inch caliper equal 5 points each and
4. Shrubs measuring 18 to 24 inches tall or 3 to 4 feet wide equal 1 point each.

All sizes specified are at the time of planting. While any combination of materials may be used to achieve the total point requirement, the mixture of a combination of types of materials is strongly encouraged. An example of various plant unit alternatives is listed in Appendix F.

**Plat.** A map or drawing indicating the subdivision or re-subdivision of land, intended to be filed for record.

**Preliminary Plat.** The preliminary plat map, drawing, or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and the Council for their consideration as to its compliance with the growth management goals, policies, and these regulations, along with required supporting data.

**Premise.** An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

**Principal Use.** The primary or main use of land or buildings as distinguished from subordinate, incidental or accessory uses.

**Project Advertising Sign.** A sign which promotes products, accommodations, services or activities not exclusively used, sold or performed on the premises on which the sign is located.

**Project Area.**

1. Gross project area: Total project area.
2. Net project area: Total project area less land allocated to public street right of way, private streets, parking areas and any land allocated to specified non-project uses such as schools and churches when determining the "net residential project area" to be used

as a basis for calculating the number of permitted dwelling units for a Planned Unit Development.

**Protective Covenants.** Contracts made between private partners as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.

**Public Service and Utilities.** Include all City, County, State, and Federal facilities, emergency service facilities such as fire departments and rescue operations, wastewater treatment plants, public and/or private utility substations, water towers, utility and public service related distribution facilities and similar land uses.

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

**Public Waters.** Any waters of the State which serve a beneficial purpose, as defined in Minn Stat 1974, cction 105 37, Subdivision 67—However, no lake, pond, or flowage of less than 10 acres in size and no river or stream having a total drainage area less than two square miles need be regulated by the municipality for the purposes of these regulations. A body of water created by a private user where there was no previous shoreland, as defined herein, for a designated private use authorized by the Commissioner shall be exempt from the provisions of these regulations.

**Pylon Sign.** A free-standing sign erected upon pylon(s) or post(s) whose bottom edge of any portion of the sign frame is more than ten (10) feet above the ground, base or berm on which the sign is located.

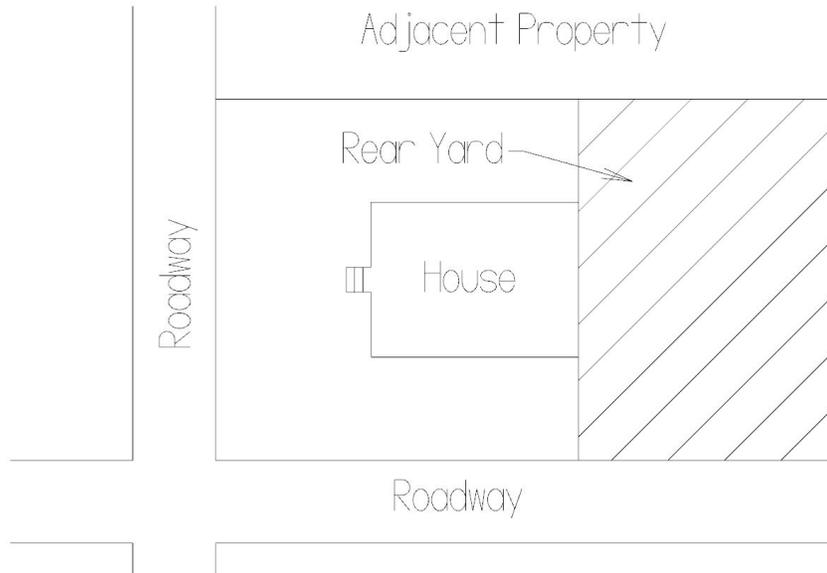
**Reach.** A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

**Real Estate Development Sign.** A business sign placed on premises of a subdivision or other real estate development.

**Real Estate Sign.** A ~~business~~ sign placed upon a property advertising that particular property for sale, for rent, for lease or sold.

**Rear Lot Line.** The boundary line or lines opposite and most distant from the front street line; except that in the case of uncertainty the Building Inspector shall determine the rear line.

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



**Recreational Vehicle.** A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by light duty truck, and is designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.

**Regional Flood.** A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100 year recurrence interval. Regional flood is synonymous with the term “base flood” used in a flood insurance study.

**Regulatory Flood Protection Elevation.** A point not less than one (1) foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.

**Residential sign.** A directional or identification sign located in residential districts.

**Residential Use.** A permanent place of residence for a family. A residential use located in any zoning district shall not include rentals for periods of less than thirty-one (31) days or one calendar month, whichever is less, or which is advertised or held out to the public as a place rented for periods of less than thirty-one (31) days or one calendar month, whichever is less.

**Reverse Frontage.** When a subdivision lot occurs between two (2) non-intersecting streets, one of which is a parkway, thoroughfare, or collector and the other is a minor residential street, the lot will front on the minor residential street and a non-access reservation will be provided buffering the rear of the lot from the traffic artery.

**Right-of-Way or Rights-of-Way.** The land opened, reserved, or dedicated for a street, sewer, water, walk, drainage course or other public purpose.

**Riverine.** Riparian; relating to a system of inland wetlands and deep-water habitats associated with non-tidal flowing water, characterized by the absence of trees, shrubs, or emergent vegetation.

**Roof Sign.** Any sign which is erected constructed or attached wholly or in part upon or over the roof of a building.

**Security.** Shall include but not be limited to, a surety bond, cash escrow, certificate of deposit, securities, or cash deposit.

**Selective Cutting.** The removal of single scattered trees.

**Setback.** The minimum horizontal distance between a structure or sanitary facility and a road or highway right-of-way or property lot line, or between a structure or sanitary facility and the ordinary high water mark.

**Sewage Disposal System.** Any system for the collection, treatment and dispersion of sewage, including but not limited to septic tanks, soil absorption systems, and drain fields.

**Sexual Material.** Anything in print or writing, or any sexual picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any sexual recording or transcription, or any sexual mechanical, chemical or electrical reproduction, or anything sexual which is or may be used as a means of communication. Sexual material includes undeveloped sexual photographs, printing plates and other latent representational objects.

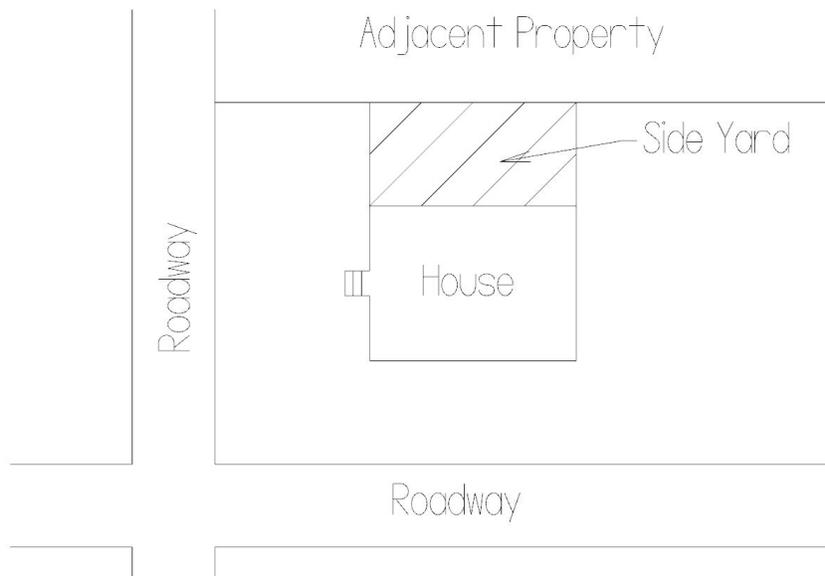
**Sexually Oriented Land Use.** A land use definable by having more than twenty five percent (25%) of the gross leaseable area devoted to sexual materials and those sexually oriented land uses otherwise defined herein this ordinance.

**Shopping Center.** An integrated grouping of commercial stores, under single ownership or control.

**Shoreland.** Land located within the following distances from public water: (i) 1,000 feet from the ordinary high water mark of a lake, pond, or flowage; and (i) 300 feet from a river or stream; or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by topographic divides which involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

**Side Lot Line.** Any lot boundary line not a front or rear line thereof; a side line may be a party lot line, a line bordering on an alley or place or a side street line.

**Side Yard.** A yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.



**Sign Area.** The entire surface of the sign on which items of information could be placed and viewed simultaneously.

**Sign Structure.** The supports, foundations, uprights, bracing and framework for a sign, including the sign area.

**Sign.** A name, identification, description display or illustration which is affixed to or represented directly or indirectly upon an awning, canopy, marquee, building structure, or piece of land which directs attention to an object, project, place, activity, person, institution, organization or business. The term "sign" shall not include any official court or other public notices, nor shall it include the flag, emblem, or insignia of a nation, political unit, school, or religious or service or fraternal group.

**Single Family, Detached.** A housing unit designed to be utilized by one family, except that the structure may also contain an *accessory dwelling unit* where expressly authorized pursuant to this ordinance. A detached *accessory dwelling unit* shall not be considered a single-family dwelling unit for the purposes of this ordinance.

**Site Plan.** A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features-both natural and man-made-and, depending on requirements, the locations of proposed utility lines.

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

**Specified Anatomical Areas.** Anatomical areas consisting of:

1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola;
2. Human male genitals in a discernable turgid state, even if completely and opaquely covered.

**Specified Sexual Activities.** Activities consisting of the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
2. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation or other sexually explicit contact.

**Storage Building.** Structures meant for the purpose of storing possessions or holding them for their future use.

**Story.** That portion of a building included between the upper surface of a floor and upper surface of the floor next above, except that the top-most story shall be that portion of the building included between the upper surface of the top-most floor and ceiling or roof above. If the finished floor level directly above a basement or cellar, or unused underfloor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar, or unused underfloor space shall be considered as a story. Otherwise, a basement shall not be counted as a story.

**Street.** A general term denoting a public or private thoroughfare which affords the principal means of access to abutting property. The term includes all facilities which normally are found within the right of way; it shall also include such other designations as highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, court, or other such terms but shall not include pedestrian way or alley.

**Street Frontage.** The proximity of a parcel of land to one or more streets. An interior lot has one (1) street frontage and a corner lot has two (2) frontages. *The principal street frontage of a corner lot shall be determined by consideration of parcel dimensions, address, driveway location, usability of the lot, configuration of adjacent lots, and likely future development in the area. Should there be any question on this, the City shall make a determination.*

**Street width.** The street right-of-way width, measured at right angles to the centerline of the street.

**Street, Collector.** A feeder street which provides connection primarily between arterial streets or arterial streets and minor streets. Collector streets include the principal entrance streets of a residential development and the principal streets for circulation within such developments.

**Street, Cul-de-sac.** A comparatively short minor street having one end open to traffic and the other end permanently terminated by a vehicular turn-around.

**Street, Major or Arterial.** A street of considerable continuity, which is used primarily for heavy through traffic between major traffic generation areas.

**Street, Marginal Access.** A minor street which is parallel and adjacent to a highway or an arterial street, and which provides access to abutting properties and protection from traffic.

**Street, Minor or Local.** A street which serves primarily as access to abutting properties and is not intended to carry through traffic.

**Structural Alterations.** Any change in the supporting members of a structure, such as bearing walls, columns, beams or girders.

**Structure.** Anything which is built, constructed or erected on the ground or attached to the ground or on-site utilities, including but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 10.700.0350:B.2., and other similar items.

**Subdivider.** Any individual, firm, association, syndicate, partnership, corporation, trust, or legal entity having sufficient interest in the land sought to be subdivided to commence and maintain proceedings to subdivide under this Ordinance.

**Subdivision.** The division of a lot, tract or parcel of land into two (2) or more lots, tracts, or parcels for the purpose of transferring ownership or building development, or if a new street is involved, any division or development of a parcel of land. The term shall include re-subdivision of land.

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

**Substantial Damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**Substantial Improvements.** Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the City and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**Surfaced.** Describing ground that has had asphalt, concrete or similar material applied to it to make it impervious or solid.

**Tangent.** A straight line that is perpendicular to the radius of a curve where it intersects a curve.

**Temporary Sign.** A non-permanent sign or advertising display intended to be displayed for a short, usually fixed, period of time.

**Temporary Uses.** Any use not approved or intended for permanent use.

**Through Lot.** An interior lot having frontage on two (2) streets.

**Total Allowable Sign Area.** The maximum allowable gross surface area in square feet of a sign or signs. The maximum number of signs cannot be arranged and integrated as to create a surface area in excess of the requirements.

**Townhouse/Condominiums.** Owner occupied multiple family dwelling, neither of which is an *accessory dwelling unit*, but sharing one or more common walls subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, Sections 515.01 to 515.19, as amended.

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

**Transit Stop.** Includes enclosed or partially enclosed structures intended as waiting areas for public transit.

**Transition.** A strip of land located between incompatible land uses which is subject to private use restrictions, or a negative easement, or is dedicated to public uses as open space, for the purpose of protecting the built environment of a development or to enhance a street right of way, or both.

**Triplex/Quadplex.** Three or four dwelling unit complex that shares at least one common wall.

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

**Vacant Dwelling.** An abandoned dwelling that is not maintained in a safe or secure condition so as to cause a potential hazard to the community.

**Variance.** A modification of the specific requirements of this Ordinance granted by the Board of Adjustment in accordance with the terms of this Ordinance for the purpose of assuring that no property because of special circumstances applicable to it shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and Zoning District. Such modifications shall not include authorizing a use not among the uses specified by this Ordinance as permitted in the district in which such property is located.

**Vegetation.** Means the sum total of plant life in some area; or a plant community with distinguishable characteristics.

**Vehicle.** See *Motor Vehicle*.

**Vehicle Repair and Sales.** Any business oriented toward the sales, repair, or maintenance of motorized vehicles.

**Vertical curve.** The surface curvature on a street centerline located between lines of different percentage of grade.

**Wall sign.** A sign which is affixed directly to or painted on, or otherwise inscribed on an exterior wall or window of any building and projects therefrom no more than twelve (12) inches.

**Waste Disposal Facility.** Includes any areas used for the disposal of solid wastes.

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

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

**Watershed Management or Flood Control Structure.** A dam, floodwall, wingdam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term “watershed management or flood control structure” does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by permit from the Commissioner of the Minnesota Department of Natural Resources.

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

**Wetlands.** An area where water stands near, at, or above the soil surface during a significant portion of most years, saturating the soil and supporting a predominantly aquatic form of vegetation and which may have the following characteristics

1. Vegetation belonging to the marsh (emergent aquatic) bog, fen, sedge meadow, shrub land, southern lowland forest (lowland hardwood), and northern lowland forest (conifer swamp) communities. (These communities correspond roughly to wetland types 1, 2, 3, 4, 5, 6, 7 and 8 described by the United States Fish and Wildlife Service, Circular 39, “Wetlands of the U.S.”, 1956)
2. Mineral soils with grey horizons or organic solids belonging to the Histosol order (peat and muck)
3. Soil which is water logged or covered with water at least three months of the year. Swamps, bogs, marshes, potholes, wet meadows, and sloughs are wetlands, and properly, may be shallow water bodies, the waters of which are stagnant or actuated by very feeble currents, and may at times be sufficiently dry to permit tillage but would require drainage to be made arable. The edge of a wetland is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

**Wildlife.** All free living animals.

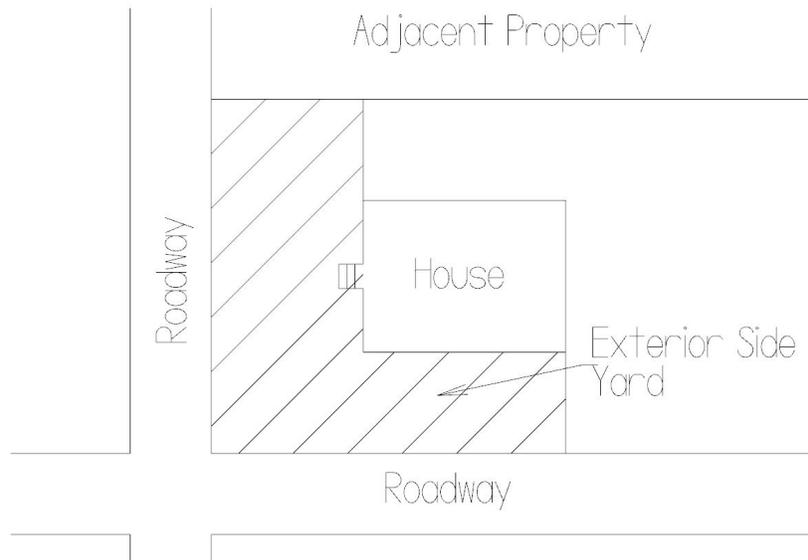
**Winery.** Those wine producing land uses where all aspects of production occur within the footprint of the site. Use includes fruit processing, fermentation, pressing, barrel and bottle storage, bottling, wine tasting, and direct retail sale of wine. (Adopted 5/4/17)

**Yard.** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the building shall be used. Where lots abut a street, all yards abutting said street shall be measured from the street right of way.

**Yard - Front.** A yard across the full width of the lot extending from the front line, or face, of the main building to the front line of the lot

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

**Yard - Side.** A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard. An Exterior Side Yard is a yard located on a corner lot which extends from the front yard to the rear yard, along the abutting street or avenue.



**Zoning Administrator.** A person appointed by the City Council to enforce the Zoning Ordinance.

**Zoning Code.** The duly approved, enacted, and amended ordinance which controls and regulates zoning in the City of Pine City.

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



## **SECTION 10.200.0000: Zoning Districts**

### **SECTION 10.200.0100: GENERAL DISTRICT PROVISIONS**

#### **SECTION 10.200.0110. Establishment of Districts.**

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

A-O,	Agricultural-Open Space District
R-1,	Single Family Residential
R-1A	Residential Cluster District
R-2,	Two-Family Residential
MFR-1,	Moderate Density Multi-Family Residential
MFR-2,	Higher Density Multi-Family Residential
MHP,	Manufactured Home Park
MXU,	Mixed Use
CBD,	Central Business District
GB,	General Business District
HB,	Highway Business District

TI-1,	Limited Technology/Industrial District
TI-2,	General Technology/Industrial District
PUD,	Planned Unit Development

In addition, the following districts supersede the aforementioned zoning and are detailed in Section 10.700.0000 Shorelands and Flooding:

S,	Shorelands District
FP,	Flood Plain District
W,	Wetlands District

**SECTION 10.200.0120. Map.**

The location and boundaries of the districts established by this Ordinance are shall be set forth & on the zoning maps entitled “Zoning Map”, a copy of which shall be filed with the City Administrator. The maps and all of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth in this Ordinance and are thereby made a part of this Ordinance by reference.

**SECTION 10.200.0130. Annexation-Detachment.**

In the event of changes in the City limits removing territory from the City, district boundaries shall be constructed as moving with City limits. In the event of annexation of new areas to the City, such; areas shall be considered to be in the ‘A-O” District until otherwise classified.

**SECTION 10.200.0140. Zoning District Boundaries.**

- A. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, or railroad lines shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in shore line shall be constructed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be constructed to following such center lines.
- D. Boundaries indicated as approximately following the city limits shall be construed as following such city limits.
- E. Where a district boundary line divides a lot that was in a single ownership at the time of passage of this Ordinance, the extension of the regulations for either portion of the lot may be interpreted by the Zoning Administrator upon request of the owner.
- F. The exact location of all district boundaries shall be interpreted by the Zoning Administrator, subject to appeal as provided in this Ordinance.

**SECTION 10.200.0150. District Regulations.**

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

- A. No buildings, structure, or land shall hereafter be used or occupied, and no building structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified in this Ordinance for the district in which it is located.
- B. No buildings or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or smaller rear, front, or side yards, or other open spaces than herein required; or in any other manner contrary to the provision of this Ordinance.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

**SECTION 10.200.0200: A-O AGRICULTURAL-OPEN SPACE DISTRICT**

**SECTION 10.200.0210. Description.**

The A-O Agricultural-Open Space District is primarily characterized by agricultural and/or forestry uses and other such uses normally carried on in non-urban areas.

**SECTION 10.200.0215. Purpose.**

The Agricultural-Open Space (A-O) District is intended to provide a district which will (1) allow suitable areas of the City to be retained and utilized, for farm and/or forestry uses or as natural or recreational open space, (2) prohibit scattered commercial and industrial uses in the City of Pine City and to prohibit any other use which would substantially interfere with the efficient development of land for more urban uses as the City of Pine City expands; and (3) promote orderly development, and to discourage any use which, because of its character or size, would create unusual requirements or costs for public services such as police and fire protection, public water supply and sanitary sewers before such services can be expanded or developed efficiently in the course of normal development of the City of Pine City.

**SECTION 10.200.0220. Special requirements.**

Agricultural uses shall be subject to Minnesota Pollution Control Standards. Parcels under one (1) acre in size cannot be zoned for Agricultural-Open Space. Should a subdivision of a parcel or property be requested to divide a parcel into a parcel or parcels under one (1) acre in size, all parcels under one (1) acre shall be required to be rezoned to a more suitable zoning classification at the time of subdivision. Should a request not be made, the City has the authority to rezone the parcels under one (1) acre of size to a more suitable zoning classification.

**SECTION 10.200.0230.**

**Site Performance Standards**

(As listed in Appendix A.)

Minimum lot size:	Sewered: 43,560 square feet (1 acre)
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Unsewered:  
65,340 square feet  
(1.5 acre)

Minimum lot width:	150 feet
Minimum Front Yard:	30 feet
Minimum Side Yard:	20 feet
Minimum Rear Yard:	20 feet
Maximum Building Height:	2.5 stories

**SECTION 10.200.0240. Permitted Uses.**

(Also listed in Appendix B)

- Single Family, Detached Residential
- Agricultural Operations and/or Agricultural Product Sales
- Bed and Breakfast Establishment
- Campground
- Family Day Care - Home
- Outdoor Institutional
- Passive Outdoor Recreational
- Public Service and Utilities
- Private Garage
- Active Outdoor Recreational
- Winery

**SECTION 10.200.0250. Conditional Uses.**

(Also listed in Appendix B)

- Drive-in Theaters
- Campground
- Group/Multiple Family Day Care-Center
- Indoor Institutional
- Institutional Residential
- Accessory Dwelling Unit
- Outdoor Commercial Entertainment

**SECTION 10.200.0260. Parking Requirements.**

See Appendix C.

**SECTION 10.200.0270. Buffer Yard Requirements.**

There are no buffer yard requirements for the A-O district.

**SECTION 10.200.0300: R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

**SECTION 10.200.0310. Description.**

The R-1 Single Family Residential District is primarily characterized by an environment of predominantly low-density, single-family detached dwellings along with other related facilities such as schools and churches.

**SECTION 10.200.0315. Purpose.**

It is the purpose of the R-1 Single Family Residential District to encourage the preservation and continuation of the long-standing residential fabric in existing neighborhoods of predominantly single-family dwellings. Multiple family, business or industrial uses, which would substantially interfere with the development or continuation of single-family dwellings in the district, are prohibited.

**SECTION 10.200.0320. Special requirements.**

None.

**SECTION 10.200.0330. SITE PERFORMANCE STANDARDS.**

(As listed in Appendix A.)

Minimum lot size:	15,500 square feet (0.34 acre)
Minimum lot width:	125 feet
Minimum Front Yard:	30 feet
Minimum Side Yard:	10 feet
Minimum Rear Yard:	15 feet, except for accessory structures as in Section 10.400.0230.
Maximum Building Height:	2.5 stories

**SECTION 10.200.0340. Permitted Uses.**

(Also listed in Appendix B)

- Single Family, Detached Residential
- Passive Outdoor Recreational
- Family Day Care-Home
- Public Service and Utilities
- Private Garage
- Active Outdoor Recreational

**SECTION 10.200.0350. Conditional Uses.**

(Also listed in Appendix B)

- Bed and Breakfast Establishment
- Indoor Institutional
- Institutional Residential
- Transit Stop

Group/Multiple Family Day Care- Center  
Accessory Dwelling Unit

**SECTION 10.200.0360. Parking Requirements.**

See Appendix C.

Any garage, parking space, and/or carport shall be utilized only for the parking and/or storage of licensed and operable passenger cars and trucks not to exceed a gross capacity of thirty thousand (30,000) pounds as regulated by this Ordinance. The garage may be used for the storage of one (1) commercial vehicle owned or operated by a resident of the dwelling unit if sufficient off-street parking in compliance with this Ordinance is available elsewhere on the property.

**SECTION 10.200.0370. Buffer Yard Requirements.**

There are no buffer yard requirements for the R-1 District.

**SECTION 10.200.0400: R-1A CLUSTER RESIDENTIAL DISTRICT**

**SECTION 10.200.0410. Description.**

The R-1A Cluster Residential District primarily characterized by development in which the buildings and their accessory uses are clustered together into one or more groups separated from adjacent property and from other groups within the development by intervening open land. The land not included in the building lots shall remain as open space. Cluster-style developments are only available in areas where there exists sewer unless handled by a PUD (planned unit development).

**SECTION 10.200.0415. Purpose.**

The R-1A Cluster Residential District is intended to establish standards for an alternative form of development for the provision of open space through the clustering of lots and thus minimizing the impact upon the land as well as providing for the efficient use of public services and facilities.

**SECTION 10.200.0420. Special requirements.**

All developments that utilize cluster design as provided for in this section shall provide open space. No less than twenty-five (25) percent of the tract shall be conserved as open space. For these purposes, open space shall be defined as any of the following:

- A. Concentrations of mature woodlands
- B. Flood hazard areas
- C. Natural water courses
- D. Wetlands
- E. Areas of steep slope
- F. Geologic features and/or hazards
- G. Historic buildings or sites

H. Public Active and Passive Outdoor Recreation Areas

Any open space established in a development utilizing cluster design shall be dedicated as common ground in perpetuity to the established homeowners 'association or;

- A. May be dedicated to a government or public body if accepted for dedication by that body;
- B. May be dedicated to a private organization that exists to conserve open space, environmental features, historic sites, etc., if accepted for dedication by that organization;
- C. May be dedicated to a private organization that shall be responsible for the maintenance and/or operation of that open space.

All open space shall be maintained by the party that has accepted its dedication. If said organization fails to adequately provide for a reasonable level of maintenance, the City may serve written notice upon such party and hold a public hearing. If, after thirty (30) days, deficiencies of maintenance are not corrected, the City may call upon any public or private agency to maintain the open space for a period of not less than one (1) year. The cost of such maintenance, plus any applicable fees that the City Council may choose to levy, shall be forwarded for payment to the party responsible for maintaining ownership of said open space.

For the purpose of this Ordinance, mature woodlands, flood hazard areas, natural water courses, wetlands, areas of steep slope, geologic features and/or hazards, historic buildings and/or sites that are on the same lot or parcel as a dwelling unit or potential future dwelling unit shall not be counted toward the twenty-five (25) percent requirement.

The minimum development area for the Cluster Residential District is ten (10) acres.

**SECTION 10.200.0430. SITE PERFORMANCE STANDARDS.**

(As listed in Appendix A.)

Minimum lot size:	8,000 square feet (0.18 acre)
Minimum lot width:	75 feet
Minimum Front Yard:	25 feet
Minimum Side Yard:	10 feet
Minimum Rear Yard:	15 feet, except for accessory structures as in Section 10.400.0230.
Maximum Building Height:	2.5 stories

**SECTION 10.200.0440. Permitted Uses.**

(Also listed in Appendix B)

Single Family, Detached Residential

Public Service and Utilities  
Family Day Care-Home  
Private Garage  
Active Outdoor Recreational

**SECTION 10.200.0450. Conditional Uses.**

(Also listed in Appendix B)

Transit Stop  
Group/Multiple Family Daycare-Center

**SECTION 10.200.0460. Parking Requirements.**

See Appendix C.

Any garage, parking space, and/or carport shall be utilized only for the parking and/or storage of licensed and operable passenger cars and trucks not to exceed a gross capacity of thirty thousand (30,000) pounds as regulated by this Ordinance. The garage may be used for the storage of one (1) commercial vehicle owned or operated by a resident of the dwelling unit if sufficient off-street parking in compliance with this Ordinance is available elsewhere on the property.

**SECTION 10.200.0470. Buffer Yard Requirements.**

All development utilizing cluster design as provided for in this Ordinance shall provide buffer yards as required in Section 10.400.0700. Buffer Yards.

**SECTION 10.200.0500: R-2 (ONE AND) TWO-FAMILY RESIDENTIAL DISTRICT**

**SECTION 10.200.0510. Description.**

The R-2 (One and) Two-Family Residential District primarily characterized by an environment of low to medium density residential uses consisting of one and two-family residential dwellings along with other related facilities such as schools and churches.

**SECTION 10.200.0515. Purpose.**

The purpose of the R-2 (One and) Two-Family Residential District is to promote stable, quality, multiple-occupancy residential development at slightly increased densities. Individual ownership of the two family or duplex units is encouraged. This district may include neighborhoods, or, when in accordance with the intent of the Comprehensive Plan, may provide a buffer or transition district between lower density residential areas and higher or non-residential areas, or major thoroughfares.

**SECTION 10.200.0520. Special requirements.**

A single family dwelling may be converted to one (1) bedroom apartments at the ratio of one (1) for every six hundred (600) square feet of floor area in each dwelling before conversion, exclusive of basement, and shall be in accordance with the Minnesota Uniform Building Code.

**SECTION 10.200.0530. SITE PERFORMANCE STANDARDS.**

(As listed in Appendix A.)

Minimum lot size:	10,500 square feet (0.24 acre)
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Minimum lot width: 75 feet  
Minimum Front Yard: 30 feet  
Minimum Side Yard: 10 feet  
Minimum Rear Yard: 15 feet

Maximum Building Height: 2.5 stories

**SECTION 10.200.0540. Permitted Uses.**

(Also listed in Appendix B)

Single Family, Detached Residential  
Duplex/Villa Units  
Passive Outdoor Recreational  
Public Service and Utilities  
Family Day Care-Home  
Private Garage  
Active Outdoor Recreational

**SECTION 10.200.0550. Conditional Uses.**

(Also listed in Appendix B)

Indoor Institutional  
Outdoor Institutional  
Institutional Residential  
Transit Stop  
Group/Multiple Family Daycare-Center  
Accessory Dwelling Unit

**SECTION 10.200.0560. Parking Requirements.**

See Appendix C.

Any garage, parking space, and/or carport shall be utilized only for the parking and/or storage of licensed and operable passenger cars and trucks not to exceed a gross capacity of thirty thousand (30,000) pounds as regulated by this Ordinance. The garage may be used for the storage of one (1) commercial vehicle owned or operated by a resident of the dwelling unit if sufficient off-street parking in compliance with this Ordinance is available elsewhere on the property.

**SECTION 10.200.0570. Buffer Yard Requirements.**

No buffer yard is required for the R-2 district.

**SECTION 10.200.0600: MFR-1 MODERATE DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT**

**SECTION 10.200.0610. Description.**

The MFR-1 Moderate Density Multi-Family Residential District primarily characterized by an environment of moderate density housing in multi-family structures along with other related facilities such as schools and churches.

**SECTION 10.200.0615. Purpose.**

The purpose of the Moderate Density Multi-Family Residential District is to provide an environment suitable for a variety of moderate density housing types, including multi-family dwellings with a maximum building height of 75 feet or 5 stories, whichever is less.

**SECTION 10.200.0620. Special requirements.**

In addition to the required setback lines provided elsewhere in this ordinance, the following minimum distances shall be required between dwellings:

Front to Front:	50 feet
Back to Back:	50 feet
Side to Side:	20 feet
Front to Side:	35 feet
Back to Side:	35 feet
Corner to Corner:	15 feet.

The development shall not exceed eight (8) units per acre.

**SECTION 10.200.0630. SITE PERFORMANCE STANDARDS.**

(As listed in Appendix A.)

Minimum lot size:	15,000 square feet (0.34 acre)
Minimum lot width:	100 feet
Minimum Front Yard:	35 feet
Minimum Side Yard:	10 feet
Minimum Rear Yard:	15 feet
Maximum Building Height:	5 stories or 75 feet

**SECTION 10.200.0640. Permitted Uses.**

(Also listed in Appendix B)

- Duplex/Villa Units
- Triplex/Quadplex
- Family Day Care-Home
- Group/Multiple Family Daycare-Center
- Townhouse/Condominium
- Multifamily (Apartment)
- Public Service and Utilities

**SECTION 10.200.0650. Conditional Uses.**

(Also listed in Appendix B)

- Group Homes
- Community Living Arrangement
- Transit Stop
- Private Garage
- Active Outdoor Recreational
- Indoor Institutional

**SECTION 10.200.0660. Parking Requirements.**

See Appendix C.

Any garage, parking space, and/or car port shall be utilized only for the parking and/or storage of licensed and operable passenger cars and trucks not to exceed a gross capacity of twelve thousand (12,000) pounds as regulated by this Ordinance. The garage may be used for the storage of one (1) commercial vehicle owned or operated by a resident of the dwelling unit if sufficient off-street parking in compliance with this Ordinance is available elsewhere on the property.

**SECTION 10.200.0670. Buffer Yard Requirements.**

See Section 10.400.0700. Buffer Yards.

**SECTION 10.200.0700: MFR-2 HIGHER DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT**

**SECTION 10.200.0710. Description.**

The MFR-1 Moderate Density Multi-Family Residential District primarily characterized by an environment of higher density housing in multi-family structures along with other related facilities such as schools and churches.

**SECTION 10.200.0715. Purpose.**

The purpose of the Higher Density Multi-Family Residential District is to provide an environment suitable for a variety of higher density housing types, including multi-family dwellings with a maximum building height of 90 feet or 6 stories, whichever is less.

**SECTION 10.200.0720. Special requirements.**

In addition to the required setback lines provided elsewhere in this ordinance, the following minimum distances shall be required between dwellings:

- Front to Front: 50 feet
- Back to Back: 50 feet
- Side to Side: 20 feet
- Front to Side: 35 feet
- Back to Side: 35 feet
- Corner to Corner: 15 feet.

The development shall not exceed sixteen (16) units per acre.

**SECTION 10.200.0730. SITE PERFORMANCE STANDARDS.**

(As listed in Appendix A.)

- Minimum lot size: 22,500 square feet
- Minimum lot width: 150 feet
- Minimum Front Yard: 35 feet
- Minimum Rear Yard: 15 feet

Maximum Building Height: 6 stories or 90 feet

**SECTION 10.200.0740. Permitted Uses.**

(Also listed in Appendix B)

Triplex/Quadplex  
Townhouse/Condominium  
Multifamily (Apartment)  
Family Day Care-Home  
Group/Multiple Family Daycare-Center  
Public Services and Utilities

**SECTION 10.200.0750. Conditional Uses.**

(Also listed in Appendix B)

Group Homes  
Community Living Arrangement  
Transit Stop  
Private Garage  
Active Outdoor Recreational  
Indoor Institutional

**SECTION 10.200.0760. Parking Requirements.**

See Appendix C.

Any garage, parking space, and/or carport shall be utilized only for the parking and/or storage of licensed and operable passenger cars and trucks not to exceed a gross capacity of twelve thousand (12,000) pounds as regulated by this Ordinance. The garage may be used for the storage of one (1) commercial vehicle owned or operated by a resident of the dwelling unit if sufficient off-street parking in compliance with this Ordinance is available elsewhere on the property.

**SECTION 10.200.0770. Buffer Yard Requirements.**

See Section 10.400.0700. Buffer Yards.

**SECTION 10.200.0800: MHP-MANUFACTURED HOME PARK DISTRICT**

**SECTION 10.200.0810. Description.**

The MHP-Manufactured Home Park District is primarily characterized by an environment of manufactured home dwelling units.

**SECTION 10.200.0815. Purpose.**

The purpose of the MHP-Manufactured Home Park District is to provide for manufactured home uses in an appropriate, safe, sanitary, and attractive environment. This district establishes regulations for the development of sites for manufactured homes.

**SECTION 10.200.0820. Special requirements.**

1. No manufactured home for residential purposes shall be permitted within any manufactured home park unless the manufactured home park is or has been approved by the Minnesota Department of Administration, in accordance with Minn. Stat. §327.14 through §327.34 as amended, and Minnesota Rules 2MCAR 1.09103 Chapter 1350.
2. Manufactured homes shall not be used for residential purposes in the City if they:

- a) Do not conform to the requirements of the Vehicle Code of the State of Minnesota.
  - b) Have an exterior in bad repair.
  - c) Are structurally unsound and do not protect the inhabitants against all elements.
  - d) Are in an unsanitary condition or do not have adequate sewage facilities as required by the City Council in accordance with regulations.
3. No tents shall be used for other than recreational purposes in a manufactured home park.
  4. Access to manufactured home parks shall be as approved by the City.
  5. The area beneath a manufactured home shall be enclosed except that such enclosure must have access for inspection. Materials used for enclosure shall be of a non-flammable nature.
  6. Where the manufactured home park is dependent it shall have an adequate central community building with the following features:
    - a) Laundry drying areas and machines.
    - b) Laundry washing machines.
    - c) Showers.
    - d) Public toilets and lavatories.
    - e) Tornado / storm shelter, with a nearby parking lot area for overflow parking.
    - f) Such buildings shall have central heating and be maintained in a safe, clean, and sanitary condition.

**SECTION 10.200.0830. SITE PERFORMANCE STANDARDS.**

(As listed in Appendix A.)

Minimum lot size:	5,000 square feet (0.11 acre)
Minimum lot width:	50 feet
Minimum Front Yard:	20 feet
Minimum Side Yard:	10 feet
Minimum Rear Yard:	10 feet
Maximum Building Height:	1 story

1. Each manufactured home site shall have frontage on an approved roadway and the corner of each manufactured home site shall be marked and each site shall be numbered.

2. Setbacks:
  - a) No unit shall be placed closer than ten (10) feet to its side lot lines nor closer than twenty (20) feet to its front lot line, or within ten (10) feet of its rear lot line.
  - b) No unit, or building shall be located within thirty (30) feet of the exterior boundary of any manufactured home park.
3. Utilities:
  - a) All manufactured homes shall be connected to a public water and sanitary sewer system.
  - b) All utility connections shall be as approved by the City.
  - c) All utilities shall be underground; there shall be no overhead wires or supporting poles except those essential for street or other lighting purposes.
  - d) The method of garbage, waste, and trash disposal shall be approved by the City.
  - e) The park owner shall pay any required sewer and water connection fees to the City.
4. Streets:
  - a) Streets shall be hard surfaced as approved by the City.
  - b) The minimum street widths shall be:
 

On-Street Parking	Traffic	Width(Ft)
Parallel - one side	1 Way	20
	2 Way	30
Parallel - both sides	1 Way	26
	2 Way	36
5. Recreation. All manufactured home parks shall have at least ten (10) percent of the land areas developed for recreational use (tennis courts, children’s play equipment, swimming pool, golf green, etc.) developed and maintained at the owner/operator’s expense.
6. Lighting. Artificial light shall be maintained during all hours of darkness in all buildings containing public toilets, laundry equipment, and other facilities when open for use.
7. Drainage. All manufactured home parks shall be provided with adequate drainage facilities as approved by the City.
8. Storage Buildings. The maximum size of accessory storage buildings in the “R-3” District shall not exceed one hundred twenty (120) square feet of a seven (7) foot sidewall or ten (10) feet ridge height. All buildings shall be securely anchored and built with materials that will visually match their corresponding manufactured home.
9. Anchoring and Support Systems: The provisions made for anchoring systems shall be based on the regulations outlined by the Minnesota Department of Administration, Building Code Division 2 MCAJX 1 90103

**SECTION 10.200.0840. Permitted Uses.**

(Also listed in Appendix B)

- Manufactured/Mobile Homes
- Family Day Care-Home
- Public Service and Utilities
- Private Garage

**SECTION 10.200.0850. Conditional Uses.**

(Also listed in Appendix B)

- Group/Multiple Family Daycare-Center
- Transit Stop
- Active Outdoor Recreational
- Indoor Institutional
- Outdoor Commercial Entertainment

**SECTION 10.200.0860. Parking Requirements.**

See Appendix C.

Each manufactured home site shall have off-street parking space for two (2) automobiles and these parking spaces shall be hard surfaced.

Access drives off roads to all parking spaces and home sites shall be hard surfaced.

**SECTION 10.200.0870. Buffer Yard Requirements.**

See Section 10.400.0700. Buffer Yards.

**SECTION 10.200.0900: MXU-MIXED USE DISTRICT**

**SECTION 10.200.0910. Description.**

The MXU-Mixed Use District is primarily characterized by retail and commercial service facilities and residential uses in those areas of the City where a mixture of such uses is desirable and recommended by the policies of the Comprehensive Plan.

**SECTION 10.200.0915. Purpose.**

The purpose of the Mixed Use District is to establish a zoning classification that permits flexibility in a development so that it will include a mixture of residential, commercial, cultural and/or institutional uses within a single development plan, within multiple structures, or within a single structure. It is the purpose of these regulations to encourage a diversification of uses as in a unified development though the interrelationship and uses and structures which promote innovative and energy conscious design, efficient and effective circulation systems, a variety of housing types and to encourage the conservation of land resources, the minimization of automobile travel, and the location of employment and retail opportunities in proximity to housing. This district is intended to allow use flexibility and design flexibility, and to encourage the following performance standards:

1. Provide for an efficient use of land and public resources, resulting in co-location of harmonious uses to share facilities;

2. Ensure a more rational and compatible relationship between residential and non-residential uses for the mutual benefit of all;
3. Provide a range of residential, commercial, cultural, and/or institutional land uses;
4. Offer a range of housing opportunities;
5. Encourage concentrated land patterns which may decrease the length of automobile travel, allow trip consolidation, and encourage pedestrian circulation between land uses;
6. Use vertical or horizontal integration of residential and commercial uses.
7. Design of site development plans which provide for the compatible co-habitation of residential and non-residential uses.
8. Use flexible property development regulations.

**SECTION 10.200.0920. Special requirements.**

No drive in or in-vehicle services shall be permitted within the MXU district.

Residential uses are not permitted on the ground floor in the MXU district.

**SECTION 10.200.0930. SITE PERFORMANCE STANDARDS.**

(As listed in Appendix A.)

Minimum lot size:	5,000 square feet (0.11 acre)
Minimum lot width:	50 feet
Minimum Front Yard:	0 feet
Minimum Side Yard:	0 feet
Minimum Rear Yard:	0 feet
Maximum Building Height:	6 stories or 90 feet

**SECTION 10.200.0940. Permitted Uses.**

(Also listed in Appendix B)

- Duplex/Villa Units
- Triplex/Quadplex
- Townhouse/Condominium
- Multifamily (Apartment)
- Family Day Care – Home
- Office
- Public Service and Utilities
- Transit Stop
- Commercial Apartment
- Brewery or Brew Pub

**SECTION 10.200.0950. Conditional Uses.**

(Also listed in Appendix B)

- Active Outdoor Recreational

Bed and Breakfast Establishment  
Body Art Establishment  
Commercial Indoor Lodging  
Financial Institution  
Indoor Commercial Entertainment  
Indoor Sales and Service  
Personal or Professional Service  
Group/Multiple Family Day Care-Center  
Private Garage  
Community Living Arrangement  
Indoor Institutional  
Outdoor Commercial Entertainment

**SECTION 10.200.0960. Parking Requirements.**

See Appendix C.

If residential and non-residential uses share common parking area, the required parking shall be calculated by summing the total of the parking required for the residential and non-residential uses and then multiplying the sum by seventy-five hundredths (0.75) \*\*rationale—residential uses are not as likely to utilize parking spaces at the same time as non-residential uses\*\*

**SECTION 10.200.0970. Buffer Yard Requirements.**

See Section 10.400.0700. Buffer Yards.

**SECTION 10.200.1000: CBD CENTRAL BUSINESS DISTRICT**

**SECTION 10.200.1010. Description.**

The CBD - Central Business District is characterized by the following: (1) It is essentially the geographic center of Pine City; (2) it contains the City's main public buildings; (3) it has the greatest concentration and number of pedestrians, and traffic in general; (4) it contains the greatest proportion of the City's offices; (5) it contains the greatest proportion of the City's taller buildings to maximize land use; and (6) it attracts people from outside its sphere of influence to work and spend money inside.

**SECTION 10.200.1015. Purpose.**

The Central Business District is designed and intended as a specialized district directed to serve the pedestrian in a compact central area for the City. The "CBD" district shall provide for a high-density shopping and business environment, especially stressing the pedestrian function and interaction of people and businesses, rather than being heavily oriented toward the use of automobiles.

**SECTION 10.200.1020. Special requirements.**

Enclosure of Uses. Every use, unless expressly exempted in this sub-section or allowed by a Conditional Use Permit, shall operate in its entirety within a completely enclosed structure; a Conditional Use Permit, subject to the conditions in the Conditional Use section, may grant the exemption of a use from the requirement of enclosure. This requirement shall not apply to the temporary display of merchandise during regular business hours. Such sidewalk sales / displays are not to exceed three (3) days in a thirty (30) day period; also, they are to be at least forty (40) inches from the curb to allow for an adequate walkway. Liquor shall not be permitted as an outdoor display / sale.

**SECTION 10.200.1030. SITE PERFORMANCE STANDARDS.**

(As listed in Appendix A.)

Minimum lot size:	5,000 square feet (0.11 acre)
Minimum lot width:	50 feet
Minimum Front Yard:	0 feet
Minimum Side Yard:	0 feet
Minimum Rear Yard:	0 feet
Maximum Building Height:	6 stories or 90 feet

**SECTION 10.200.1040. Permitted Uses.**

(Also listed in Appendix B)

- Body Art Establishment
- Commercial Indoor Lodging
- Family Day Care-Home
- Financial Institution
- Indoor Commercial Entertainment
- Indoor Sales and Service
- Indoor Institutional
- Office
- Personal or Professional Service
- Indoor Institutional
- Public Service and Utilities
- Transit Stop
- Brewery or Brew Pub

**SECTION 10.200.1050. Conditional Uses.**

(Also listed in Appendix B)

- Bed and Breakfast Establishment
- High Technology
- Outdoor Commercial Entertainment
- Permanent Outdoor Display and Sales as a Primary or Principal Use
- Communications Tower
- Institutional Residential
- Passive Outdoor Recreational
- Distribution Center
- Off-Site Parking Lot
- Indoor Storage or Wholesaling
- Commercial Apartment
- Group/Multiple Family Day Care – Center
- Light Industrial Incidental to Indoor Sales
- In-vehicle Sales and Service
- Vehicle Sales and Service Repair
- Outdoor Storage or Whole Sale
- Single Family Residential
- Duplex
- Triplex/Quadplex
- Multifamily Apartment

**SECTION 10.200.1060. Parking Requirements.**

See Appendix C.

**SECTION 10.200.1070. Buffer Yard Requirements.**

In any case where the lot line for a parcel in the Central Business District is adjacent to a residential district, the lot line shall be surveyed and a sight proof fence shall be erected along that property line. At the discretion of the Planning Commission, other buffers may be requested and/or required.

See Section 10.400.0700 Buffer Yards.

**SECTION 10.200.1100: GB-GENERAL BUSINESS DISTRICT**

**SECTION 10.200.1110. Description.**

The GB - General Business District is primarily characterized by an environment of a wide variety of retail business and services that serve the trade area but do not require such a central location as the central business district. These businesses are found on the fringe of the central business district, along major streets and arteries, at crossroads and near wholesale or industrial areas.

**SECTION 10.200.1115. Purpose.**

The General Business District is designed and intended to promote the development of uses which require large concentrations of automobile traffic. The district is also designed to accommodate those commercial activities which may be incompatible with the uses permitted in the Central Business District, and whose service is not confined to any one neighborhood or community.

**SECTION 10.200.1120. Special requirements.**

All business, servicing, or processing shall be conducted within completely enclosed buildings, with the following exceptions: In-vehicle sales and service and Permanent Outdoor Display and Sales as a Primary Use.

The unenclosed parking of trucks as an accessory use, when used in the conduct of a permitted business in this District, shall be discouraged.

**SECTION 10.200.1130. SITE PERFORMANCE STANDARDS.**

(Also listed in Appendix A.)

Minimum lot size:	5,000 square feet (0.11 acre)
Minimum lot width:	50 feet
Minimum Front Yard:	20 feet
Minimum Side Yard:	10 feet
Minimum Rear Yard:	15 feet
Maximum Building Height:	3 stories or 45 feet

**SECTION 10.200.1140. Permitted Uses.**

(Also listed in Appendix B)

Body Art Establishment

Commercial Indoor Lodging  
Financial Institution  
High Technology  
Indoor Commercial Entertainment  
Indoor Sales and Service  
In-Vehicle Sales or Service  
Office  
Indoor Maintenance Service  
Permanent Outdoor Display and Sales as a Primary or Principal use  
Indoor Institutional  
Public Services and Utilities  
Transit Stop  
Personal or Professional Service  
Outdoor Commercial Entertainment  
Outdoor Storage or Wholesaling  
Brewery or Brew Pub

**SECTION 10.200.1150. Conditional Uses.**

(Also listed in Appendix B)

Non-Financial Institution Money Lending Business  
Temporary Uses  
Vehicle Sales and Repair  
Communications Tower  
Active Outdoor Recreational  
Institutional Residential  
Passive Outdoor Recreational  
Distribution Center  
Off-Site Parking Lot  
Indoor Storage or Wholesaling  
Commercial Apartment  
Group/Multiple Family Day Care – Center  
Light Industrial incidental to Indoor Sales

**SECTION 10.200.1160. Parking Requirements.**

See Appendix C.

**SECTION 10.200.1170. Buffer Yard Requirements.**

See Section 10.400.0700 Buffer Yard

**SECTION 10.200.1200: HB-HIGHWAY BUSINESS DISTRICT**

**SECTION 10.200.1210. Description.**

The HB – Highway Business District is primarily characterized by an environment of accommodations and services to motorists, specialized retail outlets and commercial amusement enterprises.

**SECTION 10.200.1215. Purpose.**

The purpose of the Highway Business District is to provide for accommodations and services to the traveling public and related retail services activities. The requirements of this District are developed to minimize traffic hazards and interfaces with other related uses in the vicinity.

**SECTION 10.200.1220. Special requirements.**

The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence.

The entire area other than that occupied by buildings or structures shall be surfaced or landscaped to control dust and drainage.

Vehicular access points shall create a minimum of conflict with through traffic movement.

**SECTION 10.200.1230. SITE PERFORMANCE STANDARDS.**  
(Also listed in Appendix A.)

Minimum lot size:	5,000 square feet (0.11 acre)
Minimum lot width:	50 feet
Minimum Front Yard:	20 feet
Minimum Side Yard:	10 feet
Minimum Rear Yard:	15 feet
Maximum Building Height:	6 stories or 90 feet

**SECTION 10.200.1240. Permitted Uses.**

(Also listed in Appendix B)

- Body Art Establishment
- Commercial Indoor Lodging
- Financial Institution
- Indoor Commercial Entertainment
- Indoor Sales and Service
- Office
- In-Vehicle Sales and Service
- Personal or Professional Service
- Vehicle Sales and Repair
- Indoor Institutional
- Public Service and Utilities
- Transit Stop

**SECTION 10.200.1250. Conditional Uses.**

(Also listed in Appendix B)

- High Technology
- Outdoor Commercial Entertainment
- Permanent Outdoor Display and Sales as a Primary or Principal use
- Communications Tower
- Institutional Residential
- Passive Outdoor Recreational
- Distribution Center
- Off-Site Parking Lot

Indoor Storage or Wholesaling  
 Outdoor Storage or Wholesaling  
 Personal Storage Facility  
 Commercial Apartment  
 Group/Multiple Family Day Care – Center  
 Light Industrial Incidental to Indoor Sales  
 Active Outdoor Recreational

**SECTION 10.200.1260. Parking Requirements.**

See Appendix C.

Parking shall be screened from the view of abutting residential districts and uses in compliance.

**SECTION 10.200.1270. Buffer Yard Requirements.**

See Section 10.400.0700 Buffer Yards.

**SECTION 10.200.1300: TI-1-LIMITED TECHNOLOGY/INDUSTRIAL DISTRICT**

**SECTION 10.200.1310. Purpose.**

The Limited Industrial District is intended to provide exemplary standards of development for certain industrial uses to be located in strategic sites. The Limited Industrial District is intended for administrative, wholesaling, manufacturing and related uses which can maintain high standards of appearance, including open spaces and landscaping; limit external effects such as noise, odors, smoke and vibration; and not require a high level of public services, including sewer and water services. With proper control, these areas should become compatible with commercial or residential areas.

**SECTION 10.200.1320. Special requirements.**

Any unenclosed uses, including storage, manufacturing and assembly, shall be subject to those regulations set forth by this sub-Section.

It is the intent of this Subdivision to provide that industry and related activities shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each such permitted use shall be a good neighbor to adjoining properties by the control of the following:

1. Noise. Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so not to become objectionable due to intermittence, beat, frequency, shrillness or intensity. At the property line, the sound pressure level of noise radiated continuously from a facility shall not exceed the values given in Table A.

TABLE A

Maximum permissible sound pressure levels of specified points of measurement for noise radiated continuously from a facility.

Frequency Band (Hz)	Maximum Permitted Sound Level (Decibels)
20-75	72
75-150	67
150-300	59
300-600	52
600-1200	46
1200-2400	40

2400-4800	34
Over 4800	32

2. Odor. No activity or operation shall cause at any time the discharge of toxic, noxious or odorous matter beyond the limits of the immediate site where it is located in such concentrations as to be obnoxious or otherwise detrimental to, or endanger the public health, welfare, comfort or safety or cause injury to property or business.
3. Glare. Glare, whether direct or reflected, such as from floodlights, spotlights or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the site of origin at any property line.
4. Exterior Lighting. Any lights used for exterior illuminations shall be directed away from adjacent properties (See Exterior Lighting Ordinance 10.400.0500).
5. Smoke, Dust, Fumes, or Gases. Every operation shall conform to the standards set forth in this Ordinance so as to not cause a nuisance to neighboring properties.
6. Hazard. Every operation shall be carried on in accordance with the International Fire Code.
7. Water Supply. The design and construction of water supply facilities and water supply source shall be in accordance with local and Minnesota State Department of Health standards and requirements.
8. Waste. All sewage and industrial wastes shall be treated and disposed in such manner as to comply with Minnesota State Department of Health standards and requirements, Minnesota Pollution Control Agency standards and requirements and local codes.

In order to assure compliance with the performance standards set forth above, the Planning Commission may require the owner or operator of any permitted use to make such investigations and tests as may be required to show adherence to the performance standards. All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be reviewed by the Planning Commission.

**SECTION 10.200.1330. SITE PERFORMANCE STANDARDS.**  
(Also listed in Appendix A.)

Minimum lot size:	21,780 square feet (0.50 acre)
Minimum lot width:	100 feet
Minimum Front Yard:	20 feet
Minimum Side Yard:	10 feet
Minimum Rear Yard:	10 feet
Maximum Building Height:	6 stories or 90 feet

**SECTION 10.200.1340. Permitted Uses.**  
(Also listed in Appendix B)

- High Technology
- Indoor Maintenance Service
- Light Industrial

Public Services and Utilities  
Transit Stop  
Personal Storage Facility  
Brewery or Brew Pub

**SECTION 10.200.1350. Conditional Uses.**

(Also listed in Appendix B)

Commercial Indoor Lodging  
Outdoor Commercial Entertainment  
Permanent Outdoor Display and Sales as a Primary or Principal use  
Vehicle Sales and Repair  
Communications Tower  
Active Outdoor Recreational  
Indoor Institutional  
Airport/Heliport  
Distribution Center  
Freight Terminal  
Off-Site Parking Lot  
Indoor Storage or Wholesaling  
Outdoor Storage or Wholesaling  
Waste Disposal Facility  
Indoor Sales Incidental to Light Industrial Use

**SECTION 10.200.1360. Parking Requirements.**

See Appendix C.

**SECTION 10.200.1370. Buffer Yard Requirements.**

See Section 10.400.0700 Buffer Yards

**SECTION 10.200.1400: TI-2—GENERAL TECHNOLOGY/INDUSTRIAL DISTRICT**

**SECTION 10.200.1410. Purpose.**

The General Industrial District is established to provide exemplary standards of development for certain industrial uses to be located in strategic sites. These general industrial uses are less compatible with commercial and residential uses and, therefore, are not appropriate in the “TI-1” District.

More specifically, heavy industrial land uses are industrial land uses which may have the potential to create nuisances which are detectable at the property line; may involve materials which pose a significant safety hazard.

**SECTION 10.200.1420. Special requirements.**

Any unenclosed uses, including storage, manufacturing and assembly, shall be subject to those regulations set forth by this sub-Section.

It is the intent of this Subdivision to provide that industry and related activities shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each such permitted use shall be a good neighbor to adjoining properties by the control of the following:

1. *Noise.* Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so not to become objectionable due to intermittence, beat, frequency, shrillness or intensity. At the property line, the sound pressure level of noise radiated continuously from a facility shall not exceed the values given in Table A.

TABLE A

Maximum permissible sound pressure levels of specified points of measurement for noise radiated continuously from a facility.

Frequency Band (Hz)	Maximum Permitted Sound Level (Decibels)
20-75	72
75-150	67
150-300	59
300-600	52
600-1200	46
1200-2400	40
2400-4800	34
Over 4800	32

2. *Odor.* No activity or operation shall cause at any time the discharge of toxic, noxious or odorous matter beyond the limits of the immediate site where it is located in such concentrations as to be obnoxious or otherwise detrimental to, or endanger the public health, welfare, comfort or safety or cause injury to property or business.
3. *Glare.* Glare, whether direct or reflected, such as from floodlights, spotlights or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the site of origin at any property line.
4. *Exterior Lighting.* Any lights used for exterior illuminations shall be directed away from adjacent properties.
5. *Smoke, Dust, Fumes or Gases.* Every operation shall conform to the standards set forth in this Ordinance so as to not cause a nuisance to neighboring properties.
6. *Hazard.* Every operation shall be carried on in accordance with International Fire Code.
7. *Water Supply.* The design and construction of water supply facilities and water supply source shall be in accordance with local and Minnesota State Department of Health standards and requirements.
8. *Waste.* All sewage and industrial wastes shall be treated and disposed in such manner as to comply with Minnesota State Department of Health standards and requirements, Minnesota Pollution Control Agency standards and requirements and local codes.

In order to assure compliance with the performance standards set forth above, the Planning Commission may require the owner or operator of any permitted use to make such investigations and tests as may be required to show adherence to the performance standards. All subsequent additions and outbuildings constructed after the erection of an original building (or buildings) shall be reviewed by the Planning Commission.

**SECTION 10.200.1430.**

**SITE PERFORMANCE STANDARDS.**

(Also listed in Appendix A.)

Minimum lot size:	21, 780 square feet (0.50 acre)
Minimum lot width:	100 feet
Minimum Front Yard:	35 feet
Minimum Side Yard:	10 feet
Minimum Rear Yard:	25 feet
Maximum Building Height:	N/A

**SECTION 10.200.1440. Permitted Uses.**

(Also listed in Appendix B)

- High Technology
- Indoor Maintenance Service
- Communications Tower
- Light Industrial
- Public Service and Utilities
- Freight Terminal
- Transit Stop
- Personal Storage Facility
- Brewery or Brew Pub

**SECTION 10.200.1450. Conditional Uses.**

(Also listed in Appendix B)

- Commercial Indoor Lodging
- Outdoor Commercial Entertainment
- Permanent Outdoor Display and Sales as a Primary or Principal use
- Sexually Oriented Land Use
- Vehicle Sales and Repair
- Heavy Industrial
- Extraction use
- Junk Yards and Inoperative Vehicles
- Active Outdoor Recreational
- Indoor Institutional
- Airport/Heliport
- Distribution Center
- Off-Site Parking Lot
- Indoor Storage or Wholesaling
- Waste Disposal Facility
- Outdoor Storage or Wholesaling

**SECTION 10.200.1455. Additional Conditional Uses.**

Other manufacturing, production, processing, cleaning, storage, servicing, repair and testing of materials, goods or products determined by the Planning Commission to be similar to the permitted uses, and which conform with the purpose and performance standards set forth in this district.

**SECTION 10.200.1460. Parking Requirements.**

See Appendix C.

**SECTION 10.200.1470. Buffer Yard Requirements.**

See Section 10.400.0700 Buffer Yards

**SECTION 10.200.1500: PUD—PLANNED UNIT DEVELOPMENT**

**SECTION 10.200.1510. Purpose.**

The provisions of this section are designed to deal with larger scale development and facilitate better site planning and community planning. This can be done through modification of certain district regulations as they apply to such development.

In larger scale development, the Zoning Code might place unnecessary or undesirable rigidities on the site plan and prevent achievement of the best possible plan. Therefore, this Section has the following intents:

- A. To permit flexibility in site design.
- B. To achieve more efficient use of land, within the framework and intent of the Zoning Code, which can result from large scale or multiple use developments.
- C. To encourage and permit provision of open space.
- D. To protect and preserve scenic assets and natural features and incorporate these into the development.
- E. To foster a more stable community by providing a variety and balance of housing types and living environments.
- F. To encourage and permit variety in the location of buildings, roads, parking lots, and other facilities and activities.
- G. To increase the safety of pedestrians and vehicular traffic by reducing the number of traffic conflict points within a development.

**SECTION 10.200.1520. Special requirements.**

- A. The development shall be planned so that it is consistent with the Comprehensive Plan.
- B. The tract of land shall be under unified control at the time of application and scheduled to be developed as one (1) unit. It could be developed in phases. Proof of ownership shall be submitted at time of application.
- C. The development plan shall include provisions for the preservation of natural amenities.
- D. The planned unit development proposal shall appear to harmonize with both existing and proposed development in the area surrounding the project site.
- E. The proposed planned unit development shall be comprised of at least one (1) acre for residential, commercial, or mixed commercial / residential use. The proposed planned

unit development shall be comprised of at least two (2) acres for industrial or mixed commercial / industrial use.

- F. A minimum of twenty (20) percent of the gross land area shall be reserved as open space. The open space areas shall not include land devoted to streets, parking, and private yards.
- G. Spacing between main buildings and dedicated streets shall be at least equivalent to the spacing requirements of buildings similarly developed under the terms of this Ordinance on separate parcels.
- H. Planned Unit Developments may include:
  - 1. Permitted and conditional uses allowed within the traditional zoning district where the proposed Planned Unit Development is to be located.
  - 2. Any combination of dwelling units except for manufactured homes.
  - 3. Any non-residential use to the extent that the non-residential use is designed and intended to serve the residents of the Planned Unit Development.

For the application requirements and review procedures, see Section 10.600.0500.

**SECTION 10.300.0000: SUBDIVISION DESIGN**

## **SECTION 10.300.0100: LEFT BLANK**

## **SECTION 10.300.0200: GENERAL PROVISIONS**

### **SECTION 10.300.0205. Purpose.**

The purpose of this Section is to establish general development standards to assure compatible land uses; to prevent blight and deterioration; and to enhance the health, safety and general welfare of the City.

### **SECTION 10.300.0210. Dwelling Unit Restrictions.**

- A. Prohibited residences. No cellar, basement, garage, tent/camper, R.V. (recreational vehicle), travel trailer or accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently, except as allowed as a conditional use as set forth and regulated by Section 10.600.0700 of this Ordinance.
- B. Use of Basements. Basements may be used as living quarters or rooms as a portion of residential dwellings and must follow the building code.
- C. Tents and Playhouses. Tents, play houses or similar structures may only be used for play or recreational purposes.
- D. Nonconforming dwelling uses. Existing cellars or basements used as an independent dwelling unit shall have the status of a nonconforming use, subject to the provisions of Section 10.500.400 of this Ordinance.

### **SECTION 10.300.0215. Building Restrictions.**

- A. Any person desiring to improve property shall submit to the City information on the location, and dimensions of existing and proposed buildings, location of easements crossing the property, encroachments, and any other information which may be necessary to insure conformance to the City Code and ordinances.
- B. All buildings shall be so placed that they will not obstruct future streets which may be constructed by the City in conformity with existing streets and according to the system and standards employed by the City.
- C. Only one principal use shall be permitted on a lot. Except in the case of Planned Unit Development as provided for in Sect 13 of this Ordinance, not more than one (1) principal building shall be located in a lot. The words "principal building" shall be given their common, ordinary meaning; in case of doubt or on any question or interpretation, the decision of the Zoning Administrator shall be final, subject to the right of appeal to the Planning Commission and City Council.
- D. Manufactured homes, buildings, mobile homes, tents or other structures used as an office that are temporarily maintained by an individual or company on the premise associated with the work project shall be exempt from the requirements of Section 10.300.00 of this Ordinance. Those structures used to house labor or other personnel occupied in such work project require an Interim Use Permit (*See Section 10.600.800*). In all cases, such manufactured homes, buildings, tents, or other structures shall be removed within thirty days from the completion of the work project.

**SECTION 10.300.0225. Nuisances and Blight.**

Public nuisances and blight affecting health, morals and decency, peace and safety are regulated by the Ordinances and sections of code regulating nuisances and blight (Chapter 7 of Pine City Ordinance).

**SECTION 10.300.0230. Vision Clearance at Corners, Curb Cuts and Railroad Crossings.**

Notwithstanding any part of this Ordinance or any permit or variance granted, no structure, vehicle, vegetation, fence, sign, building, or any obstacle, or any portion thereof shall be placed or retained in such a manner to constitute a traffic hazard or obstruct the vision clearance of corners, curb cuts, or railroad crossings. The vision clearance area shall be a triangular shape with two sides following the lot lines parallel to the curb, to a point 25 feet from the corner, and a third side being a line connecting those two points. The clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction to sight exceeding 36" above the adjacent street grade, except for trees with branches and foliage removed to a height of eight feet above the ground.

**SECTION 10.300.0235. Performance Standards.**

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

Vegetation. Any new development that covers or replaces surface vegetation with an impervious surface of more than one (1) acre must specify controls to minimize off-site stormwater runoff, maximize overland flow and flow distances over surfaces covered with vegetation, increase on-site infiltration, replicate predevelopment hydrologic conditions as nearly as possible, minimize off-site discharge of pollutants to ground and surface water, encourage filtration functions, and reduce mosquito breeding habitat. Sidewalks, paths, trails, and roads are exempt.

**SECTION 10.300.0240. Administrative Standards.**

Whenever in the course of administration and enforcement of this Ordinance, it shall be necessary or desirable to make any administrative decision, then, unless other standards are provided within this Ordinance, the decisions shall be made so that the result will be consistent with the intent and purpose of this Ordinance.

**SECTION 10.300.0245. Public Water Alteration.**

Any alteration which will change or diminish the course, current or cross section of a public water shall be approved by the Commissioner of the Minnesota Department of Natural Resources, in accordance with the procedures of State law or regulations relating to public waters. Minn Statute 1974, Section 105.42 as amended This alteration shall include construction of channels and ditches; lagooning; dredging of lake or stream bottoms for removal of muck, silt or weeds; and filling in the lake or stream bed.

**SECTION 10.300.0300: DESIGN STANDARDS**

**Section 10.300.0305. Streets.**

A. General.

1. The character, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

2. The arrangement of streets in a subdivision shall either provide for the continuation of existing streets in the surrounding areas, or conform to a plan for the neighborhood approved or adopted by the City Council to meet a particular situation where topographical or other conditions make continuance of existing streets impractical.
3. Residential streets or minor streets should be so arranged as to discourage their use by through traffic.
4. Where as subdivision abuts on an existing or proposed arterial street, marginal access streets, reverse frontage with buffer yards or screen plantings, non-access reservations (along arterial property lines abutting the arterial street), deep lots, or such treatment as may be necessary for protection of residential properties should be encouraged. Direct frontage and/or access to arterial streets should be avoided.
5. All new streets intended either for public dedication or for private maintenance shall be constructed of asphalt, concrete, or asphaltic concrete and they they shall have concrete curb and gutter in accordance with the City's street construction regulations, unless recommended otherwise by the City Engineer.
6. Street traffic should be designed to flow toward arterial and collector streets. Streets should fit the contours of the land. Street grades, where feasible, should not be greater than eight (8) percent and not less than thirty-six-hundredths (0.36) percent.
7. *Vegetation.* Landscaping requirements should be adhered to as stated in Section 10.400.000, Landscaping and Screening.
8. *Lighting.* Street lighting shall be placed at the right of way line, on the home side of the sidewalk and in locations unobtrusive to snowplows. Lighting requirements should be adhered to as stated in Section 10.400.500, Exterior Lighting Standards.
9. The full width of all street rights-of-way and utility easements as approved on the final plat will be finished at rough grade, i.e., no more than six (6) inches from the finished grade.

B. Half Street.

Dedication of half streets shall be prohibited, except where essential to reasonable development of future subdivision.

C. Dead End Streets and Cul-de-Sacs

Dead end streets are prohibited, but cul-de-sacs will be permitted. Cul-de-sacs shall not be longer than five hundred (500) feet including a turn-around at the closed end. The turn-around shall have a minimum outside curb radius of at least forty (40) feet and a right-of-way radius of not less than fifty (50) feet, except for T-shaped turn arounds where permitted.

D. Street Intersections.

Streets should intersect as nearly as possible at right angles, except under unusual topographic conditions. The minimum angle of street intersection shall be eighty (80)

degrees. Street intersections shall not be off-set less than one hundred and fifty (150) feet as measured from the center lines.

E. Right-of-Way Standards

Public right-of-way widths shall be dedicated using the following minimum standards or those recommended by the State or County Highway department when applicable. All measurements shown below are in feet.

<u>Public Right-of-Way</u>	<u>Right-of-Way</u>	<u>Roadway Paved</u>
Arterial Street	100	48
Collector Street	66	44
Minor or Local Street	66	24
Cul-de-sac <sup>a</sup>	66 <sup>c</sup>	24 <sup>c</sup>
Pedestrian Way	10	N/A
Private Common Access	<sup>b</sup>	<sup>b</sup>

- a. As provided in Section 10.300.0305: C
- b. The City Council may decide to approve private common access where appropriate and may require such standards as deemed appropriate.
- c. In addition to the turn-around requirements outlined in Section 10.300.0305:C

F. Street Alignment

The horizontal and vertical curve requirements on all streets shall meet the current State-Aid design unless a variance is granted by the Planning Commission.

G. Sidewalks

All developments shall require a sidewalk along both sides of a public or private right-of-way. Such a sidewalk shall not be less than five (5) feet in width.

**SECTION 10.300.0310. Easements.**

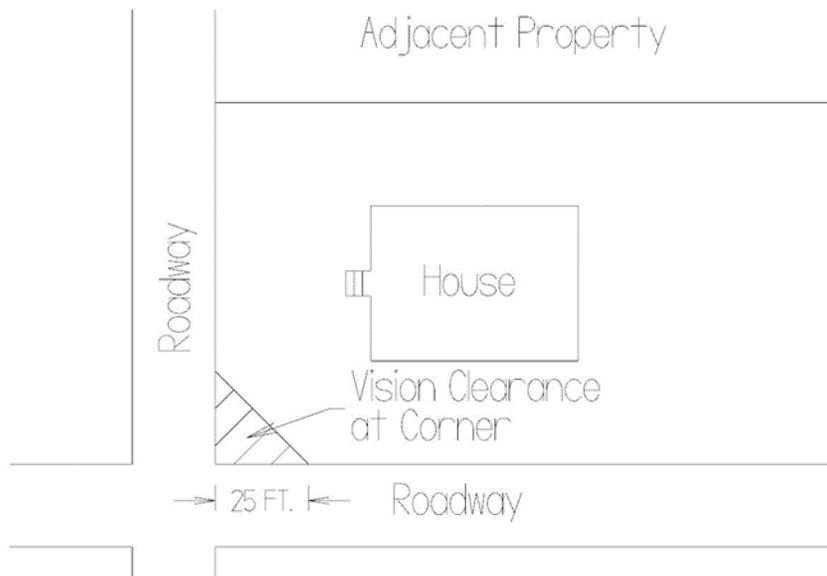
- A. Easements having a minimum width of ten (10) feet shall be provided along the front, side or rear lot lines as required for utility lines, drainage and underground mains and cables.
- B. Utility easements shall connect with easements established in adjoining neighborhoods. All the utility easements should be reviewed by the appropriate utility company or corporation. All utilities shall be placed underground.
- C. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a floodage easement or drainage right-of-way conformating substantially with the lines of such water course.
- D. Pedestrian walkway easements with right-of-way of not less than ten (10) feet in width shall be required where deemed essential to provide circulations, or access to schools, playgrounds, shopping centers, transportation and other community facilities as determined by the Planning Commission and City Council.

**SECTION 10.300.0315. Blocks.**

- A. *Length.* Blocks shall not be greater than 800 feet in length, except if necessary due to unusual topographic or other conditions as deemed so by the City. In residential areas, blocks longer than eight hundred (800) feet shall be provided with pedestrian ways or easements a minimum of every five hundred (500) feet.
- B. *Width.* Blocks shall have sufficient width to provide two tiers of lots and minimum depth to allow sufficient area for building and adequate off-street parking.

**SECTION 10.300.0320. Lots.**

- A. *General.* The lot size, width, shape, and orientation shall be appropriate for the proposed type of development and meet the minimum requirements of the Municipal Development Ordinance in effect upon approval of the final plat.
- B. *Frontage.* All lots shall have at least twenty-five (25) feet of frontage upon a public street or upon an approved private common access road.
- C. *Corner Lots.* Corner lots for residential purpose shall meet or exceed **Section 10.300.0230. Vision Clearance at Corners, Curb Cuts and Railroad Crossings**, to allow appropriate building setback from an orientation to both streets, as required in the Municipal Development Ordinance in effect upon approval of the final plat.



- D. *Lot lines.* All side lot lines shall be perpendicular or radial to street right-of-way lines.
- E. *Double and Reverse Lots.* Double frontages and reverse lots should be avoided except where essential to provide separation of residential uses from arterial streets, conflicting uses, or other adverse conditions.

**SECTION 10.300.0325. Soil Erosion and Steep Slopes.**

- A. Plans for soil erosion and steep slopes shall be reviewed by the Planning Commission and City Council prior to final plat approval.

- B. Topsoil and vegetation distributed or destroyed during or after construction shall be replaced or replanted to minimize soil erosion.
- C. No construction or grading shall be allowed on slopes greater than twenty (20) percent. The subdivider may have the option of dedicating steep slopes to the city or an officially recognized homeownership association.
- D. During and after construction, slopes shall be protected from erosion by quick establishment of vegetative cover, benches, terraces, mulches or other proper protection devices or practices. Stands of existing vegetation adequate to control erosion shall be preserved wherever possible.
- E. Any land reclamation or filling shall conform to the applicable regulations outlined within the Municipal Development Ordinance.

**SECTION 10.300.0330. Drainage.**

- A. Plans for surface water runoff and drainage shall be reviewed by the Planning Commission, City Engineer and City Council prior to final plat approval.
- B. The subdivision should be so designed that the drainage system utilizes, to the greatest extent possible, existing natural overland flows, open channel, and drainage routes.
- C. The drainage system shall be constructed and operation during the initial phase of construction.

**SECTION 10.300.0400: PUBLIC USE DEDICATION OR CONTRIBUTION**

**SECTION 10.300.0405. General.**

- A. *Authority.* Authority is given to the City Council, pursuant to Minnesota Statute 461.358, as amended, to do the following:

The City Council may require subdividers requesting platting or replatting of land or a planned unit development within the jurisdictional boundaries of this Ordinance to contribute a percent of the final gross area of the subdivision to be dedicated to the public for public use as parks, playgrounds, public open space, or storm water holding areas or ponds.

As an alternative, the subdivider may contribute an equivalent amount in cash based upon the fair market value of the undeveloped land as determined by the County Assessor at the time of final plat approval.

The contribution may be in the form of cash, land or any combination thereof. It shall be determined based upon the following conditions outlined in Section 10.300.0505: D. The determination of such contribution shall be made during the preliminary plat review process.

- B. *Residential Subdivisions.* In residential subdivisions, the subdivider shall dedicate ten (10) percent of the undeveloped land proposed to be subdivided for purposes outlined in Section 10.300.0405: D; or an equivalent amount in cash; or any combination thereof. Such contributions shall be based upon a finding of fact as outlined in Section 10.300.405: D.

- C. *Commercial, Industrial, or Other Non-Residential Subdivisions.* In non-residential subdivisions, the City may decide not to require the subdivider to contribute land, cash, or any combination thereof. In those instances, however, where the City deems it in the public interest to require a contribution, the subdivider shall dedicate five (5) percent of the undeveloped land proposed to be subdivided for purposes outlined in Section 10.300.0405: A; or an equivalent amount in cash; or any combination thereof. Such contributions shall be based upon a finding of fact as outlined in Section 10.300.405: D.
- D. *Conditions for Contribution.* It shall be deemed to be in the public interest to require land dedication, cash contribution, or any combination thereof when the City Council after review and recommendation makes one or more of the following findings of fact:
1. All or part of the proposed subdivision has been designated as park, playground, or public open space, storm sewer holding area or ponds on an adopted City Plan.
  2. Such contribution is necessary in order to protect adjacent land use from potential conflicting land uses which could exist on the land to be subdivided.
  3. The increased number of residents to reside or be employed within the subdivision will increase the recreational demand upon the City.
  4. Such contribution is necessary to provide proper surface water run-off generated by the uses proposed within the subdivision.
  5. The land proposed to be subdivided contains or borders upon existing unique topographical features including, but not limited to, ponds, lakes, streams, timber stands, water holding areas, hills, steep slopes, drainage areas, or bluffs which should be preserved to prevent foreseeable safety, pollution, or erosion hazards or to provide unique recreational and aesthetic qualities and enjoyment to the City.
  6. Such contribution is necessary to comply with or fulfill the goals, policies, and programs of the City.

**SECTION 10.300.0410. Exception for Outlots.**

In subdivisions which include outlots, the subdivider may contribute land, cash or any combination thereof as provided in Section 10.300.0405: A for the entire subdivision, including the land within the outlots, or for only that land exclusive of the outlots. When such outlots are subdivided, the contribution requirement shall be met in accordance with then existing regulations as applicable unless such contributions have been previously met.

**SECTION 10.300.0415. Special Fund.**

All monies collected from cash contributions shall be placed in a special fund from which only those public uses outlined in Section 10.300.0405: A may be realized.

**SECTION 10.300.0420. Delayed Contribution.**

Upon petition by the subdivider, the City Council may approve a delay in the actual contribution of the cash required in lieu of land until such time as development occurs on the property being subdivided provided that a proper legal agreement is executed guaranteeing such contribution. Delayed contribution payment shall include eight (8) percent interest per year.

**SECTION 10.300.0425. Land Dedication.**

In such cases where the subdivider is required to dedicate land area, the City Council shall have the right to determine the geographic location and configuration of said dedication.

**SECTION 10.300.0500: REQUIRED IMPROVEMENTS**

**SECTION 10.300.0505. General.**

The following improvements shall be complied with and provided in accordance with City standards and approval and as provided within the plat agreement as indicated in Section 10.300.0520.

**SECTION 10.300.0510. Improvements.**

The City Engineer shall review the plans and specifications and make recommendations to the City Council on improvements. All improvements identified below and as included within the subdivision agreement shall be installed at the expense of the subdivider according to standards and specifications approved by the City Council.

1. Sanitary sewer, water and drainage facilities, and electric, telephone and gas service lines shall be installed as required by the subdivision agreement. When extension of trunk lines to the site are necessary, it is the option of the City to participate in the financing of such improvements. Where City water and sewer facilities are not available for extension into the subdivision, the Council may permit the use of individual water and sewer systems in accordance with appropriate state and city laws, ordinances, and regulations provided that the subdivision connects to City services within one (1) year.
2. Where necessary, all streets shall be curbed, guttered, and paved as required by the subdivision agreement. The City may delay street paving if City water, sewer, or storm sewer facilities are not available but are anticipated in the foreseeable future. "Foreseeable future" shall mean, in this instance, the planned expansion of water, sewer, or storm sewer within the next three (3) years as determined by the City.

All utility service lines shall be placed underground within easements or dedicated rights-of-way. All drainage or utility installations which traverse privately owned property shall be protected by proper easements and/or legal agreements.

**SECTION 10.300.0520. Subdivision Agreement.**

Prior to the approval of the final plat by the City Council, the owner or subdivider of the land covered by the said plat shall execute and submit to the Council an agreement, bind on his or their heirs, personal representatives and assigns, including:

- A. A provision that no private construction will be made on such plat or no building permits shall be filed for such construction until all improvements required under this Ordinance have been completed in a manner approved by the City Council.
- B. A listing or schedule of when and what improvements shall be required as recommended by the City Engineer, the Planning Commission and approved by the City Council.

- C. A certification by the City Clerk, City Engineer or Zoning Administrator that the improvements, agreements, and documents meet the minimum requirements of all applicable ordinances.
- D. A provision containing all conditions, if any, imposed by the City Council upon approval of the Final Plat.

**SECTION 10.300.0525. Optional Financing of Improvements.**

The City Council may choose to provide public financing to projects which are determined to serve a public benefit to the City.

**A. Residential Developments**

The total cost of improvements shall be assessed in equal annual installments over a period not to exceed five (5) years. After the balance of the principal of assessments is equal to or less than the amount of the security agreements, the security agreement can be reduced as assessments that are paid thereafter at the rate of \$1.00 for each \$1.00 paid. In addition, the City may reduce the amount of the security agreement against each lot upon which a building has been constructed, the lot sold, and the outstanding assessments against said lot assumed by the buyer; provided, however, that no principal of assessments together with penalties and interest is equal to or less than the amount of the security agreement.

**B. Nonresidential Developments**

The total cost of the improvements shall be assessed in equal annual installments over a period not to exceed ten (10) years. After the balance of principal of assessments is equal to or less than the amount of the security agreement, the security agreement can be reduced as assessments that are paid at the rate of \$1.00 for each \$1.00 paid. In addition, the City may reduce the amount of the security agreement by 100 percent of the unpaid principal of assessments against each lot upon which a building has been constructed and a certificate of occupancy issued provided that no reduction shall be granted until such time as the outstanding principal of assessments together with penalties and interest is equal to or less than the amount of the security agreement.

In the event the subdivider fails to pay any installment of special assessments, the City, at its option in addition to its rights and remedies hereunder, may declare all of the unpaid special assessments levied pursuant to this agreement due and payable in full immediately and may commence legal action against the subdivider to collect the entire unpaid balance, including reasonable attorney's fees. The subdivider shall be personally liable for such special assessments.

**SECTION 10.300.0600: ENFORCEMENT, PENALTY, NOTIFICATION, AND DISCLOSURE**

**SECTION 10.300.0610. Enforcement.**

Unless approved as a final plat as provided herein, no subdivision shall be entitled to record in the County Recorder's Office or have validity; and the City shall not issue building permits for any structure on a lot in any proposed subdivision. The City shall not permit any public improvements to be installed until the final plat is approved and recorded.

**SECTION 10.300.0620. Penalty.**

Any firm, person, or corporation who violates any of the provisions of these regulations, or who sells, leases, or offers for sale or lease any lot, block, or tract of land herewith regulated before all the requirements of this Ordinance have been complied with shall be guilty of a misdemeanor. Each day that the violation is permitted to exist constitutes a separate offense.

**SECTION 10.300.0630. Notification.**

A certified copy of every ordinance, resolution, amendment, or regulation adopted under this ordinance shall be filed with the Pine County Recorder's Office. Copies of resolutions governing subdivision plats within the City, but contiguous to another city shall be filed with the governing body of the contiguous city.

**SECTION 10.300.0640 Disclosure.**

A person conveying a new parcel of land which, or the plat for which, has not previously been filed or recorded, and which is part of, or would constitute a subdivision to which these subdivision regulations apply, shall attach to the instrument of conveyance either;

- A. Recordable certification by the City that the subdivision regulations do not apply, or that the subdivision has been approved by the City Council, or that the restrictions on the division of taxes and filing and recording have been waived by resolution of the City Council in this case because compliance will create an unnecessary hardship and failure to comply will not interfere with the purpose of the regulations; or
- B. A statement which names and identifies the locations of the appropriate City offices and advises that grantee that City subdivision and zoning regulations may restrict the use or restrict or prohibit the development of the parcel, or construction on it and that the division of taxes and the filing or recording of the conveyance may be prohibited without prior recordable certification of approval, nonapplicability, or waiver from the City.

Any action commenced by a buyer of such a parcel against the seller thereof, is a civil matter regarding a legal agreement to which the City of Pine City is not a party. The City of Pine City accepts no responsibility or blame in such action.

## **SECTION 10.400.0000: DEVELOPMENT AND STRUCTURES**

### **SECTION 10.400.0100**

#### **SECTION 10.400.0200: DWELLING UNIT RESTRICTIONS—DESIGN STANDARDS**

##### **SECTION 10.400.0205. Purpose.**

The purpose of this Sub-Section is to determine minimum yard, area and building size requirements to be provided for each zoning district.

##### **SECTION 10.400.0210. General Statement.**

No new lot, yard, or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than a minimum required by this Ordinance. If the existing yard or other open space is less than the minimum required, it shall not be further reduced.

##### **SECTION 10.400.0215. Yard Requirements.**

The minimum yard setback distances from the appropriate lot lines set forth within the district provisions of this Ordinance.

- A. *Front Yard Setbacks.* Where existing structures within a block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one (1) adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the required front yard setback exceed thirty (30) feet.
- B. *Corner Lots.* Where a lot is located at the intersection of two (2) or more streets, the width of the yard along the side street (also defined as an **Exterior Side Yard**) shall not be less than that of the district front yard requirements and vision clearance must be maintained as outlined in **Section 10.300.0230 Vision Clearance at Corners, Curb Cuts and Railroad Crossings**.
- C. *Through Lots.* On a lot fronting on two (2) parallel streets, both Street lines shall be front lot lines for applying the yard regulations of this Ordinance.
- D. *Earth Sheltered Buildings.* Computations for yard requirements shall be based upon measurements from the exposed exterior surface of the building.
- E. *Exceptions.* The following shall not be considered as encroachment into yard requirements.
  - 1. Terraces, steps, stoops, decks, or similar features provided, in each case that the structure's height does not exceed two and one-half (2 -1/2) feet above the height of the principal structure's main floor level and that the structure does not extend to a distance less than five (5) feet from any lot line.

2. Architectural projections extending not more than three (3) feet into a yard area, except, in rear yards, recreational and laundry drying equipment, trellises and air conditioning equipment and heat pumps.

**SECTION 10.400.0220. Lot Area Requirements.**

The minimum lot area requirements shall be as set forth within the district provisions of this Ordinance.

- A. Lot Area Exception A lot of record existing upon the effective date of this Code which does not meet the area or width requirements of this Ordinance may be utilized provided the measure of such area or width are within sixty (60) percent of the requirements of this Ordinance and that due to ownership patterns, the combining of adjacent lots to meet the requirements of this Ordinance is not possible.

**SECTION 10.400.0225. Building Size and Architectural Requirements.**

The following building size and architectural standards shall apply to all districts unless otherwise specified.

- A. *Height Exceptions.* The building height limits established shall not apply to belfries, cupolas, domes, spires, monuments, airway beacons, radio towers, flag poles, chimneys or flues; nor to elevators, water tanks, poles, towers and other structures for essential services; nor to similar structures for essential services; nor to similar structures extending above the roof of any building and not occupying more than twenty-five (25) percent of the area of the roof.
- B. *Architectural Requirements.* The following architectural requirements shall apply to A-O (Agricultural and Open Space) and all residential districts except the "MHP" Manufactured Home Park District:
  1. Dwellings shall exceed 18 feet in width and shall be over thirty (30) feet in length.
  2. Dwellings shall be placed on a permanent foundation forming a complete enclosure under exterior walls.
  3. Exterior and foundation walls shall have the appearance of wood or masonry regardless of their actual composition.

**SECTION 10.400.0230. Accessory Structures, Uses and Equipment.**

- A. *General Statements.* An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway.
- B. *Location.* No accessory structures shall be located in the front yard or within ten (10) feet of the principal structure, unless it is attached to the principle structure.
- C. *Height.* Accessory structures shall not exceed eighteen (18) feet in height in the "R-1", "R-1A" and "R-2" Districts.
- D. *Setbacks.* Accessory structures shall:
  1. Be located seven (7) feet or more from all lot lines of adjoining lots, except as otherwise permitted within this Ordinance.

- 2. Not be located within a utility easement.
- E. *Size.* No accessory building shall exceed one thousand eight (1,008) square feet in size.
- F. *Building Design Standards.* The architectural design and appearance of all accessory buildings, and structures shall comply with the following standards:
  - 1. The exterior finish of all accessory buildings in the “R-1”, “R-2” and “R-3” Districts shall match as close as possible the exterior finish of the dwelling unit on the lot. For example, lap siding on the dwelling unit shall make lap siding on the accessory building mandatory; board and batten siding shall make board and batten siding on the accessory building mandatory; and boxed eaves and rakes (roof slants) on accessory buildings shall be required where they occur on the dwelling unit. Brick, stucco, and stone dwellings shall justify a variance for an accessory building.
  - 2. *Exceptions.* Lawn or storage sheds one hundred twenty (120) square feet or less in floor area shall be exempt from these standards.

**SECTION 10.400.0235 Accessory Buildings in R-1 and R-2 Districts.**

Accessory buildings in R-1 and R-2 (Residential) districts on lots where a garage is attached to the home, shall be limited to one additional storage building and one non-storage building, so long as the total floor area does not exceed 1200 square feet or result in a total lot coverage by buildings of 25% or more; accessory buildings on lots where a garage is not attached to the home shall be limited to two storage buildings and one non-storage building, with the total floor area not to exceed 1800 square feet or result in a total lot coverage by buildings of 25% or more.

**SECTION 10.400.0240 Accessory Dwelling Units in A-O, R-1 and R-2 Districts.**

Accessory dwelling units. Internal, attached and detached accessory dwelling units shall be permitted or conditional single-family dwelling; accessory dwelling units shall be prohibited accessory to all other uses. Internal, attached and detached accessory dwelling units shall be allowed, subject to the following development standards.

- A. *Height.* The maximum height of a detached accessory dwelling unit may be varied, provided that the height of the detached accessory dwelling unit shall not exceed the height of the principle structure.
- B. *Use.* Either the accessory dwelling unit or the principle structure must be owner-occupied for the entire calendar year.
- C. *Size.* The minimum gross floor area for all types of an accessory dwelling unit shall be three hundred (300) square feet.
- D. *Setbacks.* The accessory dwelling unit structure shall be located seven (7) feet or more from all lot lines of adjoining lots, except as otherwise permitted within this ordinance. The structure shall not be located within a utility easement or within the front yard of the principle use structure.
- E. *Quantity.* No more than one (1) accessory dwelling unit shall be allowed on a parcel.
- F. *Subdivision.* The creation of an accessory dwelling unit shall not create a separate tax parcel.

*G. Internal Accessory Dwelling Units.*

- a. Size. Internal accessory dwelling units are limited to eight hundred (800) square feet. In no case shall the floor area of the internal accessory dwelling unit exceed the floor area of the first floor of the primary structure.
- b. Location. The entire internal accessory dwelling unit shall be located on one level.
- c. Design. The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the primary structure. Any stairways leading to the accessory dwelling unit shall be enclosed.

*H. Attached Accessory Dwelling Units.*

- a. Size. The maximum floor area for an attached accessory dwelling unit shall be eight hundred (800) square feet.
- b. Design. The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the primary structure. Any stairways leading to an upper story of an accessory dwelling unit shall be enclosed. The primary exterior materials of an attached accessory dwelling unit shall match the primary exterior materials of the principal structure.

*I. Detached Accessory Dwelling Units.*

- a. Height. A detached accessory dwelling unit shall not exceed the height of the principal residential structure or eighteen (18) feet, whichever is less. In no case shall the highest point of the roof of the detached accessory dwelling unit exceed the highest point of the roof of the principal residential structure.
- b. Size. The floor area of a detached accessory dwelling unit shall not exceed one-thousand (1,000) square feet, including any areas designed or intended to be used for parking of vehicles and any half-story floor area. When a lot includes a detached accessory dwelling unit, the combined floor area of the footprint of the detached accessory dwelling unit, and all other accessory structures and uses designed or intended to be used for parking of vehicles, shall not result in total lot coverage by buildings of twenty-five (25) percent or more.
- c. Location. Detached accessory dwelling units shall be located entirely to the rear of the principle structure and not within ten (10) feet of the principal structure.
- d. Design. The primary exterior materials of an attached accessory dwelling unit shall match the primary exterior materials of the principal structure and shall be durable, including but not limited to masonry, brick, stone, wood, cement-based siding or glass. Exterior stairways shall be allowed, provided that the finish of the railing matches the finish or trim of the detached accessory dwelling unit. Raw or unfinished lumber shall not be permitted on an exterior stairway.

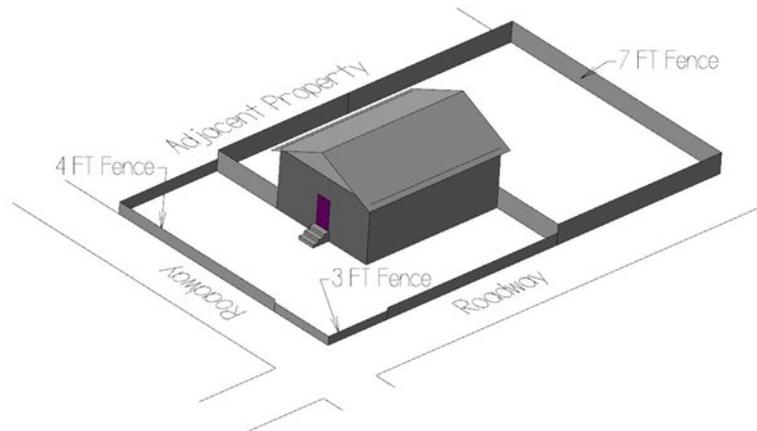
**SECTION 10.400.02450. Fencing and Retaining Walls.** The requirements of this section shall apply to all fences and retaining walls unless otherwise stated. These regulations do not apply to fences and retaining walls required by regulations of a state or federal agency, or by the City for reasons of public safety. (*Adopted 11/6/19 Published 11/14/19, Ord #19-17*)

A. *Height.*

- a. No fence shall exceed four (4) feet in the front yard or exterior side yard, or seven (7) feet in the side or rear yard in height as measured from the average point between the highest and lowest grade. Taller fencing may be constructed only through the approval of a Conditional Use Permit.
- b. Retaining walls over forty-eight (48) inches, measured from the top of the footing to the top of the wall, are required to be designed and certified by a registered professional licensed in Minnesota. A copy of the signed construction drawings should be submitted with a site plan or building permit.

B. *Setback.*

- a. All fences, including footings, shall be located entirely upon the property whose owner or occupant constructs the fence. It is the property owner's or occupant's responsibility to locate property lines. No fence, screen, or structure which obstructs view shall be located within the vision clearance area, as indicated by **Section 10.300.0230 Vision Clearance at Corners, Curb Cuts and Railroad Crossings**, which reads: [The vision clearance area shall be a triangular shape with two sides following the lot lines parallel to the curb, to a point 25 feet from the corner, and a third side being a line connecting those two points. The clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction to sight exceeding 36" above the adjacent street grade, except for trees with branches and foliage removed to a height of eight feet above the ground.]



- b. There is no specific or nominal setback from rear or side property lines for retaining walls, however impacts to drainage will be considered by the City's engineer in determining setbacks. In no case shall any portion of a retaining wall or its reinforcement encroach over a property line, without consent of the property owner, which must be recorded against both properties. Retaining walls cannot encroach into any easement of record, including drainage and utility easements or right of way without the City's approval.

C. *Design.*

- a. The finished side of a fence shall face the adjacent property. Razor wire, concertina, above ground electrical fences and barbed wire fences are prohibited; except in the Agricultural – Open Space District.

- b. Retaining walls supporting an embankment to be retained on any lot that exceeds forty-eight (48) inches in height shall be benched so that no individual vertical segment of a retaining wall exceeds a height of six (6) feet except where the City's engineer determines that topography requires a wall of greater height. Each individual horizontal bench segment, so constructed, shall be a minimum width of thirty-six (36) inches.
- D. *Maintenance.* All fences and retaining walls shall be maintained in good repair, by the property owner. Any fence or retaining wall that is potentially dangerous or in disrepair shall be removed or repaired, at the cost of the property owner.
- E. *Other.* Except as provided in "B" above, fences, retaining walls, hedges, or shrubs, less than four (4) feet in height may be located on any part of the lot.

### **SECTION 10.400.300: OFF-STREET PARKING AND LOADING**

#### **SECTION 10.400.0305. Purpose.**

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

#### **SECTION 10.400.0310. General Provisions.**

- A. No provision of any Section of this Ordinance shall be less restrictive than those outlined in this Section. The off-street parking requirements and off-street loading requirements of this Section shall apply within all zoning districts.
- B. At the time of erection of a new structure, or at the time of enlargement or change in use of an existing structure within any district in the City, off-street parking or loading spaces shall be provided as in this Section, unless the City deems it in the public interest to waive or modify this requirement. Parking shall be adequate to meet the demand in all cases. In such case where reconstruction enlarges bulk or floor area or other such measurable unit prescribed in this Ordinance, parking and loading facilities shall be provided for that measurable unit beyond the original type or use of structure.
- C. Determination of Required Number of Spaces (Also see *Appendix C*).
  - 1. Fractional spaces. When determination of the number of off-street parking spaces required by this regulation results in a requirement of a fractional space, the fraction of one-half ( $\frac{1}{2}$ ) or less may be disregarded, and a fraction in excess of one-half ( $\frac{1}{2}$ ) shall be counted as one (1) parking space.
  - 2. Employees. Employees, when used as a measurement for determining the number of parking spaces for a new or established expanding business, shall be estimated in a manner approved by the Planning and Zoning Commission.
- D. *Parking for Multiple Use Buildings.* The number of parking spaces required for land or buildings used for two (2) or more purposes, shall be the sum of the requirements for the various uses, computed in accordance with this Ordinance, excepting properties in the Mixed-Use District. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches. The required parking spaces per use are specified in Appendix C.

- E. *Use of Required Parking Spaces.* Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses and shall not be used for the storage of vehicles, boats, motor homes, campers, mobile homes or materials or for the parking of trucks used in conducting the business or use.
- F. *Residential Areas.* No person, firm, corporation, or partnership shall drive through, park, or conduct any activity from a pick-up truck rated more than one (1) ton, 4-wheel van, semi-tractor, or commercial vehicle upon any street, highway, or roadway within a residential area except for local deliveries. Delivery shall mean the active loading or unloading of the vehicle or part of the same and shall not exceed fifteen (15) minutes. The parking of such vehicles upon any private or public parking lot in any residential area is expressly prohibited without the permission of the property owner or agent for said property. The driver of any semi-tractor and trailer is hereby prohibited from allowing any motor(s) that are a part of the semi-tractor or trailer from running while parked in any residential area regardless of location. The City may cause the removal of any vehicle or part thereof from any residential area where found in violation of the requirements of this Ordinance. Any expense incurred by said removal shall be at the expense of the driver, operator, or owner of the towed unit. *(Adopted 10-2-19 Published on 10/10/19, Ord #19-15)*
- G. *Location of Off-Street Parking.* All required off-street parking facilities shall be located within three hundred and fifty (350) feet of the primary entrance.
- H. *Walkways adjacent to primary structures.* All walkways, except for those walkways immediately adjacent to the entrance(s) to the structure, must be kept a minimum of five (5) feet from the structure except for properties zoned "CBD," Central Business District. This five (5) foot setback shall be landscaped with a minimum of one (1) plant unit per every fifty (50) linear feet or portion thereof.
- I. *Parking of Commercial Vehicles or Equipment.*
- i. In a residential district: No commercial vehicles, or equipment, exceeding thirty thousand (30,000) pounds gross weight, shall be parked, stored, or otherwise continued in a residential district for a maximum of three (3) twenty-four (24) hour periods per month unless in a completely enclosed structure or unless they are being used in conjunction with a legitimate service being rendered for the benefit of the residential premises.
  - ii. In a commercial/industrial district: Parking of commercial vehicles for the purposes of construction in a commercial area shall be permitted provided that they are not parked prior to issuance of a building permit or remain after a certificate of occupancy. Such commercial vehicles shall be confined to the site of construction, alteration or repair and shall be removed within two (2) years of the date of issuance of the first building permit or when the particular project is completed, whichever is sooner as determined by the Zoning Official.

- J. *Parking and Storage of Certain Vehicles.* Automotive vehicles or trailers of any kind or type without current legal license plates, for sale or rent, or those inoperable shall not be parked or stored on any residentially zoned property other than in completely enclosed building.
- K. *Maintenance.* It shall be the joint responsibility of the lessee and/or owner of the principal use or building to maintain in a neat and adequate manner, the parking area, striping, landscaping and screening.

**SECTION 10.400.0315. Parking Plan and Requirements.**

All site plans shall be accompanied by a site plan drawn to scale and dimensioned indicating the location of all off-street parking and loading spaces in compliance with the requirements of this Section. Such plan shall be reviewed by the Planning Commission and approved by the City Council, in accordance to the criteria developed in this Section. The site plan should include at least the following:

- A. Delineation of individual parking and loading spaces by adequate striping.
- B. Circulation area necessary to serve spaces.
- C. Access to streets and property to be served.
- D. Curb cuts.
- E. Dimensions, continuity, and substance of required screening.
- F. Grading, drainage, surfacing, and subgrading details.
- G. Delineation of obstacles to parking and circulation in finished parking area.
- H. Specification as to signs and bumper guards.
- I. Sidewalks, Curbs and Gutters.
- J. Landscaping and screening.
- K. Lighting. Other pertinent details.
- L. Zoning, setback, and statement of use.
- M. North point and scale.
- N. All adjacent streets and public and private improvements within two hundred (200) feet.
- O. Critical dimensions indicating setback and parking lot design layout.

**SECTION 10.400.0320. Design Requirements.**

Upon review by the Planning Commission and approval by the City Council, the plan for off-street parking shall meet the following site design standards:

- A. *Surfacing.* All areas devoted for parking space and driveways shall be surfaced with either concrete or asphaltic material or other materials as determined by the Planning Commission and City Council.
- B. *Drainage.* All off-street parking areas shall be drained so as to prevent drainage onto abutting properties.
- C. *Lighting.* Any lighting used to illuminate off-street parking areas shall be directed away from abutting property and public right-of-way.
- D. *Signs.* No sign shall be so located as to restrict the sight, orderly operation, and traffic movement within any parking area.
- E. *Screening.* All parking lots shall be screened in accordance with Section 10.400.0700 Buffer Yards.
- F. *Design Standards.* The parking area shall meet the minimum design standards, and number of stalls required within this Section. The minimum number of required stalls and handicap accessible stalls based upon land use is specified in Appendix C.
- G. *Setback.* Unless otherwise provided, all required parking spaces or maneuvering areas may be located in a required front yard, side yard, or rear yard providing that a ten (10) foot setback be maintained from any property line or buffer yard.
- H. *Striping Required.* All parking lots shall be delineated by pavement striping and shall meet minimal parking sizes as shown in Section 10.400.320:I.
- I. *Minimum Parking Space Dimensions.* The minimum parking space dimensions shall be as follows:

Angle of Parking	Minimum Stall Width (in feet)	Minimum Stall Depth (in feet)	Minimum Driveway Width (in feet)
0 degrees (along curb)	10	22 <sup>a</sup> .	12 <sup>b</sup> .
30 degrees	10	19	11
45 degrees	10	21	13.5
60 degrees	10	22	18.5
90 degrees	10	19	25

<sup>a</sup>. Parallel parking.

<sup>b</sup>. If adjacent to angle parking, use largest width.

**Exception.**

In parking areas containing ten (10) or more parking spaces, up to twenty-percent (20%) of the parking spaces need only contain a rectangular area of seven and one-half (7 ½) feet by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

- J. *Access/Egress.* No entrance or exit for any off-street parking area with over four (4) parking spaces nor any loading berth shall be located within seventy-five (75) feet of the intersection of any two (2) street right of way lines.
- K. *Lighting.* All lighting fixtures shall comply with Section 10.400.0500 Exterior Lighting Standards
- L. *Cross Access Easements.* Such drives shall be required between all non-residentially zoned properties. Cross access drives shall be constructed upon the finalization of easements between two abutting properties.
- M. *Curb Cuts.* All properties shall be entitled to at least one (1) curb cut. Single family uses shall be limited to one (1) curb cut or access per property to a minor or local street only, unless no such street is available for access.

**SECTION 10.400.0325. Completion Time for Parking Lots.**

Required parking spaces shall be improved as required and made available for use prior to final inspection and occupancy.

**SECTION 10.400.0330. Joint Facilities.**

- A. Provisions of joint parking areas for several uses within the same block or same vicinity shall be permissible provided that the number of stalls required shall be the sum of the individual requirements by the City Council following review of the Planning Commission.
- B. The City Council may, upon receiving a recommendation from the Planning Commission, approve a conditional use permit for one (1) or more businesses to provide the required off-street parking facilities by joint use of one (1) or more sites where the total number of spaces provided are less than the sum of the total required for each business, if the following conditions are satisfactorily met:
  1. The building or use for which the application is being made to utilize the off-street parking facilities provided by another building or use shall be located within three hundred (300) feet of such parking facilities.
  2. The applicant shall show that there is no substantial conflict in the operating hours of the two (2) buildings or uses for which joint use of off-street parking facilities is proposed.
  3. No physical barriers (i.e. wall, steep grade) may exist between the joint parking facility and the uses sharing parking facilities.
  4. The provisions of this Section of this Ordinance are considered and satisfactorily met.

**SECTION 10.400.0335. Loading Requirements.**

In connection with every building or part thereof hereafter erected, except single and two-family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicle.

- A. Plans and Specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to City Staff for review at the time of application for a Site Plan for the erection or enlargement of a use of a building or structure.
- B. Design Standards. Each off-street loading/unloading space shall not be less than the following:
  - 1. In any Residential District, a loading/unloading space shall not be less than ten (10) feet in width and twenty-five (25) feet in length and, if a roofed space, not less than fourteen (14) feet in height.
  - 2. In any Commercial or Industrial District, a loading-unloading space shall not be less than twelve (12) feet in width and sixty (60) feet in length and, if a roofed space, not less than fifteen (15) feet in height.
- C. Location. Subject to the limitations of the next paragraph, a loading-unloading space may occupy part of any required side or rear yard; except the exterior side yard along a side street in the case of a corner lot. In no event shall any part of a required front yard be occupied by such loading space. These requirements are not to apply to Industrially Zoned areas.
- D. Setback. Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building. However, in no case shall a loading-unloading space or driveway be located within a required Transition Area. (See Section 10.400.0400— Landscaping and Screening).
- E. Mixed uses. In the case of mixed uses, on one lot or parcel the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.
- F. Access. All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited. All maneuvering of trucks, autos, and other vehicles shall take place on the site and not within a public right of way.
- G. Number of loading-unloading spaces required. Off-street loading-unloading requirements: residential (excluding single and two-family dwelling), involving the receipt of distribution by vehicles, such uses having over five thousand (5,000) square feet of gross floor area, shall be provided with at least one (1) off-street loading-unloading space; and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading-unloading space shall be provided.

## **SECTION 10.400.0400: LANDSCAPING AND SCREENING**

### **SECTION 10.400.0410. Purpose.**

The purpose of the landscaping and screening regulation is:

- A. To provide for greenery to visually soften paved areas and buildings.

- B. To establish healthy environmental conditions by providing shade, air purification, oxygen regeneration, ground water recharge, storm water runoff retardation, and noise, glare, and heat abatement.
- C. To ensure that the local stock of native trees is replenished, plant material shall generally be native or hardy to this region.
- D. To buffer uncomplimentary land uses and generally enhance the quality and appearance over the entire site of the project.

**SECTION 10.400.0415. Authority.**

The City has the authority to approve the Landscape Plan subject to additional requirements as may be deemed necessary by the Planning Commission or City Council to promote the purpose of this Ordinance.

**SECTION 10.400.0420. Application.**

All plans submitted in support of a Final Development Plan, Site Plan, or Building Permit shall hereafter include a landscape plan with a transition strip where applicable. Upon an application of a Building Permit, this section shall apply to the following zones:

- A. "MFR-1" Moderate Density Multi-Family Residential
- B. "MFR-2" Higher Density Multi-Family Residential
- C. "MHP" Manufactured Home Park
- D. "MXU" Mixed Use District
- E. "GB" General Business District
- F. "HB" Highway Business District
- G. "TI-1" Limited Technology/Industrial District
- H. "TI-2" General Technology/Industrial District
- I. Multi-family dwellings in "R-1", "R-1A" and "R-2" zones.

The following zones shall be exempt from this Section:

- A. "A-O" Agricultural Open Space
- B. "CBD" Central Business District
- C. Single Family and Duplex Dwellings in "R-1", "R-1A" and "R-2" zones.

**SECTION 10.400.0425. Landscape Plan Requirements.**

- A. Information Required. All plans submitted for approval of a landscape plan shall have the following information included at a minimum.

1. North point and scale.
2. Topographic information and final grading adequate to identify and property specify planting for areas needing slope protection.
3. The location, size and surface of materials of all structures and parking areas.
4. The location, size, and type of all above ground and underground utilities and structures with proper notation, where appropriate, as to any safety hazards to avoid during landscape installation.
5. The approximate location, type, size and quantity of all proposed landscape materials, along with the names of all plant species. The size, grading and condition shall be specified according to American Association of Nurserymen standards.
6. The location, size and common name of all existing plant materials to be retained on the site. Large masses of trees may be indicated by mass outline only.
7. Mature sizes of plant material shall be drawn to scale and called out on plan by common name or appropriate key.
8. Location of hose connections and other water sources.
9. The location of all existing trees, twelve (12) inches in diameter or larger measured at four and one-half (4½) feet above ground level on sites that are proposed for removal.
10. The location, size and type of required screening methods as required in Section 10.400.0400: B.

**B. Minimum Tree Requirements Per Zoning District**

1. *Residential Districts* (R-1, R-1A, R-2, MFR-1, MFR-2, and MHP).
  - a. One plant unit per seventy-five (75) feet or portion thereof, of street frontage, public or private, shall be required within the landscape setback abutting said street frontage. Said plant units may be clustered or arranged within the setback and need not be placed evenly at seventy-five foot intervals.
  - b. In addition to the required plant units, based upon street frontage, one (1) plant units shall also be required for every two (2) multi-family or mobile home dwelling units.
2. *Commercial Districts and Industrial Districts* (CBD, GB, HB, I-1, I-2).
  - a. One plant unit per fifty (50) feet or portion thereof, of street frontage, public or private, shall be required within the landscape setback abutting said street frontage. Said plant units may be clustered or arranged within the setback and need not be placed evenly at fifty (50) foot intervals.

- b. In addition to the required plant units, based upon street frontage, one (1) plant unit shall also be required for every three thousand (3,000) square feet of landscaped open space.
  - 3. *Existing plant units saved.* Existing plant units saved on the site during construction may be credited toward the minimum tree requirements specified for each Zoning District. All existing plant units saved shall be healthy and free of mechanical injury.
- C. Additional Planting Requirements.
- 1. Grass-seeding. As appropriate to provide complete coverage within the first growing season
  - 2. Sod. As necessary to provide coverage and soil stabilization.

## **SECTION 10.400.0500: EXTERIOR LIGHTING STANDARDS**

### **SECTION 10.400.0510. Purpose.**

The purpose of this Section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.

### **SECTION 10.400.0520. Applicability.**

The requirements of this Section apply to all private exterior lighting within the jurisdiction of this Article, except for lighting within public rights-of-way and/or lighting located on public property.

### **SECTION 10.400.0530. Depiction on Required Site Plan.**

Any and all exterior lighting shall be depicted as to its location, orientation, intensity of illumination, and configuration on the site plan required for the development of the subject property. This shall show illumination intensity on all exterior portions of the Site Plan. (Refer to Section 10.600.0600. Site Plan Review)

### **SECTION 10.400.0540. Requirements:**

- A. *Orientation of Fixture.* In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a transparent shield) is visible from a property located within a residential zoning district. The use of shielded luminaries and/or careful fixture placement is required so as to facilitate compliance with this requirement.
- B. *Intensity of Illumination.* In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.5 footcandles.
- C. *Flashing, Flickering and other Distracting Lighting.* Flashing, flickering and/or other lighting which may distract motorists is prohibited.
- D. *Minimum Lighting Standards.* All areas designated on required site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4-foot candles.
- E. *Height of Fixtures.* Lighting shall be permitted at heights reasonable to meet the minimum illumination requirements while maintaining complete compliance with the intensity, location and orientation standards of this Section.

- F. *Nonconforming Lighting.* All lighting fixtures legally existing prior to the effective date of this Section shall be considered as legal nonconforming uses.

## **SECTION 10.400.0600: STANDARDS FOR SCREENING OUTDOOR EQUIPMENT**

### **SECTION 10.400.0610. Purpose.**

The purpose of this Section is to ensure that the visual impact of outdoor mechanical units and other appliances are visually screened from the view of adjacent properties and public rights-of-way to promote a visually pleasing and uncluttering environment.

### **SECTION 10.400.0620. Applicability.**

The requirements of this Section apply to all non-residential development within the jurisdiction of this Ordinance.

### **SECTION 10.400.0630. Requirements.**

Subject to the review and approval of the City Staff and/or the Planning Commission, all outside trash containers, HVAC units, satellite dishes, and rooftop mechanical apparatus shall be thoroughly screened with materials and/or landscaping to conceal the visibility of such items from the views of rights-of-way and/or adjacent properties. Rooftop mechanical apparatus shall be screened by use of an architectural feature such as increased parapet wall height. Trash containers larger than one hundred (100) gallons shall be screened at a minimum by a six-foot high solid wall with a sight proof gate consistent with the architectural theme of the primary structure on site.

*Sight Line Studies.* In certain instances, the City Staff and/or the Planning and Zoning Commission may require submittal of sight line studies to ensure that such apparatus is appropriately screened.

*Electric and Telephone Lines, and Gas Meters.* Where possible, it is required that all electric and telephone lines and gas meters are placed in discreet locations, not visible from adjoining properties or rights-of-way.

## **SECTION 10.400.0700: STANDARDS FOR BUFFER YARDS AREAS BETWEEN NON-RESIDENTIAL AND RESIDENTIAL LAND USES AND ZONING DISTRICTS**

### **SECTION 10.400.0710. Purpose.**

This Section provides the landscaping and width requirements for buffer yards on lots developed after the effective date of this Ordinance. A buffer yard is a combination of distance and a visual buffer or barrier. It includes an area, together with the combination of plantings, berms and/or fencing that are required to eliminate or reduce existing or potential nuisances. These nuisances can occur between adjacent zoning districts and between different land uses. Such nuisances include dirt, litter, noise, and glare of lights, signs and incompatible land uses, buildings or parking areas.

### **SECTION 10.400.0720. Rationale.**

One of the most important functions of a Zoning Code is the separation of land uses into districts, which have similar character and contain compatible uses. The location of districts is supposed to provide protection, but in the City of Pine City, this is not the case since zoning districts permitting uses as diverse as single-family residential and industrial use

were located adjacent to each other long before the effective date of this Ordinance. Buffer yards will operate to minimize the negative impact of any future use on its neighboring uses.

**SECTION 10.400.0730. Required Locations for Buffer yards.**

Buffer yards shall be located along (and within) the outer perimeter of a lot wherever two different zoning districts or a non-residential land use and a residential land use abut one another. Buffer yards are not required adjacent to any right-of-way nor between residential development and properties designated A-O Agriculture and Open Space.

**SECTION 10.400.0740. Determination of Required Buffer yard.**

The following paragraphs shall be used to select the minimum levels of buffer yard width, landscaping, berming and/or fencing needed to achieve the minimum level of screening for the required buffer yard. The landscaping component of each option is given in plant units. For any given buffer yard, any combination of options for the same level of screening may be used. This approach provides a range of choice for buffer yard width, landscaping, berming and/or fencing, which can be varied according to site features. Note that in all instances, buffer yard areas must remain as permanent green space although they may be included within the required building setback areas.

- A. For commercial zoning districts or uses otherwise permitted in commercial districts which abut any residentially zoned property or property projected for future residential development by the City's Comprehensive Plan the following buffer yard options shall be available:

For every 100 feet of frontage where the buffer yard is required, one of the following options shall be employed:

1. A total of three (3) plant units and a sight proof, six (6) foot high (as measured from the adjacent finished grade) white vinyl fence or other fence as approved by the Planning Commission, shall be provided within a minimum 20 foot wide buffer yard area. If no fence is provided, four (4) plant units or;
2. A total of five (5) plant units and a five (5) foot high berm, at no more than a 3:1 slope for maintenance, shall be provided within a minimum 40 foot wide buffer yard area or;
3. A total of six (6) plant units shall be provided within a minimum 50-foot wide buffer yard area.

- B. For industrial zoning districts or uses otherwise permitted in industrial districts, which abut any residentially zoned property or property projected for future residential development by the City's Comprehensive Plan the following buffer yard options shall be available:

For every 100 feet of frontage where the buffer yard is required, one of the following options must be employed:

1. A total of four (4) plant units and a sight proof, six (6) foot high (as measured from the adjacent finished grade) fence as approved by the Planning and Zoning Commission, shall be provided within a minimum 30 foot wide buffer yard area or;

2. A total of six (6) plant units and a five (5) foot high berm shall be provided within a minimum 50 foot wide buffer yard area

C. For multifamily zoning districts (MFR-1, MFR-2, and MHP) or uses otherwise permitted in these districts, which abut any R-1, R-1A or R-2 residentially zoned property or property projected for future very low or low density residential development by the City's Comprehensive Plan the following buffer yard options shall be available: (**NOTE:** Given that a variety of housing types are possible within the City's residential districts, the intent of this ordinance is to provide a buffer between single family and triplex or greater density developments. However, the Planning Commission may at their discretion require or not require a buffer yard, depending on the densities involved.)

For every 100 feet of frontage where the buffer yard is required, one of the following options must be employed:

1. A total 2.5 plant units and a sight proof, six (6) foot high (as measured from the adjacent finished grade) fence as approved by the Planning Commission, shall be provided within a minimum 15 foot wide buffer yard area or;
2. A total of 3.5 plant units and a four (4) foot high berm shall be provided within a minimum 30 foot wide buffer yard area or;
3. A total of four (4) plant units shall be provided within a minimum 50-foot wide buffer yard area.

D. For the Mixed Use District (MXU) which abuts any R-1, R-1A, or R-2 residentially zoned property or property projected for such zones by the City's Comprehensive Plan, the following buffer yard options shall be available.

For every 100 feet of frontage where the buffer yard is required:

1. A sight proof six (6) foot high (as measured from the adjacent finished grade) fence as approved by the Planning Commission, shall be provided. This fence shall be placed upon the property line.
2. The Planning Commission may request a berm of up to four feet in height (as measured from the adjacent grade) to be placed under the sight proof fence to act as an additional buffer.

E. For the Cluster Residential District (R-1A). A setback of at least one hundred (100) feet from the property line is required. In areas where the provisions of Section 10.200.420 do not apply, the following buffer yard is required for every 100 linear feet of frontage.

1. A total of three (3) plant units within the one hundred (100) foot depth of the setback and a four foot high berm along the outer perimeter of the buffer yard, excepting areas used for public or private rights-of-way.
2. A total of six (6) plant units shall be provided within a minimum 50-foot wide outer perimeter of the buffer yard area.

**SECTION 10.400.0750. Credits for Maintaining Existing Landscaping.**

The maintenance of existing mature landscaping on a property where it may serve the buffer yard requirements is strongly encouraged and to this end the following incentive for its retention is offered. Existing landscaping that is retained within a required buffer yard area shall count toward meeting plant unit point total requirements based on the size of the materials. For instance, a 10-inch diameter deciduous canopy tree will count as 50 points in that it is equal to five trees under the plant unit definition. The amounts that such existing landscaping will count toward meeting plant unit requirements will be at the discretion of the Planning Commission.

Special circumstances such as topography may necessitate changes in the location of the screen fencing as recommended by Staff and approved by the Planning Commission. Increased screening may be required by the Planning Commission through the Site Plan or Conditional Use Permit processes where the Commission finds that such screening is necessary based on the nature of the proposed commercial or industrial use and its relationship to the adjacent residential.

**Section 10.400.0760. Installation, Maintenance, and Enforcement.**

- A. Landscaping in Place Prior to Occupancy Permit. All landscape material, living and non-living, shall be in place prior to issuance of the final Occupancy Permit.
  
- B. Maintenance.
  - 1. The trees, shrubs, fences, walls, and other landscaping materials depicted on plans approved by the City shall be considered as elements of the project in the same manner as parking, building materials, and other details are elements of the plan.
  - 2. The developer, his/her successor and/or subsequent owners and their agents shall be responsible for the continued maintenance.
  - 3. Plant material which exhibits evidence of insect pests, disease, and/or damage shall be appropriately treated, and dead plants promptly removed and replaced within the next planting season.
  - 4. All landscaping will be subject to periodic inspection by the City's Code Enforcement Officer or his/her designee.

Should landscaping not be installed, maintained and replaced as needed to comply with the approved plan, the owner and his/her agent or agents shall be considered in violation of the terms of the Building or Occupancy Permit. The City is empowered to enforce the terms of this Ordinance.

**SECTION 10.400.0800: SOLID FUEL-FIRED HEATING DEVICES**

**SECTION 10.400.0805. Purpose.**

The purpose of this Sub-Section is to provide standards for solid fuel-fired heating devices as herein defined.

**SECTION 10.400.0810. Definitions.**

*Solid Fuel-Fired Heating Devices.* Any equipment device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of

combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source.

**SECTION 10.400.0815. Regulations for solid fuel-fired heating devices.**

*Regulations per Zoning District.* All solid fuel devices require a Conditional Use Permit in R-1, R-1A, R-2, MFR-1, MFR-2, MHP, MXU, CBD, GB and HB Zoning Districts. Such devices are allowed only in the A-O Zoning District.

*Emission Standards.* All solid fuel devices installed within the City limits are required to meet emission standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made to them in the future.

*Manufacturer's Instructions.* All outdoor devices shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and the regulations of this Ordinance. In the event of a conflict, the regulations of this Ordinance shall apply unless the manufacturer's instructions are stricter than the regulations of this Ordinance, in which case the manufacturer's instructions shall apply.

*Substantive Requirements.* All outdoor devices shall be installed, operated and maintained pursuant to the following conditions:

*Fuel.* Fuel shall be only natural untreated dried shelled corn, wood or wood specifically permitted by the manufacturer. The following fuels are strictly prohibited:

- i. Garbage,
- ii. Treated wood,
- iii. Plastic products,
- iv. Rubber products,
- v. Waste petroleum products,
- vi. Paints and paint solvents,
- vii. Coal,
- viii. Glossy or colored paper,
- ix. Particle board,
- x. Cob corn, or
- xi. Any other material not intended by a manufacturer for use as fuel in a solid fuel-heating device.

*Existing outdoor solid fuel heating devices.* All existing units shall immediately comply with all manufacturer's specifications and subject to above mentioned entitled fuel requirements within thirty (30) days from effective date of this Ordinance. All existing nonconforming devices upon the complaint of a Pine City resident shall be removed, replaced or modified to meet the requirements of this Ordinance within forty-five (45) days of notification of noncompliance from the City Zoning Administrator.

**SECTION 10.400.0820. Application.**

*Permits.* No person shall maintain, use or allow the use of an outdoor wood or corn furnace in the City of Pine City without first having obtained a Conditional Use Permit. The application form for a Conditional Use Permit may be obtained from the Zoning Administrator. Permit fee is per schedule adopted by the City Council. Exempt from this requirement are those residents who live in A-O.

*Finding of Fact.* The City Planning Commission will make a finding of fact and present a recommendation to the Council based on the following:

- A. In placement of the boiler system, the land area setback requirements shall be the minimum established for the district according to the City of Pine City Ordinance.
- B. The chimney height shall not be lower than fifteen (15) feet from the ground.
- C. The appearance of the boiler system, properly screened, should not be so dissimilar to the existing structures or area as to cause impairment in property values or constitute a blighting influence.
- D. Access to the boiler system should be restricted to those who live at, manage or work for the site.
- E. The appliance must be inspected by the fire inspector prior to operation.
- F. If the EPA approved wood burning appliance happens to be altered, reinstalled, or disassembled in anyway not specified by the manufacturer, or is operated in any manner that would result in emissions exceeding the U.S. EPA standard set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, it shall be considered a non U.S. EPA compliant appliance and must be removed.
- G. The wood/corn burning appliance shall be operated according to the manufacturer's specifications.
- H. The wood or corn burning appliance shall meet the following criteria:
  - 1. UL (Underwriter's Lab) approved,
  - 2. U.S. EPA Phase II Certified wood/corn heater, and/or
  - 3. Determined to meet the U.S. EPA Phase II emission standard, and is approved in writing by the APCO.
- I. Spark arrestors must be installed on the heating appliance.
- J. Documentation must be submitted to the Pine City Building Official stating that the requirements of this Ordinance are met.
- K. Where applicable, all city, state and federal laws, regulations and ordinances shall be complied with and all necessary permits secured.
- L. The CUP is subject to annual review by City Staff or Council. Should all conditions not be met, the CUP will be revoked.

*Variance.* Where the City finds that extraordinary hardship will occur from the enforcement of this local ordinance, upon application to the City of Pine City, the City Council may vary the regulations contained herein to afford substantial justice, provided that such variation will not have the effect of nullifying the intent and purpose of this local Ordinance.

**SECTION 10.400.0825. Violations and Penalty.**

*Violations.* A permit may be suspended in the event the owner fails to comply with this Ordinance.

*Penalty.* Any person who constructs, erects or fails to remove, replace or modify any outdoor solid fuel-fired heating devices that do not meet the requirements of this Ordinance shall forfeit \$25.00 per day for each day the non-complying unit remains on the premises.

**SECTION 10.400.0900: TEMPORARY FAMILY HEALTHCARE DWELINGS (opt-out of Minnesota Statutes, Section 462.3593):**

**SECTION 10.400.0910.** Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Pine City opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

**SECTION 10.400.0920.** This Ordinance shall be effective immediately upon its passage and publication. (Adopted 8/3/2016 Published on 8/5/16, Ord #16-04)



## **SECTION 10.500.0000: ADMINISTRATIVE PROCEDURES**

### **SECTION 10.500.0100**

### **SECTION 10.500.0200: HOME OCCUPATIONS**

#### **SECTION 10.500.0210. Restrictions and Limitations.**

Home occupations shall be permitted as an accessory use to a residential use in any district subject to the requirements of this Section.

- A. A home occupation permit shall be issued only to the individual occupying a dwelling as his/her residence. As such, home occupation permits shall not be transferable and shall terminate upon sale or transfer of the property to a new owner.
- B. Home occupations shall be operated entirely from an enclosed structure and shall not occupy more than ten percent (10%) of the total floor area of the main residential building, with the use of the dwelling for a home occupation being clearly incidental and subordinate to its use for residential purposes by its occupants.
- C. No alteration of the exterior of the principal residential building shall be made which changes the character thereof as a residence, or other visible evidence of conduct of the home occupation.
- D. No outdoor storage of materials or equipment used in the home occupation shall be permitted.
- E. There shall be no visible evidence of the home occupation except that the owner may provide a home occupation sign as allowed in the Outdoor Sign Ordinance, Section 10.500.5300. Only wall mounted signs shall be allowed.
- F. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his/her residence, and with no more than one (1) unrelated individual being employed.
- G. No equipment shall be utilized that creates odor, vibration, noise, dust, electrical interferences, fluctuations in line voltage or other nuisances beyond the property line of the lot upon which the home occupation is conducted.
- H. Parking generated by the conduct of a home occupation shall be provided off-street, and other than in a required front yard.
- I. No commodities shall be displayed or sold outside of the main residential building.
- J. The sale of goods from the location shall be limited to items produced on-site and the sale of catalog based products. The business shall be designed for no more than two (2) customers within the residence at one time.
- K. Only one (1) home occupation is permitted per lot.

- L. The following home occupations shall require a conditional use: offices, clinics, barber shops, beauty parlors, body art establishments, dress shops, tourist homes, and music and dance schools.
- M. Any home occupation that involves one or more of the following activities shall comply with the standards listed in A-K above and shall require a conditional use:
  - 1. The handling of food or foodstuffs;
  - 2. The retail sale or retail storage of firearms, weapons, potentially lethal items, or hazardous materials;
  - 3. The handling or growing of live plants or vegetation;
  - 4. The handling, use, or production of noxious, toxic, or harmful materials;
  - 5. The care or treatment of animals, including birds, fowl, fish, and reptiles;
  - 6. The care or treatment of humans; except day care uses which shall comply with the regulations as listed elsewhere in the code.

**SECTION 10.500.0220. Review of Home Occupations.**

When deemed appropriate, the City may bring the home occupation to the attention of the Planning Commission at which time the Planning Commission may hold such public hearings, request such information, or require such conditions as deemed necessary to bring the home occupation into compliance with the performance criteria.

At the discretion of the Planning Commission, Conditional Use Permits may not be issued due to their negative effects on public safety, health, welfare and the City's property values. The Planning Commission shall make a recommendation to the City Council for final consideration.

**SECTION 10.500.0300: OUTDOOR SIGNS** *(Ord #19-07 published 6-20-19)*

**SECTION 10.500.0305. Purpose.**

This ordinance regulates all signs in Pine City that are visible from the public road right-of-way, public facilities, trails open to the public, and navigable waterways. Pine City has a tradition and reputation as a community with a rich mix of land uses that blend into a landscape of high aesthetic quality. Depending on their size, number, placement, and character, signs may attract or repel visitors, affect the visual quality enjoyed daily by residents, affect the safety of pedestrian and vehicular traffic, and define the character of the area. Thus, aesthetic considerations impact economic values as well as public health, safety, and welfare. Therefore, this ordinance sets standards for the following purposes:

- A. Maintain and enhance the visual quality of the community.
- B. Improve pedestrian and motorist safety by minimizing distractions and obstacles to clear views of the road and of directional or warning signs.
- C. Protect and enhance economic viability by assuring that Pine City will be a visually pleasant place to visit and live.

- D. Protect property values and private and public investments in property.
- E. Protect views of the natural landscape and sky.
- F. Avoid personal injury and property damage from structurally unsafe signs.
- G. Provide businesses with effective and efficient opportunities for identification by reducing competing demands for visual attention.

**SECTION 10.500.0310: Outdoor Signs in Non-Residential Districts:**

**SECTION 10.500.0312. Signs That Do Not Need a Zoning Permit.** (Building permits may be required):

- A. **Address Signs.** One address sign facing the curb is required for each business.
- B. **Directional Signs.** Only one (1) entrance/exit sign is allowed per legal driveway.
- C. **Governmental Signs.**
- D. **Flags.** Up to three (3) flagpoles per parcel are allowed, with no more than three (3) brand flags per flagpole. More than three (3) flagpoles will require a variance.
- E. **Warning Signs.** Warning signs may not exceed three square feet (3 ft<sup>2</sup>).
- F. **On-Premise Temporary Signs.**
  - a. *Quantity.* Each business shall be allowed up to two (2) total per building elevation of the following: banners; non-flashing portable signs; posters; sandwich boards.
  - b. *Placement and maintenance.* These temporary signs must be located on the property and may be attached to the building wall, or to their own support structure, but may not be attached to light poles, other signs, or similar structures not intended specifically for such use. These signs must not interfere with pedestrian or vehicular traffic including visibility, especially at intersections, and they must be maintained in good repair.
  - c. *Maximum sign area.* The maximum total area per building side for temporary signs is fifty square feet (50 ft<sup>2</sup>).
  - d. *Setbacks.* All temporary signs must meet setback requirements for their District, except for:
    - i. Sandwich boards, which are also permitted on sidewalks only during daylight hours and only as long as they extend no more than three feet (3') into the sidewalk area while leaving a minimum three-foot (3') wide open path; and
    - ii. Signs attached only to, and not extending more than one foot (1') from, the building itself, even if the building is a legal non-conforming use.
  - e. *Timeframe.* Temporary signs are those that are not permanently affixed to the ground or to a building. They are intended for grand openings and business promotions, not for year-round use and not to exceed thirty-five (35) days in a calendar year.

**SECTION 10.500.0314. Signs That Need a Zoning Permit.** (Building Permits may also be required):

- A. **Permanent Signs attached to a building.**
  - a. *Number of Signs.* Up to two (2) wall or projecting signs are permitted per building elevation. In the case of a multi-tenant building, one (1) additional sign is

permitted per building elevation, per distinct tenant, beyond what is allowed for the primary tenant.

- i. Buildings exceeding one hundred (100) feet in frontage, one (1) additional wall or projecting sign is permitted.
  - ii. Signs depicting an entrance/exit for specific services/products shall not be included in the count of wall or projecting signs.
  - iii. Signs that when combined create a whole design element shall not exceed the sign area and shall be allowed and be considered one wall sign.
- b. *Projecting Signs.* Signs may extend over public property not more than seven feet (7') from the face of the supporting building, but no portion shall extend nearer than two feet (2') to the face of the nearest curb line measured horizontally.
  - c. *Sign Height.* All signs shall have a minimum clearance of eight feet (8') above a sidewalk or fifteen feet (15') above driveways or alleys.
  - d. *Sign Area.* The maximum permitted area of a projecting wall sign shall be equal to ten percent (10%) of the respective building face. The maximum permitted area for wall signs shall be equal to twenty-five percent (25%) of the respective building face.

**B. Permanent Freestanding Signs.**

- a. *Number of signs.* One freestanding sign is permitted per parcel. Additional freestanding signs are permitted as long as there is a minimum separation of three hundred feet (300') between signs. In multi-tenant business developments, one (1) additional freestanding sign, identifying all tenants, will be allowed near the entrance to the development.
- b. *Height.* The maximum allowable height of a freestanding sign is fifteen (15') feet plus the distance to the nearest property or right-of-way line, or fifty feet (50'), whichever is less. The face frame of freestanding signs located less than ten feet (10') from the right-of-way or property lines must be a minimum of eight (8') feet above the ground.
- c. *Face Area.* The maximum allowable face area in square feet of the freestanding sign is six (6) times the allowable height of the sign. *For example: A 25 ft. high sign would be allowed 150 sq. ft. of face area.*
- d. *Setbacks.* Signs shall conform to building yard regulations for the zoning district in which the signs are located.
- e. *Illumination.* External illumination for signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property. All illuminated signs shall comply with all applicable lighting codes and regulations.

**C. Billboards.** All standards including setbacks that are applicable to other signs and structures shall apply to billboards including or in addition to the following provisions:

- a. Billboards shall be allowed only within five hundred feet (500') of I-35 and not within five hundred feet (500') of a residential district or within one thousand feet (1,000') of any existing billboard, including those within or outside the City's municipal boundaries.
- b. Billboards shall be located so as not to obstruct any existing business or sign.
- c. The land around a billboard must be restored and maintained.
- d. No billboard structure shall contain more than two (2) signs per face.
- e. The maximum area of a billboard face is five hundred square feet (500 ft<sup>2</sup>).

- f. The maximum height of any portion of the sign, including trim and extensions, shall not be more than fifty feet (50').

**D. Off-premise Signs.** The following off-premise signs shall be permitted:

- a. Billboards (see previous section for standards);
- b. Signs allowed within the right-of-way of state highways per applicable Minnesota Department of Transportation regulations;
- c. City sponsored directional signs for wayfinding;
- d. Seasonal, non-commercial event or non-commercial activity signs;
  - i. Installed not more than twenty-five (25) days prior to an event or activity and removed within five (5) days following the event or activity and not to exceed thirty-five (35) days total;
  - ii. Limited to four (4) permits per year, per property;
  - iii. Limited to forty-eight (48) square feet per sign;
  - iv. Not allowed in residential districts;
  - v. Not allowed in the right-of-way or to cause visual obstruction for motorists;
  - vi. Sign shall not be illuminated;
  - vii. Limited to three (3) signs per permit, three (3) properties per event.
- e. Ballparks and Arenas
  - i. Sign must face event attendees, and not be visible from the public right of way.
  - ii. Sign shall not be illuminated.
- f. Directional Sandwich board signs in the Central Business District;
  - i. Permitted on sidewalks only during business hours and within the block the business is located;
  - ii. Shall not extend more than three feet (3') into the sidewalk area while leaving a minimum three-foot (3') wide open path and not cause visual obstruction for motorists;
  - iii. Limited to one (1) sandwich board per property;
  - iv. Limited to three and one-half (3 ½) feet in height, two (2) feet in width, and two (2) feet in depth;
  - v. Sign shall be freestanding, not attached to any other structure or device;
  - vi. Shall not be illuminated.

**E. Non-Commercial or Public Service Signs.** Off-premises, non-commercial signs, or signs referring to the presence of, and meeting times or locations of, not-for-profit community organizations are allowed. Signs That Need a Zoning Permit.

**SECTION 10.500.0316. Signs That Are Not Allowed:**

- A. **Roof signs.** No sign is permitted to be placed upon or attached to the roof of a building.
- B. **Right-of-way signs and signs on public property.** No sign unless erected by, or required by, a government agency or temporarily erected to protect the health and safety of the general public, such as emergency or warning signs, shall be located within or above any public rights-of-way, or on any public property or utility pole. Projecting wall signs and temporary signs complying with other provisions of this ordinance are an exception.
- C. **Confusing or traffic-interfering signs.** Signs which are of a size, shape, color, location, movement, content, or manner of illumination which may be confused with

or construed as a traffic control device, or which hide from view any traffic or street sign or signal; or which obstruct the view in any direction at a street or road intersection.

- D. **Obscene signs.** Signs which contain characters, cartoons, statements, words, or pictures of an obscene character.
- E. **Signs advertising discontinued businesses, products, or services or abandoned signs.** These signs must be removed or covered within thirty (30) days of the discontinuance.

**SECTION 10.500.0318. Signs that may be allowed only as a Conditional Use.** (Building Permits may also be Required):

- A. **Dynamic or Electronic Programmable Message signs.** Their lighting intensity may not exceed five thousand (5,000) nits ( $\text{cd/m}^2$ ) and their message may not change more than once every five (5) seconds.

**SECTION 10.500.0320. Outdoor Signs in Residential Districts.**

**SECTION 10.500.0322. Signs that do not need a Permit.** (Building Permits may still be Required):

The following signs are allowed in residential districts, as long as they relate exclusively to the parcel upon which they are located:

- A. One (1) **address sign** facing the curb is required for each residence. It may not exceed one and one-half square feet ( $1.5 \text{ ft}^2$ ) in area.
- B. For each single-family lot, or multiple-family lot containing three (3) or fewer dwelling units, one (1) non-illuminated **identification sign**, not to exceed one and one-half square feet ( $1.5 \text{ ft}^2$ ) in area, is permitted for each dwelling unit.
- C. For each multiple-family or institutional residential lot containing more than three (3) dwelling units, one (1) **identification sign**, not to exceed twelve square feet ( $12 \text{ ft}^2$ ) in area, is permitted per street frontage.
- D. **Directional signs** up to one and one-half square feet ( $1.5 \text{ ft}^2$ ) in area.
- E. **Real Estate signs** up to six square feet ( $6 \text{ ft}^2$ ) in area and informing of the sale or rental of the parcel upon which they are located.
- F. Up to two signs of six square feet ( $6 \text{ ft}^2$ ) or less, announcing a **garage, yard, or similar sale, a fundraising event, or open house**, provided the sign is up no more than forty-eight (48) hours prior to the event and removed no later than twenty-four (24) hours after the event.
- G. **Warning Signs.** Warning signs may not exceed three square feet ( $3 \text{ ft}^2$ ).
- H. **Athletic scoreboards.**

The following signs, up to sixteen square feet ( $16 \text{ ft}^2$ ), are also allowed in residential districts:

- A. **Government signs.**
- B. **Governmental flags** up to three (3) per parcel.
- C. **Artwork.**
- D. **Memorial signs.**
- E. **Political / Noncommercial signs.**
- F. **Construction signs** but only during active construction.

**SECTION 10.500.0324. Signs that require a Permit.** (building permits may also be required):

- A. **Home Occupation Signs.** A non-illuminated home occupation sign of up to six square feet (6 ft<sup>2</sup>) in area may be permitted.

**SECTION 10.500.0326. NO OTHER SIGNS SHALL BE ALLOWED WITHIN RESIDENTIAL DISTRICTS.**

**SECTION 10.500.0330. Definitions:**

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

**Banner.** Any sign of fabric, paper, vinyl, or similar material that is mounted to a pole or a building at one or more edges. National, state, or municipal flags, or the official flag of any country, are not considered a banner.

**Billboard.** Any permanent, nongovernmental sign with not more than two sides advertising products, services, commodities, entertainment, or other message, not referring specifically to the location of the sign, or not exclusively related to the premises on which the sign is located.

**Commercial Sign.** A sign announcing a for-profit, business, or economic nature that references a product, service, name or logo.

**Construction Sign.** A non-illuminated sign announcing the names of architects, engineers, contractors, financiers, or other individuals or firms involved with the construction, alteration, or repair of a building (but not including any advertisement of any product) or announcing the character of the building, enterprise, or purpose for which a building is intended.

**Directional Sign.** A sign that is freestanding, the primary purpose of which is to give directions to employees, visitors, or delivery trucks for parking lots, exits, entrances, drive-through windows, or similar directions.

**Dynamic Sign.** Signs that move, give the appearance of motion (flashing, rotating, scrolling, etc.), or change in color or intensity.

**Electronic Programmable Message Sign.** An illuminated sign on which artificial light, messages, or lines of text are stationary and constant in intensity and color, but may change periodically.

**Flag.** A piece of fabric or other flexible material containing distinctive colors, patterns, standards, words, or emblems, used as a symbol of an organization or entity, including but not limited to political jurisdictions, such as the United States.

**Freestanding Sign.** Any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent of any building or other structure.

**Garage or Yard Sale.** A private sale of personal property, used to dispose of personal household possessions, not for the use of any commercial venture.

**Government Sign.** Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historic site, or public service, property, or facility.

**Identification Sign.** A sign to identify a single-family residence or the name of a subdivision, apartment complex or neighborhood in a multiple-family residence or in a PUD.

**Illuminated.** Any sign that has characters, letters, fixtures, designs, or outlines with an artificial light source, either directed upon it or emanating from it.

**Maximum Height of Sign.** The vertical distance measured from the mean finished grade within ten feet (10') of the base to the top of the sign.

**Memorial Sign.** An integral sign or tablet, with the name of a building or date of erection, when cut into any masonry surface or when constructed of bronze or other noncombustible material and mounted on the face of a building. Gravestones and monument tributes also fall under the definition of memorial signs.

**Motion Sign.** Any sign that revolves, rotates, has any moving parts, or gives the illusion of motion e.g. zip flashers, flashing signs, or similar devices.

**Non-Commercial.** Of a not-for-profit, social, religious, ideological, public service, informational, or political nature, in contrast to a for-profit, business, or economic nature.

**Non-Residential District.** Includes CBD, MXU, GB, HB, TI-1 and TI-2, as defined in this Code.

**Off-Premise Sign.** A commercial sign that directs attention to a business, commodity, service, or entertainment, conducted, sold, or offered elsewhere than upon the parcel where the sign is located. Off-premise signs include billboards. For the purposes of this ordinance, easements and other appurtenances shall be considered to be outside such platted parcel of land, and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

**Portable Sign.** A sign designed to be movable from one place to another, not affixed to the ground or to a structure; the sign can have changeable lettering; also called a "portable billboard" or "mobile sign".

**Projecting Sign.** A sign that is attached to the wall of a building and extends outward from the building wall.

**Real Estate Sign.** A sign placed upon a property advertising that particular property (land and/or building) for sale, lease, rent, pending sale, or having been sold.

**Residential District.** Includes A-O, R-1, R-1A, R-2, MFR-1, MFR-2 and MHP Districts, as defined in this Code.

**Sandwich Board.** A portable sign also known as a “signboard” or an “A-Frame” that typically consists of two hinged boards used to display advertisements on one or both sides.

**Setback.** The minimum horizontal distance between the front part of the building or structure (excluding steps, unroofed porches and overhangs) and the front lot line (unless specifically designated otherwise).

**Sign.** Any letter, word, symbol, poster, picture, statuary, reading material, or representation in the nature of advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed, or constructed, including all associated brackets, braces, supports, wires, and structures, which is displayed for informational or communicative purposes. In the case of signs made up of discrete letters and/or logos attached individually to a building wall, but designed and constructed so that all elements are integral to the whole, the sign area shall be calculated as the area of the smallest rectangle enclosing all individual elements.

**Temporary Sign.** A non-permanent sign or advertising display intended to be displayed for a short, usually fixed, period of time.

**Wall Sign.** A sign that is affixed directly to or painted on, or otherwise inscribed on an exterior wall or window of any building, and projects there from no more than twelve inches (12”).

**Warning Sign.** A sign exclusively devoted to warning the public of dangerous conditions and unusual hazards such as drop offs, high voltage, fire danger, and explosives.

**Wayfinding.** Wayfinding can encompass several different types of signage, including: Directional signs that point the way to various locations. They can be simple or complex, and usually appear at junctions or along a route to lead the way to a particular place. They keep people or vehicles moving toward something.

#### **SECTION 10.500.0340. Administration and Enforcement.**

The following general requirements shall apply:

#### **SECTION 10.500.0342. Applications for Permits.**

Applications for a permit shall contain the following information:

- A. Names and addresses of the owners of the display structure and property;
- B. The address at which any signs are to be erected;
- C. The lot, block and addition at which the signs are to be erected and the street on which they are to front;
- D. A complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and place of the signs;

- E. Type of sign (i.e. wall sign, monument sign, etc.);
- F. Certification by applicant indicating the application complies with all requirements of the sign ordinance.

The issuing authority shall approve or deny the zoning permit in an expedited manner no more than sixty (60) days – *or one hundred twenty (120) days total with an extension* – from the receipt of the complete application, including applicable fee. All permits not approved or denied within these time limits shall be deemed approved. If the permit is denied, the issuing authority shall prepare a written notice of denial within ten (10) days of its decision, describing the applicant’s appeal rights, and sent by certified mail, return receipt requested, to the applicant.

All signs shall be placed within ninety (90) days of the issuance of the permit, or the permit shall expire and require reapplication. If a permit is denied, the issuing authority shall prepare a written notice within ten (10) days of its decision, describing the applicant’s appeal rights, and send it by certified mail, return receipt requested, to the applicant.

**SECTION 10.500.0344. Fees.**

Zoning permit fees are set by the *City of Pine City Fee Schedule*.

**SECTION 10.500.0346. Inspection.**

All signs for which a permit is required shall be subject to inspection once per year by the City to ensure that the signs comply with this code.

**SECTION 10.500.0350. Maintenance, Repair and Removal**

All signs shall be maintained by the sign owner. A sign shall be repainted or repaired whenever it begins to fade, chip, or discolor resulting illegibility, missing parts, words, or other dilapidation.

- A. Sign faces shall be removed from the building and property within thirty (30) days after the business use has terminated unless a new owner has been acquired.
- B. If the City finds that any sign is unsafe, a detriment to the public, or not constructed, erected, or maintained according to this code, the sign owner shall be notified of the violation in writing.
- C. If the sign owner fails to comply with this code within ten (10) days after notification, the City staff shall order its removal.
  - 1. Recovery of Costs. The owner of the sign shall be personally liable for the costs to the city for removal, including legal and administrative costs. As soon as the work has been completed and the costs determined, the City shall prepare a bill for the cost and mail it to the owner. The amount shall be immediately due and payable at the Pine City City Hall. The City may recover, by civil action against the owner, all costs and expenditures, including attorney’s fees, incurred by the City in removing the sign.
  - 2. Assessment. If the City is not fully reimbursed for all its reasonable costs incurred in the removal of a sign, it may be assessed in the manner of a special assessment under Minnesota Statutes Chapter 429 against the lot or

property to which the costs, charges, and fees are attributed. The City Council shall certify the assessment to the Pine County Auditor for collection along with the real estate taxes for the following year or in annual installments, not exceeding three (3) years, as the City Council may determine in each case.

**SECTION 10.500.0360. Violations and Revocation of Permit.**

Violation of this section is a misdemeanor. Each day that the violation continues is a separate offense.

The City staff shall advise the City Council of any violation of this code and the Council is hereby authorized to revoke a zoning permit upon failure of the holder to comply with any provision of this code. The owner of the sign shall appeal the action to the City within fifteen (15) days after the revocation. The City Council shall hold a hearing to consider all facts presented and may affirm or overturn its decision.

**SECTION 10.500.0362. Penalties.**

In addition to civil remedies as provided in this code, violations of the ordinance shall constitute a petty misdemeanor punishable as provided under Minnesota State Statutes. Each day of violation shall be considered a separate violation. Any owner who has been cited and convicted under this ordinance for an event occurring within two (2) years of subsequent violation shall be subject to a penalty of a misdemeanor as provided under State Statute.

**SECTION 10.500.0370. Non-Conforming Signs.**

Certain signs existing at the time of the enactment of this code and not conforming to this code are considered to be existing non-conforming signs. Non-conforming signs, when structurally altered, relocated, replaced shall comply with this sign code.

**SECTION 10.500.0380. Retroactive Effect**

This sign ordinance shall apply to all sign applications applied for and/or pending prior to its enactment.

**SECTION 10.500.0390. Substitution and Severability**

**SECTION 10.500.0392. Substitution.**

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

**SECTION 10.500.0394. Severability.**

If any section, subsection, sentence, clause or phrase of this Sign Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Sign Ordinance. The City Council hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses, or phrases be declared invalid.

## **SECTION 10.500.0400. NON-CONFORMING BUILDINGS, STRUCTURES, AND USES**

### **SECTION 10. 500.0405. Purpose.**

It is the purpose of this Section to provide for the regulation of nonconforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which nonconforming buildings, structures, and uses will be operated and maintained. The Zoning Ordinance establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that nonconforming buildings, structures and uses are not permitted to continue without restriction. Furthermore, it is the intent of this Section that all nonconforming uses shall be eventually brought into conformity.

### **SECTION 10. 500.0410. Continuation.**

All structures or uses lawfully existing upon the effective date of this Code shall not be enlarged, but may be continued at the size and in the manner of operation existing upon such date except as hereinafter specified or, subsequently amended.

### **SECTION 10. 500.0415. Essential Repairs.**

Nothing in this Ordinance shall prevent the placing of a structure in safe condition when the structure is declared unsafe by the Zoning Commissioner providing the necessary repairs shall not constitute more than fifty (50) percent of fair market value of such structure. The value shall be determined by the County Assessor.

### **SECTION 10. 500.0420. Moving of Structure.**

No nonconforming building, structure or use shall be moved to another lot or to any other part of the parcel, land upon which the same was constructed or was conducted at the time of this Code adoption unless such movement shall bring the nonconformance into compliance with the requirements of this Ordinance.

### **SECTION 10. 500.0425. Change to Conforming Use.**

When any lawful nonconforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.

### **SECTION 10. 500.0430. Other Changes.**

A lawful nonconforming use of a structure or parcel of land may be changed to lessen the nonconformity of use. Once a nonconforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the nonconformity.

### **SECTION 10. 500.0435. Destruction.**

If at any time a nonconforming building, structure or use shall be destroyed to the extent of more than fifty (50) percent of its fair market value, said value to be determined by the County Assessor, then without further action by the Council, the building and the land on which the building was located or maintained shall, from and after the date of the destruction, be subject to all the regulations specified by these zoning regulations for the district in which such land and buildings are located. Any building which is damaged to an extent of less than fifty (50) percent of its value may be restored to its former extent. Estimate of the extent of damage or destruction shall be made by the Zoning Administrator.

### **SECTION 10. 500.0440. Discontinued Use.**

Whenever a lawful nonconforming use of a structure or land is discontinued for a period of one (1) year, following written notice from an authorized agent of the City, any future use of the structure or land shall be made to conform to the provisions of this Ordinance.

**SECTION 10.500.0445. Normal Maintenance.**

Normal maintenance of a building or other lawful nonconforming use shall be permitted, including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the nonconforming use.

**SECTION 10.500.0450. Alterations.**

Alterations may be made to a building or other lawful nonconforming residential units as a conditional use when the alterations will improve the livability thereof, provided they will not increase the number of dwelling units or size or volume of the building or increase the nonconformity.

**SECTION 10.500.0455. Completion of Current Construction.**

Any proposed structure which will, under this Ordinance, become nonconforming but for which a building permit has been lawfully granted prior to the effective date of this Code, may be completed in accordance with the approved plans; provided construction is started within sixty (60) days of the effective date of this Ordinance. Such structure and use shall thereafter be a legally nonconforming structure and use.

**SECTION 10.500.0460. Change of Tenancy or Ownership.**

There may be a change of tenancy, ownership, or management of an existing non-conforming building, structure and use provided that there is no change in the nature or character, extent, or intensity of such non-conforming building, structure and use.

**SECTION 10.500.0500: SEXUALLY ORIENTED LAND USE**

**SECTION 10.500.0505. Purpose and Intent.**

It is the Intent of this Ordinance to protect the health, safety, general welfare and morals of the residents of Pine City, to preserve the quality family life, to preserve the community characteristics of its neighborhoods and to prevent adverse and deleterious effects contributing to the blight and downgrading of neighborhoods. Being mindful of the effects of adult entertainment upon minors and the criminal activity and disruption of public peace associated with such establishments, while also giving due consideration to civil rights of persons partaking in such entertainment, it is the intent of this section to regulate the location of such establishments of adult entertainment. By the enactment of this Ordinance, the City Council of the City of Pine City does not intend to give any explicit, implicit or tacit approval or condone any activity relating to adult entertainment.

**SECTION 10.500.0510. Definitions.**

Definitions. For the purpose of this section:

*Specified Sexual Activities* is defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;

3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast;
4. Flagellation or torture in the context of a sexual relationship;
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
6. Erotic touching, fondling or other such contact with an animal by a human being;  
or
7. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in "1." through "9." above.

*Specified Anatomical Areas* is defined as:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anal region or female breast below a point immediately above the top of the areola; or
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

*Adult establishments* include bookstores, motion picture theaters, mini motion picture theaters, bath houses, massage parlors, modeling studios, body painting studios, cabarets, and video stores and are more specifically defined as:

- a. *Adult Bookstore.* An establishment having as a substantial or significant portion of its stock-in-trade in books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein or an establishment with a segment or section devoted to the sale or display of such material.
- b. *Adult Motion Picture Theater.* An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.
- c. *Adult Motion Picture Theater - Outdoor.* A parcel of land from which individuals may view a motion picture presented out of doors which present material distinguishably characterized by an emphasis on matter depicting, describing or relating to "specified sexual activity" or "specified anatomical areas".
- d. *Adult Mini-Motion Picture Theater.* An enclosed building with a capacity for less than 50 persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.

- e. *Adult Bath Houses.* As establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Minnesota and which establishment provides to its patrons an opportunity for engaging in “specified sexual activities” as defined in this ordinance.
- f. *Adult Massage Parlors.* An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by medical practitioner or professional physical therapist licensed by the State of Minnesota and which establishment provides for its patrons the opportunity to engage in "specified sexual activity" as defined in this ordinance.
- g. *Adult Modeling Studios.* An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.
- h. *Adult Body Painting Studios.* An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this ordinance, the adult body painting studio shall not be deemed to include a body art establishment.
- i. *Adult Cabaret.* An establishment or business which features male and/or female topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, burlesque shows, male or female impersonators, or similar entertainers.
- j. *Adult Novelty Shop.* An establishment or business having as a substantial or significant portion of its stock-in-trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, “specified sexual activity” as defined herein or stimulating such activity.
- k. *Adult Video Store.* An establishment having as a substantial or significant portion of its stock and trade in videotapes for sale or rent which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" as defined herein or an establishment with a segment or section devoted to the sale, display or rental of such material.

**SECTION 10.500.0520. Adult Entertainment as a Principle Use.**

No principal uses of this nature shall be permitted as a matter of right in any of the Districts. In I-1 and I-2, Adult Entertainment shall be considered as a Conditional Use; such uses shall be special exceptions.

**SECTION 10.500.0530. Special Exceptions.**

The following uses are special exceptions and, therefore, require a Conditional Use Permit:

1. Adult Bath Houses
2. Adult Body Painting Studios
3. Adult Bookstores
4. Adult Cabarets
5. Adult Massage Parlors
6. Adult Mini-motion Picture Theaters
7. Adult Modeling Studios
8. Adult Motion Picture Theater
9. Adult Motion Picture Theater – Outdoor
10. Adult Novelty Shops
11. Adult Video Stores

**SECTION 10.500.0540. Finding of Fact for Conditional Use.**

The Planning Commission shall prepare a finding of fact to ensure that all aspects are addressed in granting a Conditional Use as well as:

1. That all the standards and requirements in this Ordinance will be met by the proposed use.
2. That the proposed use will not be a detriment to the public welfare.
3. That the proposed zoning is consistent with the general intent of any comprehensive plan in existence.
4. That the existing streets and utility services are adequate for the proposed use.
5. That the proposed use will in no substantial way contribute to the deterioration of the surrounding neighborhood.
6. That the presence of the proposed use will not have a harmful influence on children residing in or frequenting the area.

**SECTION 10.500.0550. Standards for Adult Entertainment Uses.**

In addition to all other applicable requirements of this Ordinance, all adult entertainments uses shall meet the following standards:

1. Adequate parking shall be provided in a lighted area.
2. There shall be no display windows on the premises.
3. In the case of adult cabarets, the hours of operation for such establishments shall be limited to the same hours of operations for bars and taverns within the City of Pine City.

4. In the case of outdoor adult motion picture theaters, the establishment shall confine its hours of operation to those hours of operation established for bars and taverns within the City of Pine City. Outdoor adult motion picture theaters shall also have the viewing screen located in such a fashion as to not be visible from any road, street or highway or residence and the premises shall be surrounded by solid fencing at least eight feet in height.
5. Prior to the establishment such a business, an inventory of the surrounding area and population shall be made along with a study of the proposed development and plans for the area so as to enable the Planning Commission to make appropriate findings relative to the effect of the establishment of such a use in that area.
6. The owner of the parcel upon which the adult entertainment use is to be established and the operator of the establishment and owner of the establishment shall appear in person before the Planning Commission.
7. In the event of non-compliance with any conditions imposed on the adult entertainment conditional use, the special exception permit may be revoked.

Additional Development Requirements of this use are found in Appendix E.

**SECTION 10.500.0560. Location and Conditions.**

See Appendix B—Permitted and conditional Uses, By District

See Appendix D—Additional Development Requirements of Certain Uses

**SECTION 10.500.0570. Separability.**

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



## **SECTION 10.600.0000: DEVELOPMENT PROCEDURES**

### **SECTION 10.600.0100: AMENDMENTS AND REZONING**

#### **SECTION 10.600.0100. Purpose.**

The Council from time to time, on its own initiative or on recommendation from the Planning Commission, may amend, modify, supplement, or revise Zoning District boundaries and/or the provisions and regulations herein established, whenever public necessity and convenience and general welfare require such amendment. This amendment may be initiated by resolution of the Council, the Commission or by petition of one or more owners of property to be affected by the proposed amendment. Except in cases initiated by the Council or Commission, a fee shall be charged to the petitioner or petitioners. This fee shall be non-refundable.

#### **SECTION 10.600.0105. Information Required in an Amendment Procedure.**

The petitioner shall submit the following information at a minimum:

- A. A completed official application.
- B. A legal description of the property.
- C. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
- D. The name and address of the petitioner.
- E. The petitioner's interest in the party, and if the petitioner is not the owner, the name and address of the owner.
- F. Date of filing.
- G. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
- H. The present and proposed zoning.
- I. Any other written or graphic materials explaining the proposed change, development, or use.

#### **SECTION 10.600.0110. Processing Procedures.**

- A. The applicant shall submit the application and accompanying material. Upon determination that the information is complete, the City shall schedule a public hearing before the Planning Commission. Legal notice shall be provided in accordance with Minnesota Statutes. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bonafide attempt has been made.
- B. The Planning Commission shall hold a public hearing. The applicant or representative of the applicant shall be present at the public hearing.

C. The Planning Commission shall consider possible adverse affects of the proposed amendment or conditional use. Its judgment shall be based upon (but not limited to) the following general factors:

1. Relationship to the City's Growth Management System.
2. The geographical area involved.
3. Whether the use will tend to or actually depreciate the area in which it is proposed.
4. The character of the surrounding area.
5. The demonstrated need for the use.
6. The public need for additional land space for the requested use in the location requested.
7. Compatibility of adjacent land uses.
8. The possible presence and effects of noise, odors or other nuisances.
9. Availability in the present or near future of necessary utilities and public services.
10. The precedents and possible affects of such precedents, which might likely result from approval or denial of the petition.
11. Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or be an error in the original ordinance.

D. The Planning Commission shall make a finding of fact and recommend such actions relating to the request to the City Council.

E. Upon receiving the report and recommendation of the Planning Commission, the City Council shall either Approve or disapprove the request as recommended by the Planning Commission, based upon whether the application meets the requirements stated in the Ordinance.

**SECTION 10.600.0115. Additional Information.**

The Planning Commission and City shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance.

**SECTION 10.600.0120. Amendments Initiated by the City Council or Planning Commission.**

The City Council or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this Ordinance. Any person owning real estate within the City may initiate a request to amend the district boundaries or text of this Ordinance so as to affect the said real estate. The Planning Commission shall first review all amendment requests.

Types of Amendments. An amendment to this ordinance may be one of the following:

- A. A change in a district's boundary (rezoning).
- B. A change in a district's regulation.
- C. A change in any other provision of this ordinance.

**SECTION 10.600.0125. Adoption of Amendments Initiated by the City Council or Planning Commission.**

The City Council, by a two-thirds vote of its members, after the hearing, may adopt a new zoning ordinance without having written consent of the residents in that area whenever the Planning Commission shall have made a survey of the whole area of the city or of an area of not less than forty (40) acres, within which the new ordinance or the amendments or alterations of the existing ordinance would take effect when adopted.

The Planning Commission also shall have considered whether the number of real estate properties affected by such changes and alterations renders the obtaining of such written consent impractical, and shall report in writing as to whether in its opinion the proposals of the City Council in any case are reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use, and shall conduct a public hearing on such proposed ordinance, changes or alterations.

**SECTION 10.600.0200: MINOR SUBDIVISIONS**

**Section 10.600.0205. Minor Subdivisions.**

In the case of a subdivision resulting in three (3) or less lots, situated in a neighborhood where conditions are well-defined and no further re-subdivision is expected, the governing body may exempt the subdivider from complying with some of the requirements of these regulations, after submission of a survey by a registered land surveyor of the proposed subdivision and the newly created property lines will not cause any resulting lot to be in violation of the performance standards set forth in this zoning code.

In the case of a request to subdivide a lot which is a part of a recorded plat to create not more than three (3) new lots, and the newly created property lines will not cause any resulting lot to be in violation of these regulations or the Zoning Code, the decision may be approved by the governing body. Each parcel must have a minimum frontage of twenty-five (25) feet on a public road.

There shall be only one minor subdivision with regard to the original tract in any calendar year. The governing body shall have the authority to deny minor subdivisions if it appears that the intent of these regulations or the zoning code may be violated.

**SECTION 10.600.0210. Procedure.**

Request for a minor subdivision shall be filed with the City on an official application form. This application must be accompanied by a fee as set by the City Council. This fee is not refundable. The application must also be accompanied by a survey by a registered land surveyor showing the original lot and the proposed subdivision.

## **SECTION 10.600.0300: PRELIMINARY PLATTING**

### **SECTION 10.600.0310. Procedure.**

- A. Request for subdivision shall be filed with the City on an official application form. This application must be accompanied by a fee as set by the City Council. This fee is not refundable. The application must be accompanied by ten (10) copies of the preliminary plat and a listing of the property owners and a listing of all property owners of record within three hundred and fifty (350) feet of the property in question. The City shall refer said application and preliminary plats to the Planning Commission at the next regular meeting.
- B. The City shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the municipality at least ten (10) days prior to the date of the hearing. Such notice shall also be mailed not less than ten days prior to:
  1. All property owners of record according to the county assessment records within three hundred and fifty (350) feet of the property.
  2. The Commissioner of the Minnesota Department of Natural Resources if the proposed subdivision is located in part or in total within public water.
  3. The Commissioner of the Minnesota Department of transportation and the Pine County Engineer if the proposed plat abuts or includes a State Trunk Highway or a County State Aid Road, respectively.
  4. All township board members of townships that abut a proposed subdivision.

A copy of the notice and a list of individuals and/or property owners and addresses to which the notices were sent shall be attested to by the City and made part of the official record. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

- C. The Planning Commission shall consider the preliminary plat and hold a public hearing at its next regular meeting unless the filing date falls within fifteen (15) days of the said meeting, in which case the preliminary plat would be placed on the agenda and considered at the regular meeting following the next regular meeting. The City shall refer said application, along with all related information to the Planning Commission for consideration. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the preliminary plat.
- D. In considering the preliminary plat, the Planning Commission shall consider the following factors:
  1. Consistency with the design standards and other requirements of this Ordinance.
  2. Consistency with the City's Growth Management System.
  3. Consistency with other City ordinances.

4. The physical characteristics of the site, including, but not limited to topography, erosion, and flooding potential, and soil limitations, and suitability for the type of development or use contemplated.
  5. Subdivisions or portions thereof, located within the designated Flood Plain District, shall also be subject to the provisions of Section 10.700.0320, Flood Plain Zoning.
  6. The proposed development will not create a negative fiscal or environmental impact upon the City.
  7. The need for dedication of land or fee for public use.
  8. The need for an environmental review pursuant to *Minnesota Statutes 116D*.
- E. The Planning Commission and City shall have the authority to request additional information from the applicant concerning the preliminary plat or to retain expert testimony with the consent and at the expense of the applicant concerning said information to be declared necessary to establish compliance with all pertinent sections of this Ordinance.
- F. The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the Preliminary Plat to the City Council. In the case that additional information is requested from the applicant pursuant to Section 10.600.0200: E (above), the sixty-day period will begin upon receipt of such information by the City.
- G. Upon receiving the report and recommendation of the Planning Commission, the City Council shall place the report and recommendation on the agenda for the next regular meeting. Such reports and recommendations shall be entered in and made a part of the permanent written record of the City Council meeting.
- H. Upon receiving the report and recommendation of the Planning Commission, the City Council shall either:
1. Approve the request as recommended by the Planning Commission; or
  2. Disapprove the recommendation of the Planning Commission; or
  3. Approve the recommendation of the Planning Commission with modifications, alterations, or differing conditions. Such modifications, alterations, or differing conditions shall be in writing and made part of the Council's records; or
  4. Refer the recommendation back to the Planning Commission for future consideration. This procedure shall be followed only one time on a singular action.

In all cases mentioned above, the preliminary plat shall be approved or disapproved by the City Council within 120 days of the date of the preliminary plat application, unless the applicant has agreed to an extension of the review period.

- I. The City shall notify the applicant of the Council's action and reasons thereof. The decision of the City Council regarding preliminary and final plat approval is final, subject

to judicial review. If a preliminary plat is disapproved, the same plat cannot be re-filed for review within six (6) months following the date of Council's disapproval.

- J. Upon approval of the preliminary plat by the City Council, the subdivider shall submit the final plat to the Planning Commission within one (1) year after said approval, or approval of the preliminary plat shall be considered void. Prior to the expiration of the preliminary plat approval, the Planning Commission may extend the approval for an additional year. The extension shall be made in writing specifically designating the expiration date. The extension shall not be subject to an additional fee, and only one (1) extension may be granted per preliminary plat.

**SECTION 10.600.0320. Preliminary Plat Data Requirements.**

The owner or subdivider shall prepare and submit a preliminary plat, containing the following information:

A. Identification and Description

- 1. Proposed Name of subdivision, not similar to any existing subdivision.
- 2. Date and arrow depicting North direction.
- 3. Scale of plat, not less than one (1) inch to two hundred (200) feet.
- 4. Indication of any proposed covenants.
- 5. Location map indicating location of proposed subdivision in relationship to general known area.
- 6. Names and addresses of the subdivider and surveyor making plat and property owners of record within three hundred and fifty (350) feet of the proposed subdivision.
- 7. Legal description of the proposed subdivision.
- 8. Title opinion or title insurance policy indicating fee ownership of land to be subdivided.
- 9. Designation of utilities to serve proposed subdivision. The developer shall ensure that staging of the subdivision shall include adequate provision for all utilities and streets for adjacent undeveloped properties.

B. Existing Conditions and Proposed Design Features

- 1. Boundary line of proposed subdivision.
- 2. Zoning of land within and abutting the subdivision.
- 3. Layout, dimensions, and acreage of proposed lots and blocks.
- 4. Name, location, and rights-of-way width of existing or proposed streets, highways, alleys, sidewalks, and pedestrian ways within three hundred and fifty (350) feet of the subdivision.

5. High water mark of all lakes, rivers, streams, and wetlands.
6. Location and dimensions of existing and proposed public sewer and water systems.
7. Existing and proposed storm water drainage systems including drainage easements.
8. Boundary lines of adjoining un-subdivided or subdivided land within three hundred and fifty (350) feet, identifying by name and ownership.
9. Proposed zoning changes, if any.
10. Minimum front, side, and rear yard setbacks as required by the Municipal Development Ordinance.
11. Location, dimensions, and size of areas, other than street, alleys, pedestrian ways, and utility easements, proposed to be dedicated or reserved for public uses.

C. Supplemental Information

1. Existing topography, including contour lines at two (2) foot intervals. Watercourses, wetlands, rock outcrops, power transmission poles and lines, and other significant features shall also be known.
2. Soil survey, grading plan, soil erosion and sediment control plan, and landscape plan.
3. Statement of proposed use of development, including type, and number of structures and units.
4. Statement of adequacy of existing or proposed utilities to accommodate or serve the proposed development.
5. Statement relative to the relationship of the proposed subdivision to existing or potential adjacent subdivisions.
6. Statement of estimate cost of proposed required improvements.
7. Other information deemed necessary by the City, Planning Commission, or subdivider.
8. Soil borings and percolation tests.
9. All parcels of land to be dedicated or reserved for public use or for use in common by property owners in the subdivision shall be indicated on the Preliminary Plat, along with any conditions of such dedication or reservation.
10. An electronic file copy of the plat, in AutoCAD (dwg) or digital exchange format (dxf). All shapefiles shall be provided in the Pine County coordinate system (NAD\_1983\_HARN\_Adj\_MN\_Pine\_Feet).

## **SECTION 10.600.0400: FINAL PLATTING**

### **SECTION 10.600.0410. Procedure.**

- A. Applicant files of two (2) Mylar or linen reproducible tracings and six (6) copies of the final plat shall be filed with the city. The City submits these to the Planning Commission.
- B. The Planning Commission shall review the final plat to assure consistency with the approved preliminary plat and shall make a recommendation for approval or disapproval to the City Council. Should the Planning Commission recommend disapproval, staff shall notify the subdivider in writing of the reason for disapproval and of the requirements necessary to meet the approval of the Commission within fifteen (15) days of the date of the decision.
- C. Payment of the contribution pursuant to Section 10.300.0500 shall be made at this time.
- D. The final plat, together with the recommendations of the Planning Commission shall be submitted to the City Council at its next regularly scheduled meeting. If accepted, the final plat shall be approved by resolution, including acceptance of all agreements for basic improvements, public dedication, and other requirements as indicated by the City Council. If denied, the reasons for such refusal shall be set forth in the proceedings of the Council and reported to the subdivider.
- E. It shall be the responsibility of the subdivider to file the plat with the appropriate county offices after final approval pursuant to this Municipal Development Ordinance and Minnesota Statutes 508.08 as amended. Failure to do so within two (2) years of final approval shall result in the voiding of the final plat and the requirement of a new preliminary plat. This new preliminary plat must be reviewed in accordance with the procedure set out in this Ordinance to ensure compliance with any new requirements.
- F. A copy of all final plats located in total or in part within public water shall be submitted to the Commissioner of the Minnesota Department of Natural Resources within ten (10) days of final plat approval.

### **SECTION 10.600.0420. Final Plat Data Requirements.**

After approval of the preliminary plat, and within one (1) year of its approval, the owner or subdivider shall prepare and submit a final plat, containing the following information:

1. Name of subdivision.
2. Scale, north arrow, and date of plat.
3. Acreage in plat.
4. All proposed private and public streets and alleys with their widths and names shall be identified. Private streets shall state "Maintained by Property Owners".
5. All plats shall be of either two standard sizes measuring 20 by 30 or 30 by 40 inches from outer edge to outer edge. A borderline shall be placed one-half ( $\frac{1}{2}$ ) inch inside the outer edges of the plat on the top, bottom, and right hand edges of the plat on the top, bottom, and right hand side of the plat and two (2) inches inside the outer edge of the left hand side of the plat.

6. Durable iron monuments shall be set at an angle and curve points on the outside boundary lines of the plat, at all block corners, and at all intermediate points on the block lines indicating changes of direction in the lines. The outside boundary lines of the plat shall be correctly designated showing bearings on all straight lines, angles at all the angle points, and the central angle and radii and are length for all curves. The distances shall be shown between monuments as measured to the nearest hundredths of a foot. If a curved line constitutes the line for more than one lot in any block, the central angle for that part on each lot on the curved line shall be shown. The outside boundary lines shall close by latitude and departure with an error not to exceed one foot in 7,500 feet.
7. In any instance where a river, stream, creek, lake, or pond constitutes a boundary line within or of the plat, a survey line shall be shown with bearings or angles and distances between all angle points and their relationship to a water line and all distances measured on the survey line between lot lines shall be shown. The survey line shall be shown as a dashed line.
8. Location, dimensions, and name or number of all existing or proposed lots, blocks, streets, highways, alleys, parks, and public lands.
9. All rivers, streams, creeks, lakes ponds, swamps, and wetlands shall be correctly located and designated.
10. Name and boundary lines or any adjoining platted lands.
11. All lot lines and an identification system for all lots and blocks.
12. Building lines and easements for rights-of-way provided for public use, services, or utilities, with figures showing their dimensions, and listing uses that are being provided.
13. Location and width of all easements to be dedicated.
14. Name and address of developer and surveyor making the plat.
15. An electronic file copy of the plat, in AutoCAD (dwg) or digital exchange format (dxf). All shapefiles shall be provided in the Pine County coordinate system (NAD\_1983\_HARN\_Adj\_MN\_Pine\_Feet).
16. A written instrument of dedication signed and acknowledged by the owner of the land including a full and accurate description of the land platted and set forth to which part of the land is dedicated and also to whom, and for what purpose these parts are dedicated.
17. A written surveyor's certificate certifying that the plat is a correct representation of the survey, that all distances are correctly shown on the plat, that all monuments have been correctly placed in the ground as shown, and that all outside boundary lines are correctly designated on the plat. If there are not wetlands, streets or highways to be designated, he/she shall so state. The certificate shall be sworn to any officer authorized to administer an oath.
18. Delinquent tax certification as follows:

No delinquent tax and transfer entered this \_\_\_\_\_ day or \_\_\_\_\_, 20\_\_.

19. Certification of City approval as follows:

Approved by the City of Pine City, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.  
Signed \_\_\_\_\_ Attested \_\_\_\_\_  
Mayor City Administrator.

## **SECTION 10.600.0500: PLANNED UNIT DEVELOPMENTS (PUD)**

### **SECTION 10.600.0505. Authority.**

The City Council shall have the final authority to approve Area Plans. Such plans may be considered by the City Council only after the Planning Commission has reviewed the plans and submitted its recommendations to the Council.

### **SECTION 10.600.0510. Application Procedure.**

- A. The owner(s) of record, or any person(s) acting on behalf of the owner(s) of record of any tract one (1) acre or larger in area, may apply for a "PUD" designation. The application for a "PUD" designation shall be for review and approval of an Area Plan for development of the entire tract. Following review by the Planning Commission and approval of the Area Plan and designation of the lot as a "PUD" by the City Council, a second application shall be made for approval of Final Site Plan(s) for the entire tract, or portion thereof, if development is to occur in phases. A separate application for Final Site Plan approval shall be required for each phase. No construction or other site improvements may commence and no permit shall be issued on a tract with a multiple stage "PUD" designation, until a Final Site Plan has been approved in accordance with this Article.
- B. Each application shall be filed with the City, who shall transmit the Area Plan to the Planning Commission.
- C. A developer's agreement shall be initiated between the City of Pine City and the applicant(s) upon approval of Preliminary Plan.
- D. Pre-Application Conference. Before submitting an application for a "PUD", an applicant may confer with the planning staff to obtain information and guidance, before incurring substantial expense in the preparation of plans, surveys and other data.

### **SECTION 10.600.0515. Area and Final Plan – Information Required.**

The following minimum information shall be required for both Area and Final Plans. Additional minimum information for Area Plans is listed in Section 10.600.520. Additional minimum information for Final Plans is listed in Section 10.600.540.

#### **A. Area Plan**

The application shall be accompanied by twenty (20) copies of the proposed Plan, drawn at a scale of between 1:20 and 1:200 and of such accuracy that the commission can readily interpret the plan. It shall include more than one drawing where required for clarity. The Plan shall be designed and prepared by a qualified land planner, registered professional architect, engineer, or land surveyor. At a minimum, the Plan shall include the following:

1. The name and address of the property owner(s), developer(s), and/or designer(s) and the proposed name of the development.
2. Identification of lot lines and location, including dimensions, angles, and size, correlated with the legal description of the property.
3. Scale, north point, boundary dimensions, and date.
4. Natural features such as wood lots, streams, rivers, lakes, drains, topography and similar features. All existing data shall directly relate to USGS data.
5. Site location map, showing the PUD in relation to the surrounding area. Show existing man-made features such as buildings, structures, easements, high tension towers, excavations, bridges, culverts and drains.
6. Location and size of all existing utilities (public and private) serving the site, as well as the location, size, and layout of all proposed utilities to serve the property. The developer will ensure that the staging of the subdivision will include adequate provisions for all utilities and streets for adjacent undeveloped properties.
7. Identify adjacent properties within one hundred yards and their existing uses. Show names of adjacent subdivisions; layouts of streets (with names); rights-of-way widths; connections with adjoining streets; and Widths and locations, alleys, easements, and public sidewalk adjacent to or connecting with the tract.
8. Location of proposed structures, proposed finished floor, and grade line elevations.
9. Existing/proposed streets, ROW widths, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site.
10. Existing and proposed 100 year flood plain boundaries (where applicable) and include a note stating whether the site is within or outside the 100 year flood plain. This note shall reference the applicable FIRM map panel number and date. Where the flood plain is proposed to be altered, the application must contain approval from FEMA for the alteration.
11. Delineate wetlands subject to Pine County Regulations and the United States Corps of Engineers (COE) regulations. Appropriate documentation of coordination with Pine County and the COE shall be provided.
12. Indicate lots that are more susceptible to street movement. Typically, those lots at the end of tangent sections, lots across from "T" intersections, and lots on the outside of radii are susceptible to street movement regardless of whether they are uphill or downhill from these areas.
13. Indicate how storm water detention requirements will be addressed.

14. Landscape plan in conformance with the requirements of Section 10.400.0400 of the Zoning Code.
15. The proposed stages of development, if applicable.
16. A written statement which, at a minimum, shall include:
  - A. A statement explaining why the PUD and deviations from the current ordinance are being requested.
  - B. Estimated total number of residential units.
  - C. Average square feet of each unit.
  - D. A statement of the ownership of all land involved.
  - E. An explanation of the general character of the PUD.
  - F. A general expected time frame and completion date.
  - G. A statement describing the ultimate ownership and maintenance of all parts of the development including streets, structure and open spaces.
  - H. A statement describing how all necessary services will be provided and who will govern them.
  - I. A statement describing the anticipated population including school age children, adults and families.
17. Conformance with the Comprehensive Plan.
18. Any other information deemed necessary by the Planning Commission.

**SECTION 10.600.0520. Area Plan – Information Required.**

- A. Application.  
The application for Area Plan approval shall be made on forms supplied by the City for such purpose.
- B. Area Plan.  
The application shall be accompanied by twenty (20) copies of the proposed Plan drawn at appropriate scale showing at a minimum, the following:
  1. All information requested in Section 10.600.0515.
  2. Name of proposed PUD project, which shall be an original and not a duplicate of any previously recorded project. Project and street names shall not duplicate any project or street names within Pine County unless said street is an existing street that runs through the PUD project.
  3. The zoning status and existing land use of the PUD and all adjacent properties (regardless or political subdivision) shall be identified on the plan. If the project

contains more than one Planned District category, the zoning district boundary lines shall be clearly indicated.

4. Boundary lines of school, fire, and water districts, municipal limits shall be identified on the Plan where applicable.
5. The general plan layout of the entire PUD showing proposed land uses, streets, parking areas, open space areas, and sidewalks with significant dimensions indicated where appropriate to clarify the plan.
6. Lot layout, dimensions, setback requirements.
7. All planned use areas shall be clearly labeled as to the proposed use.
8. All parcels of land to be dedicated or reserved for public use or for use in common by the property owners in the Planned District shall be indicated on the plan dedication or reservation.
9. The substance of covenants, grants of easements, or other restrictions proposed to be imposed upon the use of land, buildings, and structures, including proposed easements or grants for public utilities.
10. Proposed stages of development.
11. Lighting location and cutsheets on the lighting proposed. Indicate height of poles.
12. Total gross area of the PUD Area Plan in acres.
13. Breakdown of the total gross land area by land use type, such as townhouses, single family, retail, open space, church, school, etc.
14. Colored elevations of all sides of structures to be built within the subdivision are to be provided as a part of submittal. In cases of custom built home, plot plans for "typical" structures must be provided.
15. A preliminary copy of Trust Indentures/Covenants, Deed Restrictions must be provided.
16. Statement explaining why the PUD is being requested and deviations from the current ordinance.
17. Any additional information deemed necessary by the City to adequately illustrate the proposed development.
18. Legal description.
19. Record plats are to be submitted to Pine County.
20. Residential data shall include:
  - a. Estimated total residential units.

- b. Average square feet of residential land per each type of residential unit (lot average).
  - c. Lot average including amenity area.
  - d. Square footage of ten smallest lots.
  - e. Total parking by land-use type and parking ratio per dwelling unit.
  - f. Note and show transition buffers and method(s) of screening on the plan where required.
21. Commercial and industrial data shall include: Estimated total building square footage by land use area:
- a. Percent building coverage by land-use type for business and industrial PUDs.
  - b. Breakdown of non-residential land by type of use.
  - c. Total parking by land-use type and parking ratio per floor area.
  - d. Note and show transition buffers and methods of screening on the plan, where required.

**SECTION 10.600.0525. Area Plan – Review Procedure.**

- A. Upon receipt of the Area Plan, the Staff shall undertake a study of the Area Plan. The Commission shall advise the applicant in writing of any recommended changes in the Area Plan as are needed to conform to the standards of this Ordinance and other pertinent ordinances.
- B. The City shall establish a public hearing on the Area Plan, said hearing to be held at the regular Commission meeting. At least fifteen (15) days notice of the hearing shall be published in a newspaper of general circulation along with the hearing notice for a zoning amendment for the tract in question, if such amendment is applied for. The public hearing may be held jointly with a public hearing on any zoning change for the tract in question.
- C. The City shall prepare a report on the Area Plan and shall submit this report to the Planning Commission. This report shall contain the City's analysis of the Area Plan and its recommendations thereon to the Council.
- D. The Planning Commission shall prepare recommendations and analysis on the Area Plan and shall submit this report to the City Council.
- E. The City Council shall review the Area Plan, and the report of the Planning Commission thereon, and shall approve or deny the Area Plan.

**SECTION 10.600.0530. Standards for Area Plan Approval.**

- A. The Planning Commission shall determine based upon its own findings that the proposed Area Plan meets the intent of this Ordinance and meets the following standards:

1. The use of land shall be in conformance with the permitted uses of the district in which the proposed development is to be located, and conforms to the adopted Comprehensive Plan or any part thereof, or represents land use policy which, in the Commission's opinion, is a logical and acceptable change in the adopted Comprehensive Plan.
2. The average density of development within the "PUD" shall remain the same as would be permitted if the area were to be developed conventionally. The development (buildings) so permitted may be clustered and located irrespective of yard setback requirements or lot lines in order to create a smaller network of streets and utility lines and to create additional open space for the enjoyment of the residents.
3. The proposed development shall be adequately served by public facilities and services, such as: highways, streets, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal; or that the persons or agencies responsible for the proposed development shall be able to provide, in a manner acceptable to the City, any such facilities and services.
4. Each phase of the proposed development shall not be dependent upon completion of subsequent phases of the same development for the facilities and services identified in Section 10.600.0525: C.
5. The common open space, any other common properties, individual properties, and all other elements of the "PUD" are so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site and the surrounding land. All common spaces shall be permanently secured as such to the satisfaction of the City.
6. The location of the proposed uses, layout of the site and its relation to streets giving access to it, shall be such that traffic to, from, and within the tract and concentration of persons in connection therewith, will not be hazardous or inconvenient to the project or the neighborhood.

In applying this standard, the Commission and Council shall consider among other things, convenient routes for pedestrian traffic, particularly of children; relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the neighborhood.

7. Where applicable, the Commission and Council shall determine that noise, odor, light, or other external effects from any source whatsoever, which are connected with the proposed use, will not adversely affect adjacent and neighboring areas and uses.

**SECTION 10.600.0535. Effect of Area Plan Approval.**

Approval of the Area Plan by the City Council shall have the following effects:

- A. Approval shall assure the applicant that the Area Plan is acceptable to the Council for the three (3) year period provided construction is diligently pursued, and authorizes the applicant to file a Final Site Plan for the entire tract or portion thereof if the "PUD" is developed in phases.
- B. Official approval of the Area Plan shall confer "PUD" status to the subject tract and permit modifications of the development standards including, but not limited to, lot area, lot width, yard requirements, and spacing among buildings and structures within the lot, except on the perimeter thereof, all as set forth in the approved Area Plan.
- C. No deviations from the Area Plan approved by the City Council shall be permitted except as provided in this Article.
- D. Approval of the Area Plan of a "PUD" shall expire and be of no effect one (1) year after the date of approval unless a Final Site Plan has been approved by the Planning Commission.

**SECTION 10.600.0540. Final Site Plan – Information Required.**

Every Final Site Plan submitted to the Planning Commission shall be made on forms supplied by the City for such purpose and shall be in accordance with the requirements of this section at a minimum:

- A. All information required in Section 10.600.0520.
- B. Show the size of proposed main and accessory buildings, their relation to one another and to any existing structures to remain on the site, and the height of all buildings and structures, as well as building elevations for the buildings proposed.
- C. Show the location, size and number of parking spaces in the off-street parking, and the identification of service lanes, service parking, and loading zones.
- D. Show the proposed location, use, and size of any open spaces and the location of any landscaping, fences, or walls on this site.
- E. Any proposed alterations to the topography and other natural features shall be indicated.
- F. It shall be stated that all necessary utilities (public and private) will be available, functioning, and usable at the time any stage of the project is ready for occupancy.
- G. The applicant (or representative) is required to appear before the Commission.
- H. Note and show transition buffers and method(s) of screening on the plan, where required.

**SECTION 10.600.0545. Final Site Plan – Review Procedure.**

- A. The Planning Commission shall, upon receipt of a Final Site Plan, study same and approve or deny the final Site Plan. The Commission shall advise the applicant of its action in writing.

- B. The Planning Commission shall transmit the approved Final Site Plan to the City Council for its information. No action of the Council shall be required and the approval of the Planning Commission of the Final Site Plan shall be considered the official and final approval by the City of the Final Site Plan.
- C. The procedure of this Section shall be repeated in full for each phase of the development in the approved Area Plan.

**SECTION 10.600.0550. Standards for Final Site Plan Approval.**

The Planning Commission, in granting Final Site Plan approval, shall determine that the following standards, at a minimum, have been met.

- A. The Final Site Plan shall conform to the approved Area Plan, except that minor variations in layout may be permitted at the discretion of the Staff and without amendment of the approved Area Plan. Minor variations include, among others, a change in residential floor area, an increase in non-residential floor area of five percent (5%) or less, and a change in layout, provided that in the case of a change in layout, the applicant shall provide a revised Area Plan which incorporates such layouts. Modifications, such as, but not limited to, a change in use, type of street, increase in density or intensity of development, type of dwelling unit, or an increase in non-residential floor area of over five percent (5%), shall be considered major changes and shall require amendment of the approved Area Plan. The Commission shall determine whether a change is minor or major, in accordance with this Section.
- B. All dedications shall have been completed or, in lieu thereof, proper agreements shall be made for such dedication in the future with the Council.
- C. If the lot is to be developed in phases, each phase shall not depend on subsequent phases for adequate access, utilities, or public facilities.

**SECTION 10.600.0555. Preservation and Maintenance of Open Space.**

All open spaces identified in the approved Area Plan and which are to remain in private ownership shall permanently remain as open space and shall be properly maintained.

**SECTION 10.600.0560. Amendment of a "PUD" Project.**

An approved "PUD" project may be amended at either the Area Plan or Final Site Plan stage by use of the procedure for original approval. An amendment to a Final Site Plan which results in a major change in the Area Plan shall require an amendment of the Area Plan and shall be processed in the same manner as the original application with public hearings before the Planning Commission and the City Council following due public notice as required by law.

An application for an amendment of a Planned Unit Development must meet the following requirements:

The Final Site Plan must have been approved within the previous twelve (12) months; and

- A. The City Council has approved related changes in the Municipal Development Ordinance, Zoning Code, Subdivision Regulations, Shorelands Regulations, Comprehensive Plan, or Neighborhood Plan.
- B. Minor changes in the location, siting, and heights of buildings and structures were caused by unforeseen circumstances.

- C. Minor extensions, alterations, or modifications of existing structures if such changes are consistent with the intent and purpose of the final plan and do not increase the size of any building or structure by more than ten (10) percent than originally approved in the preliminary development plan.
- D. Changes in the use of common open space or the replacement of any building substantially destroyed with exceed the intent and purpose of the final development plan.

**Section 10.600.0565. Expiration of Approvals.**

- A. If a tract has been designated as a "PUD" by the Council, said tract shall not be developed or used except in accordance with the approved Area Plan and Final Site Plan unless and until such designation is removed by formal action of the Council.
- B. A Final Site Plan for the entire area designated as a "PUD", excepting all Final Site Plans for subsequent phases thereof up to a period not to exceed two (2) additional years, shall have received approval of the Commission within one (1) year of the date of Council approval of the Area Plan. Failure to obtain approval of Final Site Plans as herein provided shall authorize the Staff to revoke, at its discretion, the right to develop under the approved Area Plan and to require that a new Area Plan be filed and reviewed in accordance with the provisions of this Article.
- C. Approval of the Final Site Plan of a "PUD" shall expire and be of no effect one hundred-eighty (180) days after the date of approval unless and until all appropriate fees have been paid and the City shall have issued a Building Permit for the development authorized by said approved Plan. Approval of the Final Site Plan in a "PUD" shall expire and be of no effect one (1) year after the date of approval unless construction is begun and is diligently pursued in accordance with the approved Plan. Expiration of the approved Plan shall authorize the Council to require filing and review of a new Final Site Plan in accordance with the provision of this Article.
- D. Development under an approved "PUD" shall be completed within two (2) years of the date of approval of the Final Site Plan. If said development is not so completed, the Commission shall not review or approve plans for any subsequent phases of the "PUD" unless good cause can be shown for not completing same.

**SECTION 10.600.0570. Extension of Time Limits.**

Time limits set forth in this Article may be extended written agreement between the applicant and the Commission or Council whichever is applicable, in the case of Area Plans, and between the applicant and the Commission in the case of Final Site Plans.

**SECTION 10.600.0575. Violations.**

The approved Area Plan and/or Final Site Plan shall have the full force of the Zoning Code. Any violation of either the approved Area Plan or approved Final Site Plan shall be ground for the City to issue a stop-work order and to withhold Building Permits until the violation is removed, and shall cause the owner of the development to be subject to the provisions of this Ordinance.

## **SECTION 10.600.0600: DEVELOPMENT SITE PLAN REVIEW**

### **SECTION 10.600.0602. Concept Plans Presented Before a Site Plan.**

"Concept Plans" may be presented to the Planning Commission for speculative buildings. Submittal deadline is the same for all items to be reviewed by the Commission.

### **SECTION 10.600.0605. Purpose.**

- A. It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is a value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires Site Plan review and approval by the Commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, adjacent land usage, and the character of future urban development.
- B. The Site Plan is intended to demonstrate to the Planning Commission the character and objectives of the proposed development in adequate detail for the Commission to evaluate the effect the proposed development would have on the community, and determine what provisions, if any, should be included as a part of the plan and be binding on the use and development of the property.

### **SECTION 10.600.0610. Buildings, Structures, and Uses Requiring Site Plan.**

All proposed commercial and industrial developments and those residential developments with four (4) or more dwelling units in the City of Pine City shall be reviewed by the Planning Commission and are required to receive Site Plan approval from the City Council prior to the issuance of a Building Permit.

### **SECTION 10.600.0612. Buildings, Structures, and Uses Exempt from Site Plan.**

On sites where the City of Pine City does not have a site plan already on file, certain types of development may not be required to go through the formal site plan process; however building permits may still be required. All other setbacks and pertinent ordinances shall be adhered to. The City alone will determine whether or not a proposed development requires a development site plan review. Examples of qualifying exemptions can be found below:

- A. Interior alteration of an existing building when the alteration does not increase the square footage or the height of the building.
- B. Application for a certificate of occupancy for a change to another permitted use which does not increase off-street parking requirements from the existing use or all required parking is existing and in compliance with current codes.
- C. Construction of a fence, but no exemption is granted by this subsection for construction of a retaining wall or for a fence that may obstruct the flow of water.
- D. Substantial restoration within a period of twelve (12) months of a building damaged by fire, explosion, flood, tornado, riot act of the public enemy or accident of any kind.
- E. Enclosure of an existing staircase or porch.

- F. One single-car carport placed over an existing parking space (meeting other building requirements). Such a carport shall consume an area of no more than (200) square feet, be no more than twelve (12) feet in height, and have side walls of no more than eight (8) feet in height.
- G. A ground-level deck of less than two thousand, five hundred (2,500) square feet which is for open space use.
- H. The replacement of an existing roof where height is not increased by more than six (6) feet.
- I. The remodeling of an exterior façade where new construction is limited to the addition of columns or awnings for windows or entranceways.
- J. Canopies over existing gas pumps and paved driveways.
- K. Sidewalks constructed on existing impervious cover.

**SECTION 10.600.0615. Application and Fee.**

- A. Any persons may file a request for a Site Plan review by the Commission by filing with the City the completed application upon the forms provided and payment of the review fee. As an integral part of said application, the applicant shall file at least twenty (20) copies of a Site Plan.
- B. The Clerk, upon receipt of such Site Plan, other necessary data and payment of the required fee, shall forthwith transmit the copies to the Commission prior to its next regularly scheduled meeting in accordance with the City's submittal deadlines. The Commission shall then undertake a study of same and shall approve or deny the Site Plan. Written notice will be sent to the applicant within fifteen (15) days stating the time and place of review of the Site Plan by the Commission.

**SECTION 10.600.0620. Required Data for Site Plan.**

Every Site Plan submitted to the Commission Shall be in accordance with the requirements of this Section.

- A. The property shall be identified by lot lines and location, including dimensions, angles, and size, correlated with the legal description of said property. The Site Plan shall be designed and prepared by a qualified land planner, registered professional architect, engineer or land surveyor. It shall also include the name and address of the property owner(s), developer(s), and designer(s) (and their seal).
- B. The Site Plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Commission can readily interpret the Plan, and shall include more than one (1) drawing where required for clarity.
- C. It shall show the scale, north arrow, boundary dimensions, and natural features such as woodlots, streams, rivers, lakes, drains, topography (at least five foot contour intervals; when terrain is irregular or drainage critical, contour interval shall be two foot) and similar features.

- D. It shall show existing manmade features such as buildings, structures, easements, high tension towers, pipe lines, existing utilities such as water and sewer lines, etc., excavations, bridges, culverts, and drains and shall identify adjacent properties within one hundred (100) yards and their existing uses.
- E. It shall show the location, proposed finished floor and grade line elevations, size of proposed main and accessory buildings, their relation one to another and to any existing structures to remain on the site, and the height of all buildings and structures, as well as full color building elevation illustrations and materials proposed for the structures under consideration.
- F. It shall show the proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and identification of service lands, service parking and loading zones, in conformance with the requirements set forth in Section 10.400.0300.
- G. It shall show the location and size of all existing utilities (public and private) serving the property as well as the location and size of all proposed utilities to serve the property. All necessary utilities (public and private) will be available, functioning, and usable at the time any stage of the project or the total project is ready for occupancy.
- H. A Landscape Plan that meets the requirements of Section 10.400.0400, "Landscaping and Screening," shall be included as part of the Site Plans submitted.
- I. Any proposed alterations to the topography and other natural features shall be indicated.
- J. The location, height, and intensity of all exterior lighting.
- K. The location and type of trash pick-up proposed must be designated. With the exception of industrial districts screening must be shown.
- L. Any other information deemed necessary by the Commission.
- M. If required for clarity, more than one drawing must be submitted
- N. A site location map that shows the site in relation to the surrounding area
- O. Name and address of property owner
- P. Show existing flood plain, flood fringe, and floodway areas.
- Q. Show existing and proposed fire hydrants within three hundred (300) feet of the property.
- R. Provide calculations on site coverage of buildings, landscaped area, and pavement
- S. Show conformance with the Comprehensive Plan.

For those buildings where a concept plan has been submitted, a complete site plan reflecting all requirements will be required.

Note: All plans, architectural drawings, renderings or other materials or visual aids either submitted to the Planning Commission or presented at their meeting shall become the property of the City and part of the permanent record of any approval.

**Section 10.600.0625. Standards for Site Plan Review.**

In reviewing the Site Plan, the Commission shall ascertain whether it is consistent with all regulations of the Zoning Code. Further, in consideration of each Site Plan, the Commission shall endeavor to assure the following:

- A. That the movement of vehicular and pedestrian traffic within the site and in relation to access streets shall be safe and convenient.
- B. That provisions are made so that the proposed development will not be harmful to the existing and future uses in the immediate area and the vicinity.
- C. All site plans will be reviewed for adherence to the Performance Standards as set forth in the Municipal Development Ordinance.

**SECTION 10.600.0630. Approval of Site Plan.**

Upon Commission approval of a Site Plan the applicant shall file with the Commission four (4) copies thereof. The Secretary of the Commission shall transmit one (1) copy each to the Clerk and Code Enforcement Officer with the Secretary's signature affixed thereto, certifying the Site Plan conforms to the provisions of the Zoning Code as determined and approved by the Commission.

If the Site Plan is denied by the Commission, explanation and notification of denial shall be given to the applicant(s) within fifteen (15) days of their decision.

**SECTION 10.600.0635. Expiration of Site Plan Certificate.**

The Site Plan Certificate shall expire, and be of no effect, one hundred eighty (180) days after the date of issuance thereof, unless within such time a Building Permit for any proposed work authorized under the said site certificate has been issued. The Site Plan certificate shall expire and be of no effect three hundred and sixty (360) days after the date of its issuance, if construction has not begun and been pursued diligently on the property.

**SECTION 10.600.0640. Revision of Site Plan.**

A Site Plan may be amended or revised by the Commission so far as the Commission approved Site Plan is concerned, for which the City has not issued a Building Permit, or the work authorized under an issued building has not been completed. Such amendment shall be made upon application and in accordance with the procedure provided under this Ordinance.

**SECTION 10.600.0645. Site Plan Escrow.**

As a condition of approval of the Site Plan, the City may require the applicant to establish an escrow per the Pine City Fee Schedule to insure performance of any obligations of the applicant to make improvements shown upon the detailed Site Plan. The deposit shall be in an amount sufficient to insure completion of the improvements within the time specified by the Commission in accordance with regulations and standards established by the City. The City shall reduce the required escrow, and rebate to the applicant any excess cash deposits, as the work progresses, amounts equal to the percentage of the work completed on the entire improvement shown upon the detailed Site Plan as verified and authorized by

the City.

**SECTION 10.600.0650. Violations.**

The filing of a Site Plan shall constitute an agreement by the owner and applicant, their heirs, successors, and assigns that if the Site Plan is approved by the Planning Commission; permits issued for the improvement of such property and activities subsequent thereto shall be in conformance with the approved Site Plan for the property in question. The approved Site Plan shall have the full force and effect of the Zoning Code. Any violations shall be grounds for the City to issue stop work orders, withhold further permits, and take all actions necessary for the assessment of all penalties and fines as outlined in Section 10.800.

**SECTION 10.600.0700: CONDITIONAL USE PERMIT (CUP)**

**SECTION 10.600.0710. Purpose.**

Conditional Uses are those types of uses which are considered by the city to be essentially desirable, necessary, or convenient to the community, but which by their nature or in their operation have:

- A. The potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of the Zoning Code and/or;
- B. The potential to create undesirable impacts on nearby properties which potentially cannot be determined without a binding site plan and on a case-by-case basis.

Such conditional uses cannot be allowed to locate “as a right” on any parcel of land within certain districts without consideration of existing conditions at the proposed location and of properties neighboring upon the specific site considered, nor without adequate and sufficient safeguards, when necessary, to lessen the impact of adverse factors.

Any use that was permitted under a prior zoning code that is a conditional use under this code as enacted or modified shall be subject to a Conditional Use Permit prior to expansion of said use or facility.

**SECTION 10.600.0710. Application.**

Application for amendments or conditional use permits, as provided within this Ordinance, shall be filed with the City on an official application form. The application shall also be accompanied by complimentary copies of detailed written and graphic materials fully explaining the proposed change, development, or use. The City shall refer the application, along with all related information, to the City Planning Commission for consideration and a report at least fifteen (15) days before the next regular meeting.

**SECTION 10.600.0715. Public Hearing.**

The City, on behalf of the Planning Commission, shall set a date for a public hearing for amendments and conditional use permits. Notice of the time, place and purpose of the hearing shall be published in the official newspaper.

Notice shall be mailed not less than ten (10) days to all property owners of record according to the county assessment records, within three hundred fifty (350) feet of the property to which the request relates. The applicant shall be required to provide a list of property owners and addresses within 350 feet of affected property. A copy of the notice and a list of

the property owners and addresses to which the notices were sent shall be attested to by the City and made part of official record. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bonafide attempt to comply with this subdivision has been made.

**SECTION 10.600.0720. Planning Commission.**

The Planning Commission shall consider the request and hold a public hearing at its next regular meeting unless the filing date falls within fifteen (15) days of the meeting, in which case the request shall be placed on the agenda and considered at the regular meeting following the next regular meeting. The City shall refer the application, along with all related information, to the City Planning Commission for consideration. The applicant or his or her representative shall appear before the Planning Commission in order to answer questions concerning the proposed amendment or conditional use.

**SECTION 10.600.0730. Additional Information.**

The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance.

**SECTION 10.600.0735: Finding of Fact and Recommendation.**

The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request to the City Council.

- A. In considering conditional use requests, the Planning Commission shall evaluate the use, utilizing from the requirements 1 through 13 below:
1. The land area and setback requirements of the property containing such a use or activity shall be the minimum established for the district.
  2. When abutting a residential use in a residential district, the property shall be screened and landscaped in compliance with this Ordinance.
  3. Where applicable, all city, state and federal laws, regulations and ordinances shall be complied with and all necessary permits secured.
  4. All signs shall be in compliance with Section 10.500.0300 of this Ordinance and shall not adversely impact adjoining or surrounding residential uses.
  5. Adequate off-street parking and loading shall be provided in accordance with Section 10.400.0300 of this Ordinance. Such parking and loading shall be screened and landscaped from abutting residential uses in compliance with Section 10.400.0700 of this Ordinance.
  6. The proposed water, sewer and other utilities shall be capable of accommodating the proposed use.
  7. The street serving the use or activity shall be of sufficient design to accommodate the proposed use or activity, and such use or activity shall not generate such

additional extra traffic to create a nuisance or hazard to existing traffic or to surrounding land uses.

8. All access roads, driveways, parking areas, and outside storage, service, or sales areas shall be surfaced or grassed to control dust and drainage.
9. All open and outdoor storage, sales and service areas shall be screened from view from the public streets and from abutting residential uses or districts.
10. All lighting shall be designed as to have no direct source of light visible from adjacent residential areas or from the public streets.
11. The use or activity shall be properly drained to control surface water runoff.
12. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence.
13. Where structures combine residential and non-residential uses, such uses shall be separated and provided with individual outside access, and the uses shall not conflict in any manner.

- B. The conditional use application shall comply with the minimum specific requirements pertaining to each designated conditional use as stated in Appendix E. Additional conditions may be added.

**SECTION 10.600.0740. Additional Development Requirements of Certain Uses.**

See Appendix E: Additional Development Requirements of Certain Uses.

**SECTION 10.600.0745. Council Action.**

Upon receiving the report and recommendation of the Planning Commission, the City Council shall place the report and recommendation on the agenda for the next regular meeting. The reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.

**SECTION 10.600.0750. Council Decision.**

Upon receiving the report and recommendation of the Planning Commission, the City Council shall either:

- A. Approve or disapprove the request as recommended by the Planning Commission, based upon whether the application meets the requirements stated in the Ordinance;
- B. Approve or disapprove the recommendation of the Planning Commission with modifications, alterations, or differing conditions. Such modifications, alterations or differing conditions shall be in writing and made part of the Council's records; or
- C. Refer the recommendation back to the Planning Commission for future consideration. This procedure shall be followed only one time on a singular action. Approval of a request shall require passage by two-thirds (2/3) vote of the full City Council. The City shall notify the applicant of the Council's action.

**SECTION 10.600.0755. Review.**

- A. Designated time limits may not be set on the conditional use (See Interim Use Permits Section 10.600.800). However, the Conditional Use Permit shall be reviewed and will continue on or be revoked at the discretion of the City Council upon its review.
- B. The City Council may set a date for future review and renewal or non-renewal of a Conditional Use Permit. At a minimum, a Conditional Use is reviewable annually.
- C. All conditions pertaining to a specific site shall be subject to change when the Planning Commission or City Council, upon their investigation or review, finds that the community safety, health, welfare and public betterment can be served as well or better by modifying the conditions.
- D. A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance, and grounds for the City to revoke the Conditional Use Permit by a majority vote of the City Council.

**SECTION 10.600.0760. Appeal of Decision.**

The recommendation of the Planning Commission shall be advisory to the City Council. The decision of the City Council shall be final subject to judicial review.

**SECTION 10.600.0765. Lapse of Conditional Use Permit by Non-Use.**

Whenever within one (1) year after granting a conditional use permit, the work as permitted by the permit shall not have been completed, then such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and filed with the City or City Administrator at least thirty (30) days before the expiration of the original conditional use permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. The petition shall be presented to the Planning Commission for a recommendation and to the City Council for a decision and shall be requested only one time on a singular action.

**SECTION 10.600.0800: INTERIM USE PERMITS (IUP)**

**SECTION 10.600.0805. Purpose of interim uses.**

An interim use may be allowed as a temporary use of property until a particular date, until the occurrence of a particular event, or until the zoning regulations no longer allow it.

**SECTION 10.600.0810. Authorization of interim use.**

The City Council may approve an interim use of property as defined and authorized by Minnesota Statutes section 462.3597.

**SECTION 10.600.0815. Initiation of interim use.**

Any person having a legal or equitable interest in a property may file an application to use such land for (1) or more interim uses.

**SECTION 10.600.0820. Application for interim use.**

An application for interim use shall be filed on a form approved by the zoning administrator.

**SECTION 10.600.0825. Hearing on applications for interim use.**

The Planning Commission shall hold a public hearing on each valid and complete application for interim use.

**SECTION 10.600.0830. Findings and recommendations of Planning Commission.**

After the close of the hearing on a proposed interim use, the Planning Commission shall make findings, according to the standards for a conditional use permit as established by Section 10.600.0700 (Conditional Use Permits) of this Ordinance. The Planning Commission shall then submit its findings together with its recommendations to the City Council.

**SECTION 10.600.0835. Action by City Council on interim uses.**

The City Council shall make the final decision regarding all applications for interim use.

**SECTION 10.600.0840. Interim use conditions and guarantees.**

A. *In general.* Any City Council approval of an interim use shall be subject to the following conditions:

1. The interim use shall be allowed as a conditional use in the zoning district in which it is to be located.
2. Except as otherwise authorized by this Section, an interim use shall conform to this zoning ordinance as if it were established as a conditional use.
3. The date or event that will terminate the interim use shall be identified with certainty. Interim uses may not be granted for a period greater than five (5) years.
4. In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.
5. Such conditions and guarantees as the City Council deems reasonable and necessary to protect the public interest and to ensure compliance with standards and purposes of this zoning ordinance and policies of the comprehensive plan.

B. *Exceptions.* The City Council may waive conditions that would apply to an interim use upon finding that the temporary nature of the interim use will eliminate the adverse effects the condition was intended to prevent.

**SECTION 10.600.0900: VARIANCES**

**SECTION 10.600.0910. Purpose.**

A variance is required if some aspect of a proposed project does not conform with the development standards for the zone. The purpose of issuing variances is not to allow exceptions to the development standards but rather to help achieve equal treatment for owners who would be disadvantaged by strict application of these standards.

**SECTION 10.600.0915. Application and Procedure.**

A. The applicant for a variance shall complete and submit to the City an official application for a variance together with a non-refundable fee established by the City Council. In

addition to the fee, the applicant shall sign an agreement, on forms provided by the City to pay the cost of all engineering, planning, legal and inspection expenses incurred by the City in processing the application. The application shall contain the names and mailing addresses of all property owners within 350 feet of the subject property.

- B. Complimentary copies of detailed written and graphic materials fully explaining the proposed change or development that would require a variance shall accompany the application. The City shall refer the application, along with all related information, to the City Planning Commission for consideration and a report at least fifteen (15) days before the next regular meeting.
- C. Upon determining that all required information has been provided, a public hearing shall be scheduled before the Planning Commission and notice shall be published, posted and mailed according to Minnesota statutes.

**SECTION 10.600.0920. Public Hearing.**

The City, on behalf of the Planning Commission, shall set a date for a public hearing for the variance. Notice of the time, place and purpose of the hearing shall be published in the official newspaper.

Notice shall be mailed not less than ten (10) days to all property owners of record according to the county assessment records, within three hundred fifty (350) feet of the property to which the request relates. A copy of the notice and a list of the property owners and addresses to which the notices were sent shall be attested to by the City and made part of official record. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bonafide attempt to comply with this subdivision has been made.

**SECTION 10.600.0930. Planning Commission.**

The Planning Commission shall consider the request and hold a public hearing at its next regular meeting unless the filing date falls within fifteen (15) days of the meeting, in which case the request shall be placed on the agenda and considered at the regular meeting following the next regular meeting. The City shall refer the application, along with all related information, to the City Planning Commission for consideration. The applicant or his or her representative shall appear before the Planning Commission in order to answer questions concerning the proposed variance.

**SECTION 10.600.0935. Powers, Duties and Obligations of the Planning Commission.**

The Planning Commission shall have the following powers, duties, and obligations:

- A. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Zoning Ordinance.
- B. To hear requests for variances from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

**SECTION 10.600.0940. Standards and Findings of Fact for Granting Variances.**

A variance may be granted only in the event that the applicant demonstrates by factual presentation that all of the following circumstances exist:

- A. The literal interpretation of the provisions of this Ordinance would cause undue hardship, deprive the applicant of rights commonly enjoyed by other properties in the same District under the terms of this Ordinance and leave the applicant without reasonable use of the land, provided that the applicant shall not have created the hardship.
- B. The conditions causing the hardship are unique and are not shared by neighboring property in the same zoning district. Exceptional or extraordinary circumstances apply to the property which does not apply generally to other properties in the same zoning district and result from lot size or shape, topography, or other circumstances over which the owners of the property since enactment of this Ordinance had no control.
- C. The variance would be in keeping with the spirit and intent of the Ordinance, would be consistent with the Comprehensive Plan, and would not essentially alter the character of the neighborhood, or adversely affect the environmental equality of the area.
- D. The variance would not allow any use that is not permitted under the Ordinance for a property in the zoning district where the affected applicant's land is located.
- E. The variance would not impair an adequate supply of light and air to adjacent properties.
- F. The variance would not increase the congestion in the public rights-of-way.
- G. The variance would not increase the danger of fire or endanger the public safety.
- H. The variance would not cause an unreasonable strain upon existing municipal facilities and services.
- I. The variance would not have a negative direct and indirect fiscal impact upon the City, County or School District, unless the proposed use is determined to be in the public interest.

**SECTION 10.600.0945. Council Action.**

Upon receiving the report and recommendation of the Planning Commission, the City Council shall place the report and recommendation on the agenda for the next regular meeting. The reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.

**SECTION 10.600.0950. Council Decision.**

Upon receiving the report and recommendation of the Planning Commission, the City Council shall either:

- A. Approve or disapprove the request as recommended by the Planning Commission, based upon whether the application meets the requirements stated in the Ordinance;
- B. Approve or disapprove the recommendation of the Planning Commission with modifications, alterations, or differing conditions. Such modifications, alterations or differing conditions shall be in writing and made part of the Council's records; or

- C. Refer the recommendation to the Planning Commission for future consideration. This procedure shall be followed only one time on a singular action. Approval of a request shall require passage by two-thirds (2/3) vote of the full City Council. The City shall notify the applicant of the Council's action within fifteen (15) days of the decision.

**SECTION 10.600.0960. Conditions and Restrictions.**

In granting a variance the Planning Commission may recommend and the City Council may impose additional conditions and restrictions which are reasonably necessary to ensure compliance with all provisions of this Ordinance, and with the language and intent of the Comprehensive Plan, and to protect adjacent properties.

**SECTION 10.600.0965. Appeals.**

Any person wishing to appeal an order, requirement, decision, or determination made by an administrative officer in enforcement of the zoning ordinance shall complete and submit to the City for Appeal within thirty (30) days after the date of the order or decision in question. The application for appeal shall contain a complete statement of the order, requirement, decision or determination, the name of the administrative officer involved, and a concise statement of the alleged error committed.

- A. The City shall determine that the application contains all the required information before presenting the application to the Planning Commission.
- B. The Planning Commission shall review the application and make written Findings of Fact to the City Council.
- C. The City Council shall grant or deny the appeal request after receiving the recommendation of the Planning Commission.

**SECTION 10.600.0970. Lapse of Variance or Appeal.**

Whenever within one (1) year after granting a variance or appeal the work as permitted by the variance or appeal shall not have been completed by the applicant, then such variance or appeal shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original variance or appeal.

There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the variance or appeal. Such petition shall be presented to the Planning Commission for a recommendation and to the City Council for a decision, and shall be requested only one time on a singular action.

**SECTION 10.600.0975. Performance Bond.**

Upon recommendation of the Planning Commission, the City Council shall have the authority to require a performance bond or other securities when it is deemed necessary and appropriate.

- A. Except in the case of non-income producing residential property, upon approval of a variance or appeal the City may be provided with a surety bond, escrow certificate of deposit, securities or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee

conformance and compliance with the conditions of the variance or appeal and the ordinances of the City.

- B. The security may be in the amount of the City Council's estimated costs of labor and materials for the proposed improvements or development.
- C. The City may hold the security until completion of the proposed improvements or development and a certificate of occupancy, indicating compliance with the variance or appeal and ordinances of the City, has been issued by the City Zoning Administrator.
- D. Failure to comply with the conditions of the variance or appeal and/or ordinances of the City shall result in forfeiture of the security.

**SECTION 10.600.1000: ENVIRONMENTAL APPEAL**

The purpose of the Environmental Review Program Section is to provide for the preparation and review of Environmental Assessment Worksheets (EAW), Environmental Impact Statements (EIS) and other environmental documents required under Minnesota Statute 116D.04, Subd. 2 (1974), and Minnesota Statute 116D.01(1974) as amended, to implement the Environmental Review Program in accordance with Minnesota Rules. GMCAR 3.021 through 3.047

## **SECTION 10.700.0000: SHORELANDS AND FLOODING**

*(Adopted 11/6/19 Published on 11/14/19, Ord #19-14)*

### **SECTION 10.700.0100: SHORELANDS**

#### **SECTION 10.700.0105. STATUTORY AUTHORIZATION AND POLICY**

- A. **Statutory Authorization.** This shoreland ordinance is adopted pursuant to the authorization and policies contained in [Minnesota Statutes, Chapter 103F](#), [Minnesota Regulations, Parts 6120.2500 - 6120.3900](#), and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.
- B. **Policy.** The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the City of Pine City.

#### **SECTION 10.700.0110. GENERAL PROVISIONS AND DEFINITIONS**

- A. **Jurisdiction.** The provisions of this ordinance apply to the shorelands of the public water bodies as classified in Section 10.700.0130.A. of this ordinance. Pursuant to [Minnesota Regulations, Parts 6120.2500 - 6120.3900](#), no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.
- B. **Enforcement.** The City of Pine City is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in Section 10.700.0120.B. of this ordinance.
- C. **Severability.** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- D. **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- E. **Definitions.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the same meaning they have in common usage and to give this ordinance its most reasonable application. For the purpose of this ordinance,

the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally.

1. **Accessory structure or facility.** Any building or improvement subordinate to a principal use.
2. **Animal feedlot.** A facility as defined by [Minnesota Rules, part 7020.0300](#).
3. **Bluff.** A topographic feature such as a hill, cliff, or embankment having the following characteristics:
  - a. Part or all of the feature is located in a shoreland area;
  - b. The slope must drain toward the waterbody
  - c. The slope rises at least 25 feet above the toe of bluff;
  - d. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater (see Figure 1), except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff (see Figure 2).

Figure 1. Illustration of Bluff

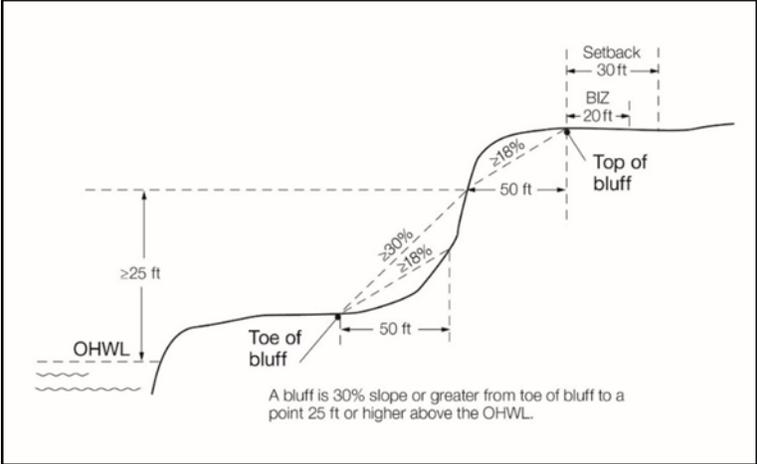
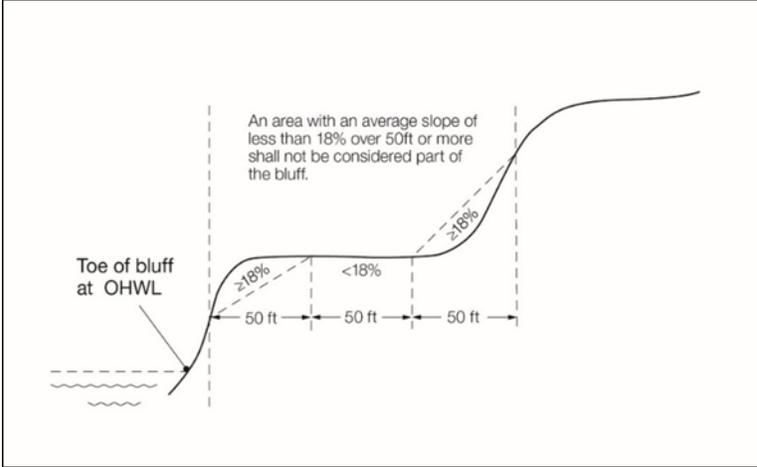
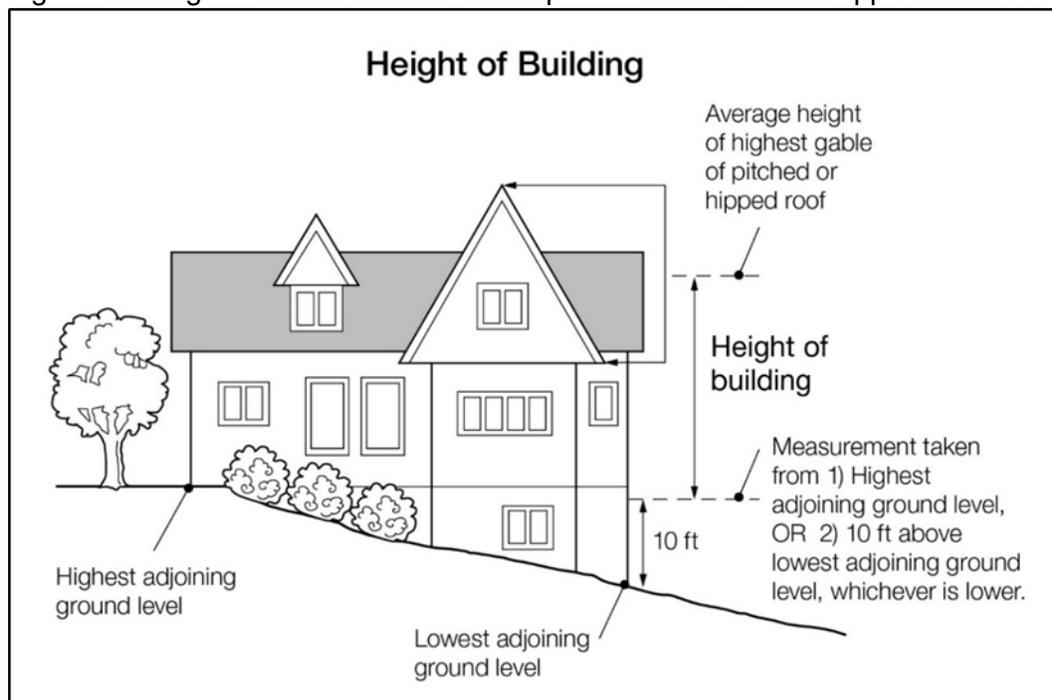


Figure 2. Exception to Bluff



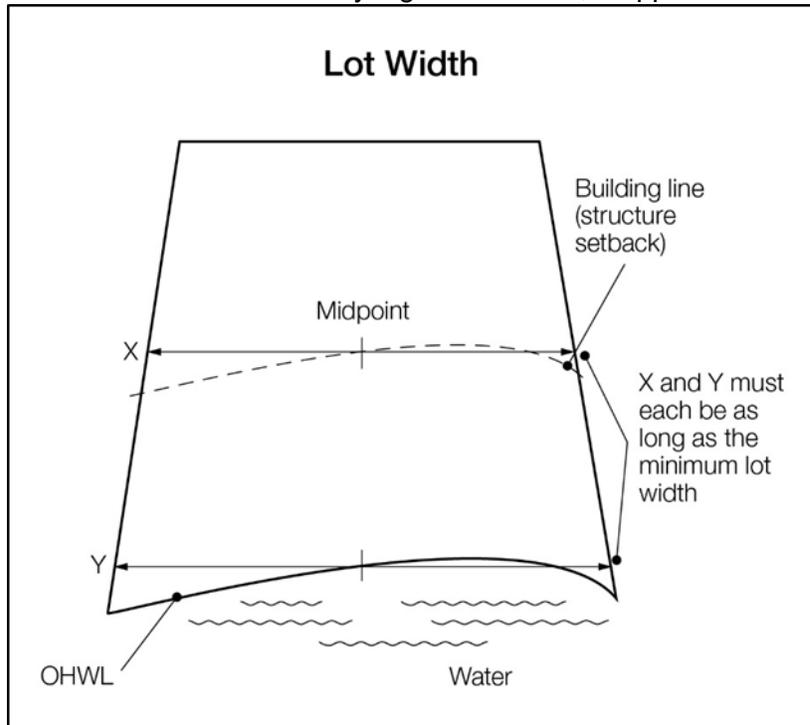
4. **Bluff impact zone.** A bluff and land located within 20 feet of the top of a bluff.
5. **Bluff, Toe of.** The lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high-water level, whichever is higher.
6. **Bluff, Top of.** For the purposes of measuring setbacks, bluff impact zone, and administering vegetation management standards, the higher point of a 50-foot segment with an average slope exceeding 18 percent.
7. **Boathouse.** A facility as defined by [Minnesota Statutes Section 103G.245](#).
8. **Buffer.** A vegetative feature as defined by [Minnesota Statutes, Section 103F.48](#).
9. **Building line.** A line parallel to a lot line or the ordinary high-water level at the required setback beyond which a structure may not extend.
10. **Controlled access lot.** A lot used to access public waters or as a recreation area for owners of nonriparian lots within the same subdivision containing the controlled access lot.
11. **Commercial planned unit developments.** Developments that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.
12. **Commercial use.** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
13. **Commissioner.** The commissioner of the Department of Natural Resources.
14. **Conditional use.** A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.
15. **Deck.** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.
16. **Duplex, triplex, and quad.** A dwelling structure on a single lot, having two, three, and four units, respectively, attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
17. **Dwelling site.** A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
18. **Dwelling unit.** Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

19. **Extractive use.** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under [Minnesota Statutes, Sections 93.44 to 93.51](#).
20. **Forest land conversion.** The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
21. **Guest cottage.** A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
22. **Height of building.** The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest adjoining ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.



23. **Impervious surface.** A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete, asphalt, or gravel driveways; and other similar surfaces.
24. **Industrial use.** The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
25. **Intensive vegetation clearing.** The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
26. **Lot.** A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

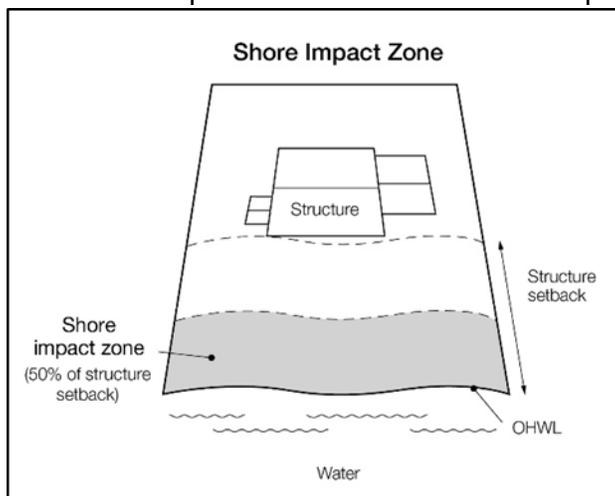
27. **Lot width.** The minimum distance between:
- Side lot lines measured at the midpoint of the building line; and
  - Side lot lines at the ordinary high-water level, if applicable.



28. **Metallic minerals and peat.** "Metallic minerals and peat" has the meaning given under [Minnesota Statutes, Sections 93.44 to 93.51](#).
29. **Nonconformity.** Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments to those controls that would not have been permitted to become established under the terms of the official controls as now written.
30. **Ordinary high-water level.** The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high-water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high-water level is the operating elevation of the normal summer pool.
31. **Planned unit development.** A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings,

dwelling grounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

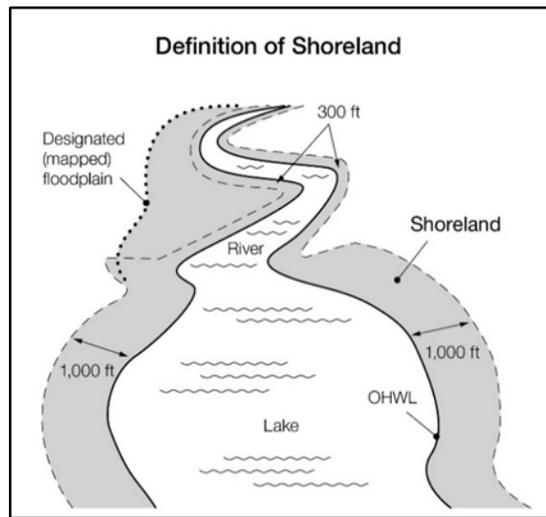
32. **Public waters.** Any water as defined in [Minnesota Statutes, Section 103G.005, Subd. 15, 15a.](#)
33. **Residential planned unit development.** A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.
34. **Resort.** "Resort" has the meaning in [Minnesota Statute, Section 103F.227.](#)
35. **Semipublic use.** The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
36. **Setback.** The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high-water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.
37. **Sewage treatment system.** "Sewage treatment system" has the meaning given under [Minnesota Rules, part 7080.1100, Subp. 82.](#)
38. **Sewer system.** Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
39. **Shore impact zone.** Land located between the ordinary high-water level of a public water and a line parallel to it at a setback of 50 percent of the structure



setback.

40. **Shoreland.** "Shoreland" means land located within the following distances from public waters:
  - a. 1,000 feet from the ordinary high-water level of a lake, pond, or flowage; and

- b. 300 feet from a river or stream, or the landward extent of a floodplain



designated by ordinance on a river or stream, whichever is greater.

41. **Shore recreation facilities.** Swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.
42. **Significant historic site.** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an un-platted cemetery that falls under the provisions of [Minnesota Statutes, Section 307.08](#). A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All un-platted cemeteries are automatically considered to be significant historic sites.
43. **Steep slope.** Having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, which are not bluffs.
44. **Structure.** Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.
45. **Subdivision.** Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.
46. **Suitability analysis.** An evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation;

fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.

47. **Variance.** “Variance” means the same as that defined in [Minnesota Statute Section 462.357 Subd. 6 \(2\)](#).

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

49. **Water-dependent use.** The use of land for commercial, industrial, public or semi-public purposes, where access to and use of a public water is an integral part of the normal conduct of operation. Marinas, resorts, and restaurants with transient docking facilities are examples of commercial uses typically found in shoreland areas.

50. **Wetland.** “Wetland” has the meaning given under [Minnesota Rule, part 8420.0111](#).

#### **SECTION 10.700.0120. ADMINISTRATION**

A. **Purpose.** The purpose of this Section is to identify administrative provisions to ensure the ordinance is administered consistent with its purpose.

B. **Permits.**

1. A permit is required for the construction of buildings or building additions (including construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Section 10.700.0170.C. of this ordinance.

2. A certificate of compliance, consistent with [Minnesota Rules Chapter 7082.0700 Subp. 3](#), is required whenever a permit or variance of any type is required for any improvement on or use of the property. A sewage treatment system shall be considered compliant if the only deficiency is the system’s improper setback from the ordinary high-water level.

C. **Application materials.** Application for permits and other zoning applications such as variances shall be made to the Zoning Administrator on the forms provided. The application shall include the necessary information so that the Zoning Administrator can evaluate how the application complies with the provisions of this ordinance.

D. **Certificate of Zoning Compliance.** The Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Section 10.700.0120.B. of this ordinance. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in Section 10.700.0110.B. of this ordinance.

- E. **Variiances.** Variiances may only be granted in accordance with [Minnesota Statutes, Section 462.357](#) and are subject to the following:
1. A variance may not circumvent the general purposes and intent of this ordinance; and
  2. For properties with existing sewage treatment systems, a certificate of compliance, consistent with [Minnesota Rules Chapter 7082.0700 Subp. 3](#), is required for variance approval. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high-water level.
- F. **Conditional Uses.** All conditional uses in the shoreland area are subject to a thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions to ensure:
1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
  2. The visibility of structures and other facilities as viewed from public waters is limited;
  3. There is adequate water supply and on-site sewage treatment; and
  4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
- G. **Mitigation.**
1. In evaluating all variiances, conditional uses, zoning and building permit applications, the zoning authority shall require the property owner to address the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:
    - a. Advanced storm water runoff management treatment;
    - b. Reducing impervious surfaces;
    - c. Increasing setbacks from the ordinary high-water level;
    - d. Restoration of wetlands;
    - e. Limiting vegetation removal and/or riparian vegetation restoration;
    - f. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
    - g. Other conditions the zoning authority deems necessary.
  2. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters assuming summer, leaf-on vegetation shall be attached to permits.

#### H. **Nonconformities.**

1. All legally established nonconformities as of the date of this ordinance may continue, but will be managed according to [Minnesota Statutes, Section 462.357 Subd. 1e](#) and other regulations of this community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.
2. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Sections 10.700.0140 to 0170 of this ordinance. Any deviation from these requirements must be authorized by a variance.

#### I. **Notifications to the Department of Natural Resources.**

1. All amendments to this shoreland ordinance must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules. The City of Pine City will submit the proposed ordinance amendments to the commissioner or the commissioner's designated representative at least 30 days before any scheduled public hearings.
2. All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the commissioner or the commissioner's designated representative at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
3. All approved ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
4. Any request to change the shoreland management classification of public waters within the City of Pine City must be sent to the commissioner or the commissioner's designated representative for approval, and must include a resolution and supporting data as required by [Minnesota Rules, part 6120.3000, subp.4.](#)
5. Any request to reduce the boundaries of shorelands of public waters within the City of Pine City must be sent to the commissioner or the commissioner's designated representative for approval and must include a resolution and supporting data. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

- J. **Mandatory EAW.** An Environmental Assessment Worksheet consistent with Minnesota Rules, Chapter 4410 must be prepared for projects meeting the thresholds of [Minnesota Rules, part 4410.4300, Subparts 19a, 20a, 25, 27, 28, 29, and 36a.](#)

**SECTION 10.700.0130. SHORELAND CLASSIFICATION SYSTEM AND LAND USES**

**A. Shoreland Classification System.**

1. Purpose. To ensure that shoreland development on the public waters of the City of Pine City is regulated consistent with the classifications assigned by the commissioner under [Minnesota Rules, part 6120.3300.](#)
2. The shoreland area for the waterbodies listed in Sections 10.700.0130.A3-5 are defined in Section 10.700.0110.E40 and are shown on the Official Zoning Map. For the purposes of this ordinance, the boundary between Cross Lake and the Snake River shall be the first set of railroad tracks located just upstream of Cross Lake.
3. Lakes are classified as follows:

Lake Classification	DNR Public Waters I.D. #
General Development	
<i>Cross Lake</i>	<i>58-119 P</i>
Natural Environment	
<i>Squaw Lake</i>	<i>58-146 W</i>
<i>Devil's Lake</i>	<i>58-118 W</i>
<i>Unnamed</i>	<i>58-120 W</i>
<i>Kick Lake</i>	<i>58-165 W</i>

4. Rivers and Streams are classified as follows:

River and Stream Classification	Legal Description
Urban	
<i>Snake River</i>	<i>Starting at the city limits of the City of Pine City in Section 32, flowing SE to the confluence of Cross Lake in Section 33.</i>

5. All public rivers and streams shown on the Public Waters Inventory Map for Pine County, a copy of which is adopted by reference, not given a classification in Section 4.14 shall be considered "Tributary."

**B. Land Uses.**

1. Purpose. To identify land uses that are compatible with the protection and preservation of shoreline resources in order to conserve the economic and environmental values of shoreland and sustain water quality.
2. Shoreland district land uses listed in Sections 10.700.0130.B3. and B4 are regulated as:
  - a. Permitted uses (P). These uses are allowed, provided all standards in this ordinance are followed;
  - b. Conditional uses (C). These uses are allowed through a conditional use permit. The use must be evaluated according to the criteria in Section

10.700.0120.F. of this ordinance and any additional conditions listed in this ordinance; and

c. Not permitted uses (N). These uses are prohibited.

3. Land uses for lake and river classifications:

<b>Land Uses</b>	<b>General Development</b>	<b>Natural Environment</b>	<b>Urban River</b>
Single residential	P	P	P
Duplex, triplex, quad residential	P	C	P
Residential PUD	C	C	C
Water-dependent commercial - As accessory to a residential planned unit development	C	C	C
Commercial	P	C	P
Commercial PUD - Limited expansion of a commercial planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Section 10.0 of this ordinance are satisfied.	C	C	C
Parks & historic sites	C	C	C
Public, semipublic	P	C	P
Industrial	C	N	C
Agricultural: cropland and pasture	P	P	P
Agricultural feedlots - New	N	N	N
Agricultural feedlots - Expansion or resumption of existing	C	C	C
Forest management	P	P	P
Forest land conversion	C	C	C
Extractive use	C	C	C
Mining of metallic minerals and peat	P	P	P

**SECTION 10.700.0140. SPECIAL LAND USE PROVISIONS**

**A. Commercial, Industrial, Public, and Semipublic Use Standards.**

1. Water-dependent uses may be located on parcels or lots with frontage on public waters provided that:
  - a. The use complies with provisions of Section 10.700.0160;
  - b. The use is designed to incorporate topographic and vegetative screening of parking areas and structures;
  - c. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
  - d. Uses that depend on patrons arriving by watercraft may use signs and lighting, provided that:
    - (1) Signs placed in or on public waters must only convey directional information or safety messages and may only be placed by a public authority or under a permit issued by the county sheriff; and
    - (2) Signs placed within the shore impact zone are:
      - (a) No higher than ten feet above the ground, and no greater than 32 square feet in size; and
      - (b) If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and
    - (3) Other lighting may be located within the shore impact zone or over public waters if it is used to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination across public waters. This does not preclude use of navigational lights.
2. Commercial, industrial, public, and semi-public uses that are not water-dependent must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

**B. Agriculture Use Standards.**

1. **Buffers.**
  - a. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high-water level.
  - b. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in perennial vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local soil and water conservation district or the Natural Resource Conservation Service, and as approved by the local soil and water conservation district.

2. **New animal feedlots are not allowed in shoreland.** Modifications or expansions to existing feedlots or resumption of old feedlots are conditional uses and must meet the following standards:
  - a. Feedlots must be designed consistent with [Minnesota Rules, Chapter 7020](#);
  - b. Feedlots must not further encroach into the existing ordinary high-water level setback or the bluff impact zone and must not expand to a capacity of 1,000 animal units or more; and,
  - c. Old feedlots not currently in operation may resume operation consistent with [Minnesota Statutes, Section 116.0711](#).

**C. Forest Management Standards.**

1. The harvesting of timber and associated reforestation must be conducted consistent with the applicable provisions of the Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers.
2. Intensive vegetation clearing for forest land conversion to another use is a conditional use subject to an erosion control and sedimentation plan developed and approved by the soil and water conservation district.

**D. Extractive Use Standards.** Extractive uses are conditional uses and must meet the following standards:

1. Site Development and Restoration Plan. A site development and restoration plan must be developed, approved, and followed over the course of operation. The plan must:
  - a. Address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations;
  - b. Identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion; and
  - c. Clearly explain how the site will be rehabilitated after extractive activities end.
2. Setbacks for Processing Machinery. Processing machinery must meet structure setback standards from ordinary high-water levels and from bluffs.

**E. Metallic Mining Standards.** Mining of metallic minerals and peat is a permitted use provided the provisions of [Minnesota Statutes, Sections 93.44 to 93.51](#), are satisfied.

**SECTION 10.700.0150. DIMENSIONAL AND GENERAL PERFORMANCE STANDARDS**

- A. **Purpose.** To establish dimensional and performance standards that protect shoreland resources from impacts of development.
- B. **Lot Area and Width Standards.** After the effective date of this ordinance, all new lots must meet the minimum lot area and lot width requirements in Sections 10.700.0150.B5. and 10.700.0150.B6, subject to the following standards:
  1. Only lands above the ordinary high-water level can be used to meet lot area and width standards;

2. Lot width standards must be met at both the ordinary high-water level and at the building line;
3. The sewer lot area dimensions can only be used if publicly owned sewer system service is available to the property;
4. Residential subdivisions with dwelling unit densities exceeding those in Sections 10.700.0150.B5. and 10.700.0150.B6 are allowed only if designed and approved as residential PUDs under Section 10.700.0190. of this ordinance; and
5. Lake Minimum Lot Area and Width Standards:

<b>General Development – No Sewer</b>				
	Riparian		Nonriparian	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	20,000	100	40,000	150
Duplex	40,000	180	80,000	265
Triplex	60,000	260	120,000	375
Quad	80,000	340	160,000	490
<b>General Development – Sewer</b>				
	Riparian		Nonriparian	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	15,000	75	10,000	75
Duplex	26,000	135	17,500	135
Triplex	38,000	195	25,000	190
Quad	49,000	255	32,500	245
<b>Natural Environment – No Sewer</b>				
	Riparian		Nonriparian	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600

Quad	200,000	500	320,000	800
<b>Natural Environment – Sewer</b>				
	Riparian		Nonriparian	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	40,000	125	20,000	125
Duplex	70,000	225	35,000	220
Triplex	100,000	325	52,000	315
Quad	130,000	425	65,000	410

6. River/Stream Minimum Lot Width Standards. There are no minimum lot area requirements for rivers and streams. The lot width standards in feet are:

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

**C. Special Residential Lot Provisions.**

1. Subdivisions of duplexes, triplexes, and quads are conditional uses on Natural Environment Lakes and must also meet the following standards:
  - a. Each building must be set back at least 200 feet from the ordinary high-water level;
  - b. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
  - c. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
  - d. No more than 25 percent of a lake’s shoreline can be in duplex, triplex, or quad developments.
2. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Sections 10.700.0150.B5 and 10.700.0150.B6, provided the following standards are met:

- a. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within an area equal to the smallest duplex-sized lot that could be created including the principal dwelling unit;
  - b. A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and
  - c. A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
3. Controlled access lots are permissible if created as part of a subdivision and in compliance with the following standards:
- a. The lot must meet the area and width requirements for residential lots, and be suitable for the intended uses of controlled access lots as provided in item D;
  - b. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by a percentage of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

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

- c. The lot must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and
- d. Covenants or other equally effective legal instruments must be developed that:
  - (1) Specify which lot owners have authority to use the access lot;
  - (2) Identify what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, docking, swimming, sunbathing, or picnicking;
  - (3) Limit the total number of vehicles allowed to be parked and the total number of watercrafts allowed to be continuously moored, docked, or stored over water;

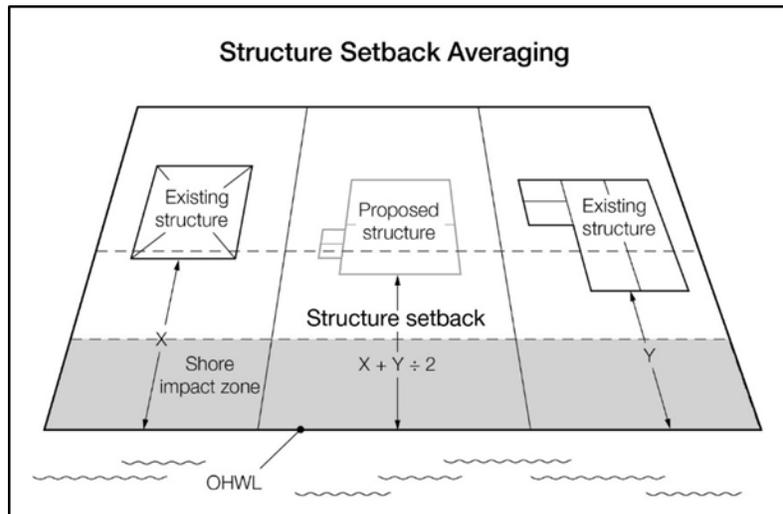
- (4) Require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations; and
- (5) Require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

**D. Placement, Height, and Design of Structures.**

- 1. Placement of Structures and Sewage Treatment Systems on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following OHWL setback provisions. The structure setback standards for sewer properties can only be used if publicly owned sewer system service is available.

Classification	Structures		Sewage Treatment System
	No Sewer	Sewer	
<b>Lakes</b>			
Natural Environment	150	150	150
General Development	75	50	50
<b>Rivers and Streams</b>			
Urban and Tributary	100	50	75

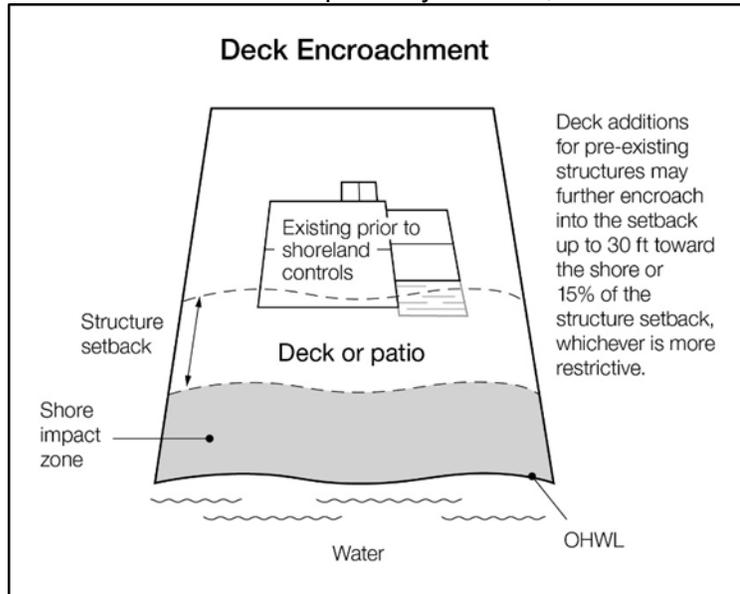
- a. *OHWL Setbacks.* Structures, impervious surfaces, and sewage treatment systems must meet setbacks from the Ordinary High-Water Level (OHWL), except that one water-oriented accessory structure or facility, designed in accordance with Section 10.700.0160.C of this ordinance, may be set back a minimum distance of ten (10) feet from the OHWL:
- b. *Setback averaging.* Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the OHWL, provided the



proposed structure is not located in a shore impact zone or in a bluff impact zone;

c. *Setbacks of decks.* Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high-water level if all of the following criteria are met:

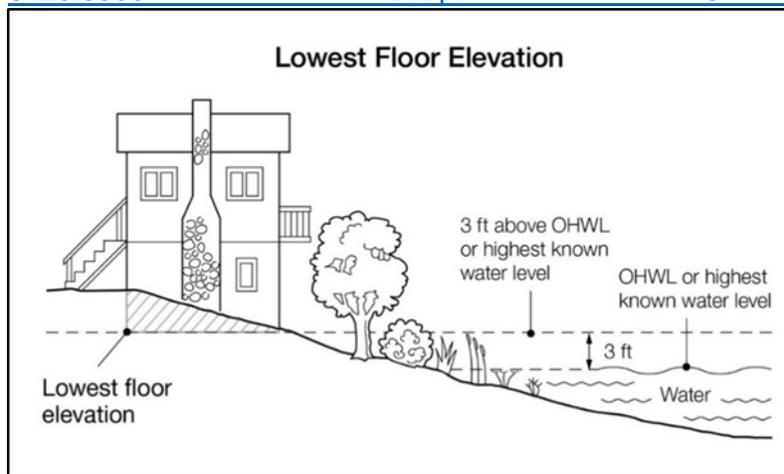
- (1) The structure existed on the date the structure setbacks were established;
- (2) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high-water level setback of the structure;
- (3) The deck encroachment toward the ordinary high-water level does not exceed 15 percent of the existing setback of the structure from the ordinary high-water level or is no closer than 30 feet from the OHWL, whichever is more restrictive; and
- (4) The deck is constructed primarily of wood, and is not roofed or screened.



d. *Additional structure setbacks.* Structures must also meet the following setbacks, regardless of the waterbody classification:

<b>Setback from:</b>	<b>Setback (ft)</b>
<b>Top of bluff</b>	<b>30</b>
Unplatted cemetery	50
Right-of-way line of federal, state, or county highway	50
Right-of-way line of town road, public street, or other roads not classified	20

- e. *Bluff Impact Zones.* Structures, impervious surfaces, and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
- 2. Height of Structures. All structures in residential districts in cities, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.
- 3. Lowest Floor Elevation. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or floodproofed must be determined as follows:
  - a. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high-water level, whichever is higher;
  - b. For rivers and streams, by placing the lowest floor at least three feet above the highest known flood elevation. If data are not available, by placing the lowest floor at least three feet above the ordinary high-water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with [Minnesota Rules, parts 6120.5000 to 6120.6200](#) governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and
  - c. If the structure is floodproofed instead of elevated under items A and B above, then it must be floodproofed in accordance with [Minnesota Rules, part 6120.5900](#) Subp. 3 (D).



- 4. Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

**E. Water Supply and Sewage Treatment.**

1. Water supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
2. Sewage treatment. Any premises used for human occupancy must be connected to a publicly-owned sewer system, where available or comply with [Minnesota Rules, Chapters 7080 – 7081](#).

## **SECTION 10.700.0160. PERFORMANCE STANDARDS FOR PUBLIC AND PRIVATE FACILITIES**

- A. **Placement and Design of Roads, Driveways, and Parking Areas.** Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening as viewed from public waters and comply with the following standards:
1. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts;
  2. Watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met;
  3. Private facilities must comply with the grading and filling provisions of Section 10.700.0170.C of this ordinance; and
  4. For public roads, driveways and parking areas, documentation must be provided by a qualified individual that they are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
- B. **Stairways, Lifts, and Landings.** Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways, lifts, and landings must meet the following design requirements:
1. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public recreational uses, and planned unit developments;
  2. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public-space recreational uses, and planned unit developments;
  3. Canopies or roofs are not allowed on stairways, lifts, or landings;
  4. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;

5. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
  6. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, if they are consistent with the dimensional and performance standards of subitems 10.700.0160.B1 to 10.700.0160.B5 and the requirements of [Minnesota Rules, Chapter 1341](#).
- C. **Water-oriented Accessory Structures or Facilities.** Each residential lot may have one water-oriented accessory structure or facility if it complies with the following provisions:
1. The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. The structure or facility may include detached decks not exceeding eight feet above grade at any point or at-grade patios;
  2. The structure or facility is not in the Bluff Impact Zone;
  3. The setback of the structure or facility from the ordinary high-water level must be at least ten feet;
  4. The structure is not a boathouse or boat storage structure as defined under [Minnesota Statutes, Section 103G.245](#);
  5. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
  6. The roof may be used as an open-air deck with safety rails, but must not be enclosed with a roof or sidewalls or used as a storage area;
  7. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;
  8. As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for storage of watercraft and boating-related equipment may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the shoreline; and
  9. Water-oriented accessory structures may have the lowest floor placed lower than the elevation specified in Section 10.700.0150.D3 if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

## **SECTION 10.700.0170. VEGETATION AND LAND ALTERATIONS**

- A. **Purpose.** Alterations of vegetation and topography are regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, sustain water quality, and protect fish and wildlife habitat.

**B. Vegetation Management.**

1. Removal or alteration of vegetation must comply with the provisions of this subsection except for:
  - a. Vegetation alteration necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities;
  - b. The construction of public roads and parking areas if consistent with Section 10.700.0160.A of this ordinance;
  - c. Forest management uses consistent with Section 10.700.0140.C of this ordinance; and
  - d. Agricultural uses consistent with Section 10.700.0140.B of this ordinance.
2. Intensive vegetation clearing in the shore and bluff impact zones and on steep slopes is prohibited. Intensive clearing outside of these areas is allowed if consistent with the forest management standards in Section 10.700.0140.C of this ordinance.
3. Limited clearing and trimming of trees and shrubs in the shore and bluff impact zones and on steep slopes, is allowed to provide a view to the water from the principal dwelling and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
  - a. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
  - b. Existing shading of water surfaces along rivers is preserved;
  - c. Cutting debris or slash shall be scattered and not mounded on the ground; and
  - d. Perennial ground cover is retained.
  - e. Picnic areas, access paths, livestock watering areas, beaches and watercraft access areas are prohibited in bluff impact zones.
4. Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is allowed without a permit.
5. Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography or both.

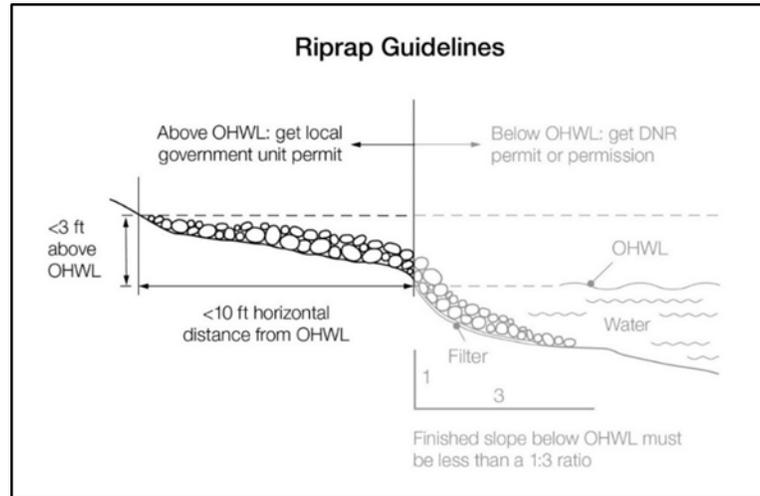
**C. Grading and Filling.**

1. Grading and filling activities must comply with the provisions of this subsection except for the construction of public roads and parking areas if consistent with Section 10.700.0160.A of this ordinance.
2. Permit Requirements.
  - a. Grading, filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways, if part of an approved permit, do

not require a separate grading and filling permit. However, the standards in Section 10.700.0170.C3 of this ordinance must be incorporated into the permit.

- b. For all other work, including driveways not part of another permit, a grading and filling permit is required for:
  - (1) the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
  - (2) the movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
3. Grading, filling and excavation activities must meet the following standards:
  - a. Grading or filling of any wetland must meet or exceed the wetland protection standards under [Minnesota Rules, Chapter 8420](#) and any other permits, reviews, or approvals by other local state, or federal agencies such as watershed districts, the DNR or US Army Corps of Engineers;
  - b. Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by:
    - (1) Limiting the amount and time of bare ground exposure;
    - (2) Using temporary ground covers such as mulches or similar materials;
    - (3) Establishing permanent vegetation cover as soon as possible;
    - (4) Using sediment traps, vegetated buffer strips or other appropriate techniques;
    - (5) Stabilizing altered areas to acceptable erosion control standards consistent with the field office technical guides of the soil and water conservation district;
    - (6) Not placing fill or excavated material in a manner that creates unstable slopes. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
    - (7) Fill or excavated material must not be placed in bluff impact zones;
    - (8) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under [Minnesota Statutes, Section 103G](#);
    - (9) Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
    - (10) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if:

- (a) the finished slope does not exceed three feet horizontal to one foot vertical;
- (b) the landward extent of the riprap is within ten feet of the ordinary high-water level; and
- (c) the height of the riprap above the ordinary high-water level does not exceed three feet.



- 4. Connections to public waters. Excavations to connect boat slips, canals, lagoons, and harbors to public waters require a public waters permit and must comply with [Minnesota Rules, Chapter 6115](#).

#### D. Stormwater Management.

- 1. General Standards:
  - a. When possible, existing natural drainageways, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
  - b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized as soon as possible and appropriate facilities or methods used to retain sediment on the site.
  - c. When development density, topography, soils, and vegetation are not sufficient to adequately handle stormwater runoff, constructed facilities such as settling basins, skimming devices, dikes, waterways, ponds and infiltration may be used. Preference must be given to surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
- 2. Specific Standards:
  - a. Impervious surfaces of lots must not exceed 25 percent of the lot area.
  - b. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are

designed and installed consistent with the field office technical guide of the local soil and water conservation district or the Minnesota Stormwater Manual, as applicable.

- c. New constructed stormwater outfalls to public waters must be consistent with [Minnesota Rules, part 6115.0231](#).

## **SECTION 10.700.0180. SUBDIVISION/PLATTING PROVISIONS**

- A. **Purpose.** To ensure that new development minimizes impacts to shoreland resources and is safe and functional.
- B. **Land suitability.** Each lot created through subdivision, including planned unit developments authorized under Section 10.700.0190 of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. A suitability analysis must be conducted for each proposed subdivision, including planned unit developments, to determine if the subdivision is suitable in its natural state for the proposed use with minimal alteration and whether any feature of the land is likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
- C. **Consistency with other controls.** Subdivisions and each lot in a subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose.
- D. **Water and Sewer Design Standards.**
  - 1. A potable water supply and a sewage treatment system consistent with [Minnesota Rules, Chapters 7080 – 7081](#) must be provided for every lot.
  - 2. Each lot must include at least two soil treatment and dispersal areas that support systems described in [Minnesota Rules, parts 7080.2200 to 7080.223](#) or site conditions described in [part 7081.0270, subparts 3 to 7](#), as applicable.
  - 3. Lots that would require use of holding tanks are prohibited.
- E. **Information requirements.**
  - 1. Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more current sources, showing limiting site characteristics;
  - 2. The surface water features required in [Minnesota Statutes, section 505.021, Subd. 1](#), to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more current sources;
  - 3. Adequate soils information to determine suitability for building and sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
  - 4. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed

methods for controlling stormwater runoff and erosion, both during and after construction activities;

5. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
  6. A line or contour representing the ordinary high-water level, the “toe” and the “top” of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
- F. **Dedications.** When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.
- G. **Platting.** All subdivisions that cumulatively create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with [Minnesota Statutes, Chapters 462.358 Subd. 3a and 505](#). No permit for construction of buildings or sewage treatment systems shall be issued for lots created after the adoption of this ordinance unless the lot was previously approved as part of a formal subdivision.
- H. **Controlled Access Lots.** Controlled access lots within a subdivision must meet or exceed the lot size criteria in Section 10.700.0150.C3 of this ordinance.

#### **SECTION 10.700.0190. PLANNED UNIT DEVELOPMENTS (PUDs)**

- A. **Purpose.** To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential and commercial uses.
- B. **Types of PUDs Permissible.** Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards of Section 10.700.0150.B of this ordinance is allowed if the standards in this Section are met.
- C. **Processing of PUDs.** Planned unit developments must be processed as a conditional use. An expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 10.700.0190.E. Approval cannot occur until all applicable environmental reviews are complete.
- D. **Application for a PUD.** The applicant for a PUD must submit the following documents prior to final action on the application request:
1. Site plan and/or plat showing:
    - a. Locations of property boundaries;
    - b. Surface water features;
    - c. Existing and proposed structures and other facilities;
    - d. Land alterations;
    - e. Sewage treatment and water supply systems (where public systems will not be provided);

- f. Topographic contours at ten-foot intervals or less; and
  - g. Identification of buildings and portions of the project that are residential, commercial, or a combination of the two (if project combines commercial and residential elements).
2. A property owners association agreement (for residential PUD's) with mandatory membership, and consistent with Section 10.700.0190.F of this ordinance.
  3. Deed restrictions, covenants, permanent easements or other instruments that:
    - a. Address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and
    - b. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 10.700.0190.F of this ordinance.
  4. A master plan/site plan describing the project and showing floor plans for all commercial structures.
  5. Additional documents necessary to explain how the PUD will be designed and will function.
- E. **Density Determination.** Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures.

1. Step 1. Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high-water level at the following intervals, proceeding landward:

Classification	Tier Depth	
	No Sewer (ft)	Sewer (ft)
General Development Lakes – 1st tier	200	200
General Development Lakes – all other tiers	267	200
Natural Environment Lakes	400	320
All Rivers	300	300

2. Step 2. Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all wetlands, bluffs, or land below the ordinary high-water level of public waters.
3. Step 3. Determine Base Density:
  - a. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of

dwelling units, or base density, for each tier. For rivers, if a minimum lot area is not specified, divide the tier width by the minimum single residential lot width.

b. For commercial PUDs:

(1) Determine the average area for each dwelling unit or dwelling site within each tier. Include both existing and proposed dwelling units and sites in the calculation.

(a) For dwelling units, determine the average inside living floor area of dwelling units in each tier. Do not include decks, patios, garages, or porches and basements, unless they are habitable space.

(b) For dwelling sites (campgrounds), determine the area of each dwelling site as follows:

- i. For manufactured homes, use the area of the manufactured home, if known, otherwise use 1,000 sf.
- ii. For recreational vehicles, campers or tents, use 400 sf.

(2) Select the appropriate floor area/dwelling site area ratio from the following table for the floor area or dwelling site area determined in Section 10.700.0190.E3.b(1)

Inside Living Floor Area or Dwelling Site Area (sf)	Floor Area/Dwelling Site Area Ratio				
	General Development w/ Sewer - all tiers	General Development w/ no sewer - 1st tier	Urban	General Development w/ no sewer - all other	Natural Environment
≤ 200	.040			.020	.010
300	.048			.024	.012
400	.056			.028	.014
500	.065			.032	.016
600	.072			.038	.019
700	.082			.042	.021
800	.091			.046	.023
900	.099			.050	.025
1,000	.108			.054	.027
1,100	.116			.058	.029
1,200	.125			.064	.032
1,300	.133			.068	.034
1,400	.142			.072	.036
≥ 1,500	.150			.075	.038

- (3) Multiply the suitable area within each tier determined in Section 10.700.0190.E2 by the floor area or dwelling site area ratio to yield the total floor area or dwelling site area for each tier to be used for dwelling units or dwelling sites.
- (4) Divide the total floor area or dwelling site area for each tier calculated in Section 10.700.0190.E3.b(3) by the average inside living floor area for dwelling units or dwelling site area determined in 10.700.0190.E3.b(1). This yields the allowable number of dwelling units or dwelling sites, or base density, for each tier.
- c. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any tier closer to the waterbody.
- d. All PUDs with densities at or below the base density must meet the design standards in Section 10.700.0190.F.

4. Step 4. Determine if the Site can Accommodate Increased Density:

- a. The following increases to the dwelling unit or dwelling site base densities determined Section 10.700.0190.E3.b(3) are allowed if the design criteria in Section 10.700.0190.F of this ordinance are satisfied as well as the standards in Section 10.700.0190.E4.b:

Shoreland Tier	Maximum density increases within each tier (percent)
1st	50
2nd	100
3rd	200
4th	200
5th	200

- b. Structure setbacks from the ordinary high-water level:
  - (1) Are increased to at least 50 percent greater than the minimum setback; or
  - (2) The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.

F. **Design Criteria.** All PUDs must meet the following design criteria.

- 1. General Design Standards.
  - a. All residential planned unit developments must contain at least five dwelling units or sites.
  - b. On-site water supply and sewage treatment systems must be centralized and meet the standards in Section 10.700.0150.E of this ordinance. Sewage treatment systems must meet the setback standards of Section 10.700.0150.D1, item A of this ordinance.

- c. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.
  - d. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in Sections 10.700.0150.C and 10.700.0150.D.
  - e. Shore recreation facilities:
    - (1) Must be centralized and located in areas suitable for them based on a suitability analysis.
    - (2) The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor).
    - (3) Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
  - f. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
  - g. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.
  - h. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 10.700.0160.C of this ordinance and are centralized.
2. Open Space Requirements.
- a. Open space must constitute at least 50 percent of the total project area and must include:
    - (1) Areas with physical characteristics unsuitable for development in their natural state;
    - (2) Areas containing significant historic sites or unplatted cemeteries;
    - (3) Portions of the shore impact zone preserved in its natural or existing state as follows:
      - (a) For existing residential PUD's, at least 50 percent of the shore impact zone
      - (b) For new residential PUDs, at least 70 percent of the shore impact zone.

- (c) For all commercial PUD's, at least 50 percent of the shore impact zone.
  - b. Open space may include:
    - (1) Outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
    - (2) Subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems; and
    - (3) Non-public water wetlands.
  - c. Open space shall not include:
    - (1) Dwelling sites or lots, unless owned in common by an owner's association;
    - (2) Dwelling units or structures, except water-oriented accessory structures or facilities;
    - (3) Road rights-of-way or land covered by road surfaces and parking areas;
    - (4) Land below the OHWL of public waters; and
    - (5) Commercial facilities or uses.
- 3. Open Space Maintenance and Administration Requirements.
  - a. Open space preservation. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means the instruments must prohibit:
    - (1) Commercial uses (for residential PUD's);
    - (2) Vegetation and topographic alterations other than routine maintenance;
    - (3) Construction of additional buildings or storage of vehicles and other materials; and
    - (4) Uncontrolled beaching of watercraft.
  - b. Development organization and functioning. Unless an equally effective alternative community framework is established, all residential planned unit developments must use an owner's association with the following features:
    - (1) Membership must be mandatory for each dwelling unit or dwelling site owner and any successive owner;
    - (2) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or dwelling sites;

(3) Assessments must be adjustable to accommodate changing conditions;  
and

(4) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

4. Erosion Control and Stormwater Management.

- a. Erosion control plans must be developed and must be consistent with the provisions of Section 8.3 of this ordinance. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.
- b. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff. For commercial PUDs, impervious surfaces within any tier must not exceed 25 percent of the tier area, except that 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Section 8.0 of this ordinance.

G. **Conversions.** Local governments may allow existing resorts or other land uses and facilities to be converted to residential PUDs if all of the following standards are met:

1. Proposed conversions must be evaluated using the same procedures for residential PUDs involving new construction. Inconsistencies between existing features of the development and these standards must be identified;
2. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit;
3. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
  - a. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
  - b. Remedial measures to correct erosion, improve vegetative cover and improve screening of buildings and other facilities as viewed from the water; and
  - c. Conditions attached to existing dwelling units located in shore or bluff impact zones that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
4. Existing dwelling unit or dwelling site densities that exceed standards in Section 10.700.0190.E of this ordinance may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by

requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

**SECTION 10.700.0200: LEFT BLANK**

**SECTION 10.700.0300: FLOODING AND WETLANDS**

**SECTION 10.700.0305. Flood Plain District.**

A. Statutory Authority

Minnesota Statutes Chapters 103.F and 462 delegated the responsibility to local governments to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Pine City does ordain as follows:

B. Findings of Fact

1. The flood hazard areas of Pine City, Minnesota are subject to periodic inundation which results in potential:
  - a. Loss of life
  - b. Loss of property
  - c. Health and safety hazards
  - d. Disruption of commerce
  - e. Disruption of government services
  - f. Extraordinary public expenditures of flood protection and relief
  - g. Impairment of the tax base

All of which adversely affect the public health, safety, and general welfare.

2. Methods Used to Analyze Flood Hazards. This ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.
3. National Flood Insurance Program Compliance. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59-79, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

C. Statement of Purpose

It is the purpose of this Section to promote the public health, safety, and general welfare and to minimize the losses described in Section 10.700.0305: B.1 by provisions contained herein.

**SECTION 10.700.0310. General Provisions.**

A. Lands to which Ordinance Applies

This ordinance shall apply to all lands within the City of Pine City shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway and Flood Fringe Districts.

B. Establishment of Official Zoning Map

The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study, Pine County, Minnesota, And Incorporated Areas, Flood Insurance Rate Map panels therein numbered 27115C0926C, 27115C0927C, 27115C0928C, 27115C0929C, 27115C0936C and 27115C0937C, all dated April 3, 2012 and prepared by the Federal Emergency Management Agency. The Official Zoning Map shall be on file in the Office of the Zoning Administrator.

C. Regulatory Flood Protection Elevation

The Regulatory Flood Protection Elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

D. Interpretation

1. In their interpretation and application, the provisions of this Section shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.
2. The boundaries of the Zoning Districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the City, the board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the Community adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board and submit technical evidence.

E. Abrogation and Greater Restrictions

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

F. Warning and Disclaimer

This Section does not imply that areas outside the flood plain district or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Pine City or any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

G. Severability.

If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this Section unconstitutional or invalid, the remainder of this Section shall not be affected thereby.

H. Annexations.

The Flood Ordinance Rate Map panels adopted by reference into Section 10.700.0310: B above may include floodplain areas that lie outside of the corporate boundaries of the City of Pine City, Minnesota at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Pine City, Minnesota after the date of adoption of this ordinance, the newly annexed floodplain lands shall be subject to the provisions of this ordinance immediately upon the date of annexation into the City of Pine City, Minnesota.

**SECTION 10.700.0315. Establishment of Zoning Districts.**

A. Districts

1. Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in Section 10.700.0310: B. For lakes, wetlands and other basins, the Floodway District shall include those areas designated as Zone A and Zone AE (without a floodway designated) on the Flood Insurance Rate Map panels adopted in Section 10.700.0310: B that are at or below the ordinary high water level as defined by Minnesota Statutes, Section 103G.005, subdivision 14.
2. Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe, which shall include the areas shown on the Flood Insurance Rate Map, adopted in Section 10.700.0310: B, as being within Zone AE but being located outside of the floodway. For lakes, wetlands and other basins, the Flood Fringe District shall include those areas designated as Zone A and Zone AE (without a floodway designated) on the Flood Insurance Rate Map panels adopted in Section 10.700.0310: B that are below the 1% annual chance flood elevation (100-year flood elevation) but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

B. Compliance

No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Section and other applicable regulations that apply to uses within the jurisdiction of the Municipal Development Ordinance. Within the Floodway and Flood Fringe Districts all uses not listed as permitted or conditional uses in Sections 10.700.0320 and 10.700.0325 shall be prohibited. In addition, caution is provided here that:

1. New manufactured homes, replacement manufactured homes, and certain travel trailers and travel vehicles are subject to the general provisions of this Section and specifically Section 10.700.0350.
2. Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Section.
3. As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Section.

**SECTION 10.700.0320. Floodway District.**

A. Permitted Uses

1. Active Outdoor Institutional
2. Agricultural Operations and/or Agricultural Product Sales
3. Airport/Heliport
4. Off-Site Parking Areas
5. Outdoor Commercial Entertainment
6. Outdoor Commercial Recreation
7. Outdoor Institutional
8. Passive Outdoor Recreational

B. Standards for Floodway Permitted Uses

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

C. Conditional Uses

1. Extraction Uses
2. Public Services and Utilities
3. Railroads and Streets
4. Placement of fill
5. Flood Control Structures

D. Standards for Floodway Conditional Uses

1. No structure, temporary or permanent, fill (including fill for roads or levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a Conditional Use that will cause any increase in the stage of the regional flood as defined in this Section, and cause an increase in flood damages in the reach or reaches affected.
2. All floodway Conditional Use shall be subject to the procedures and standards contained in this Ordinance.
3. A Conditional Use shall be required to be permissible in the underlying zoning district if one exists.
4. Fill
  - a. Fill, dredge spoil, and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap, or other acceptable method.
  - b. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
  - c. As an alternative, and consistent with Section 10.700.0320:D:4.b, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the regional flood, but only after the City Council has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The Conditional Use Permit must be title registered with the property in the Pine County Recorder's Office.
5. Accessory Structures
  - a. Accessory structures shall not be designed for human habitation.
  - b. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.
    1. Wherever possible, structures shall be constructed with the longitudinal access parallel to the direction of flood flow; and
    2. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
  - c. Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classification in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed five hundred (500) square feet in size at its largest horizontal projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards, as appropriate.

1. The structure must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and
2. Any mechanical and/or utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed.
3. To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.
6. Storage of Materials and Equipment
  - a. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
  - b. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the City Council.
7. Structural Uses for flood control that will change the course, current, or cross section of protected wetland or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103.G Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.
8. A levee, dike, or floodwall constructed in the floodway shall not cause an increase to the one hundred (100) year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

**SECTION 10.700.0325. Flood Fringe District.**

**A. Permitted Uses.**

Permitted uses shall be those uses of land or structures listed as Permitted Uses in the underlying zoning use district(s). All permitted uses shall comply with the standards for Flood Fringe “Permitted Uses” listed in Section 10.700.0325:B and the standard for all Flood Fringe “Permitted and Conditional Uses” listed in 10.700.0325:E

**B. Standards for Flood Fringe Permitted Uses**

1. All structures, including accessory structures, must be elevated on fill so that the lowest floor, including basement floor, is at or above Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the Regulatory Flood Protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.
2. As an alternative to fill, accessory structures that constitute a minimal investment and that do not exceed five hundred (500) square feet (or 200 square feet in the shore

impact zone) at the largest horizontal projection may be internally flood proofed in accordance with Section 10.700.0320:D.5.c.

3. The cumulative placement of fill where at any one time in excess of one thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a Conditional Use, unless said fill is specifically intended to elevate a structure in accordance with Section 10.700.0325:B.1.
4. The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.
5. The Provisions of Section 10.700.0325:E shall apply.

C. Conditional Uses

Any structure that is not elevated on fill or flood proofed in accordance with Section 10.700.0325:B.1 and Section 10.700.0325:B.2 or any use of land that does not comply with the standards in Section 10.700.0325:B.3 and Section 10.700.0325:B.4 shall only be allowable as a Conditional Use. An application for a Conditional Use shall be subject to the standards and criteria and evaluation procedures as specified in this Section.

D. Standards for Flood Fringe Conditional Uses

1. Alternative evaluation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck-under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if:
  - a. The enclosed area is above-grade on at least one side of the structure;
  - b. It is designed to internally flood and is constructed with flood resistant materials; and
  - c. It is used solely for parking of vehicles, building access or storage.

The above-noted alternative elevation methods are subject to the following additional standards:

1. Design and Certification. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code, and, specifically, that all electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
2. Specific Standards for Above-grade, Enclosed Areas. Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
  - a. The minimum area of openings in the walls above where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all

opening shall be no higher than one (1) foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and,

- b. That the enclosed area will be designed of flood materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking or vehicles, or storage
2. Basements, as defined in this Ordinance, shall be subject to the following:
  - a. Residential basement construction shall not be allowed below the Regulatory Flood Protection Elevation.
  - b. Non-residential basements may be allowed below the Regulatory Flood Protection Elevation, provided the basement is structurally flood proofed in accordance with Section 10.700.0325:D:3
3. All Areas of non-residential structures including basements to be placed below the Regulatory Flood Protection Elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.
4. When at any one time more than one thousand (1,000) cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the one hundred (100) year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City of Pine City. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.
5. Storage of Materials and Equipment
  - a. The storage or processing of materials that is, in times of flooding, flammable, explosive, or potentially to human, animal, or plant life is prohibited.
  - b. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the City of Pine City.

6. The provisions of Section 10.700.0325:E shall also apply.

E. Standard for All Flood Fringe Uses

1. All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the Regulatory Flood Protection Elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations of the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.
2. Commercial Uses. Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.
3. Manufacturing and Industrial Uses. Measures shall be taken to minimize interference with normal plant operation especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 10.700.0325:E:2. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.
4. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover, or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazards area designation for certain structures properly elevated on fill above the one hundred (100) year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of flood hazard designation will be requested.
5. Flood plain development shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.
6. Standards for travel trailers and travel vehicles are contained in Section 10.700.00350:B.2.
7. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists floatation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

**SECTION 10.700.0330. Procedures for determining 1% annual chance flood elevations (100-year flood elevations) in Zone A.**

- A. Reserved for Future Use.
- B. Procedures for determining 1% annual chance flood elevations (100-year flood elevations) in Zone A.
  - 1. Upon receipt of an application for a permit or other approval within a Zone A, the Zoning Administrator will use the 1% annual chance flood elevation for that basin that has previously been determined in accordance with approved FEMA methods, if available. If the 1% annual chance flood elevation has not been previously determined, the applicant shall be required to furnish all necessary information as deemed necessary by the Zoning Administrator for the determination for the 1% annual chance flood elevation in accordance with approved FEMA methods.
  - 2. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining the 1% annual chance flood elevation (100-year flood elevation). Procedures consistent with Minnesota Rules, Sections 6120.5000-6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis.
  - 3. Once the 1% annual chance flood elevation (100-year flood elevation) has been determined, the Zoning Administrator shall process the permit application consistent with the applicable provisions of Sections 10.700.0320 and 10.700.0325 of this Ordinance.

**SECTION 10.700.0340. Wetlands District.**

- A. Purpose. The Wetlands District is established relating to lowlands, marshes, wetlands, drainage ways, water bodies, and watercourses regulating alteration and development of such lands and providing for the issuance of permits therefore and specifically to:
  - 1. Reduce the danger to the health, safety, and welfare of the residents of the City by protecting surface and groundwater supplies from the impairment, which results in incompatible land uses and alterations, and by providing safe and sanitary drainage.
  - 2. Restrict and control land development so it will not impede the flow of floodwater or cause danger to life or property.
  - 3. Designate suitable land uses that are compatible with the preservation of the natural vegetation and marshes, which are a principal factor in the maintenance of constant rates of water, flow through the year and which sustain many species of wildlife and plant growth.
  - 4. Regulate runoff of surface waters from developed areas to prevent pollutants such as motor oils, fertilizers, sand, salt, and other foreign materials from being carried directly into the nearest natural stream, lake, or other public or private waters.
  - 5. Regulate the alteration of wetlands systems to prevent excessive sediment pollution, increased and rapid water runoff, excessive nutrient runoff pollution, and to maintain the aesthetic appearance of the wetlands.

6. Prevent the development of structures in areas that will adversely affect the public passage and use of creeks, marshes, lowlands, and watercourses within the City.

B. District Application.

1. The Wetlands District shall be overlaid upon zoning districts contained herein existing or amended by the text and map of this Ordinance. The regulations and requirements imposed by the Wetlands Overlay District shall be in addition to those established for the district which jointly applies. Under the joint application of districts, the more restrictive requirements shall apply.
2. The Wetlands District within the City is defined and established to include those areas which any watercourse, natural drainage system, waterbody, or wetland, which may be subject to periodic flooding, overflow, or seasonally high water table. The district boundary lines shall be established at the edge of the aforesaid areas as depicted on the "Wetland Map" and interpreted by the Zoning Administrator. The Wetland Map is based upon geological, hydrological, and surficial geologic data obtained from the United States Department of Agriculture Soil Conservation Service and field surveys. These specific soils and areas are characterized as unsuitable for development due to their poor drainage qualities, flooding proneness, poor texture, high water table depth and general organic content.

C. Permitted uses. The following operations and uses are permitted in the Wetlands District, subject to any other applicable code, ordinance, or law:

1. Grazing, farming, nurseries, gardening, and harvesting of crops.
2. Sustained yield forestry and tree farms.
3. Conservation of soil vegetation, water, fish, and wildlife.
4. Scientific research and educational activities that teach the principals of ecology and conservation.
5. Active Outdoor Recreation
6. Passive Outdoor Recreation
7. Essential Services

D. Conditional Uses. Land owners or developers desiring to develop land or construct any dwelling or other artificial obstruction on land located within any of the Wetland Districts within the City shall first submit a Conditional Use Permit application as regulated by this Section and a plan of development, herein referred to as a "Wetland Impact Plan", which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to improve or maintain the quality of the environment.

Such a plan shall set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss or change of earth ground cover, destruction of trees, grade

changes and its effect, if any, upon lakes, streams, watercourses and marshes, lowlands, and wetlands in the area.

The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible and shall affirmatively provide for the relocation of as many trees as are proposed to be removed.

The purpose of the "Wetland Impact Plan" shall be to eliminate the potential pollution, erosion, and siltation.

- E. Prohibited Uses. Except as may hereinafter be conditionally permitted, it shall be unlawful for any person to:
1. Place, deposit, or permit to be deposited, debris, fill or any material including structures into, within, or upon any waterbody, watercourse, or wetland, or natural drainage system.
  2. Dig, dredge, or in any other way alter or remove any material from waterbodies, watercourse, or natural drainage systems.
  3. Erect structures for human habitation.
  4. Clearing and/or cutting of trees or other vegetation.
  5. Permanently store materials.
  6. Permanently store materials.
  7. Erect signs.
  8. Dispose of waste materials, including, but not limited to, sewage, garbage, rubbish, and other discarded materials.
- F. Development Regulations
1. Wetlands shall not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland area of at least equal public value under an approved replacement plan or mining reclamation plan.
  2. Replacement is guided by the following principles:
    - a. Avoidance of the impact;
    - b. Minimizing of the impact;
    - c. Rectifying, reducing, or eliminating the impact;
    - d. Compensating for the impact by replacement or substitution
  3. Wetlands in agricultural field only need to be replaced provided a ten (10) year deed restriction prohibiting nonagricultural use on the converted area is conveyed

4. Replacement of wetlands must be in the same watershed and at the ratio of two (2) acres of replaced wetland for each acre of drained or filled wetland (2:1) in nonagricultural areas and a 1:1 ratio in agricultural areas.
- G. High Water Elevation. For lakes, ponds and flowages, no structure, except for piers, and docks, shall be placed at an elevation such that the lowest floor, including basement floor, is less than three (3) feet above the highest known water level or is one (1) foot above the Regulatory Flood Protection Elevation. In those instances where sufficient data on known high water levels are not available the elevation of the line of permanent shoreland vegetation shall be used as the estimated high water elevation. When fill is required to meet this elevation, the fill shall be allowed to stabilize and construction shall not begin until the property has been inspected by the Building Official. Cut slopes shall be a maximum of 1:1, or 100%; fill slope 3:1, or 30%; and construction slope 5:1, or 20%.

**SECTION 10.700.0345. Subdivisions and Conditional Uses.**

- A. Review Criteria. No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply, or sewer connections. All lots within the flood plain districts shall contain a building site outside of the Floodway District at or above the Regulatory Flood Protection Elevation. All subdivisions shall have water and sewer connections that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the Regulatory Flood Protection Elevation.
- B. Procedures for determining 1% annual chance flood elevation (100-year flood elevation) in Zone A: In a designated Zone-A area, applicants shall provide the information required in Section 10.700.0330 of this Ordinance to determine the 100-year flood elevation and the regulatory flood protection elevation for the subdivision site.
- C. Removal of Special Flood Hazard Area Designation. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the one hundred (100) year flood elevation. FEMA requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
- D. This Section is not intended as a substitute for a comprehensive city subdivision ordinance or Municipal Development Ordinance.
- E. Conditional Uses. The Planning Commission shall hear and decide applications for Conditional Uses permissible under this Section. Applications shall be submitted to the City who shall forward the application to the Planning Commission for consideration.
  1. Hearings. Upon filing with the Planning Commission an application for a Conditional Use Permit, the Planning Commission shall submit by mail to the Commissioner of Natural Resources a copy of the application for the proposed Conditional Use sufficiently in advance so that the Commissioner will receive at least ten (10) days notice of the hearing.

2. Procedures to be Followed by the Planning Commission and City Council in Passing on Conditional Use Permit Applications within all Flood Plain Districts.
  - a. The applicant is required to furnish the following information, at a minimum, and additional information as deemed necessary by the Planning Commission to determine the suitability of the particular site for the proposed use:
    1. Plans in triplicate drawn to scale showing the nature, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the stream channel.
    2. Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities.
  - b. Transmit one copy of the information described in Section 10.700.0345:E: 2.a to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, and the adequacy of the plans for protection and other technical matters.
  - c. Based upon the technical evaluation of the designated engineer or expert, the Planning Commission shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
3. Factors Upon Which the Decision of the Planning Commission and City Council shall be based. In passing upon Conditional use applications, the Planning Commission and City Council shall consider all relevant factors specified in other sections of this Ordinance, and:
  - a. The danger to life and property caused by increased flood heights or velocities caused by encroachments.
  - b. The danger that materials may be swept onto other lands or downstream to the injury of others or that they may block bridges, culverts, or other hydraulic structures.
  - c. The proposed water supply and sanitation systems at the ability of these systems to prevent disease, contamination, and unsanitary conditions.
  - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - e. The importance of the services provided by the proposed facility to the community.
  - f. The requirements of the facility for a waterfront location.
  - g. The availability of alternate locations not subject to flooding for the proposed use

- h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - i. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
  - j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - k. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
  - l. Such other factors which are relevant to the purposes of this Section.
4. Decisions. In granting a Conditional Use Permit, the City Council shall prescribe appropriate conditions and safeguards, in addition to those specified in Section 10.700.00345:E.5, which are in conformity with the purposes of this Section. Violations of such conditions and safeguards, when made a part of the terms under which the Conditional Use Permit is granted, shall be deemed a violation of this Section punishable under Section 10.700.0355:D. A copy of all decisions granting Conditional Use Permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
5. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed in Section 10.700.0345:E:3 and the purpose of this Section, the City Council shall attaché such conditions to the granting of Conditional Use Permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
- a. Modification of waste treatment and water supply facilities to utilize municipal water and sewer connections.
  - b. Limitations on period of use, occupancy, and operation.
  - c. Imposition of operational controls, sureties, and deed restrictions.
  - d. Requirement for construction of channel modification, compensatory storage, dikes, levees, and other protective measures.
  - e. Flood-proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood-proofing measures are consistent with the Regulatory Flood Protection Elevation and associated flood factors for the particular area.

**SECTION 10.700.0350. Special Requirements for Certain Types of Developments.**

**A. Public Utilities, Railroads, Roads, and Bridges, and On-Site Sewer and Water Supply Systems**

- 1. Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood-proofed in accordance with the State Building Code or elevated to above the Regulatory Flood Protection Elevation.

2. Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Section 10.700.0320 and Section 10.700.0325. Elevation to the Regulatory Flood Protection Elevation shall be provided where failure or interruption to these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation service would not endanger the public health or safety.
  3. On-Site Sewage Treatment and Water Supply Systems. On-site sewage treatment and water supply systems shall not be allowed in the floodplain and municipal water and sewer connections must be utilized.
- B. Manufactured Homes and Manufactured Home Parks and Placement of Travel Trailers and Travel Vehicles
1. Manufactured Home Parks
    - a. New manufactured home park and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Section 10.200.0345.
    - b. The placement of new or replacement manufactured homes in existing manufactured home parks that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Section 10.700.0325. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Section 10.700.0325:E.1, then replacement manufactured homes will not be allowed until the property owners(s) develops a flood warning emergency plan acceptable to the City Council.
    - c. All manufactured homes must be securely anchored to an adequately anchored foundation that resists flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
  2. Travel Trailers and Travel Vehicle

Travel trailers and travel vehicles that do not meet the exemption criteria specified in Section 10.700.0350:B:2.a shall be subject to the provisions of this ordinance and as specifically spelled out in Section 10.700.0350:B.2.c and Section 10.700.0350:B.2.d.

    - a. Exemptions. Travel trailers and travel vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section 10.700.0350:B:2.b and further they meet the following criteria:
      1. Have current licenses required for highway use.
      2. Are highway ready, meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks, and the travel trailer/travel vehicle has no permanent structural additions attached to it.

3. The travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.
- b. Areas Exempted for Placement of Travel/Recreational Vehicles:
1. Individual lots or parcels of record.
  2. Existing commercial recreational vehicle parks or campgrounds.
  3. Existing condominium type associations.
- c. Travel Trailers and Travel Vehicles exempted in Section 10.700.0350:B.2.a lose this exemption when development occurs on the parcel exceeding one hundred dollars (\$100.00) for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and accessory structures shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Sections 4.0 and Section 10.700.0325. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.
- d. New Commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:
1. Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe Districts provided said trailer or vehicle and its contents can be placed on fill above the Regulatory Flood Protection Elevation and proper elevated road access exists in accordance with Section 10.700.00325:E.1. No fill placed in the floodway to meet the requirements of this Section shall increase the flood stages of the one hundred (100) year or regional flood.
  2. All new or replacement travel trailers or travel vehicles not meeting the criteria of Section 10.700.0350:B:2.d.1 may, as an alternative, be allowed as a Conditional use if in accordance with the following provision and the provisions of Section 10.700.00345:E. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the one hundred (100) year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of Section 10.700.0350:B:2:a, subdivision 1 and 2 will be met. All sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not to be impaired or contaminated during times of flooding in accordance with state statute.

**SECTION 10.700.0355. Administration, Nonconforming Uses and Penalties.**

- A. Zoning Administrator: A Zoning Administrator designated by the City Council shall administer and enforce this Ordinance. If the Zoning Administrator finds a violation of the provisions of this ordinance, the Zoning Administrator shall notify the person responsible for

the violation and/or the property owner of record in accordance with the provisions stated in Section 10.700.0355:D.

## 1. Permit Requirements

- a. Permit Required. A permit issued by the City in conformity with the provisions of this Ordinance shall be secured:
  1. Prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof;
  2. Prior to the use or change of use of a building, structure or land;
  3. Prior to the construction of a dam, fence, or on-site septic system;
  4. Prior to the change or extension of a non-conforming use;
  5. Prior to the repair of a structure that has been damaged by a flood, fire, tornado, or any other source; and,
  6. Prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.
- b. Application for permit. Application for a Permit shall be made in duplicate to the City on forms furnished by the City and shall include the following where applicable:
  1. Plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot;
  2. Existing or proposed structures, fill, or storage of materials; and
  3. The location of the foregoing in relation to the stream channel
- c. State and Federal Permits. Prior to granting a Permit or processing an application for a Conditional Use Permit or Variance, the applicant must provide proof that all necessary State and Federal Permits have been obtained.
- d. Certificate of Zoning for a New, Altered, or Nonconforming use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued by the City stating that the use of the building or land conforms to the requirements of this Section.
- e. Construction and Use to be as Provided on Applications, Plans, Permits, Variances, and Certificates of Zoning Compliance. Permits, Conditional Use Permits, or Certificates of Zoning Compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be

deemed a violation of this Section, and punishable as provided by Section 10.700.0355:D.

- f. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Section. A registered professional engineer or registered architects shall certify flood-proofing measures.
  - g. Record of First Floor Elevation. The City shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to new structures in the flood plain. The City shall also maintain a record of the elevation to which structures or alterations and additions to the structures are flood-proofed.
  - h. Notifications for Watercourse Alterations. The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
  - i. Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.
- B. Board of Adjustment
- 1. Rules. The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such boards by State law.
  - 2. Administrative Review. The Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Section.
  - 3. Variances. The Board may authorize upon appeal in specific cases such relief or variance from the terms of this Section as will not be contrary to the public interest and only for those circumstances such as hardship, practical differences or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

- (a) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
  - (b) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Hearings. Upon filing with the Board of Adjustment of an appeal from a decision of the City, or an application for a variance, the Board shall fix a reasonable time for a hearing and give notice to parties in interest as specified by law. The Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten (10) days notice of the hearing.
5. Decisions. In passing an appeal, the Board may, so long as such action is in conformity with the provisions of this Section, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reason(s) for its decisions. In granting a Variance, the Board may prescribe appropriate conditions and safeguards such as those specified in Section 10.700.00345:E.5, which are in conformity with the purposes of this Section. Violations of such conditions and safeguards, when made a part of the terms under which the Variance is granted, shall be deemed a violation of this Section punishable under Section 10.700.0355:D. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
6. Appeals. Appeals from any decision of the Boards may be made, and as specified in Minnesota Statutes.
7. Flood Insurance Notice and Record Keeping. The City shall notify the applicant for a variance that:
  - a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage.
  - b. Such construction below the one hundred (100) year or regional flood level increases risks to life and property.
  - c. Such notification shall be maintained with a record of all variance actions, including justification for their issuance, and the community shall report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance program.
- C. Nonconforming Uses  
A structure or use of a structure or premise which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions:

1. No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.
2. Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e. FP-1 through FP-4 flood proofing classifications) allowable in the State Building Code, except as further restricted in Section 10.700.0355:C:3 and 10.700.0355:C:6—shown below.
3. The cost of any structural alterations or additions to any nonconforming structure over the live of the structure shall not exceed fifty (50) percent of the market value unless the conditions of this Section are satisfied. The cost of all structural alterations and additions constructed since the adoption of Pine City's initial flood plain controls must be calculated into today's current cost, which will include all costs such as construction materials, and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds fifty (40) percent of the current market value of the structure, then the structure must meet the standards of Section 10.700.0320 or Section 10.700.0325, depending on whether the structure is in the Floodway or Flood Fringe, respectively.
4. If any nonconforming use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this Ordinance. The assessor shall notify the City in writing of instances of nonconforming uses which have been discontinued for a period of twelve (12) consecutive months.
5. If any nonconforming use or structure is destroyed by any means, including floods, to an extent of fifty (50) percent or more of its market value at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or structures in Section 10.700.0320 and Section 10.700.0325 shall apply depending on whether the use is in the Floodway or Flood Fringe Districts, respectively.
6. If a substantial improvement occurs, as defined in Section 10.100.1100 of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of Sections 10.700.0320 and 10.700.0325 of this Ordinance for new structures, depending on whether the structure is in the Floodway of Flood Fringe District, respectively.

#### D. Penalties for Violation

1. Violation of the provisions of this Section or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of Variances or Conditional Uses) shall constitute a misdemeanor and shall be punishable as defined by law.
2. Nothing herein contained shall prevent the City Council from taking other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:

- a. In responding to a suspected ordinance violation, the City may utilize the full array of enforcement actions available to it, including, but not limited to, prosecutions and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance available to the guilty party. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
- b. When an ordinance violation is either discovered or brought to the attention of the City, the City shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.
- c. The City shall notify the suspected party of the requirements of this Ordinance and all other Official Controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the City may order the construction or development immediately halted until a proper permit or approval is granted by the City. If the construction or development is already completed, then the City may either;
  1. Issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls.
  2. Notify the responsible party to apply for an after-the-fact permit/development approval within a certain period of time not to exceed thirty (30) days.
- d. If the responsible party does not appropriately respond to the City within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The City shall also, upon the lapse of the specified response period, notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

**SECTION 10.700.0360. Amendments.**

The flood plain designation on the official Zoning Map shall not be removed from the flood plain area unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the flood plain. The Commissioner of Natural Resources may permit special exemptions to this rule if they determine that, through other measures, lands are adequately protected for the intended use.

All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption.

Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given ten (10) days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the ordinance amendment or technical study under consideration.

## **SECTION 10.800.0000: FEES AND PENALTIES**

### **SECTION 10.800.0100: FEES**

#### **SECTION 10.800.0110. Purpose.**

To defray administrative costs of processing requests, a base fee shall be paid by all applicants, in accordance with a fee schedule adopted by the City Council.

**SECTION 10.800.0120. Payment of Fees.**

In order to defray the additional cost of processing applications for developments (amendments, conditional use, interim use, variance, appeal, etc.), all applicants shall pay the total cost of staff and/or consulting time spent exclusively in producing materials for the applicant's request, and all materials for said request.

- A. "Materials" shall include, but not be limited to, maps, graphs, charts, drawings, etc., and all printing or reproduction of same.
- B. "Staff and/or Consulting Time" shall include any time spent in either researching for or actual production of materials.
- C. The hourly rate for "staff and/or consulting time" shall be established and made available to the applicant by the City prior to production of any materials and the applicant shall be given a reasonable estimate of project time and/or materials cost.

Fees shall be payable at the time applications are filed with the City and are not refundable unless application is withdrawn prior to referral to the Planning Commission and prior to any publication required by the application. There shall be no fee in the case of applications filed in the public interest by members of the Council or by the Planning Commission.

**SECTION 10.800.0130. Deposit.**

Deposit. A deposit to cover staff or consulting time and special materials shall be established and required by the Zoning Administrator at the time the base fee is paid.

**SECTION 10.800.0200. ENFORCEMENT AND PENALTIES**

**SECTION 10.800.0210. Enforcement.**

This Ordinance shall be administered and enforced by the Zoning Administrator who shall be appointed by the City Council.

**SECTION 10.800.0220. Duties of the Zoning Administrator.**

The Building Official and Zoning Administrator shall jointly enforce the provisions of this Ordinance and shall perform their respective following duties:

- A. Determine that all building permits comply with the terms of this Ordinance.
- B. Issue certificates of occupancy for any use, structure, or building after determination of above.
- C. Maintain permanent and current records of this Ordinance, including but not limited to, all maps, amendments, conditional uses, variances, appeals and applications therefore.
- D. Receive, file and forward all applications for appeal, variances, conditional uses and other matters to the designated official bodies.
- E. Institute in the name of the City, any appropriate actions or proceedings against a violator as provided by law.

- F. The Zoning Administrator may waive requirements for technical information when deemed appropriate. The Zoning Administrator may also request additional information when deemed appropriate.
- G. To inform the applicant of all ordinances, regulations, and procedures governing to the applicants request within five (5) business days.

**SECTION 10.800.0230. Notification.**

A certified copy of every ordinance, resolution, amendment or regulation adopted under this Ordinance shall be filed with the Pine County Recorder's Office. Copies of resolutions governing subdivision plats within the City, but contiguous to another city or township shall be filed with the governing body of the contiguous city or township as well.

**SECTION 10.800.0240. Penalties and Violations.**

Any person who violates any provision of this Ordinance shall, upon conviction thereof, be fined not more than five hundred dollars (\$500) for each offense, or imprisoned for not more than ninety (90) days, or both. Each day that the violation is permitted to exist constitutes a separate offense.

## **APPENDIX**

- A.....SITE PERFORMANCE STANDARDS**
- B.....PERMITTED AND CONDITIONAL USES, BY DISTRICT**
- C.....PARKING REGULATIONS**
- D.....GRAPHICAL REPRESENTATION OF PROCEDURES.**  
*APPENDIX D—ZONING AMENDMENTS (REZONING), PRELIMINARY PLAT PROCEDURE, FINAL PLAT PROCEDURE, PLANNED UNIT DEVELOPMENT PROCEDURE, SITE PLAN PROCEDURE, CONDITIONAL USE PERMIT AND VARIANCE PROCEDURE.*
- E.....ADDITIONAL DEVELOPMENT REQUIREMENTS OF CERTAIN USES**
- F.....DEPICTION OF PLANT UNIT ALTERNATIVES AND IDENTIFICATION OF THEIR MINIMUM REQUIREMENTS**
- G.....LOT SIZE FOR SEWERED LAKES, RIVERS AND STREAMS. COMMERCIAL PLANNED UNIT DEVELOPMENT FLOOR AREA RATIOS**
- H.....SHORELANDS**

## APPENDIX A—SITE PERFORMANCE STANDARDS

	District	Lot			Required Yard				Building Height	
		Area (sq. ft)	Width	Depth	Front	Side	Corner Lot	Rear	Stories	Feet
A-O	Agricultural-Open Space	43,560	150	n/a	30	20	30	20	2.5	n/a
R-1	Single Family Residential	15,000	125	n/a	30	10	30	15	2.5	n/a
R-1A	Residential Cluster District	8,000	75	n/a	25	10	30	15	2.5	n/a
R-2	(One and) Two-Family Residential	10,500	75	n/a	30	10	30	15	2.5	n/a
MFR-1	Multiple Family Residential (Moderate)	15,000	100	n/a	35	10	35	15	5	75
MFR-2	Multiple Family Residential (Higher)	22,500	150	n/a	35	10	35	15	6	90
MHP	Manufactured Home Park	5,000	50	100	20	10	n/a	10	1	n/a
MXU	Mixed Use	5,000	50	n/a	0 <sup>a</sup>	0 <sup>a</sup>	n/a	0 <sup>a</sup>	6	90
CBD	Central Business	5,000	50	n/a	0 <sup>a</sup>	0 <sup>a</sup>	n/a	0 <sup>a</sup>	6	90
GB	General Business	5,000	50	n/a	20	10	n/a	15	3	45
HB	Highway Business	5,000	50	n/a	20	10	n/a	15	6	90
TI-1	Limited Industrial	21,780	100	n/a	20	10	n/a	10	6	90
TI-2	General Industrial	21,780	100	n/a	35	10	n/a	25	n/a	n/a

<sup>a</sup>Ten (10) feet of setback required from railroad rights of way.

**APPENDIX B—PERMITTED (P) AND CONDITIONAL (C) USES. BY DISTRICT**

<b>RESIDENTIAL USES</b>	<b>A-O</b>	<b>R-1</b>	<b>R-1A</b>	<b>R-2</b>	<b>MFR-1</b>	<b>MFR-2</b>	<b>MHP</b>	<b>MXU</b>	<b>CBD</b>	<b>GB</b>	<b>HB</b>	<b>TI-1</b>	<b>TI-2</b>
Single Family, Detached & Manufactured	P	P	P	P			P		C				
Duplex/Villa Units				P	P			P	C				
Triplex/Quadplex					P	P		P	C				
Townhouse/Condominium					P	P		P	C				
Multifamily (Apartment)					P	P		P	C				
Mobile Homes							P						
Agricultural Operations and/or Agricultural Product Sales	P												
Group Homes					C	C							
<b>COMMERCIAL USES</b>	<b>A-O</b>	<b>R-1</b>	<b>R-1A</b>	<b>R-2</b>	<b>MFR-1</b>	<b>MFR-2</b>	<b>MHP</b>	<b>MXU</b>	<b>CBD</b>	<b>GB</b>	<b>HB</b>	<b>TI-1</b>	<b>TI-2</b>
Body Art Establishment								C	P	P	P		
Bed and Breakfast Establishment	P	C						C	C				
Brewery or Brew Pub (adopted 5/4/17)								P	P	P		P	P
Campground	P												
Commercial Indoor Lodging								C	P	P	P	C	C
Drive-in Theaters	C												
Financial Institution								C	P	P	P		
High Technology									C	P	C	P	P
Indoor Commercial Entertainment								C	P	P	P		
Indoor Maintenance Service										P		P	P
Indoor Sales and Service								C	P	P	P		
In-Vehicle Sales or Service									C	P	P		
Non-Financial Institution Money Lending Business										C			
Office								P	P	P	P		
Outdoor Commercial Entertainment	C						C	C	C	P	C	C	C
Permanent Outdoor Display and Sales as a Primary or Principal use									C	P	C	C	C
Personal or Professional Service								C	P	P	P		
Sexually Oriented Land Use													C
Temporary Uses										C			
Vehicle Sales and Repair									C	C	P	C	C
Winery (adopted 5/4/17)	P												
<b>INDUSTRIAL USES</b>	<b>A-O</b>	<b>R-1</b>	<b>R-1A</b>	<b>R-2</b>	<b>MFR-1</b>	<b>MFR-2</b>	<b>MHP</b>	<b>MXU</b>	<b>CBD</b>	<b>GB</b>	<b>HB</b>	<b>TI-1</b>	<b>TI-2</b>
Communications Tower									C	C	C	C	P
Extraction use													C
Heavy Industrial													C
Junk Yards and Inoperative Vehicles													C
Light industrial												P	P
<b>INSTITUTIONAL USES</b>	<b>A-O</b>	<b>R-1</b>	<b>R-1A</b>	<b>R-2</b>	<b>MFR-1</b>	<b>MFR-2</b>	<b>MHP</b>	<b>MXU</b>	<b>CBD</b>	<b>GB</b>	<b>HB</b>	<b>TI-1</b>	<b>TI-2</b>
Active Outdoor Recreational	P	P	P	P	C	C	C	C		C	C	C	C
Community Living Arrangement					C	C		C					
Indoor Institutional	C	C		C	C	C	C	C	P	P	P	C	C
Institutional Residential	C	C		C					C	C	C		
Outdoor Institutional	P			C									
Passive Outdoor Recreational	P	P	P	P					C	C	C		
Public Service and Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P

**APPENDIX B—PERMITTED (P) AND CONDITIONAL (C) USES, BY DISTRICT (CONTINUED)**

<b>TRANSPORTATION USES</b>	<b>A-O</b>	<b>R-1</b>	<b>R-1A</b>	<b>R-2</b>	<b>MFR-1</b>	<b>MFR-2</b>	<b>MHP</b>	<b>MXU</b>	<b>CBD</b>	<b>GB</b>	<b>HB</b>	<b>TI-1</b>	<b>TI-2</b>
Airport/Heliport												C	C
Distribution Center									C	C	C	C	C
Freight Terminal												C	P
Transit Stop		C	C	C	C	C	C	P	P	P	P	P	P
<b>STORAGE USES</b>	<b>A-O</b>	<b>R-1</b>	<b>R-1A</b>	<b>R-2</b>	<b>MFR-1</b>	<b>MFR-2</b>	<b>MHP</b>	<b>MXU</b>	<b>CBD</b>	<b>GB</b>	<b>HB</b>	<b>TI-1</b>	<b>TI-2</b>
Indoor Storage or Wholesaling									C	C	C	C	C
Outdoor Storage or Wholesaling									C	P	C	C	C
Personal Storage Facility											C	P	P
Waste Disposal Facility												C	C
<b>ACCESSORY USES</b>	<b>A-O</b>	<b>R-1</b>	<b>R-1A</b>	<b>R-2</b>	<b>MFR-1</b>	<b>MFR-2</b>	<b>MHP</b>	<b>MXU</b>	<b>CBD</b>	<b>GB</b>	<b>HB</b>	<b>TI-1</b>	<b>TI-2</b>
Commercial Apartment								P	C	C	C		
Family Day Care-Home	P	P	P	P	P	P	P	P	P				
Group/Multiple Family Day Care-Center	C	C	C	C	P	P	C	C	C	C	C		
Indoor Sales Incidental to Light Industrial Use												C	
Light Industrial Incidental to Indoor Sales									C	C	C		
Private Garage	P	P	P	P	C	C	P	C					
Accessory Dwelling Unit	C	C		C									
Off-Site Parking Lot									C	C	C	C	C
	<b>A-O</b>	<b>R-1</b>	<b>R-1A</b>	<b>R-2</b>	<b>MFR-1</b>	<b>MFR-2</b>	<b>MHP</b>	<b>MXU</b>	<b>CBD</b>	<b>GB</b>	<b>HB</b>	<b>TI-1</b>	<b>TI-2</b>

**FOR ADDITIONAL DEVELOPMENT REQUIREMENTS OF CERTAIN USES, SEE APPENDIX E.**

**APPENDIX C—PARKING REGULATIONS FOR ALL DISTRICTS EXCEPT CBD**

<b>RESIDENTIAL USES</b>	<b>REQUIRED PARKING SPACES</b>
Single Family, Detached	Two parking spaces per unit
Duplex/Villa Units	Two parking spaces per unit
Triplex/Quadplex	Two parking spaces per unit
Townhouse/Condominium	Two parking spaces per unit plus 0.5 visitor spaces per unit
Multifamily (Apartment)	Two parking spaces per unit plus 0.5 visitor spaces per unit
Accessory Dwelling Unit	One space per unit
Manufactured/Mobile Homes	Two parking spaces per unit. See Section 10.200.0860 for additional requirements
Agricultural Operations and/or Agricultural Product Sales	One space per employee on the largest work shift. Hard surfacing of the parking area is not required.
Group Homes	One space per each bed plus one space per employee on the largest work shift
<b>COMMERCIAL USES</b>	<b>REQUIRED PARKING SPACES</b>
Body Art Establishment	One space per three hundred (300) square feet of gross floor area.
Bed and Breakfast Establishment	One space per bedroom, plus one space for each employee on the largest work shift
Campground	One and one-half spaces per campsite
Commercial Indoor Lodging	One space per bedroom, plus one space for each employee on the largest work shift, one space per bedroom, plus one space for each employee on the largest work shift, plus one (1) space per three (3) persons to the maximum occupancy load of each public meeting and/or banquet room plus fifty (50%) percent of the spaces otherwise required for accessory uses (e.g. restaurants and bars) open to members of the general public other than guests of the establishment. (Amended 4/5/17 Ordinance #17-02)
Drive-in Theaters	One space per every drive-in stall
Financial Institution	One space per three hundred (300) square feet of gross floor area
High Technology	One space per each employee on the largest work shift
Indoor Commercial Entertainment	One space per every three patron seats or lockers (whichever is greater); or one space per three persons at the maximum capacity of the establishment (whichever is greater)
Indoor Maintenance Service	One space per three hundred (300) square feet of gross floor area
Indoor Sales and Service	One space per three hundred (300) square feet of gross floor area
In-Vehicle Sales or Service	One space per fifty (50) square feet of gross floor area. Each drive-up or drive through lane shall have a minimum stacking length of one hundred (100) feet behind the pass-through window and forty (40) feet beyond the pass-through window
Non-Financial Institution Money Lending Business	One space per three hundred (300) square feet of gross floor area, plus one space for every employee on the largest work shift
Office	One space per three hundred (300) square feet of gross floor area
Outdoor Commercial Entertainment	One space for every three patron seats at the maximum capacity of the establishment
Permanent Outdoor Display and Sales as a Primary or Principal use	One space per six hundred (600) square feet of outdoor display area, plus one space per every three hundred (300) square feet of gross indoor floor area.
Personal or Professional Service	One space per three hundred (300) square feet of gross floor area
Sexually Oriented Land Use	One space per three hundred (300) square feet of gross floor area, or one space per person at the maximum capacity of the establishment (whichever is greater)
Temporary Uses	One space per three hundred (300) square feet of gross floor area or one space per three expected patrons at maximum capacity; whichever is greater
Vehicle Sales and Repair	Two spaces for the first five thousand (5,000) square feet of outdoor display area or portion thereof, one space for each additional five thousand (5,000) square feet or portion thereof

**APPENDIX C— PARKING REGULATIONS FOR ALL DISTRICTS EXCEPT CBD (CONTINUED)**

<b>INDUSTRIAL USES</b>	<b>REQUIRED PARKING SPACES</b>
Communications Tower	One space per each employee on the largest work shift
Extraction use	One space per each employee on the largest work shift
Heavy Industrial	One space per each employee on the largest work shift
Junk Yards and Inoperative Vehicles	One space for every twenty thousand (20,000) square feet of gross storage area, plus one space for each employee on the largest work shift
Light industrial	One space per each employee on the largest work shift
<b>INSTITUTIONAL USES</b>	<b>REQUIRED PARKING SPACES</b>
Active Outdoor Recreational	One space per four expected patrons at maximum capacity
Community Living Arrangement	One space per each bed plus one space per employee on the largest work shift
Indoor Institutional	One space per three expected patrons at maximum capacity
Institutional Residential	One space per six patient beds, plus one space per employee on largest work shift, plus one space per staff member and per visiting doctor
Outdoor Institutional	One space per three expected patrons at maximum capacity
Passive Outdoor Recreational	One space per four expected patrons at maximum capacity
Public Service and Utilities	One space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises, plus one space per five hundred (500) square feet of gross square feet of office area
<b>TRANSPORTATION USES</b>	<b>REQUIRED PARKING SPACES</b>
Airport/Heliport	One space per each employee on the largest work shift, plus one space per every five passengers based upon average daily ridership
Distribution Center	One space per each employee on the largest work shift
Freight Terminal	One space per each employee on the largest work shift
Off-Site Parking Lot	No requirement
Transit Stop	No requirement
<b>STORAGE USES</b>	<b>REQUIRED PARKING SPACES</b>
Indoor Storage or Wholesaling	Two spaces for the first ten thousand (10,000) square feet of floor area, one space for each subsequent ten thousand (10,000) square feet of floor area, plus one space for each employee on the largest work site for whom a parking requirement has not been calculated for another use on the site
Outdoor Storage or Wholesaling	Two spaces for the first ten thousand (10,000) square feet of floor area, one space for each subsequent ten thousand (10,000) square feet of floor area, plus one space for each employee on the largest work site for whom a parking requirement has not been calculated for another use on the site
Personal Storage Facility	One space per each employee on the largest work shift
Waste Disposal Facility	One space for each employee on the largest work shift
<b>ACCESSORY USES</b>	<b>REQUIRED PARKING SPACES</b>
Commercial Apartment	Two spaces per unit. See Section 10.200.0960 for more information
Family Day Care-Home	One space per seven students, plus one space for each employee or volunteer on the largest work shift, plus one space for each business vehicle
Group Day Care-Center	One space per seven students, plus one space for each employee or volunteer on the largest work shift, plus one space for each business vehicle
Indoor Sales Incidental to Light Industrial Use	One space per three hundred (300) square feet of gross floor area, plus one space for every employee on the largest work shift
Light Industrial Incidental to Indoor Sales	One space per three hundred (300) square feet of gross floor area, plus one space for every employee on the largest work shift
Private Garage	No requirement

**APPENDIX C—PARKING REGULATIONS (CONTINUED)**

CENTRAL BUSINESS DISTRICT USES	REQUIRED PARKING SPACES
Body Art Establishment	No requirement
Commercial Indoor Lodging	One space per bedroom, plus one space for each employee on the largest work shift, plus one (1) space per three (3) persons to the maximum occupancy load of each public meeting and/or banquet room plus fifty (50%) percent of the spaces otherwise required for accessory uses (e.g. restaurants and bars) open to members of the general public other than guests of the establishment. (Amended 4/5/17 Ordinance)
Family Day Care-Home	One space for each employee or volunteer on the largest work shift, plus one space for each business vehicle
Indoor Sales and Service	No requirement.
Indoor Institutional	No requirement..
Office	No requirement.
Personal or Professional Service	No requirement.
Public Service and Utilities	No requirement.
Transit Stop	No requirement.
Brewery or Brew Pub	No requirement.
Bed and Breakfast Establishment	One space per bedroom, plus one space for each employee on the largest work shift
High Technology	No requirement.
Outdoor Commercial Entertainment	No requirement.
Permanent Outdoor Display and Sales as a Primary or Principal Use	No requirement.
Communications Tower	No requirement.
Institutional Residential	One space per six patient beds, plus one space per employee on largest work shift, plus one space per staff member and per visiting doctor
Passive Outdoor Recreational	No requirement.
Distribution Center	No requirement.
Off-Site Parking Lot	No requirement.
Indoor Storage or Wholesaling	No requirement.
Commercial Apartment	Two spaces per unit. See Section 10.200.0960 for more information
Group/Multiple Family Day Care – Center	One space for each employee or volunteer on the largest work shift, plus one space for each business vehicle
Light Industrial Incidental to Indoor Sales	No requirement.
In-vehicle Sales & Service	No requirement.
Vehicle Sales & Service Repair	No requirement.
Outdoor Storage or Whole Sale	No requirement.
Single Family Duplex Triplex/Quadplex	Two parking spaces per unit.
Multifamily (Apartment)	Two parking spaces per unit plus 0.5 visitor spaces per unit.

**APPENDIX C—PARKING REGULATIONS (CONTINUED)** (Adopted 11/6/19, Published 11/14/19, Ord #19-18)

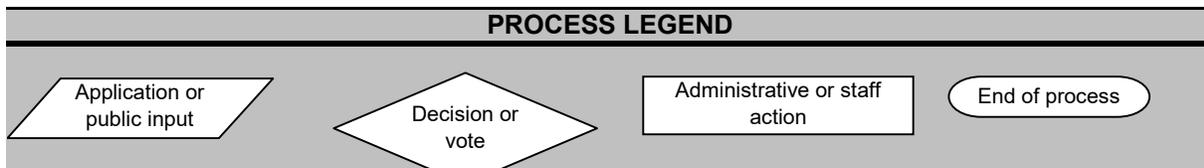
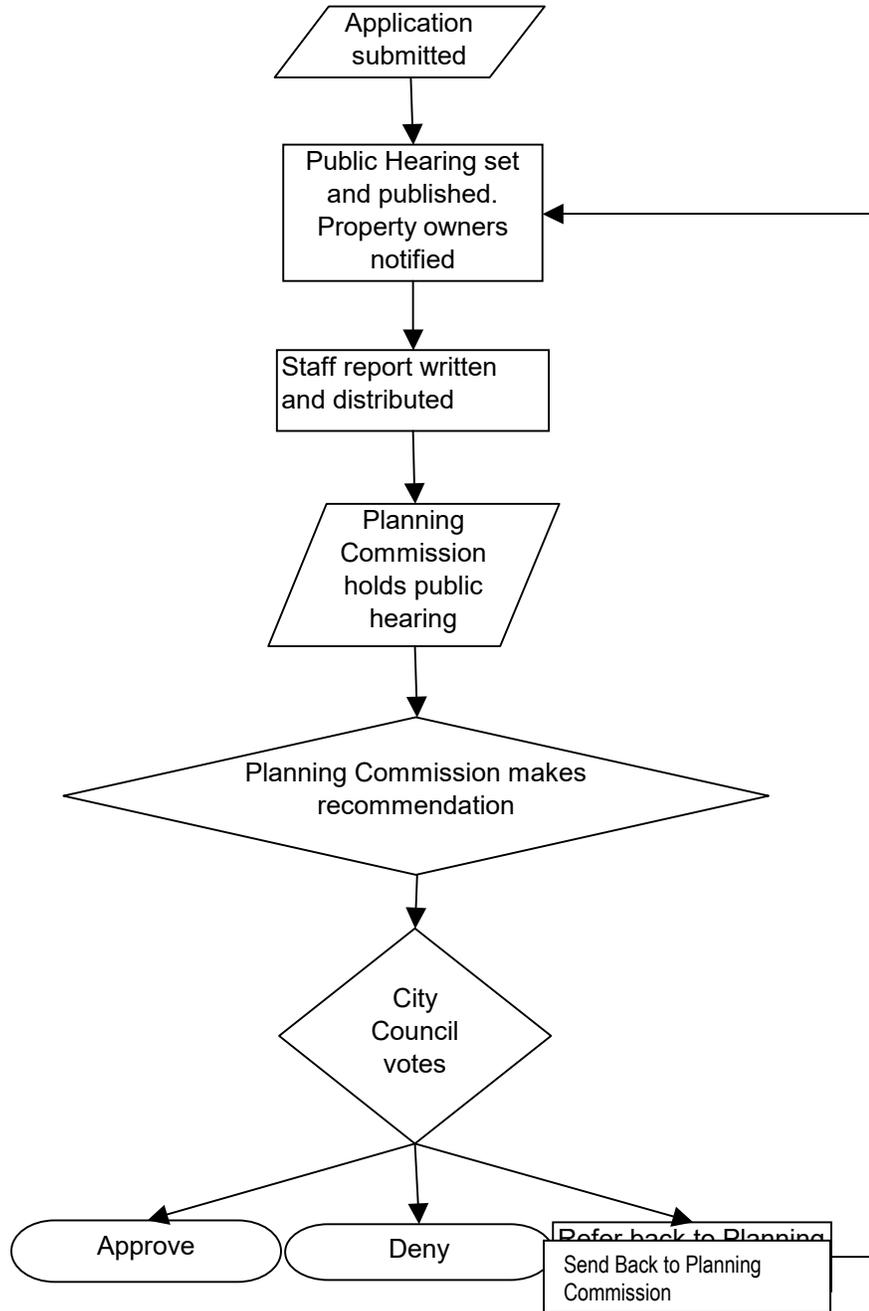
MINIMUM NUMBER OF ACCESSIBLE PARKING SPACES.		
TOTAL NUMBER OF PARKING SPACES PROVIDED IN PARKING FACILITY (PER FACILITY)	MINIMUM NUMBER OF ACCESSIBLE PARKING SPACES (CAR AND VAN)	MINIMUM NUMBER OF VAN-ACCESSIBLE PARKING SPACES (ONE OF SIX ACCESSIBLE SPACES)
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	2
301 to 400	8	2
401 to 500	9	2
501 to 1,000	2 percent of total parking provided in each lot or structure	1/6 of minimum number of accessible parking spaces
1,001 and above	20 plus 1 for every 100 over 1,000	1/6 of minimum number of accessible parking spaces

Note: Derivation of required number of accessible spaces is from the Minnesota Accessibility Code 1341.0403, Item E, Sub-item (1) ADAAG 4.1.2(5)(a) and the 2010 ADA Standards for Accessible Design, Sections 208, 502 and 206.

APPENDIX D—GRAPHICAL REPRESENTATIONS OF DEVELOPMENT PROCEDURES

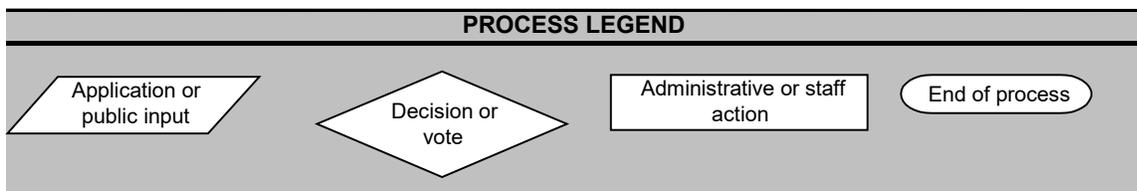
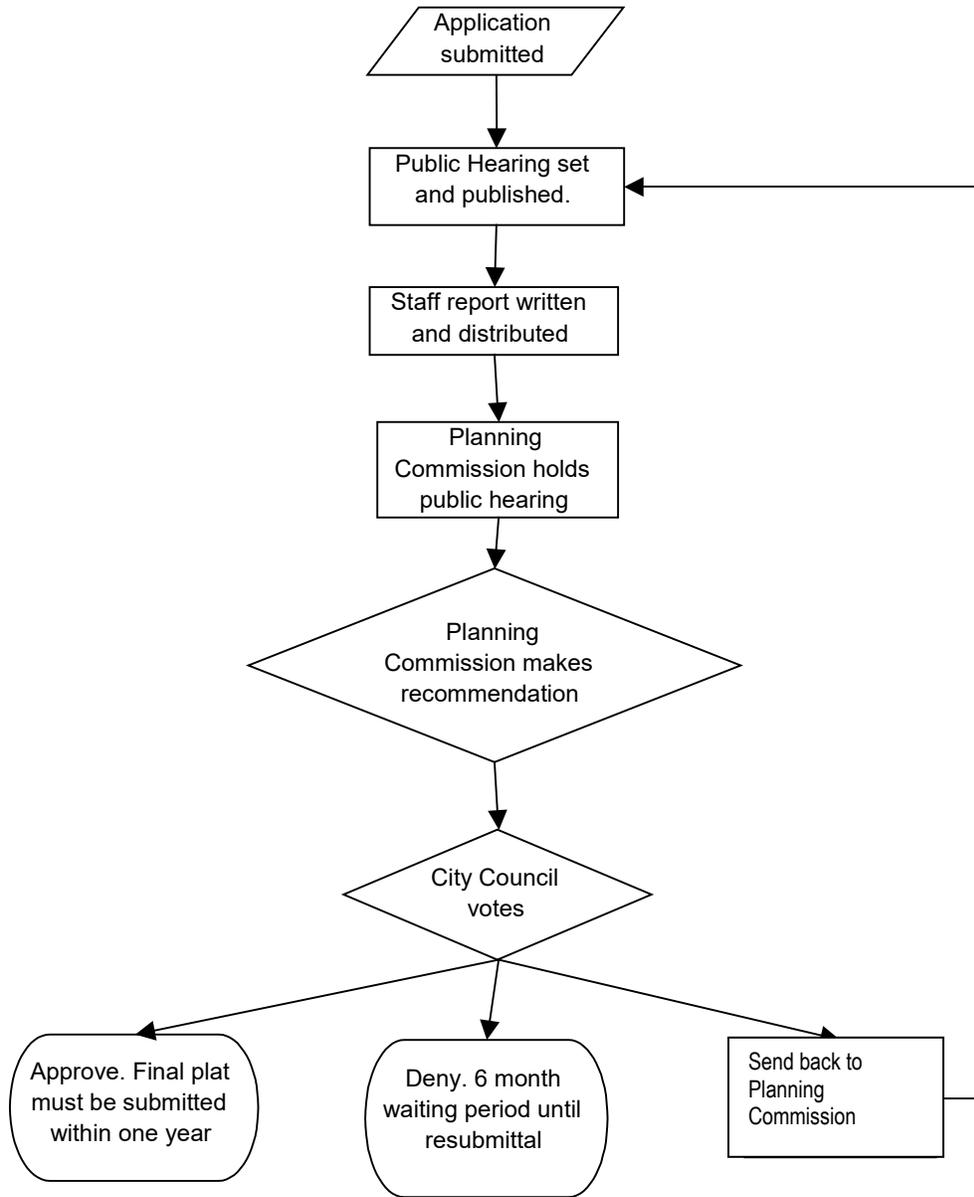
# ZONING AMENDMENTS (REZONING)

Typical procedure for consideration of Zoning Amendment (rezoning). Process may occasionally vary due to legal or other considerations.



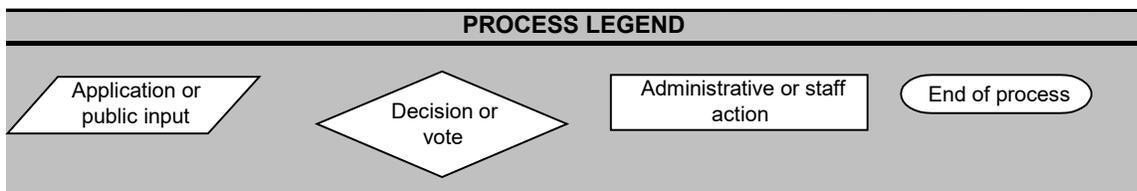
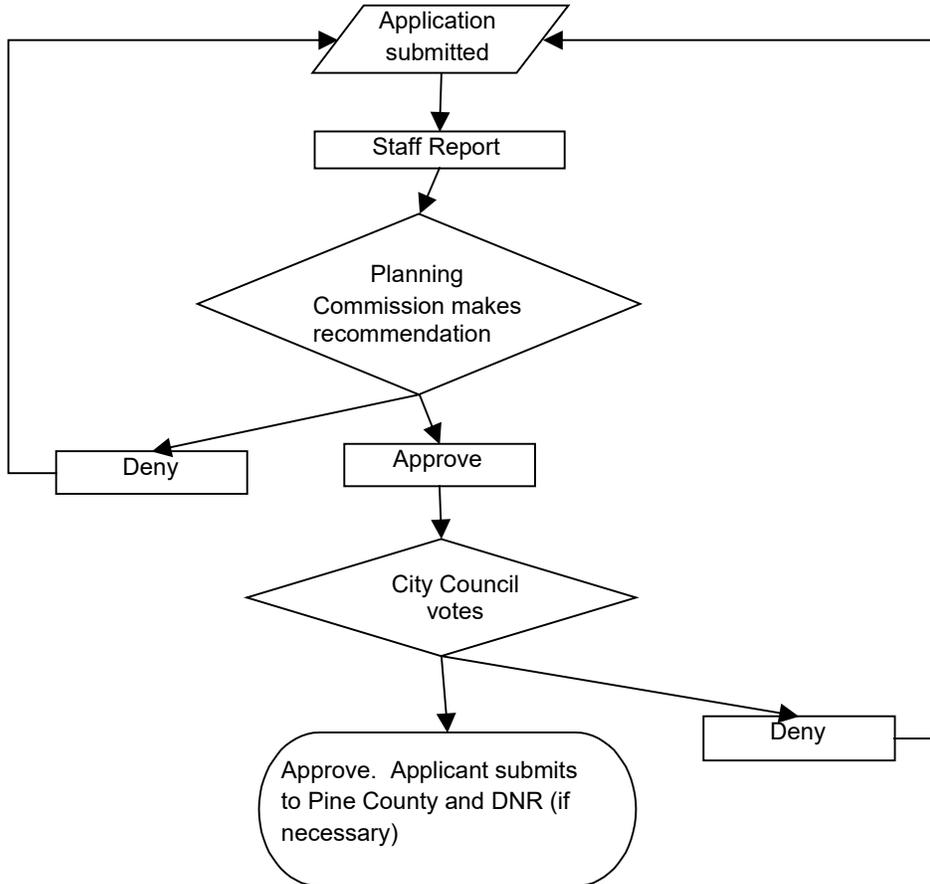
**APPENDIX D—GRAPHICAL REPRESENTATIONS OF DEVELOPMENT PROCEDURES (CONTINUED)**  
**PRELIMINARY PLAT PROCEDURE**

Typical procedure for consideration of Preliminary Plat Process may occasionally vary due to legal or other considerations.

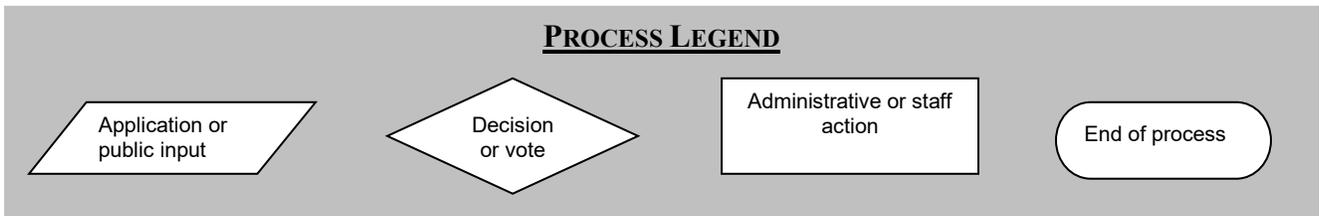
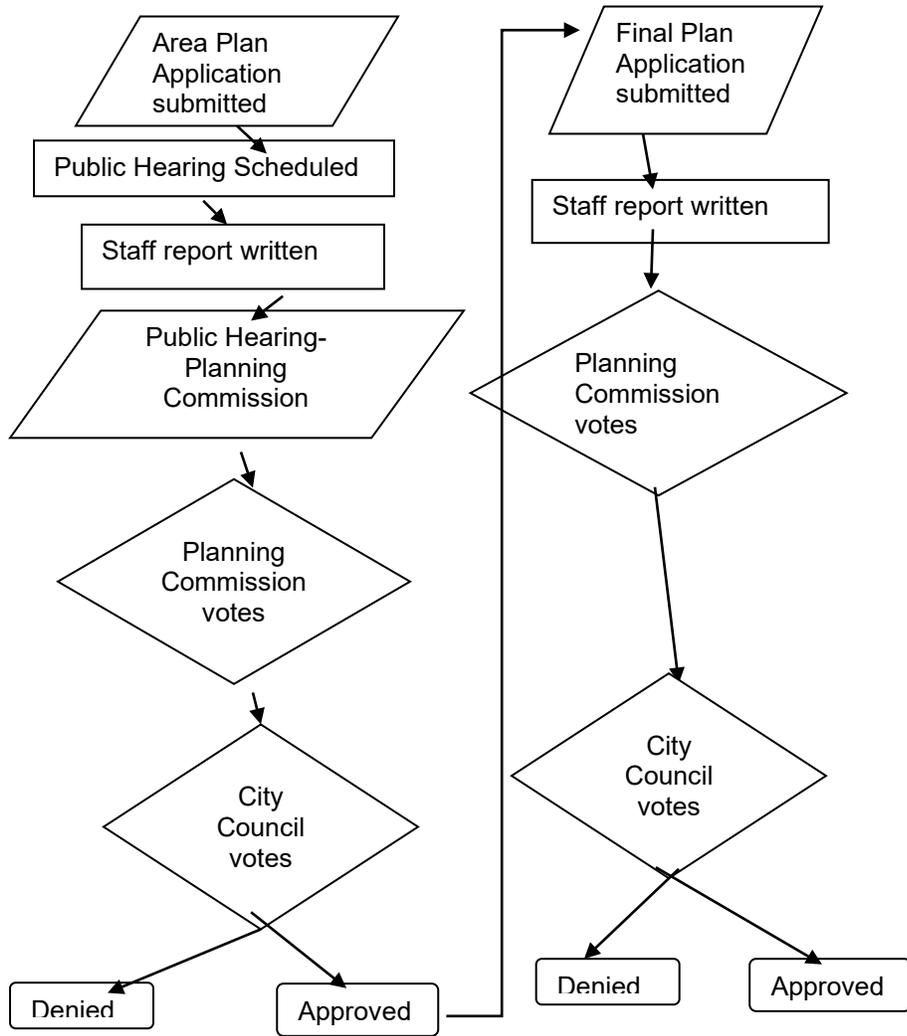


**APPENDIX D—GRAPHICAL REPRESENTATIONS OF DEVELOPMENT PROCEDURES (CONTINUED)**  
**FINAL PLAT PROCEDURE**

Typical procedure for consideration of Final Plat. Process may occasionally vary due to legal or other considerations.

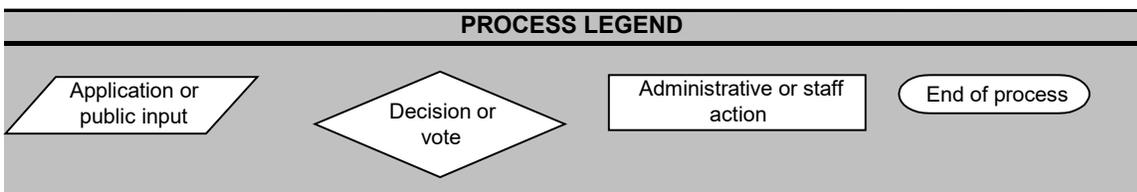
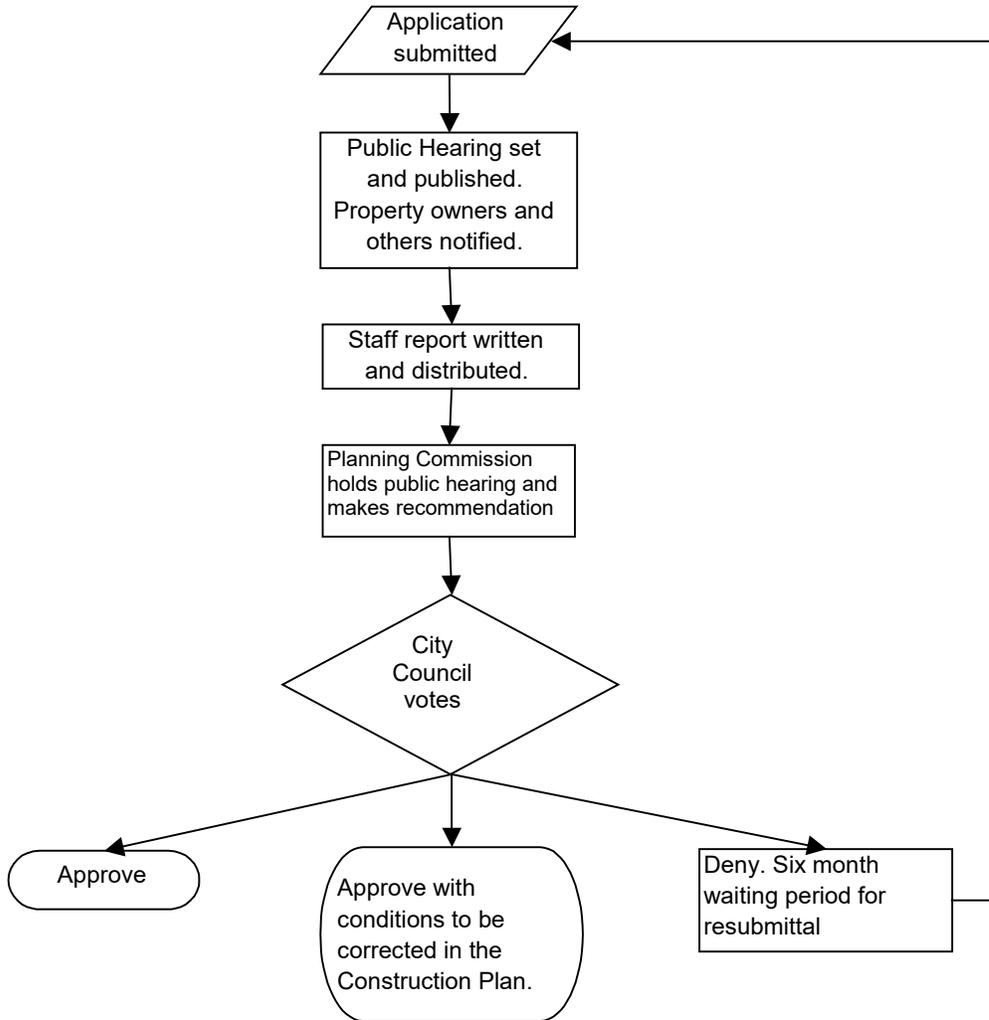


**APPENDIX D—GRAPHICAL REPRESENTATIONS OF DEVELOPMENT PROCEDURES (CONTINUED)**  
**PLANNED UNIT DEVELOPMENT PROCEDURE**



**APPENDIX D—GRAPHICAL REPRESENTATIONS OF DEVELOPMENT PROCEDURES (CONTINUED)**  
**SITE PLAN PROCEDURE**

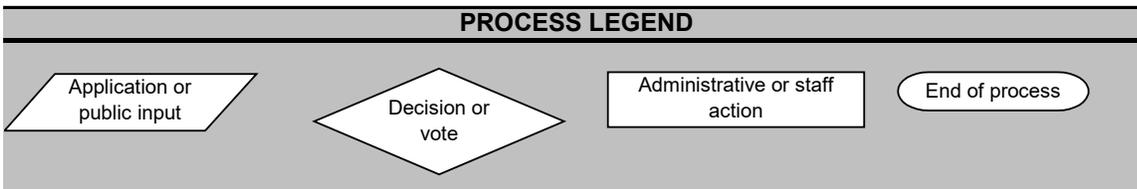
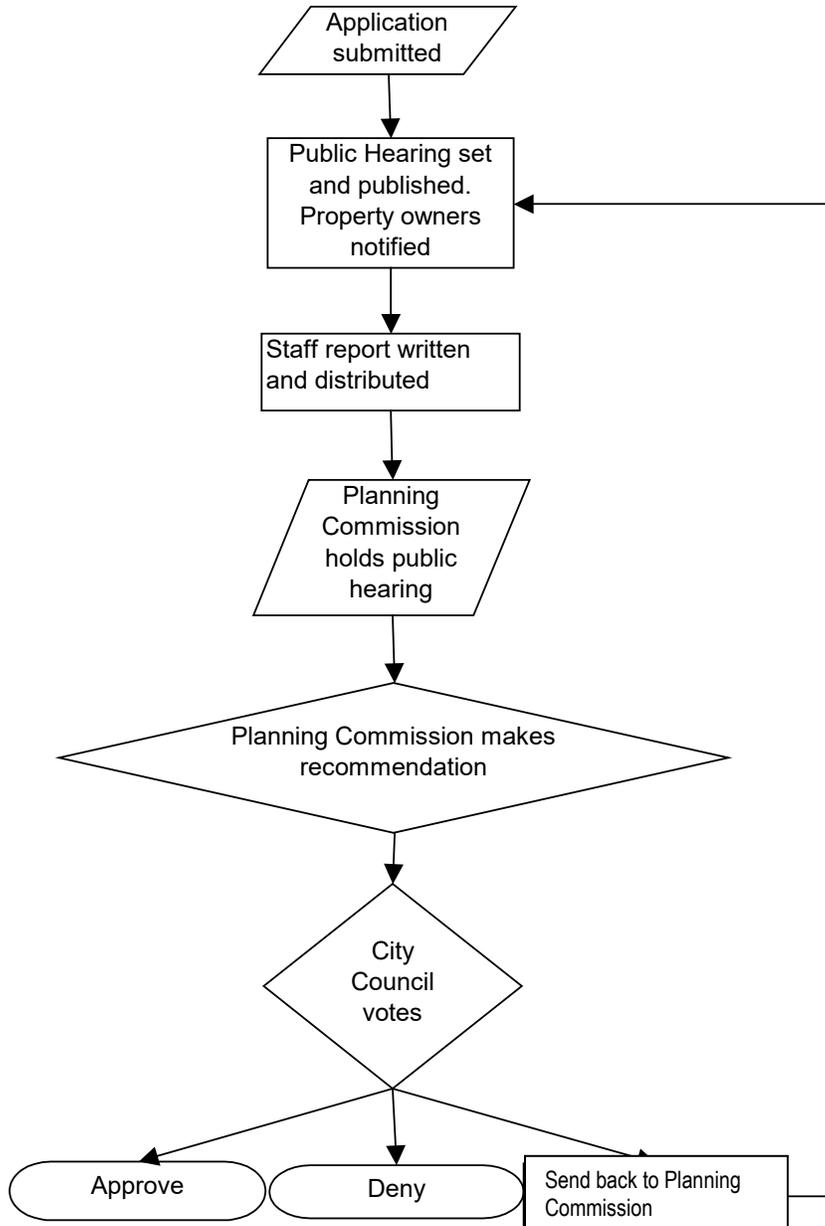
Typical procedure for consideration of Site Plan. Process may occasionally vary due to legal or other considerations.



APPENDIX D—GRAPHICAL REPRESENTATIONS OF DEVELOPMENT PROCEDURES (CONTINUED)

# CONDITIONAL USE PERMIT PROCEDURE

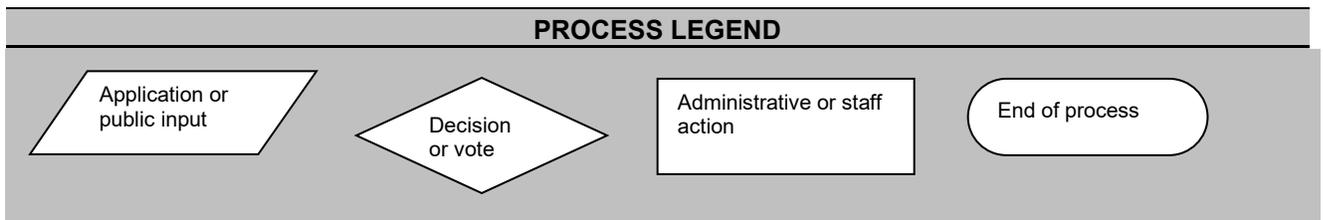
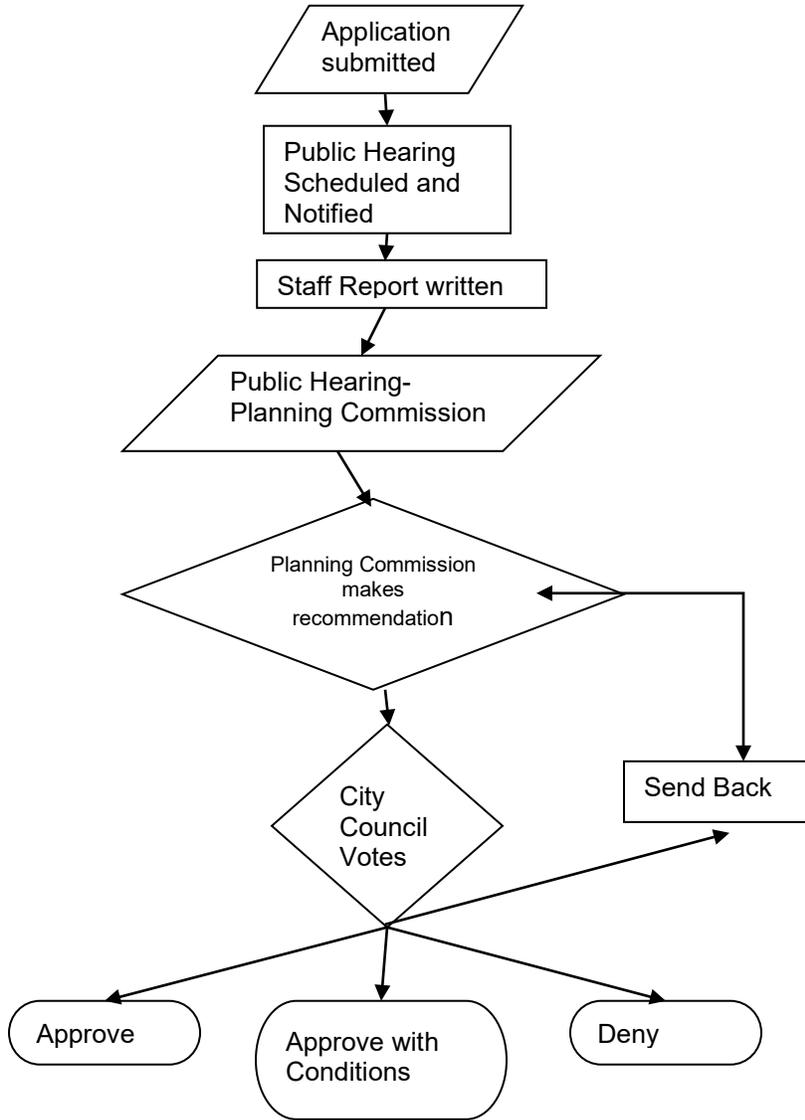
Typical procedure for consideration of Conditional Use Permit. Process may occasionally vary due to legal or other considerations.



APPENDIX D—GRAPHICAL REPRESENTATIONS OF DEVELOPMENT PROCEDURES (CONTINUED)

# VARIANCE PROCEDURE

Typical procedure for consideration of a Variance. Process may occasionally vary due to legal or other considerations.



**APPENDIX E**

**ADDITIONAL DEVELOPMENT REQUIREMENTS OF CERTAIN USES**

USE	MINIMUM CONDITIONS
Active Outdoor Institutional	1. Facilities using night lighting and adjoining a residentially zoned property shall comply with the lighting ordinance.
Airport/Heliport	1. All buildings, structures, outdoor airplane or helicopter storage areas and any other activity areas shall be located a minimum of 100 feet from all lot lines. 2. Must comply with all Federal Aviation Administration (FAA) regulations regarding airports and heliports.
Bed and Breakfast Establishment	1. All facilities shall be required to obtain a permit to serve food and beverages and shall be inspected annually by the applicable Health Department.
Body Art Establishment	1. The owner/operator of a body art establishment must be licensed by the State of Minnesota. 2. The body art establishment shall meet health and license standards as set from time to time by the City of Pine City, County of Pine and the State of Minnesota. 3. A body art establishment is defined in Section 10.100.1100 of this code.
Campground	1. Shall be required to have at least one employee on-site at all times.
Commercial Apartment	1. The commercial apartments and the commercial use shall have separate entrances. 2. All trash facilities shall be enclosed and shielded as per the regulations for commercial properties. 3. The amount of floor space for commercial apartments shall be at least seventy five (75%) of the area available for the commercial use.
Commercial Indoor Lodging	1. No customer entrance of any kind shall be permitted within one hundred (100) feet of a residentially zoned property. 2. Each room must take primary access via an individual interior door and may not be accessed via an external balcony, porch or deck, except for emergency purposes.
Communication Tower	1. Permit application. The criteria to grant a conditional use permit for installation and use of communications/telecommunications service towers shall include, but not be limited to the following: <ul style="list-style-type: none"> <li>a. Telecommunication towers shall be no more than two hundred twenty-five (225) feet in height.</li> <li>b. No two (2) telecommunication towers shall be located within a one (1) square mile radius. The distance shall be calculated from the center of the base of the tower.</li> <li>c. A determination has been made by the City that there are no other suitable sites within a one (1) mile radius of the proposed tower site.</li> </ul>

	<ul style="list-style-type: none"> <li>d. If a telecommunication tower is constructed, it shall be at twice the capacity of intended use to accommodate secondary users to lease the balance of the tower capacity at reasonable rates.</li> <li>e. The design of the tower compound shall maximize use of building materials; colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and neighborhood as approved by the City.</li> </ul> <ol style="list-style-type: none"> <li>2. Removal of obsolete towers. Any tower that is no longer in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice to the FCC of intent to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structures. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations.</li> <li>3. Penalty. Any person, authority, business, corporation, partnership or limited partnership found to be in violation of any provisions of this Subsection shall be subject to the penalty provision of Section 100.010 of this Code, but not limited to a fine of up to five hundred dollars (\$500.00) for each day of violation.</li> </ol>
Community Living Arrangement	<ol style="list-style-type: none"> <li>1. No Community Living Arrangement shall be established within one (1) mile of any other such facility.</li> <li>2. The total capacity of all Community Living Arrangements shall not exceed one (1) percent of the City's population.</li> </ol>
Distribution Center	<ol style="list-style-type: none"> <li>1. All activity areas must be located a minimum of 100 feet from all residentially zoned properties.</li> <li>2. If adjacent to residentially zoned properties, no vehicles shall be allowed to use the facility or have their engine running between the hours of ten (10) p.m. and six (6) a.m.</li> <li>3. No activity areas shall be located within a required frontage landscaping or buffer yard areas.</li> </ol>
Extraction Use	<ol style="list-style-type: none"> <li>1. There shall be not more than one (1) entrance way from a public road to said lot for each six hundred sixty (660) feet of front lot line. Those City streets proposed as haul routes from the pit to a State or Federal highway shall be approved by the Mayor and City Council. A maintenance bond shall be posted by the party mining such minerals to guarantee maintenance of the haul route, with the amount to be approved by the Mayor and City Council and subject to review on a two (2) year continuing basis if the mining operation is to continue beyond a two (2) year period.</li> <li>2. Such removal shall not take place before sunrise or after sunset.</li> <li>3. On said lot no digging or excavating shall take place closer than one hundred (100) feet to any lot line.</li> </ol>

4. On said lot all road, driveways, parking lots and loading and unloading areas within one hundred (100) feet of any lot line shall be paved, oiled, watered or chemically treated so as to limit on adjoining lots and public roads the nuisance caused by windborne dust.
5. Any odors, smoke, fumes, or dust generated on said lot by digging, excavating or processing operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
6. Such removal shall not be conducted as to cause the pollution by any material of any surface or subsurface water course or body outside of the lines of the lot on which such use shall be located.
7. Such removal shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, and that such removal shall not be conducted as to alter the drainage pattern of surface or sub-surface waters on adjacent property, and that in the event that such removal shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
8. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any residential Zoning District, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.
9. There shall be erected a white vinyl fence of not less than six (6) feet in height around the periphery of the area being excavated. Fences shall be adequate to prevent trespass, and shall be placed on level terrain no closer than fifty (50) feet to the top edge of any slope.
10. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
11. Restoration of development area.
  - a. The operator or operators shall file with the City a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, proposed final topography indicated

by the contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil; the type and number per acre of trees or shrubs to be planted; and the location of future roads, drives, drainage courses, and/or other improvements to be made by a definite date.

- b. The restoration plans shall be filed with and approved by the City before quarrying or removal operations begin. The plans shall be certified by a soil or geology engineer. In restoration, no filling operations shall be permitted which will likely result in contamination of ground or surface water, or soils, through seepage of gases into surface or sub-surface water or into the atmosphere. The proposed plan shall be submitted to and approved by the Department of Natural Resources.
- c. The operator or operators shall file with the City Council a bond or other surety payable to the City and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate per acre of property to be used of the required bond shall be fixed by the City Engineer. The bond shall be released upon written certification of the City Engineer that the restoration is complete and in compliance with the restoration plan.

Freight Terminal	<ol style="list-style-type: none"> <li>1. All activity areas must be located a minimum of 100 feet from all residentially zoned properties.</li> <li>2. If adjacent to residentially zoned properties, no vehicles shall be allowed to use the facility or have their engine running between the hours of ten (10) p.m. and six (6) a.m.</li> <li>3. No activity areas shall be located within a required frontage landscaping or buffer yard areas.</li> </ol>
Group Homes	<ol style="list-style-type: none"> <li>1. Group homes shall be limited in number to one (1) per square mile within the City.</li> <li>2. Group homes shall conform in exterior appearance to the general character of the neighborhood.</li> </ol>
Heavy Industrial	<ol style="list-style-type: none"> <li>1. Shall not exceed the performance standards in the Zoning Code.</li> </ol>
High Technology	<ol style="list-style-type: none"> <li>1. All operations must take place within an enclosed building.</li> <li>2. All mechanicals, loading docks, spaces, and trash facilities must be screened.</li> <li>3. Metal clad buildings are not permitted.</li> </ol>
Indoor Commercial Entertainment	<ol style="list-style-type: none"> <li>1. No customer entrance of any kind shall be permitted within one hundred (100) feet of a residentially zoned property.</li> </ol>
Indoor Sales and Service	<ol style="list-style-type: none"> <li>1. Permitted uses shall be limited to indoor sales and personal services which primarily support office tenants such as office supply stores, copy centers, and travel</li> </ol>

agencies.

Indoor Sales Incidental to Light Industrial Use	<ol style="list-style-type: none"><li>1. Adequate parking shall be provided for customers. Said parking shall be in addition to that required for the light industrial activity.</li><li>2. Restroom facilities shall be provided that are directly accessible from the retail sales area.</li><li>3. Retail sales area shall be physically separated by a wall from other activity areas.</li></ol>
Institutional Residential	<ol style="list-style-type: none"><li>1. All structures must be located a minimum of fifty (50) feet from any residentially zoned property which does not contain an Institutional Residential Use.</li></ol>
In-Vehicle Sales or Service	<ol style="list-style-type: none"><li>1. Clearly marked pedestrian crosswalks shall be provided for each walk in customer.</li><li>2. Any drive-through facilities shall be designed so as not to impede or impair vehicular and pedestrian traffic movement.</li><li>3. Outdoor storage uses are prohibited.</li></ol>
Junk Yards and Inoperative Vehicles	<ol style="list-style-type: none"><li>1. Junk yards shall be established and maintained in accordance with all applicable State of Minnesota Statutes and City of Pine City ordinances.</li><li>2. It is recognized by this Ordinance that the location in the open of such materials included in this Ordinance's definition of "Junk Yard" will cause the reduction of the value of adjoining property. To that end the character of the district shall be maintained and property values conserved. A solid, unpierced fence or wall of uniform color and construction at least seven (7) feet in height, and not less in height than the materials located on the lot on which a junk yard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors, and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this Ordinance's definition of "Junk Yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the solid unpierced fence or wall located on said lot.</li><li>3. There shall be only one point of ingress and egress.</li><li>4. On the lot on which a junk yard shall be operated, all streets, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, oiled, watered, or chemically treated so as to minimize the nuisance caused by wind-borne dust.</li><li>5. The burning of automobiles, parts, or any junk material will not be allowed at anytime.</li><li>6. Junk yards may not be located within one thousand (1,000) feet of any property zoned or used for residential buildings.</li><li>7. No collection, storage, or handling of hazardous materials</li></ol>

shall be allowed.

8. A surety bond shall be filed with the City prior to operations in an amount equivalent to 110% of the costs to be associated with restoration of the junk yard to a pristine state. The cost shall be determined by a third party, as selected by the City. The bond shall be held for the purpose of ensuring that the site is restored to a pristine state upon the closure of the junk yard. The presence of said bond shall not preclude the City from seeking additional civil or legal compensation against the operator and any/all companies, corporations, or others associated with the junk yard should restoration costs exceed the amount of the bond.

Light Industrial Use Incidental to Indoor Sales

1. The total area devoted to light industrial area shall not exceed ten percent (10%) of the building area or five thousand (5,000) square feet, whichever is less.
2. Production area shall be separated by a wall from other activity areas.

Non-Financial Institution Money Lending Business

1. Non-Financial Institution Money Lending Businesses shall be limited in number to one (1) such business per one thousand (1,000) foot radius within the City.
2. Non-Financial Institution Money Lending Businesses shall not be located closer than one thousand (1,000) foot radius from any educational or religious institution.
3. Non-Financial Institution Money Lending Businesses shall not be located closer than one thousand (1,000) foot radius from any residential use or are zoned for residential use.
4. Non-Financial Institution Money Lending Businesses shall not be located closer than one thousand (1,000) foot radius from any business selling liquor and/or sexually oriented land use.
5. The owner and/or operator of a Non-Financial Institution Money Lending Business must submit to a police background check.
6. The Planning Commission and/or the City Council may place reasonable restrictions upon the hours of operations.
7. All employees must be eighteen (18) years or older. The owner/operator shall demonstrate to the City that all employees are eighteen (18) years or older.

Off-Site Parking Lot

1. Access and vehicular circulation shall be designed as to discourage cut-through traffic.
2. Landscaping shall be provided as required.
3. No uses or structures shall be permitted in conjunction with an off-site parking lot.

Outdoor Commercial Entertainment

1. Activity area shall not be located closer than three hundred (300) feet to a residentially zoned property.
2. Activity areas shall not be visible from a public street or

any residentially zoned property.

Outdoor Institutional	1. Facilities using night lighting and adjoining a residentially zoned property shall comply with the lighting ordinance.
Outdoor Storage or Wholesaling	<ol style="list-style-type: none"><li>1. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and fencing.</li><li>2. The storage of items shall not be permitted in permanently protected green space, frontage landscaping, or buffer yard areas.</li><li>3. In no event shall the storage of items reduce or inhibit the number of parking stalls provided on the property.</li><li>4. Storage areas shall be separated from vehicular parking or circulation area by a minimum of ten (10) feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, planters, or by a clearly marked paved area.</li><li>5. Inoperative vehicles or equipment, or other items typically stored in a junkyard or salvage area, are not permitted.</li><li>6. No outdoor storage areas shall be located within one thousand (1,000) feet of a residentially zoned property.</li></ol>
Permanent Outdoor Display and Sales as a Primary or Principal Use	<ol style="list-style-type: none"><li>1. Outdoor display and sales shall be located entirely behind the required setback lines for a principal building on the property.</li><li>2. The display and/or sales area shall not be permitted in permanently protected green space areas, required buffer yards, or landscaped areas.</li><li>3. No parking spaces shall be utilized for the display/sales area.</li><li>4. Display and sales area shall be separated from any vehicular parking or circulation areas by a minimum of five (5) feet. This separation must be delineated by a physical separation such as a greenway, curb, fence, or a line of planters.</li></ol>
Personal Storage Facility	<ol style="list-style-type: none"><li>1. The facility shall be designed so as to minimize the adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and structures shall compliment existing development.</li><li>2. No Personal Storage Facilities shall be located within five hundred (500) feet of a residentially zoned property.</li></ol>
Public Service and Utilities	<ol style="list-style-type: none"><li>1. Outdoor storage areas shall be located a minimum of fifty (50) feet from any residentially zoned property and shall be within a screened area.</li><li>2. The exterior of all buildings shall be compatible with the exteriors of surrounding buildings.</li></ol>
Sexually Oriented	1. Sexually Oriented Land Use shall be limited in number to one (1) such business per one thousand (1,000) foot

Land Use

radius within the City.

2. A Sexually Oriented Land Use shall not be located closer than one thousand (1,000) foot radius from any educational or religious institution.
3. A Sexually Oriented Land Use shall not be located closer than one thousand (1,000) foot radius from any residential use.
4. A Sexually Oriented Land Use shall not be located closer than one thousand (1,000) foot radius from any business selling liquor.
5. The owner/operator of a Sexually Oriented Land Use must submit to a police background check.
6. The Planning Commission and/or the City Council may place reasonable restrictions on hours of operation.
7. Any employee must be eighteen (18) years or older. The owner/operator shall demonstrate to the City all employees are eighteen (18) years or older.
8. Compliance with all State Statutes and City ordinances governing pornography, obscenity, and matters of that nature.
9. No Sexually Oriented Land use shall be conducted in a manner that permits the perception or observation from any property not approved as a Sexually Oriented Land Use of any materials depicting, describing or related to Specified Sexual Activities or Specified Anatomical Areas by any visual or auditory media, including display, decoration, sign, show window, sound transmission or other means.
10. No Sexually Oriented Land Use shall permit any person under the age of eighteen (18) onto the premises of said establishment. Nor shall any person under the age of eighteen (18) be permitted access to material displayed or offered for sale or rent by the Sexually Oriented Land Use.

Temporary Use

1. Seasonal Sales- Seasonal sales of farm produce:
  - a. May be located only in the Downtown Overlay District and in an area designated by the City of Pine City. Such a use shall not require a Conditional Use Permit.
  - b. May not include saleable items other than farm produce and/or other food materials.
  - c. May not include items grown or produced more than one hundred (100) miles from the city limits of Pine City, Minnesota.
2. Temporary buildings for commercial purposes, subject to the following regulations:
  - a. The commercial establishment proposing a temporary building must have an approved Site Plan for the

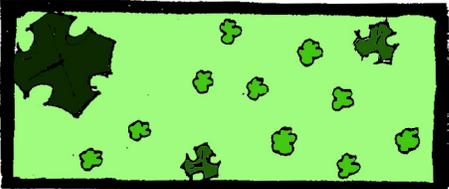
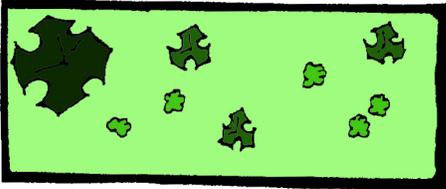
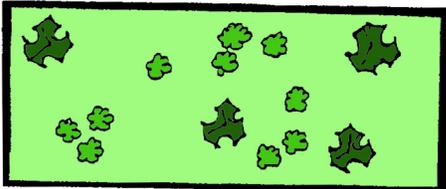
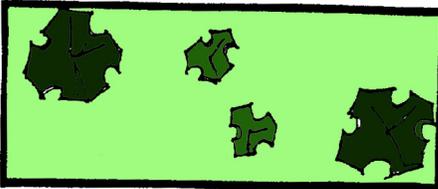
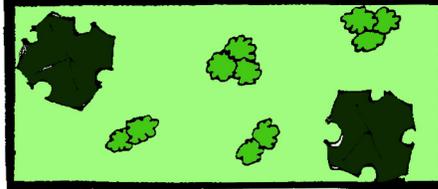
	<p>permanent facility prior to the installation of the temporary building.</p> <ol style="list-style-type: none"> <li>b. The standards for Site Plan review of the permanent building apply to the review of the temporary building.</li> <li>c. The temporary building and area must comply with all Zoning, Fire, Building Code, and State of Minnesota Public Service Commission regulations.</li> <li>d. The temporary building must have sanitary sewer connections for restrooms or other methods of waste disposal, as approved by Staff.</li> <li>e. The location of the temporary building must be reviewed and approved by the Staff.</li> <li>f. The location of the temporary building must be reviewed and approved by the Staff.</li> <li>g. The temporary building and associated parking, vehicular movement and area must be completely separated from the construction area of the permanent facility. This may be achieved by the judicious use of fencing or other means to block public access to the construction site.</li> <li>h. A Construction Site Plan and Building Permit must be issued for the permanent structure prior to installation.</li> <li>i. The temporary building will be allowed for a maximum of twelve (12) months from the date of installation on the site, unless additional time is granted by the Staff.</li> <li>j. The temporary structure must have a finished appearance. If a modular unit is used, it must have skirting around all sides.</li> <li>k. The temporary building must be located on the same site as the permanent facility or on the property directly abutting the site of the permanent facility.</li> <li>l. A monetary guarantee, not less than fifty thousand dollars (\$50,000.00), must be escrowed to ensure removal of the temporary building and associated improvements within twelve (12) months. Said escrow funds shall be removed within thirty (30) days of its removal, less any expense incurred by the City of the removal of the temporary building.</li> </ol>
Transit Stop	<ol style="list-style-type: none"> <li>1. A structure must be built, smaller than one hundred (100) square feet to shelter those waiting for transportation. This shelter shall be made of partially transparent materials and shall be enclosed on three (3) sides as to protect riders from the elements.</li> </ol>
Vehicle Repair and Sales	<ol style="list-style-type: none"> <li>1. No repair or other work shall occur on vehicles located outside an enclosed building.</li> <li>2. No storage of parts or equipment shall be allowed outside an enclosed building.</li> </ol>
Waste Disposal Facility	<ol style="list-style-type: none"> <li>1. Shall comply with all County, State, and Federal regulations.</li> <li>2. The operator or operators shall file with the City Council a detailed site restoration plan which shall include, at minimum, detailed grading and revegetation plans, and a detailed written statement indicating the timetable for</li> </ol>

such restoration.

3. A surety bond shall be filed with the City prior to operations in an amount equivalent to 110% of the costs to be associated with restoration of the junk yard to a pristine state. The cost shall be determined by a third party, as selected by the City. The bond shall be held for the purpose of ensuring that the site is restored to a pristine state upon the closure of the junk yard.
4. The presence of said bond shall not preclude the City from seeking additional civil or legal compensation against the operator and any/all companies, corporations, or others associated with the junk yard should restoration costs exceed the amount of the bond.

**APPENDIX F: DEPICTION OF PLANT UNIT ALTERNATIVES AND IDENTIFICATION OF THEIR MINIMUM REQUIREMENTS**

For every one (1.0) plant unit (for every 100 lineal feet):

	<p><b>PLANT ALTERNATIVE A—MINIMUM REQUIREMENTS:</b></p> <p>1 Canopy Tree (2.0 to 2.5 inch caliper)  <b>OR</b>            1 Evergreen (6 to 8 feet tall)  <b>AND</b>            2 Ornamental Deciduous Trees (1.5 to 2.0 inch caliper)  <b>AND</b>            10 Shrubs (18 to 24 inches tall or 3 to 4 feet wide)</p>
	<p><b>PLANT ALTERNATIVE B—MINIMUM REQUIREMENTS:</b></p> <p>1 Canopy Tree (2.0 to 2.5 inch caliper)  <b>OR</b>            1 Evergreen (6 to 8 feet tall)  <b>AND</b>            3 Ornamental Deciduous Trees (1.5 to 2.0 inch caliper)  <b>AND</b>            5 Shrubs (18 to 24 inches tall or 3 to 4 feet wide)</p>
	<p><b>PLANT ALTERNATIVE C—MINIMUM REQUIREMENTS:</b></p> <p>4 Ornamental Deciduous Trees (1.5 to 2.0 inch caliper)  <b>AND</b>            10 Shrubs (18 to 24 inches tall or 3 to 4 feet wide)</p>
	<p><b>PLANT ALTERNATIVE D—MINIMUM REQUIREMENTS:</b></p> <p>2 Canopy Trees (2.0 to 2.5 inch caliper)  <b>OR</b>            2 Evergreens (6 to 8 feet tall)  <b>AND</b>            2 Ornamental Deciduous Trees (1.5 to 2.0 inch caliper)</p>
	<p><b>PLANT ALTERNATIVE E—MINIMUM REQUIREMENTS:</b></p> <p>2 Canopy Trees (2.0 to 2.5 inch caliper)  <b>OR</b>            2 Evergreens (6 to 8 feet tall)  <b>AND</b>            10 Shrubs (18 to 24 inches tall or 3 to 4 feet wide)</p>

Placement shown in pictures is for illustrative purposes only. Placement may vary due to topography, screening effectiveness, or preferences.

**APPENDIX G: LOT SIZE FOR SEWERED LAKES, RIVERS AND STREAMS.  
COMMERCIAL PLANNED UNIT DEVELOPMENT FLOOR AREA RATIOS**

**LOT SIZE FOR SEWERED LAKES, RIVERS, AND STREAMS**

	Sewered Lakes							
	Natural Environment				General Development			
	Riparian Lots		Nonriparian Lots		Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width	Area	Width	Area	Width
Single	40,000	125	20,000	125	15,000	75	10,000	75
Duplex	70,000	225	35,000	220	26,000	135	17,500	135
Triplex	100,000	325	52,000	315	38,000	195	25,000	190
Quad	130,000	425	65,000	410	49,000	255	32,500	245

River/Stream

	Urban River	
	Area	Width
Single	n/a	250
Duplex	n/a	375
Triplex	n/a	500
Quad	n/a	625

**COMMERCIAL PLANNED UNIT DEVELOPMENT FLOOR AREA RATIOS\*  
Public Waters Classes  
Sewered Development**

Average Unit Floor Area*	General Development Lakes and Urban River Segments	Natural Environment Lakes and Transition River Segments
200	0.040	0.020
300	0.048	0.024
400	0.056	0.028
500	0.065	0.032
600	0.072	0.038
700	0.082	0.042
800	0.091	0.046
900	0.099	0.050
1,000	0.108	0.054
1,100	0.116	0.058
1,200	0.125	0.064
1,300	0.133	0.068
1,400	0.142	0.072
1,500	0.150	0.075

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

**APPENDIX H SHORELANDS**

RESIDENTIAL USES	Lakes										Rivers									
	General		Development			Natural Environment					Transition					Urban				
	SP	Res	HD-R	WOC	GU	SP	Res	HD-R	WOC	GU	SP	Res	HD-R	WOC	GU	SP	Res	HD-R	WOC	GU
Agricultural feedlots	C					C					C					C				
Agricultural, Cropland, and Pasture	P					P					P					P				
Commercial					P					C					C					P
Commercial Planned Unit Development				C	C				C	C				C	C				C	C
Duplex, Triplex, and Quad residential		P	P				C	P				C	P				P	P		
Extractive Uses	C	C				C	C				C	C			C	C	C			C
Forest Management	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Industrial					C															C
Mining of Metallic Minerals and Peat	P	P			P	P	P			P	P	P			P	P	P			P
Parks and Historic Sites	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Public				C	P				C	C				C	C				P	P
Residential Planned Unit Developments			C					C					C					C		
Semi-Public		C	C	C	P		C	C	C	C		C	C	C	C		C	C	P	P
Sensitive Resource Management	P					P					P					P				
Single Family Residential	C	P	P			C	P	P			C	P	P			C	P	P		
Surface Water Oriented Commercial			C	P				C	C				C	C				C	C	

**SP**—Special Protection  
**Res**—Residential  
**HD-R**—High Density Residential  
**WOC**—Water Oriented Commercial  
**GU**—General Use